

CLIENT NEWS BRIEF

California Attorney General Publishes Guide on the Rights of Undocumented Immigrant Students and Families

The California Attorney General's Office (AG) has published a [comprehensive guide and model policies](#) to equip local educational agencies (LEAs) with information and resources for addressing immigration enforcement actions and also, hate crimes and bullying that target immigrants.

The guide is intended to serve as an instructional tool for LEAs in addressing increased U.S. Immigration and Customs Enforcement (ICE) activity and the impacts of the rescission of the Deferred Action for Childhood Arrivals (DACA) program. (See [2018 Client News Brief No. 9](#) and [2017 Client News Brief No. 57](#).) The model policies, which were mandated by Assembly Bill (AB) 699, are intended to serve as a template for LEAs to adopt.

AB 699 requires all school districts, county offices of education, and charter schools to adopt these model policies or equivalent policies by July 1, 2018. (See [2017 Client News Brief No. 64](#).) The California School Boards Association has said it would review the model policies once they were made available, and Lozano Smith will monitor the association's issuance of any new policies that may assist LEAs in complying with this new mandate.

According to the guide, which is titled "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," an estimated 250,000 undocumented children between the ages of 3 and 17 are enrolled in California public schools, and an estimated 750,000 K-12 students in California have an undocumented parent.

The guide is broken down into the following five topics:

- (1) Gathering and handling student and family information;
- (2) Sharing student and family information;
- (3) Responding to requests for access to school grounds for immigration enforcement purposes;
- (4) Responding to the detention or deportation of a student's family member; and
- (5) Responding to hate crimes and bullying related to national origin or ethnicity.

Each topic area includes an outline of relevant state and federal protections for students and families, policy recommendations that the AG represents comply with state and federal laws regarding law enforcement actions at public schools, and model versions of the policies that LEAs must adopt by July 1.

The information that may have the most real-world application for LEAs is the guide's content on responding to requests for access to schools grounds for immigration enforcement purposes. The guide provides LEAs with comprehensive instructions on how to train staff to handle immigration

April 2018
Number 17



Sloan R. Simmons
Partner and Co-Chair
Litigation Practice Group
Sacramento Office
ssimmons@lozanosmith.com



Nicholas G. Felahi
Associate
San Diego Office
nfelahi@lozanosmith.com



As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

CLIENT NEWS BRIEF

April 2018
Number 17

enforcement actions. Specifically, the AG provides guidance on who to notify if an immigration enforcement action takes place and what types of warrants, subpoenas, and court orders are generally used for immigration enforcement. Additionally, the guide recommends appropriate ways for LEAs to handle students whose parents have been detained in an immigration enforcement action.

In addition to providing model policies and an overview of relevant state and federal law, the guide provides a quick reference sheet for school officials; a "Know Your Education Rights" checklist for parents; and samples of federal search and seizure warrants, federal arrest warrants, Department of Homeland Security immigration enforcement subpoenas, and federal judicial subpoenas so that LEAs can be familiar with the different types of orders presented to them and knowledgeable about how they should proceed. The AG's [quick reference guide for school administrators](#) and [reference guide for families](#) are available as separate documents.

Takeaways

LEAs should familiarize themselves with the AG's guide for at least two reasons. First, AB 699 requires LEAs to adopt the AG's policies or policies equivalent to the models in the guide on or by July 1. Second, the guide serves as a comprehensive legal guide to addressing student privacy issues in general while also providing specific, real-life scenarios related to ICE or other immigration-related actions.

Lozano Smith can provide additional guidance on these and other immigration-related issues for our school and community college district clients. If you are interested in receiving additional guidance or have any questions regarding immigration enforcement on school campuses, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.