

Policy 5145.13: Response To Immigration Enforcement

Status: DRAFT

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The Governing Board is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

District staff shall not solicit or collect information or documents, and shall not seek or require information or documents to the exclusion of other permissible information or documents, regarding the citizenship or immigration status of a student or their student's family members or provide assistance with immigration enforcement at district schools, except as may be required by state and federal law. (Education Code 234.7)

In accordance with law, Board Policy 0410 - Nondiscrimination in District Programs and Activities, and Board Policy 5145.3 - Nondiscrimination/Harassment, no student shall be denied equal rights and opportunities, nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of the student's or family's immigration status or for the refusal to provide information related to the student's or family's immigration status. (Education Code 200, 220, 234.1)

Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of his/her immigration status. (Education Code 200, 220, 234.1)

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

Consistent with the requirements of the SJUSD Board Resolution 2025-01-16-012017-02-09-01 and the California Office of the Attorney General, the Superintendent or designee shall develop procedures for addressing any immigration-related requests by a law enforcement officer for access to district records, school sites, or students for the purpose of immigration enforcement.

The Superintendent or designee Teachers, school administrators, and other school staff shall provide training to staff regarding immigration issues, including receive information on responding to a request from an law enforcement immigration officer to visit a school site or to have access to a student.

The Superintendent or designee shall report to the Board in a timely manner any requests for information or access to a school site by an law enforcement officer for employee of a law enforcement agency for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48204.4	Evidence of residency for school enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English

State

Gov. Code 8310.3
 Pen. Code 422.55
 Pen. Code 627-627.10

Description

[California Religious Freedom Act](#)
[Definition of hate crime](#)
[Access to school premises](#)

Federal

20 USC 1232g

Description

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)

Management Resources

CA Office of the Attorney General Publication

Description

[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, December 2024](#)

Court Decision

[Plyler v. Doe, 457 U.S. 202 \(1982\)](#)

CSBA Publication

[Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017](#)

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[U.S. Immigration and Customs Enforcement, Online Detainee Locator System](#)

Website

[California Office of the Attorney General](#)

Website

[CSBA](#)

Website

[U.S. Department of Education, Office for Civil Rights](#)

Website

[U.S. Immigration and Customs Enforcement](#)

Website

[California Department of Education](#)

Website

[California Civil Rights Department](#)

Cross References

0410

Description

[Nondiscrimination In District Programs And Activities](#)

1250

[Visitors/Outsiders](#)

1250

[Visitors/Outsiders](#)

1340

[Access To District Records](#)

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[Access To District Records](#)

3515.3

[District Police/Security Department](#)

3515.3

[District Police/Security Department](#)

5111

[Admission](#)

5111

[Admission](#)

5111.1

[District Residency](#)

5111.1

[District Residency](#)

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[Student Records](#)

5125

[Student Records](#)

5125.1

[Release Of Directory Information](#)

5125.1

[Release Of Directory Information](#)

5141

[Health Care And Emergencies](#)

5141

[Health Care And Emergencies](#)

Cross References

5141.4

5141.4

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5145.12

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Description[Child Abuse Prevention And Reporting](#)[Child Abuse Prevention And Reporting](#)[Safety](#)[Safety](#)[Search And Seizure](#)[Search And Seizure](#)[Courses Of Study](#)[Courses Of Study](#)[Migrant Education Program](#)