

Students

BP 5145.4(a)

FEDERAL IMMIGRATION ENFORCEMENT ON CAMPUS**Guiding Principles**

Immigration enforcement activities in and around schools create hardships and barriers to health and educational attainment for immigrant students, and establish a pervasive climate of fear, conflict, and stress that affects all District students, regardless of their background or immigration status.¹ The federal government has recognized the human cost associated with immigration enforcement on campus and has declared that schools are "sensitive locations" at which immigration enforcement activity should not occur. Accordingly, federal immigration enforcement activities in and around District property² would be a severe disruption to the learning environment and educational setting for students.

Prohibition Against District Immigration Enforcement Activities

In addition to establishing a climate of fear, conflict, and stress, when district staff³ and school resource officers assigned to our District are involved in enforcing federal civil immigration law, it creates the perception that they are exercising federal immigration authority,⁴ it decreases the likelihood that students will cooperate with district officials and school resource officers based on fears that this could lead to their deportation or the deportation of family members, and it conflicts with schools' constitutional obligation to provide equal educational opportunities to students regardless of their immigration status.

The District shall not enter into agreements with state or local law enforcement agencies, federal immigration authority, or any other federal agency for immigration enforcement activities. The District shall share this policy with local law enforcement agencies with whom its contracts for police services and requests acknowledgement that they have no authority to enforce federal immigration law on or participating in immigration enforcement efforts with federal authorities on District properties. This means that law enforcement officers that the district contracts with to work at

¹ "Citizenship or immigration status" are all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States, the time or manner of a person's entry into the United States, or any other civil immigration matter enforced by the Department of Homeland Security or other federal agency charged with the enforcement of civil immigration law.

² District property includes, but is not limited to, all school sites, early education centers, adult school facilities, and District administrative offices.

³ "District staff and personnel" includes all persons employed by the district, including district administrative staff, school personnel, and school security personnel and officers.

⁴ "Federal immigration authority" means any officer, employee, or person otherwise paid by or acting as an agent of United States Immigration and Customs Enforcement ("ICE") or any division thereof, or any other officer, employee, or person otherwise paid by or acting as an agent of the United States Department of Homeland Security ("DHS") who is charged with immigration enforcement.

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or are stationed at District schools shall not: hold individuals in custody on ICE detainers,⁵ respond to ICE notification or transfer requests,⁶ make arrests based on civil immigration warrants,⁷ or allow ICE to use campus facilities for immigration enforcement purposes.

Prohibition Against Federal Immigration Enforcement Activities on Campus*Access to School Site or Request to Interview a Student*

In accordance with these principles and general District policies restricting visitor access to school sites for school-related purposes only, the District shall deny all requests by federal immigration authority for access to a school site or to interview a student. Given the particular threat immigration enforcement poses to the learning environment, these requests shall be immediately forwarded to the Superintendent and General Counsel for review and a decision on whether to reverse the denial and allow access to the site or the student, and/or a decision on whether such access will conflict with District compliance with *Plyler v. Doe* and other applicable laws.

When federal immigration authority requests access to a school site or to interview a student, the General Counsel shall ask for the federal immigration authority's credentials, ask why the federal immigration authority is requesting access, and ask to see a warrant signed by a federal or state judge. Federal immigration authority must provide written authority from ICE instructing them to enter District property, including the purpose of such entry, as well as a warrant signed by a federal or state judge which specifies the name of the person under arrest or area to be searched. If the federal immigration authority is not able to provide such written authority and warrant, the Superintendent and/or General Counsel shall prohibit their access to District property.

If the federal immigration authority satisfies the above criteria, the school site principal or his/her designee shall oversee the federal immigration authority's investigation. Such oversight includes prohibiting access to information, records, and areas beyond that specified in the warrant. For student interviews, a private location out of sight and hearing of other students should be arranged, where practicable, that will help avoid invading the student's privacy, jeopardizing the safety and welfare of other students, and further disruption of the school campus. The principal or designee shall

⁵"Detainer" or "hold request" means a federal ICE request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to ICE and includes, but is not limited to, DHS Form I-247D.

⁶"Notification request" means an ICE request that a local law enforcement agency inform ICE of the release date and time in advance of the public of an individual in its custody and includes, but is not limited to, DHS Form I-247N. "Transfer request" means an ICE request that a local law enforcement agency facilitate the transfer of an individual in its custody to ICE, and includes, but is not limited to, DHS Form I-247X.

⁷"Civil immigration warrant," also known as an administrative removal warrant, means any warrant for arrest for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

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discourage federal immigration authority from interviewing or escorting students through school hallways in view of students. The District expects that federal immigration authority will provide the principal or designee the opportunity to be present during any interview of a student.

Access to Student Records

In addition to the standards set forth in BP 5145.42, Prohibition Against Voluntary Information Sharing Between District Personnel and Federal Immigration Authority, the District shall refuse all informal requests by federal immigration authority for voluntary access to student records, including requests to access student directory information and information that may be disclosed to law enforcement under Family Education Rights and Privacy Act ("FERPA"), across all aspects of the District to the fullest extent possible under the law.⁸ If presented with an ICE Administrative Subpoena⁹ for records, the District shall forward the subpoena to the Superintendent and General Counsel, who will in turn inform the federal immigration authority of the District's general policy against sharing student records. In the event the federal immigration authority seeks to enforce the subpoena in court, the District will oppose that motion and may appeal a court order enforcing the subpoena. The District will comply with any final court order enforcing an Administrative Subpoena issued to federal immigration authority.

When required by judicial warrant¹⁰ or other court order to provide federal immigration authority access to a student's records, the school site principal or his/her designee shall oversee the federal immigration authority's investigation. Such oversight includes guaranteeing that the federal immigration authority only access the information specified in the warrant or judicial order.

Immigration Authority's Request to Take Custody of a Student

Absent a judicial warrant or other court order, federal immigration authority will not be permitted access to the school site, students, or student records. The District and its staff, faculty, employees, and campus police will not honor any ICE detainers or requests to obtain custody of a student. Federal immigration authority may take custody of a student only if they present a judicial warrant or court order that satisfies the criteria described above in the section, "Access to School Site or Request to Interview a Student." Federal immigration authority cannot circumvent the protections afforded students under the law and this policy by seeking assistance from, or participating in enforcement activities with, local law enforcement. In the event a student's parent or guardian has been arrested by federal immigration authority, the District shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts by the student's guardian. In the event there is no emergency contact listed or the emergency contact(s) are not able to take custody of the child, the District will release the student to County Child Protective Services.

⁸ FERPA authorizes, but does not require, the District's voluntarily disclosure of student directory information. The District will refuse any informal request for voluntary disclosure of student directory information.

⁹ "ICE Administrative Subpoena" is a subpoena to require the testimony of witnesses or production of records.

¹⁰ "Judicial warrant" means a warrant based on probable cause and issued by a state federal judge or a federal magistrate judge that authorizes federal immigration authorities to take into custody the person who is the subject of the warrant.

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Parental Notification

If federal immigration authority request or gain access to a student or their records held by the school or District, District staff must immediately notify the student's parent or guardian that the federal immigration authorities sought access to the student. The District shall remind the parent that they have the right to authorize and send a designee to pick up their child on the parent's behalf. The District shall allow the child to wait in the office until the parent or his or her designee picks up the student. District personnel who provide parental notice are prohibited from inquiring into the parent's or guardian's immigration status.

Efforts to contact parents by the principal or designee must include calling all numbers listed on the student's emergency card, including work numbers, cell phone numbers, and all numbers supplied by the student. The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian.

When notifying the student's parent or guardian, District staff shall also direct the notified parent to the District-approved resource regarding parents' rights when federal immigration authority question or detain their children at school. The District-approved resources should be developed by organizations that specialize in immigrants' rights issues, such as the National Immigration Law Center and the National Immigrant Justice Center.

Data Tracking

The school principal or designee shall document each instance when federal immigration authority requests access to a school site, student records, or student; each instance when federal immigration authority interviews a student on school grounds; and each instance when federal immigration authority detains a student on school grounds. Such records shall include the date and time, name and identifying number of the federal immigration authority, the agency employing the federal immigration authority and his/her official capacity, the time when he/she arrived and left, whether the principal or designee was or was not present during the interview, the reason the student was questioned and/or released, and any other pertinent information.

The school principal or designee shall also notify the Superintendent and enter a written Incident Report the same day to detail the immigration enforcement activity involving a student. All Incident Reports shall be logged into the District's centralized database system. All Incident Reports, and the centralized database system, must record the school site, nature of the incident or offense, race, ethnicity, gender, disability, if applicable, and age of the student or students involved in the incident. The database system shall be structured in a way that will protect the individual student's identity if records from the system are released to the public.

The Incident Report procedures and protocol shall comport with requirements and guidelines set forth in BP 5145.41, Immigrant Students' Rights on Campus - Information Collection. Specifically, in drafting the written Incident Report, the school principal or designee shall not record the student's personal identifying information.