

TEMPLATE RESOLUTION

**_____ BOARD OF EDUCATION
RESOLUTION NO. _____**

WHEREAS, the United States Supreme Court has established that public schools must be accessible to all children, regardless of immigration status, under *Plyler v. Doe*, 457 U.S. 202 (1982).

WHEREAS, the Family Education Rights and Privacy Act (FERPA), requires schools to protect and keep private students' education records and identifying information, including information that might indicate their immigration status.

WHEREAS, FERPA requires that schools not disclose personally identifiable information in a student's education records to third parties, including federal immigration offices, without parental or guardian consent or a judicial order or lawfully issued subpoena.

WHEREAS, when children are present in school buildings, the school is responsible for their care, including the protection of students' rights under federal law.

NOW, THEREFORE, BE IT RESOLVED all district administrators and staff shall follow District Policy _____, which is attached to and incorporated in this Resolution, when responding to any requests from the U.S. Immigration and Customs Enforcement Office (ICE), state or local law enforcement agencies acting on behalf of ICE, or agents or officers for any federal, state, or local agency attempting to enforce federal immigration laws;

BE IT FURTHER RESOLVED, any request by ICE or other agencies to visit a school site should be presented immediately to the superintendent's office and district legal counsel for review to determine whether access to the site is permitted by law, whether a judicial order or issued subpoena is required, whether any judicial warrant, judicial order or subpoena has been lawfully issued, and whether any other legal considerations apply; this review should be made expeditiously, but before any immigration law enforcement agent or officer appears at a school site or is permitted beyond public areas;

BE IT FURTHER RESOLVED, should ICE or other immigration law enforcement agents request any student information, including whether the student is enrolled or present at the school, the request should be immediately referred to the superintendent's office to ensure compliance with FERPA, student constitutional privacy, standards for a judicial warrant, and any other limitation on disclosure; this review should be conducted expeditiously, but before any production of information is made;

BE IT FURTHER RESOLVED, in its continued commitment to the protection of student privacy and its legal obligations under *Plyler*, the district shall review its record-keeping policies and practices to ensure that no data is being collected with respect to students' immigration status or place of birth; and, if any such information is being collected or maintained, then to cease any such collection as it is irrelevant to the educational enterprise and potentially discriminatory;

BE IT FURTHER RESOLVED, that the superintendent shall, within 30 days of the date of this Resolution, develop a plan for training teachers, administrators and other staff on District Policy

_____, including how to respond to ICE personnel who are requesting information about students and families and/or are attempting to enter school property. The plan shall also include procedures for notifying families about ICE efforts to gain information about students and families;

BE IT FURTHER RESOLVED, that the superintendent shall, within 30 days of the date of this Resolution, create a Rapid Response Team to prepare for any situation where a minor child attending school in the district is deprived of adult care, supervision, or guardianship outside of school due to a federal law enforcement action, such as detention by ICE or a cooperating law enforcement agency;

BE IT FURTHER RESOLVED, the district shall post this Resolution at every school site and distribute it to district staff, students, and parents using usual means of communication, and that the Resolution will be translated into all languages spoken by students at home;

BE IT FURTHER RESOLVED, after-school providers, other vendors, service providers who contract with the district, and volunteers shall be notified of this Resolution within 30 days and required to abide by it;

BE IT FURTHER RESOLVED, the superintendent shall report back on compliance with this Resolution to the Board at its next meeting.

TEMPLATE POLICY

District Policy No. ____ : **Responding to Requests From and Encounters with Law Enforcement Relating to Immigrant Students and Students with Immigrant Family Members**

The School Board, in Resolution No. _____, recognized that the district has responsibilities to all of its students, regardless of immigration status. This includes protecting a student's right to a public-school education under *Plyler v. Doe*, 547 U.S. 202 (1982), and protecting a student's education records under the Family Education Rights and Privacy Act.

School administrators, staff, or other personnel must take the following steps in the event that they are approached by the U.S. Immigration and Customs Enforcement Office (ICE), state or local law enforcement agencies acting on behalf of ICE, or agents or officers for any federal, state, or local agency attempting to enforce federal immigration laws.

School administrators, staff, and other personnel must do the following:

1. Contact the superintendent's office immediately.
2. Do not provide any information or documentation or allow officers access to students until the superintendent's office has completed the steps below and given the school administrator approval.
3. Do not attempt to provide your own information or conjecture about the students, such as their schedule, behavior, or living situation.

The superintendent's office should do the following:

1. Do not provide any information about any student or documentation or allow officers access to any students until the following steps are taken.
2. Request identification from the officers and agents and photocopy it. Request the agents' supervisor's name and contact information and make notes.
3. Request a judicial warrant or subpoena and photocopy it. If no warrant or subpoena is presented, request the grounds for access and make notes.
4. Request and retain notes of the names of the students and the reasons for the request
5. Contact legal counsel for the district to analyze the legality of any request for access, judicial order, warrant, subpoena, and for advice on any other legal matters.
6. If school personnel have not yet contacted the students' parents or guardians, do so.
7. Provide the agents with a copy of this Policy and Resolution No. _____.
8. Advise the agents you are required to complete these steps prior to allowing them access to any school site or student data.
9. Communicate with school administrators regarding the determination of the legality of the agents' request and advise administrators on how to proceed.