

**SERVING**

**ALL STUDENTS**

There has been increased interest in the rights of students and our school communities with regard to potential immigration enforcement actions by the federal government.

The following FAQ has been prepared to help inform Chico Unified School District staff members regarding the rights of our students and our school communities.



# STUDENT RIGHTS

**Q: Are undocumented students legally able to attend schools?**

**A:** Yes. Undocumented students between the ages of 6 and 18 not only have a right to attend school in California, but are mandated to attend school pursuant to the compulsory attendance laws. The U.S. Supreme Court has held that no state may deny access to a basic public education to any child residing within the state, whether residing in the U.S. legally or not.

**Q: If the district receives a public records act (PRA) request, what student information is shared and what information is protected?**

**A:** The Family Educational Rights and Privacy Act (FERPA) supersedes public record laws and requires that school districts maintain the confidentiality of all personally identifiable student information in education records related to students. Any and all records, including emails and cumulative files, are generally exempt from disclosure or subject to redaction to prevent disclosure of personally identifiable information.

Chico Unified does provide Directory Information, which includes student name, address, phone number and school of attendance.

Q: What K-12 student information does Chico Unified currently collect, and would it provide insight into immigration status?

A: School districts are not required to, and Chico Unified does not, collect information regarding a student's immigration, citizenship or legal status, aside from the statuses of non-immigrant, international students enrolled in an educational program under certain visas.

Schools are only required to collect information to satisfy certain admission requirements, such as proof of residency, none of which require providing proof of legal immigration status or social security numbers.

As required by the California Department of Education, the district does collect and report students' country of birth in order to calculate the number of immigrant and English learner students in the state and to ensure compliance with the Title III provisions of the federal Every Student Succeeds Act. However, this information is not required for enrollment purposes.





# PARENT RIGHTS

All parents, irrespective of their legal status, have a right to participate in their children's education and are encouraged to do so. Proof of legal residency is not a prerequisite to the enrollment of their children in school or participation in school activities.

**Q: Are undocumented parents required to undergo fingerprinting in order to volunteer at school?**

**A:** Chico Unified requires that all volunteers who may be left with students while unsupervised by school staff for any amount of time be fingerprinted. Parents and volunteers who will be supervised directly by school staff at all times are not required to undergo a fingerprint background check. School staff should know which of their volunteers are fingerprinted and which are not at all times.

**Q: If a parent is in custody as the result of an immigration enforcement, are school staff required to release the student to ICE or other immigration officials?**

**A:** No. Chico Unified schools will only release students to adults authorized on emergency cards. Parents with such concerns should make advance arrangements with relatives or friends to ensure that their children can be released to an authorized caregiver or adult and be sure to list appropriate individuals on emergency cards.

**Q: Do Chico Unified families have the same rights as those in other districts?**

A: Yes. State and federal laws currently govern what information is collected by school districts and how it can be used. A family in our district has the same rights as those in any other school district.

Chico Unified is committed to maintaining a focus on educating all students in an environment free of disruption. We will continue to work collaboratively with our families and community to ensure that each student has the opportunity to learn in a safe and positive learning environment.

**Q: How do I update the emergency card(s) for my child/children?**

A: Contact your school site(s) office to update phone numbers and authorized adults/caregivers to which your child/children can be released.





# STAFF RIGHTS

Q: Must staff allow Immigration and Customs Enforcement (ICE) or other government authorities on campus?

A: Current federal guidelines deem schools as 'sensitive locations' and restrict immigration enforcement activities on campuses unless there are urgent reasons. More information regarding sensitive locations can be found at: <https://www.ice.gov/ero/enforcement/sensitive-loc>.

School districts have the right to limit the amount of disruption to the learning environment and to ensure the safety of their staff and students, which may include denying an individual from accessing a campus during school hours.

In the unlikely event that ICE or other government authorities decide to pursue immigration-related investigations on school campuses, school staff should follow appropriate district procedures applicable to any visitor on campus including requesting guests to sign-in, provide identification and obtain the appropriate approvals for entry from the site administrator or superintendent. If a government official produces a warrant or court order site administrators should immediately contact the Superintendent's office at 530-891-3000, ext. 149.

School districts that allow non-immigrant, international students (who are in the U.S. under an F-1 or M-1 visa) to enroll in their programs through ICE's "Student and Exchange Visitor Program" (SEVP) are subject to onsite visits from SEVP officials at any time and must provide officials with certain

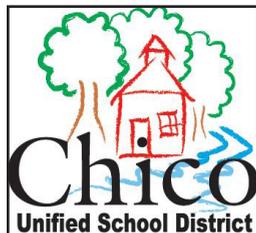
records on such students. The SEVP, however, does not have the authorization to review the records of students suspected of being undocumented.

**Q: Are we required to allow ICE, police or other government authorities to have access to student records?**

**A:** Access to student records should only be allowed if the requesting agency has a valid court order or subpoena in compliance with the Federal Educational Rights and Privacy Act (FERPA) or immigration laws and regulations. All such requests should be referred to the District Office.

In cases where records would be provided, the district must make reasonable efforts to notify the parent or eligible student in advance of disclosing the documents so that the parent or eligible student may seek protective action, unless the court order or subpoena relates to a federal jury investigation or law enforcement purpose, or relating to domestic or international terrorism.





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