

Immigration Enforcement Policy and Responding to the Detention or Deportation of a Student's Parent/Guardian BP 5145.13 Adopted: 06/02/25

Feather River Charter School is committed to ensuring that public schools remain safe and accessible to all California residents, regardless of immigration status. School staff shall not solicit or collect information or documents, and shall not seek or require information or documents to the exclusion of other permissible information or documents, regarding the citizenship or immigration status of a student or the student's family members. (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 school's programs and activities on the basis of the student's or family's immigration status or for the refusal to provide information related to the student's or family's immigration status. (Education Code 200, 220, 234.1)

Resources and data collected by the school 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. (Government Code 8310.3).

The Executive Director 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)

The Executive Director or designee shall develop procedures for addressing any immigration-related requests by a law enforcement officer for access to school records, school sites, or students.

Responding to Requests for Immigration-Related Information or Documents

The Charter School personnel shall notify the Executive Director or designee of any request by an immigration or law-enforcement officer for school or student access, requests for review of the Charter School documents, or requests for the services of lawful subpoenas, petitions, complaints, etc., as soon as possible. Provide the student's parent/guardian or, if the student is at least 18 years old, the student, with notice, a description of the request, and any documentation provided to the Charter school describing the request, unless prohibited by a court order, judicial subpoena/warrant, or in cases involving investigation of child abuse, neglect, or dependency

Information or documents related to a student's immigration or citizenship status shall not be disclosed to a law enforcement officer without consent by the parent/guardian or, if the student is at least 18 years old, by the student, a court order, or judicial subpoena/warrant. To obtain written consent, the release of student information shall include the following information:

1. The signature and signature date of the parent/guardian, or student if the student is at least 18 years old
2. A description of the records to be disclosed
3. The reason for the release of information
4. The parties or class of parties receiving the information
5. A copy of the records is to be released, if requested by the parent/guardian or student

In accordance with law, the Executive Director or designee shall annually notify parents/guardians that the school 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/warrant.

Responding to Requests for Access to Students, the School Resource Center, or School Function

School staff shall receive parent/guardian consent or, if the student is at least 18 years old, the student's consent, before the student is interviewed or searched by any law enforcement officer for immigration enforcement purposes unless the officer presents a court order or a judicial warrant.

A student's parent/guardian shall be immediately notified when a law enforcement officer requests or is able to interview, search, detain, or otherwise interact with the student for immigration enforcement purposes unless prohibited by a court order or a judicial warrant, or in cases involving investigations of child abuse, neglect, or dependency. (Education Code 48906)

When a law enforcement or immigration enforcement officer requests to enter the Resource Center, the law enforcement officer must register like all visitors, except in cases where the officer states that exigent circumstances exist or as stated in a court order or judicial warrant.

In addition, if an officer appears at a school function specifically for immigration-enforcement purposes, the Charter School personnel must take the following actions:

1. Advise the officer that the Charter School personnel must have the Executive Director or Designee review written notification prior to beginning the request;
2. Ask to see (and make a copy of or note) the officer's name and badge number;
3. Ask the officer for their reason for being at the Charter School event and document it
4. Ask the officer to produce any documentation that authorizes school access
5. Make copies or take photos on your device and retain a copy of all documents provided by the officer. Retain one copy for the Charter School records
6. If the officer asserts that special exigent circumstances exist and demands immediate access to the Charter school location, the Charter school personnel should comply and contact the Executive Director or Designee.

If the officer does not declare that exigent circumstances exist, school personnel shall inform the officer that the school must consult with its own legal counsel before proceeding. In the event the officer presents a federal judicial warrant (search and seizure warrant or arrest warrant), consultation with the

School's legal counsel shall be consulted before providing the agent access to the person or materials specified in the warrant if feasible.

School personnel should not consent to access by an immigration-enforcement officer, except as described above. At the same time, personnel shall never physically impede an officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If the officer enters without consent, personnel shall document their actions while on campus.

Any attempt by a law-enforcement officer to access the Resource Center or a student for immigration enforcement purposes should be reported to the Bureau of Children's Justice in the California Department of Justice at BCJ@doj.ca.gov.

As early as possible, school staff shall notify the Executive Director or designee of any immigration enforcement-related request by a law enforcement officer for access to a student or to a resource center, including service of lawful warrants, subpoenas, petitions, complaints, or other similar documents.

If the officer does not declare that exigent circumstances exist, the Charter School personnel shall inform the officer that the Charter School must consult its own legal counsel before proceeding. In the event the officer presents a federal judicial warrant (search and seizure warrant or arrest warrant), consultation with the Charter School's legal counsel shall be made before providing the agent access to the person or materials specified in the warrant if feasible.

The Charter School personnel should not consent to access by an immigration-enforcement officer, except as described above. At the same time, personnel shall never physically impede an officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If the officer enters without consent, personnel shall document his or her actions while on campus.

The Charter School personnel shall provide *notes* of the interaction to the Charter School's legal counsel and provide the governing board a report of the interaction as soon as possible. These notes must include, but are not limited to:

1. List or copy of the officer's credentials and contact information;
2. List of all the Charter School personnel who communicated with the officer;
3. Details of the officer's request;
4. Information on whether the officer presented a warrant or subpoena to accompany his/her request, the information/access requested, and proof that the warrant was/wasn't signed;
5. The Charter school personnel's response to the officer's request;
6. Any further action taken by the officer
7. Photo or copy of all/any information presented by the agent.

Responding to the Detention or Deportation of a Student's Parent/Guardian

The Executive Director or designee shall encourage parents/guardians to update their emergency contact information as needed at any time. The Executive Director or designee shall notify

parents/guardians that the school will only use information provided on the emergency cards in response to specific emergency situations and not for any other purpose.

The Executive Director or designee may also encourage all students and families to learn their emergency phone numbers and be aware of the location of important documentation, including birth certificates, passports, social security cards, physicians' contact information, medication lists, lists of allergies, and other such information that would allow the students and families to be prepared in the event that a student's parent/guardian is detained or deported.

In the event that a student's parent/guardian is detained or deported, the Executive Director 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 Executive Director or designee shall only contact child protective services if Charter School 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.

In an instance where a student's parent/guardian was detained or deported, the Executive Director or designee shall notify the student, as well as the individuals designated in the student's emergency contact information and any individual who presented a caregiver's authorization affidavit on behalf of the student, that the student continues to meet the residency requirements for attendance in the Charter School if the student and the student's parent/guardian who was detained or deported satisfy the conditions as specified in Education Code 48204.4.

The Executive Director or designee may refer a student or the student's family members to other resources for assistance, including, but not limited to, a U.S. Immigration and Customs Enforcement detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.