



**RESPONDING TO IMMIGRATION ISSUES:  
GUIDANCE FROM THE OFFICE OF THE ATTORNEY GENERAL  
TO ASSIST CALIFORNIA K-12 SCHOOLS**

*It is the law of the State of California that no person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, in any program or activity conducted by Summit Public Schools ("Summit").*

*Assembly Bill No. 699 mandates that the Attorney General publish model policies "...ensuring that public schools remain safe and accessible to all California residents regardless of immigration status" and mandates that all local education agencies in California, including the Summit schools, adopt these or equivalent policies. For additional information, please review the Office of the Attorney General publication "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues" which can be found [here](#). Additional information regarding student rights can be found on Summit's Student and Family Resources page.*

**Policies for Collecting and Retaining Student Information**

If Summit possesses information that could indicate immigration status, citizenship status, or national origin information, Summit will not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school.

If parents or guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status, or national origin information, Summit will not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

Summit will not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin except as otherwise required by law.

**Inquiries Regarding Immigration Status, Citizenship Status, and National Origin Information**

Summit personnel may not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians for purposes of immigration enforcement; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status (e.g. a green card, voter registration, a passport, or citizenship papers, etc.).

Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, Summit personnel will solicit that documentation or information separately from the school enrollment process.

Where permitted by law, the Superintendent or Chief of Schools, or the designees thereof, shall use alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means will include among them documentation or information that are available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status.

Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this Policy, Summit's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this Policy.

### **Inquiries About Social Security Numbers or Cards**

Summit personnel will not solicit or collect entire Social Security numbers or cards. Summit personnel may solicit and collect the last four digits of an adult household member's Social Security number only if required to establish eligibility for federal benefit programs. When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, Summit personnel are directed to explain the limited purpose for which this information is collected and clarify that a failure to provide this information will not bar the student from enrolling in or attending the school.

Summit will treat all students equitably in the receipt of all school services, including, but, not limited to, the gathering of student and family information for the free and reduced lunch program, transportation and educational instruction.

### **Information Sharing**

Summit will avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by Family Educational Rights and Privacy Act ("FERPA") or authorized by the student or the student's family.

In accordance with the Attorney General's guidance, upon receiving an information request related a student's or family's immigration or citizenship status, Summit personnel are directed to:

1. Notify a designated Summit official about the information request;
2. Provide students and families with appropriate notice and a description of the immigration officer's request;
3. Document any verbal or written request for information by immigration authorities; and
4. Provide students and parents/guardians with any documents issued by the immigration-enforcement officer unless such disclosure is prohibited.

Summit personnel shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on Summit prohibits disclosure. No student information shall be disclosed to immigration authorities for immigration

enforcement purposes without a court order, judicial subpoena, or as otherwise required by law.

### **Monitoring and Receiving Visitors onto Campus**

No outsider including, but not limited to immigration-enforcement officers, shall be permitted to enter or remain on school grounds during school hours without having registered with the Executive Director, Assistant Director, Dean or Operations or the designee thereof.

If there are no exigent circumstances necessitating immediate action, and if the immigration officer does not possess a judicial warrant or court order that provides a basis for the visit, Summit requires immigration enforcement officers to provide the following to the Executive Director:

- Name, address, occupation;
- Age, if less than 21;
- Purpose in entering school grounds;
- Proof of identity; and
- Any other information as required by law.

Summit personnel shall report entry by immigration-enforcement officers to the Executive Director and/or Assistant Director as would be required for any unexpected or unscheduled outside visitor coming on campus.

### **Responding to On-Campus Immigration Enforcement**

As early as possible, Summit personnel shall notify the Superintendent or the Chief of Schools of any request by an immigration-enforcement officer for school or student access, or any requests for review of school documents (e.g. services of lawful subpoenas, petitions, complaints, warrants, etc.).

In response to immigration enforcement officers present on school campus, Summit personnel are directed to:
<ol style="list-style-type: none"><li>1. Advise the officer that before proceeding with their request, and absent exigent circumstances, school personnel are required to notify and receive direction from the Superintendent, Chief of Schools, or Executive Director.</li><li>2. Request and make a copy of the officer's credentials (e.g. name and badge number).</li><li>3. Request and note the phone number of the officer's supervisor.</li><li>4. Ask the officer for their reason for being on school grounds and document it.</li></ol>

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| <ol style="list-style-type: none"> <li>5. Ask the officer to produce any documentation that authorizes school access.</li> <li>6. Make a copy of all documents provided by the officer and retain one copy of the documents for school records.</li> </ol> |
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**Exigent Circumstances Exist.** If the officer declares that exigent circumstances exist and demands immediate access to the campus, Summit personnel should comply with the officer's orders and immediately contact the Executive Director or Assistant Director and the Superintendent or Chief of Schools.

**Exigent Circumstances Do Not Exist.** If the officer does not declare that exigent circumstances exist, Summit personnel shall follow the requirements of the officer's documentation.

<p><b>1. If the immigration-enforcement officer has an administrative warrant from Immigrations and Customs Enforcement....</b></p>	<p><b>Summit personnel shall inform the agent that they cannot consent to any request without first consulting with the Summit's legal counsel or other designated agency official.</b></p>
<p><b>2. If the immigration-enforcement officer has a federal judicial warrant (e.g. a search-and-seizure warrant or arrest warrant)....</b></p>	<p><b>Prompt compliance with such a warrant is usually legally required.</b></p> <p>If feasible, consult with Summit's legal counsel or other designated administrator before providing the agent access to the person or materials specified in the warrant</p>
<p><b>3. If the immigration enforcement officer has a subpoena for production of documents or other evidence...</b></p>	<p><b>Immediate compliance is not required.</b></p> <p>Summit personnel shall inform the Summit' legal counsel or other designated official of the subpoena, and await further instructions on how to proceed.</p>

**Campus Access without Consent.** Except as described above, Summit personnel should not consent to access by an immigration-enforcement officer. However, the Office of the Attorney General advises that Summit personnel should 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, Summit personnel shall document the officer's actions while on campus.

**Documenting Interactions with Immigration Officers**

After the encounter with the officer, Summit personnel shall promptly take written notes of all interactions with the officer and include:

1. A copy of the officer's credentials and contact information;

2. A list of all school personnel who communicated with the officer;
3. Details of the officer's request;
4. Whether the officer presented a warrant or subpoena to accompany their request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
5. Staff response to the officer's request;
6. Any further action taken by the officer; and
7. Photo or copy of any documents presented by the agent.

Summit personnel shall provide a copy of those notes, and associated documents collected from the officer, to Summit's legal counsel or other designated official.

In turn, Summit's legal counsel or other designated official shall submit a timely report to leadership regarding the officer's requests and actions and Summit's response(s). In addition, for California schools, Summit's legal counsel or other designated officials will e-mail the Bureau of Children's Justice in the California Department of Justice, at [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.

### **Parental Notification of Immigration-Enforcement Actions**

Summit must receive consent from the student's parent or 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.

Summit personnel shall immediately notify the student's parents or guardians if a law-enforcement officer 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 or guardian.

### **Responding to the Detention or Deportation of a Student's Family Member**

***Access to Important Documents.*** Summit encourages families and students to maintain access to important documents including:

- Emergency phone numbers;
- Birth certificates;
- Passports;
- Social Security cards;
- Contact info for healthcare provider;
- Lists of medications and prescriptions;
- Lists of allergies.

The documents above, among others, may be helpful in the event that a family member is detained or deported.

**Emergency Contact Information.** Summit shall permit students and families to update students' emergency contact information as needed throughout the school year, and provide alternative contacts if no parent or guardian is available. Summit shall ensure that families may include the information of an identified trusted adult guardian as a secondary emergency contact in case a student's parent or guardian is detained.

Summit shall communicate to families that information provided within the emergency cards will only be used in response to specified emergency situations, and not for any other purpose.

**Detention/Deportation of a Parent/Guardian.** In the event a student's parent/guardian has been detained or deported by federal immigration authorities, the Office of the Attorney General directs Summit to use the student's provided emergency contact information and release the student to the person(s) designated as emergency contacts. In the alternative, Summit may release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student.

Summit will only contact Child Protective Services if Summit personnel are unsuccessful in arranging for the timely care of the child through the emergency contact information that the school has, a Caregiver's Authorization Affidavit, or other information or instructions conveyed by the parent or guardian.

### **Additional Resources**

For additional information regarding your rights and immigration enforcement, Summit shares access to the following:

- [Immigration Resource Directory](#) (English) – California Courts: The Judicial Branch of California
- [Recursos de Inmigración](#) (Spanish) – California Courts: The Judicial Branch of California
- [Know Your Rights and What Immigrant Families Should Do Now](#) - Immigrant Legal Resource Center