

## **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 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 by court order or judicial subpoena.

*(cf. 1340 – Access to District Records)*

*(cf. 3580 – District Records)*

*(cf. 5125 – Student Records)*

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.

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

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)

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

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 warrant or subpoena restricts disclosure to the parent/guardian. District staff 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.

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*(cf. 5145.12 – Search and Seizure)*

All visitors and outsiders, including immigration enforcement officers, shall be required to 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, age if less than 21, purpose in entering school grounds, proof of identity, and any other information required by law. (Penal Code 627.2, 627.3) Immigration enforcement officers shall be required to identify themselves as such.

As early as possible, district staff shall notify School Police and the Office of the Superintendent or designee of the presence of any immigration officers and/or 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, district staff shall take the following actions in response to an officer present on the school campus specifically for immigration enforcement purposes:

1. Advises the officer that, before school personnel can respond to the officer's request, they must first provide notification to and receive direction from School Police and the 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 response.
4. Request that the officer produce any documentation that authorizes his/her school access and make a copy of same.
5. If the officer declares that exigent circumstances exist and demands immediate access to the campus, comply with the officer's orders while awaiting direction from School Police or the Office of the Superintendent or designee.
6. If the officer does not declare that exigent circumstances exist, forward copies of any warrant produced by the officer to School Police and Legal Services and await direction regarding how to proceed.
7. Responding to a warrant or subpoena produced by an immigration officer:

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- a. If an immigration officer produces a warrant, district staff shall notify and await advice from Legal Services or School Police as to the type of warrant produced by the immigration officer and the appropriate response.
  - b. If advised that 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, district staff shall promptly comply with the warrant. If advised that the officer has an administrative warrant issued by Immigrations and Customs Enforcement (ICE), district staff shall await direction from Legal Services as to how to proceed.
  - c. If the officer has a subpoena for production of documents or other evidence, district staff shall notify and await advice from Legal Services or School Police as to how to proceed.
8. District staff should not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or document. If an officer enters the premises without consent, district staff shall report such actions to School Police.
9. Upon receipt of a report of an immigration officer's presence on campus, School Police shall make a record of the following and shall provide copies of same to Legal Services and School Police:
- a. The officer's credentials and contact information.
  - b. The identity of the campus and 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. District 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 district's legal counsel or other designated district official.

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School Police or the Office of the Superintendent or designee shall submit a timely report to the Board of Education regarding the officer's requests and actions and the district's responses. (Education Code 234.7)

The Superintendent or designee shall also mail the Bureau of Children's Justice in the California Department of Justice ([BCJ@doj.ca.gov](mailto: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 a Student's Family Member**

The Superintendent or designee shall encourage students and their 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 Superintendent 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 Superintendent 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 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. The Superintendent or designee shall only contact child protective services if district personnel 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 Superintendent 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 district 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. (Education Code 48204.4)

*(cf. 5111.1 – District Residency)*

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The Superintendent or designee may refer a student or his/her family members to other resources for assistance, including, but not limited to, an ICE detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.

Regulation  
approved: April 9, 2019

**SAN DIEGO UNIFIED SCHOOL DISTRICT**  
San Diego, California