

## POLICY GUIDE SHEET

May 2018

Page 1 of 3

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

### **BP 0410 - Nondiscrimination in District Programs and Activities**

(BP revised)

Policy updated to reflect **NEW LAW (AB 699)** which (1) adds immigration status to the categories of characteristics that are protected against discrimination, (2) requires parent/guardian notification of their child's right to a free public education regardless of immigration status or religious beliefs, and (3) mandates that districts adopt policy consistent with a model policy developed by the California Attorney General, which includes a statement regarding equitable services. Policy also reflects provisions of the Attorney General's model policy and **NEW LAW (SB 31)** which prohibit districts from compiling or assisting in the compilation of a registry based on immigration status, religion, or other specified characteristics.

### **E 0420.41 - Charter School Oversight**

(E revised)

Exhibit updated to reflect **NEW LAWS** affecting requirements for charter schools, including **AB 1360** which clarifies that the charter school's admission preferences must be approved by the district board, **AB 830** which repeals the high school exit examination requirement, **AB 1360** which requires parental notification that parent/guardian involvement is not a requirement for enrollment at the charter school, **AB 699** which requires charter schools to adopt policy consistent with the model policy on immigration enforcement developed by the California Attorney General, **AB 2097** (2016) which prohibits the collection of social security numbers, **AB 841** which prohibits advertising or promotion of non-nutritious foods or beverages, **SB 250** which requires parental notification within 10 days of a negative meal account balance and prohibits different treatment of students with unpaid meal fees, and **SB 138** which requires "very high poverty schools" to apply to provide lunch and/or breakfast free of charge to all students under a federal universal service provision.

### **BP/AR 3514 - Environmental Safety**

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW (AB 746)** which provides that, if a community water system finds lead above specified levels in a school's potable water system, the district must notify parents/guardians, shut down fountains and faucets, and provide a source of drinking water to students. Policy also deletes details regarding district strategies that are duplicated in the AR. Regulation also updates material related to particulate filters in school buses and carbon monoxide detectors to reflect current law.

### **BP 3514.1 - Hazardous Substances**

(BP revised)

Policy updated to reflect legal requirements regarding toxic art and craft supplies, formerly in BP 6161.3 - Toxic Art Supplies.

### **BP/AR 3516 - Emergencies and Disaster Preparedness Plan**

(BP/AR revised)

Policy expands paragraph on the involvement of staff and community groups in plan development, consistent with U.S. Department of Education recommendation. Policy also adds training on staff responsibilities in an emergency or disaster, clarifies staff's legal obligation to serve as disaster service workers, and clarifies that board members are not considered disaster service workers. Regulation expands

prevention strategies to include measures to increase the security of school facilities, expands crisis communications methods to include social media and electronic communications, and adds assembly of key information into a "crisis response box" that can be easily accessed in an emergency.

## **POLICY GUIDE SHEET**

**May 2018**

**Page 2 of 3**

### **AR 3541 - Transportation Routes and Services**

(AR revised)

Regulation updated to reflect **NEW LAW (AB 1453)** which authorizes districts to provide for the transportation of adult volunteers to and from educational activities. Regulation also reflects requirement to provide transportation consistent with a student's Section 504 plan, and clarifies the district's responsibility with respect to transportation for homeless students and foster youth.

### **BP/AR 4158/4258/4358 - Employee Security**

(BP/AR revised)

Policy updated to add staff training on procedures for responding to an active shooter situation, condense options on pepper spray to recommend that any possession of pepper spray by employees require advance written permission, and reflect renumbering of legal cite pertaining to pepper spray. Regulation updated to clarify the reporting of an attack, assault, or threat and to modify section on pepper spray consistent with revisions to the BP.

### **BP/AR 4161.9/4261.9/4361.9 - Catastrophic Leave Program**

(BP/AR revised)

Policy and regulation substantially revised and reorganized to clarify requirements for the catastrophic leave program. Policy recommends that donated leave be placed into a pool for eligible employees rather than earmarked for particular employees, and adds notification to employees regarding the program. Regulation provides that donation of leave be made in writing to the superintendent rather than the board, encourages employees to retain sufficient leave for their own potential use, establishes a maximum amount of catastrophic leave that may be used by an individual employee, and provides that employees will be ineligible for catastrophic leave while receiving workers' compensation benefits.

### **BP/AR 5111 - Admission**

(BP/AR revised)

Policy updated to reflect state law prohibiting the collection of social security numbers or the last four digits of the social security numbers of students or their parents/guardians, unless otherwise required by law. Policy also reflects **NEW LAW (AB 699)** which prohibits districts from inquiring into students' citizenship or immigration status and the California Attorney General's model policy which provides that, 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. Regulation updated to reflect a requirement of the Attorney General's model policy that 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. Regulation also 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**

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW (AB 699)** which prohibits districts from collecting information or documents regarding the citizenship or immigration status of students or their family members. Regulation also updated to reflect **NEW LAWS** providing that a student meets district residency requirements if the student's parent/guardian is transferring or pending transfer to a military installation within the state (**SB 455**), or 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 (**SB 257**).

## **POLICY GUIDE SHEET**

**May 2018**

**Page 3 of 3**

### **BP/AR 5125 - Student Records**

(BP/AR revised)

Policy updated to reflect the California Attorney General's model policy, developed pursuant to **NEW LAW (AB 699)**, which (1) prohibits districts from collecting information regarding students' citizenship or immigration status, and (2) requires district staff to receive training in the gathering and handling of sensitive student information. Policy also reflects state law limiting the collection of students' social security numbers or the last four digits of the social security numbers, and **NEW LAW (SB 31)** which prohibits districts from assisting in the compilation of a list, registry, or database based on students' national origin, ethnicity, or religion. Regulation updated to reflect **NEW LAW (SB 233)** which expands the types of records related to foster youth that must be made accessible to specified agencies, and a requirement of the Attorney General's model policy that 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**

(AR/E revised)

Regulation and exhibit updated to reflect the California Attorney General's model policy, developed pursuant to **NEW LAW (AB 699)**, which requires that the annual parental notification include a statement that directory information does not include citizenship status, immigration status, place of birth, or national origin.

### **BP 5131.2 - Bullying**

(BP revised)

Policy updated to reflect **NEW LAW (AB 699)** which requires districts to educate students about the negative impact of bullying based on actual or perceived immigration status or religious beliefs and customs. Policy also reflects the California Attorney General's model policy developed pursuant to **AB 699**, which requires staff training with specified components related to bullying prevention and response.

### **BP/AR 5145.13 - Response to Immigration Enforcement**

(BP/AR added)

New policy and regulation reflect **NEW LAW (AB 699)** which mandates districts to adopt, by July 1, 2018, policy consistent with the model policy developed by the California Attorney General, including policy related to the district's 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 also reflects **NEW LAW (SB 31)** which 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**

(BP/AR revised)

Minor revisions made in policy and regulation to reflect **NEW LAW (AB 699)** which prohibits discrimination based on immigration status.

### **BP 5145.9 - Hate-Motivated Behavior**

(BP revised)

Policy updated to define hate-motivated behavior and expand material related to collaboration, staff training, and enforcement of rules regarding student conduct. Policy also provides for the use of uniform complaint procedures when the behavior is determined to be based on unlawful discrimination.

**BP 6161.3 - Toxic Art Supplies**

(BP deleted)

Policy deleted and key concepts incorporated into BP 3514.1 - Hazardous Substances.

**Immigration Enforcement Model Policy Statements  
from the Attorney General's Office**

**GATHERING AND HANDLING STUDENT AND FAMILY INFORMATION**

<b>AG MODEL POLICY</b>	<b>CSBA POLICY</b>
<b>Required:</b>	
Maintain written policies and procedures for gathering and handling sensitive student information, and provide training to appropriate personnel regarding those policies and procedures	BP 5111 - Admission BP 5125 - Student Records
If the district possesses information that could indicate immigration/citizenship status or national origin, do not use that information to discriminate against students or families or bar students from enrolling in or attending school	BP 0410 - Nondiscrimination in District Programs and Activities BP 5111 - Admission
If parents choose not to provide information that could indicate immigration/citizenship status, do not use such actions to discriminate or bar student from enrollment	BP 5111 - Admission
Do not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity or national origin	BP 0410 - Nondiscrimination in District Programs and Activities BP 5125 - Student Records AR 5145.13 - Response to Immigration Enforcement
Do not inquire about immigration status or require documentation that may include immigration status	BP 5111 - Admission AR 5111.1 - District Residency
If national origin information is required for a special program, solicit that information separately from school enrollment process	BP 5111 - Admission
Establish alternative means of establishing age or residency that are available to all persons and do not reveal immigration/citizenship status or national origin	AR 5111 - Admission AR 5111.1 - District Residency
Notify parents of the full range of documents that will prove residency or age	AR 5111 - Admission BP 5111.1 - District Residency
Do not solicit or collect full Social Security numbers. Only solicit last four digits if necessary for a federal program. In such cases, explain limited purpose and explain it won't bar school enrollment.	BP 5111 - Admission BP 5125 - Student Records
Treat all students equitably in the receipt of school services, including gathering student and family information for free and reduced price lunch, transportation, and instruction.	BP 0410 - Nondiscrimination in District Programs and Activities
<b>Recommended:</b>	
When family completes application for free and reduced price meals, notify family that they do not need to provide social security number	District may add to BP/AR 3553 - Free and Reduced Price Meals
Communicate to all families, regardless of immigration status, whether available volunteer positions require completion for live scan or other fingerprinting.	District may add to BP/AR 1240 - Volunteer Assistance

## SHARING STUDENT AND FAMILY INFORMATION

<b>Required:</b>	
Avoid disclosure of information that might indicate immigration status if not authorized by FERPA	AR 5125 - Student Records AR 5145.13 - Response to Immigration Enforcement
Take specified steps upon receiving information request related to a student's immigration status (notify district official, parent/guardian, document request, provide documents to parent)	BP/AR 5145.13 - Response to Immigration Enforcement
Give parent notification of court order or subpoena except for investigations of child abuse or neglect	AR 5145.13 - Response to Immigration Enforcement
Do not disclose immigration status to immigration authorities without court order or subpoena	AR 5125 - Student Records AR 5145.13 - Response to Immigration Enforcement
Include specified information in the request for parent/guardian consent for release of student information (same as existing law 34 CFR 99.30)	AR 5125 - Student Records
If the parent does not provide written consent, do not release information	AR 5125 - Student Records
Provide annual parental notification with specified components regarding types of student records maintained, circumstances when records might be released, right to consent, assurance won't release information for immigration enforcement purposes without court order	AR 5125 - Student Records AR 5145.13 - Response to Immigration Enforcement
Provide annual parental notification of the district's directory information policy, including statement that immigration status is not directory information and will not be disclosed.	AR/E 5125.1 - Release of Directory Information

## RESPONDING TO REQUESTS FOR ACCESS TO SCHOOL GROUNDS FOR IMMIGRATION-ENFORCEMENT PURPOSES

<b>Required:</b>	
Require outsiders, which would include immigration officers, to register at school office	BP 1250 - Visitors/Outsiders AR 5145.13 - Response to Immigration Enforcement
If immigration officer doesn't have warrant or court order, require him/her to present name, address, purpose, proof of identity, etc.	AR 5145.13 - Response to Immigration Enforcement
Adopt measures for responding to outsiders that avoid interruptions and preserve peaceful conduct of school	BP 1250 - Visitors/Outsiders
Post signs to notify outsiders of requirement to register	AR 1250 - Visitors/Outsiders
Report to district police or administrator if immigration enforcement officer enters school	AR 5145.13 - Response to Immigration Enforcement
Report to superintendent or designee any request for school access or student information for immigration purposes	BP 5125 - Student Records AR 5145.13 - Response to Immigration Enforcement

Take specified steps if immigration officer requests access to school or student (ask for officer's credentials and documentation, make copies, comply if officer declares exigent circumstances, etc.)	AR 5145.13 - Response to Immigration Enforcement
Obtain parental consent before student is searched or interviewed, and notify parent/guardian if officer requests or gains access to student	AR 5145.13 - Response to Immigration Enforcement
<b>Recommended:</b>	
Seek commitments from outside contractors or service providers (particularly school resource officers) not to facilitate immigration enforcement at district schools	District may add to BP 3600 - Consultants, BP 3312 - Contracts, or other applicable policy

### RESPONDING TO DETENTION OR DEPORTATION OF STUDENT'S FAMILY MEMBER

<b>Required:</b>	
Encourage students and families to have and know emergency phone numbers and other documents to be prepared if a family member is detained or deported.	AR 5145.13 - Response to Immigration Enforcement
Allow student to update emergency contact information throughout the school year and to provide alternative if no parent/guardian is available.	AR 5141 - Health Care and Emergencies AR 5145.13 - Response to Immigration Enforcement
If parent is deported, only contact child protective services if unable to reach persons on the emergency contact card	AR 5145.13 - Response to Immigration Enforcement
<b>Recommended:</b>	
Educate students and families about completing a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person	District may add to applicable policy
To the extent possible, facilitate a family's development of a Family Safety Plan to be stored at a location known by the student (not school)	District may add to applicable policy
If family member is detained, refer student and family to resources for assistance (ICE Detainee Locator, legal assistance, consulate or embassy)	AR 5145.13 - Response to Immigration Enforcement

### BULLYING AND HATE CRIMES

<b>Required:</b>	
Adopt and publicize policy prohibiting discrimination, harassment, intimidation and bullying based on nationality, ethnicity, immigration status, etc.	BP 5131.2 - Bullying BP/AR 5145.3 - Nondiscrimination/ Harassment BP 5145.9 - Hate-Motivated Behavior

Notify parents/guardians of their children's right to free public education regardless of immigration status or religious beliefs	BP 0410 - Nondiscrimination in District Programs and Activities BP 5145.13 Response to Immigration Enforcement E 5145.6 - Parental Notifications
Establish complaint procedures with specified components	BP/AR 1312.3 - Uniform Complaint Procedures BP 5131.2 - Bullying BP/AR 5145.3 - Nondiscrimination/ Harassment
Require staff to immediately intervene if they witness an act of discrimination, harassment, intimidation or bullying	BP 5131.2 - Bullying BP/AR 5145.3 - Nondiscrimination/ Harassment
Educate students about the negative effects of bullying based on immigration status or religious beliefs	BP 5131.2 - Bullying
Train staff about their legal duty to respond to harassment based on immigration status or religious beliefs	BP 5131.2 - Bullying

### CHARTER SCHOOLS

All the above requirements are also applicable to charter schools. See E 0420.41 - Charter School Oversight.

For further information, see the Office of the Attorney General's guidance *Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues* (April 2018), available at <https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/sanctuary-school-guidance-3-28-18.pdf>.