Immigration Enforcement Policy

Why adopt a policy related to Immigration Enforcement?

By July 1, 2018, each local education agency in California must adopt policies ensuring that public schools remain safe and accessible to all California residents regardless of immigration status.

The following policies are equivalent to the model policies drafted by the Attorney General's office and reference model policies already adopted by many charter schools. Please also see the policies on Admissions and Enrollment (Student Policy 1), Educational Records and Student Information (Student Policy 5), Anti-Harassment, etc., (Student Policy 12), Detention and Deportation (Student Policy 19) and Registration of Visitors/Guests (Facilities/Operations Policy 5) to ensure all of the required information is included in your board adopted policies.

Responding to On-Campus Immigration Enforcement

Charter school personnel shall notify the school Director of any request by an immigration or law-enforcement officer for school or student access, requests for review of school documents, or requests of the services of lawful subpoenas, petitions, complaints etc., as soon as possible.

In addition, if an officer appears on campus specifically for immigration-enforcement purposes, charter school personnel must take the following actions:

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

If the officer does not declare that exigent circumstances exist, school personnel shall inform the officer that the 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 School's legal counsel shall be made before providing the agent access to the person or materials specified in the warrant if feasible.

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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.

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 timely 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 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. 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.

Any attempt by a law-enforcement officer to access a school site 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

Parental Notification

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

Charter school personnel must 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 that access was in compliance with a warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

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