

Limiting Immigration Enforcement in Programs

Applicability of Policies to Immigration Enforcement

- ESD 123 adheres to all requirements of federal and state law.
- The provisions of this policy shall apply to ESD 123 and all program facilities, which include (but are not limited to) adjacent sidewalks, parking areas, sports facilities, playgrounds, and entrances and exits from said building spaces.
- ESD 123's policies prohibiting participation or aid in immigration enforcement shall apply for enforcement activity against students and their families, staff, and volunteers.
- ESD 123 personnel shall presume that activities by federal immigration authorities, including surveillance, constitute immigration enforcement.

Access to Programs

- ESD 123 has a responsibility to ensure that all students who reside within its boundaries can safely access a free public K-12 education.
- ESD 123 does not exclude students from receiving an education or unlawfully discriminate against anyone because of their race, color, national origin, age, disability, gender identity, immigration or citizenship status, sex, creed, use of a trained dog guide, or service animal by a person with a disability, sexual orientation, or on any other basis prohibited by federal, state, or local law.
- ESD 123 will uphold its responsibility to all students and ensure that all staff and volunteers are aware of the rights of immigrant students to an education.

Immigration Enforcement on Program Campus

1. ESD 123 does not grant permission for any person engaging in or intending to engage in, immigration enforcement, including surveillance, to access the non-public areas of ESD 123 facilities, property, equipment, databases, or otherwise on program grounds or their immediate vicinity. ESD 123 staff shall direct anyone engaging in, or intending to engage in, immigration enforcement, including federal immigration authorities with official business that must be conducted on program property, to the program administrator or authorized designee prior to permitting entrance to program grounds. ESD 123 staff shall presume that activities by federal immigration authorities, including surveillance, constitute immigration enforcement.
2. If anyone attempts to engage in immigration enforcement on or near program grounds, including requesting access to a student, employee, or program property:
 - A. Program staff shall immediately alert and direct the person to the program administrator or authorized designee who shall: verify and record the person's credentials (at least, name, agency, and badge number), record the names of all persons they intend to contact, collect the nature of the person's business at the program, request a copy of the court order or judicial warrant, log the date and time, and forward the request to the Superintendent and/or legal counsel for review.
 - B. Program staff shall request that any person desiring to communicate with a student, enter program grounds, or conduct an arrest first produce a valid court order or judicial warrant.
 - C. ESD 123 Superintendent or authorized designee and/or legal counsel shall review the court order or judicial warrant for signature by a judge and validity. For ESD 123 to consider it valid, any court order or judicial warrant must state the purpose of the

- enforcement activity, identify the specific search location, name the specific person to whom access must be granted, include the current date, and be signed by a judge.
- D. ESD 123 Superintendent or authorized designee and/or legal counsel shall review written authority signed by an appropriate level director of an officer's agency that permits them to enter ESD 123 program property for a specific purpose. If no written authority exists, ESD 123 Superintendent or authorized designee and/or legal counsel shall contact the appropriate level director for the officer's agent to confirm permission has been granted to enter ESD 123 program property for the specific purpose identified.
 - E. Upon receipt and examination of the required information, ESD 123 Superintendent or authorized designee and/or legal counsel will determine whether the program shall allow access to contact or question the identified individual and will communicate that decision to the program administrator or authorized designee.
 - F. ESD 123 Superintendent or authorized designee and/or legal counsel shall make a reasonable effort, to the extent allowed by the Family Educational Rights and Privacy Act (FERPA), to notify the parent/guardian of any immigration enforcement concerning their student, including contact or interview.
 - G. ESD 123 Superintendent and/or authorized designee or legal counsel shall request the presence of an ESD 123 program representative to be present during any interview. The program shall not permit access to information, records, or areas beyond that specified in the court order, judicial warrant, or other legal requirements.

Gathering Immigration-Related Information

1. ESD 123 program staff may review, but shall not inquire about, request, or collect any information about the immigration or citizenship status or place of birth of any person. Program staff shall not seek or require, to the exclusion of other sufficient and permissible information, information regarding a student's or his/her parent or guardian's citizenship or immigration status.
2. ESD 123 policies and procedures for gathering and handling student information during enrollment or other relevant periods shall be delineated in writing and made available to students and their parent or guardian(s) at least once per program year in a manner for households with individuals that have limited English proficiency (LEP) to understand.
3. If ESD 123 is required to collect information related to a student's national origin (e.g., information regarding a student's birthplace, or date of first enrollment in a U.S. program) to satisfy certain federal reporting requirements for special programs, ESD 123 program staff shall:
 - A. If feasible, consult with legal counsel to seek alternatives, including alternatives to the specific program or documents accepted as adequate proof for the program;
 - B. Explain to the student and student's parent(s) and/or guardian(s), in their requested language, the reporting requirements, including possible immigration enforcement impact;
 - C. Provide notice to the student's parent(s) and/or guardian(s); and
 - D. Mitigate deterring program enrollment of immigrants or their children by collecting this information separately from the program enrollment process.

ESD 123 Superintendent and/or legal counsel or authorized designee shall request the presence of a program representative to be present during any interview. The Program shall not permit access to information, records, or areas beyond that specified in the court order, judicial warrant, or other legal requirements

Responding to Requests for Information

1. ESD 123 program staff shall not share, provide, or disclose personal information about any person for immigration enforcement purposes without a court order or judicial warrant requiring the information's disclosure or approval by the program administrator or authorized designee. Requests by federal immigration authorities shall be presumed to be for immigration enforcement purposes.
2. Program staff shall immediately report receipt of any information request relating to immigration enforcement to the program administrator or authorized designee who shall document the request and refer the request to the Superintendent and/or legal counsel or authorized designee.
3. ESD 123 programs shall, to the extent allowed by FERPA, notify an affected student's parent(s) and/or guardian(s) immediately of any request for information relating to immigration enforcement unless advised otherwise by legal counsel.

Use of Program Resources

1. ESD 123 resources shall not be used for immigration enforcement.
2. ESD 123's resources and policies regarding immigration enforcement shall be published and distributed to parent(s) and/or guardian(s) on an annual basis. These resources shall include, at a minimum:
 - A. The right of immigrant students to receive an education, including accommodations for limited English proficiency and special education programs;
 - B. General information policies including the types of records maintained by ESD 123 and/or ESD 123 programs and a list of the circumstances or conditions under which ESD 123 and/or ESD 123 programs might release student information to third parties, including limitations under FERPA and other relevant law;
 - C. Policies regarding the retention and destruction of personal information;
 - D. The process of establishing notice and/or consent from the parent(s) and/or guardian(s), as permitted under federal and state law, prior to releasing a student's personal information for immigration enforcement purposes;
 - E. Name and contact information for ESD 123 and/or ESD 123 programs' designated point of contact on immigration-related matters; and
 - F. "Know Your Rights" resources and emergency preparedness forms to have completed in the event of family separation.

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Reference:

[RCW 43.10.310 Immigration enforcement model policies—Adoption by schools, health facilities, courthouses.](#)