

Santa Ana Unified School District is committed to educating children regardless of religion, race, ethnicity, sexual orientation, country of origin, or a student’s immigration status. It is SAUSD’s priority to make sure we do everything within our power to make sure that all of our students are safe, honored, and respected while in our care.

It is important to know that Santa Ana is a sanctuary city and SAUSD is a non-threatening school district. Meaning that Santa Ana is a municipality that has adopted a policy of protecting unauthorized immigrants by not prosecuting them for violating federal immigration laws and by ensuring that all residents have access to city services, regardless of immigration status. The Santa Ana Unified School District Board of Education has adopted a resolution reinforcing that the district is a non-threatening place for its students and their families to seek help, assistance and information without fear or anxiety about related immigration enforcement efforts and that the purpose of the District is to ensure students receive an education in a safe, non-disruptive, non-threatening, and non-discriminatory learning environment, regardless of the student’s or their families’ immigration status, as opposed to enforcing, or assisting with the enforcement of federal immigration laws or policies.

**Q1: Are public K-12 schools in the United States required to provide a free public education to all students, regardless of immigration status?**

***A1:*** Yes, schools are required to provide undocumented students equal access to a free public education regardless of their immigration status or that of their parents. All students are entitled to the same benefits and services. That right was confirmed in the United States Supreme Court case *Plyer v. Doe* (1982). Discrimination is also prohibited by federal laws, including Titles IV, VI, and IX of the Civil Rights Act of 1964.

For more information: [MALDEF - Know your rights](http://maldef.org/education/public_policy/know_your_rights/)

**Q 2: Does SAUSD ever ask for the immigration status of a student or family member?**

***A2:*** No. Santa Ana Unified School District does not ask for the immigration status of a student or any of their family member(s) when enrolling or while enrolled.

**Q3:**  **Does SAUSD ever share a student’s immigration status or confidential student records information with federal immigration officials?**

***A 3:*** The Family Educational Rights and Privacy Act (FERPA) generally prohibits school districts from providing third parties with student education records. However, there may be exceptional circumstances under which the District could be *required* to provide pupil records information to federal immigration officials, including the following: 1) if there is a valid subpoena, warrant, or court order; and 2) if there are emergency circumstances, such as a confirmed danger to public safety.

For more information, please visit: [US Department of Education - Family Educational Rights and Privacy Act (FERPA)](https://ed.gov/policy/gen/guid/fpco/ferpa/index.html). All documentation requested from guardians and families is for the sole purpose of facilitating enrollment and providing the needed resources for our students to excel academically and social emotionally.

**Q4: Can federal immigration officials come onto Santa Ana Unified campuses?**

***A 4:*** [Policy 10029.2](https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf) is a current policy restricting enforcement actions at “sensitive locations,” including schools, hospitals, and institutions of worship. However, as with other law enforcement agencies, federal immigration officials may come onto campuses under exceptional circumstances, such as immediate public safety issues, or when there is a valid search warrant, subpoena, or court order.

“Schools” under “sensitive locations” are defined as,but not limited to, licensed daycares, pre-schools and other early learning programs; primary schools; secondary schools; post-secondary schools up to and including colleges and universities; as well as scholastic or education-related activities or events, and school bus stops that are marked and/or known to the officer, during periods when school children are present at the stop;

Resource: [Sensitive Location](https://www.ice.gov/ero/enforcement/sensitive-loc)

**Q5: What would school administrators do if immigration agents came to their school to ask about the immigration status of students or their families.**

**A5:** School administrators would deny this request and bring it to the attention of the Superintendent’s office. Any staff member who receives a request on any personally identifiable information should report this request to their administrator immediately. Only school administrators can direct the release of information, and would not do so without the written consent of the student’s parents or a court-ordered subpoena.

**Q6: What could happen if I am a recipient of DACA : Deferred Action for Childhood Arrivals?**

**A7:** The new presidential administration may choose to keep the policy as is, modify the policy, or remove the policy altogether.

For More Information: [Information about DACA](https://www.nilc.org/issues/daca/)

[DACA](https://www.ilrc.org/daca-current-status-and-options-february-2017)

[Resilience OC- Local Community Support](http://resilienceoc.org/index.php/resources/)

**Q7: What rights do immigrants who lack documentation have?**

**A8:** Immigrants still have rights under the constitution. They have the right to remain silent, the right to speak to an attorney, and the right to refuse to sign or show documents until you speak to an attorney. Immigrants still have the fourth amendment rights. If somebody comes to their home, they do not have to let them in without a warrant. Those rights change drastically when they are on the street or in the workplace but despite lacking the citizenship, constitutional rights still attach. If a person has an order of removal they may be arrested, detained and removed from the United States, meaning that representatives must work quickly. If a person does not have an order of removal they may be arrested and detained, but they may have a right to have an administrative hearing to apply for relief from removal.

For More Information: [MALDEF Immigration Rights FAQ's](http://www.maldef.org/news/releases/2016_12_20_Immigrant_Rights_FAQs_Under_A_Trump_Presidency/)

[ACLU- Immigration Rights](https://www.aclu.org/issues/immigrants-rights)

[Spanish Video- What to do if ICE shows up to your door](https://www.aclu.org/know-your-rights/what-do-if-immigration-agents-ice-are-your-door)

**Q8: What should I do if I have more questions about immigration laws and procedures?**

**A9:** Licensed immigration attorneys are more likely to provide reliable legal advice on immigration matters. Please be cautious of scams. Public Notaries aka “*notarios*” are not authorized to provide legal services regarding immigration. A directory of free or low-cost nonprofit immigration legal services providers can be found at <https://www.immigrationlawhelp.org> Please note that the advice provided by people found on this website do not necessarily reflect the opinions of the District.

Resources:

For More Information: [US Citizen and Immigration Services](https://www.uscis.gov/avoid-scams/find-legal-services)

[US Citizen and Immigration Services - avoid scams](https://www.uscis.gov/avoid-scams/common-scams)

**Q9: What is Santa Ana Unified policy on discrimination and harassment?**

**A10:** Our Governing Board prohibits unlawful discrimination and/or harassment of district employees and students on the basis of actual or perceived race, color, national origin, ancestry, religion, age, ethnic group identification, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender, gender expression, gender identity or sexual orientation, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics, at any district site and/or activity. To learn more about the District’s nondiscrimination policies for students and staff, please visit [BP 5145.3 students and BP 4030 staff](http://www.sausd.us/Page/21453).

**Q10: What should students or staff do if they feel they are being bullied or intimidated for any reason?**

**A11:** Students, parents and/or staff who feel victimized should immediately tell a trusted adult and report the incident to school administrative staff, Human Resources, Pupil Support Services, School Climate Department, or the Office of the Superintendent.

The Governing Board recognizes that no individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel on the basis of actual or perceived race, color, religion, ancestry, national origin, ethnic group identification, physical or mental disability, gender, gender identity, gender expression, or sexual orientation, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics. Student learning and providing a safe school environment that protect students and staff from physical and emotional harm is our utmost priority as a District.

Santa Ana Unified School District is committed to providing a safe and respectful learning environment for our students. For further information, please contact Heidi Cisneros, Executive Director, Pupil Support Services.