



# Immigration FAQ

Over the past several months since the election, students, staff and parents have expressed concerns about school districts' responsibilities to students, especially those who may be undocumented. These concerns have been manifested in student rallies, employee requests and school boards being asked to take actions to express support for undocumented students.

Questions continue to come in from district staff from across the state. The purpose of this article is to provide some guidance on some of the most frequently raised issues.

## Reporting Requirements

Schools have a legal obligation to educate every child within the ages of 5 thru 18 who has not completed the 12<sup>th</sup> grade. This obligation is not dependent on whether or not the child is legally within the United States.

Reporting students to law enforcement (e.g. , Immigration & Customs Enforcement (I.C.E.)) may result in the district preventing a student from receiving the education they are required to provide due to the student being removed by I.C.E.

## Information Requests

Any analysis needs to start with a review of district policy. Policies which you should consider reviewing include: JOA, JOB, JO/IGBAB-AR.

Anything designated as directory information can be provided when requested in accordance with district policies and procedures. Under no circumstances should a student's social security number, or lack thereof, be considered directory information. *See district policy JOA.*

Information that is not designated as directory information can be disclosed with a court order (e.g., subpoena) or with permission from either the parent or other legally qualified designee. *See district policy JOB.*

It is also equally problematic when district staff take proactive steps to warn or interfere with law enforcement activities as it is attempting to carry out its responsibilities. These types of actions go beyond the district's obligation to educate the student and could open the district up to liability.

## Interaction with Law Enforcement/ICE

An analysis of applicable district policies is a good place to start. Policies you should consider reviewing include: KN - Relations with Law Enforcement Agencies, KN-AR(2) - Abuse of a Child or Other Investigations Conducted on District Premise, JFG - Student Searches, maybe JHFE - Reporting of Suspected Abuse of a Child.

If law enforcement arrives at a school building to question a student, district staff should handle this situation just as any other visit from law enforcement. This generally includes what documentation is required of law enforcement, when access will be granted, what notification is provided to parents, and whether an administrator should be present during the meeting between law enforcement and the student.

## **Resolutions**

A lot of discussion has been occurring about whether or not boards need to adopt resolutions specifically related to students immigration status. Adoption of a specific resolution is unnecessary and not recommended however creation of an effective communication plan will make sure everyone knows what the Board and the District's position on issues surrounding students and immigration requirements.

## **Communication Plan**

The communication plan should establish the District will: (1) follow the law, (2) implement its policies and procedures to ensure all students receive an education and (3) comply (when required) to legally authorized federal and state authorities. In addition, the communication plan should provide detailed information on relevant Board policies and procedures for communicating with the District about concerns or complaints and the process the District will use to provide redress when appropriate.

Given the degree of concern being expressed, the best thing a district can do is focus on communication with staff, students and parents including what the district's policies and practices require. When people understand what the process is or how something is going to be handled anxiety is reduced and people feel more confident. Communication could occur through a letter, a frequently asked questions document or even face-to-face meetings.

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