

RESPONSE TO IMMIGRATION ENFORCEMENT

The Monterey County Board of Education (County Board) and the Monterey County Superintendent of Schools (County Superintendent) are committed to the success of all students and believe that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

It is required by law that staff not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at Monterey County Office of Education (MCOE) schools, except as may be required by state and federal law. [Education Code (EC) 234.7]

(cf. 5111 - Admission)

(cf. 5111.1 - School Residency)

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the MCOE's programs and activities on the basis of his/her immigration status. [EC 200, 220, 234.1]

(cf. 0410 - Nondiscrimination in School Programs and Activities)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

It is the responsibility of the County Superintendent or designee to notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. [EC 234.7]

(cf. 5145.6 - Parental Notifications)

Consistent with requirements of the California Office of the Attorney General, the County Superintendent or designee is requested to develop procedures for addressing any requests by a law enforcement officer for access to district MCOE records, school sites, or students for the purpose of immigration enforcement.

(cf. 1340 - Access to School Records)

(cf. 3580 - School Records)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

It is the responsibility of the County Superintendent to ensure that teachers, school administrators, and other school staff receive training regarding immigration issues, including information on responding to a request from an immigration officer to visit a school site or to have access to a student.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(continued)

(cf. 4331 - Staff Development)

The County Superintendent or designee is requested to report to the County Board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. [EC 234.7]

Legal Reference:

EDUCATION CODE

- 200 Educational equity*
- 220 Prohibition of discrimination*
- 234.1 Safe Place to Learn Act*
- 234.7 Student protections relating to immigration and citizenship status*
- 48204.4 Evidence of residency for school enrollment*
- 48980 Parental notifications*
- 48985 Notices to parents in language other than English*

GOVERNMENT CODE

- 8310.3 California Religious Freedom Act*

PENAL CODE

- 422.55 Definition of hate crime*
- 627.1-627.6 Access to school premises, outsiders*

UNITED STATES CODE, TITLE 20

- 1232g Family Educational Rights and Privacy Act*

COURT DECISIONS

- Plyler v. Doe, 457 U.S. 202 (1982)*

Adopted: 06/20/18