

AB 699: SAMPLE MODEL POLICIES TO ASSIST SCHOOLS IN RESPONDING TO IMMIGRATION ISSUES DUE JULY 1, 2018

In 2017, California enacted AB 699 (Chapter 493, Statutes of 2017), which affords equal rights and opportunities in California public educational institutions to all persons, regardless of their immigration status. AB 699 prohibited school officials and employees from collecting information or documents regarding citizenship or immigration status of pupils or their family members except as required by state or federal law. Lastly, AB 699 required the California Attorney General to publish model policies limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal and state law and ensuring the public schools remain safe and accessible to all California residents regardless of immigration status. AB 699 requires that all California local educational agencies (LEAs) adopt these model policies or equivalent policies by July 1, 2018.

In accordance with the requirements of AB 699, on March 28, 2018, Attorney General Xavier Becerra published, “Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues.” The guide outlines relevant state and federal protections for students and their families and provides policy recommendations that comply with the law. It also sets forth the model policies that must be adopted by July 1.

The guide is organized to give governing law, policy recommendations, and model policies for handling the following circumstances:

1. Gathering and handling student and family information
2. Sharing student and family information
3. Responding to requests for access to school grounds for immigration-enforcement purposes
4. Responding to the detention or deportation of a student’s family member
5. Responding to hate crimes and bullying related to national origin or ethnicity

There is no statutory training mandate in AB 699. However, among the policy recommendations are the following with regard to training:

- “Policies and procedures for gathering and handling sensitive student information during enrollment or otherwise should be set out in writing. Staff should receive training on these policies and procedures.”
- “LEAs shall establish training regarding immigration issues for teachers, school administrators, and school staff, including information on responding to a request from an officer enforcing immigration law to visit a school site or have access to a student.”

While the guide is intended to provide model policies for all LEAs, it is geared toward K-12 schools. The guide suggests that model policies may be adapted for Regional Occupational Programs (ROPs), continuation schools, adult education programs, and K-12 programs offered at community colleges or other nontraditional sites. The guide also notes that to the extent that a LEA has already developed policies that are aligned with or provide greater protections for students and families, the guide is not intended to supersede those policies.

LEAs should review the full guidance which is attached to this *Briefing*.

Additionally, Fagen, Friedman & Fulfroft, LLP, in partnership with the Association of California School Administrators (ACSA), has developed a checklist to assist school districts. A copy of that checklist is also attached to this *Briefing*.

The above resources can also be found on P&C Bridge.

At the time of publication of this *Briefing*, the California Department of Education has not published any guidelines in response to the training recommendations listed in the Attorney General's guidance. We will continue to update clients on AB 699 as further guidance becomes available.

Please contact your Keenan Account Manager for questions regarding this *Briefing*.

Keenan & Associates is not a law firm and no opinion, suggestion, or recommendation of the firm or its employees shall constitute legal advice. Clients are advised to consult with their own attorney for a determination of their legal rights, responsibilities and liabilities, including the interpretation of any statute or regulation, or its application to the clients' business activities.