EDUCATIONAL EQUITY AND IMMIGRATION STATUS POLICY

The Board of Directors of Kepler Education, Inc. (the "Charter School") recognizes and honors the attainment of education for the betterment of the individual and the community, and is committed to fostering a positive school environment in which students, educators, and staff feel safe, welcomed, supported, and connected.

Charter School will provide a safe, secure, and peaceful learning environment for all students and staff. Charter School defines sensitive or safe locations to include its schools, official activities of its schools, including those occurring in public places and adjacent areas, and all of Charter School property, included but not limited to, facilities owned, controlled by, or leased by Charter School. Where outside contractors or service providers (particularly school resource officers) are regularly present at sensitive or safe locations or have access to student information, Charter School shall seek commitments from those parties not to facilitate immigration enforcement at any of the Charter School's sensitive or safe locations unless required by law.

Information about children's rights to a free education regardless of immigration status or religious beliefs and the Attorney General's *Know Your Rights* handout will be provided to students and parents upon enrollment to Charter School.

All notices provided to parents/guardians pursuant to this Policy shall be language-accessible in compliance with state and federal laws. Enrollment, registration, and uniform complaint procedures information provided on the Charter School website shall be language-accessible in compliance with state and federal laws.

Responding to Hate Crimes and Bullying

Charter School has adopted and publicized a *Harassment, Intimidation, Discrimination, & Bullying Policy* and *Uniform Complaint Procedures (UCP) Policy*, and provides annual notice of same to families. These policies expressly prohibit discrimination, harassment, intimidation, and bullying based on actual or perceived protected characteristics, including but not limited to, immigration status, nationality, race or ethnicity, immigration or citizenship status, color, religion, national origin, ancestry, or association with a person or group with one or a combination of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance, or regulation. The Policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means. In accordance with the *Harassment, Intimidation, Discrimination, & Bullying Policy* and its *Uniform Complaint Policy*

and Procedures,
Charter School will promptly and thoroughly investigate any complaint of unlawful harassment, discrimination, intimidation, or bullying that constitute a hate crime or are otherwise based on the actual or perceived characteristics listed above, and take appropriate corrective action, if warranted.

Charter School advises students that hateful and/or demeaning behavior is inappropriate and unacceptable in our society and at Charter School and encourages students to practice compassion and respect each other. Charter School educates students to accept all student peers regardless of protected characteristics and about the negative impact of bullying other students based on these protected characteristics.

Charter School shall 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.

Charter School shall inform students who are victims of hate crimes of their right to report such crimes.

Complete copies of the *Uniform Complaint Policy and Procedures* and the *Harassment, Discrimination, Intimidation, & Bullying Policy* are available for review at the main office.

Gathering and Managing Student and Family Information

Charter School has adopted an *Educational Records and Student Information Policy* to apply to all educational records and student information maintained by Charter School and provides annual notice of same to all families. Appropriate personnel shall receive training regarding those policies and procedures.

Additionally, Charter School shall observe the following:

- Except as required by state or federal law or as required to administer a state or federally supported education program, Charter School officials and employees will not collect information or documents regarding citizenship or immigration status of students or their family members.
- If Charter School possesses information that could indicate immigration status, citizenship status, or national origin information, Charter School will not use the acquired information to discriminate against any student 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, Charter School will

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

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

Admissions and Enrollment

Charter School shall accept 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.

Charter School will accept the following list of documents as reasonable evidence of residency:

- Property tax payment receipts
- Rental property contract, lease, or payment receipts
- Utility service contract, statements, or payment receipts
- Pay stubs
- Voter registration
- Correspondence from a government agency
- Declaration of residency executed by the parent or legal guardian of the student
- Note: documents, information, or proof relating to citizenship or immigration status of students will never be requested for the enrollment process.

Charter School will accept the following list of documents as reasonable evidence of age:

- Certified copy of birth record
- Statement by the local registrar or county recorder certifying date of birth
- Baptism certificate
- Passport
- When none of the foregoing is obtainable, an affidavit of the parent, guardian, or custodian, or any other appropriate means of proving the child's age.

Parents and guardians are not required to provide each and every document listed above. In accordance with the McKinney-Vento Homeless Assistance Act, Charter School will immediately enroll a homeless child or youth even if the student is unable to provide proof of residency or age or other documentation normally required for enrollment.

Documents, information, or proof relating to citizenship or immigration status of students will never be requested for the enrollment process. Where any law requires submission of national origin related information to satisfy the requirements of a special program, Charter School personnel will solicit that documentation or information separately from the enrollment process.

Charter School may ask for (but parents are not required to provide) certain national origin related information—such as a student's place of birth, U.S. entry date, and the date the student first attended school in the U.S.—to comply with federal or state reporting requirements for special programs (e.g., for reporting on language instruction programs for English learners). However, Charter School shall not use the acquired data to discriminate against immigrant students or prevent children from enrolling in or attending school if their parents or guardians choose not to provide this information. To avoid deterring initial school enrollment of immigrants or their children, Charter School shall collect this information separately from the school enrollment process, if at all.

Social Security Information

Unless otherwise required to do so pursuant to state or federal law, Charter School will not collect entire social security numbers or cards or a statement that the parent or guardian does not possess a Social Security number for the purposes of enrollment, and failure to provide this information will not bar a student from enrolling or attending Charter School. However, the last four digits of an adult household member's Social Security number may be solicited and/or collected if required to establish eligibility for federal benefit programs such as free or reduced-price meals. This Social Security information will only be collected for the limited purpose of establishing eligibility for federal benefit programs and will not affect student enrollment. If no adult household member has a Social Security number, the student still can qualify for free or reduced- price meals, if the family meets the income eligibility requirements. When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, 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.

When a family is completing the "Free and Reduced-Price Meals" form, Charter School shall notify parents or guardians that:

1) If any household member participates in CalFresh, CalWORKs (California Work Opportunity and Responsibility for Kids), or FDPIR (Food Distribution Program on Indian Reservations), no adult household member needs to provide the last four digits of his or her Social Security number; and
2) If no household member of a student's family participates in CalFresh, CalWORKs, or FDPIR, and no adult household member has a Social Security number, the student still can qualify for free or reduced - price meals, if the family meets the income eligibility requirements. The "No SSN" box on the form must be checked for the application to be considered complete.

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

Sharing Student and Family Information

Charter School will avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA) or other federal or state law, or pursuant to a valid court order, warrant, or subpoena. Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the Charter School prohibits disclosure, Charter School shall provide parent or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

Charter School requires written parental or guardian consent or consent of an eligible student (a student aged 18 or older) for release of personally identifiable student information unless the information may be provided subject to a FERPA exception. Such circumstances include but are not limited to, information classified as directory information, or information relevant to the legitimate education interest of the requester (e.g. for reviewing school attendance issues, providing schools with information on transferring students, evaluating federally funded educational programs, and conducting truancy mediation).

FERPA exceptions generally do not authorize or require disclosure of information for immigration-enforcement purposes. (i.e. Immigration enforcement does not serve a legitimate educational interest and immigration status is not directory information).

A copy of Charter School's complete *Education Records and Student Information Policy* is available for review in the main office. Charter School also provides annual notice of this policy,

including the list of
directory information and opt-out rights, within its Student-Parent Handbook.

Charter School's request for written eligible student or parent/guardian consent for release of student information shall include:

(a) The signature and date of the parent, guardian, or eligible student providing consent;
(b) A description of the records to be disclosed;
(c) The reason for the release of information;
(d) The parties or class of parties receiving the information; and
(e) If requested by the parents, guardians, or eligible student, a copy of the records to be released.

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 is not otherwise subject to release, Charter School shall not release the information. Charter School will permanently keep the consent notice with the record file.

Charter School personnel shall take the following steps upon receiving an information request related to a student's or family's immigration or citizenship status:

(a) Notify a designated Charter School 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.

Responding to Requests for Access to School Grounds for Immigration Enforcement Purposes

No visitor – which include immigration-enforcement officers[1] – shall enter or remain on school grounds of the Charter School during school hours without having registered with the Executive Director 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 Executive Director or designee:

1. Name, address, and occupation;
2. Age, if less than 21;
3. Purpose of entering school grounds;
4. Proof of identity; and
5. Any other information as required by law

Charter School requires that any visitor, including immigration enforcement officers, must not interrupt students and faculty during class time for immigration enforcement or other purposes, and must instead wait until a designated break period prior to or following a class period to carry out their judicial warrant or court order. A complete copy of the Charter School *Visitor and Volunteer Policy* is available for review in the main office.

Charter School has posted signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration.

Procedures for Responding to On-Campus Immigration Enforcement

As early as possible, Charter School personnel will notify the Superintendent or designee of any request by an immigration enforcement officer for student access or access to school grounds for purposes related to immigration enforcement, or any requests for review of school documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.).

In addition, Charter School personnel will take the following steps in response to an officer present on the school campus specifically for immigration enforcement purposes:

1. Advise the officer that before proceeding with their request, and absent exigent circumstances, school personnel must first provide notification to and receive direction from, the Superintendent.

[1] California law-enforcement agencies are prohibited under state law from performing the functions of an immigration officer. However, although U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) are the agencies with primary responsibility for federal immigration enforcement, there are instances in which other law-enforcement agencies may attempt to enforce federal immigration laws. Charter School treats similarly ICE, CBP, and other local law-enforcement officers attempting to enforce immigration laws. Accordingly, the terms "officer," "Immigration officer," "agent," and "law enforcement officer" as used in this Policy encompass all law-enforcement agencies that seek to enforce immigration law and this Policy handles requests from all law-enforcement agencies acting with that purpose the same way.

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 their 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 the 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 Superintendent.

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:
    a. **An ICE 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 Superintendent.
    b. **A federal judicial warrant** (e.g. a search-and-seizure warrant or an arrest warrant): prompt compliance is usually legally required. If feasible, consult with the Charter School's legal counsel or Executive Director before providing the agent access to the person or materials specified in the warrant.
    c. **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 and Executive Director 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 below, they should not attempt to physically impede the officer, even if the officer appears to be exceeding authorization given under a warrant or document. If an officer enters the premises without consent, Charter School personnel shall document the officer's actions while on campus.

9. Charter School personnel shall receive the consent of the student's parent or guardian 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.

10. Charter School personnel shall 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.

11. After the encounter with the officer, the Charter School personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
    a. List or copy of the officer's credentials and contact information;
    b. Identity of all school personnel who communicated with the officer;
    c. Details of the officer's request;
    d. 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;
    e. Charter School personnel's response to the officer's request;
    f. Any further action taken by the agent; and
    g. Photo or copy of any documents presented by the agent

12. The Executive Director or designee shall submit a timely report to the Charter School Board of Directors regarding the officer's requests and actions and Charter School's response(s). All such reports should be handled in a manner that ensures the confidentiality and privacy of any potentially identifying information.

13. The Executive Director or designee shall 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 the school site or a student for immigration-enforcement purposes.

Training Programs for School Staff

Charter School shall
establish training regarding immigration issues for teachers, school administrators, and school staff, including information on responding to a request from an officer enforcing immigration law to visit a school site or to have access to a student. If feasible, Charter School shall also designate an immigrant affairs liaison, to facilitate training programs for staff, help provide non-legal advice to families, and assist in communications with the local educational agencies and other stakeholders in local and state government.

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

Charter School shall encourage families and students to 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.

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. 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. 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, Charter School shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, Charter School shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student.

Charter School shall only contact Child Protective Services if 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.

Family Safety Plan

To the extent possible, Charter School will facilitate a family's development of a *Family Safety Plan* to be stored at a location known by the student. Such a plans may identify a trusted adult who can care for the student if no parent or guardian can do so. Students should know that the

trusted adult is the person who the student should contact if his or her parents and/or guardians are detained or deported, and how to reach the trusted adult.

Additional Resources

In the event that a student's family member is detailed, Charter School may refer the student and his or her family members to other resources, including, but not limited to:

- (1) ICE Detainee Locator https://locator.ice.gov/odls#/search
  - The ICE detainee locator can help people determine if their family member has been detained and where the family member is being held. In using the ICE detainee locator, it is helpful to know the family member's date of birth and 'A-Number' (Alien Registration Number), if there is one.
  - **Please Note**: the ICE detainee locator is intended only for locating individuals who are already detained. If students, parents, or guardians have general questions about their immigration status, Charter School personnel shall never refer them to ICE or other immigration enforcement.
- (2) Legal Assistance
  - There are several legal aid organizations that may be able to provide legal assistance to secure the release of a student's detained parent, or to help arrange for the student to visit the parent.
  - A list of California organizations accredited by Board of Immigration Appeals (BIA) to represent immigrants before the Department of Homeland Security (DHS) and Executive Office of Immigration Review (EOIR) can be found here: https://www.justice.gov/eoir/recognition-accreditation-roster-reports
  - California courts operate Self-Help Centers that may also be able to provide family-law assistance to a student or his or her proposed guardian. A list of these centers across the state is available at http://www.courts.ca.gov/selfhelp-selfhelpcenters.htm
  - A student or his or her family member may be able to find legal assistance from legal-aid offices and lawyer-referral services here: http://www.courts.ca.gov/1001.htm
- (3) Consulate or Embassy
  - The consulate or embassy of the parent's or guardian's country of origin may be able to offer additional information and assistance