

DISCOVERY CHARTER PREPARATORY SCHOOL EDUCATIONAL EQUITY: IMMIGRATION AND CITIZENSHIP STATUS POLICY

Assembly Bill 699 titled the Educational Equity: Immigration and Citizenship Status, which updated the Education Code to help California's public K-12 schools and other local educational agencies, protect the rights of undocumented students and their families. California laws not only empower schools to provide all students access to a public education, but also provide equal educational rights to immigrant students in safe and welcoming school environments. AB 699 encompasses the following requirements:

1. Gathering and Handling Student Information

Policies for Collecting and Retaining Student Information

- Discovery Charter Preparatory School personnel shall 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 institution's benefit programs.
- The Registrar's Office shall maintain in writing Discovery Charter Preparatory School's policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.
- Discovery Charter Preparatory School will provide students and families with annual notice, at the beginning of each school year, of institutional policies for student privacy and the abilities of parents or eligible students to inspect student information.
- Discovery Charter Preparatory School will provide students an opportunity to opt out of disclosure of directory information. Notices must describe the following:
 - ✓ The kind of information that the school has identified as directory information;
 - ✓ The eligible student's ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities;
 - ✓ The period of time in which the eligible student has to notify the school in writing that he or she does not want the information designated as directory information; and
 - ✓ That opting out by the noted deadline is the students' only way to prevent the release of directory information.
- Any sensitive information, such as a student's, parent's, or guardian's SSN, any AB 540 determinations, or citizenship status information collected by the Discovery Charter Preparatory School or disclosed by the student, should be maintained only for as long as necessary.
- If Discovery Charter Preparatory School possesses information that could indicate immigration status or citizenship status, Discovery Charter Preparatory School personnel shall not consider the acquired information in admissions decisions or access to educational courses or degree programs.
- Students may elect not to provide immigration or citizenship status information to the institution, and this election shall not impede admissions or enrollment in educational programs.
- Discovery Charter Preparatory School personnel shall not create a list of student names linked with immigration status.

- Discovery Charter Preparatory School police or security departments shall not inquire into an individual's immigration status for immigration enforcement purposes.
- Discovery Charter Preparatory School police or security departments shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

Policies for Responding to Inquiries of Immigration Status, Citizenship Status, and National Origin Information

- Unless required by federal or state law, Discovery Charter Preparatory School personnel shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; 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, such as a green card, voter registration, a passport, or citizenship papers.
- Where any law contemplates submission of immigration status or citizenship status information to satisfy the requirements of a special program, [college or university personnel] shall not use that documentation or information for decisions related to admissions or enrollment in courses or degree programs.
- Discovery Charter Preparatory School is not permitted to use immigration status, citizenship status, or national origin information in personal statements outside the application process, other than for legitimate educational interests, including the provision of a service or benefit relating to the student, such as health care, counseling, job placement or financial aid.
- If Discovery Charter Preparatory School learns of a student's immigration status through its application process (including the students' personal statement or answers to personal insight questions), Discovery Charter Preparatory School shall create policies and procedures to protect such personal identifiable information and retain the information only to the extent it is necessary or required by law. Discovery Charter Preparatory School shall avoid the disclosure of information that might indicate a student or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA) or state law.
- Where permitted by law, the Registrar's Office of Discovery Charter Preparatory School shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status or citizenship status, and that do not reveal information related to citizenship or immigration status.
- Examples of documents that can be used as proof of residency include but are not limited to:
 - ✓ Registering a motor vehicle operated in California;
 - ✓ Obtaining a California driver's license or California identification card;
 - ✓ Filing a resident or nonresident California state income tax return;
 - ✓ Listing a California address on a federal income tax return;
 - ✓ Listing a permanent military address or home of record in California;
 - ✓ A professional or vocational license obtained from a California state licensing agency (e.g., nursing, teaching credentials);
 - ✓ Maintaining active resident memberships in California based professional organizations (e.g., police union, teachers' union);
 - ✓ Maintaining an active bank account at a California bank.

- Where a Discovery Charter Preparatory School is permitted by law to request a minor student's parent's residency information in order to determine tuition or aid, the educational institution shall only require documentation or information that is available to persons regardless of immigration status (as noted above).
- 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, the Discovery Charter Preparatory School's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.
- Specifically, where Discovery Charter Preparatory School must determine a student's residency for purposes of in-state tuition, a Discovery Charter Preparatory School shall not inquire about a parent/ guardian's citizenship or immigration status, and shall enumerate alternative means of establishing a parent/guardian's residency. If the student is considered a minor dependent of a California resident, the college or university shall only require documents to determine whether the parent has resided in California for one year (e.g. vehicle registration, lease agreements, etc.)

2. Responding to Law Enforcement Requests for Access to Campuses and Residential Units for Immigration Enforcement Purposes

Policies for Responding to Requests for Access for Immigration Enforcement Purposes

- Discovery Charter Preparatory School personnel shall provide guidance and offer to campus employees training addressing law enforcement access to campus buildings and student residences. This guide shall include the following required topics:
 - ✓ Instructions that law enforcement officers cannot enter living quarters to make arrests without a judicial warrant, valid consent, or exigent circumstances.
 - ✓ Instructions that Discovery Charter Preparatory School personnel, including campus police, cannot consent to the entry into a residence or dormitory for the purpose of a search or arrest, but a judicial warrant or exigent circumstances may authorize officer entry without consent.
 - ✓ Campus police contact information to report concerns about the presence of officers engaged in immigration enforcement on any campus property.
 - ✓ Samples of warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
 - ✓ Sample responses for maintenance personnel to use in response to officers seeking access for immigration enforcement purposes that avoids classroom interruptions, and that preserves the peaceful conduct of the school's activities.
- Discovery Charter Preparatory School personnel shall advise all students, faculty, and staff to immediately notify the office of the chancellor or president, or his or her designee, if he or she is advised that an officer engaged in immigration enforcement is expected to enter, will enter, or has entered the campus for immigration enforcement purposes. Campus police should also be notified as soon as possible.
- No personnel may consent to entry of Discovery Charter Preparatory School facilities or portions thereof.
- Discovery Charter Preparatory School personnel shall advise all students, faculty, and staff responding to or having contact with an officer engaged in immigration enforcement executing an immigration order, to refer the entity or individual to the office of the chancellor or president, or his or her designee, for purposes of verifying the legality of any warrant, court order, or subpoena.
- If the officer declares that exigent circumstances exist and demands immediate access to the campus, Discovery Charter Preparatory School personnel should not refuse the officer's orders and immediately contact the Principal.
- The Principal or designee of the Principal's office shall determine what type of authorization is being provided to support the officer's request for access:
 - ✓ **A U.S. Immigrations and Customs Enforcement (ICE) "warrant" (see Appendices A and B):** Immediate compliance is *not* required. Discovery Charter Preparatory School personnel shall inform the officer that he or she cannot consent to any request without first consulting with the Principal. Provide copy of the warrant to the designated administrator (where possible, in consultation with legal counsel) as soon as possible.
 - ✓ **A federal judicial warrant (search-and-seizure warrant or arrest warrant; see Appendices C and D):** Prompt compliance with such a warrant *is* usually legally required, but where feasible, consult with the Principal before responding.
 - ✓ **A subpoena for production of documents or other evidence (see Appendices E and F):** Immediate compliance is *not* required. Inform the officer that the Discovery Charter

Preparatory School cannot respond to the subpoena until after it has been reviewed by a designated administrator. Provide a copy of the subpoena to a designated administrator or legal counsel as soon as possible.

- ✓ **A notice to appear (see Appendix G):** This document is not directed at the Discovery Charter Preparatory School. Discovery Charter Preparatory School personnel are under no obligation to deliver or facilitate service of this document to the person named in the document. If you get a copy of the document, give it to a designated administrator as soon as possible.

- Discovery Charter Preparatory School personnel should not attempt to physically interfere with an officer, even if the officer appears to be acting without consent or exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, Discovery Charter Preparatory School personnel shall make a record of the contact and forward the information to the office of the Principal.

- In making record of the contact with an immigration enforcement officer, Discovery Charter Preparatory School personnel shall provide the following information:
 - ✓ Name of the officer, and, if available, the officer's credentials and contact information;
 - ✓ Identity of all school personnel who communicated with the officer;
 - ✓ Details of the officer's request;
 - ✓ Whether the officer presented a warrant, subpoena, or court order to accompany his/ her request, what was requested in the warrant/subpoena/court order, and whether the warrant/subpoena/court order was signed by a judge;
 - ✓ Discovery Charter Preparatory School personnel's response to the officer's request;
 - ✓ Any further action taken by the immigration officer; and
 - ✓ Photo or copy of any documents presented by the agent.

- Discovery Charter Preparatory School personnel shall provide a copy of those notes, and associated documents collected from the officer, to the Principal or other designated school official.

- In turn, the Principal or designated campus official shall submit a timely report to Discovery Charter Preparatory School's governing board and its general counsel regarding the officer's requests and actions and Discovery Charter Preparatory School's response(s).

3. Responding to Law Enforcement Requests to Access Student Records for Immigration Enforcement Purposes

Policies for Responding to Request for Access to Student Records for Immigration Enforcement Purposes

- Discovery Charter Preparatory School must obtain a student's written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information for immigration enforcement purposes; no student information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant. Without a court order or a judicial warrant, written consent must be signed and dated by the student, or (if the student is a minor) by the student's parent(s) or guardian(s), before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made. If desired by the student, Discovery Charter Preparatory School must provide a copy of the records to be released. The party to whom the information is disclosed may not re-disclose the information to any other party without the prior consent of the student or subsequent court order.
- Discovery Charter Preparatory School personnel shall develop a written policy for interactions with immigration authorities seeking to review student records. At minimum, such policies shall include the following information:
 - ✓ Contact information [name, title, e-mail addresses, and phone numbers] for the correct person to review and respond to a request for student records.
 - ✓ Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus (see Appendices A to G).
 - ✓ Discovery Charter Preparatory School personnel shall provide a set of responses for security or maintenance staff to use in response to officers seeking access to records for immigration enforcement purposes.
- In addition to notifying the Principal, Discovery Charter Preparatory School personnel shall take the following action steps in response to an officer other than campus police requesting access to student records:
 - ✓ Ask for the officer's name, identification number, and agency affiliation;
 - ✓ Record or copy this information;
 - ✓ Ask for a copy of any warrants;
 - ✓ Inform the officer that you are not obstructing his or her efforts but that you need to contact a campus administrator or campus counsel for assistance.
- Campus police shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.
- Unless Discovery Charter Preparatory School is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be notified of any judicial order or subpoena before the institution complies with the order in accordance with FERPA.

4. Responding to Immigration Actions Against Students or Family Members

Policies for Responding to Immigration Actions Against Students or Family Members

- If there is reason to suspect that a student, faculty member, or staff person has been taken into custody as the result of an immigration action, Discovery Charter Preparatory School personnel shall notify the person's emergency contact that the person may have been taken into custody.
- Discovery Charter Preparatory School personnel shall designate a staff person as a point of contact for any student, faculty member, or staff person who may or could be subject to an immigration order or inquiry.
- Discovery Charter Preparatory School personnel shall not discuss the personal information, including immigration status information, of any student, faculty member, or staff person with anyone, or reveal the personal information to anyone, unless disclosing this information is permitted by federal and state law.
- Discovery Charter Preparatory School personnel shall maintain a contact list of legal service providers who provide legal immigration representation and provide this list free of charge to any student who requests it. At minimum, the list shall include the legal service provider's name and contact number, e-mail address, and office address.
- If a student is detained or deported, or is unable to attend to his or her academic requirements because of an immigration order, Discovery Charter Preparatory School personnel shall make all reasonable efforts to assist the student in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services, or other benefits the student has been awarded or received subject to and in compliance with its policy.
- Discovery Charter Preparatory School personnel shall permit a student who is subject to an immigration order to reenroll if and when the student is able to return to [the college or university], subject to and in compliance with its policy and will make reasonable and good-faith efforts to provide for a seamless transition in the student's reenrollment and reacquisition of campus services and support.
- Discovery Charter Preparatory School personnel shall be available to assist any student, faculty, and staff who may be subject to an immigration order or inquiry, or who may face similar issues, and whose education or employment is at risk because of immigration enforcement actions.