

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

Agenda Item 10.3

Meeting Date: May 17, 2018

Subject: First Reading of Draft Board Policy (BP) 5145.13: Immigration
Enforcement Activities

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)

Board of Education Executive Summary

Board Office

First Reading of Draft Board Policy (BP) 5145:13

Immigration Enforcement Activities

May 17, 2018

I. Overview/History of Department or Program:

Sacramento City Unified School District declared itself a Safe Haven School District in December 2016 with the passage of Resolution No. 2915: Recognition of A Safe Haven School District. The district has since been recognized for such leadership. The district recommitted and increased the focus on Safe Haven efforts in January 2018 with the passage of Resolution No. 2980: Expanding Safe Haven Efforts. The continued commitment of the District's Safe Haven efforts focused on a number of areas throughout the district such as creating Rapid Response protocols to potential immigration enforcement activities at our school sites as well as within our communities. The District is also engaged in partnerships with the city of Sacramento's F.U.E.L Network, California Rural Legal Assistance Foundation, the Mexican Consulate and others to provide trainings, workshops and supports for our students and families, as well as for our staff that support them.

The Immigration Enforcement Activities policy (BP5125:13) developed in the spring of 2017 when protocols were designed in partnership with the District's labor partners, to outline the process for staff to follow if Immigration and Customer Enforcement (ICE) came to campus. This policy also incorporates the spirit and intent of California Senate Bill 54: Law Enforcement: Data Sharing (De León) and California Assembly Bill 450: Employment Regulation: Immigration Worksite Enforcement Actions (Chiu).

II. Driving Governance:

- x California Senate Bill 54: Law Enforcement: Data Sharing (De León),
- x California Assembly Bill 450: Employment Regulation: Immigration Worksite Enforcement Actions (Chiu),
- x Sacramento City Unified School District Board Resolution 2915: Recognition of A Safe students and their families. The District also committed to protecting the rights of students, their families, and staff through this policy by prohibiting, to the fullest extent possible under the law, information sharing and access to individuals for immigration enforcement activities

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Specifically, this policy outlines:

- x The guarantee to equal access to public education regardless of immigration status;
- x Prohibition against immigration enforcement activities and requests for access to District property, information or individuals on campus;
- x Requests for such information or access shall be handled by site and District staff;
- x The Family Educational Rights and Privacy Act (FERPA);
- x Staff collection and handling of sensitive personal information related to immigration;
- x Parental notification when a request for information or access to a student has been made;
- x Requirements for Memorandum of Understandings with local law enforcement agencies for School Resource Officers;
- x The tracking of requests made by immigration officials for access to students or information; and
- x Staff training and the distribution of the policy and accompanying Administrative Regulations that are forthcoming

V. Major Initiatives:

The Immigration Enforcement Activities (BP 5145:13) was convened representatives from throughout SCUSD whose work focuses on supporting undocumented and DACA students, families and individuals from within the surrounding community. The policy was developed by staff and partners from the community through regularly held meetings.

VI. Results:

The Immigration Enforcement Activities policy was developed to support students, families, the community and staff in understanding the District's protections against immigration enforcement on District property, and to outline the process and protocols if requests are made for information from immigration enforcement officials.

VII. Lessons Learned/Next Steps

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¹ The federal government has recognized the human cost associated with immigration enforcement on campus and declared that schools are “sensitive locations” at which immigration enforcement activity should not occur.² Accordingly, federal immigration enforcement activities in and around District property³ would be a severe disruption to the learning environment and educational setting for students.

The District is committed to providing a safe, welcoming, and inclusive learning environment for immigrant students and their families. The District is also committed to protecting the rights of immigrant students and their families.

(cf. BP 5145.11 Questioning and Apprehension)

The Superintendent, District Legal Counsel or designees shall ask for the requesting agents' credentials, ask why the agents are requesting access, ask for written authorization from the employing agency instructing them to enter District property, and to see a warrant signed by a federal or state judge, which specifies the name of the person under arrest or property to be searched and/or seized. A request for access to District property, information, or student by federal immigration authorities in the absence of a judicial warrant², other court order, or exigent circumstances shall be denied. If the officer declares that exigent circumstances exist and demands immediate access to the campus, District personnel should comply with the officer's orders and immediately contact the Superintendent or designee.¹³

authorization from employing agency signed judicial warrant and other documentation instructing the agent to enter District property.

3. A protocol outlining next steps if a federal immigration enforcement agents satisfy the criteria for entering onto District property.
4. A protocol for the Superintendent or designee to monitor the agents' investigation. Such oversight includes prohibiting access to information, records, student areas beyond that specified in the warrant.

Federal Immigration Authorities Request for Access to Student Records

The District shall refuse all requests by federal immigration authorities for voluntary access to student records including but not limited to student directory information, and information that may be disclosed to law enforcement under the

number to establish eligibility for a federal benefit program, the District shall explain the limited purpose for which the information is collected, and clarify that a failure to provide this information will not bar the student from enrolling in or attending the school.

The District shall permit alternative documents or information

guardian. Categories of information about a student or family member that may not be shared include:

1. Gender identity;
- 2.

student(s) into the custody of any individual who presents a Caregiver's Authorization Affidavit²² on behalf of the child. In the event there is no emergency contact listed or the emergency contact(s) are not able to take custody of the child, and no person with a Caregiver's Authorization Affidavit presents themselves on behalf of the child, the District will release the student(s) to the appropriate authorities.

Students and families may update their contact information throughout the school year, and alternative contacts may be provided if no parent or guardian is available. Information provided within emergency cards shall only be used in response to specified emergency situations, and not for any other purpose.

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District Policies, Practices, and Programs to Ensure Equal Access to Public Education
Regardless of Immigration Status.

