



How to Handle Immigration Enforcement Issues In Schools

As you've probably seen in the news, the President is taking aggressive actions related to immigration enforcement that are likely to have an impact on schools. Here are some key points to remember:

Where does the law currently stand?

- ◆ The U.S. Constitution requires public schools to teach all students regardless of immigration status. Further, we have a longstanding U.S. Supreme Court decision requiring undocumented students to have access to public education.
- ◆ Students and their parents/guardians cannot be asked about their immigration status, and they cannot be required to present a green card, visa, social security number, or any other proof of citizenship.
- ◆ Residency and age requirements are different than citizenship, but documentation can be submitted that does not reveal any information related to immigration status.
 - Schools are permitted to have prospective students provide proof of residency to confirm they are in the appropriate school or district boundary (except for students experiencing homelessness), and are also permitted to confirm the age of the student.
 - Some examples of acceptable proof of residency documentation are a utility bill, or a lease or mortgage agreement.
- ◆ Schools are prohibited from turning over personally identifiable student records to Immigration and Customs Enforcement (ICE) agents without the written consent of a parent/guardian, unless a subpoena or other warrant requires them to do so.

What should school staff members do when immigration related issues arise?

- ◆ Should ICE agents enter a school building, they need to be directed to the Superintendent or designee.
- ◆ The school should have procedures in place for responding to such scenarios (e.g. requiring identification, ensuring any required warrants have been obtained, etc.) to ensure the safety and rights of students, while also complying with the law. If you have questions about your district's plan and how you are to respond, contact your administration.
- ◆ The Superintendent or designee will need to verify the ICE agent has all of the required authorizations.
- ◆ Staff should work closely with school administration when any immigration related issues come up.
- ◆ If any staff member is aware that a student is being discriminated against, harassed, intimidated, or bullied because of their actual or perceived nationality, ethnicity, or immigration status, it must be reported to the district as outlined in district policy.
- ◆ Staff should not interfere with or obstruct an ICE Agent while they are in the performance of their duty, doing so could put themselves and others in physical danger.

