

# Sequoia Union HSD

## Administrative Regulation

### Immigration-Related Enforcement on District Facilities

#### AR 1500

This administrative regulation is adopted pursuant to Board Policy (BP) 1500, which sets forth the District's commitment to provide a safe, welcoming, and inclusive learning environment for all students, whatever their citizenship or immigration status.

BP 1500 provides that the District will not adopt policies, practices, or procedures that exclude students from school based on their or their parents' or guardians' citizenship or immigration status. That policy likewise limits the District's participation in the enforcement of immigration law and the District's sharing of information regarding students' citizenship and immigration status.

This administrative regulation sets forth specific procedures related to immigration matters that all District staff at each school site will comply with.

#### **Limits on Immigration Enforcement Activities on District Facilities**

The District shall not enter into agreements with state or local law enforcement agencies, or any federal immigration authorities, to use District resources, including personnel, to conduct or support immigration enforcement activities.

The District's agreements with outside law enforcement agencies to assign school resource officers to be present on District campuses shall be revised as soon as practicable to provide that officers employed by such outside law enforcement agencies shall not participate in immigration enforcement efforts while present on District campuses pursuant to such agreements. This means, for example, that, when present or stationed at a District school site pursuant to the terms of such an agreement, law enforcement officers shall not make arrests based on civil immigration warrants, or otherwise facilitate the use of campus facilities for immigration enforcement purposes.

#### *Law Enforcement Access to School Site for Immigration Enforcement Activities*

In accordance with these principles and District policies regulating visitor access to school sites, all District staff shall direct all law enforcement officers seeking access to District facilities for immigration enforcement activities to the District Superintendent who will, as deemed appropriate, consult with legal counsel for the District regarding any such request. The District Superintendent, in consultation with legal counsel as deemed appropriate, shall review the request and make a decision on whether facilitating such access will conflict with District compliance with all applicable legal principles.

When law enforcement officers involved in immigration enforcement activities request access to a District school site or seek to interview a student for immigration enforcement purposes, the District Superintendent or her designee shall ask for the officers' credentials and ask to see a warrant signed by a federal or state judge. Likewise, in connection with such immigration enforcement activities related to a search or arrest at District facilities, the Superintendent or her designee shall request a warrant signed by a federal or state judge which specifies the name of the person under arrest or area to be searched. If the officers are not able to provide such a warrant, the Superintendent or her designee shall inform the officers that the District is denying them access to District facilities until such time as the officers have such a warrant, unless otherwise required by law as determined by the District.

If the law enforcement officers involved in immigration enforcement activities satisfy the above criteria, the school site principal or his/her designee shall work with the officers to ensure that their access is limited only to the information, records, and areas specified in the warrant. For student interviews, a private location out of sight and hearing of other students shall be arranged, where practicable, that will help avoid invading the student's privacy, jeopardizing the safety and welfare of other students, and disrupting the school campus. The principal or designee and the District counsel shall discourage law enforcement officers from interviewing or escorting students through school hallways in view of students. The District counsel will inform law enforcement officers of the District's expectation that the officers will provide the District staff the opportunity to be present during any interview of a student.

#### *Access to Student Records for Immigration Enforcement Activities*

The District shall not disclose student records to non-school officials except as authorized by the Family Education Rights and Privacy Act ("FERPA"), FERPA's implementing regulations or applicable California law. If presented with any subpoena for student records that is related to immigration enforcement activities, including an ICE Administrative Subpoena, the District shall review the subpoena and the District shall release information responsive to the subpoena only to the extent that the District, in consultation with counsel, determines that the District is legally required to do so. In the event the law enforcement agency seeks to enforce the subpoena for the records in court, the District will raise in court any legal argument it deems appropriate to oppose production of such student records. District staff will comply with any final court order enforcing a subpoena for access to records.

When required by judicial warrant or other court order to provide access to a student's records for purposes related to immigration enforcement, the school site principal or his/her designee shall work with the law enforcement officers to ensure that their access is limited only to the information specified in the warrant or judicial order.

#### *Notification in the Event of Law Enforcement Request to Take Custody of a Student for Immigration Enforcement Activities*

In the event a student's parent or guardian has been arrested by federal immigration authorities, the District shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts by the student's parent or guardian. Alternatively, the District shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the child. In the event there is no emergency contact listed or the emergency contact(s) are not able to take custody of the child, and no person with a Caregiver's Authorization Affidavit presents themselves on behalf of the child within 12 hours, the District will release the student to San Mateo County Children and Family Services.

### **Student Informational Privacy**

Keeping certain sensitive citizenship and immigration related student information confidential is essential to creating a safe and inclusive educational environment. Accordingly, District staff will limit information collection about students to what is necessary for educational purposes. The following information about a student or his or her family members may not be shared with any non-school officials, for any non-educational purpose, absent parental consent, or a valid court order:

1. Actual or perceived national origin;
2. Actual or perceived immigration or citizenship status, including a student's social security number or information contained in a student's passport, birth certificate, residency- or citizenship-related documents.

District staff shall not keep records about the citizenship or immigration status of a student or the student's family, or require the student or parent to produce documentation of a student's or their family member's citizenship or immigration status (such as asking for a green card or citizenship papers). District staff shall not require a student to present a Social Security number to apply, enroll in, or register for services for which the student is eligible.

District staff shall not initiate communication with any federal immigration enforcement agency regarding a student's or their family member's information referred to above.

### **Parental Notification**

If any federal immigration enforcement agency requests or gains access to a District student or records relating to a District student for immigration enforcement purposes, District staff shall immediately notify the student's parent or guardian that the law enforcement agency sought access to the student. Under such circumstances, District staff shall remind parents of their right to send a designee to pick up the student, rather than the parent coming. The District shall allow the child to wait in the office at a campus site until the parent or the parent's designee arrives to pick up the student. District personnel making such notifications are not authorized to inquire into the immigration status of the parent or guardian.

Efforts to contact parents by the principal or designee must include calling all numbers listed on the student's emergency card, including work numbers, cell phone numbers, and all numbers supplied by the student. The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian.

### **Training and Distribution of Policy**

The Superintendent shall develop a plan for training all appropriate teachers, administrators and other staff on how to respond to law enforcement authorities undertaking immigration related activities, who request information about students and families and/or attempt to enter District property. The training plan shall also include procedures for notifying families about such law enforcement officers' efforts to gain information about students and families for immigration related purposes, and how to support students whose family members have been displaced because of immigration enforcement.

### **Regulation**

**Approved:** October 25, 2017

**Sequoia Union High School District  
Redwood City, California**

# **Sequoia Union HSD**

## **Board Policy**

### **Immigration-Related Enforcement on District Facilities**

**BP 1500**

#### **Guiding Principles**

Immigration enforcement in and around District schools and other facilities has the potential to create hardships and barriers to welfare and educational attainment for immigrant students; disrupt the learning environment at District school sites; and cause fear and stress for students, staff, and other community members, regardless of their background, citizenship or immigration status.

In 2011, United States Immigration and Customs Enforcement declared that schools are “sensitive locations” at which immigration enforcement activity should not occur, except under exigent or other unusual circumstances and the District continues to believe that its schools are sensitive locations at which immigration enforcement activities should not occur except where compelled by law.

The District is committed to providing a safe, welcoming, and inclusive learning environment for all students, including immigrant students and their families. The District is also committed to protecting the confidentiality of sensitive information about students and their families through policies that prohibit information-sharing with federal immigration authorities, to the fullest extent possible under the law.

The District shall not adopt or implement policies, practices, or procedures that exclude students from school based on their or their parents’ or guardians’ actual or perceived immigration status.

The Superintendent is directed to develop administrative regulations consistent with this policy that limit the District’s participation in enforcing immigration law, that will further the District’s commitment to provide all students equal access to education, regardless of their actual or perceived immigration status.