



Book	Policy Manual
Section	8000 Operations
Title	SANCTUARY DISTRICT
Code	po8310.01
Status	Active
Adopted	August 20, 2019

#### 8310.01 - **SANCTUARY DISTRICT**

The District is committed to protecting the right of all students to have access to a free, public education regardless of a child's or family member's immigration status, and is further committed to elevating tolerance, inclusiveness and kindness to all students, families and personnel at all District schools, facilities and sites.

District personnel shall not inquire about or record a student's or a family member's immigration status or take action that may chill access to public education, and pursuant to the Family Education Rights and Privacy Act ("FERPA"), shall not disclose without parental consent the immigration status of any student, a student's educational records, or other personally identifiable information including, but not limited to, a student's name, the names of a student's parents, a social security number, or other personal identifier of a student.

Based on its educational experience and as a part of its deliberative process, the Board has found that the presence of immigration law enforcement officials substantially disrupts the learning environment and any such requests for access to a school site or District facility must be forwarded immediately to the Office of the Superintendent and the Office of the General Counsel for review and approval. Approval must be granted before officials are permitted access to school sites and District facilities.

School personnel must not allow any third party, including, but not limited to, officials from U.S. Immigration and Customs Enforcement (ICE), U.S. Customs Border Protection (CBP), or federal immigration enforcement agencies or similar agencies access to a school site or District facility without a request submitted to the building-site administrator and approved by the Office of the Superintendent and General Counsel. The building or site administrator shall not permit third party access to the school site that would cause disruption to the learning environment.

School personnel must contact the Office of the Superintendent and the Office of the General Counsel immediately if approached by ICE or CBP officials or other immigration officials for information or to access a school site. Personnel must also attempt to contact the parents or guardians of any students involved.

The Office of the Superintendent with the advice of the Office of the General Counsel shall process requests by immigration law enforcement officials to enter a school site or obtain student data as follows:

- A. Request and require credentials of the officers or agents, verify and photocopy;
- B. Request and require written authority, pursuant to ICE and CBP enforcement at sensitive and certain community location memos, documentation of prior officials by officials of Homeland Security Investigations, Enforcement and Removal and CBP instructing them to enter District property;

- C. Request and require a judicial warrant and obtain a photocopy of the document;
  - 1. The warrant must be specific to the students for whom the officials are searching or provide that exigent circumstances (health or safety emergency) requiring entrance to the site;
  - 2. If no warrant is presented, request the grounds for access and make notes.
- D. Request and retain notes of the names of the students and the reason for the request;
  - 1. If school site personnel have not yet contacted the students' parents or guardians, do so;
  - 2. School personnel should not attempt to provide your own information or conjecture about the students, such as their schedule, for example, without legal counsel present;
- E. Provide the officials with a copy of this Policy and the Resolution on Access to Education, Student Privacy, and Immigration Enforcement;
- F. Request the officials' contact information; and
- G. Advise the officials that you are required to complete these steps prior to allowing them access to any school site or student data.

The Office of the Superintendent and the Office of the General Counsel will review all requests and make a decision on whether to allow access to the site/information, and/or a decision on whether the information or access will ensure compliance with the U.S Constitution, Plyer v. Doe, FERPA, other federal and state statutes, applicable federal and state agency guidance, local ordinances and District policy.

All requests must be provided with adequate notice so that the Office of the Superintendent, the Office of the General Counsel can act expeditiously to provide for the emotional and physical safety of District students and personnel.

To ensure the protection of student privacy, the District shall review its record-keeping policies and practices to ensure that no data is required to be collected with respect to student immigration status.

Should an immigrant parent/legal guardian or student voluntarily offer a document generated by the Department of Homeland Security or Department of Justice for identification purposes, school personnel should refrain from recording:

- A. personal information from the document;
- B. information concerning the type of document submitted; or
- C. that a document from one of these agencies was submitted.

Additionally, the District will make additional information and resources available regarding the principles outlined herein.

Legal

US CBP Memo - Enforcement Activities at or Near Certain Community Locations,  
Jan. 18, 2013

Homeland Security Memo - Enforcement Actions at Sensitive Locations, Oct. 24,  
2011

Plyler v Doe, 457 US 202 (1982)

20 USC 1232g, 34 CFR Part 99

U.S. Const. amend. IV