

Updates to Student Services BPs & ARs to Address Immigration Status (Item Nos. VIII.A-G)

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Ms. Tara Brown

Dr. Mark Kelly



BP 0410 - Nondiscrimination in District Programs and Activities

■ Policy reflects new law (AB 699)

- Adds immigration status to categories of characteristics that are protected against discrimination
- Requires parent/guardian notification of their child's right to free public education regardless of immigration status or religious beliefs
- Mandates districts adopt policy consistent with CA Attorney General model policy, which includes a statement regarding equitable services

■ Policy reflects new law (SB 31)


- Prohibits districts from compiling or assisting in the compilation of a registry based on immigration status, religion, or other specified characteristics



BP & AR 5111 - Admission

■ Policy reflects state law (AB 699)

- Prohibits collection of social security numbers or last four digits of social security numbers of students or their parents/guardians, unless otherwise required by law.
- Prohibits districts from inquiring into students' citizenship or immigration status and the CA Attorney General's model policy:
 - *Under the limited circumstances when such information must be collected to comply with eligibility requirements for special state or federal programs, such information should be collected separately from the school enrollment process*



BP & AR 5111 – Admission (cont.)

- Regulation reflects requirement of the Attorney General's model policy
 - Prohibits districts from requiring documentation that may indicate a student's national origin or immigration status, such as a passport, to the exclusion of other permissible documentation
 - Reflects the authority to accept a parent/guardian affidavit as evidence of a child's age when other documentation is not available



BP & AR 5111.1 – District Residency

- Reflect new law (AB 699)

- Prohibits districts from collecting information or documents regarding the citizenship or immigration status of students or their family members

- Reflects new law (SB 257)

- A student meets district residency requirements if the student's parent/guardian was a resident of California who departed the state against his/her will pursuant to a transfer by a government agency, a court order, or the federal Immigration and Nationality Act



BP & AR 5125 – Student Records

■ Policy reflects new law (AB 699)

- Prohibits districts from collecting information regarding students' citizenship or immigration status
- Requires district staff to receive training in the gathering and handling of sensitive student information
- Limits the collection of students' social security numbers or last four digits of the social security numbers

■ Policy reflects new law (SB 31)


- Prohibits districts from assisting in the compilation of a list, registry, or database based on students' national origin, ethnicity, or religion



BP & AR 5125 – Student Records (cont.)

■ Regulation reflects new law (SB 233)

- Expands types of records related to foster youth that must be made accessible to specified agencies,
- Requires the annual parental notification include a statement that a student's citizenship, place of birth, or national origin will not be released without parental consent or a court order



AR & E 5125.1 - Release of Directory Information

- Reflects CA Attorney General's model policy, developed pursuant to new law (AB 699)
 - Requires the annual parental notification include a statement that directory information does not include citizenship status, immigration status, place of birth, or national origin.
- Clarifies any release of directory information
- (Policy attached only for reference)




BP & AR 5145.13 – Response to Immigration Enforcement

■ Policy reflects new law (AB 699)

- Mandates districts adopt policy consistent with CA Attorney General model policy
 - *Response to requests by law enforcement for access to information, students, or school grounds for immigration enforcement purposes and actions to be taken in the event that a student's family member is detained or deported*

■ Policy reflects new law (SB 31)

- Prohibits districts from compiling or assisting federal government authorities with compiling a list, registry, or database based on students' national origin, ethnicity, or religion



BP & AR 5145.3 – Nondiscrimination/Harassment

- Policy reflects new law (AB 699)

- Prohibits discrimination based on immigration status

- Other updates

- Expands list of categories to include ancestry, nationality, marital status, pregnancy, parental status, transgender and gender-nonconforming, and genetic information
- Broadens school activities covered in the policy
- Clarifies what is included in unlawful discrimination
- Expands steps the superintendent and/or designee will take to ensure students, parents/guardians, and employees have been informed of the nondiscrimination policy
- Revises reporting and investigation process
- Clarifies which district employee(s) are responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws
- Implicitly includes measures to prevent discrimination