**Operating Procedure No. 4300P
Community Relations**

**LIMITING IMMIGRATION ENFORCEMENT IN SCHOOLS**

Washington’s public schools have a legal and moral obligation to ensure that no one is denied the opportunity to succeed because of where they were born, to protect the rights of students and community, and ensure that schools fully comply with the law.

The purpose of SB 5497 passed by the legislature in 2019 (also known as the Keep Washington Working Act) is to ensure the state of Washington “remains a place where the rights and dignity of all residents are maintained and protected in order to keep Washington working. ” The law also required Washington’s Office of Attorney General (AGO) to draft a model policy and guidance for public schools in limiting immigration enforcement to the fullest extent possible consistent with federal and state law.

Operating Policy No. 4300 Limiting Immigration Enforcement in Schools is the AGO model policy adopted by PSESD. The following are definitions of terms from the AGO Guidance to assist in understanding and implementing PSESD policy.

**Definitions**

* + “Civil immigration warrant” means any warrant for a violation of federal civil immigration law issued by a federal immigration authority. A “civil immigration warrant” includes, but is not limited to, administrative warrants entered in the national crime information center database, warrants issued on ICE Form I-200 (Warrant for Arrest of Alien), Form I-205 (ICE Administrative Warrant), or prior or subsequent versions of those forms, which are not court orders.
	+ “Court order” and “judicial warrant” mean a directive issued by a judge or magistrate under the authority of Article III of the United States Constitution or Article IV of the Washington Constitution or otherwise authorized under the Revised Code of Washington. A “court order” includes, but is not limited to, judicially authorized warrants and judicially enforced subpoenas. Such orders, warrants, and subpoenas do not include civil immigration warrants, or other administrative orders, warrants or subpoenas that are not signed or enforced by a judge or magistrate as defined in this section.
	+ “De-identified” means information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.
	+ “F-1 Visa” is a United States (U.S.) visa for foreign national students who wish to attend educational institutions in the U.S., of these levels:
		- Private elementary school (non-U.S. citizens are not allowed to attend U.S. public elementary schools on an F-1 visa);
			* High school;
			* Seminary;
			* Conservatory;
			* University and college; and
			* Other institutions, such as a language training program.
* “Federal immigration authority” means any on-duty officer, employee, or person otherwise paid by or acting as an agent of the United States Department of Homeland Security (DHS) including, but not limited to, its sub-agencies, Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), United States Citizenship and Immigration Services (USCIS), and any present or future divisions thereof charged with immigration enforcement. “Federal immigration authority” includes, but is not limited to, the Enforcement & Removal Operations (ERO) and Homeland Security Investigations (HSI) of ICE, or any person or class of persons authorized to perform the functions of an immigration officer as defined in the Immigration and Nationality Act.
* “Immigration or citizenship status” means as such status as has been established to such individual under the Immigration and Nationality Act.
* “J-1 Visa” is the visa designated for students and exchange program participants who belong to: Au Pairs, Camp Counselor, Government Visitors, Interns, International Visitors, Interns, International Visitors, Physicians, Professors and Research Scholars, Short-term scholars, specialists in different areas, university students, secondary school students, teachers, trainees, work and travel participants. Those who come to the U.S. under this visa program cannot bring dependents to the U.S.
* “Language services” includes but is not limited to translation, interpretation, training, or classes. “Translation” means written communication from one language to another while preserving the intent and essential meaning of the original text. “Interpretation” means transfer of an oral communication from one language to another.
* “Law enforcement agency” or “LEA” means any agency of the state of Washington (state) or any agency of a city, county, special district, or other political subdivision of the state (local) that is a “general authority Washington law enforcement agency,” as defined by RCW 10.93.020, or that is authorized to operate jails or maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities; or to monitor compliance with probation or parole conditions.
* “Local government” means any governmental entity other than the state, federal agencies, or an operating system established under chapter 43.52 RCW. It includes, but is not limited to, cities, counties, school districts, and special purpose districts. It does not include sovereign tribal governments.
* “Notification request” means a federal immigration authority’s request for affirmative notification from a state or local law enforcement agency of an individual’s release from the LEA’s custody. “Notification request” includes, but is not limited to, oral or written requests, including DHS Form I-247A, Form I-247N, or prior or subsequent versions of those forms.
	+ “M-1 Visa” is designed for students enrolled in vocational and non-academic education, excluding language courses. This includes, but is not limited to, technical courses, cooking classes, flight school, cosmetology, etc.
	+ “Personal information” means names, date of birth, addresses, GPS [global positioning system] coordinates or location, telephone numbers, email addresses, social media handles or screen names, social security numbers, driver’s license numbers, parents’ or affiliates’ names, biometric data, or other personally identifiable information. “Personal information” does not include immigration or citizenship status.
	+ “Public schools” or “Local education agency” means any and all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board and all institutions of higher education as defined in RCW 28B.10.016.
	+ “Sensitive location” refers to the 2011 U.S. Immigration and Customs Enforcement (ICE) and 2013 Customs and Border Enforcement (CBP) policies which categorize certain locations as sensitive locations that should generally be avoided for immigration enforcement purposes. Accordingly, “sensitive location” includes health facilities, places of worship, and schools.
	+ “School resource officer” means a commissioned law enforcement officer in the state of Washington with sworn authority to uphold the law and assigned by the employing police department or sheriff ’s office to work in schools to ensure school safety. By building relationships with students, school resource officers work alongside public school administrators and staff to help students make good choices. School resource officers are encouraged to focus on keeping students out of the criminal justice system when possible and not impose criminal sanctions in matters that are more appropriately handled within the educational system.
	+ “State agency” has the same meaning as provided in RCW 42.56.010.

**Best Practice Guidance**

To support implementation of the Washington State Office of the Attorney General’s model policy on which PSESD’s Operating Policy No. 4300 is based, the AGO published the following best practice guidance for schools. These best practices are aligned with the state’s commitment to tolerance, diversity and inclusiveness. PSESD procedures and staff training regarding responses to immigration enforcement and maintaining a barrier free learning environment will rely on the following best practice guidance.

1. **Responding to Immigration Enforcement Action**

In the event of an immigration enforcement activity, inquiry or related incident at or near school facilities, staff will be prepared to:

* Determine the appropriate response for any potential disclosures of information, including ability to communicate with the appropriate authority as incidents occur and/or assistance is needed.
* Adopt and maintain a restricted location within the school grounds with requirements—such as a judicial warrant—for who may access those restricted locations.

For designated school personnel, training should include:

* a working knowledge in the different types of documents that may be presented for the purpose of immigration enforcement;
* differentiating between administrative warrants and judicial warrants signed by a judge or magistrate and differentiate between administrative and judicial subpoenas; and
* understanding the procedure for responding to any warrant, subpoena, or order issued in connection with immigration enforcement activities and the procedure for documenting any immigration enforcement activity, inquiry, or other incident at or near the school grounds.

**2. Eliminating Barriers to Access or Enrollment**

* Schools should foster a welcoming environment for all students by publishing requirements for enrollment and publishing descriptions of how the information collected will be protected and where alternative documents can be collected as proof of residency or to meet other minimum requirements for enrollment;
* Ensure school staff, who are present in public pick up/drop off areas during high traffic times and whenever federal immigration authority presence is known, be familiar with the school’s procedures for responding to immigration enforcement activity or surveillance at or near school.
1. **Financial Assistance**
* Schools should provide parents and students with information on financial assistance resources and/or scholarships that do not require proof of citizenship or immigration status; and ensure staff know confidentiality of data and be mindful of privacy concerns.
1. **Emergency Preparedness**
* Designate a staff member or team to help students navigate requirements for enrollment as well as concerns that emerge as part of their educational experience;
* Train a staff member or team to assist students who face additional barriers to learning due to fears of immigration enforcement or retaliation to them or their families;
* Create and maintain counseling resources;
* Encourage students and their loved ones to prepare emergency documents in case of a family separation; encourage families to plan for unexpected detention of a student or child’s parents or caregivers;
* Make available emergency planning kits such as the Immigrant Safety Plan for Youth and Children packet to families who might be impacted, http://www.washingtonlaw help.org/resource/immigrant-safety-plan-for-youth-and-children?ref=Pv9zQ and assist students and their families in filling out these forms or connect them to community or legal resources as needed;
* Designate a staff member who is trained in what to do in the event that a student’s parents or guardians are detained to work with resource providers in the local community to develop a plan for caring for students whose caregivers are detained while the child is at school;
* provide written information to families on websites or handouts, in multiple languages depending on the community, and/or in one-on-one meetings; disseminate information verbally by recorded messages that families can call to listen to key information in their spoken language or other means;
* limit information collected from students to only that required to comply with state or federal law, or as necessary to perform their duties as permitted by statute or rule; in cases where information is collected, students and their families should be notified why that information is being collected, and what safeguards exist for it once it is collected.
* if the school learns that personal information is requested of one of their students, the school should make every effort to notify the student and emergency contact/family/guardian unless restricted by a lawfully issued court order or subpoena;
* determine what information, if any, is considered public directory information within the limits of 34 C.F.R. In order to prioritize the privacy of student information and records and notify students and parents what information, if any, is subject to release as directory information;
* use opt-in models for directory information so that students and their parent(s) and/or guardian(s) may control whether their data is included in the public school’s directory; if automatic directories exist, ensure families know how to easily opt-out from their inclusion;
* notify students and parents of what information, if any, is subject to release as directory information prior to collecting the information and before making their directory information available; and
* create protocols for data collection and sharing, including affirmative consent from students and their parent(s) and/ or guardian(s) prior to any data collection. Practices should also carry into the classroom setting and any digital learning spaces where data collection may occur, such as projects requiring social media accounts.

Adopted: April 2021

Legal References: RCW 43.10.310 – Immigration enforcement model policies -Washington’s Office of Attorney General (AGO), Guidance, Model Policies, and Best Practices for Public Schools, 2019