



PALISADES

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AB 699, O'Donnell. Educational equity: immigration and citizenship status.

Existing law states the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in the educational institutions of the state. Existing law prohibits discrimination on the basis of those specific characteristics in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. Existing law requires the State Department of Education to assess whether local educational agencies have taken certain actions related to educational equity, including adopting a policy that prohibits, and adopting a process for receiving and investigating complaints of, discrimination, harassment, intimidation, and bullying based on those actual or perceived specified characteristics.

This bill would expressly include immigration status in the specified characteristics for purposes of those provisions.

This bill would prohibit school officials and employees of a school district, county office of education, or charter school, except as required by state or federal law or as required to administer a state or federally supported educational program, from collecting information or documents regarding citizenship or immigration status of pupils or their family members. The bill would require the superintendent of a school district, the superintendent of a county office of education, and the principal of a charter school, as applicable, to report to the respective governing board or body of the local educational agency in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information. The bill would encourage a school, when an employee of the school is aware that a pupil's parent or guardian is not available to care for the pupil, to work with parents or guardians to update the emergency contact information and not to contact Child Protective Services to arrange for the pupil's care unless the school is unable to arrange for care through the use of emergency contact information or instructions provided by the pupil's parent or guardian. The bill would require the governing board or body of a local educational agency to perform specified actions relating to pupils and immigration status, including, among others, providing information to parents and guardians, as appropriate, regarding their children's right to a free public education, regardless of immigration status or religious beliefs. The bill would require the Attorney General, by April 1, 2018, in consultation with appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal and state law, and ensuring that public schools remain safe and accessible to all California residents, regardless of immigration status. The bill would require the Attorney General to, at a minimum, consider specified issues when developing the model policies. The bill would require all local educational agencies to adopt the model policies, or equivalent policies, by July 1, 2018. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.



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AB 699 Policies for Collecting and Retaining Student Information

The Executive Director shall maintain in writing Palisades Charter High School policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures. If the Palisades Charter High School possesses information that could indicate immigration status, citizenship status, or national origin information, the school 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, Palisades Charter High School shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

Palisades Charter High School 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.

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

Where permitted by law, the Executive Director of Palisades Charter High 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, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status.

AB 699 Policies for Inquiries Regarding Immigration Status, Citizenship Status, and National Origin Information

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, Palisades Charter High School's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.



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AB 699 Policies for Inquiries About Social Security Numbers or Cards

Palisades Charter High School shall not solicit or collect entire Social Security numbers or cards.

Palisades Charter High School 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, Palisades Charter High School 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.

Palisades Charter High School 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.

AB 699 Policies and Procedures Regarding Information Sharing

Palisades Charter High School 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).

Palisades Charter High School 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 a designated Palisades Charter High School 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, child neglect, or child dependency, or when the subpoena served on the local educational agency prohibits disclosure, Palisades Charter High School shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

Palisades Charter High School 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



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be disclosed to immigration authorities for immigration enforcement purposes without a court order or judicial subpoena.

Palisades Charter High School'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.

Palisades Charter High School 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, Palisades Charter High School shall not release the information.

AB 699 Annual Information Notice to Parents and Guardians General Information Policy

Palisades Charter High School must provide an annual notice to parents and guardians of the school's general information policies that includes:

- ✓ Assurances that Palisades Charter High School 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 Palisades Charter High School.
- ✓ A list of the circumstances or conditions under which the [local educational agency] might release student information to outside people or entities.
- ✓ A statement that, unless Palisades Charter High School is providing information for a legitimate educational purpose under FERPA and the California Education Code or directory information, Palisades Charter High School 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

If Palisades Charter High School decides to release directory information, Palisades Charter High School shall provide an annual notice to parents and guardians, and "eligible students" in attendance, of the Palisades Charter High School directory information policy that includes:

- ✓ The categories of information that Palisades Charter High School has classified as public directory information that may be disclosed without parental consent and which should only



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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 Palisades Charter High School 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.

AB 699 Policies for Monitoring and Receiving Visitors onto Campus

No outsider—which would include immigration-enforcement officers—shall enter or remain on school grounds of Palisades Charter High School during school hours without having registered with the principal 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 principal 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.

Palisades Charter High School has adopted 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.

Palisades Charter High school has posted signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration.

Palisades Charter High School 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.



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AB 699 Policies for Responding to On-Campus Immigration Enforcement

As early as possible, Palisades Charter High School personnel shall notify the Executive Director or Executive Director Designee 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 or Executive Director Designee, Palisades Charter High School 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 Executive Director or administrator.
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, Palisades Charter High School personnel should comply with the officer's orders and immediately contact the Executive Director or other 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:
 - an ICE (Immigrations and Customs Enforcement) administrative warrant (see Appendix B), Palisades Charter High School personnel shall inform the agent that he or she cannot consent to any request without first consulting with Palisades Charter High School's counsel.
 - a federal judicial warrant (search-and-seizure warrant or arrest warrant; see Appendix C & D), prompt compliance with such a warrant is usually legally required. If feasible, consult with Palisades Charter High School's 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 (see Appendix E & F), immediate compliance is not required. Therefore, Palisades Charter high School personnel shall inform the Palisades Charter High School's legal counsel of the subpoena, and await further instructions on how to proceed.
8. While Palisades Charter High School 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, Palisades Charter High School personnel shall document his or her actions while on campus.
9. After the encounter with the officer, Palisades Charter High School personnel shall promptly take written notes of all interactions with the officer.



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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;
- ✓ [Local educational agency] 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. Palisades Charter High School personnel shall provide a copy of those notes, and associated documents collected from the officer, to Palisades Charter High School's legal counsel or other designated agency official.

11. In turn, Palisades Charter High School's legal counsel or other designated official shall submit a timely report to the Palisades Charter High School Board of Trustees regarding the officer's requests and actions and Palisades Charter high School'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.

AB 699 Policies for Parental Notification of Immigration-Enforcement Actions

Palisades Charter High School 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.

Palisades Charter High School 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.

AB 699 Policies for Responding to the Detention or Deportation of a Student's Family Member

Palisades Charter High School 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.



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Palisades Charter High School 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.

- ✓ Palisades Charter High School 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.
- ✓ Palisades Charter High School 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, Palisades Charter High School shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, Palisades Charter High School shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. Palisades Charter High School shall only contact Child Protective Services if the Palisades Charter High School 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.

AB 699 Policies for Responding to Hate Crimes and Bullying Adopting and Publicizing Anti-Bullying and Anti-Harassment Policy

Palisades Charter High School has adopted and publicized policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, or immigration status.

These 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. Palisades Charter High School 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 (see Appendix G).
- ✓ Palisades Charter High School shall inform students who are victims of hate crimes of their right to report such crimes. Processing Complaints of Harassment and Bullying

Palisades Charter High School has adopted 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:

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;



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- ✓ 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.
 - ✓ Palisades Charter High School shall ensure that complaint procedures contain confidentiality safeguards for immigration status information.
 - ✓ Palisades Charter High School shall prohibit retaliation against a person who submits a complaint of discrimination, harassment, intimidation, or bullying.

AB 699 Policies for Responding to Hate Crimes and Bullying, Training Students, Teachers, and Staff on Anti-Bullying and Anti-Harassment Policy

Palisades Charter High School 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. Palisades Charter High School 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.