

POLICY JB

Board of Education Las Cruces Public Schools

Related Entries: JB-R, AC, EEA, EEAE, EEAF, JFA, JFA-R, JLIBA, KLG, KLG-R
Responsible Office:

ACCESS TO EDUCATION AND PROTECTIONS FOR IMMIGRANT STUDENTS

I. PURPOSE

The purpose of policy JB is to ensure all students, regardless of the student's or family member's immigration status, can safely access the public education, including all secondary benefits of public education, provided by the district to which they may be otherwise eligible.

II. BACKGROUND

Las Cruces Public Schools (LCPS) welcomes all students and has a responsibility to ensure that all students who reside within its boundaries, regardless of immigration status, can safely access a free public education. This position is supported by the Supreme Court of the United States that held in *Plyer v. Doe* (1982) that no public school district has a basis to deny children access to education based on their immigration status, citing the harm it would inflict on the child and society itself, and the equal protection rights of the Fourteenth Amendment. Likewise, the U.S. Immigration and Customs Enforcement (ICE) has a longstanding policy that it will not conduct immigration enforcement activity at any sensitive location, which includes school property and education-related activities or events and bus stops that are marked and/or known, during periods when school children are present at the stop, unless exigent circumstances exist or without special permission from specific federal law enforcement officials. There is also no state or federal law that mandates that local school districts must assist ICE in the enforcement of immigration laws.

III. POSITION

- A. All students, regardless of immigration status, who register for or seek to participate in the benefits of a LCPS public education including any secondary benefits to which they are otherwise eligible, are entitled to participate in and receive all such benefits and services, including free or reduced-cost meals, transportation, health care treatment from the school nurse or a school-based health center, extracurricular activities and nonacademic services.
- B. District personnel shall not inquire about or record a student's or a family member's immigration status, and pursuant to the Family Education Rights and Privacy Act ("FERPA"), shall not disclose, without parental consent, the immigration status of any student or other personally identifiable information

unless a FERPA exception applies. Requests for documentation may not discriminate or have the effect of discriminating on the basis of national origin or immigration status. All students shall be treated equally in the admission procedures as set forth in Policy JFA. Any reliable proof of the student's identity and age required for school admission or other educational services shall not be maintained or disclosed by the District. Instead, the Superintendent, through Administrative Regulation implementing Policy JFA, shall develop a verification process, verifying that the campus registrar has witnessed a birth certificate or other reliable documentation of age and identity.

- C. Any request for information by immigration agents shall be initially denied and immediately forwarded to the Superintendent for review and a decision on whether access to the information will ensure District compliance with *Plyler v. Doe*, FERPA and any other applicable laws. The request must be provided with adequate notice so that the Superintendent can take steps to provide for the emotional and physical safety of its students and staff absent exigent circumstances.
- D. The Superintendent's Office shall process requests by immigration law enforcement agents to **enter a school site** or **obtain student data** as follows:
 - 1. Request identification from the officers or agents and photocopy it;
 - 2. Request a judicial warrant and photocopy it;
 - 3. If no warrant is presented, request the grounds for access, make notes, deny access and, if necessary, contact legal counsel for the District;
 - 4. Request and retain notes of the names of the students and the reasons for the request;
 - 5. If school site personnel have not yet contacted the students' parents or guardians, do so immediately;
 - 6. Do not attempt to provide your own information or conjecture about the students, such as their schedule, for example, without legal counsel present;
 - 7. Provide the agents with a copy of this Policy;
 - 8. Request the agents' contact information; and

Policy JB: Access to Education and Protection for Immigrant Students

9. Advise the agents you are required to complete these steps prior to allowing them access to any school site or student data unless exigent circumstances exist.
- E. The District shall refuse all voluntary information sharing with immigration agents across all aspects of the District to the fullest extent possible under the law.
- F. The District will not enter into agreements with state or local law enforcement agencies, ICE, or any other federal agency for the enforcement of federal immigration law, except as required by law.
- G. The District and its staff, faculty, employees, and School Resource Officers (pursuant to MOU or other agreements under Policy KLG) will not honor any ICE detainers or requests, except as required by law.
- H. Campus security are prohibited from inquiring about or recording any information regarding an individual's immigration status or country of birth.
- I. Agreements with law enforcement authorities under Policy KLG shall be consistent with this policy and assure that there shall be no enforcement of federal immigration law on District property (sensitive locations). This includes not participating in any immigration enforcement efforts of federal authorities such as holding people on ICE detainers, responding to ICE notification or transfer requests, making arrests based on civil immigration warrants, or allowing ICE to use campus facilities for immigration enforcement purposes, except as required by law.
- J. All District staff shall treat all students equitably in the receipt of all school services, including but, not limited to, the free and reduced-cost lunch program, transportation, extracurricular activities and educational instruction.
- K. The Superintendent shall create a rapid response plan to avoid releasing students into a potentially hazardous situation. This rapid response plan may include the following:
 1. Work with parents to develop a family immigration enforcement emergency plan.
 2. Designate safe places for students to wait if a parent or sibling has been detained.
 3. Appoint a committee of ancillary and other school personnel to identify existing District and public and nonprofit community resources for dealing with the various situations that may arise as a result of ICE immigration enforcement activities.

4. Strengthen relationships with public and nonprofit community-based organizations that can support the needs of students impacted by immigration enforcement activities.

Maria A. Flores

Board of Education, President

April 18, 2017

Date

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