



## **Alma Fuerte Public School AB 699 Policies**

The following policies were adapted from *“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”* published by the California Department of Justice, Office of the Attorney General, April 2018.

### **Policies for Collecting and Retaining Student Information**

Director of Operations shall maintain in writing Alma Fuerte Public School’s policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

If Alma Fuerte Public School (“Alma Fuerte”) possesses information that could indicate immigration status, citizenship status, or national origin information, Alma Fuerte shall 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, Alma Fuerte shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

Alma Fuerte shall not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.

### **Policies for Inquiries Regarding Immigration Status, Citizenship Status, and National Origin Information**

Alma Fuerte 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 national origin related information to satisfy the requirements of a special program, Alma Fuerte personnel shall solicit that documentation or information separately from the school enrollment process.

Where permitted by law, the Director of Operations 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, 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, the procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

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

Alma Fuerte shall not solicit or collect entire Social Security numbers or cards.

Alma Fuerte shall 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, Alma Fuerte shall 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.

Alma Fuerte 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 free and reduced lunch program, transportation and educational instruction.

### **Policies and Procedures Regarding Information Sharing**

Alma Fuerte shall 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).

Alma Fuerte personnel shall take the following action steps upon receiving an information request related to a student's or family's immigration or citizenship status:

- Notify the Director of Operations about the information request.
- Provide students and families with appropriate notice and a description of the immigration officer's request.
- Document any verbal or written request for information by immigration authorities.
- Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.

Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the local educational agency prohibits disclosure, Alma Fuerte shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

Alma Fuerte shall require written parental or guardian consent for release of student information, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information to immigration authorities for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration-enforcement purposes without a court order or judicial subpoena.

Alma Fuerte's request for written or parental or guardian consent for release of student information

must include the following information: (1) the signature and date of the parent, guardian, or eligible student providing consent; (2) a description of the records to be disclosed; (3) the reason for release of information; (4) the parties or class of parties receiving the information; and (5) if requested by the parents, guardians or eligible student, a copy of the records to be released. Alma Fuerte shall permanently keep the consent notice with the record file.

The parent, guardian, or eligible student is not required to sign the consent form. If the parent, guardian or eligible student refuses to provide written consent for the release of student information that this not otherwise subject to release, Alma Fuerte shall not release the information.

## **Model Policies for Annual Information Notice to Parents and Guardians**

### *General Information Policy*

Alma Fuerte must provide an annual notice to parents and guardians of the school's general information policies that includes:

- Assurances that Alma Fuerte will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.
- A description of the types of student records maintained by Alma Fuerte.
- A list of the circumstances or conditions under which Alma Fuerte might release student information to outside people or entities.
- A statement that, unless Alma Fuerte is providing information for a legitimate educational purpose under FERPA and the California Education Code or directory information, Alma Fuerte shall notify parents or guardians and eligible students—and receive their written consent—before it releases a student's personally identifiable information.

### *Directory Information Policy*

Per Alma Fuerte Board Policy, Alma Fuerte does not release directory information. If Alma Fuerte decides to release directory information, Alma Fuerte shall provide an annual notice to parents and guardians, and "eligible students" in attendance, of the directory information policy that includes:

- The categories of information that has been classified as public directory information that may be disclosed without parental consent and which should only include the information specifically identified in Education Code section 49061, subdivision (c).
- A statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin (except where Alma Fuerte receives consent as required under state law).
- The recipients of the directory information.
- A description of the parent's or guardian's abilities to refuse release of the student's directory information, and how to refuse release.
- The deadline in which the parent, guardian or student must notify the school in writing that he or she does not want the information designated as directory information.

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

No outsider—which would include immigration-enforcement officers—shall enter or remain on school grounds during school hours without having registered with the Director of Operations or designee. 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, the officer must provide the following information to the Director of Operations or designee:

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

Alma Fuerte shall adopt measures for responding to outsiders that avoids classroom interruptions, and preserves the peaceful conduct of the school's activities, consistent with local circumstances and practices.

Alma Fuerte shall post signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration.

Alma Fuerte personnel shall report entry by immigration-enforcement officers to any on-site school police or other appropriate administrator as would be required for any unexpected or unscheduled outside visitor coming on campus.

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

As early as possible, Alma Fuerte personnel shall immediately notify the Director of Operations of any request by an immigration-enforcement officer for school or student access, or any requests for review of school documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.).

In addition to notifying the Director of Operations, Alma Fuerte personnel shall take the following action steps in response to an officer present on the school campus specifically for immigration-enforcement purposes:

1. Advise the officer that before proceeding with his or her request, and absent exigent circumstances, school personnel must first receive notification and direction from the Director of Operations.
2. Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for and copy or note the phone number of the officer's supervisor.
3. Ask the officer for his/her reason for being on school grounds and document it.
4. Ask the officer to produce any documentation that authorizes school access.
5. Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, Alma Fuerte personnel should comply with the officer's orders and immediately contact the Director of Operations.
7. If the officer does not declare that exigent circumstances exist, notify Director of Operations. If Director of Operations is unavailable, respond according to the requirements of the officer's documentation. If the immigration-enforcement officer has:
  - ***an ICE (Immigrations and Customs Enforcement) administrative warrant***, Alma Fuerte personnel shall inform the agent that he or she cannot consent to any request without first consulting with Alma Fuerte legal counsel.
  - ***a federal judicial warrant (search-and-seizure warrant or arrest warrant)***, prompt compliance with such a warrant is usually legally required. If feasible, consult with Alma Fuerte legal counsel before providing the agent access to the person or materials specified in the warrant.
  - ***a subpoena for production of documents or other evidence***, immediate compliance is not required. Therefore, personnel shall inform Alma Fuerte legal counsel of the subpoena, and

await further instructions on how to proceed.

8. While Alma Fuerte personnel should not consent to access by an immigration-enforcement officer, except as described above, he/she 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, Alma Fuerte personnel shall document his or her actions while on campus.
9. After the encounter with the officer, Alma Fuerte personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
  - List or copy of 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 or subpoena to accompany his/her request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
  - Alma Fuerte personnel's response to the officer's request;
  - Any further action taken by the agent; and
  - Photo or copy of any documents presented by the agent.
10. Alma Fuerte personnel shall provide a copy of those notes, and associated documents collected from the officer, to the Director of Operations.
11. In turn, the Director of Operations shall submit a timely report to the Alma Fuerte governing board regarding the officer's requests and actions and Alma Fuerte's response(s).
12. E-mail the ***Bureau of Children's Justice*** in the ***California Department of Justice***, at ***BCJ@doj.ca.gov***, regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.

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

Alma Fuerte personnel 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.

Alma Fuerte 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.

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

Alma Fuerte shall encourage that families and students have and know their emergency phone numbers and know where to find important documentation, including birth certificates, passports, Social Security cards, doctors' contact information, medication lists, lists of allergies, etc., which will allow them to be prepared in the event that a family member is detained or deported.

Alma Fuerte 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. Alma Fuerte 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.

Alma Fuerte 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.

In the event a student's parent/guardian has been detained or deported by federal immigration authorities, Alma Fuerte shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, Alma Fuerte shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. Alma Fuerte shall only contact Child Protective Services if 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.

### **Policies for Responding to Hate Crimes and Bullying**

#### *Adopting and Publicizing Anti-Bullying and Anti-Harassment Policy*

Alma Fuerte shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, or immigration status. Those policies must be translated in the student's primary language if at least 15 percent of the students enrolled in the school speak a single primary language other than English.

Alma Fuerte shall notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs. This information shall include information related to the "Know Your Rights" immigration enforcement established by the Attorney General.

Alma Fuerte shall inform students who are victims of hate crimes of their right to report such crimes.

#### *Processing Complaints of Harassment and Bullying*

Alma Fuerte shall adopt a process for receiving complaints of and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics:

- disability
- gender
- gender identity
- gender expression
- nationality
- race or ethnicity
- religion
- sexual orientation
- association with a person or group with one or more of the aforementioned characteristics
- immigration status

The complaint process must include, but is not limited to, the following steps:

- A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so;
- A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the local educational agency; and
- An appeal process afforded to the complainant should he or she disagree with the resolution of a complaint.
- Alma Fuerte shall ensure that complaint procedures contain confidentiality safeguards for

immigration status information.

- Alma Fuerte shall prohibit retaliation against a person who submits a complaint of discrimination, harassment, intimidation, or bullying.

*Training Students, Teachers, and Staff on Anti-Bullying and Anti-Harassment Policy*

Alma Fuerte shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs.

Alma Fuerte shall also train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above. Such training should, at minimum, provide personnel with the skills to do the following:

- Discuss the varying immigration experiences among members of the student body and school community;
- Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
- Identify the signs of bullying or harassing behavior;
- Take immediate corrective action when bullying is observed; and
- Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.