

**CLOVIS UNIFIED
SCHOOL DISTRICT****STUDENTS****Rights and Responsibilities****RESPONSE TO IMMIGRATION ENFORCEMENT****A. 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 Superintendent or designee shall annually notify parents/guardians that the District 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.

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, District staff shall:

1. Notify the Superintendent or designee about the information request.
2. Provide students and families with appropriate notice and a description of the immigration officer's request.
3. Document any request for information by immigration authorities.
4. 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 district or in cases involving investigations of child abuse, neglect, or dependency.

Resources and data collected by the District 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)

B. RESPONDING TO REQUESTS FOR ACCESS TO STUDENTS OR SCHOOL GROUNDS

1. Notifying Superintendent or Designee: As early as possible, District personnel shall notify the Superintendent or designee 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.).
2. Interactions with Immigration Officer: In addition to notifying the Superintendent or designee, District personnel shall take the following action steps in response to an immigration officer present on the school campus specifically for immigration enforcement purposes:

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- a. 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 Superintendent or designee.
- b. 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.
- c. Ask the officer for his/her 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, Staff should comply with the officer's orders and immediately contact the Superintendent.
- g. 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:
 - *ICE (Immigrations and Customs Enforcement) Administrative Warrant:* District personnel shall inform the agent that he or she cannot consent to any request without first consulting with the District's legal counsel.
 - *Federal Judicial Warrant:* District personnel shall promptly comply with a search-and-seizure warrant or arrest warrant. If feasible, consult with the District's legal counsel before providing the agent access to the person or materials specified in the warrant.
 - *Subpoena for Production of Documents or Other Evidence:* District personnel are not required to immediately comply with a subpoena. Therefore, District personnel shall direct any individual attempting to serve a subpoena on the District to the office of the Associate Superintendent Administrative Services, who is designated to accept service on behalf of the District.
- h. While District 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, District personnel shall document his or her actions while on campus.
- i. After the encounter with the officer, District personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:

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- List or copy of the officer's credentials and contact information;
 - Identity 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;
 - 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.
- j. District personnel shall provide a copy of those notes, and associated documents collected from the officer, to the District's legal counsel or other District designated personnel.
- k. In turn, the District's legal counsel or other designated District personnel shall submit a timely report to the District's governing board regarding the officer's requests and actions and the District's response(s).
- l. 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.

3. Parental Notification/Consent of Immigration Enforcement Actions

District 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 court order that restricts the disclosure of the information to the parent/guardian.

District personnel must receive consent from the student's parent/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.

C. RESPONDING TO THE DETENTION OR DEPORTATION OF A STUDENT'S FAMILY MEMBER

The Superintendent or designee 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 will allow them to be prepared in the event that a family member is detained or deported.

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The Superintendent or designee 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.

- a. The District 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.
- b. The District 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 detained or deported by federal immigration authorities, the District shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, the District shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. The District shall only contact Child Protective Services if the District 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.

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