

## **SAN DIEGO MISSION ACADEMY**

### **BOARD POLICIES ON PROTECTIONS FOR STUDENTS RELATING TO IMMIGRATION AND CITIZENSHIP STATUS**

The Board of Directors of San Diego Mission Academy (“Charter School”) hereby adopts the following policies on Protections for Students Relating to Immigration and Citizenship Status in compliance with AB 699 (2017) and AB 495 (2025). The policies are based on the California Attorney General’s guidance and model policies, [Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes](#),<sup>1</sup> December 2025.<sup>1</sup>

#### **Policy on Collecting and Retaining Student Information**

The Charter School shall maintain in writing policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

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

The Charter School 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.

#### **Policy on Inquiries Regarding Immigration Status, Citizenship Status, and National Origin Information**

Charter School 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.

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

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<sup>1</sup> As the Charter School is a 100% virtual school with no schoolsites, learning centers, or facilities that serve enrolled students, the policies herein have been modified accordingly.

Where permitted by law, the Charter School 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. Charter School personnel shall note the method of age verification but are not required to maintain a copy of the document used to show age.

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, the Charter School's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

### **Policy on Inquiries About Social Security Numbers or Cards**

The Charter School shall not solicit or collect entire Social Security numbers or cards.

The Charter School 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, the Charter 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.

The Charter School 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.

### **Policy and Procedures Regarding Information Sharing**

The Charter School shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status without first attempting to notify the parent or guardian in compliance with the Family Educational Rights and Privacy Act (FERPA).

Charter School 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 designated Charter School official about the information request.
- Provide students and families 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.
- Unless prohibited, provide students and parents/guardians with any documents provided by the officer or employee seeking the information.

Except for investigations of suspected child abuse, child neglect, or child dependency (Pen. Code, § 11167.5, subd. (a)), or when the subpoena served on the Charter School prohibits disclosure (20

U.S.C. § 1232g(b)(1)(J)(i),(ii)), the Charter School shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

The Charter School shall make every effort to receive written parental or guardian consent for release of student information, unless the information is for directory information only.

The Charter School should make a photocopy of the request and immediately consult legal counsel and/or a designated representative of the Charter School. 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, 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.

The Charter School's request for written parental, guardian, or eligible student 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. The Charter School 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, the Charter School shall not release the information.

If the request seeks information regarding an employee or teacher of the local educational agency, the same procedures as above should be followed, except that human resources personnel (a designated person) should be consulted first.

For any requests for information, the Charter School is under no obligation to produce the records or information immediately. Rather, the Charter School should note any designated date for production of records, if one is indicated in the request, and convey that to a designated person at the Charter School. The Charter School should designate a contact person to whom such requests for information should be directed.

The Charter School should 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 person the agency has designated to receive such requests.

*See also: policy and annual notice in the Parent-Student Handbook, PUPIL RECORDS, INCLUDING CHALLENGES, DIRECTORY INFORMATION AND INFORMATION SHARING.*

## **Policy for Annual Information Notice to Parents and Guardians**

### *General Information Policy*

The Charter School must provide an annual notice to parents and guardians of the school's general information policies that includes:

- Assurances that the Charter School 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 the Charter School.
- A list of the circumstances or conditions under which the Charter School might release student information to outside people or entities.
- A statement that, unless the Charter School is providing directory information or information permitted to be disclosed without parental consent under FERPA and the California Education Code, the Charter School shall notify parents or guardians and eligible students—and receive their written consent—before it releases a student's personally identifiable information.
- Even for those exceptions that permit the release of education records without parental consent, the Charter School is required to notify the student and their family unless an exception exists. The Charter School's policy should explain these exceptions that do not require prior notification.

### *Directory Information Policy*

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

- The categories of information that the Charter School 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, subdivision (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 the Charter School receives consent as required under state law).
- The recipients of the directory information.
- A description of the parent's, guardian's, or eligible 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 student must notify the school in writing that they do not want the information designated as directory information. (34 C.F.R. § 99.37, subd. (a); Ed. Code, § 49073.)

## **Policy on Responding to Immigration Enforcement**

As early as possible, Charter School personnel shall notify the Area Superintendent or designee of any request by any officer seeking access to any student to conduct immigration enforcement, or any requests for review of school documents (including for the service of lawful subpoenas, petitions, complaints, warrants, etc.).

In addition to notifying the Area Superintendent or designee, Charter School personnel shall take the following action steps in response to requests 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 the Area Superintendent 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 his/her reason for the request and document it.
4. Ask the officer to produce any documentation that authorizes school records 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, Charter School personnel should comply with the officer's orders and immediately contact the Area Superintendent 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:
  - *an ICE (Immigrations and Customs Enforcement) administrative warrant (see [AG Guidance, Appendix B](#))*, Charter School personnel shall inform the officer that he or she cannot consent to any request without first consulting with the Charter School's legal counsel or Area Superintendent or designee.
  - *a federal judicial warrant (search-and-seizure warrant or arrest warrant; see [AG Guidance, Appendix C and D](#))*, prompt compliance with such a warrant is usually legally required. If feasible, consult with the Charter School's legal counsel or Area Superintendent or designee before providing the agent access to the person or materials specified in the warrant.
  - *a subpoena for production of documents or other evidence (see [AG Guidance, Appendix E and F](#))*, immediate compliance is not required. Therefore, Charter School personnel shall inform the Charter School's legal counsel or Area Superintendent or designee of the subpoena, and await further instructions on how to proceed.
8. After the encounter with the officer, Charter School 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;
  - Charter School 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.
9. Charter School personnel shall provide a copy of those notes, and associated documents collected from the officer, to the Charter School's legal counsel.

10. In turn, the Charter School's legal counsel shall submit a timely report to the Charter School's governing board regarding the officer's requests and actions and the Charter School's response(s).
11. 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 an officer or employee of an agency to access information or a student for immigration-enforcement purposes.

### **Policy on Parental Notification of Immigration Enforcement Actions**

Charter School 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.

Charter School personnel shall immediately notify the student's parents or guardians 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.

### **Policy on Responding to the Detention or Deportation of a Student's Family Member**

The Charter School 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.

The Charter School 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.

- The Charter School 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.
- The Charter School 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, the Charter School shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, the Charter School shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. The Charter School shall only contact a child protective services agency if the Charter 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.

## **Policy on Responding to Hate Crimes and Bullying**

### *Adopting and Publicizing Anti-Bullying and Anti-Harassment Policy*

The Charter School maintains and publicizes policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, immigration status, and other protected categories as required by law. 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. *See policy: HARASSMENT, INTIMIDATION, DISCRIMINATION, AND BULLYING POLICY.*

The Charter School shall notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs. *See annual notice in the Parent-Student Handbook: STUDENTS, PARENTS AND GUARDIANS: KNOW YOUR EDUCATIONAL RIGHTS.*

The Charter School shall inform students who are victims of hate crimes of their right to report such crimes.

### *Processing Complaints of Harassment and Bullying*

The Charter School maintains a process for receiving complaints of and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics:

- disability
- gender
- gender identity
- gender expression
- nationality
- race or ethnicity
- religion
- sexual orientation
- association with a person or group with one or more of the aforementioned characteristics
- immigration status

The complaint process includes, but is not limited to, the following steps:

- A requirement that, if Charter School personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so;
- A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying; and
- An appeal process afforded to the complainant should they disagree with the resolution of a complaint.
- Confidentiality safeguards for immigration status information.

- Prohibition of retaliation against a person who submits a complaint of discrimination, harassment, intimidation, or bullying.

*Training Students, Teachers, and Staff on Anti-Bullying and Anti-Harassment Policy*

The Charter School 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.

The Charter School 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 should, at minimum, provide Charter School personnel 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.

## Quick Reference for School Officials (see AG Guidance, Appendix A)

### What to do if an immigration enforcement officer contacts your school?

1. Immediately notify the Area Superintendent of the officer's request for student access, or any requests to review school records.
2. Advise the officer that, before proceeding with the request, and absent exigent circumstances, you must first receive notification and direction from the Area Superintendent or designee.
3. Ask to see, and make a copy of or note, the officer's credentials (name and badge number), and the phone number of his/her supervisor.
4. Ask the officer for his/her reason for the request and document it.
5. Ask the officer to produce any documentation they claim authorizes school records access.
6. Make a copy of all documents provided by the officer to retain for school records.
7. If the officer declares that exigent circumstances exist, comply with his/her orders and immediately alert the Area Superintendent or designee.
8. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the officer has:
  - ***an ICE (Immigrations and Customs Enforcement) administrative warrant or a subpoena for production of documents or other evidence***, inform the officer that you cannot consent to any request without first consulting with the Charter School's legal counsel or Area Superintendent or designee.
  - ***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 Charter School's legal counsel or Area Superintendent or designee before providing the officer access to the person or materials specified in the warrant.
9. After the encounter with the officer, promptly take written notes, including the following:
  - 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;
  - Your response to the officer's request;
  - Any further action taken by the officer; and
  - Photo or copy of any documents presented by the officer.
10. Notify parents or guardians as soon as possible (unless prevented by a judicial warrant or subpoena), and do so before an officer questions a student for immigration enforcement purposes (unless a judicial warrant has been presented).
11. Provide a copy of those notes, and associated documents collected from the officer, to the Charter School's legal counsel, or Area Superintendent or designee.
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 any officer to access a student for immigration enforcement purposes.

**What to do if an officer or employee of an agency requests personal information about a student, his/her family members, or employees or teachers for immigration enforcement purposes?**

***Avoiding unauthorized information disclosure:*** Do not disclose information that might indicate a student's or family's citizenship or immigration status without consent of the parents, guardians, or students (if the student is 18 years of age or over), unless the information is for a legitimate educational purpose or is in response to a court order, judicial warrant, or judicial subpoena. Providing information about a student's or family's citizenship or immigration status to an officer or employee of an agency for immigration enforcement purposes is not for a legitimate educational purpose under federal or state law. Confer with the Area Superintendent or designee and/or the Charter School's legal counsel when presented with an ICE administrative warrant or administrative subpoena. Nothing in the law limits a Charter School's or school official's right to consult with counsel or challenge the validity of a warrant, subpoena, or court order in a court of competent jurisdiction

***Procedure for responding to all information requests:***

- Make a photocopy of the request and immediately consult the Charter School's legal counsel and/or the Area Superintendent or designee.
- No information regarding students, their families, teachers, or employees shall be disclosed, to the extent practicable, to an officer or agent conducting immigration enforcement without a judicial subpoena, judicial warrant, or court order, and any disclosure must be in accordance with the notification 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, consult the Charter School's 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.

Take the following action steps if you receive any information request related to a student's or family's immigration or citizenship status that is not supported by a judicial warrant or court order:

- Notify the Area Superintendent or designee 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.

***Responding to court documents requesting student or family information:*** Notify the parents or guardians if you receive a court order, subpoena, or warrant requesting information regarding a student or family member, unless: (1) the warrant or subpoena concerns an investigation of child abuse, child neglect, or child dependency, or (2) the subpoena prohibits disclosure.

***Secure written consent from the parent/guardian/adult student before releasing information:*** You must get 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. Because neither exception permits disclosing information to any agency for immigration enforcement purposes, to the extent practicable, no student information shall be disclosed to officers or employees of such agencies for immigration enforcement purposes without written consent from a parent, guardian, or student (if over 18 years of age or in a postsecondary institution), or a court order, judicial subpoena, or judicial warrant. Any records that are produced pursuant to a valid judicial warrant, judicial subpoena, or court order must comply with the parent notification requirements set forth in FERPA's regulations, at 34 C.F.R. § 99.31, subd. (a)(9)(ii). (Ed. Code, § 234.7, subd. (b).)

The written consent for release of student information must include the following:

1. A description of the information to be released;
2. The reason for release of information;
3. The parties or type of parties receiving the information;
4. If requested by the parents, guardians or student (if the student is 18 years of age or older or in a postsecondary institution), a copy of the records to be released; and
5. Date and signature of the parent, guardian, or student (if 18 years of age or older or in a postsecondary institution) consenting to the release of information.

**Please Note:** The parent, guardian, or student (if over 18 years of age or in a postsecondary institution) is not required to sign the consent form. Therefore, you cannot release the information if the parent, guardian, or student (if over 18 years of age or in a postsecondary institution) refuses to provide written consent for its release.

Once the parent, guardian, or adult student signs and dates the consent form, keep the consent notice with the record file. Also, notify the recipient of the student/family information that further transmission of the information to other individuals is prohibited, without the written consent of the parent/guardian/student (if 18 years of age or older).

### **What should you do if someone seeks information or records regarding an employee, teacher, or other staff?**

If the request seeks information or records regarding an employee or teacher of the Charter School, consult with the Charter School's legal counsel and/or designated human resources representative before providing any information or access to records.

To the extent practicable, do not provide any information regarding an employee or teacher without a valid judicial warrant, judicial subpoena, or court order. However, because employee records are subject to different laws, including Government Code section 7285.2, which has additional exceptions for access to employee records, it is important that you consult with the Charter School's legal counsel and/or designated human resources representative.