

**Da Vinci Schools Board Policy
Response to Immigration Issues**

Approved & Adopted on June 18, 2018

The Board of Trustees is committed to providing a safe and welcoming learning environment for all students and their families irrespective of their citizenship or immigration status.

School personnel shall not collect information or documents regarding the citizenship or immigration status of students or their family members, except as required by state or federal law or as required to administer a state or federally supported educational program. (Education Code 234.7)

All individuals shall be treated equitably in the receipt of school services. No student shall be subjected to unlawful discrimination, harassment, intimidation, or bullying in the programs and activities conducted by the charter school on the basis of his/her immigration status. (Education Code 200, 220, 234.1)

In the annual notification pursuant to Education Code 48980, parents/guardians shall be notified of their children's right to a free public education, regardless of immigration status or religious beliefs. The notification shall include information relating to "know your rights" immigration enforcement established by the California Office of the Attorney General. (Education Code 234.7)

The Chief Executive Officer shall develop procedures for addressing any requests by an officer or employee of a law enforcement agency for access to student information, contact with students, or school facilities for the purpose of immigration enforcement. All school personnel shall be informed of such procedures on an annual basis.

The principal shall report to the 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 in a manner that ensures the confidentiality of any potentially identifying information. (Education Code 234.7)

Legal Reference:

EDUCATION CODE

200 Educational equity

220 Prohibition of discrimination

234.1 Safe Place to Learn Act

234.7 Student protections related to immigration and citizenship status

48980 Annual notification of parent rights and responsibilities

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 by outsiders

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act

Da Vinci Schools Administrative Regulations

Response to Immigration Issues

The charter school shall provide a safe, secure, and peaceful learning environment for all students and staff. The charter school defines sensitive locations to include its schools, school-sponsored activities, including those occurring in public places and adjacent areas, and all of the charter school's properties, including but not limited to, facilities owned, controlled by, or leased by the charter school.

Immigration enforcement actions at or focused on sensitive locations are generally avoided but may occur. As such, school personnel shall respond appropriately to the request of immigration authorities for access to student information, contact with a student, or school facilities.

Responding to Request for Information

Unless authorized by the Family Educational Rights and Privacy Act pursuant to 20 USC 1232g, student information, including personal information of the student's family members, shall not be disclosed to an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws without parental consent, a court order, or judicial subpoena.

Upon receiving any verbal or written request for information related to the immigration or citizenship status of a student or members of the student's family, school personnel shall:

1. Notify the principal about the information request
2. Provide students and families with appropriate notice and a description of the immigration enforcement officer's request
3. Document any request for information by immigration authorities
4. Provide students and parents/guardians with any documents issued by the immigration enforcement officer, unless prohibited by a lawfully issued and effective subpoena served on the charter school or in cases involving investigations of child abuse, child neglect, or child dependency

Resources of and data collected by the charter school shall not be used, directly or by others, to compile a list, registry, or database of individuals based on religion, national origin, ethnicity immigration status, or other category of individual characteristics protected against unlawful discrimination. Resources of the charter school include, but are not limited to, funds, facilities, property, equipment, or personnel. (Government Code 8310.3)

Responding to Requests for Access to Students or School Facilities

School personnel shall obtain parent/guardian consent before a student is interviewed or searched by an 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. A student's parent/guardian shall be immediately notified if the officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant or subpoena restricts disclosure to the parent/guardian.

All visitors and outsiders, including immigration enforcement officers, shall register with the designated school personnel upon entering school grounds during school hours. Each visitor or

outsider shall provide the designated school personnel with his/her name, address, occupation, 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)

School personnel shall report the presence of any immigration enforcement officers to the principal or designee, and shall take the following actions in response to an officer present on the school campus specifically for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to his/her request, they must first receive notification and direction from the Chief Executive Officer or designee, except under exigent circumstances that necessitate immediate action.
2. Ask to see, and make a copy of or note, the officer's credentials (name and badge number) and phone number of his/her supervisor.
3. Ask the officer for his/her reason for being on school grounds and document the response.
4. Ask the officer to produce any documentation that authorizes school access.
5. Make a copy of all documents provided by the officer and retain one copy for school records.
6. If the officer declares that exigent circumstances exist and demands immediate access to school grounds, comply with the officer's orders and immediately contact the Chief Executive Officer or designee. Exigent circumstances exist when there is an:
 - a. Enforcement action involving a national security or terrorism matter;
 - b. Enforcement action involving the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual posing an imminent danger to public safety;
 - c. Imminent risk of death, violence, or physical harm to a person or property; or
 - d. Imminent risk of destruction of evidence material to an ongoing criminal case
7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation, as follows:
 - a. If the officer has an Immigrations and Customs Enforcement (ICE) administrative warrant, school personnel shall inform the officer that they cannot consent to any request without first consulting with the charter school's legal counsel or Chief Executive Officer (CEO).
 - b. If 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, school personnel shall promptly comply with the warrant. If feasible, school personnel staff shall consult with the charter school's legal counsel or Chief Executive Officer before providing the officer with access to the person or materials specified in the warrant.
 - c. If the officer has a subpoena for production of documents or other evidence, school personnel shall inform the charter school's legal counsel or Chief Executive Officer of the subpoena and await further instructions as to how to proceed.

8. Do 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, school personnel shall document the officer's actions while on school grounds.
9. After the encounter with the officer, promptly make written notes of all interactions with the officer, including:
 - a. A list or copy of the officer's credentials and contact information
 - b. The identity of all 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. School personnel'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 charter school's legal counsel or Chief Executive Officer.

The charter school's legal counsel or Chief Executive Officer shall submit a timely report to the Board of Trustees regarding the officer's requests and actions and the charter school's responses. (Education Code 234.7)

The Chief Executive Officer or designee shall email the Bureau of Children's Justice in the California Department of Justice, at BCJ@doj.ca.gov, regarding any attempt by an officer or employee of a law enforcement agency 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 principal 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 principal 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.

The principal or designee shall also encourage all students and families to learn 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, and other such information that would allow the them 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 principal 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 principal or designee shall only contact child protective services if school 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.

Notification Requirements

Parents/guardians shall receive annual notification of the following, including information relating to "know your rights" immigration enforcement established by the California Office of the Attorney General:

1. Students have the right to equal access to free public education, regardless of immigration status or religious beliefs.
2. The charter school will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or it is in compliance with a court order or judicial subpoena.
3. The categories of information that the charter school has classified as directory information that may be disclosed without parent/guardian consent does not include citizenship status, immigration status, place of birth, or any other information indicating national origin.
4. School 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.
5. School personnel shall immediately notify the student's parent/guardian if an officer or employee of a law enforcement agency 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/guardian.
6. The charter school receives and investigates complaints of discrimination, harassment, intimidation, and bullying based on immigration status in accordance with its Uniform Complaint Procedures.
7. Students who are victims of hate crimes have the right to report such crimes.

The annual notification to parents/guardians shall be provided in English and in the parents'/guardians' primary language(s) if at least 15 percent of the students enrolled in the school speak a single primary language other than English, as required by Education Code 48985.