

## **RESPONSE TO IMMIGRATION ENFORCEMENT**

### **Responding to Requests for Information**

Unless authorized by the Family Educational Rights and Privacy Act pursuant to 20 USC 1232g, student information shall not be disclosed to immigration law enforcement authorities without parental consent, a court order, or judicial subpoena. The Monterey County Superintendent of Schools (County Superintendent) or designee shall annually notify parents/guardians that the Monterey County Office of Education (MCOE) 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.

*(cf. 1340 - Access to School Records)*  
*(cf. 3580 - School Records)*  
*(cf. 5125 - Student Records)*  
*(cf. 5125.1 - Release of Directory Information)*

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, MCOE staff shall under direction of Superintendent or designee:

1. The department director/principal will provide students and families with appropriate notice and a description of the immigration officer's request
2. Document any request for information by immigration authorities
3. Provide students and parents/guardians with any documents provided by the immigration enforcement officer, unless such disclosure is prohibited by a subpoena served on the MCOE or in cases involving investigations of child abuse, neglect, or dependency
4. Notify the Department/Division Head or designee about the information request who will then immediately notify the Superintendent

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

Resources and data collected by the MCOE 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]

**Responding to Requests for Access to Students or School Grounds**

The principal or designee shall receive parent/guardian consent before a student is interviewed or searched by any officer seeking to enforce civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge or a valid, effective court order. A student's parent/guardian shall be immediately notified if a law enforcement officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant or subpoena restricts disclosure to the parent/guardian.

*(cf. 5145.12 - Search and Seizure)*

All visitors and outsiders, including immigration enforcement officers, shall register with the principal or designee upon entering school grounds during school hours. Each visitor or outsider shall provide the principal or designee with his/her name, address, occupation, age if less than 21, and purpose in entering school grounds, proof of identity, and any other information required by law. [Penal Code 627.2, 627.3]

*(cf. 1250 - Visitors/Outsiders)*

The principal or designee shall report the presence of any immigration enforcement officers to Department/Division Heads who will report it to the County Superintendent or designee.

As early as possible, principal or designee shall notify the County Superintendent or designee of any request by an immigration enforcement officer for access to the school or a student or for review of school documents, including service of lawful subpoenas, petitions, complaints, warrants, or other such documents.

In addition, principal or designee shall take the following actions in response to an officer present on the school campus specifically 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 County Superintendent or designee, except under exigent circumstances that necessitate immediate action
2. Request to see the officer's credentials, including his/her 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 his/her reason for being on school grounds and document the response

4. Request that the officer produce any documentation that authorizes his/her school access
5. Make a copy of all documents produced by the officer and retain one copy for school records
6. If the officer declares that exigent circumstances exist (immediate action) and demands immediate access to the campus, comply with the officer's orders and immediately contact the County Superintendent or designee
7. If the officer does not declare that exigent circumstances exist, (immediate action) immediately notify the Superintendent and respond according to the requirements of the officer's documentation, as follows:
  - a. If the officer has an Immigrations and Customs Enforcement (ICE) administrative warrant, the principal or designee shall inform the agent that they cannot consent to any request without first consulting with and receiving direction from, the County Superintendent or designee, who may consult with legal counsel.
  - b. If the officer has a federal judicial warrant, such as a search and seizure warrant or an arrest warrant signed by a federal judge or magistrate, principal or designee shall promptly comply with the warrant. If feasible, before providing the officer with access to the person or materials specified in the warrant, the principal or designee shall immediately consult with the Superintendent or Superintendent designee, who may consult with legal counsel.
  - c. If the officer has a subpoena for production of documents or other evidence, the principal or designee shall inform the Department/Division Head who will inform the Superintendent or designee of the subpoena and await further instructions as to how to proceed. Forward a copy of the subpoena to the Chief Business Official.
8. Do not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, MCOE staff shall document the officer's actions while on campus and notify the Department/Division Head.
9. After the encounter with the officer, promptly make written notes of all interactions with the officer, including:
  - a. A list or copy of the officer's credentials and contact information
  - b. The identity of all school personnel who communicated with the officer
  - c. Details of the officer's request
  - d. Whether the officer presented a warrant or subpoena to accompany

- his/her request, what was requested in the warrant or subpoena, and whether the warrant or subpoena was signed by a judge
  - e. MCOE staff's response to the officer's request
  - f. Any further action taken by the officer
  - g. A photo or copy of any documents presented by the officer
10. Provide a copy of these notes and associated documents collected from the officer to the Department/Division Head who will ensure all documentation is provided to the Superintendent or designee.

The County Superintendent shall submit a timely report to the Monterey County Board of Education (County Board) regarding the officer's requests and actions and MCOE's responses. [Education Code [EC] 234.7]

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

**Responding to the Detention or Deportation of Student's Family Member**

All Departments are responsible for requesting students and families to update their emergency contact information as needed throughout the school year and to provide alternative contacts, including an identified trusted adult guardian, in case a student's parent/guardian is detained or is otherwise unavailable. The principal or designee shall notify students' families that information provided on the emergency cards will only be used in response to specific emergency situations and not for any other purpose.

*(cf. 5141 - Health Care and Emergencies)*

The principal 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 by federal immigration authorities, 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. If MCOE staff 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, the principal or designee shall notify the Division Head and contact Child Protective Services.

The principal or designee shall notify a student whose parent/guardian was detained or deported that the student continues to meet the residency requirements for attendance in a MCOE school, provided that the parent/guardian was a resident of California and the student lived in California immediately before he/she moved out of state as a result of the parent/guardian's departure. (EC 48204.4)

*(cf. 5111.1 - MCOE Residency)*