

IMMIGRATION ENFORCEMENT

AB 49 (2025) strengthened protections for students and school communities related to immigration enforcement on school campuses. Under AB 49, schools cannot allow immigration enforcement officers into nonpublic areas of a school site unless they present a valid judicial warrant, judicial subpoena, or court order.

Collecting and Retaining Student Information

- The School Office shall maintain in writing the Tree of Life International Charter School (the Charter School) policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.
- If the Charter School possesses information that could indicate immigration status, citizenship status, or national origin information, The Charter School shall not use the acquired information to discriminate against any students 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 information, the Charter School shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling in or attending school.
- The Charter School shall not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status.

Inquiries Regarding Immigration Status, Citizenship Status, and National Origin Information

- Charter School personnel shall 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.
- Where any law contemplates submission of national origin-related information to satisfy the requirements of a special program, Charter School personnel shall solicit that documentation or information separately from the school enrollment process.
- Where permitted by law, the Director of the Charter School shall enumerate 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. Local educational agencies shall note the method of age verification but are not required to maintain a copy of the document used to show age.

➤ Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this policy, the Charter School procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

Inquiries About Social Security Numbers or Cards

➤ The Charter School shall not solicit or collect entire Social Security numbers or cards.

➤ The Charter School shall solicit and collect the last four digits of an adult household member's Social Security number only if required to establish eligibility for federal benefit programs.

➤ When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, the 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.

➤ The 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.

Policies and Procedures Regarding Information Sharing

➤ The Charter School shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status without first attempting to notify the parent or guardian in compliance with the Family Educational Rights and Privacy Act (FERPA).

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

✓ Notify a designated Charter School official about the information request.

✓ Provide students and families with appropriate notice and a description of the officer or employee's request.

✓ Document any verbal or written request for information by an officer or employee of an agency for immigration enforcement purposes.

✓ Unless prohibited, provide students and parents/guardians with any documents provided by the officer or employee seeking the information.

➤ Except for investigations of suspected child abuse, child neglect, or child dependency, or when the subpoena served on the local educational agency prohibits disclosure, the Charter School shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

➤ The Charter School shall make every effort to receive written parental or guardian consent for release of student information, unless the information is for directory information only.

➤ The Charter School should make a photocopy of the request and immediately consult legal counsel and/or a designated representative of the agency. No information regarding students, their families, teachers, or employees shall be disclosed, to the extent practicable, to an officer or employee of an agency conducting immigration enforcement without a judicial subpoena, judicial warrant, or court order, and any disclosure must be in accordance with requirements set forth in Section 99.31(a)(9)(ii) of Title 34 of the Code of Federal Regulations. If faced with an administrative subpoena, consult legal counsel to determine how or whether to respond as there is no separate requirement in federal or state law to provide information to the Department of Homeland Security (DHS), ICE, or any other agency within DHS, without a court order, judicial warrant, or judicial subpoena.

➤ The Charter School request for written parental, guardian, or eligible student consent for release of student information must include the following information: (1) the signature and date of the parent, guardian, or eligible student providing consent; (2) a description of the records to be disclosed; (3) the reason for release of information; (4) the parties or class of parties receiving the information; and (5) if requested by the parents, guardians or eligible student, a copy of the records to be released. The Charter School shall permanently keep the consent notice with the record file.

➤ 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, the Charter School shall not release the information.

➤ If the request seeks information regarding an employee or teacher of the local educational agency, the same procedures as above should be followed, except that human resources personnel (a designated person) should be consulted first.

➤ For any requests for information, the local educational agency is under no obligation to produce the records or information immediately. Rather, the local educational agency should note any designated date for production of records, if one is indicated in the request, and convey that to a designated person at the agency. The agency should designate a contact person to whom such requests for information should be directed.

➤ The local educational agency should obtain the contact information of the person to whom a response to the request for information should be directed and forward such contact information to the person the agency has designated to receive such requests.

Annual Information Notice to Parents and Guardians General Information Policy

➤ The Charter School must provide an annual notice to parents and guardians of the school's general information policies that includes:

- ✓ Assurances that the Charter School will not release information to third parties for immigration enforcement purposes, except as required by law or court order.

- ✓ A description of the types of student records maintained by the Charter School.

- ✓ A list of the circumstances or conditions under which the Charter School might release student information to outside people or entities.

- ✓ A statement that, unless the Charter School is providing directory information or information permitted to be disclosed without parental consent under FERPA and the California Education Code, the Charter School shall notify parents or guardians and eligible students—and receive their written consent—before it releases a student's personally identifiable information.

- ✓ Even for those exceptions that permit the release of education records without parental consent, the agency is required to notify the student and their family unless an exception exists. The agency's policy should explain these exceptions that do not require prior notification.

Directory Information Policy

➤ If the Charter School decides to release directory information, the Charter School shall provide an annual notice to parents and guardians, and eligible students in attendance, of the Charter School directory information policy that includes:

- ✓ The categories of information that the Charter School has classified as public directory information that may be disclosed without parental consent and which should only include the information specifically identified in Education Code section 49061, subdivision (c).

- ✓ A statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin (except where the [local educational agency] receives consent as required under state law).

- ✓ The recipients of the directory information.

- ✓ A description of the parent's, guardian's, or eligible student's abilities to refuse release of the student's directory information, and how to refuse release.

✓ The deadline in which the parent, guardian, or eligible student must notify the school in writing that they do not want the information designated as directory information.

Adopted: 2/24/2026