

Guiding Principles

Immigration enforcement activities in and around schools create hardships and barriers to health and educational attainment for immigrant students, and establish a pervasive climate of fear, conflict, and stress that affects all Para Los Niños students, regardless of their background or immigration status.¹ The federal government has recognized the human cost associated with immigration enforcement on campus and declared that schools are “sensitive locations” at which immigration enforcement activity should not occur. Accordingly, federal immigration enforcement activities in and around Para Los Niños property² would be a severe disruption to the learning environment and educational setting for students.

Para Los Niños (PLN) is committed to providing a safe, welcoming, and inclusive learning environment for immigrant students and their families. Para Los Niños is also committed to protecting the rights of immigrant students and their families through policies that prohibit information-sharing with local law enforcement and federal immigration authorities³ to the fullest extent possible under the law.

Para Los Niños shall not adopt or implement policies, practices, or procedures that exclude students from school based on their or their parents’ or guardians’ actual or perceived immigration status. Furthermore, PLN personnel shall treat all students equitably in the receipt of all school services, including, but not limited to, the free and reduced meal program, transportation, and educational instruction.

The specific provisions of this policy, which limit PLN’s participation in immigration enforcement to the maximum extent permitted by law, are necessary to fulfill the PLN’s obligation to provide all students, regardless of their immigration status, equal access to education.

Prohibition Against Immigration Enforcement Activities by District or On-Campus

In addition to establishing a climate of fear, conflict, and stress, when campus police and other district staff⁴ are involved in enforcing federal civil immigration law, it 1) creates the perception that they are exercising federal immigration enforcement authority; 2) decreases the likelihood that students will cooperate with campus police and officials based on fears that this could lead to their deportation or the deportation of family members; and 3) conflicts with the PLN’s constitutional obligation to provide equal educational opportunities to students regardless of their immigration status.

¹ “Citizenship or immigration status” refers to all matters regarding citizenship, the authority to reside in or otherwise be present in the United States, the time or manner of a person’s entry into the United States, or any other civil immigration matter enforced by the Department of Homeland Security (“DHS”) or other federal agency charged with the enforcement of civil immigration law.

² PLN property includes, but is not limited to, all school sites, early education centers, adult school facilities, and PLN administrative offices.

³ “Federal immigration authorities” means any officer, employee, or person otherwise paid by or acting as an agent of United States Immigration and Customs Enforcement (“ICE”) or any division thereof, or any other officer, employee, or person otherwise paid by or acting as an agent of the United States Department of Homeland Security (“DHS”) who is charged with the enforcement of civil immigration law.

⁴ “PLN staff and personnel” includes all persons employed by PLN, including administrative staff, school personnel, and school security personnel.

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PLN shall not enter into agreements with state or local law enforcement agencies, or any federal agency, to conduct or support immigration enforcement activities.

Immigration Authorities' Access to School Site or Request to Interview a Student

In accordance with these principles and general PLN policies restricting visitor access to school sites for school-related purposes only, PLN shall deny all requests by federal immigration authorities for access to a school site or to interview a student. Given the particular threat immigration enforcement poses to the learning environment, these requests shall be immediately forwarded to the PLN Chief Executive Officer, Superintendent or other appropriate senior official for review and a decision on whether to reverse the denial and allow access to the site or the student, and/or a decision on whether such access will conflict with PLN compliance with the legal principles articulated in *Plyler v. Doe* and other applicable laws.

When federal immigration enforcement agents request access to a school site or to interview a student, the CEO and/or Superintendent shall ask for the agents' credentials, ask why the agents are requesting access, and ask to see a warrant signed by a federal or state judge. Federal immigration enforcement agents must provide to the CEO and/or Superintendent written authorization from ICE instructing them to enter District property, including the purpose of such entry, as well as a warrant signed by a federal or state judge which specifies the name of the person under arrest or area to be searched. If the federal immigration enforcement agents are not able to provide such written authority and warrant, the CEO and/or Superintendent shall prohibit their access to District property.

If the federal immigration enforcement agents satisfy the above criteria, the school site principal or his/her designee shall oversee the agents' investigation. Such oversight includes prohibiting access to information, records, and areas beyond that specified in the warrant. For student interviews, a private location out of sight and hearing of other students should be arranged, where practicable, that will help avoid invading the student's privacy, jeopardizing the safety and welfare of other students, and further disruption of the school campus. The principal or designee shall discourage federal immigration enforcement agents from interviewing or escorting students through school hallways in view of students. PLN expects that federal immigration enforcement agents will provide the principal or designee the opportunity to be present during any interview of a student.

Access to Student Records

In addition to the standards set forth in the paragraphs below regarding student informational privacy, PLN shall refuse all informal requests by federal immigration authorities for voluntary access to student records, including requests to access student directory information and information that may be disclosed to law enforcement under the Family Education Rights and Privacy Act ("FERPA"), across all aspects of PLN and to the fullest extent possible under the law.⁵ If presented with an ICE Administrative Subpoena⁶ for records, PLN shall forward the subpoena to the CEO and Superintendent, who will in turn inform the federal immigration authorities of PLN's general policy against sharing student records. In the event the federal immigration authorities seek to enforce the subpoena in court, PLN will oppose that motion and may appeal a court order enforcing the subpoena. PLN will comply with any final court order enforcing an Administrative Subpoena issued to federal immigration authorities.

⁵ FERPA authorizes, but does not require, PLN's voluntarily disclosure of student directory information. PLN will refuse any informal request for voluntary disclosure of student directory information.

⁶ "ICE Administrative Subpoena" is a subpoena to require the testimony of witnesses or production of records.

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When required by judicial warrant⁷ or other court order to provide federal immigration authorities' access to a student's records, the school site principal or his/her designee shall oversee the federal immigration enforcement agents' investigation. Such oversight includes guaranteeing that the federal immigration enforcement agents access only the information specified in the warrant or judicial order.

Immigration Authority's Request to Take Custody of a Student

Absent a judicial warrant or other court order, federal immigration enforcement agents will not be permitted access to the school site, students, or student records. PLN and its staff, faculty, employees, and campus police will not honor any ICE detainers or requests to obtain custody of a student.

Federal immigration authorities may take custody of a student only if they present a judicial warrant or court order that satisfies the criteria described above in the above section, "Immigration Authorities' Access to School Site or Request to Interview a Student." Federal immigration authorities cannot circumvent the protections afforded students under the law and this Policy by seeking assistance from, or participating in enforcement activities with, local law enforcement.

In the event a student's parent or guardian has been arrested 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 by the student's guardian. Alternatively, PLN will release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit⁸ on behalf of the child. In the event there is no emergency contact listed or the emergency contact(s) are not able to take custody of the child, and no person with a Caregiver's Authorization Affidavit presents themselves on behalf of the child within 12 hours, PLN will release the student to County Child Protective Services.

Student Informational Privacy

Prohibition Against PLN Inquiries Relating to Students' and Families' Personal Information

PLN staff shall not require or request information that relates to students' or their families' immigration status, including requests for a social security number, passport, a birth certificate, or other citizenship-related documents. PLN personnel shall not inquire into a student's or a family member's immigration status.

Prohibition Against PLN Data Collection and Distribution of Information Relating to Students' or Their Families' Immigration Status

PLN personnel who learn of information related to a student's or their family member's actual or perceived immigration status must keep that information confidential and therefore shall not record or distribute that information.

Pursuant to the Family Education Rights and Privacy Act ("FERPA"), PLN personnel shall not disclose personally identifying information found in a student's education records without parental consent

⁷ "Judicial warrant" means a warrant based on probable cause and issued by a state federal judge or a federal magistrate judge that authorizes federal immigration authorities to take into custody the person who is the subject of the warrant.

⁸ Use of the Caregiver's Authorization Affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

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authorizing, or a judicial order mandating, the disclosure. Prohibited information-sharing under this policy includes, but is not limited to, disclosing information in a student's cumulative file relating to the student or their family member's immigration status.

PLN personnel shall follow this policy and not disclose, without parental consent, a student's immigration status, county of birth, or other personally identifiable information.⁹

Prohibition Against Information Sharing with Local Law Enforcement and Federal Immigration Authorities

PLN staff shall not initiate communication with federal immigration authorities or local, state, or federal law enforcement regarding a student's or their family member's personal information. Categories of information about a student or family member that may not be shared include:

1. Gender identity;
2. Sexual orientation;
3. Status as a survivor of domestic violence;
4. Survivor of sexual assault;
5. Crime witness;
6. Recipient of public assistance;
7. Actual or perceived immigration or citizenship status;
8. National origin;
9. School discipline record; and
10. All information included in an individual's or household's income tax records.

Absent a judicial warrant or other court order, federal immigration authorities and local, state, and federal law enforcement will not be permitted access to student records. Any formal requests for information from federal immigration authorities or local, state, or federal law enforcement shall be forwarded to the CEO and Superintendent for review. Consistent with the standards set forth in the paragraphs above, PLN shall forward any judicial warrant, ICE Administrative Subpoena, or other subpoena for student records to the CEO and Superintendent for review, and shall not respond to any subpoena for records absent a court order enforcing the subpoena.

Parental Notification

If any federal immigration authority requests or gains access to a student or their records held by the school or PLN, PLN staff must immediately notify the student's parent or guardian that the federal immigration authority sought access to the student. PLN shall remind the parent that they have the right to authorize and send a designee to pick up their child on the parent's behalf. PLN shall allow the child to wait in the office until the parent or his or her designee pick up the student. PLN personnel who provide parental notice are prohibited from inquiring into the parent or guardian's immigration status.

Efforts to contact parents by the principal or designee must include calling all numbers listed on the student's emergency card, including work numbers, cell phone numbers, and all numbers supplied by the

⁹ FERPA authorizes, but does not require, the PLN's voluntarily disclosure of student directory information. PLN will therefore refuse any informal request for voluntary disclosure of student directory information.

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student. The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian.

When notifying the student’s parent or guardian, PLN staff shall also direct the notified parent to PLN-approved resources regarding parents’ rights when federal immigration authorities question or detain their children at school. PLN-approved resources should be developed by organizations that specialize in immigrants’ rights issues, such as the National Immigration Law Center or the National Immigrant Justice Center.

Data Tracking

The school principal or designee shall document each instance when any federal immigration authority requests access to a school site, student records, or student; each instance when any federal immigration authority interviews a student on school grounds; and each instance when any federal immigration authority detains a student on school grounds. Such records shall include the date and time, name and identifying number of all federal immigration enforcement agents involved in the request; the agency employing the federal immigration enforcement agents and each agent’s official capacity; the time when each federal immigration enforcement agent arrived and left; whether the principal or designee was or was not present during the student interview; the reason the student was questioned and/or released; and any other pertinent information.

The school principal or designee shall also notify the CEO and Superintendent and enter a written Incident Report the same day to detail any immigration enforcement activity involving a PLN student. All Incident Reports shall be logged into the PLN’s centralized database system. All Incident Reports, and the centralized database system, must record the school site, nature of the incident or offense, race, ethnicity, gender, disability, if applicable, and age of the student or students involved in the incident. The database system shall be structured in a way that will protect the individual student’s identity if records from the system are released to the public.

The Incident Report procedures and protocol shall comport with requirements and guidelines set forth in the paragraphs above. Specifically, in drafting the written Incident Report, the school principal or designee shall not record the student’s personal identifying information.

Training and Distribution of Policy

Within the next 90 days, the Chief Executive Officer shall develop a plan for training teachers, administrators and other staff on how to respond to federal immigration authorities who request information about students and families and/or attempt to enter school property. The training plan shall also include procedures for notifying families about federal immigration enforcement agents’ efforts to gain information about students and families, and how to support students whose family members have been displaced because of immigration enforcement. PLN shall create in-language versions of the plan and distribute it to all PLN families.

Policy

Adopted:

Revised:

[Para Los Niños]

[Location]