



IMMIGRATION POLICY

Board Approval June 29, 2018

This Immigration Policy is to ensure that all ICEF Public School (“ICEF”) schools remain safe and accessible to all students regardless of immigration status. These policies were drafted pursuant to AB 699, and are adopted from the model policies published by the California Attorney General. Additional information concerning implementation can be found in the April 2018 publication *“Providing a Safe and Secure Learning Environment for all: Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues”*, which is located at: <https://oag.ca.gov/sites/all/files/aqweb/pdfs/bci/school-guidance-model-k12.pdf>

1. **Gathering and Handling Student and Family Information**

Policy for Collecting and Retaining Student Information

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

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

- ICEF 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, ICEF personnel shall solicit that documentation or information separately from the school enrollment process.
- Where permitted by law, ICEF Home Office 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.
- 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, ICEF's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

Policy for Inquiries About Social Security Numbers or Cards

- ICEF shall not solicit or collect entire Social Security numbers or cards.
- ICEF 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, ICEF 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.
- ICEF 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.

2. Sharing Student and Family Information

Policy Regarding Information Sharing

- ICEF shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by Family Education Rights and Privacy Act (FERPA).
- ICEF 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 ICEF official about the information request.
 - Provide students and families with appropriate notice and a description of the immigration officer's request.
 - Document any verbal or written request for information by immigration authorities.
 - Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.
- Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the local educational agency prohibits disclosure, ICEF shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.
- ICEF shall require written parental or guardian consent for release of student information, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information to immigration authorities for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration-enforcement purposes without a court order or judicial subpoena.
- ICEF's request for written or parental or guardian 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. ICEF 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, ICEF shall not release the information.

Policy for Annual Information Notice to Parents and Guardians

General Information Policy

- ICEF must provide an annual notice to parents and guardians of the school's general information policies that includes:
 - Assurances that ICEF 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 ICEF
 - A list of the circumstances or conditions under which ICEF might release student information to outside people or entities.
 - A statement that, unless ICEF is providing information for a legitimate educational purpose under FERPA and the California Education Code or directory information, ICEF shall notify parents or guardians and eligible students – and receive their written consent – before it releases a student's personally identifiable information.

Policy for Annual Information Notice to Parents and Guardians

Directory Information Policy

- If ICEF decides to release directory information, ICEF shall provide an annual notice to parents and guardians, and "eligible students" in attendance, of ICEF's directory information policy that includes:
 - The categories of information that ICEF 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 ICEF receives consent as required under state law).
 - The recipients of the directory information.
 - A description of the parent's or guardian's abilities to refuse release of the student's director information, and how to refuse release.
 - The deadline in which the parent, guardian or student must notify the school in writing that he or she does not want the information designated as directory information.

3. Responding to Requests for Access to School Grounds for Immigration-Enforcement Purposes

Policy for Monitoring and Receiving Visitors onto Campus

- No outsider – which would include immigration-enforcement officers – shall enter or remain on school grounds of any ICEF school during school hours without having registered with the principal or designee. If there are no exigent circumstances necessitating immediate action, and if the immigration officer does not possess a judicial warrant or court order that provides a basis for the visit, the officer must provide the following information to the principal or designee:
 - Name, address, occupation,
 - Age, if less than 21;
 - Purpose in entering school grounds;
 - Proof of identity, and
 - Any other information as required by law.

- ICEF shall adopt measures for responding to outsiders that avoids classroom interruptions, and preserves the peaceful conduct of the school's activities, consistent with local circumstances and practices.
- ICEF shall post signs at the entrance of its school grounds to notify outsiders of the hours and requirements of registration.
- ICEF personnel shall report entry by immigration-enforcement officers to any on-site school police or other appropriate administrator as would be required for any unexpected or unscheduled outside visitor coming on campus.

Policy for Responding to On-Campus Immigration Enforcement

- As early as possible, ICEF personnel shall notify the CEO or member of the executive team of any request by an immigration-enforcement officer for school or student access, or any requests for review of school documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.).
- In addition to notifying the CEO or member of the executive team, ICEF personnel shall take the following action steps in response to an officer present on the school campus specifically for immigration-enforcement purposes:
 1. Advise the officer that before proceeding with his or her request, and absent exigent circumstances, school personnel must first receive notification and direction from the CEO or member of the executive team.
 2. Ask to see and make a copy of or note the officer's credentials (name and badge number). Also ask for and copy or note the phone number of the officer's supervisor.
 3. Ask the officer for his/her reason for being on school grounds and document it.
 4. Ask the officer to produce any documentation that authorizes school access.
 5. Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
 6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, ICEF personnel should comply with the officer's orders and immediately contact the CEO or member of the executive team.
 7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the immigration-enforcement officer has:
 - **an ICE (Immigrations and Customs Enforcement) administrative warrant (see Appendix B).** ICEF personnel shall inform the agent that he or she cannot consent to any request without first consulting with legal counsel.
 - **a federal judicial warrant (search-and-seizure warrant or arrest warrant); see Appendix C & D.** Prompt compliance with such a warrant is usually legally required. If feasible, consult with CEO or member of the executive team before providing the agent access to the person or materials specified in the warrant.
 - **a subpoena for production of documents or other evidence (see Appendix E & F).** Immediate compliance is not required. Therefore, ICEF personnel shall inform ICEF's legal counsel or other designated official of the subpoena and await further instructions on how to proceed.
 8. While ICEF personnel should not consent to access by an immigration-enforcement officer, except as described above, he/she should 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, ICEF personnel shall document his or her actions while on campus.
 9. After the encounter with the officer, ICEF personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
 - List or copy of the officer's credentials and contact information;
 - Identity of all school personnel who communicated with the officer;
 - Details of the officer's request;

- Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
 - ICEF personnel's response to the officer's request'
 - Any further action taken by the agent; and
 - Photo or copy of any documents presented by the agent.
10. ICEF personnel shall provide a copy of those notes, and associated documents collected from the officer, to ICEF's CEO or member of the executive team.
 11. In turn, ICEF's CEO or member of the executive team shall submit a timely report to ICEF's governing board regarding the officer's requests and actions and ICEF's response.
 12. E-mail the ***Bureau of Children's Justice*** in the ***California Department of Justice***, at BCJ@doj.ca.gov, regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.

Policy for Parental Notification of Immigration-Enforcement Actions

- ICEF personnel must receive consent from the student's parent or guardian before a student can be interviewed or searched by any officer seeking to enforce the civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge, or presents a valid, effective court order.
- ICEF personnel shall immediately notify the student's parents or guardians if a law-enforcement officer requests or gains access to a student for immigration-enforcement purposes, unless such access was in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

4. Responding to the Detention or Deportation of a Student's Family Member

Policy for Responding to the Detention or Deportation of a Student's Family Member

- ICEF shall encourage that families and students have and know their emergency phone numbers and know where to find important documentation, including birth certificates passports, Social Security cards, doctors' contact information, medication lists, lists of allergies, etc., which allow them to be prepared in the event that a family member is detained or deported.
- ICEF shall permit students and families to update students' emergency contact information as needed throughout the school year, and provide alternative contacts if no parent or guardian is available.
 - ICEF shall ensure that families may include the information of an identified trusted adult guardian as a secondary emergency contact in case a student's parent or guardian is detained
 - ICEF shall communicate to families that information provided within the emergency cards will only be used in response to specified emergency situations, and not for any other purpose.
- In the event a student's parent/guardian has been detailed or deported by federal immigration authorities, ICEF shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, ICEF shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. ICEF shall only contact child Protective Services if ICEF personnel are unsuccessful in arranging for the timely care of the child through the emergency contact information that the school has, a Caregiver's Authorization Affidavit, or other information or instructions conveyed by the parent or guardian.

5. Responding to Hate Crimes and Bullying

Policy for Responding to Hate Crimes and Bullying

Adopting and Publicizing Anti-Bullying and Anti-Harassment Policy

- ICEF shall adopt and publicize policies that prohibit discrimination, harassment, and bullying on the basis

of a student's actual perceived nationality, ethnicity, or immigration status. Those policies must be translated in the student's primary language if at least 15 percent of the students enrolled in the school speak a single primary language other than English.

- ICEF shall notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs.
 - This information shall include information related to the "Know Your Rights" immigration enforcement established by the Attorney General (See Appendix G).
 - ICEF shall inform students who are victims of hate crimes of their right to report such crimes.

Processing Complaints of Harassment and Bullying

- ICEF shall adopt a process for receiving complaints of and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics:

* disability	* nationality	* association with a person or group with
* gender	* race or ethnicity	one or more of the aforementioned
* gender identity	* religion	characteristics
* gender expression	* sexual orientation	* immigration status

- The complaint process must include, but is not limited to, the following steps:
 - A requirement that, if school personnel witness an act of discrimination harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so;
 - A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the local education agency, and;
 - An appeal process afforded to the complainant should he or she disagree with the resolution of a complaint.
 - ICEF shall ensure that complaint procedures contain confidentiality safeguards for immigration status information.
 - ICEF shall prohibit retaliation against a person who submits a complaint of discrimination, harassment, intimidation or bullying.

Training Students, Teachers and Staff on Anti-Bullying and Anti-Harassment Policy

- ICEF shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs.
- ICEF shall also train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above. Such training should, at minimum, provide agency personnel with the skills to do the following:
 - Discuss the varying immigration experiences among members of the student body and school community.
 - Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
 - Identify the signs of bullying or harassing behavior;
 - Take immediate corrective action when bullying is observed; and
 - Report incidents to the appropriate authorities, including law enforcement in stances of criminal behavior.