

West Contra Costa USD

Board Policy

Immigration Enforcement

BP 5145.13

Students

The West Contra Costa Unified School District Board of Education, hereinafter referred to as the Board, is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

The Board prohibits District staff from soliciting or collecting information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at district schools, except as may be required by state and federal law. (Education Code 234.7)

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of his/her immigration status. (Education Code 200, 220, 234.1)

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

Consistent with requirements of the California Office of the Attorney General, the Superintendent or designee shall develop procedures for addressing any requests by a law enforcement officer for access to district records, school sites, or students for the purpose of immigration enforcement.

Teachers, school administrators, and other school staff shall receive training regarding immigration issues, including information on responding to a request from an immigration officer to visit a school site or to have access to a student.

The Superintendent or designee shall report to the Board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. Such notification

do not reveal information related to citizenship or immigration status. iv.

Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this policy, the district's procedures and forms shall

describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

- v. District personnel shall take the following action steps upon receiving an information request related to a student's or family's immigration or citizenship status:
 - a) Notify a designated district official about the information request.
 - b) Provide students and families with appropriate notice and a description of the immigration officer's request.
 - c) Document any verbal or written request for information by immigration authorities.
 - d) Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.
- e. Inquiries about Social Security Numbers or Cards
 - i. The district shall not solicit or collect entire Social Security numbers or cards. The district shall solicit and collect the last four digits of an adult household member's Social Security number only if required to establish eligibility for federal benefit programs. When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, the district shall explain the limited purpose for which this information is collected, and clarify that a failure to provide this information will not bar the student from enrolling in or attending the school. ii. The district shall treat all students equitably in the receipt of all school services, including, but, not limited to, the gathering of student and family information for the free and reduced lunch program, transportation and educational instruction.

3. ADMISSION

- a. If the district possesses information that could indicate immigration status, citizenship status, or national origin information, the district shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school.
- b. If parents or guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status, or national origin information, the district shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

4. STUDENT RECORDS

- a. The district shall require written parental or guardian consent for release of student information, unless the information may be released without parental consent or includes directory information only. No exception permits disclosing information to immigration authorities for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration-enforcement purposes without a court order or judicial subpoena.

- b. The district's request for written parental or guardian consent for release of student information must include the following information: (1) the signature and date of the parent, guardian, or eligible student providing consent; (2) a description of the records to be disclosed; (3) the reason for release of information; (4) the parties or class of parties receiving the information; and (5) if requested by the parents, guardians or eligible student, a copy of the records to be released. The district shall permanently keep the consent notice with the record file.
- c. The parent, guardian, or eligible student is not required to sign the consent form. If the parent, guardian or eligible student refuses to provide written consent for the release of student information that this ~~not otherwise~~ subject to release, the district shall not release the information.
- d. Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the local educational agency prohibits disclosure, the district shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

5. BULLYING

- a. The district shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, or immigration status. Those policies must be translated in the student's primary language if at least 15 percent of the students enrolled in the school speak a single primary language other than English.
- b. The district shall notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs. This information shall include information related to the "Know Your Rights" immigration enforcement established by the Attorney General.
- c. The district shall inform students who are victims of hate crimes of their right to report such crimes.
- d. The district shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs.
- e. The district shall also train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above. Such training should, at minimum, provide agency personnel with the skills to do the following:

~~i. Discuss the varying immigration experien~~34.29 26di(ti)-3me000912 0 612 inimum0 g0 C

Complaints and Investigation Reporting and Filing of Complaints

The district shall adopt a process for receiving complaints of and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics:

- disability
- gender
- gender identity
- gender expression
- nationality
- race or ethnicity
- religion
- sexual orientation
- association with a person or group with one or more of the aforementioned characteristics
- immigration status

The complaint process must include, but is not limited to, the following steps:

1. A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so;
 2. A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the local educational agency; and
 3. An appeal process afforded to the complainant should he or she disagree with the resolution of a complaint.
 4. The district shall ensure that complaint procedures contain confidentiality safeguards for immigration status information.
 5. The district shall prohibit retaliation against a person who submits a complaint of discrimination, harassment, intimidation, or bullying.
6. **RESPONDING TO THE DETENTION OR DEPORTATION OF A STUDENT'S FAMILY MEMBER**
- a. The district shall encourage that families and students have and know their emergency phone numbers and know where to find important documentation, including birth certificates, passports, Social Security cards, doctors' contact information, medication lists, lists of allergies, etc., which will allow them to be prepared in the event that a family member is detained or deported.
 - b. The district shall permit students and families to update students' emergency contact information as needed throughout the school year, and provide alternative contacts if no parent or guardian is available. The district shall ensure that families may include the information of an identified trusted adult guardian as a secondary emergency contact in case a student's parent or guardian is detained. The district shall communicate to families that information provided within the emergency cards will only be used in response to specified emergency situations, and not for any other purpose.
 - c. In the event a student's parent/guardian has been detained or deported by federal immigration authorities, the district shall use the student's emergency card contact

information and release the student to the person(s) designated as emergency contacts. Alternatively, the district shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. The district shall only contact Child Protective Services if the district personnel are unsuccessful in arranging for the timely care of the child through the emergency contact information that the school has, a Caregiver's Authorization Affidavit, or other information or instructions conveyed by the parent or guardian.

7. PARENTAL NOTIFICATIONS

- a. The district must provide an annual notice to parents and guardians of the school's general information policies that includes:
 - i. Assurances that the district will not release information to third parties for immigration enforcement purposes, except as required by law or court order.
 - ii. A description of the types of student records maintained by the district.
 - iii. A list of the circumstances or conditions under which the district might release student information to outside people or entities.

following action steps in response to an officer present on the school campus specifically for immigration-enforcement purposes:

- a) Advise the officer that before proceeding with his or her request, and absent exigent circumstances, school personnel must first receive notification and direction from the Superintendent or designee.
- b)

2. Identity of all school personnel who communicated with the officer;
3. Details of the officer's request;
4. Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
5. District personnel's response to the officer's request;
6. Any further action taken by the agent; and
7. Photo or copy of any documents presented by the agent.
 - b) District personnel shall provide a copy of those notes, and associated documents collected from the officer, to the [local educational agency's legal counsel or other designated agency official].
 - c) In turn, the district's legal counsel or other designated official shall submit a timely report to the District's governing board regarding the officer's requests and actions and the district's response(s).
 - d) E-mail the Bureau of Children's Justice in the California Department of Justice, at BCJ@doj.ca.gov, regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.

9. PARENTAL NOTIFICATION OF IMMIGRATION-

