



SCHOOL & COLLEGE LEGAL SERVICES
OF CALIFORNIA

Responding to Immigration Issues in K-12 Schools

December 3, 2024

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AGENDA

**Summary of Current
California Law: AB 699**

**Responding to ICE on
Campus**

Policy Refresh

Summary of Current Law

AB 699

- ✓ Adds **immigration status** to the list of characteristics that are expressly protected from discrimination;
- ✓ **Prohibits collecting information** or documents about the immigration status or citizenship of students and their families, unless they are required to do so by state or federal law in order to administer a state or federally supported educational program;

AB 699

- ✓ **Requires superintendents to report to the governing board** any requests for information or access to a school for the purposes of immigration enforcement;
- ✓ **Requires education for students about the negative impact of bullying** based on immigration status or religious beliefs and customs; and
- ✓ **Requires adoption of a policy**, by July 1, 2018, that is consistent with the Attorney General's model policy regarding immigration enforcement at public schools.

California Department of Justice Guidance

- ✓ Guidance and Model Policies
- ✓ Quick Reference for School Officials
- ✓ Guide for Students and Families

Responding to ICE on Campus

1. Notify the designated LEA administrator of the request.
2. Advise the immigration officer that, before proceeding with the request, and absent exigent circumstances, you must first receive direction from the LEA administrator.
3. Ask to see, and make a copy of or note, the officer's credentials (name and badge number), and the phone number of their supervisor.
4. Ask the officer for their reason for being on school grounds and document it.

Responding to ICE on Campus

6. Ask the officer to produce any documentation that authorizes school access.
7. Make a copy of all documents provided by the officer.
8. If the officer declares that exigent circumstances exist and demands immediate access to the school, comply with their orders and immediately alert the LEA administrator.
9. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation.

Responding to ICE on Campus

Understanding Documentation from ICE (no exigent circumstances):

- **ICE (Immigrations and Customs Enforcement) administrative warrant or a subpoena for production of documents** or other evidence, inform the officer that you cannot consent to any request without first consulting with the LEA legal counsel or other designated administrator.
- **Federal judicial warrant** (search-and-seizure warrant or arrest warrant), prompt compliance with such a warrant is usually legally required. If feasible, consult with your legal counsel or designated LEA administrator before providing the officer access to the person or materials specified in the warrant.

Responding to ICE on Campus

Consent to access when:

- (A) The officer states they have exigent circumstances; or
- (B) The officer has a federal judicial warrant.

BUT NOTE: school staff should never physically impede an officer, even if they appear to lack authorization to enter. If an officer enters the premises without consent, document their actions while on campus, but do not impede access.

Responding to Information Requests

Requests for information related to a student's or family's immigration or citizenship status that is NOT supported by a judicial warrant or court order:

- ✓ Notify your designated LEA administrator about the information request.
- ✓ Provide students and families with appropriate notice and a description of the immigration officer's request.

Responding to Court Orders, Subpoenas or Warrants

- ✓ Notify the parents or guardians if you receive a court order, subpoena, or warrant requesting information regarding a student or family member, unless: (1) the warrant or subpoena concerns an investigation of child abuse, child neglect, or child dependency, or (2) the subpoena prohibits disclosure.

Responding to Court Orders, Subpoenas or Warrants

- ✓ Secure written consent from the parent/guardian/adult student before releasing information: You must get 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.

Ensure Your Policies are Updated to Reflect AB 699

AB 699 - Mandated Policies

AB 699 mandated that the Attorney General publish model policies:

“ . . . limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal 5 and state law, and ensuring that public schools remain safe and accessible to all California residents regardless of immigration status. ”

And

That all LEAs must adopt these or equivalent policies.

Policy Refresh

Are Your LEA's Policies are in Compliance?

- BP/R 5145.13 – Response to Immigration Enforcement
- BP/R 5125 – Student Records
- R 5125.1 – Release of Directory Information
- BP/R 5111 – Admission
- BP/R 5111.1 – District Residency
- BP/R 5131.2 – Bullying
- BP/R 0410 – Nondiscrimination in District Programs and Activities.

*On the Horizon:
Special Legislative Session
December 2, 2024*

Questions?



Information in this presentation, including but not limited to PowerPoint handouts and presenters' comments, is summary only and does not constitute legal advice. We advise you consult with legal counsel to determine how this information may apply to your specific facts and circumstances.

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