

American Heritage Charter Schools

Immigration Enforcement at School Policy

The following policy has been adopted by the Board of Directors of both Escondido Charter High School and Heritage K-8 Charter School (hereinafter “AHCS” or “School”)

IMMIGRATION ENFORCEMENT AT SCHOOL

In the event that the School receives a request by an immigration or law-enforcement officer seeking access to the School site, or a student on campus, to conduct immigration enforcement or to request a review of School documents, staff shall follow the Emergency Response procedures outlined on the following pages and included in the Comprehensive School Safety Plan.

TRAINING

The School will establish training regarding immigration issues for teachers, school administrators, and school staff, including information on responding to a request from an officer enforcing immigration law to visit a school site or to have access to a student. The Charter School will designate an employee to facilitate training programs for staff, help provide non-legal advice to families and assist in communications with the School and other stakeholders in local and state government.

IMMIGRATION ENFORCEMENT AT SCHOOL

The School may receive a request by an immigration or law-enforcement officer seeking access to the School site, or a student on campus, to conduct immigration enforcement or to request a review of School documents.

STAFF ACTIONS:

1. Immediately notify the principal or site administrator of any request by an immigration or law-enforcement officer seeking access to the School site, or any student, to conduct immigration enforcement, or of any requests to review school documents. This includes the service of lawful subpoenas, petitions, complaints, etc.
2. If an officer appears on campus specifically for immigration-enforcement purposes, staff must take the following actions:
 - a. Advise the officer that before proceeding with the request, and absent exigent circumstances, school personnel must first receive notification and direction from the principal or site administrator;
 - b. Ask to see (and make a copy of, or note) the officer's credentials including:
 - i. Name
 - ii. Badge number
 - iii. Phone number of the officer's supervisor;
 - c. Ask the officer for her/his reason for being on school grounds and document it;
 - d. Ask the officer to produce any documentation that authorizes school access;
 - e. Make copies and retain a copy of all documents provided by the officer.
 - f. If the officer declares that exigent circumstances exist and demands immediate access to the campus, school personnel should comply with the officer's orders and immediately contact the principal or site administrator.
3. If the officer does not declare that exigent circumstances exist, staff shall immediately contact the principal or site administrator who will take further action
4. After the encounter with the immigration officer, School personnel shall promptly take written notes of all interactions with the officer. School personnel shall provide notes, and all other associated documents of the interaction that have been collected or compiled, to the designated administrator. The notes taken by personnel must include, but are not limited to:
 - a. List or copy of the officer's credentials and contact information;
 - b. List 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 his/her request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
 - e. School personnel's response to the officer's request;
 - f. Any further action taken by the officer/agent;
 - g. Photo or copy of all/any information presented by the agent.

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

1. If an immigration or law-enforcement officer appears on campus specifically for immigration-enforcement purposes and does not declare that exigent circumstances exist, the principal or site administrator shall respond to the requirements of the officer's documentation as follows:
 - a. If the officer has:
 - i. An ICE (Immigration and Customs Enforcement) administrative warrant:
 1. The principal or site administrator shall inform the officer that they cannot consent to any request without first consulting with the School's designated official;
 - ii. A federal judicial warrant (search-and-seizure warrant or arrest warrant):
 1. Prompt compliance with such a warrant is usually legally required. If feasible, the principal or site administrator, shall consult with the School's designated official before providing the officer/agent access to the person or materials specified in the warrant;
 - iii. A subpoena for production of documents or other evidence:
 1. Immediate compliance is not required. Therefore, the principal or site administrator shall inform the School's legal counsel or other designated official of the subpoena and await further instructions on how to proceed.
2. Following any attempt by a law-enforcement officer to access a school site, or any student, for immigration-enforcement purposes the principal or site administrator may be directed to file a report with the Bureau of Children's Justice in the California Department of Justice at BCJ@doj.ca.gov
3. Parental Notification
 - a. Before a student can be interviewed or searched by any officer seeking to enforce civil immigration laws at the School, School personnel must receive consent from the student's parent or guardian, unless the officer presents a valid, effective warrant signed by a judge or presents a valid, effective court order.
 - b. School personnel shall immediately notify the student's parents or guardians if a law-enforcement officer or employee of an agency requests or gains access to a student for immigration-enforcement purposes unless that access was in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

OTHER ACTIONS

The School's legal counsel or designated administrator shall submit a timely report to the governing board regarding the officer's requests and actions, and the School's response(s).

School personnel should not consent to access by an immigration-enforcement officer, except as described above. At the same time, personnel shall never physically impede an officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If the officer enters the premises without consent, personnel shall document his or her actions while on campus and if feasible, accompany them at all times.