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**Antioch Charter Academy / Antioch Charter Academy II
The Learner-Centered School, Inc.**

Immigration Enforcement and Student Privacy Policy

Guidance created from Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes

<https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf>

I. Purpose

The purpose of this policy is to ensure that all students have equal access to education in a safe, welcoming, and inclusive environment, regardless of actual or perceived citizenship or immigration status. This policy is adopted in alignment with California law and guidance from the California Department of Justice and affirms Antioch Charter Academies' commitment to protecting student rights, privacy, and well-being.

II. Scope

This policy applies to all school sites, programs, and activities operated by the Antioch Charter Academy II including but not limited to:

- Classrooms and instructional spaces
- School offices and administrative buildings
- After-school programs, extracurricular activities, and summer programs

This policy applies to all employees, contractors, volunteers, and school officials.

III. Guiding Principles

1. Equal Access to Education

All students are entitled to equal access to public education regardless of immigration status. Enrollment, attendance, participation in programs, and receipt of services shall not be conditioned on a student's or family member's citizenship or immigration status.

2. Non-Collection of Immigration Status

The School shall not request, collect, or maintain information regarding the immigration or citizenship status of students or their families, except when explicitly required by law.

- a. Under Education Code section 48204.1, any of the following documents establish proof of residency in an attendance zone: ✓ Property tax payment

receipts; ✓ Rental property contract, lease, or payment receipts; ✓ Utility service contract, statement, or payment receipts; ✓ Pay stubs; ✓ Voter registration; ✓ Correspondence from a government agency; or ✓ Declaration of residency executed by the parent or legal guardian of the pupil.

- b. Under Education Code section 48002, any of the following documents establish age: ✓ Certified copy of a birth record; ✓ Statement by the local registrar or a county recorder certifying the date of birth; ✓ Baptism certificate duly attested; ✓ Passport; or ✓ Affidavit of the parent, guardian, or custodian of the minor.
- c. The schools are required to note the method by which the student's age was verified as part of the permanent student record, but shall not be required to maintain a copy of the document used to show age.

3. **Safe Learning Environment**

Schools shall remain safe havens for learning. Immigration enforcement activities must not disrupt the educational environment or interfere with students' right to attend school.

IV. Protection of Student and Family Information

1. **Confidentiality**

Student and family information shall be treated as confidential and protected under applicable state and federal laws.

2. **Prohibition on Disclosure**

School personnel shall not share personal information about students or families with immigration enforcement agencies unless required by a valid judicial warrant, subpoena, or court order. Verbal or informal requests for information shall be denied.

3. **Response to Requests for Information (see**

<https://oag.ca.gov/system/files/attachments/press-docs/Quick%20Reference%20for%20School%20Officials.pdf> **for School Official Quick Guide)**

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 co-administrator about the information request.
- Legal counsel shall review any documentation prior to compliance.
- 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, or when the subpoena served on the local educational agency prohibits disclosure, the School shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

- The 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 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 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 the designated human resources co-administrator should be consulted first.

V. Immigration Enforcement Access to School Grounds

1. Nonpublic Areas

Immigration enforcement officers shall not be permitted access to nonpublic areas of school property without a valid judicial warrant or court order.

2. Required Procedures

If an immigration enforcement officer requests access to the school grounds:

- Staff shall notify the site co-administrator or designated school contact immediately.
- Staff shall request official identification and documentation.
 - i. Ask to see, and make a copy of or note, the officer's credentials (name and badge number).
 - ii. Ask for and copy or note the phone number of the officer's supervisor.
 - iii. Ask the officer for their reason for being on school grounds and document it.
 - iv. Ask the officer to produce any documentation that authorizes school access.
 - v. Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
 - vi. E-mail the Bureau of Children's Justice in the California Department of Justice, at BCJ@doj.ca.gov, regarding any attempt by an officer or employee of an agency to access a schoolsite or a student for immigration enforcement purposes.
- If the officer declares that exigent circumstances exist and demands immediate access to the campus, school personnel should comply with the officer's orders and immediately contact the co-administrator
- If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the officer has:

- i. **an ICE (Immigrations and Customs Enforcement) administrative warrant** school personnel shall inform the officer that they cannot consent to any request without first consulting with the Antioch Charter Academy's legal counsel
 - ii. **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 Antioch Charter Academy's legal counsel before providing the agent access to the person or materials specified in the warrant.
 - iii. **a subpoena for production of documents or other evidence** immediate compliance is not required. Therefore, school personnel shall inform the Antioch Charter Academy's legal counsel or other designated official of the subpoena, and await further instructions on how to proceed.
 3. **No Obstruction**
School personnel shall not physically obstruct officers but must follow documentation and notification procedures.
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VI. Communication With Students and Families

1. **Annual Notice of Rights**

The School shall provide annual notice to families in the Family Handbook regarding their educational rights, including protections related to immigration enforcement. This information shall include information related to "Know Your Educational Rights" guide established by the Attorney General.

The complete Guide for Students and Families is available in [English](#) and [Spanish](#) at oag.ca.gov/immigrant/resources.

2. **Language Access**

Notices and resources shall be provided in languages spoken by families in the school community if at least 15 percent of the students enrolled in the school speak a single primary language other than English

3. **Community Resources**

The School shall make available information about legal aid and community organizations that support immigrant families. (see page 59 of [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](#))

VII. Support for Students and Families

- 1. Family Detention or Deportation**

When a student's parent or guardian is detained or deported, the School shall work with the family to support continuity of care and education, consistent with applicable law.

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

- 2. Anti-Discrimination Protections**

Harassment, bullying, or discrimination based on nationality, ethnicity, or perceived immigration status is prohibited and shall be addressed in accordance with school policies.

VIII. Staff Training

- 1. Required Training**

All staff shall receive training on this policy, including how to respond to immigration enforcement requests and how to protect student rights.

The complete Quick Reference for School Officials guide is available in [English](#) and [Spanish](#) at oag.ca.gov/immigrant/resources.

- 2. Ongoing Review**

Training shall be updated as laws or guidance change.

IX. Oversight and Compliance

- 1. Designated Administrator**

The Schools shall designate a co-administrator responsible for oversight and compliance with this policy.

- 2. Policy Review**

This policy shall be reviewed periodically and updated as necessary to ensure continued compliance with applicable law.



KNOW YOUR EDUCATIONAL RIGHTS

YOUR CHILD HAS THE RIGHT TO A FREE PUBLIC EDUCATION

- All children have a right to equal access to free public education, regardless of their or their parents'/guardians' immigration status.
- All children in California:
 - Have the right to a free public education.
 - Must be enrolled in school if they are between 6 and 18 years old.
 - Have the right to attend safe, secure, and peaceful schools.
 - Have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
 - Have equal opportunity to participate in any program or activity offered by the school without discrimination.

INFORMATION REQUIRED FOR SCHOOL ENROLLMENT

- Schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency and schools are not required to keep a copy of the document used as proof of a child's age.
- Information about citizenship/immigration status is never needed for school enrollment. A Social Security number is never needed for school enrollment.

CONFIDENTIALITY OF PERSONAL INFORMATION

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
- Some schools collect and provide publicly basic student "directory information." If so, the school district must provide parents/ guardians with written notice of the directory information policy, and provide the option to refuse release of your child's information.

FAMILY SAFETY PLANS IF YOU ARE DETAINED OR DEPORTED

- You can update your child's emergency contact information, including secondary contacts, to identify a trusted adult guardian who can care for your child if you are detained or deported.
- You can complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person to give a trusted adult the authority to make educational and medical decisions for your child.

RIGHT TO FILE A COMPLAINT

- Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated or bullied because of his or her actual or perceived nationality, ethnicity, or immigration status.

For more information on resources for responding to immigration enforcement activities at California schools, or to file a complaint, please contact:

Bureau of Children's Justice
California Attorney General's Office
P.O. Box 944255
Sacramento, CA 94244-2550

Phone: (800) 952-5225
E-mail: BCJ@doj.ca.gov
<https://oag.ca.gov/bcj/complaint>



CHECKLIST FOR IMMIGRANT STUDENTS AND FAMILIES ATTENDING PUBLIC SCHOOLS

1. YOU DO NOT HAVE TO SHARE THE FOLLOWING INFORMATION WITH SCHOOL OFFICIALS:

- You do not have to share information, including passports or visas, regarding the immigration status of students, parents, guardians, or other family members.
- You do not have to provide Social Security numbers (SSN) or cards.
- When completing the “Free and Reduced-Price Meals” form, only provide the last four digits of the SSN of the adult household member who signs the application.
- If the family meets the income eligibility requirements and no adult household member has a SSN, your child still qualifies. Check the “No SSN” box on forms where applicable, to ensure that applications are complete.
- If any household member participates in CalFresh, CalWORKs (California Work Opportunity and Responsibility for Kids), or FDPIR (Food Distribution Program on Indian Reservations), no adult household member needs to provide the last four digits of his or her SSN to qualify the student for free or reduced-price meals at school.
- When providing information for proof of a student’s residency or age, you do not have to use documents that could reveal information related to immigration status.

2. TAKE STEPS TO PROTECT STUDENT INFORMATION:

- Ask for the school’s written privacy policies regarding student information.
- Review the school’s policy for “directory information”—which allows for public release of basic student information—and consider whether to opt out of releasing of that information.

3. TAKE STEPS TO PREPARE FOR SITUATIONS WHERE ONE OR MORE PARENTS OR GUARDIANS ARE DETAINED OR DEPORTED:

- Develop and keep in a safe place a “Family Safety Plan” (example: https://www.ilrc.org/sites/default/files/resources/family_preparedness_plan.pdf) that includes the following information:
- Name of a trusted adult to care for your child if no parent or guardian can.
- Emergency phone numbers and instructions on where to find important documents (birth certificates, passports, Social Security cards, doctor contact information, etc.)
- Make sure that your child’s school always has current emergency contact information, including alternative contacts if no parent or guardian is available.

RESOURCES

The following resources are available to immigrant families responding to detentions or deportations:

- The Immigration and Customs Enforcement (ICE) detainee locator: <https://locator.ice.gov/odls/homePage.do>. Please Note: This site is intended only for locating individuals who are already detained, and not for general immigration status inquiries.
- Immigration lawyers in private practice, accredited representatives (who assist immigrants in immigration proceedings), or legal-aid organizations:
 - State Bar of California Attorney Search: <http://www.calbar.ca.gov/Attorneys>
 - California organizations accredited by Board of Immigration Appeals (BIA) to represent immigrants before the Department of Homeland Security (DHS) and Executive Office of Immigration Review (EOIR): <https://www.justice.gov/eoir/page/file/942306/download#CALIFORNIA>.
 - California Courts Self-Help Centers: <http://www.courts.ca.gov/selfhelp-selfhelpcenters.htm>.
 - Legal-aid offices and lawyer-referral services: <http://www.courts.ca.gov/getting-legal-help>.
 - The consulate or embassy of the parent’s or guardian’s country of origin.



WHAT TO DO IF AN IMMIGRATION-ENFORCEMENT OFFICER COMES TO YOUR SCHOOL?

1. Notify the designated local educational agency administrator of the request.
2. Advise the immigration officer that, before proceeding with the request, and absent exigent circumstances, you must first receive direction from the local educational agency administrator.
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 being on school grounds and document it.
5. Ask the officer to produce any documentation that authorizes school access.
6. Make a copy of all documents provided by the officer.
7. If the officer declares that exigent circumstances exist and demands immediate access to the school, comply with his/her orders and immediately alert the local educational agency administrator.
8. 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 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 local educational agency's legal counsel or other designated administrator.
 - 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 your legal counsel or designated local educational agency administrator before providing the officer access to the person or materials specified in the warrant.
9. While you should not consent to access by an immigration enforcement officer unless he/ she declares exigent circumstances or has a federal judicial warrant, do not attempt to physically impede an officer, even if he/she appears to lack authorization to enter. If an officer enters the premises without consent, document his/her actions while on campus.
10. 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.
11. Notify parents or guardians as soon as possible (unless prevented by a judicial warrant or subpoena), and do so before an officer questions or removes a student for immigration- enforcement purposes (unless a judicial warrant has been presented).
12. Provide a copy of those notes, and associated documents collected from the officer, to the local educational agency's legal counsel, Superintendent, or other designated administrator.
13. E-mail the Bureau of Children's Justice in the California Department of Justice, at BCJ@doj.ca.gov, regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.



WHAT TO DO IF AN IMMIGRATION-ENFORCEMENT OFFICER REQUESTS PERSONAL INFORMATION ABOUT A STUDENT OR HIS/HER FAMILY MEMBERS?

- 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 or subpoena. Providing information about a student's or family's citizenship or immigration status to immigration authorities for immigration-enforcement purposes is not for a legitimate educational purpose under federal or state law.
- Procedure for responding to all information requests: 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 a designated local educational agency administrator 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.
 - ✓ 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 authorizing disclosure 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 immigration authorities for immigration-enforcement purposes, no student information shall be disclosed to immigration authorities 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 or judicial subpoena.

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).