

## CSArts-SGV Safe Haven Policy

California School of the Arts - San Gabriel Valley's Board of Trustees, by the direction of California State Superintendent, the California Department of Education and California State Assembly Bill 699, is committed to educating children regardless of religion, race, ethnicity, disability, sexual orientation, country of origin, or a student's immigration status.

California School of the Arts - San Gabriel Valley's Board of Trustees resolves that, as California is a sanctuary state, CSArts-SGV shall be a non-threatening campus for its students and their families to seek help, assistance, and information without fear or anxiety about related immigration enforcement efforts. The California School of the Arts - San Gabriel Valley Board of Trustees adopt this policy reinforcing that the purpose of the school is to ensure students receive an education in a safe, non-disruptive, non-threatening, and nondiscriminatory learning environment, regardless of the student's or their family's immigration status, as opposed to enforcing, or assisting with the enforcement of federal immigration laws or policies, in compliance with AB 699. School administrators and personnel shall limit assistance with immigration enforcement to the fullest extent possible consistent with federal and state law, and ensure that the school remains safe and accessible to all California residents regardless of immigration status.

Public high schools in the United States are required to provide undocumented students equal access to a free public education regardless of their immigration status or that of their parents. All students are entitled to the same benefits and services. That right was confirmed in the United States Supreme Court case *Plyer v. Doe* (1982). Discrimination is also prohibited by federal laws, including Titles IV, VI, and IX of the Civil Rights Act of 1964.

Based on the [Attorney General Model Policies for Promoting a Safe and Secure Learning Environment for All](#), CSArts-SGV's Board of Trustees adopts the following policies and affirmations:

- CSArts-SGV shall maintain in writing all policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.
- If CSArts-SGV 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 prevent children from enrolling in or attending school.
- If parents or guardians choose not to provide information that could indicate the immigration status, citizenship status or national origin of themselves or their child, the school shall not use such actions as a basis to discriminate against any students or families or prevent children from enrolling or attending school. However, CSArts-SGV is not a designated I-20 school that participates in the Student and Exchange Visitor Program (SEVP), which means that CSArts-SGV is precluded from allowing F1 or M1 Visa students to attend.
- CSArts-SGV 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.
- CSArts-SGV 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. However, CSArts-SGV is not a designated I-20 school that participates in the Student and Exchange Visitor Program (SEVP), which means that CSArts-SGV is precluded from allowing F1 or M1 Visa students to attend.

- Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, CSArts-SGV personnel shall solicit that documentation or information separately from the school enrollment process.
- Where permitted by law, school administrators 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 resolution, CSArts-SGV's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this resolution.
- The school shall not solicit or collect entire Social Security numbers or cards.
- When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, the 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.
- CSArts-SGV 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.
- CSArts-SGV 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).
- CSArts-SGV 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 school administrator 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 prohibits disclosure, CSArts-SGV shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.
- CSArts-SGV 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 judge-signed court order or signed judicial subpoena.
- CSArts-SGV'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. CSArts-SGV 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 is not otherwise subject to release, CSArts-SGV shall not release the information.
  - CSArts-SGV must ensure parents and guardians are notified of the school's general information policies.
  - If CSArts-SGV decides to release directory information, the director information policy will be as follows:
    - ✓ The categories of information that CSArts-SGV has classified as public directory information may be disclosed without parental consent only if it is specifically identified in Education Code section 49061, subdivision (c).
    - ✓ Directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin.
    - ✓ The recipients of the directory information will be made available to those included in the directory.
    - ✓ Parents or guardians have the ability to refuse release of the student's directory information.
  - No outsider—which would include immigration-enforcement officers—shall enter or remain on school grounds during school hours without having registered with a school administrator. 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 a school administrator:
    - ✓ Name, address, occupation;
    - ✓ Age, if less than 21;
    - ✓ Purpose in entering school grounds;
    - ✓ Proof of identity; and
    - ✓ Any other information as required by law.
  - The school 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.
  - CSArts-SGV shall post signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration.
  - CSArts-SGV 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.
  - As early as possible, CSArts-SGV personnel shall notify a school 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 a school administrator, CSArts-SGV 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 an 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, CSArts-SGV personnel should comply with the officer's orders and immediately contact the Chief Operations Officer.
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, CSArts-SGV personnel shall inform the agent that he or she cannot consent to any request without first consulting with the Chief Operations Officer.
  - 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 the Chief Operations Officer 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, CSArts-SGV personnel shall inform the Chief Operations Officer of the subpoena, and await further instructions on how to proceed.
8. While CSArts-SGV 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, CSArts-SGV personnel shall document his or her actions while on campus. **Please note:** An ICE administrative warrant does not allow a law-enforcement officer to enter or to search any area he/she could not otherwise enter as a member of the public. The officer may ask for permission, or "consent," to access non-public areas of the school, even without a judicial warrant giving the officer the power to do so. Absent exigent circumstances or a judicial warrant, local educational agency personnel are not required to give an immigration enforcement officer permission or consent to enter a non-public area of the school or conduct a search of any kind. Nor is that employee required to provide information or records about a student or his or her family without a signed judicial warrant or order.
9. After the encounter with the officer, CSArts-SGV 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;
  - ✓ CSArts-SGV 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. CSArts-SGV personnel shall provide a copy of those notes, and associated documents collected from the officer, to the Chief Operations Officer.
  11. In turn, the Chief Operations Officer shall submit a timely report to the CSArts-SGV's Board of Trustees regarding the officer's requests and actions and the school's response(s).
  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.
- CSArts-SGV 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.
  - CSArts-SGV 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.
  - CSArts-SGV 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.
  - CSArts-SGV 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.
    - ✓ CSArts-SGV 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.
    - ✓ CSArts-SGV 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, CSArts-SGV shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, CSArts-SGV shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. CSArts-SGV shall only contact Child Protective Services if 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.