

RESPONSE TO IMMIGRATION ENFORCEMENT**Responding 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, the following shall occur:

1. Record or otherwise document the request and notify the Yolo County Superintendent of Schools 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 written notice, a description of the request, and any documentation provided to the Yolo County Office of Education (YCOE) 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. The parties or class of parties receiving the information
5. A copy of the records to be released, if requested by the parent/guardian or student

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, YCOE shall not release the information. In accordance with law, parents/guardians shall annually be notified that YCOE 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.

YCOE is under no obligation to produce the records or information immediately. Rather, YCOE shall note any designated date for production of records, if one is indicated in the request, and

convey that to immigration authorities. YCOE will designate a contact person to whom such requests for information should be directed.

Responding to Requests for Access to Students or School Grounds

Parent/guardian consent or, if the student is at least 18 years old, the student's consent, must be received 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 Section 48906)

A law enforcement officer who requests to enter YCOE property which is not open to all visitors shall be required to register similarly to all other visitors, except in cases where the officer states that exigent circumstances exist or as stated in a court order or judicial warrant. (Penal Code Section 627.2, 627.3)

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

Responding to Law Enforcement Officers on County Office Property

The presence of any law enforcement officer on YCOE property for immigration enforcement purposes shall be reported to on-site YCOE police and other appropriate administrators.

Unless a law enforcement officer declares that exigent circumstances exist and demands immediate access to the campus, the following actions shall be taken when such an officer is actually or imminently present on YCOE property 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 Yolo County Superintendent, school administrator, 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 YCOE property
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 YCOE records
5. Contact and consult with the YCOEs' legal counsel or County Superintendent or designee
6. Follow the direction from the YCOEs' legal counsel, County Superintendent, or designee

If the officer declares that exigent circumstances exist and demands immediate access to the campus, the officer's orders shall be complied with and the Yolo County Superintendent or designee, and then the COE's legal counsel, shall be contacted immediately.

Regardless of whether the officer declares that exigent circumstances exist, no attempt to physically impede the officer shall be made, even if the officer appears to be acting outside the law or in excess of the officer's stated or documented authorization. If an officer enters the premises without consent, the officer shall be accompanied, and their actions while on campus shall be documented, but only to the extent that it does not impede the officer's actions.

After the officer leaves YCOE property, notes of all interactions with the officer shall be promptly written, including:

1. A list or copy of the officer's credentials and contact information, if known
2. The identity of all other YCOE staff 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. Any response to the officer's request
6. Any further action taken by the officer
7. Copies of any documents presented by the officer
8. Whether the officer intends to return to the campus or visit other campuses.

A copy of these notes and any associated documents collected from the officer shall be promptly provided to the YCOE's legal counsel or other official designated by the Yolo County Superintendent.

The YCOEs legal counsel or the Yolo County Superintendent or designee shall submit a timely report to the Yolo County Board of Education regarding the officer's requests and actions and the YCOEs response. (Education Code 234.7)

The Bureau of Children's Justice in the California Department of Justice (BCJ@doj.ca.gov) shall be emailed 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 a Student's Parent/Guardian

Parents/guardians shall be encouraged to update their emergency contact information as needed at any time. Parents/guardians shall be notified that the YCOE will only use information provided on the emergency cards in response to specific emergency situations and not for any other purpose.

All students and families may be encouraged 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 student's parent/guardian is detained or deported.

In the event that a student's parent/guardian is detained or deported, the student may be released 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. Child protective services may only be contacted if arrangements 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 are not made.

A student or the student's family members may be referred to other resources for assistance, including, but not limited to, a U.S. Immigrant and Customs Enforcement detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code §200	Equal rights and opportunities in state educational institutions

Ed. Code §220	Prohibition of discrimination
Ed. Code §234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code §234.7	Student protections related to immigration and citizenship status
Ed. Code §48204.4	Evidence of residency for school enrollment
Ed. Code §48980	Parent/Guardian notifications
Ed. Code §48985	Notices to parents in language other than English
Gov. Code §8310.3	California Religious Freedom Act
Pen. Code §422.55	Definition of hate crime
Pen. Code §§627-627.10	Access to school premises
Federal	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
Management Resources	Description
CA Office of the Attorney General Publication	2018Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024
Court Decision	Plyler v. Doe, (1982) 457 U.S. 202
Website	California Civil Rights Department
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Immigration and Customs Enforcement, Online Detainee Locator System
Website	U.S. Immigration and Customs Enforcement
Website	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Office of the Attorney General
Website	California Department of Education

Cross References

Policies	Description
0410	<u>Nondiscrimination In County Office Programs And Activities</u>
1340	<u>Access To County Office Records</u>
1340	<u>Access To County Office Records</u>
3515.3	<u>Campus Security Department</u>
3515.3	<u>Campus Security Department</u>
3515.31	<u>School Resource Officers</u>
3555	<u>Nutrition Program Compliance</u>
3555-E(1)	<u>Nutrition Program Compliance</u>
5125.1	<u>Release Of Directory Information</u>
5125.1	<u>Release Of Directory Information</u>
5125.1-E(1)	<u>Release Of Directory Information</u>
5141	<u>Health Care And Emergencies</u>
5141	<u>Health Care And Emergencies</u>
5145.12	<u>Search And Seizure</u>
5145.12	<u>Search And Seizure</u>
5145.12-E(1)	<u>Search And Seizure</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u>