

Guiding Principles

The District is committed to providing a safe, welcoming, and inclusive learning environment for immigrant students and their families. The District is also committed to protecting the rights of immigrant students and their families through policies that prohibit information-sharing with local law enforcement and federal immigration authority¹ to the fullest extent possible under the law.

The District shall not adopt or implement policies, practices, or procedures that exclude students from school based on their or their parents' or guardians' actual or perceived immigration status.² Furthermore, District personnel shall treat all students equitably in the receipt of all school services, including but, not limited to, the free and reduced lunch program, transportation, and educational instruction.

The specific provisions of this policy, which limit the District's participation in immigration enforcement to the maximum extent permitted by law, are necessary to fulfill the District's obligation to provide all students, regardless of their immigration status, equal access to education.

Immigrant Students' and Families' Personal Information

Prohibition Against District Inquiries

District staff³ shall not require or request information that relates to students' or their families' immigration status, including requests for a social security number, passport, a birth certificate, or other citizenship-related documents. District personnel shall not inquire into a student's or a family member's immigration status.

Prohibition Against District Data Collection and Distribution of Information Relating to Students' or Their Families' Immigration Status

¹ "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.

² "Citizenship or immigration status" is 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.

³ "District staff and personnel" in this section is defined as all persons employed by the District, including District administrative staff, school personnel, and school security personnel and officers.

Immigrant Students' Rights on Campus – Information Collection

District personnel who learn of information related to a student's or their family member's actual or perceived immigration status must keep that information confidential and therefore shall not record or distribute that information.

Pursuant to the Family Education Rights and Privacy Act ("FERPA"), District personnel shall not disclose personally identifying information found in a student's education records without parental consent authorizing, or a judicial order mandating, the disclosure. Prohibited information-sharing under this policy includes, but is not limited to, disclosing information in a student's cumulative file relating to the student or their family member's immigration status.

District personnel shall follow this policy and not disclose, without parental consent, a student's immigration status, county of birth, or other personally identifiable information.⁴

Prohibition Against Information Sharing with Local Law Enforcement and Federal Immigration Authority

District staff shall not initiate communication with federal immigration authority or local, state, or federal law enforcement regarding a student's or their family member's personal information. Categories of information about a student or family member that may not be shared include:

1. Gender identity;
2. Sexual orientation;
3. Status as a survivor of domestic violence;
4. Survivor of sexual assault;
5. Crime witness;
6. Recipient of public assistance;
7. Actual or perceived immigration or citizenship status;
8. National origin;
9. School discipline record; and
10. All information included in an individual's or household's income tax records.

Absent a judicial warrant or other court order, federal immigration authority, and local, state, and federal law enforcement will not be permitted access to student records. Any formal requests for information from federal immigration authority or local, state, or federal law enforcement shall be forwarded to the Superintendent for review. Consistent with the standards set forth in BP ##### Federal Immigration Enforcement on Campus, the District shall forward any judicial warrant, ICE Administrative Subpoena, or other subpoenas for student records to the District's

⁴ FERPA authorizes, but does not require, the District's voluntarily disclosure of student directory information. The District will therefore refuse any informal request for voluntary disclosure of student directory information.

⁵ "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

Immigrant Students' Rights on Campus – Information Collection

General Counsel for review, and shall not respond to any subpoena for records absent a court order enforcing the subpoena.

Policy

Adopted:

Revised:

[District]

[Location]

the person who is the subject of the warrant. “ICE Administrative Subpoena” is a subpoena to require the testimony of witnesses or production of records.