



## **Immigration Enforcement Policy**

### **Gathering and Handling Student and Family Information**

#### **Collecting and Retaining Student Information**

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

#### **Inquiries Regarding Immigration Status, Citizenship Status, and National Origin Information**

- Growth Public School 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, Growth Public School personnel shall solicit that documentation or information separately from the school enrollment process.
- Where permitted by law, the Executive Director or designee of Growth Public School shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs. Those alternative means shall include documentation or information available to persons regardless of immigration status, citizenship status, or

national origin, and that do not reveal information related to citizenship or immigration status. Local educational agencies shall note the method of age verification, but are not required to maintain a copy of the document used to show age.

- 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, Growth Public School's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

### **Inquiries About Social Security Numbers or Cards**

- Growth Public School shall not solicit or collect entire Social Security numbers or cards.
- Growth Public School 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, Growth Public School 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.
- Growth Public School 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.

### **Sharing Student, Family, and Employee Information**

#### **Procedures Regarding Information Sharing**

- Growth Public School shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status without first attempting to notify the parent or guardian in compliance with the Family Educational Rights and Privacy Act (FERPA).
- Growth Public School 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 Growth Public School official about the information request.
  - Provide students and families with appropriate notice and a description of the officer or employee's request.
  - Document any verbal or written request for information by an officer or employee of an agency for immigration enforcement purposes.
  - Unless prohibited, provide students and parents/guardians with any documents provided by the officer or employee seeking the information.
- Except for investigations of suspected child abuse, child neglect, or child dependency, or when the subpoena served on the local educational agency prohibits disclosure, Growth Public School shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

- Growth Public School shall make every effort to obtain written parental or guardian consent for the release of student information, unless the information is for directory purposes only.
- Growth Public School should make a photocopy of the request and immediately consult legal counsel and/or a designated agency representative. No information regarding students, their families, teachers, or employees shall be disclosed, to the extent practicable, to an officer or employee of an agency conducting immigration enforcement without a judicial subpoena, judicial warrant, or court order, and any disclosure must be in accordance with requirements outlined in Section 99.31(a)(9)(ii) of Title 34 of the Code of Federal Regulations. If faced with an administrative subpoena, consult legal counsel to determine how or whether to respond, as there is no separate requirement in federal or state law to provide information to the Department of Homeland Security (DHS), ICE, or any other agency within DHS, without a court order, judicial warrant, or judicial subpoena.
- Growth Public School's request for written parental, guardian, or eligible student 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. Growth Public School 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, Growth Public School shall not release the information.
- If the request seeks information regarding an employee or teacher of the local educational agency, the same procedures as above should be followed, except that human resources personnel (a designated person) should be consulted first.
- For any requests for information, the local educational agency is under no obligation to produce the records or information immediately. Instead, the local educational agency should note any designated date for production of documents, if one is indicated in the request, and convey that to a designated person at the agency. The agency should designate a contact person to whom such requests for information should be directed.
- The local educational agency should obtain the contact information of the person to whom a response to the request for information should be directed and forward that information to the agency-designated person to receive such requests.

## **Annual Information Notice to Parents and Guardians**

### *General Information Policy*

- Growth Public School must provide an annual notice to parents and guardians of the school's general information policies that includes:
  - Assurances that Growth Public School 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 Growth Public School.
- A list of the circumstances or conditions under which Growth Public School might release student information to outside people or entities.
- A statement that, unless Growth Public School is providing directory information or information permitted to be disclosed without parental consent under FERPA and the California Education Code, Growth Public School shall notify parents or guardians and eligible students—and receive their written consent—before it releases a student’s personally identifiable information.
- Even for those exceptions that permit the release of education records without parental consent, the agency is required to notify the student and their family unless an exception exists. The agency’s policy should explain these exceptions that do not require prior notification.

#### *Directory Information Policy*

- If Growth Public School decides to release directory information, Growth Public School shall provide an annual notice to parents and guardians, and eligible students in attendance, of GPS’ directory information policy that includes:
  - The categories of information that Growth Public School has classified as public directory information that may be disclosed without parental consent, and which should only include the information identified explicitly 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 Growth Public School receives consent as required under state law).
  - The recipients of the directory information.
  - A description of the parents’, guardians’, or eligible student’s ability to refuse release of the student’s directory information, and how to refuse release.
  - The deadline by which the parent, guardian, or eligible student must notify the school in writing that they do not want the information designated as directory information.

### **Responding to Requests for Access to School Grounds for Immigration Enforcement Purposes**

#### **Monitoring and Receiving Visitors on Campus**

- No outsider—which would include immigration enforcement officers—shall enter or remain on school grounds of Growth Public 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, to the extent practicable, 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.
- Growth Public School shall adopt measures to respond to outsiders that avoid classroom interruptions and preserve the peaceful conduct of the school's activities, consistent with local circumstances and practices.
  - Growth Public School shall post signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration.
  - Growth Public School personnel shall report entry by immigration enforcement officers to any on-site school police, security officers, or other appropriate administrator as would be required for any unexpected or unscheduled outside visitor coming on campus.

### **Responding to On-Campus Immigration Enforcement**

- As early as possible, Growth Public School personnel shall notify the Executive Director or designee of any request by any officer seeking access to the school site or any student to conduct immigration enforcement, or any requests for review of school documents (including for the service of lawful subpoenas, petitions, complaints, warrants, etc.).
- In addition to notifying the Executive Director or designee, Growth Public School personnel shall take the following action steps in response to an officer present on the school campus specifically for immigration enforcement purposes:
  - a. Advise the officer that, before proceeding with their request, and absent exigent circumstances, school personnel must first receive notification and direction from the Executive Director or designee.
  - b. Ask to see the officer's credentials (name and badge number) and make a copy or note them. Also, ask for and copy or note the officer's supervisor's phone number.
  - c. Ask the officer for their reason for being on school grounds and document it.
  - d. Ask the officer to produce any documentation that authorizes school access.
  - e. Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
  - f. If the officer declares that exigent circumstances exist and demands immediate access to the campus, Growth Public School personnel should comply with the officer's orders and immediately contact the Executive Director or designee.
  - g. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the officer has:
    - An ICE (Immigrations and Customs Enforcement) administrative warrant (see Appendix B), Growth Public School personnel shall inform the officer that they cannot consent to any request without first consulting with the local educational agency's counsel or other designated agency official.
    - 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 the [local educational agency's legal

- counsel or designated administrator] before providing the agent access to the person or materials specified in the warrant.
- A subpoena for the production of documents or other evidence (see Appendix E & F) does not require immediate compliance. Therefore, Growth Public School personnel shall inform the school's legal counsel or other designated official of the subpoena, and await further instructions on how to proceed.
- h. While Growth Public School personnel should not consent to an officer seeking access for immigration enforcement purposes, except as described above, they 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, Growth Public School personnel shall document their actions while on campus and, if feasible, accompany them at all times.
  - i. After the encounter with the officer, Growth Public School 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 their request, what was requested in the warrant/subpoena, and whether a judge signed the warrant/subpoena;
    - Growth Public School personnel's response to the officer's request;
    - Any further action taken by the agent; and
    - A photo or a copy of any documents presented by the agent.
  - j. Growth Public School personnel shall provide a copy of those notes and associated documents collected from the officer to the local educational agency's legal counsel or other designated agency official.
  - k. In turn, the local educational agency's legal counsel or other designated official shall submit a timely report to Growth Public School's governing board regarding the officer's requests and actions and the school's response(s).
  - l. E-mail the Bureau of Children's Justice in the California Department of Justice, at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov), regarding any attempt by an officer or employee of an agency to access a school site or a student for immigration enforcement purposes.

### **Parental Notification of Immigration Enforcement Actions**

- Growth Public School 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.
- Growth Public School personnel shall immediately notify the student's parents or guardians if an officer or employee of an agency requests or gains access to a student for immigration

enforcement purposes, unless such access complied with a judicial warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

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

- Growth Public School shall encourage families and students to have and know their emergency phone numbers and to know where to find necessary documentation, including birth certificates, passports, Social Security cards, doctors' contact information, medication lists, lists of allergies, etc., which will allow them to be prepared if a family member is detained or deported.
- Growth Public School 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.
  - Growth Public School 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.
  - Growth Public School shall inform families that information provided on the emergency cards will be used only in response to specified emergencies and not for any other purpose.
- In the event a student's parent/guardian has been detained or deported by federal immigration authorities, Growth Public School shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, Growth Public School shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. Growth Public School shall only contact a child protective services agency if Growth Public School 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.

### **Responding to Hate Crimes and Bullying**

#### *Adopting and Publicizing Anti-Bullying and Anti-Harassment Policy*

- Growth Public School shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying based on a student's actual or perceived nationality, ethnicity, or immigration status. Those policies must be translated into 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.
- Growth Public School 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 Educational Rights" guide established by the Attorney General (see Appendix G).
  - Growth Public School shall inform students who are victims of hate crimes of their right to report such crimes.

*Processing Complaints of Harassment and Bullying*

- Growth Public School 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
  - gender
  - gender identity
  - gender expression
  - nationality
  - race or ethnicity
  - religion
  - sexual orientation
  - association with a person or group with one or more of the aforementioned characteristics
  - 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 educational agency; and
  - An appeal process should be afforded to the complainant if they disagree with the resolution of a complaint.
  - Growth Public School shall ensure that complaint procedures contain confidentiality safeguards for immigration status information.
  - Growth Public School 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*

- Growth Public School 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.
- Growth Public School 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 a 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.

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- Take immediate corrective action when bullying is observed; and
- Report incidents of criminal behavior to the appropriate authorities, including law enforcement.