All people in the United States, regardless of immigration status, have certain rights and protections under the U.S. Constitution. Knowing and asserting rights can make a huge difference in many situations, such as when ICE agents go to a home. The information included in this resource guide provide students, families and school staff with critical information for working together to assert the rights of all within the YCSC school community.

WHEREAS, YouthBuild Charter School of California has an obligation to serve all of its students equally, without regard to race, ethnicity, national origin, immigration status, gender, sexual orientation, and religion; and

WHEREAS, YouthBuild Charter School of California is committed to providing a safe work environment for students, faculty, and staff, by enforcing all federal, state, and local, laws designed to eliminate illegal discrimination; and

WHEREAS, YouthBuild Charter School of California, being committed to the CIVIL RIGHTS entitled to all of its students, as defined by its NON-DISCRIMINATION STATEMENT & UNIFORM COMPLAINT PROCEDURES, rejects the development and implementation of policies and programs that will undermine and threaten the ability of any member of our community to pursue their educational and professional opportunities;

BE IT RESOLVED THAT YOUTHBUILD CHARTER SCHOOL OF CALIFORNIA REITERATES THAT IT MEETS THE DEFINITION OF A “SENSITIVE LOCATION,” AS DEFINED IN DIRECTIVE 10029.2, FROM IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) DIRECTOR, JOHN MORTON, SIGNED OCTOBER 11, 2011, TO ALL FIELD OFFICE DIRECTORS, SPECIAL AGENTS IN CHARGE, AND CHIEF COUNSEL; AND THEREFORE DECLARES ITSELF A “SANCTUARY CAMPUS.”

BE IT RESOLVED, THAT ICE ACTIVITIES DESIGNED TO IDENTIFY, INVESTIGATE, DETAIN, AND DEPORT, UNDOCUMENTED PERSONS SHALL NOT BE PERMITTED BY YOUTHBUILD CHARTER SCHOOL OF CALIFORNIA PERSONNEL EXCEPT IN CASES TO PROTECT MEMBERS OF THE SCHOOL COMMUNITY FROM IMMINENT HARM AS DESCRIBED IN THE DIRECTIVE DESCRIBED ABOVE.
YCSC will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.

YCSC maintains student enrollment packets and supporting documentation.

YCSC might release student information to outside people or entities in the event of a subpoena or if requested via written permission from the student or parent/guardian.

Unless YCSC is providing information for a legitimate educational purpose under FERPA and the California Education Code or directory information, YCSC shall notify parents or guardians and eligible students—and receive their written consent—before it releases a student’s personally identifiable information.

**Policies and Procedures Regarding Information Sharing**

YCSC 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).

YCSC 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 YCSC official 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.

Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the local educational agency prohibits disclosure, YCSC shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

YCSC shall require 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. Neither exception permits disclosing information to immigration authorities for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration enforcement purposes without a court order or judicial subpoena.

YCSC’s request for written or parental or guardian 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. YCSC 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 this not otherwise subject to release, YCSC shall not release the information.

Policies for Collecting and Retaining Student Information

- The Superintendent of Schools shall maintain in writing YCSC policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.
- If YCSC possesses information that could indicate immigration status, citizenship status, or national origin information, YCSC 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, YCSC shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.
- YCSC shall not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.

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

YCSC 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, YCSC personnel shall solicit that documentation or information separately from the school enrollment process.

Where permitted by law, the Superintendent of YCSC 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.
Policies for Monitoring and Receiving Visitors onto Campus

No outsider—which would include immigration-enforcement officers—shall enter or remain on school grounds of YCSC during school hours without having registered with the principal 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 the following information to the principal 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.

YCSC 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.

YCSC shall post signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration.

YCSC personnel shall report entry by immigration-enforcement officers to any on-site school police or other appropriate administrator 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, YCSC personnel shall notify the Superintendent of any request by an immigration-enforcement officer for school or student access, or any requests for review of school documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.).

- In addition to notifying the Superintendent, YCSC personnel shall take the following action steps in response to an officer present on the school campus specifically for immigration-enforcement purposes: 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 Superintendent.
- 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.
- Ask the officer for his/her reason for being on school grounds and document it.
- Ask the officer to produce any documentation that authorizes school access.
- Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
- If the officer declares that exigent circumstances exist and demands immediate access to the campus, YCSC personnel should comply with the officer’s orders and immediately contact the Superintendent.

If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer’s documentation. If the immigration-enforcement officer has:

- An ICE (Immigrations and Customs Enforcement) administrative warrant, YCSC personnel shall inform the agent that he or she cannot consent to any request without first consulting with the Superintendent.
**YOUTHBUILD CHARTER SCHOOL OF CALIFORNIA**

**KNOW YOUR EDUCATIONAL RIGHTS**

- *A federal judicial warrant (search-and-seizure warrant or arrest warrant; see Appendix C & D)*, prompt compliance with such a warrant is usually legally required. If feasible, consult with the [local educational agency’s legal counsel or designated administrator] before providing the agent access to the person or materials specified in the warrant.

- *A subpoena for production of documents or other evidence (see Appendix E & F)*, immediate compliance is not required. Therefore, YCSC personnel shall inform the [local educational agency’s] legal counsel or other designated official of the subpoena, and await further instructions on how to proceed.

While YCSC personnel should not consent to access by an immigration-enforcement officer, except as described above, he/she 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, YCSC personnel shall document his or her actions while on campus.

After the encounter with the officer, YCSC 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;
- YCSC 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.

YCSC personnel shall provide a copy of those notes, and associated documents collected from the officer, to the Superintendent.

In turn, the Superintendent shall submit a timely report to YCSC’s governing board regarding the officer’s requests and actions and the [local educational agency’s] response(s).

E-mail the Bureau of Children’s Justice in the California Department of Justice, at BCI@doj.ca.gov, regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.

**Policies for Parental Notification of Immigration-Enforcement Actions**

YCSC 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.

YCSC personnel shall immediately notify the student’s parents or guardians if a law-enforcement officer 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 Parental Notification of Immigration-Enforcement Actions

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

YCSC shall encourage that families and students 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.

YCSC 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. YCSC 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.

YCSC 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, YCSC shall use the student’s emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, YCSC shall release the student into the custody of any individual who presents a Caregiver’s Authorization Affidavit on behalf of the student. YCSC shall only contact Child Protective Services if YCSC 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.

Caregiver’s Authorization Affidavit- https://www.courts.ca.gov/documents/caregiver.pdf (English)


YOUR RIGHTS

You have the Right to Enroll Your Child at any Public School
KNOW YOUR EDUCATIONAL RIGHTS

The 1982 Supreme Court Case Plyler vs. Doe held that all children have a Constitutional right to access a free public education regardless of their immigration status or that of their parents. Every student, regardless of immigration status, will be immediately enrolled in school.

Confidentiality of Personal Information

YouthBuild Charter School of California (YCSC) 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).

- YCSC 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 YCSC official 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.

Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the local educational agency prohibits disclosure, the YCSC shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

YCSC shall require 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. Neither exception permits disclosing information to immigration authorities for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration enforcement purposes without a court order or judicial subpoena.

Complaint Rights

You have the right to file a complaint under the YCSC’s Uniform Complaints Procedures for noncompliance with state and federal laws and regulations, including but not limited to alleging discrimination, harassment, intimidation and/or bullying. Complainants are protected from retaliation. Complaints under various venues are afforded to all students regardless of immigration status.

Be Prepared

Speak to your family about critical information that every member of the family must know regarding legal guardianship, health records, and who to contact at the school site should a member or caretaker affidavit of the family be detained by I.C.E. Keep your documents updated and located in a safe and accessible area, including the emergency contact information.

ASSERTING YOUR RIGHTS
The United States Constitution guarantees certain rights for every person living in the United States, whether immigrant or native-born citizen, documented or undocumented. Today more than ever, it is important to know and assert your rights.

**Right to Remain Silent**

Everyone has the right to remain silent. You can plead the 5th Amendment and choose not to speak. You don’t have to answer any questions or disclose any information regarding where you were born or how you entered the United States. Anything you say to federal immigrant enforcement officials can be used against you—so be aware that you can exercise your 5th Amendment rights.

**Don’t Open Your Door**

You may talk with an immigrant and customs Enforcement (ICE) officer without having to open your door. In some cases, ICE agents may identify themselves as police officers. You are encouraged to look through a window or peephole or ask them to identify themselves without opening the door. They are not allowed to enter your home unless you invite them in or they have a warrant signed by a judge. You may ask them to hold the warrant up against a window or slide it under the door. To ensure the validity of the warrant, make sure that it includes your correct name and address.

**Private Spaces**

ICE is not allowed in other private spaces—such as the doctor’s office—without a warrant. Staff members are able to deny ICE permission to enter these private areas if they don’t have a warrant or if the warrant is not signed by a judge.

**Speak to a Lawyer before Signing or Speaking**

The language used on legal documents may be confusing or hard to understand—so do not sign anything if you are not certain about what it means. Always speak to an attorney before signing anything given to you by ICE. If questioned by an immigrant officer, simple task to speak to a lawyer. If the questioning continues, repeat your request to speak with a lawyer.

**You Have the Right to a Lawyer and a Hearing**

You may have a lawyer by your side if ICE or other law enforcement officers begin to question you. If you are arrested for a crime, you have the right to a lawyer—and should ask for one immediately. If you are detained by ICE, you have the right to speak with an attorney. You also have a right to a court hearing and for a judge to review your case. While a judge reviews your case, you can remain in the United States until a final decision is made.