

*Series 1000 – Community Relations***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 Sutter County Superintendent of Schools (SCSOS) employee as described in the accompanying Sutter County Superintendent of Schools policy, the request shall be denied, 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

The response to the request shall be in accordance with SCSOS Policy/Administrative Regulation 5125.1 - Release of Directory Information.

2. The records or information are required to be released 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 of 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 an SCSOS employee, the employee has provided written consent and the 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

Regardless of whether the requested records or information are disclosed, all of the following shall occur when such a request has been received:

1. Make a copy of the request and notify the Superintendent of Schools 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 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

Responding to Requests for Access to Students or for Access to SCSOS-Provided Transportation, Nonpublic Area of SCSOS Property or Facility, or Nonpublic Area in which SCSOS-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 SCSOS, a nonpublic area of any SCSOS property or facility, or a nonpublic area where any SCSOS -sponsored program or activity is occurring, the following actions shall be taken:

1. Advise the officer or employee that no response to the request is permitted until first receiving notification and direction from the County Superintendent, principal or other site administrator, 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 SCSOS records
4. Contact and consult with legal counsel or County Superintendent or designee
5. Follow the direction from legal counsel or County Superintendent or designee

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

1. The officer or employee provides a valid judicial warrant or court order
2. The student's 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 SCSOS 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, the County Superintendent or designee shall be notified 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 SCSOS, a nonpublic area of any SCSOS property or facility, or a nonpublic area where any SCSOS -sponsored program or activity is occurring, the request shall be denied 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, the officer's or employee's orders shall be complied with and then the County Superintendent or designee shall be immediately contacted, and then legal counsel shall be contacted.

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

Responding to Immigration Enforcement Activity on SCSOS Property

When any officer or employee of an agency conducting immigration enforcement is actually or imminently present on SCSOS property, staff working at the property shall be notified and, if the SCSOS property is a school, the parents/guardians of students at the school.

The presence of any officer or employee of an agency conducting immigration enforcement on SCSOS property shall be reported to appropriate administrators.

However, an officer or employee of an agency conducting immigration enforcement who nonetheless enters SCSOS -provided transportation, a nonpublic area of any SCSOS property or facility, or a nonpublic area where any SCSOS -sponsored program or activity is occurring shall not be obstructed, interfered with, or otherwise impeded.

After all officers and employees of an agency conducting immigration enforcement leave, legal counsel or other designated SCSOS official shall be provided with relevant information related to observations and interactions.

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

Parents/guardians are encouraged to update their emergency contact information as needed at any time. Parents/guardians shall be notified that the SCSOS will only use information provided on the emergency cards in response to specific emergency situations and not for any other purpose. (Education Code 234.7)

Additionally, all students and families are 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 shall 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 shall only be contacted if SCSOS 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)

A student or the student's family members may be referred 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 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	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 32282	Comprehensive school safety plans

Ed. Code 48204.4	Evidence of residency for school enrollment
Ed. Code 48906	Exception to parent/guardian notifications
Ed. Code 48980	<u>Parent/Guardian notifications</u>
Ed. Code 48985	Notices to parents/guardian 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	<u>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</u>
Court Decision	Plyler v. Doe (1982) 457 U.S. 202
Website	<u>California Department of Education, Resources to Include Immigrant Families</u>
Website	<u>California Department of Education, LEA Immigration Enforcement Policy Submission</u>
Website	<u>California Civil Rights Department</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>U.S. Immigration and Customs Enforcement, Online Detainee Locator System</u>
Website	<u>U.S. Immigration and Customs Enforcement</u>
Website	<u>U.S. Department of Education, Office for Civil Rights</u>
Website	<u>CSBA</u>
Website	<u>California Office of the Attorney General</u>
Website	<u>California Department of Education</u>
Cross References	
Code	Description
0410	<u>Nondiscrimination In County Office Programs And Activities</u>

1312.3	<u>Uniform Complaint Procedures</u>
1312.3-E(1)	<u>Uniform Complaint Procedures</u>
1312.3-E(2)	<u>Uniform Complaint Procedures</u>
1312.3-E(3)	<u>Uniform Complaint Procedures</u>
1340	<u>Access To County Office Records</u>
1340	<u>Access To County Office Records</u>
3555	<u>Nutrition Program Compliance</u>
3555-E(1)	<u>Nutrition Program Compliance</u>
5125	<u>Student Records</u>
5125	<u>Student Records</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>
5131.2	<u>Bullying</u>
5131.2	<u>Bullying</u>
5141	<u>Health Care And Emergencies</u>
5141	<u>Health Care And Emergencies</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u>