

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

Students
RESPONSE TO IMMIGRATION ENFORCEMENTResponding to Requests for Immigration-Related Information or Documents

Upon receiving any verbal or written request for information or documents related to a student's or family's immigration or citizenship status, County Superintendent staff shall:

1. Record or otherwise document the request and notify the County Superintendent or designee about the request.
2. 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 County Superintendent 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. A copy of the records to be released, if requested by the parent/guardian or student.

The County Superintendent or designee shall annually notify parents/guardians that the County Superintendent 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 or School Grounds

County Superintendent 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)

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A law enforcement officer who requests to enter areas of County Superintendent operated sites which are not open to all visitors shall register in accordance with Board Policy 1250 - Visitors/Outsiders, except in cases where the officer states that exigent circumstances exist or as stated in a court order or judicial warrant. (Penal Code 627.2, 627.3)

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

Responding to Law Enforcement Officers on County Superintendent Operated Sites

County Superintendent staff shall report the presence of any law enforcement officer on County Superintendent operated sites for immigration enforcement purposes to any on-site police and appropriate administrators.

Unless a law enforcement officer declares that exigent circumstances exist and demands immediate access to the campus, County Superintendent staff shall take the following actions when such an officer is actually or imminently present on County Superintendent operated schoolsite for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to the officer's request, they must first receive notification and direction from the County Superintendent or designee, except under exigent circumstances that necessitate immediate action.
2. Request to see and record or otherwise document the officer's credentials, including the officer's name and badge number, and the phone number of the officer's supervisor, and note or make a copy of all such information.
3. Ask the officer for, and then record or otherwise document, the officer's reason for being on school grounds.
4. Request that the officer produce any documentation that authorizes the officer's school access, make copies of all such documentation, and retain at least one copy for County Superintendent records.
5. Contact and consult with the County Superintendent or designee, or County Superintendent Legal Services.
6. Follow the direction from the County Superintendent or designee, or County Superintendent Legal Services.

If the officer declares that exigent circumstances exist and demands immediate access to the campus, County Superintendent staff shall comply with the officer's orders and immediately contact the County Superintendent or designee and then County Superintendent Legal Services.

Regardless of whether the officer declares that exigent circumstances exist, County Superintendent staff shall not attempt to physically impede the officer, even if the officer appears to be acting outside the law or in excess of the officer's stated or documented authorization. If an

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officer enters the premises without consent, County Superintendent staff shall document the officer's actions while on campus but only to the extent that it does not impede the officer's actions.

After the officer leaves the property, County Superintendent staff shall promptly make written notes of all interactions with the officer, including:

1. A list or copy of the officer's credentials and contact information, if known.
2. The identity of all school personnel known to have communicated with the officer.
3. A description of the officer's request and activities.
4. The type of documentation, such as a warrant or subpoena, that authorized the officer's request or actions, what was requested by the documentation, and whether the documentation was signed by a judge
5. County Superintendent staff's response to the officer's requests.
6. Any further action taken by the officer.
7. Provide a copy of these notes and any associated documents collected from the officer to County Superintendent Legal Services or other designated County Superintendent official.

The County Superintendent's legal counsel or other designated official shall submit a timely report to the Governing Board regarding the officer's requests and actions and the County Superintendent's responses. (Education Code 234.7.)

The County Superintendent or designee shall also email the Bureau of Children's Justice in the California Department of Justice (BCJ@doj.ca.gov) regarding any attempt by a law enforcement officer to access a school site or a student for immigration enforcement purposes.

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

The County Superintendent or designee may encourage students and their families to update their emergency contact information as needed throughout the school year and to provide alternative contacts, including an identified trusted adult guardian, in case a student's parent/guardian is detained or is otherwise unavailable. The County Superintendent or designee shall notify students' families that information provided on the emergency cards will only be used in response to specific emergency situations and not for any other purpose.

The County Superintendent or designee shall 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 family member is detained or deported.

In the event that a student's parent/guardian is detained or deported by federal immigration authorities, the County Superintendent or designee shall release the student to the person(s)

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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 County Superintendent or designee shall only contact child protective services if County Superintendent 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 County Superintendent 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 a County Superintendent 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 County Superintendent or designee may refer a student or the student's family members to other resources for assistance, including, but not limited to, an U.S. Immigrant and Customs Enforcement detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.

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