



# Legal Protections for Immigrant Students: A Guide for Educators



# Objectives

- Understand Assembly Bill 699 and Senate Bill 54: Safe Schools for Immigrant Students
- Understand The Responsibilities of Schools
- Understand How to Support Students in Stressful Times



# Assembly Bill 699



# A Right to Public Education



The United States Supreme Court held in *Plyler v. Doe*, 457 U.S. 202 (1982), that under the United States Constitution all children have a right to attend our public schools regardless of their immigration status

# Responsibilities of School Personnel





## Gathering and Handling Student and Family Information

### Schools should...

- avoid seeking or collecting information regarding students' or families' immigration status
- accept a wide range of documents
- receive training on individual school policies and procedures

Source: *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*, pgs. 9-13



## Sharing Student and Family Information

### Schools should...

- adhere to guidelines for sharing student and family information
- comply with the Family Educational Rights and Privacy Act (FERPA)
- have clear protocols and provide staff with training on how to handle requests for information

Source: 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, pgs. 14-22.





## Responses to Requests for Access to School Grounds

### Schools should...

- Institute Visitor Policies and Procedures
- Post Visitor Policy Signage at entrance
- Obtain Principal or designee permission, absent exigent circumstances
- Contact legal counsel when an officer presents a document purporting to be a judicial warrant or subpoena.
- If you cannot reach your legal counsel/district personnel, you are welcome to contact LACOE's Immigrant Relations Hotline for guidance:  
(562)419-5275.

Source: 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, pgs. 23-31.





# Responding to the Detention or Deportation of a Student's Family Member

## Schools should...

- implement and update emergency contact information policies
- exhaust all available contacts
- avoid referrals to Child Protective Services
- refer the student and his or her family members to other resources for assistance

Source: 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, pgs. 32-34.





## STEP-BY-STEP FAMILY PREPAREDNESS PLAN

How immigrant families can more proactively  
prepare for immigration emergencies that arise

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Every family should have a Family Preparedness Plan in case of an emergency. It is critical for immigrant families to think ahead and set more concrete plans for immigration emergencies that can arise. For example, this Resource Toolkit goes into detail about different childcare options available in case of an absent parent, where to find trusted immigration services in your community, and how to prepare to assert your constitutional rights in the presence of an immigration officer.

This toolkit is divided into different sections that give guidance on family preparedness planning, regardless of immigration status. It gives additional advice to undocumented and/or mixed status families.

For more immigration community resources, visit [ilrc.me/resources](https://ilrc.me/resources).

### PART I: MAKE A CHILD CARE PLAN

It's important to have a plan so that a trusted adult can care for your child if you cannot. This plan should include emergency numbers, a list of important contact information, and a file with important documents. Whether you want your child to accompany you to your home country in the event you face deportation or wish for

#### NOTE

THE ILRC HAS ALSO CREATED A SHORTER,  
MORE CONDENSED VERSION OF THIS FAMILY  
PREPAREDNESS PLAN. IT CAN BE FOUND BY  
HEADING TO [ILRC.ME/FAMPREP](https://ilrc.me/famprep)

### CAREGIVER'S AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

**Instructions:** Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5 through 8 is additionally required to authorize any other medical care. **Only complete items 5 through 8 if you are related to the child.** Type or print clearly.

The minor named below lives in my (the caregiver's) home and I am 18 years of age or older.

1. Name of minor: \_\_\_\_\_
2. Minor's birth date: \_\_\_\_\_
3. My name (adult giving authorization): \_\_\_\_\_
4. My home address: \_\_\_\_\_
5.  I am the minor's grandparent, aunt, uncle, spouse, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, niece, nephew, first cousin, grandaunt, granduncle, great-grandparent, great-grandaunt, great-granduncle, or the spouse of one of these persons.
6. Check one or both (for example, if one parent was advised and the other cannot be located):  
 I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.  
 I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.
7. My date of birth: \_\_\_\_\_



## Responses to Hate Crimes, Discrimination and Bullying

### School should...

- enforce policies that prohibit discrimination harassment, intimidation, and bullying
- Follow your Uniform Complaint Process (UCP) for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying.
- provide training that promotes a positive school climate for all students

*Every school staff member must be aware of their legal duty to eliminate a hostile environment and respond to incidents of harassment.*

Source: 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, pgs. 35-38.



# Interventions



# Interventions

- Raising awareness about students' rights and protections
- Identify a trusted or safe adult on campus to support student
- Check in and check out with students to see how they are doing
- Counseling support
- Classroom lessons or campus activity on addressing anxiety, fear, diversity, inclusivity and equity.
- Short-Term Independent Study (STIS) or Long-Term Independent Studies (LTIS)



# Independent Study (IS)

- Participation in high quality Independent Study (IS) is **voluntary** and should be used as a last resort.
- Students must always have the option to return to in-person instruction.
- Students must be enrolled in the district.
- A signed written agreement is required for participation, with specific timelines depending on the program's duration (short-term or long-term).
- Students with exceptional needs can participate **IF** their Individualized Education Programs (IEPs) includes IS.







# Independent Study Program Oversight

- Schools should ensure compliance with recordkeeping, academic, and geographical requirements, as well as evaluate students' academic and nonacademic needs for continued support.
- Schools must adhere to all legal requirements in Education Code Sections 51744–51749.6 to maintain funding.



# Higher Education



## Deferred Action for Childhood Arrivals

Since its inception in 2012, the *Deferred Action for Childhood Arrivals* program has provided significant support to eligible undocumented youth who came to the United States as children.

By granting temporary protection from deportation and work authorization, *DACA* has enabled recipients to access various opportunities that were previously unattainable.







## Free Application for Federal Student Aid



- There are many questions and concerns surrounding students applying for Financial Aid.
- *FAFSA* is a crucial tool for students seeking financial aid for college. For students with undocumented parents, it's important to understand how their sensitive information is safeguarded during this process.



# California Dream Act & AB 540



- The *California Dream Act* allows undocumented students who meet specific requirements to access state financial aid, including grants and fee waivers, to attend public colleges and universities in California.
- *California Nonresident Tuition Exemption* commonly known as *AB 540*, exempts certain students from paying nonresident tuition (higher than resident tuition) and/or allows them to apply and receive state aid at certain California public and private colleges.

# Supporting Students in Stressful Times





# Common Causes in Children

## Schoolwork

Academic pressure, homework load or difficulty in grasping certain subjects can cause stress in children. Adults can help children manage their time and give them the attention and support they need.

## Social Interactions

Social interactions, such as bullying, peer pressure, or lack of friends, can cause anxiety in children. Adults can help children develop strong relationships and build their self-esteem.

## Family Changes

Family changes, such as divorce, moving, or a new sibling, can cause stress in children. Adults can provide a stable and supportive environment and encourage open communication.

## Health Issues

Health issues, such as chronic illness or disability, can cause anxiety in children. Adults can help children understand and manage their condition.



## Assets-Driven and Strengths Based

"view students, their families, and their community through the lens of their assets and strengths and value the collective wisdom derived from experience, family, history, and culture. California community schools view the language of students and family members as a vital asset to be uplifted. California's community schools understand language to be family, history, culture, and community.

Community schools focus on building an embracing culture of individual and communal wellness. An essential component to this assets-based lens towards sustaining wellness is ensuring that healing-centered physical, emotional, and mental health supports are integrated into the school community in ways that are accessible, destigmatized and culturally fluent."

-California Community Schools Framework



# Essential Practices

- **Understanding the Landscape:** Taking the time to learn about the unique cultural values, traditions, and communication styles within a community.
- **Building Trust:** Approaching engagement with humility and a willingness to learn from community members.
- **Centering Assets:** Recognizing and leveraging the strengths and expertise that already exist within the community.
- **Empowering Co-Creation:** Collaborating with community members on solutions and initiatives that address their specific needs and aspirations.
- **Creating Safe Spaces:** Ensuring that all voices feel respected and valued, regardless of background or experience.





# Providing Reassurance and Support

## Emotional Support

Offering emotional support and reassurance to children can help them feel more secure and alleviate stress and anxiety. It's important to let them know that they're not alone and that they have someone to talk to.

## Practical Support

Offering practical support, such as providing age-appropriate information and asking them how you can help may also alleviate stress and anxiety and make children feel more supported.





# Building Trust and Safety

## Building Trust

Building trust with children is essential for them to feel comfortable opening up about their emotions and concerns. It helps them feel heard and understood, leading to better communication and stronger relationships.

## Cultivating Safety

Physical and emotional safety are crucial for well-being. For children, this involves creating a nurturing environment where they can feel safe, secure and free from harm, while being honest about the facts of the situation.

## Structure and Routines

Establishing and sticking to routines, such as brushing teeth and reading a book before bedtime, having a schedule, and creating as much predictability as possible are critical to help children feel safe and supported.





# Practical Support: Creating a Safe and Supportive Classroom Environment

- **Set Clear Expectations:** Establish classroom norms that promote respect and kindness, ensuring students know that everyone's voice is valued.
- **Notice Changes:** Observe student behavior; are they quieter than usual, biting their nails, more irritable than usual, etc.
- **Use Inclusive Language:** Avoid judgmental or dismissive language, and model acceptance by encouraging diverse opinions and perspectives.
- **Facilitate Open Discussions:** Create opportunities for students to discuss topics in a supportive setting, such as class circles or reflective journaling.
- **Provide Anonymous Options:** Offer a way for students to share feelings or concerns anonymously, such as a "feelings box," to ensure they feel safe expressing themselves.
- **Praise Small Accomplishments:** Recognize when the student is making small changes, including submitting work, increasing attendance or engagement.
- **Model Non-Judgmental Behavior:** Show understanding and acceptance when children share their feelings, even if you disagree or find their concerns minor.
- **No Bullying Policy:** Providing safety means intervening and not accept students making fun of one another, bullying according to culture, or making demeaning remarks.
- **Avoid Overreacting:** Stay calm and composed when your child shares difficult or surprising information, reinforcing that they can come to you without fear.
- **Create Regular Check-Ins:** Set aside time daily or weekly to check in with your child about their day, thoughts, or feelings in a relaxed setting.
- **Provide Structure:** Maintain routines. Assure that the classroom schedule is posted and that students are informed of changes with as much time as possible.
- **Provide Translation:** For required presentations, final assignments, flyers and information sent home.





## Coping Skills for Stressful Times

- Teach students that change is normal, and we can cope with stressful/challenging situations
- Encourage students to speak up when they are feeling down at home or at school. This is a source of strength.
- Teach basic coping skills/self-care during social emotional learning lessons
  - Mindfulness, relaxation techniques, goal setting, growth mindset, social connection and being active
- Teach children how to ask for help and who they can ask for help from
- Encourage exercise, good nutrition, adequate sleep
- Limit exposure to news, social media messages



## Connecting to Support Coping

- Help students/staff and peers establish diverse social relationships
- Encourage social supports to increase sense of belonging (games, Kahoot, team building activities, etc.)
- Provide opportunities to connect through activities and volunteering
- Dialogue with the guardian if you need help supporting student
- Connect students who may need more support by making a referral to your school's Counselor, MH Provider or administrator



# Supporting Staff in Uncertain Times

- Create a safe space for staff to share and validate emotions
- Create community building opportunities to strengthen their village
- Provide professional development on secondary trauma and coping strategies
- Provide opportunities for empowerment and advocacy
- Engage partners that can provide current and up to date information
- Invite employee assistance programs to share information on support





# When to Seek Professional Help

## Signs of When Stress and Anxiety Is

### Unmanageable

- **Emotional:** Increased worries or fears about the health and safety of self or others, worries or fears about separation and/or loss, feelings of guilt or blame
- **Behavioral:** Decreased attention, concentration, & attendance, mood swings, increased irritability, anger, & withdrawal
- **Cognitive:** Repeated questions about the event & discussion/ storytelling, repetitive play about event, excessive interest about event, trauma & loss reminders
- **Physiological:** Increased sensitivity to sound, increased startle response, increased somatic complaints (headaches, stomachaches, fatigue, vague aches & pains)





# Resources for Professional Support

- Therapists, Counselors, and Support Groups
- Contact LACOE's Employee Assistance Service for Education (EASE) 24/7 at 1-800-882-1341

## Additional Resources

[Traumatic Separation and Refugee and Immigrant Children: Tips for Current Caregivers | The National Child Traumatic Stress Network](#)

<https://www.nctsn.org/trauma-informed-care/secondary-traumatic-stress/introduction>

National Institute of Mental Health: [www.nimh.nih.gov](http://www.nimh.nih.gov)

Therapist Aid – Anxiety Tools: [www.therapistaid.com](http://www.therapistaid.com)

Article: [Anxiety in School: How to detect it, and what you can do](#)

[California Newcomer Network](#)

[Immigration Migration: Fostering Belonging](#)





## Preparing your school community:

- Update your school and community resource list
  - Create handouts for families with key resources
- Assign a liaison that can meet with families in crisis that can provide confidential support.
- Engage community partners to provide trainings, meetings or host a resource fair during school events
- Convene service provider meetings
- Convene your school and district crisis response team
- Convene coordination of services teams
- Conduct home visits for students that may begin to exhibit absenteeism
- Review or update school policies on:
  - Bullying
  - Crisis response







“All children in the United States are entitled to equal access to a basic public elementary and secondary education regardless of their actual or perceived race, color, national origin, citizenship, immigration status, or the status of their parents/guardians.”

*U.S. Department of Justice and U.S.  
Department of Education (2018)*



**Thank You.  
Any questions?**



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