

Cov tub ntxhais uas tsi muaj ntaub ntawv tuaj nyob rau lub tebchaws no puas yuav tau txais kev kawm ntawv dawb nyob rau elementary thiab secondary school?

Tau. Muaj txojcai txwv tsi pub cov tsev kawm ntawv dawb (public school) txwv cov tub ntxhais uas tsi muaj ntaub ntawv kom tsi txhob tau kawm nyob rau cov tsev kawm ntawv dawb (*Plyler v. Doe* (1982) 457 U.S. 202.) Nyob hauv qab txoj cai *Plyler*, Qhov uas cov tub ntxhais thiab cov niamtxiv lossis tus saibxyuas tsi muaj ntaub ntawv tuaj nyob rau lub tebchaws no lossis tsi tau yog xamxaj yeej tsi cuam tshuam dabtsi lossis yuav txwv tsi tau kom lawv tsi txhob tau txais kev kawm dawb nyob rau elementary thiab secondary public education.

Puas kam kuv nug tus tub ntxhais ntawd txog nws kev uas tuaj nyob rau lub tebchaw no?

Tsi tau. Lub District yuav tsum tsi txhob nug tus tub ntxhais, lossis nws niamtxiv txog lawv kev tuaj nyob rau lub tebchaws no li. (Mus saib rau U.S. Dept. of J. thiab U.S. Dept. of Ed. Fact Sheet: Muaj Kev Qhia Txog Cov Cai Uas Txhua Tus Menuam Muaj Rau Kev Kawm Ntawv, <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf>.) Tus tub ntxhais qhov uas nws nkag tau tuaj nyob rau lub tebchaws no licas tsi tseemceeb npaum li qhov uas nws yuav tsum muaj lub chaw nyob thiaj yuav kawm tau ntawv. (OCR Dear Colleague Letter, Lub Tsib Hli hnuv tim 8, 2014.)

Cov ntaub ntawv dabtsi uas cov tub ntxhais uas tsi muaj ntaub ntawv tuaj nyob tebchaws no yuav tsum tau muaj thiaj yuav kawm tau ntawv?

Cov tub ntxhais uas tsi muaj ntaub ntawv nyob tebchaws no uas xav kawm ntawv yuav tsum muaj cov ntaub ntawv qhia txog lub chaw nyob tibyam li txhua tus tub ntxhais. Pev txwv, nqa tau daim ntawv coglus txog kev xauj tsev nyob lossis daim nqi them rau kev xauj tsev, muaj ntaub ntawv los ntawm nomtsww tej lub koomhaum rau kev pabcuam, muaj ntaub ntawv qhia los ntawm niamtxiv ntawm tus tub ntxhais tias yeej nyob rau lub chaw ntawd, uas yog muaj ntaub ntawv qhia txog tej nuj nqi them nyob lub tsev lossis lwm yam ntaub ntawv. (Ed. Code, § 48204.1.)

Cov tsev kawm ntawv yuav tsum tau paub hais tias, kev pub tuaj kawm ntawv no yuav tsum tsi txhob txwv yog hais tias tsi muaj ntaub ntawv tuaj nyob rau lub tebchaw no, tshwj yog hais tias tus tub ntxhais ntawd yeej tsi muaj lub chaw nyob uas yuav qhia tau tias yeej nyob rau ntawm cov cheebtsam tsev kawm ntawv.

Lub tsev kawm ntawv hais tau kom muab cov ntaub ntawv twg rau lawv, ntsig txog lub nubnyoog ntawm cov tub ntxhais uas tsi muaj ntaub ntawv tuaj nyob lub tebchaw no?

Cov tsev kawm ntawv yeej muaj cai hais kom muab cov ntaub ntawv qhia txog tus tub ntxhais lub nubnyoog seb puas muaj txaus yuav kawm ntawv lossis twb muaj nubnyoog tshaj raws li qhov yuav tsum tau muaj rau kev kawm ntawv lawm. (Ed. Code, § 48002, Cal. Code Regs., tit. 5, § 432, subd. (b)(1)(B).) Cov ntaub ntawv uas txais yuav tau uas qhia tau txog lub nubnyoog yog daim ntawv yug, ib daim ntawv puav pheej los ntawm niamtxiv tias yeej muaj tseeb li hais, lossis muaj cov ntaub ntawv los ntawm lub tsev kawm ntawv uas xub kawm. (See U.S. Dept. of J. thiab U.S. Dept. of Ed. Fact Sheet: Muaj Kev Qhia Txog Cov Cai Uas Txhua Tus Menuam Muaj Rau Kev Kawm Ntawv <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf>.)

Nco ntsoov tias, txawm lub tsev kawm ntawv hais kom nqa cov ntaub ntawv li hais saum toj no tuaj los yog tsi muaj, lawv yeej txwv tsi tau tus tub ntxhais tsi pub nws kawm ntawv vim nws tsi muaj daim ntawv yug, lossis ib daim ntawv puavpheej qhia tias yug rau lub techaw twg. [Nws yeej tsi muaj ib txojcai twg uas hais tias lub district yuav tsum muaj ib copy ntawm daim ntawv yug nyob rau hauv lawv qhov records.](#)

Cov tub ntxhais uas tsi muaj ntaub ntawv tuaj nyob lub techaw no puas koom tau rau lwm yam kev kawm thiab lwm yam kev pab uas muaj ntawm lub tsev kawm ntawv?

Koom tau. Tshwj yog hais tias yam yuav ua ntawm tsi pab dabtsi rau tej homphiaj rau kev kawm ntawv, thiab qhov uas tsi pub nws koom ntawd yuav pab tau rau nws kom ncav cuag lub xeev tej homphiaj uas tseemceeb, kev ua activity no feem ntau yuav nyob hauv qab kev tivthaiv ntawm txojcai *Plyler's* uas yeej lav tau hais tias yeej koom tau rau cov kev

kawm ntawv. Vim muaj kev sis cav nyhav txog qhov uas hais tias kev koom rau tej yam kev kawm (extracurricular) no yog ib feem uas tseemceeb heev rau tus tub ntxhais txojkev kawm mas, cov tub ntxhais uas tsi muaj ntaub ntawv tuaj nyob lub tebchaw no los yeej muaj cai koom rau cov kev kawm no thiab. Kev uas muaj cai no yog hais tibsi rau kev thauj mus los, kev kawm ntawv tshwjxeeb, Section 504 cov kev pab, thiab kev noj mov dawb lossis them ib nrab nqi rau kev noj mov.

Cov tub ntxhais uas tsi muaj ntaub ntawv tuaj nyob lub tebchaw puas muaj txojcai tiv thaiv lawv tib yam li lwm tus tub ntxhais nyob hauv qab txojcai Family Educational Rights thiab Privacy Act?

Muaj. Txhua tus tub ntxhais uas kawm nyob rau hauv lub district yeej muaj kev tivthaiv tsi pub leejtwg muab tau lossis saib nws tej ntaub ntawv teev tseg (records) rau kev kawm ntawv, nyob hauv qab txojcai Family Educational Rights and Privacy Act (“FERPA”) (20 U.S.C. § 1232g; 34 C.F.R. § 99.1 et seq.), thiab hauv qab txojcai California law (Ed. Code, § 49060 et seq.). Nyob hauv qab FERPA, lub tsev kawm ntawv yeej qhia tau txog tus tub ntxhais qhov “directory information” rau tej lub koom haum, tsuav yog qhia rau cov niamtxiv/ tus saibxyuas paub uantej thiab muab sijhawm rau lawv los xav seb puas kam qhia txog tus tub ntxhais qhov directory information. Tej yam yuav qhia nyob rau hauv directory yuav yog cov tibneeg uas nyob nram district mam ua cov txiav txim siab los ntawm txojcai rau kev kawm ntawv (Ed. Code, § 49073, subd. (a).) Lwm cov ntaub ntawv teev (records) tsig txog tus tub ntxhais kev kawm ntawv nyob hauv school district, thiab lwm yam uas qhia txog nws tus kheej, yeej muaj kev tivthaiv los ntawm FERPA thiab lub xeev txojcai ntawm cov tibneeg uas tsi tau kev tso cai los saib lossis muab cov ntaub ntawv.

Cov Tibneeg Immigration thiab Customs Enforcement (“ICE”) puas tuaj muab tau cov ntaub ntawv teev tseg (records) txog tus tub ntxhais yog lawv muaj daim ntawv kom yuav tsum tau mus ntsib xam (subpoena), muaj daim ntawv tso cai rau tuaj tshawb nrhiav, lossis tau kev tso cai ntawm xam kom ua tej yam?

Tau. Uantej uas yuav muab cov ntaub ntawv teev (records) rau cov tibneeg ICE, tus thawj tsavxwm yuav tsum tau los saibxyuas zoo txog daim ntawv ua tuaj kom yuav tsum mus ntsib xam, daim ntawv tso cai rau lawv tuaj tshawb nrhiav, lossis tau kev tso cai ntawm xam kom yuav tsum tau ua tej yam, tej no yuav tsum tau muab saib zoo thiab nrog nws pab neeg uas paub txog txojcai tham, los saib seb daim ntawv kom mus ntsib xam, daim ntawv tso cai rau lawv tuaj tshawb nrhiav, lossis tau kev tso cai ntawm xam kom ua tej yam, puas muaj tseeb li hais tiag. Yog hais tias, ho yog tuaj tshawb nrhiav, ntshe lub school district yuav tsi muaj sijhawm ntau los mus saib txog cov ntaub ntawv. Yog hais tias tus tibneeg (ICE) ntawd koomtes ua li lub school district thiab nws pab tibneeg uas paub txog txojcai ntawd hais, ob tog yuav ua tau haujlwm mus tau zoo raws li qhov kom tuaj tshawb nrhiav ntawd yam tsi muaj kev cuamtshuaj dabtsi rau kev kawm ntawv nyob lub tsev kawm ntawv ntawd. Daim ntawv kom mus ntsib xam thiab qhov uas xam xaj kom ua , tsi maj ceev npaum li daim ntawv uas tso cai kom tuaj tshawb nrhiav.

Yog hais tias ICE cia li tuaj rau ntawm lub tsev kawm ntawv yam tsi muaj daim ntawv (subpoena) kom yuav tsum mus ntsib xam, daim ntawv tso cai ntawm xam koj ua tej yam, lossis tsi muaj daim ntawv tso cai rau kev tshawb nrhiav, thiab lawv kuj tau hais kom muab tus tub ntxhais cov ntaub ntawv uas yuav tsum tau tiv thaiv zoo rau lawv, puas muab tau?

Yog raws li qhov xwmtxheej saum toj no, lub tsev kawm ntawv yuav tsum tsi txhob muab cov ntaub ntawv ntawd raws li hais nyob rau txojcai FERPA thiab lub xeev California Education Code provisions uas txwm tsi pub muab tus tub ntxhais cov ntaub ntawv (records) rau leejtwg uas tsi tau kev tso cai.

Cov tsev kawm ntawv (school districts) puas yuav tsum tau pab ICE saibxyuas kom ua raws li txojcai tsig txog immigration?

Nws kuj tsi muaj txojcai kom cov tsev kawm ntawv yuav tsum pab ICE saibxyuas kom ua raws li txojcai rau immigration, qhov zoo ces cov tibneeg ua haujlwm hauv tsev kawm ntawv tsi txhob cuam tshuam rau tub ceev xwm txoj haujlwm. Kev uas pheej tawv tsi ua raws li ICE hais tejzaum yuav ua rau tus tibneeg ua haujlwm rau tsev kawm ntawv ntawd raug txim vim ua txhaum cai. Nyob hauv qab txojcai Title 18 United States Code section 111, nws txhaum kevcai yog ib tus tibneeg twg pheej tawv, tsi ua li hais, tabkaum kom laug sijhawm, lossis cuamtshuam ib tus tub ceev xwm twg uas nyob rau lub tebchaw no (United States Government) txoj haujlwm, lossis thaum nws tseem tabtom ua nws txoj haujlwm. Tsi tas li ntawd xwb, nomtswv muaj txojcai txwm tsi pub ib leeg ib tus twg txhob txwm pab nyiag zais, pab yug, lossis tiv thaiv ib tus tibneeg kom lawv txhob paub txog, uas tau ua txhaum txojcai immigration vim tsi xav kom muaj neeg paub txog. (8 U.S.C. § 1324.)