

**Superintendent Policy 5145.13: Response To Immigration Enforcement**

**Status:** ADOPTED

**Original Adopted Date:** 12/04/2020 | **Last Revised Date:** 04/28/2025 | **Last Reviewed Date:** 04/28/2025

The County Superintendent of Schools 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.

Information or documents shall not be solicited or collected, and shall not be sought or required to the exclusion of other permissible information or documents regarding the citizenship or immigration status of a student or the student's family members. (Education Code 234.7)

In accordance with law, Board Policy 0410 - Nondiscrimination in County Office Programs and Activities, and Superintendent Policy 5145.3 - Nondiscrimination/Harrassment, no student shall be denied equal rights and opportunities, nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the county office of education's (COE) programs and activities on the basis of the student's or family's immigration status or for the refusal to provide information related to the student's or family's immigration status. (Education Code 200, 220, 234.1)

Resources and data collected by the COE shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

The County Superintendent of Schools 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)

Staff shall be provided training regarding immigration issues, including information on responding to a request from a law enforcement officer to visit a school site or to have access to a student.

The County Superintendent of Schools or designee shall report to the Board in a timely manner any requests for information or access to a school site by a law enforcement officer 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)

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

State	Description
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections related to immigration and citizenship status
Ed. Code 48204.4	Evidence of residency for school enrollment
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
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 627-627.10	Access to school premises

**Federal**

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

**Management Resources**

CA Office of the Attorney General Publication

Court Decision

Website

Website

Website

Website

Website

Website

Website

Website

**Description**

2018Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024

Plyler v. Doe, (1982) 457 U.S. 202

[California Civil Rights Department](#)

[CSBA District and County Office of Education Legal Services](#)

[U.S. Immigration and Customs Enforcement, Online Detainee Locator System](#)

[U.S. Immigration and Customs Enforcement](#)

[U.S. Department of Education, Office for Civil Rights](#)

[CSBA](#)

[California Office of the Attorney General](#)

[California Department of Education](#)

**Cross References**

0410

3555

3555

5125.1

5125.1

5145.12

5145.12

5145.3

5145.3

**Description**

[Nondiscrimination In County Office Programs And Activities](#)

[Nutrition Program Compliance](#)

[Nutrition Program Compliance](#)

[Release Of Directory Information](#)

[Release Of Directory Information](#)

[Search And Seizure](#)

[Search And Seizure](#)

[Nondiscrimination/Harassment](#)

[Nondiscrimination/Harassment](#)

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**Responding to Requests for Immigration-Related Information or Documents**

Upon receiving any verbal or written request for information or documents related to a student's or family's immigration or citizenship status, County Office of Education (COE) staff shall:

1. Record or otherwise document the request and notify the County Superintendent of Schools or designee about the request
2. Provide the student's parent/guardian, or, if the student is at least 18 years old, the student with notice, a description of the request, and any documentation provided to the COE describing the request, unless prohibited by a court order, judicial subpoena/warrant, or in cases involving investigation of child abuse, neglect, or dependency

Information or documents related to a student's immigration or citizenship status shall not be disclosed to a law enforcement officer without consent by the parent/guardian or, if the student is at least 18 years old, by the student, a court order, or judicial subpoena/warrant. To obtain written consent, the release of student information shall include the following information:

1. The signature and signature date of the parent/guardian, or student if the student is at least 18 years old
2. A description of the records to be disclosed
3. The reason for the release of information
4. The parties or class of parties receiving the information
5. A copy of the records to be released, if requested by the parent/guardian or student

In accordance with law, parents/guardians shall annually be notified that the COE will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena/warrant.

**Responding to Requests for Access to Students or School Grounds**

Parent/guardian consent or, if the student is at least 18 years old, the student's consent, must be received before the student is interviewed or searched by any law enforcement officer for immigration enforcement purposes, unless the officer presents a court order or a judicial warrant.

A student's parent/guardian shall be immediately notified when a law enforcement officer requests or is able to interview, search, detain, or otherwise interact with the student for immigration enforcement purposes, unless prohibited by a court order or a judicial warrant, or in cases involving investigations of child abuse, neglect, or dependency. (Education Code 48906)

A law enforcement officer who requests to enter COE property which is not open to all visitors shall be required to register similarly to all other visitors, except in cases where the officer states that exigent circumstances exist or as stated in a court order or judicial warrant. (Penal Code 627.2, 627.3)

As early as possible, COE staff shall notify the County Superintendent or designee of any immigration enforcement-related request by law enforcement officer for access to a student or to COE property, including service of lawful warrants, subpoenas, petitions, complaints, or other similar documents.

**Responding to Law Enforcement Officers on County Office Property**

The presence of any law enforcement officer on COE property for immigration enforcement purposes shall be reported to the County Superintendent or designee.

Unless a law enforcement officer declares that exigent circumstances exist and demands immediate access to the campus, the following actions shall be taken when such an officer is actually or imminently present on COE property for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to the officer's request, they must first receive notification and direction from the County Superintendent, school administrator, or designee, except under exigent circumstances that necessitate immediate action
2. Request to see and record or otherwise document the officer's credentials, including the officer's name and badge number, and the phone number of the officer's supervisor, and note or make a copy of all such information
3. Ask the officer for, and then record or otherwise document, the officer's reason for being on COE property
4. Request that the officer produce any documentation that authorizes the officer's school access, make copies of all such documentation, and retain at least one copy for COE records
5. Contact and consult with the COE's legal counsel or County Superintendent or designee
6. Follow the direction from the COE's legal counsel or County Superintendent or designee

If the officer declares that exigent circumstances exist and demands immediate access to the campus, the officer's orders shall be complied with and the County Superintendent or designee, and then the COE's legal counsel, shall be contacted immediately.

Regardless of whether the officer declares that exigent circumstances exist, no attempt to physically impede the officer shall be made, even if the officer appears to be acting outside the law or in excess of the officer's stated or documented authorization. If an officer enters the premises without consent, the officer's actions while on campus shall be documented but only to the extent that it does not impede the officer's actions.

After the officer leaves COE property, notes of all interactions with the officer shall be promptly written, including:

1. A list or copy of the officer's credentials and contact information, if known
2. The identity of all other COE staff known to have communicated with the officer
3. A description of the officer's request and activities
4. The type of documentation, such as a warrant or subpoena, that authorized the officer's request or actions, what was requested by the documentation, and whether the documentation was signed by a judge
5. Any response to the officer's request
6. Any further action taken by the officer
7. Copies of any documents presented by the officer

A copy of these notes and associated documents collected from the officer shall be promptly provided to the COE's legal counsel or other official designated by the County Superintendent.

The COE's legal counsel or the County Superintendent or designee shall submit a timely report to the County Board regarding the officer's requests and actions and the COE's response. (Education Code 234.7)

The Bureau of Children's Justice in the California Department of Justice (BCJ@doj.ca.gov) shall be emailed regarding any attempt by a law enforcement officer to access a school site or a student for immigration enforcement purposes.

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

Parents/guardians shall be 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.

All students and families may be 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 may 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 may only be contacted if arrangements 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 are not made.

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.

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