

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

SUPERINTENDENT'S POLICY PROCEDURES

100-7

Responding to Immigration Enforcement

Responding to Requests for Information or Documents

Upon receiving any request by an officer or employee of an agency conducting immigration enforcement for information about a student, a student's family or household, as described in the accompanying Superintendent's policy, the request shall be denied, to the extent practicable, unless any of the following apply: (Education Code 234.7; 34 CFR 99.30, 34 CFR 99.31)

1. The request is for student directory information

The response to the request shall be in accordance with Superintendent Policy 100-14 – Student Records and Superintendent's Policy Procedure 100-14 – Student Records.

2. The records or information are required to be released by state or federal law, in order to administer a state or federally supported educational program, or due to a valid judicial subpoena, judicial warrant, or court order
3. For records or information about a student or a student's family or household, the parent/guardian has provided written consent unless prohibited by a valid judicial subpoena, judicial warrant, or court order, or in cases involving investigation of child abuse, neglect, or dependency or, if the student is at least 18 years of age, the student has provided written consent.

Such written consent shall include all of the following: (34 CFR 99.30)

- a. The signature and signature date of the parent/guardian, or student if the student is at least 18 years of age
 - b. A description of the records to be disclosed
 - c. The reason for the release of information
 - d. The parties or class of parties receiving the information
 - e. A copy of the records to be released, if requested by the parent/guardian or student
4. For records or information about a COE employee, the employee has provided written consent and the human resource department or equivalent has been consulted

Such written consent shall include all of the following:

- a. The signature and signature date of the employee
- b. A description of the records to be disclosed
- c. The reason for the release of information
- d. The parties or class of parties receiving the information
- e. A copy of the records to be released, if requested by the employee

Regardless of whether the requested records or information are disclosed, all of the following shall occur when such a request has been received:

1. Make a copy of the request and notify the County Superintendent of Schools or designee
2. For requests regarding student information, provide the student's parent/guardian, or the student, if the student is at least 18 years of age, with notice, a description of the request, and any documentation describing the request, unless prohibited by a valid judicial subpoena, judicial warrant, or court order, or in cases involving investigation of child abuse, neglect, or dependency

Regardless of whether the officer or employee is given access to the student, the student's parent/guardian shall be immediately notified, unless prohibited by a valid judicial warrant or court order, or in cases involving investigations of child abuse, neglect, or dependency. (Education Code 48906)

Additionally, the County Superintendent or designee shall be notified as early as possible of any request by an officer or employee of an agency conducting immigration enforcement for access to a student. (Education Code 234.7)

For a request for permission to enter a school bus, any other transportation provided by the COE, a nonpublic area of any COE property or facility, or a nonpublic area where any COE-sponsored program or activity is occurring, the request shall be denied unless any of the following apply: (Education 234.7)

1. The officer or employee provides a valid judicial warrant or court order
2. Permission is required to be granted by state or federal law or in order to administer a state or federally supported educational program

3. The officer or employee is a sworn law enforcement officer, declares that exigent circumstances exist, and demands immediate access

In this situation, the officer's or employee's orders shall be complied with and then the County Superintendent or designee shall be immediately contacted, and then legal counsel shall be contacted.

An officer or employee of an agency conducting immigration enforcement who, pursuant to this administrative regulation, is granted permission to enter COE property or facilities which are not open to all visitors shall first register in, except in cases where the officer or employee is a sworn law enforcement officer and states that exigent circumstances exist. (Penal Code 627.2, 627.3)

Responding to Immigration Enforcement Activity on COE Property

When any officer or employee of an agency conducting immigration enforcement is actually or imminently present on COE property, staff working at the property shall be notified and, if the COE property is a school, the parents/guardians of students at the school.

The presence of any officer or employee of an agency conducting immigration enforcement on COE property shall be reported to COE police and other appropriate administrators.

However, an officer or employee of an agency conducting immigration enforcement who nonetheless enters COE provided transportation, a nonpublic area of any COE property or facility, or a nonpublic area where any COE sponsored program or activity is occurring shall not be obstructed, interfered with, or otherwise impeded.

After all officers and employees of an agency conducting immigration enforcement leave, legal counsel or other designated COE official shall be provided with relevant information related to observations and interactions.

Responding to the Detention or Deportation of Student's Parent/Guardian

Parents/guardians are encouraged to update their emergency contact information as needed at any time. Parents/guardians shall be notified that the COE will only use information provided on the emergency cards in response to specific emergency situations and not for any other purpose. (Education Code 234.7)

Additionally, all students and families are encouraged to learn their emergency phone numbers and be aware of the location of important documentation, including birth certificates, passports, social security cards, physicians' contact information, medication lists, lists of allergies, and other such information that would allow the students and families to be prepared in the event that a student's parent/guardian is detained or deported.

In the event that a student's parent/guardian is detained or deported, the student shall be released 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. Child protective services shall only be contacted if COE 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. (Education Code 234.7)

A student or the student's family members may be referred to other resources for assistance, including, but not limited to, an U.S. Immigrant and Customs Enforcement detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.