

## FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

**Students**  
**RESPONSE TO IMMIGRATION ENFORCEMENT**Responding to Requests for Information or Documents

Upon receiving any request by an officer or employee of an agency conducting immigration enforcement for information about a student, a student's family or household, or a County Superintendent employee as described in the accompanying Superintendent and Board Policy, County Superintendent staff shall deny the request, to the extent practicable, unless any of the following apply: (Education Code 234.7; 34 CFR 99.30, 34 CFR 99.31)

1. The request is for student directory information. County Superintendent staff shall respond to the request in accordance with Superintendent and Board Policy 5125.1 and Superintendent Administrative Regulation 5125.1 – Release of Directory Information.
2. The County Superintendent is required to release the records or information by state or federal law, in order to administer a state or federally supported educational program, or due to a valid judicial subpoena, judicial warrant, or court order.
3. For records or information about a student or a student's family or household, the parent/guardian has provided written consent unless prohibited by a valid judicial subpoena, judicial warrant, or court order, or in cases involving investigation of child abuse, neglect, or dependency or, if the student is at least 18 years age, the student has provided written consent.

Such written consent shall include all of the following: (34 CFR 99.30)

- a. The signature and signature date of the parent/guardian, or student if the student is at least 18 years of age.
  - 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.
  - e. A copy of the records to be released, if requested by the parent/guardian or student.
4. For records or information about a County Superintendent employee, the employee has provided written consent and the County Superintendent's human resource department or equivalent has been consulted.

Such written consent shall include all of the following:

- a. The signature and signature date of the employee.
- b. A description of the records to be disclosed.
- c. The reason for the release of information.

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- d. The parties or class of parties receiving the information.
- e. A copy of the records to be released, if requested by the employee.

Regardless of whether the County Superintendent discloses the requested records or information, County Superintendent staff shall do all of the following when such a request has been received:

1. Make a copy of the request and notify the County Superintendent or designee.
2. For requests regarding student information, provide the student's parent/guardian, or the student, if the student is at least 18 years of age, with notice, a description of the request, and any documentation provided describing the request, unless prohibited by a valid judicial subpoena, judicial warrant, or court order, or in cases involving investigation of child abuse, neglect, or dependency.
3. For requests regarding County Superintendent employee information, provide the employee with notice, a description of the request, and any documentation provided describing the request, unless prohibited by a valid judicial subpoena, judicial warrant, or court order.

In accordance with law and Superintendent and Board Policy 5125 – Student Records, 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 valid judicial subpoena, judicial warrant or court order.

Responding to Requests for Access to Students or for Access to County Superintendent-Provided Transportation, Nonpublic Area of County Superintendent-Operated Sites, or Nonpublic Area in which County Superintendent-Sponsored Activity is Occurring

If an officer or employee of an agency conducting immigration enforcement requests access to a student, such as for purposes of interviewing, searching, or detaining the student, or permission to enter a school bus, any other transportation provided by the County Superintendent, a nonpublic area of any County Superintendent-operated site, or a nonpublic area where any County Superintendent-sponsored program or activity is occurring, County Superintendent staff shall take the following actions:

1. Advise the officer or employee that before County Superintendent staff can respond to the request, they must first receive notification and direction from the County Superintendent, principal, or designee.
2. Request to see and record or otherwise document the officer's or employee's valid identification, including the officer's or employee's name and, if applicable, badge number, the phone number of the officer's or employee's supervisor.
3. Request that the officer or employee produce any documentation that authorizes the officer's or employee's request, make copies of all such documentation, and retain at least one copy for County Superintendent records.

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4. Contact and consult with the County Superintendent's legal counsel or County Superintendent or designee.
5. Follow the direction from the County Superintendent's legal counsel or County Superintendent or designee.

For a request to access a student, the County Superintendent shall deny the request unless any of the following apply: (Education Code 234.7)

1. The officer or employee provides a valid judicial warrant or court order.
2. County Superintendent staff receives parent/guardian consent or, if the student is at least 18 years of age, the student's consent, unless the officer or employee presents a valid judicial warrant or court order that authorizes and directs the County Superintendent to give such permission without parent/guardian consent or, if the student is at least 18 years of age, the student's consent.

Regardless of whether the officer or employee is given access to the student, the student's parent/guardian shall be immediately notified, unless prohibited by a valid judicial warrant or court order, or in cases involving investigations of child abuse, neglect, or dependency. (Education Code 48906)

Additionally, County Superintendent staff shall notify the County Superintendent or designee as early as possible of any request by an officer or employee of an agency conducting immigration enforcement for access to a student. (Education Code 234.7)

For a request for permission to enter a school bus, any other transportation provided by the County Superintendent, a nonpublic area of any County Superintendent-operated site, or a nonpublic area where any County Superintendent-sponsored program or activity is occurring, the County Superintendent shall deny the request unless any of the following apply: (Education 234.7)

1. The officer or employee provides a valid judicial warrant or court order.
2. Permission is required to be granted by state or federal law or in order to administer a state or federally supported educational program.
3. The officer or employee is a sworn law enforcement officer, declares that exigent circumstances exist, and demands immediate access.

In this situation, County Superintendent staff shall comply with the officer's or employee's orders and immediately contact the County Superintendent or designee and then the County Superintendent's legal counsel.

An officer or employee of an agency conducting immigration enforcement who, pursuant to this administrative regulation, is granted permission to enter County Superintendent-operated sites which are not open to all visitors shall first register in accordance with Superintendent and Board

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Policy 1250 – Visitors/Outsiders, except in cases where the officer or employee is a sworn law enforcement officer and states that exigent circumstances exist. (Penal Code 627.2, 627.3)

The County Superintendent or designee shall 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 student or a school site for immigration enforcement purposes.

**Responding to Immigration Enforcement Activity on County Superintendent-Operated Sites**

When any officer or employee of an agency conducting immigration enforcement is actually or imminently present on County Superintendent-operated sites, County Superintendent staff shall notify staff working at the site and, if the County Superintendent-operated site is a school, the parents/guardians of students at the school in accordance with Superintendent and Board Policy 0450 and Superintendent Administrative Regulation 0450 – Comprehensive Safety Plan.

County Superintendent staff shall report the presence of any officer or employee of an agency conducting immigration enforcement on a County Superintendent site to appropriate administrators.

County Superintendent staff shall not obstruct, interfere with, or otherwise impede, or attempt to obstruct, interfere with, or otherwise impede, any officer or employee of an agency conducting immigration enforcement, even if the officer or employee appears to be acting outside the law or in excess of the stated or documented authorization. If such an officer or employee enters the premises without consent, County Superintendent staff shall document their actions but only to the extent that documentation does not impede their actions and shall, at all times, obey any direction from such officers or employees.

After all officers and employees of an agency conducting immigration enforcement leave, each County Superintendent staff member who observed or interacted with them shall promptly provide the following to the County Superintendent’s legal counsel or other County Superintendent official designated by the County Superintendent:

1. Copies of any information and documents collected from the officers or employees such as valid identification, name, badge number, phone number of the officer’s or employee’s supervisor, and documentation that authorizes the officer’s or employee’s request.
2. The identity of any other County Superintendent staff known to have communicated with the officers or employees.
3. A description of all requests and activities by the officers and employees.
4. The type of documentation, such as a warrant or subpoena, that authorized the officer’s or employee’s request or actions.
5. County Superintendent staff’s response to the officer’s or employee’s request.
6. Written notes of any other actions taken by and any other interactions with any officer or employee.

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**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS****Responding to the Detention or Deportation of Student's Parent/Guardian**

The County Superintendent or designee may encourage parents/guardians to update their emergency contact information as needed at any time. The County Superintendent or designee shall notify parents/guardians that the County Superintendent will only use information provided on the emergency cards in response to specific emergency situations and not for any other purpose. (Education Code 264.7)

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, the County Superintendent or designee shall release the student to the person(s) 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. (Education Code 234.7)

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.

Adopted: 07/19/2018

Amended: 11/20/2025, 02/19/2026 (renumbered from 5145.13 to 1445)