

DIEGO HILLS CENTRAL PUBLIC CHARTER SCHOOL

BOARD POLICIES ON PROTECTIONS FOR STUDENTS RELATING TO IMMIGRATION AND CITIZENSHIP STATUS

The Board of Directors of Diego Hills Central Public Charter School (“Charter School”) hereby adopts the following policies on Protections for Students Relating to Immigration and Citizenship Status in compliance with AB 699 (2017). The policies are based on the California Attorney General’s guidance and model policies, [“Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues,” April 2018.](#)

Policy on Collecting and Retaining Student Information

The Charter School shall maintain in writing policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

If the Charter School possesses information that could indicate immigration status, citizenship status, or national origin information, the Charter School shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school.

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 Charter School shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

The Charter School shall not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.

Policy on Inquiries Regarding Immigration Status, Citizenship Status, and National Origin Information

Charter School personnel shall not inquire specifically about a student’s citizenship or immigration status or the citizenship or immigration status of a student’s parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student’s immigration status, such as a green card, voter registration, a passport, or citizenship papers.

Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, Charter School personnel shall solicit that documentation or information separately from the school enrollment process.

Where permitted by law, the Charter School shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of

immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status.

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 Charter School's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

Policy on Inquiries About Social Security Numbers or Cards

The Charter School shall not solicit or collect entire Social Security numbers or cards.

The Charter School 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 Charter School 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.

The Charter School 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.

Policy and Procedures Regarding Information Sharing, and Annual Information Notice to Parents and Guardians

See policy and annual notice in the Parent-Student Handbook: PUPIL RECORDS, INCLUDING CHALLENGES, DIRECTORY INFORMATION AND INFORMATION SHARING.

Policy on Monitoring and Receiving Visitors Onto Campus

No outsider—which would include immigration-enforcement officers—shall enter or remain on school grounds of the Charter School during school hours without having registered with the principal or designee. If there are no exigent circumstances necessitating immediate action, and if the immigration officer does not possess a judicial warrant or court order that provides a basis for the visit, the officer must provide the following information to the principal or designee:

- Name, address, occupation;
- Age, if less than 21;
- Purpose in entering school grounds;
- Proof of identity; and
- Any other information as required by law.

Charter School personnel shall report entry by immigration-enforcement officers to any on-site school police or other appropriate administrator as would be required for any unexpected or unscheduled outside visitor coming on campus.

See also: SCHOOL VOLUNTEER, VISITATION AND REMOVAL POLICY.

Policy on Responding to On-Campus Immigration Enforcement

As early as possible, Charter School personnel shall notify the Regional Vice President or designee of any request by an immigration-enforcement officer for school or student access, or any requests for review of school documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.).

In addition to notifying the Regional Vice President or designee, Charter School personnel shall take the following action steps in response to an officer present on the school campus specifically for immigration-enforcement purposes:

1. 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 Regional Vice President or designee.
2. Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for and copy or note the phone number of the officer's supervisor.
3. Ask the officer for his/her reason for being on school grounds and document it.
4. Ask the officer to produce any documentation that authorizes school access.
5. Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, Charter School personnel should comply with the officer's orders and immediately contact the Regional Vice President or designee.
7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the immigration-enforcement officer has:
 - ***an ICE (Immigrations and Customs Enforcement) administrative warrant***, Charter School personnel shall inform the agent that he or she cannot consent to any request without first consulting with the Charter School's legal counsel or other designated official.
 - ***a federal judicial warrant (search-and-seizure warrant or arrest warrant)***, prompt compliance with such a warrant is usually legally required. If feasible, consult with the Charter School's legal counsel before providing the agent access to the person or materials specified in the warrant.
 - ***a subpoena for production of documents or other evidence***, immediate compliance is not required. Therefore, Charter School personnel shall inform the Charter School's legal counsel or other designated official of the subpoena, and await further instructions on how to proceed.
8. While Charter School personnel should not consent to access by an immigration-enforcement officer, except as described above, he/she should not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, Charter School personnel shall document his or her actions while on campus.
9. After the encounter with the officer, Charter School personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
 - List or copy of the officer's credentials and contact information;

- Identity of all school personnel who communicated with the officer;
 - Details of the officer's request;
 - 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;
 - Charter School personnel's response to the officer's request;
 - Any further action taken by the agent; and
 - Photo or copy of any documents presented by the agent.
10. Charter School personnel shall provide a copy of those notes, and associated documents collected from the officer, to the Charter School's legal counsel.
 11. In turn, the Charter School's legal counsel shall submit a timely report to the Charter School's governing board regarding the officer's requests and actions and the Charter School's response(s).
 12. 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.

Policy on Parental Notification of Immigration-Enforcement Actions

Charter School personnel must receive consent from the student's parent or guardian before a student can be interviewed or searched by any officer seeking to enforce the civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge, or presents a valid, effective court order.

Charter School personnel shall immediately notify the student's parents or guardians if a law-enforcement officer requests or gains access to a student for immigration-enforcement purposes, unless such access was in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

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

The Charter School 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.

The Charter School 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 Charter School 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 Charter School 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.

In the event a student's parent/guardian has been detained or deported by federal immigration authorities, the Charter School shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, the Charter School shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. The Charter School shall only contact Child Protective Services if the Charter School 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.

Policy on Responding to Hate Crimes and Bullying

The Charter School shall adopt and publicize policies, including a process for receiving complaints of and investigating complaints, that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, immigration status, and other protected categories as required by law. *See policy: TITLE IX, HARASSMENT, INTIMIDATION, DISCRIMINATION, AND BULLYING POLICY.*

The Charter School shall notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs. *See annual notice in the Parent-Student Handbook: STUDENTS, PARENTS AND GUARDIANS: KNOW YOUR EDUCATIONAL RIGHTS.*

Quick Reference Guide for Charter School Officials

What to do if an immigration-enforcement officer comes to your school?

What to do if an immigration-enforcement officer requests personal information about a student or his/her family members?

What to do if an immigration-enforcement officer comes to your school?

1. Notify the designated Charter School administrator of the request.
2. Advise the immigration officer that, before proceeding with the request, and absent exigent circumstances, you must first receive direction from the Charter School administrator.
3. Ask to see, and make a copy of or note, the officer's credentials (name and badge number), and the phone number of his/her supervisor.
4. Ask the officer for his/her reason for being on school grounds and document it.
5. Ask the officer to produce any documentation that authorizes school access.
6. Make a copy of all documents provided by the officer.
7. If the officer declares that exigent circumstances exist and demands immediate access to the school, comply with his/her orders and immediately alert the Charter School administrator.
8. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the immigration-enforcement officer has:
 - ***an ICE (Immigrations and Customs Enforcement) administrative warrant or a subpoena for production of documents or other evidence***, inform the officer that you cannot consent to any request without first consulting with the Charter School's legal counsel or other designated administrator.
 - ***a federal judicial warrant*** (search-and-seizure warrant or arrest warrant), prompt compliance with such a warrant is usually legally required. If feasible, consult with your legal counsel or designated Charter School administrator before providing the officer access to is the person or materials specified in the warrant.
9. While you should not consent to access by an immigration-enforcement officer unless he/ she declares exigent circumstances or has a federal judicial warrant, do not attempt to physically impede an officer, even if he/she appears to lack authorization to enter. If an officer enters the premises without consent, document his/her actions while on campus.
10. After the encounter with the officer, promptly take written notes, including the following:
 - List or copy of the officer's credentials and contact information;
 - Identity of all school personnel who communicated with the officer;
 - Details of the officer's request;
 - 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;
 - Your response to the officer's request;
 - Any further action taken by the officer; and
 - Photo or copy of any documents presented by the officer.
11. Notify parents or guardians as soon as possible (unless prevented by a judicial warrant or subpoena), and do so before an officer questions or removes a student for immigration-enforcement purposes (unless a judicial warrant has been presented).
12. Provide a copy of those notes, and associated documents collected from the officer, to the Charter School's legal counsel, Regional Vice President or designee.

13. 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.

What to do if an immigration-enforcement officer requests personal information about a student or his/her family members?

Avoiding unauthorized information disclosure: Do not disclose information that might indicate a student’s or family’s citizenship or immigration status without consent of the parents, guardians, or students (if the student is 18 years of age or over), unless the information is for a legitimate educational purpose or is in response to a court order or subpoena. Providing information about a student’s or family’s citizenship or immigration status to immigration authorities for immigration-enforcement purposes is not for a legitimate educational purpose under federal or state law.

Procedure for responding to all information requests: Take the following action steps if you receive any information request related to a student’s or family’s immigration or citizenship status that is not supported by a judicial warrant or court order:

- Notify a designated Charter School administrator about the information request.
- Provide students and families with appropriate notice and a description of the immigration officer’s request.
- Document any verbal or written request for information by immigration authorities.
- Provide students and parents/guardians with any documents issued by the immigration-enforcement officer.

Responding to court documents requesting student or family information: Notify the parents or guardians if you receive a court order, subpoena, or warrant requesting information regarding a student or family member, unless: (1) the warrant or subpoena concerns an investigation of child abuse, child neglect, or child dependency, or (2) the subpoena prohibits disclosure.

Secure written consent from the parent/guardian/adult student before releasing information: You must get written parental or guardian consent for release of student information, unless the information is relevant for a legitimate educational interest or includes directory information only. Because neither 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 written consent from a parent, guardian, or student (if over 18 years of age or in a postsecondary institution), or a court order or judicial subpoena.

The written consent for release of student information must include the following:

1. A description of the information to be released;
2. The reason for release of information;
3. The parties or type of parties receiving the information;
4. If requested by the parents, guardians or student (if the student is 18 years of age or older or in a postsecondary institution), a copy of the records to be released; and
5. Date and signature of the parent, guardian, or student (if 18 years of age or older or in a postsecondary institution) consenting to the release of information.

Please Note: The parent, guardian, or student (if over 18 years of age or in a postsecondary institution) is not required to sign the consent form. Therefore, you cannot release the information if the parent, guardian, or student (if over 18 years of age or in a postsecondary institution) refuses to provide written consent for its release.

Once the parent, guardian, or adult student signs and dates the consent form, keep the consent notice with the record file. Also, notify the recipient of the student/family information that further transmission of the information to other individuals is prohibited, without the written consent of the parent/guardian/student (if 18 years of age or older).