



## YPI CHARTER SCHOOLS

### ***YPICS Policy: Safe and Secure Learning Environment for All Students***

#### **Policy Statement 1: Gathering and Handling Student and Family Information**

##### ***Collecting and Retaining Student Information***

- The YPI Charter Schools (YPICS) shall maintain YPICS policies and procedures for gathering and handling sensitive student information in writing, and appropriate personnel shall receive training regarding those policies and procedures.
- Suppose the YPI Charter Schools possess information indicating immigration status, citizenship status, or national origin information. In that case, the YPICS shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school.
- Suppose parents or guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status, or national origin information. In that case, the YPICS shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.
- The YPI Charter Schools shall not allow school resources or data to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.

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

- YPI Charter Schools 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 information to satisfy the requirements of a special program, YPICS personnel shall solicit the documentation or information separately from the school enrollment process.
- Where permitted by law, the Director of the YPICS school shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs. Those alternative means shall include, among them, documentation or information available to persons regardless of immigration status, citizenship status, or national origin and that does 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 of this policy, the YPICS' procedures and forms shall describe to the applicant and accommodate all alternatives specified in law and all alternatives authorized under this policy.

### ***Inquiries about Social Security Numbers or Cards***

- The YPICS shall solicit and collect the Social Security numbers of adult household members only if required to establish eligibility for federal benefit programs.
- When collecting adult household members' Social Security numbers to establish eligibility for a federal benefit program, the YPICS 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.
- The YPICS shall treat all students equitably in receiving 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.

### **Policy Statement 2: Sharing Student and Family Information**

#### ***Procedures Regarding Information Sharing***

- The YPICS shall avoid disclosing information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA).
- YPICS personnel shall take the following action steps upon receiving all information requests related to a student's or family's immigration or citizenship status:
  - Notify a designated YPICS official 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, neglect, or child dependency or when the subpoena served on the school prohibits disclosure, the YPICS shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.
- The YPICS shall require written parental or guardian consent to release student information unless the information is relevant to 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.

- The YPICS’ 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 the 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. The YPICS shall permanently keep the consent notice with the record file.
- The parent, guardian, or eligible student must not sign the consent form. If the parent, guardian, or eligible student refuses to provide written consent for the release of student information that is not otherwise subject to release, the YPICS shall not release the information.

### ***Annual Information Notice to Parents and Guardians***

#### **General Information Policy**

- The YPICS must provide an annual notice to parents and guardians of the school’s general information policies that include:
  - Assurances that the YPICS 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 the YPICS.
  - A list of the circumstances or conditions under which the YPICS might release student information to outside people or entities.
  - A statement that, unless the YPICS is providing information for a legitimate educational purpose under FERPA and the California Education Code or directory information, the YPICS 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**

- Suppose the YPICS decides to release directory information. In that case, the YPICS shall provide an annual notice to parents and guardians and “eligible students” in attendance of the YPICS’ directory information policy that includes:
  - The categories of information that the YPICS has classified as public directory information that may be disclosed without parental consent and which should only include the information identified explicitly 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 the YPICS 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 deny release.
  - The deadline is for the parent, guardian, or student to notify the school in writing that he or she does not want the information designated as directory information.

## **Policy Statement 3: Responding to Requests for Access to School Grounds for Immigration Enforcement Purposes**

### ***Monitoring and Receiving Visitors to Campus***

- No outsider – which would include immigration-enforcement officers – shall enter or remain on school grounds of the YPICS during school hours without having registered with the Director 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 or designee:
  - Name, address, occupation;
  - Age, if less than 21;
  - Purpose for entering school grounds;
  - Proof of identity and
  - Any other information as required by law.
- The YPICS shall adopt measures for responding to outsiders that avoid classroom interruptions and preserves the peaceful conduct of the school's activities, consistent with local circumstances and practices.
- The YPICS shall post signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration.
- YPICS personnel shall report entry by immigration-enforcement officers to any on-site school police or other appropriate administrator as required for any unexpected or unscheduled outside visitor coming on campus.

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

- As early as possible, YPICS personnel shall notify the Executive Director, Director of the school, or designated administrator 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 Executive Director, Director of the school, or designated administrator, YPICS 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 before proceeding with his or her request, and absent exigent circumstances, school personnel must first receive notification and direction from the Executive Director or Director of the school.
  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. Suppose the officer declares that exigent circumstances exist and demands immediate access to the campus. In that case, YPICS personnel should comply with the officer's orders and immediately contact the Executive Director, Director of the school or designated administrator.
7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the immigration-enforcement officer has:
  - a. An ICE (Immigration and Customs Enforcement) administrative warrant, YPICS personnel shall inform the agent that he or she cannot consent to any request without first consulting with YPICS' legal counsel.
  - b. 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 YPICS' legal counsel or the Director of the school before providing the agent access to the person or materials specified in the warrant.
  - c. For a subpoena to produce documents or other evidence, immediate compliance is not required. Therefore, YPICS personnel shall inform the YPICS' legal counsel, Executive Director, or Director of the school and await further instructions on how to proceed.
8. While YPICS 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 exceed the authorization given under a warrant or other document. If an officer enters the premises without consent, YPICS shall document his or her actions while on campus.
9. After the encounter with the officer, YPICS personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
  - a. List or copy of the officer's credentials and contact information;
  - b. Identity of all school personnel who communicated with the officer;
  - c. Details of the officer's request;
  - d. Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant/subpoena, and whether a judge signed the warrant/subpoena;
  - e. YPICS personnel's response to the officer's request;
  - f. Any further action taken by the agent; and
  - g. Photo or copy of any documents presented by the agent.
10. YPICS personnel shall provide a copy of those notes and associated documents collected from the officer to the YPICS' legal counsel or Executive Director or Director of the school.
11. In turn, the YPICS' legal counsel, Executive Director, or Director of the school shall submit a timely report to the YPICS governing board regarding the officer's requests and actions and the YPICS' responses.
12. E-mail the *Bureau of Children's Justice* in the *California Department of Justice* at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov), regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.

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

- YPICS 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, adequate warrant signed by a judge or presents a valid, effective court order.
- YPICS 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 complies with a judicial warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

## **Policy Statement 4: Responding to the Detention or Deportation of a Student's Family Member**

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

- The YPICS shall encourage families and students to have and know their emergency phone numbers and know where to find necessary documentation, including birth certificates, passports, Social Security cards, doctors' contact information, medication lists, lists of allergies, etc., which will allow them to be prepared if a family member is detained or deported.
- The YPICS 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.
  - The YPICS 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.
  - The YPICS shall communicate to families that information provided within the emergency cards will only be used in response to specified emergencies and not for any other purpose.
- Suppose a student's parent/guardian has been detained or deported by federal immigration authorities. In that case, the YPICS shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, the YPICS shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. The YPICS shall only contact Child Protective Services if the YPICS 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.

## **Policy Statement 5: Responding to Hate Crimes and Bullying Related to National Origin or Ethnicity**

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

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

- The YPICS shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying based on a student’s actual or perceived nationality, ethnicity, or immigration status. Those policies must be translated into the student’s primary language if at least 15 percent speak a primary language other than English.
- The YPICS 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.
  - The YPICS shall inform students who are victims of hate crimes of their right to report such crimes.

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

- The YPICS 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 Characteristics mentioned above
  - 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 YPI Charter Schools and
  - An appeal process is afforded to the complainant should he or she disagree with the resolution of a complaint.
  - The YPICS shall ensure that complaint procedures contain confidentiality safeguards for immigration status information.
  - The YPICS 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**

- The YPICS 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.
- The YPICS 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 agency 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.

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