RESPONSE TO IMMIGRATION ENFORCEMENT

The Monterey County Board of Education (County Board) and the Monterey County Superintendent of Schools (County Superintendent) are committed to the success of all students to provide a safe and welcoming place for all students, their families, and staff, irrespective of their citizenship or immigration status.

Unless required by state or federal law, required to administer a state or federally supported educational program, or presented with a valid judicial subpoena, judicial warrant, or court order, it is prohibited to do any of the following:

1. Solicit or collect information or documents regarding the citizenship or immigration status of a student or the student's family members [Education Code (EC) 234.7]
2. 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 [EC 234.7]
3. To the extent practicable, disclose or provide in writing, verbally, or in any other manner to an officer or employee of an agency conducting immigration enforcement:
    a. The education records of or any information about a student or a student's family or household, such as personal information as defined in Civil Code 1798.3, information about a student's home, or information about a student's travel schedule without parent/guardian written consent [EC 234.7]
    b. The personnel records of any Monterey County Office of Education (MCOE) employee, personal information of any MCOE employee as defined in Civil Code 1798.3, or any other confidential employee information [EC 234.7; Government Code (GC) 7285.2]
4. Grant permission to an officer or employee of an agency conducting immigration enforcement to enter a school bus, any other transportation provided by MCOE, a nonpublic area of any MCOE property or facility, or a nonpublic area where any MCOE sponsored program or activity is occurring. [EC 234.7; GC 7285.1]

However, an officer or employee of an agency conducting immigration enforcement who nonetheless enters MCOE-provided transportation, a nonpublic area of any MCOE property or facility, or a nonpublic area where any MCOE-sponsored program or activity is occurring, shall not be obstructed, interfered with, or otherwise impeded.

The County Superintendent or designee should report to the County Board in a timely manner any requests by an officer or employee of an agency conducting immigration enforcement for any of the following: [EC 234.7]

1. Education records of or any information about a student or a student's family or household
2. Personnel records of any MCOE employee, personal information of any MCOE employee as defined in Civil Code 1798.3, or any other confidential employee information
3. Permission to enter a school bus, any other transportation provided by MCOE, a nonpublic area of any MCOE property or facility, or a nonpublic area where any MCOE-sponsored program or activity is occurring

Such reports should be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. [EC 234.7]

In accordance with law, Board Policy 0410 - Nondiscrimination in Programs and Activities, and Board Policy 5145.3 - Nondiscrimination/Harassment, no student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in and of MCOE'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. [EC 200, 220, 234.1]

Resources and data collected by MCOE should 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. [GC 8310.3]

Parents/guardians should be provided with information and notifications as specified in EC 234.7, including information regarding their children's right to a free public education, regardless of immigration status or religious beliefs and their rights related to immigration enforcement.

Complaints alleging discrimination, harassment, intimidation, and bullying based on actual or perceived immigration status shall be filed in accordance with County Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures.

The California Department of Education should be provided, upon request and in the manner requested, copies of this policy, any associated administrative regulation, and any other County Board policies and administrative regulations required by EC 234.7.

Legal Reference:

EDUCATION CODE
200 Educational equity
220 Prohibition of discrimination
234.1 Safe Place to Learn Act
234.7 Student protections relating to immigration and citizenship status
32282 Comprehensive school safety plans
48204.4 Evidence of residency for school enrollment
48906 Exception to parent/guardian notifications
48980 Parental notifications
48985 Notices to parents in language other than English

FAMILY CODE
6552 Caregiver's authorization affidavit

GOVERNMENT CODE
7285-7285.3 Prohibitions on Employer Cooperation with Immigration Enforcement Agents
8310.3 California Religious Freedom Act

PENAL CODE
422.55 Definition of hate crime
627-627.1 Access to school premises

UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS TITLE 34
99.30-99.31 FERPA Regulations

U.S. CONSTITUTION
Fourth Amendment Unreasonable search and seizure

COURT DECISIONS
Plyler v. Doe, 457 U.S. 202 (1982)

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