

ADMINISTRATIVE REGULATION
Placentia-Yorba Linda Unified School District

Students

5145.13 - AR

STUDENT IMMIGRATION STATUS

A. Purpose and Scope

To provide procedures on responses to requests for information regarding the citizenship or immigration status of students or their family members.

B. General

Unless authorized by the Family Educational Rights and Privacy Act, student information shall not be disclosed to immigration law enforcement authorities without parental consent, a court order, or judicial subpoena. The Superintendent or designee shall annually notify parents/guardians that the district will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena.

C. Forms Used and Additional References

None.

D. Procedure

Responding to Written Requests for Student Information

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, district staff shall:

1. Notify the Superintendent or designee about the information request.
2. Provide students and families with appropriate notice and a description of the immigration officer's request.
3. Document any request for information by immigration authorities.
4. Provide students and parents/guardians with any documents provided by the immigration officer, unless such disclosure is prohibited by a subpoena served on the district or in cases involving investigations of child abuse, neglect, or dependency.

Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination.

Responding to Requests for Access to Students or School Grounds

District staff shall receive parent/guardian consent before a student is interviewed or searched by any immigration officer seeking to enforce civil immigration laws at the school, unless the immigration officer presents a valid, effective warrant signed by a judge or a valid, effective court order. A student's parent/guardian shall be immediately notified if an immigration officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant or subpoena restricts disclosure to the parent/guardian.

As early as possible, district staff shall notify the Superintendent or designee of any request by an immigration officer for access to the school or a student or for review of school documents, including service of lawful subpoenas, petitions, complaints, warrants, or other such documents.

In addition, district staff shall take the following actions in response to an immigration officer present on the school campus specifically for immigration enforcement purposes:

1. Advise the immigration officer that before school personnel can respond to the immigration officer's request, they must first receive notification and direction from the Superintendent or designee, except under exigent circumstances that necessitate immediate action.
2. Request to see the immigration officer's credentials, including his/her name and badge number, and the phone number of the immigration officer's supervisor, and note or make a copy of all such information.
3. Ask the immigration officer for his/her reason for being on school grounds and document the response.
4. Request that the immigration officer produce any documentation that authorizes his/her school access.
5. Make a copy of all documents produced by the immigration officer and retain one copy for school records.
6. If the immigration officer declares that exigent circumstances exist and demands immediate access to the campus, comply with the immigration officer's orders and immediately contact the Superintendent or designee.
7. If the immigration officer does not declare that exigent circumstances exist, respond according to the requirements of the immigration officer's documentation, as follows:
 - a. If the immigration officer has an Immigrations and Customs Enforcement (ICE) administrative warrant, district staff shall inform the agent that they cannot consent to any request without first consulting with the district's legal counsel or other designated district official.

- b. If the immigration officer has a federal judicial warrant, such as a search and seizure warrant or an arrest warrant signed by a federal judge or magistrate, district staff shall promptly comply with the warrant. If feasible, district staff shall consult with the district's legal counsel or designated administrator before providing the immigration officer with access to the person or materials specified in the warrant.
 - c. If the immigration officer has a subpoena for production of documents or other evidence, district staff shall inform the district's legal counsel or other designated official of the subpoena and await further instructions as to how to proceed.
- 8. Do not attempt to physically impede the immigration officer, even if the immigration officer appears to be exceeding the authorization given under a warrant or other document. If an immigration officer enters the premises without consent, district staff shall document the immigration officer's actions while on campus and immediately contact the Superintendent's office.
- 9. After the encounter with the immigration officer, promptly make written notes of all interactions with the immigration officer, including:
 - a. A list or copy of the immigration officer's credentials and contact information.
 - b. The identity of all school personnel who communicated with the immigration officer.
 - c. Details of the immigration officer's request.
 - d. Whether the immigration officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant or subpoena, and whether the warrant or subpoena was signed by a judge.
 - e. District staff's response to the immigration officer's request.
 - f. Any further action taken by the immigration officer.
 - g. A photo or copy of any documents presented by the immigration officer.
- 10. Provide a copy of these notes and associated documents collected from the immigration officer to the district's legal counsel or other designated district official.

The Superintendent or designee shall also email the Bureau of Children's Justice in the California Department of Justice regarding any attempt by an immigration officer to access a school site or a student for immigration enforcement purposes.

Responding to the Detention or Deportation of Student's Family Member

The Superintendent or designee shall encourage students and their families to update their emergency contact information as needed throughout the school year and to provide alternative contacts, including an identified trusted adult guardian, in case a student's parent/guardian is detained or is otherwise unavailable. The Superintendent or designee shall notify students' families that information provided on the emergency cards will only be used in response to specific emergency situations and not for any other purpose.

In the event that a student's parent/guardian is detained or deported by federal immigration authorities, the Superintendent or designee shall release the student to the person(s) designated in the student's emergency contact information or to any individual who presents a caregiver's authorization affidavit on behalf of the student. The Superintendent or designee shall only contact child protective services if district personnel are unable to arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.

The Superintendent or designee shall notify a student whose parent/guardian was detained or deported that the student continues to meet the residency requirements for attendance in a district school, provided that the parent/guardian was a resident of California and the student lived in California immediately before he/she moved out of state as a result of the parent/guardian's departure.

E. Reports Required

None

F. Record Retention

Written notes of interactions with immigration officers

G. Responsible Administrative Unit

Deputy Superintendent – Educational Services

H. Approved by:

| | | | |
|---------------------------|--------|-----------------|--------|
| Candy Plahy | 8/7/18 | Dr. Greg Plutko | 8/7/18 |
| Responsible Division Head | Date | Superintendent | Date |