

PROTECTION OF STUDENTS FROM IMMIGRANT FAMILIES

Guiding Principles and Definitions

1. The District is committed to providing a safe, welcoming, and inclusive learning environment for all students, including immigrant students and their families. All students have the right to attend public school and enjoy access to equitable educational and programmatic services regardless of the citizenship or immigration status of the student or of regarding citizenship; the authority to reside in or otherwise be present in the United States; agency charged with the enforcement of immigration law.
2. The District is also committed to protecting the confidentiality of sensitive information about students and their families through policies that prohibit information-sharing with federal immigration authorities to the fullest extent possible under the law.
3. for the District, and any agencies contracting with the District.
4. state, or local law enforcement officer engaged, in any way, in federal immigration enforcement, including but not limited to any officer, employee, or person otherwise paid by division thereof, an officer, employee, or person otherwise paid by or acting as an agent of paid by or acting as an agent of the DHS who is charged with the enforcement of immigration law.
5. District personnel shall not take any steps that would deny students access to education based on their immigration status or any steps that would impede the rights of any students to public education under the U.S. Supreme Court decision in *Plyler v. Doe*, the Family Educational Rights and Privacy Act (FERPA), the California Education Code, and any other applicable state and federal law.
6. District personnel shall not treat students disparately for BUSD residency determination purposes on the basis of their immigration status or that of their family members or guardians.
7. All District students who meet the relevant programmatic criteria are entitled to receive all school services, including free lunch, free breakfast, transportation, and educational services, have social security numbers.

Student Informational Privacy

8. immigration status at initial registration or at any other time, for any purpose, nor shall District personnel require, under any circumstances, documentation or information that may

Requests for Access to School Facilities for Immigration Enforcement

15. It is the general policy of the District not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit. The Governing Board believes that immigration enforcement activities in and around schools, early education centers, and adult school facilities constitute a severe disruption to the learning environment and educational setting for students. Accordingly, District personnel shall deny all requests by immigration enforcement officers for school or student access, or any requests from immigration enforcement officers for review of school documents (including for the services of lawful subpoenas, petitions, complaints, and warrants). Instead, District personnel shall immediately report to the Superintendent or designee any such request for review and consultation with legal counsel, to ensure the safety of all students, as well as compliance with *Plyler v. Doe* and other applicable state and federal laws.
16. In addition to notifying the Superintendent or designee, site personnel shall follow the

includes the following steps (and, as noted below, shall be revised if necessary to remain consistent with this policy):
 - a.
 - b. 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 Superintendent or designee;
 - c. Provide a copy of this policy to the officer;
 - d. Direct the officer to the District office at 2020 Bonar Street;
 - e. documentation regarding the request (such as a subpoena, search warrant, or bench warrant);
 - f. Request
 - g. Await further direction from District staff.
17. If the officer declares that exigent circumstances exist and demands immediate access to the campus, District personnel should

the Superintendent or designee.
18. student can be interviewed or searched by any officer seeking to enforce immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge, or presents

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 expressly restricts the disclosure of the information to the parent or guardian.
19. While District 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, District personnel shall document his or her actions while on campus.

20. After the encounter with the officer, District personnel shall promptly take written notes of all interactions with the officer. District personnel shall provide a copy of those notes, and

counsel. In turn, the Superintendent shall submit a timely report to the governing board regarding the

In addition, the

California Department of Justice at BCJ@doj.ca.gov, regarding any attempt by a l

staff are trained on how to implement this policy and shall ensure that notification with required translation be distributed to families to fully inform them of their rights in the District.

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Revised: June 27, 2018 Berkeley, California

BERKELEY UNIFIED SCHOOL DISTRICT

BP 5111.3(a)

PROTECCIÓN PARA LOS ESTUDIANTES DE FAMILIAS INMIGRANTES

Principios Directivos y Definiciones:

8. El Distrito está comprometido a ofrecer un medio ambiente de aprendizaje seguro, acogedor e inclusivo para todos los estudiantes, incluyendo a los estudiantes inmigrantes y sus

de *U.S Supreme Court 1982 en Plyler v. Do*, el *Family Educational Rights y Privacy Act* (FERPA por sus siglas en inglés), el *California Education Code*, y cualquier otra ley estatal o federal pertinente.

13. El personal docente del distrito no debe de tratar a los estudiantes de forma diferente al determinar la residencia en *BUSD* en base a su situación migratoria o la de los miembros de su familia o tutores legales.
14. Todos los estudiantes del Distrito que cumplan con el criterio programático pertinente están autorizados a recibir todos los servicios escolares, incluyendo almuerzo gratuito, desayuno gratuito, transporte y servicios educacionales sin tomar en cuenta la situación migratoria del estudiante o de los miembros de su familia o tutores legales. Este derecho existe independientemente de si el estudiante o los miembros de la familia del estudiante cuentan o no con un número de seguro social.

Privacidad de la Información del Estudiante

12. El personal docente del distrito no debe preguntar acerca, o registrar de ninguna forma, la situación migratoria o de ciudadanía de un estudiante ni durante la inscripción inicial o en ningún otro momento, por ningún motivo, el personal docente del Distrito debe de solicitar, bajo ninguna circunstancia, documentos o información que pudiera indicar la ciudadanía o la registro de votante, pasaporte o documentos que muestren la ciudadanía.
13. Tal como lo ha ordenado la *Board Policy 1405*, el personal docente del Distrito no debe de permitir que los recursos escolares o los datos de información sean usados para crear un registro de datos basado en la raza, género, orientación sexual, religión, etnia u origen nacional. El Distrito no debe concretar acuerdos con las agencias estatales o locales encargadas del cumplimiento de la ley, o alguna agencia federal para usar recursos del Distrito incluyendo al personal docente, para realizar o respaldar actividades relacionadas con el cumplimiento de la ley de inmigración.
14. El personal del Distrito no debe pedir que los estudiantes soliciten un número de Seguro Social, el Distrito tampoco debe solicitar que los estudiantes presenten su número de Seguro Social por ningún motivo.
15. Si cualquier miembro de la comunidad *BUSD* (incluyendo estudiantes, familias o personal docente) tiene preguntas acerca de su situación migratoria, el personal del Distrito no debe de referirlos con ningún oficial de inmigración ni con cualquier otra agencia gubernamental. En su lu9 0 6a.d 00.00000912 0 6sa ley ciudadaene preguntas ace prd83 Tm0 g1(c)JTJETeW*nB(da)7(d BU)-0n7

Solicitudes de Información para Propósitos del Cumplimiento de la Ley de Inmigración

de inmigración, el cual incluye los siguientes pasos: (y, tal como se menciona a continuación,

h. Notificar inmediatamente a la persona encargada del estudiante.

i. aconsejar al oficial que antes de proceder con su solicitud, y en ausencia de lo que

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Respondiendo a una Detención o Deportación de un Estudiante o de un Miembro de la Familia del Estudiante.

24. El Superintendente o la persona designada debe exhortar a las familias y estudiantes a conocer sus números telefónicos de emergencia y saber dónde encontrar los documentos importantes, incluyendo actas de nacimiento, pasaportes, tarjetas de Seguro Social, información para ponerse en contacto con los doctores, lista de medicamentos, lista de alergias, etc., lo cual les permitirá estar preparados en el evento de que un miembro de la familia sea detenido o deportado.
25. El Distrito debe de permitir a los estudiantes y a sus familias el actualizar la información de contacto en caso de emergencia del estudiante tanto como sea necesario a través del año escolar, y ofrecer números alternos de contacto en caso de que el padre o tutor legal no esté disponible. El Distrito debe de asegurar que las familias podrían incluir la6(us)-6(f)210.75 refç0.00000912 C

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