

SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION

SUPERINTENDENT POLICY

Response to Immigration Enforcement

SP 5145.13

Students

The Governing Board is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

District staff shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at district schools, except as may be required by state and federal law. (Education Code 234.7)

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of his/her immigration status. (Education Code 200, 220, 234.1)

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

Consistent with requirements of the California Office of the Attorney General, the Superintendent or designee shall develop procedures for addressing any requests by a law enforcement officer for access to district records, school sites, or students for the purpose of immigration enforcement.

Teachers, school administrators, and other school staff shall receive training regarding immigration issues, including information on responding to a request from an immigration officer to visit a school site or to have access to a student.

The Superintendent or designee 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. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

REFERENCES:

State	Description
Ed. Code 200	Equal rights and opportunities in state educational institutions

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State	Description
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.1	Prohibition of discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48204.4	Evidence of residency for school enrollment
Ed. Code 48980	Parental notifications
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 627.1-627.6	Access to school premises, outsiders

Federal	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources	Description
CA Office of the Attorney General Publication	Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
Court Decision	Plyler v. Doe, 457 U.S. 202 (1982)
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
Website	<u>U.S. Immigration and Customs Enforcement, Online Detainee Locator System</u>
Website	<u>California Attorney General's Office</u>
Website	<u>California Office of the Attorney General</u>

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Management Resources	Description
Website	<u>U.S. Department of Education, Office for Civil Rights</u>
Website	<u>U.S. Immigration and Customs Enforcement</u>
Website	<u>California Department of Fair Employment and Housing</u>
Website	<u>CSBA</u>
Website	<u>California Department of Education</u>

APPROVED BY COUNTY SUPERINTENDENT OF SCHOOLS: 12/4/2020