

## **McCloud Union School District Board Policy**

### **Board Policy 1445: Response To Immigration Enforcement Status:**

**ADOPTED Original Adoption Date: 03/12/26 Last Reviewed Date:03/12/26**

CSBA NOTE: Pursuant to Education Code 234.7, as amended by AB 495 (Ch. 664, Statutes of 2025), districts are mandated to update their policies by March 1, 2026, with language that is equivalent to the model policy language (2025 MPL) developed by the California Attorney General in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes," (2025 Guidance) published on December 1, 2025. The 2025 guidance is available on the Office of the Attorney General's website.

This Board policy and the accompanying administrative regulation alone do not necessarily contain all of the 2025 MPL or its equivalent. For more information regarding response to immigration enforcement, additional language that may be equivalent to the 2025 MPL, and related issues, see the accompanying administrative regulation, BP 0410 - Nondiscrimination in District Programs and Activities, BP/AR 0450 - Comprehensive Safety Plan, BP/AR 1340 - Access to District Records, BP/AR 5111 - Admission, AR 5111.1 - District Residency, BP/AR 5125 - Student Records, AR/E 5125.1 - Release of Directory Information, and BP 5131.2 - Bullying. However, each district will need to determine on its own the collection of policy documents that contain the remainder of the 2025 MPL or its equivalent. Therefore, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining whether other policies should be updated to comply with the March 1, 2026 deadline.

CDE monitors compliance with the requirement to adopt policies in accordance with Education Code 234.7 during its Federal Program Monitoring (FPM) review process. Additionally, pursuant to Education Code 234.7, as amended by AB 495, districts are required to make their policies that include the 2025 MPL or its equivalent available to the California Department of Education (CDE), which has created a webpage to upload them by March 1, 2026.

The Governing Board is committed to the success of all students and to providing a safe and welcoming place for students, their families, and staff irrespective of their citizenship or immigration status. Unless required by state or federal law, required to administer a state or federally supported educational program, or presented with a valid judicial subpoena, judicial warrant, or court order, district staff shall not do any of the following:

1. Solicit or collect information or documents regarding the citizenship or immigration status of a student or the student's family members (Education Code 234.7)
2. Seek or require information or documents, to the exclusion of other permissible information or documents, regarding the citizenship or immigration status of a student or the student's family members (Education Code 234.7)

CSBA NOTE: Unless an exception applies, Education Code 234.7, as amended by AB 495, prohibits district staff, to the extent practicable, from disclosing or providing in writing, verbally, or in any other manner to an officer or employee of an agency conducting immigration enforcement certain information about students or staff. Similarly, unless an exception applies, Government Code 7285.2 prohibits district staff from providing voluntary consent to an immigration enforcement agent to access, review, or obtain employee records.

3. To the extent practicable, disclose or provide in writing, verbally, or in any other manner to an officer or employee of an agency conducting immigration enforcement:

- a. The education records of or any information about a student or a student's family or household such as personal information as defined in Civil Code 1798.3, information about a student's home, or information about a student's travel schedule without parent/guardian written consent (Education Code 234.7)
- b. The personnel records of any district employee, personal information of any district employee as defined in Civil Code 1798.3, or any other confidential employee information (Education Code 234.7; Government Code 7285.2)

CSBA NOTE: Under the Fourth Amendment to the U.S. Constitution, an officer or employee of an agency conducting immigration enforcement may enter district-provided transportation, a nonpublic area of any district property or facility, or a nonpublic area where any district sponsored program or activity is occurring without a valid judicial warrant or court order if an authorized district employee grants permission. Education Code 234.7, as amended by AB 495, removes the authority of any district employee to grant such permission. Specifically, unless an exception applies, district staff are prohibited from granting permission to an officer or employee of an agency conducting immigration enforcement to enter a school bus or other transportation provided by the district, a nonpublic area of a school, or a nonpublic area where any school-sponsored program or activity is occurring.

Education Code 234.7 does not address granting permission to enter district property or facilities that are not district schools, such as a district's administrative offices, or district-sponsored activities that are not school-sponsored activities, such as district-wide professional development. However, Government Code 7285.1 prohibits district staff from providing voluntary consent to an immigration enforcement agent to enter any nonpublic area of a place of labor. Item #4 applies the prohibition to all nonpublic areas of any district property or facility and to all district-sponsored activities and should be modified, along with the applicable portion of the accompanying administrative regulation, to reflect district practice.

4. Grant permission to an officer or employee of an agency conducting immigration enforcement to enter a school bus, any other transportation provided by the district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring (Education Code 234.7; Government Code 7285.1)

CSBA NOTE: Due to federal preemption, state law may not require or permit district staff to obstruct, interfere with, or otherwise impede an officer or employee of an agency conducting

immigration enforcement who nonetheless enters a school bus, any other transportation provided by the district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring. The following paragraph reiterates this caution.

However, district staff shall not obstruct, interfere with, or otherwise impede an officer or employee of an agency conducting immigration enforcement who nonetheless enters district-provided transportation, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring.

CSBA NOTE: Education Code 234.7, as amended by AB 495, requires the Superintendent to report to the Governing Board in a timely manner, and in a manner that ensures the confidentiality and privacy of any potentially identifying information, any requests for information or access to any district-provided transportation, a nonpublic area of any school, or a nonpublic area where any school-sponsored program or activity is occurring by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. In light of the scope of Item #4 above, the following paragraph also encompasses requests for access to a nonpublic area of any district property or facilities, or a nonpublic area where any district-sponsored program or activity is occurring.

The Superintendent or designee shall report to the Board in a timely manner any requests by an officer or employee of an agency conducting immigration enforcement for any of the following: (Education Code 234.7)

1. Education records of or any information about a student or a student's family or household
2. Personnel records of any district employee, personal information of any district employee as defined in Civil Code 1798.3, or any other confidential employee information
3. Permission to enter a school bus, any other transportation provided by the district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring

Such reports shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

CSBA NOTE: Education Code 234.1 mandates that districts adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Education Code 220 and Penal Code 422.55. Education Code 234.1 expressly includes immigration status among the protected categories. For language fulfilling this mandate, see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment.

In accordance with law, Board Policy 0410 - Nondiscrimination in District Programs and Activities, and Board Policy 5145.3 - Nondiscrimination/Harassment, no student shall be denied equal rights and opportunities, nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of the student's or family's immigration status or for the refusal to provide information related to the student's or family's immigration status. (Education Code 200, 220, 234.1)

CSBA NOTE: Government Code 8310.3 prohibits districts from disclosing information about immigration status or religion for use in the compilation of a registry for immigration enforcement or otherwise assisting in the creation of such a registry. The 2025 MPL contains a similar prohibition. For more information regarding the prohibition of disclosing information for use in the compilation of a registry for immigration enforcement purposes, see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5125 - Student Records.

Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

CSBA NOTE: Pursuant to Education Code 234.7, as amended by AB 495, a district is required to provide parents/guardians with specified information regarding their children's right to a free public education regardless of immigration status, and other related information. For more information, see the accompanying administrative regulation. The Superintendent or designee shall provide parents/guardians with information and notifications as specified in Education Code 234.7, including information regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement.

The Superintendent or designee shall develop procedures for, and may provide training to staff on, interactions with an officer or employee of an agency conducting immigration enforcement, including a request for any of the following:

1. Education records of or any information about a student or a student's family or household
2. Personnel records of any district employee, personal information of any district employee as defined in Civil Code 1798.3, or any other confidential employee information
3. Permission to enter a school bus, any other transportation provided by the district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring

Complaints alleging discrimination, harassment, intimidation, and bullying based on actual or perceived immigration status shall be filed in accordance with Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures. The Superintendent or designee shall

provide to the California Department of Education, upon request and in the manner requested, copies of this policy, any associated administrative regulation, and any other Board policies and administrative regulations required by Education Code 234.7.

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State Description

Civ. Code 1798.3 Information Practices Act of 1977; definitions

Ed. Code 200 Prohibition of discrimination

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

Ed. Code 234.1

Student protections relating to discrimination, harassment, intimidation, and bullying

Ed. Code 234.7 Student protections relating to immigration and citizenship status

Ed. Code 32282 Comprehensive School Safety Plan

Ed. Code 48204.4 Evidence of residency for school enrollment

Ed. Code 48906 Exception to parent/guardian notifications

Ed. Code 48980 Parent/Guardian notifications

Ed. Code 48985 Notices to parents/guardians in language other than English

Fam. Code 6552 Caregiver's authorization affidavit

Gov. Code 7285-7285.3 Prohibitions on Employer Cooperation with Immigration Enforcement Agents

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

34 CFR 99.30-99.31 FERPA Regulations

U.S. Constitution, Fourth Amendment Unreasonable search and seizure

#### Management Resources Description

CA Office of the Attorney General Publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement

Purposes, December 2025 Court Decision Plyler v. Doe (1982) 457 U.S. 202

Website California Department of Education, Resources to Include Immigrant Families

Website California Department of Education, LEA Immigration Enforcement Policy Submission

Website CSBA District and County Office of Education Legal Services

Website U.S. Immigration and Customs Enforcement, Online Detainee Locator System

Website California Office of the Attorney General

Website CSBA

Website U.S. Department of Education  
Website U.S. Department of Education, Office for Civil Rights  
Website U.S. Immigration and Customs Enforcement  
Website California Civil Rights Department

#### Cross References Description

0410 Nondiscrimination In District Programs And Activities  
0450 Comprehensive Safety Plan  
0450 Comprehensive Safety Plan  
1250 Visitors/Outsiders  
1250 Visitors/Outsiders  
1312.3 Uniform Complaint Procedures  
1312.3 Uniform Complaint Procedures  
1312.3-E(1) Uniform Complaint Procedures  
1312.3-E(2) Uniform Complaint Procedures  
1340 Access To District Records  
1340 Access To District Records  
3515.3 District Police/Security Department  
3515.3 District Police/Security Department  
3515.31 School Resource Officers  
3555 Nutrition Program Compliance  
3555-E(1) Nutrition Program Compliance  
5111 Admission  
5111 Admission  
5111.1 District Residency  
5111.1 District Residency  
5125 Student Records  
5125 Student Records  
5125.1 Release Of Directory Information  
5125.1 Release Of Directory Information  
5125.1-E(1) Release Of Directory Information  
5131.2 Bullying  
5131.2 Bullying  
5141 Health Care And Emergencies  
5141 Health Care And Emergencies  
5141.4 Child Abuse Prevention And Reporting  
5141.4 Child Abuse Prevention And Reporting  
5142 Safety  
5142 Safety  
5145.12 Search And Seizure  
5145.12 Search And Seizure  
5145.3 Nondiscrimination/Harassment  
5145.3 Nondiscrimination/Harassment  
6142.3 Civic Education

6143 Courses Of Study  
6143 Courses Of Study  
6175 Migrant Education Program  
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## **McCloud Union School District Board Policy**

### **Administrative Regulation 1445: Response To Immigration Enforcement Status: ADOPTED Original Adoption Date: 03/12/26 Last Reviewed Date:03/12/26**

CSBA NOTE: Pursuant to Education Code 234.7, as amended by AB 495 (Ch. 664, Statutes of 2025), districts are mandated to update their policies by March 1, 2026, with language that is equivalent to the model policy language (2025 MPL) developed by the California Attorney General in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes," (2025 Guidance) published on December 1, 2025. The 2025 Guidance is available on the Office of the Attorney General's website.

This administrative regulation and the accompanying Board policy alone do not contain all of the 2025 MPL or its equivalent. For more information regarding response to immigration enforcement, additional language that may be equivalent to the 2025 MPL, and related issues, see the accompanying Board policy, BP 0410 - Nondiscrimination in District Programs and Activities, BP/AR 0450 - Comprehensive Safety Plan, BP/AR 1340 - Access to District Records, BP/AR 5111 - Admission, AR 5111.1 - District Residency, BP/AR 5125 - Student Records, AR/E 5125.1 - Release of Directory Information, and BP 5131.2 - Bullying. However, each district will need to determine on its own the collection of policy documents that contain the remainder of the 2025 MPL or its equivalent. Therefore, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining whether other policies should be updated to comply with the March 1, 2026 deadline. The 2025 Guidance recommends that, if feasible, districts designate an immigrant affairs liaison to facilitate training programs for staff, help provide non-legal advice to families, and assist in communications with other educational agencies and local and state government stakeholders. The following administrative regulation should be revised to reflect any such position established by the district and its responsibilities.

**Responding to Requests for Information or Documents CSBA NOTE:** Unless an exception applies, Education Code 234.7, as amended by AB 495, prohibits district staff, to the extent practicable, from disclosing or providing in writing, verbally, or in any other manner to an officer or employee of an agency conducting immigration enforcement most student or personnel records.

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 district employee as described in the accompanying Board policy, district 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 District staff shall respond to the request in accordance with Board Policy/Administrative Regulation 5125.1 - Release of Directory Information.
2. The district 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

CSBA NOTE: The following list is consistent with the 2025 MPL but not required by law, and could be modified to reflect district practice and the applicable collective bargaining agreement.

4. For records or information about a district employee, the employee has provided written consent and the district'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
  - d. The parties or class of parties receiving the information
  - e. A copy of the records to be released, if requested by the employee

CSBA NOTE: The following list is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice and, for Item #3, the applicable collective bargaining agreement.

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

1. Make a copy of the request and notify the 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 to the district 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 district employee information, provide the employee with notice, a description of the request, and any documentation provided to the district describing the request, unless prohibited by a valid judicial subpoena, judicial warrant, or court order

In accordance with law and Board Policy 5125 - Student Records, the Superintendent or designee shall annually notify parents/guardians that the district 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 District-Provided Transportation, Nonpublic Area of District Property or Facility, or Nonpublic Area in which District-Sponsored Activity is Occurring**

CSBA NOTE: Under the Fourth Amendment to the U.S. Constitution, an officer or employee of an agency conducting immigration enforcement may enter district-provided transportation, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring without a valid judicial warrant or court order if an authorized district employee gives permission. Education Code 234.7, as amended by AB 495, removes the authority of any district employee to give such permission. Specifically, unless an exception applies, district staff are prohibited from granting permission to an officer or employee of an agency conducting immigration enforcement to enter a school bus, or other transportation provided by the district, a nonpublic area of a school, or a nonpublic area in a which school-sponsored program or activity is occurring.

Education Code 234.7 does not address granting permission to enter district property or facilities that are not district schools, such as a district's administrative offices, or district-sponsored activities that are not school-sponsored activities, such as district-wide professional development. However, Government Code 7285.1 prohibits districts staff from providing voluntary consent to an immigration enforcement agent to enter any nonpublic areas of a place of labor. This section applies the prohibition to all nonpublic areas of any district property or facility and to all district-sponsored activities and should be modified, along with the applicable portion of the accompanying Board policy, to reflect district practice.

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 district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring, district staff shall take the following actions:

CSBA NOTE: The following list is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice.

1. Advise the officer or employee that before district staff can respond to the request, they must first receive notification and direction from the 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 district records
4. Contact and consult with the district's legal counsel or Superintendent or designee
5. Follow the direction from the district's legal counsel or Superintendent or designee

For a request to access a student, the district 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. District 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 district 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, district staff shall notify the 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 district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring, the district 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, district staff shall comply with the officer's or employee's orders and immediately contact the Superintendent or designee and then the district's legal counsel.

CSBA NOTE: While not required by law, the 2025 MPL includes requirements that the district post signs at school entrances containing school hours and registration requirements and that the district adopt measures for responding to outsiders in a manner that avoids classroom interruptions. For procedures applicable to all visitors, see BP/AR 1250 - Visitors/Outsiders.

An officer or employee of an agency conducting immigration enforcement who, pursuant to this administrative regulation, is granted permission to enter district property or facilities which are not open to all visitors shall first register in accordance with Board 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)

CSBA NOTE: The following paragraph is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice. The 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 District Property**

CSBA NOTE: Pursuant to Education Code 32282, as amended by SB 98 (Ch. 124, Statutes of 2025), comprehensive school safety plans are, by March 1, 2026, required to include procedures specifically designed to notify parents/guardians and district staff when a school confirms the presence of immigration enforcement on the school site.

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

CSBA NOTE: The following paragraph is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice, including whether the district maintains a district police or security department.

District staff shall report the presence of any officer or employee of an agency conducting immigration enforcement on district property to district police and other appropriate administrators.

CSBA NOTE: Due to federal preemption, state law may not require or permit district staff to obstruct, interfere with, or otherwise impede an officer or employee of an agency conducting immigration enforcement who nonetheless enters a school bus, any other transportation provided by the district, a nonpublic area of any district property or facility, or a nonpublic area

where any district-sponsored program or activity is occurring. The following paragraph reiterates this caution.

District 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, district 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 district staff member who observed or interacted with them shall promptly provide the following to the district's legal counsel or other district official designated by the Superintendent:

CSBA NOTE: The following list is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice.

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 all other district staff known to have communicated with the officers or employee
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. District 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

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

The Superintendent or designee shall encourage parents/guardians to update their emergency contact information as needed at any time. The Superintendent or designee shall notify parents/guardians that the district will only use information provided on the emergency cards in response to specific emergency situations and not for any other purpose. Policy Reference Disclaimer: (Education Code 234.7)

CSBA NOTE: The following list is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice.

Additionally, the Superintendent or designee may 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 student's parent/guardian is detained or deported.

CSBA NOTE: Family Code 6552, as amended by AB 495, changes the definition of "relative", for purposes of a Caregiver's Authorization Affidavit, to include any adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including all stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand." The 2025 Guidance encourages families to consider completing a Caregiver Authorization Affidavit, which would give a relative the authority to make educational and medical decisions for the student.

In the event that a student's parent/guardian is detained or deported, the 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 Superintendent or designee shall only contact child protective services if district 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)

CSBA NOTE: Education Code 48204.4 provides that a student complies with district residency requirements if the student's parent/guardian was a resident of California and departed against the parent/guardian's will due to a transfer by a government agency that had custody of the parent/guardian, a lawful order from a court or government agency authorizing removal, or removal or departure pursuant to the federal Immigration and Nationality Act. For more information regarding district residency, see AR 5111.1 - District Residency

In an instance where a student's parent/guardian was detained or deported, the 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 the district if the student and the student's parent/guardian who was detained or deported satisfy the conditions as specified in Education Code 48204.4.

CSBA NOTE: The following paragraph is consistent with the 2025 MPL but not required by law, and should be deleted or modified to reflect district practice.

The 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.

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State Description

Civ. Code 1798.3 Information Practices Act of 1977; definitions

Ed. Code 200 Prohibition of discrimination

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

Ed. Code 234.1

Student protections relating to discrimination, harassment, intimidation, and bullying

Ed. Code 234.7 Student protections relating to immigration and citizenship status

Ed. Code 32282 Comprehensive School Safety Plan

Ed. Code 48204.4 Evidence of residency for school enrollment

Ed. Code 48906 Exception to parent/guardian notifications

Ed. Code 48980 Parent/Guardian notifications

Ed. Code 48985 Notices to parents/guardians in language other than English

Fam. Code 6552 Caregiver's authorization affidavit

Gov. Code 7285-7285.3 Prohibitions on Employer Cooperation with Immigration Enforcement Agents

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

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U.S. Constitution, Fourth Amendment Unreasonable search and seizure

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Website California Department of Education, Resources to Include Immigrant Families

Website California Department of Education, LEA Immigration Enforcement Policy Submission

Website CSBA District and County Office of Education Legal Services

Website U.S. Immigration and Customs Enforcement, Online Detainee Locator System

Website California Office of the Attorney General

Website CSBA

Website U.S. Department of Education

Website U.S. Department of Education, Office for Civil Rights

Website U.S. Immigration and Customs Enforcement

Website California Civil Rights Department

## Cross References Description

0410 Nondiscrimination In District Programs And Activities

0450 Comprehensive Safety Plan

0450 Comprehensive Safety Plan

1250 Visitors/Outsiders

1250 Visitors/Outsiders

1312.3 Uniform Complaint Procedures

1312.3 Uniform Complaint Procedures

1312.3-E(1) Uniform Complaint Procedures

1312.3-E(2) Uniform Complaint Procedures

1340 Access To District Records

1340 Access To District Records

3515.3 District Police/Security Department

3515.3 District Police/Security Department

3515.31 School Resource Officers

3555 Nutrition Program Compliance

3555-E(1) Nutrition Program Compliance

5111 Admission

5111 Admission

5111.1 District Residency

5111.1 District Residency

5125 Student Records

5125 Student Records

5125.1 Release Of Directory Information

5125.1 Release Of Directory Information

5125.1-E(1) Release Of Directory Information

5131.2 Bullying

5131.2 Bullying

5141 Health Care And Emergencies

5141 Health Care And Emergencies

5141.4 Child Abuse Prevention And Reporting

5141.4 Child Abuse Prevention And Reporting

5142 Safety

5142 Safety

5145.12 Search And Seizure

5145.12 Search And Seizure

5145.3 Nondiscrimination/Harassment

5145.3 Nondiscrimination/Harassment

6142.3 Civic Education

6143 Courses Of Study

6143 Courses Of Study

6175 Migrant Education Program

6175 Migrant Education Program