
EDUCATIONAL EQUITY: IMMIGRATION AND CITIZENSHIP STATUS

Pathways Academy Adult Education (“PAAE”) is committed to providing all students with a safe, inviting, and healthy learning environment. Assembly Bill 699 (2017) (“AB 699”) requires that all California public schools adopt equivalent policies to the California Attorney General’s Model Policies to Assist California’s TK-12 Schools in Responding to Immigration Issues. This policy, in conjunction with PAAE’s Parent/Student Handbook and other policies, provides the required policy protections under AB 699. If there are any inconsistencies between this policy and other PAAE policies, this policy shall apply. Any questions about these requirements should be directed to PAAE’s Executive Director or designee.

Policies for Collecting and Retaining Student Information

Protecting student privacy is of utmost importance. PAAE has adopted reasonable physical, administrative, and technical safeguards to protect student data. These safeguards include access control to school databases and the use of locks and similar mechanisms to protect physically stored student information. PAAE staff will endeavor to ensure sensitive student records are not left out and secured after use. PAAE staff shall not disclose personally identifiable information from a student education record to other staff members or third parties unless there is a legitimate educational interest or other legally permissible reason. Requests for student information from third parties shall be reviewed consistent with school policies and applicable law to prevent unauthorized disclosure. Appropriate personnel shall receive training regarding these procedures to protect sensitive student data.

If PAAE possesses information that could indicate immigration status, citizenship status, or national origin information, PAAE 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, or eligible adult students, choose not to provide information that could indicate their or their student’s immigration status, citizenship status, or national origin information, PAAE shall not use such actions as a basis to discriminate against any students or families or bar individuals from enrolling or attending school.

PAAE shall not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status. This does not prohibit PAAE from completing required data collections and submissions (e.g., CALPADS).

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

PAAE 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.

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Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, PAAE staff shall solicit that documentation or information separately from the school enrollment process.

Where permitted by law, the Executive Director or designee 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 policy, PAAE's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

Policies for Inquiries About Social Security Numbers or Cards

PAAE shall not solicit or collect entire Social Security numbers or cards. PAAE 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, PAAE 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.

PAAE 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 educational instruction.

Policies and Procedures Regarding Information Sharing

PAAE 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") or other applicable law.

PAAE staff shall take the following action steps upon receiving an information request related to a student's or family's immigration or citizenship status:

- Notify the Executive Director or designee about the information request.
- Provide the student and family with appropriate notice and a description of the officer or employee's request.
- Document any verbal or written request for information by an officer or employee of an agency for immigration enforcement purposes. PAAE shall make a photocopy of any written request received in-person.

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- Unless prohibited, provide the student and parent/guardian with any documents provided by the officer or employee seeking the information.

Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the school prohibits disclosure, PAAE shall provide parents or guardian, or eligible adult students, notification of any court orders, warrants, or subpoenas before responding to such requests.

PAAE shall require written parental or guardian consent, or eligible adult student consent, for release of student information, unless the information falls within an exception under FERPA or under Education Code section 49076, is relevant for a legitimate educational interest, or includes directory information only. These exceptions do not permit disclosing information to immigration authorities solely for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration-enforcement purposes without a court order or judicial subpoena.

Upon receipt of any information request related to immigration or citizenship status, PAAE shall immediately consult legal counsel and/or the Executive Director. No information regarding students, their families, teachers, or employees shall be disclosed, to the extent practicable, to an officer or employee of an agency conducting immigration enforcement without a judicial subpoena, judicial warrant, or court order, and any disclosure must be in accordance with requirements set forth in Section 99.31(a)(9)(ii) of Title 34 of the Code of Federal Regulations. If faced with an administrative subpoena, PAAE shall consult legal counsel to determine how or whether to respond as there is no separate requirement in federal or state law to provide information to the Department of Homeland Security (DHS), ICE, or any other agency within DHS, without a court order, judicial warrant, or judicial subpoena.

PAAE's request for written parental, guardian, or eligible adult student, consent for release of student information for immigration-enforcement purposes must include the following information: (1) the signature and date of the parent, guardian, or eligible adult 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 adult student, a copy of the records to be released. PAAE shall permanently keep the consent notice with the record file.

The parent, guardian, or eligible adult student is not required to sign the consent form. If the parent, guardian, or eligible adult student refuses to provide written consent for the release of student information that is not otherwise subject to release, PAAE shall not release the information.

If the request seeks information regarding PAAE staff, the same procedures as above should be followed, except that the Executive Director should be consulted first.

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For any requests for information, PAAE is under no obligation to produce the records or information immediately. Rather, PAAE will note any designated date for production of records, if one is indicated in the request, and convey that to the Executive Director or designee.

PAAE will obtain the contact information of the person to whom a response to the request for information should be directed and forward such contact information to the Executive Director or designee.

Policies for Annual Information Notice to Parents and Guardians

PAAE provides an annual notice to parents and guardians, or to eligible adult students, of the school's general information policies that includes:

- Assurances that PAAE 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 PAAE (e.g., transcripts, academic records, immunization records, disciplinary records, enrollment documents, etc.)
- A list of the circumstances or conditions under which PAAE might release student information to outside people or entities.
- A statement that, unless PAAE is providing directory information or information permitted to be disclosed without parental consent under FERPA and the California Education Code, PAAE shall notify parents or guardians and eligible adult students—and receive their written consent—before it releases a student's personally identifiable information.

If PAAE decides to release directory information, PAAE shall provide an annual notice to parents and guardians, and eligible adult students in attendance, of PAAE's directory information policy that includes:

- The categories of information that PAAE has classified as public directory information that may be disclosed without parental consent and which should only include the information specifically identified in Education Code section 49061(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 PAAE receives consent as required under state law).
- The potential recipients of the directory information.
- A description of the parent's, guardian's, or eligible adult student's abilities to refuse release of the student's directory information, and how to refuse release.
- The deadline in which the parent, guardian or eligible adult student must notify the school in writing that they do not want the information designated as directory information.

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Policies for Monitoring and Receiving Visitors onto Campus

PAAE is a non-classroom-based school that does not have school campuses; however, to the extent PAAE had school campuses, the following policies would apply. No outsider—which would include immigration enforcement officers—shall enter or remain on school grounds of PAAE during school hours without having registered with the Executive 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, to the extent practicable, the following information to the Executive Director 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.

PAAE 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. Where authorized, PAAE shall post signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration.

PAAE personnel shall report entry by immigration-enforcement officers to the appropriate administrator (e.g., Executive Director or designee) as would be required for any unexpected or unscheduled outside visitor coming on campus.

Policies for Responding to On-Campus Immigration Enforcement

As early as possible, PAAE personnel shall notify the Executive Director or designee of any request by any officer seeking access to the school site or any student to conduct immigration enforcement, or any requests for review of school documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.). The Executive Director or designee shall contact legal counsel for support.

In addition to notifying the Executive Director or designee, PAAE staff 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 their request, and absent exigent circumstances, school personnel must first receive notification and direction from the Executive Director or designee.
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 their reason for being on school grounds and document it.

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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, PAAE staff should comply with the officer's orders and immediately contact the Executive Director or designee.
7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the officer has:
 - a. ***An ICE (Immigrations and Customs Enforcement) administrative warrant***, PAAE staff shall inform the officer that they cannot consent to any request without first consulting with the legal counsel or Executive Director.
 - 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 legal counsel or Executive Director, before providing the officer access to the person or materials specified in the warrant.
 - c. ***A subpoena for production of documents or other evidence***, immediate compliance is not required. Therefore, PAAE staff shall inform the Executive Director or legal counsel, and await further instructions on how to proceed.
8. While PAAE staff should not consent to an officer seeking access for immigration enforcement purposes, except as described above, they 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, PAAE staff shall document their actions while on campus and if feasible, accompany them at all times.
9. After the encounter with the officer, PAAE staff 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 their request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
 - e. PAAE staff'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. PAAE personnel shall provide a copy of those notes, and associated documents collected from the officer, to the school's legal counsel or Executive Director.
11. In turn, the Executive Director or designee and/or legal counsel shall submit a timely report to PAAE's governing board regarding the officer's requests and actions and PAAE'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 an officer or employee of an agency to access a school site or a student for immigration enforcement purposes.

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Policies for Parental Notification of Immigration-Enforcement Actions

PAAE staff must receive consent from the student's parent or guardian, or from the eligible adult student, 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.

PAAE staff shall immediately notify the student's parents or guardians, or the eligible adult student, if an officer or employee of an agency 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.

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

PAAE shall encourage families and students to 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.

PAAE 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. PAAE 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. PAAE 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 and the student is not an eligible adult student, PAAE shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, PAAE shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. PAAE shall only contact Child Protective Services if PAAE 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.

Policies for Responding to Hate Crimes and Bullying

PAAE shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, or immigration status. Those 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.

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All children have a right to a free public education, regardless of immigration status or religious beliefs. We encourage families to review the “Know Your Educational Rights” guide established by the Attorney General (<https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf>, Appendix G). PAAE shall inform students who are victims of hate crimes of their right to report such crimes.

PAAE has adopted a process for receiving complaints of and investigating complaints of discrimination, harassment, intimidation, and bullying based on protected actual or perceived characteristics, through its Uniform Complaint Procedures. If you would like a copy of the Uniform Complaint Procedures, please contact the Executive Director or designee.

PAAE 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. PAAE 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 provides school staff 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.