

## 5111.3

**Disclaimer: Under McKinney Vento every student has the right and cannot be denied access to an education. They cannot be denied entry to school due to lack of documentation (i.e. school records, immunization records, etc.)**

## Students

### Protection of Undocumented Students

All students have the right to attend public school and enjoy access to equitable educational and programmatic services regardless of the immigration status of the student or of the student's family members.

For the purposes of this policy, "District personnel" includes all District employees, counsel for the District, and any agencies contracting with the District.

District personnel shall not take any steps that would deny students access to education based on their immigration status or any steps that would impede the rights of any students to public education under the U.S. Supreme Court's 1982 ruling in *Plyler v. Doe*, the Family Educational Rights and Privacy Act (FERPA), the Connecticut General Statutes, and any other applicable state and federal law.

Absent any applicable federal, state, local law or regulation or local ordinance or court decision, District personnel shall abide by the following conduct:

- District personnel shall not treat students disparately for District residency determination purposes on the basis of their immigration status.
- All District students who meet the relevant programmatic criteria are entitled to receive all school services, including free lunch, free breakfast, transportation, and educational services, regardless of the immigration status of the student or of the student's family members. This entitlement exists whether or not the student or the student's family members have social security numbers.
- District personnel shall not inquire about, or record in any way, a student's immigration status, nor shall District personnel require documentation of any student's legal status, such as asking for a "green card" or citizenship papers, at initial registration or at any other time, for any purpose.
- District personnel shall not require students to apply for Social Security numbers nor shall the District require students to supply a Social Security number for any purpose.

If any member of the District community (including students, families, or staff) has questions about their immigration status, District personnel shall not refer them to the Immigration and

Customs Enforcement Office ("ICE") or any other government agency. Instead, District personnel shall refer them to state and/or local non-profit immigration law organizations. A list of such organizations shall be compiled by the Superintendent or designee and disseminated at school sites and on the District's website. The Superintendent is also encouraged to increase and enhance partnerships with community-based organizations, legal services organizations, and other educational institutions (such as community colleges and universities) to provide resources for families of students or District employees who are facing deportation or other adverse immigration consequences.

It is the general policy of the District not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit. The Board of Education believes that ICE activities in and around schools, preschool education centers, and adult school facilities would constitute a severe disruption to the learning environment and educational setting for students. Therefore, any request by ICE to any District personnel to visit a school site shall be immediately forwarded to the Superintendent for review and consultation with legal counsel, to ensure the safety of all students, as well as compliance with Plyler v. Doe and other applicable state and federal laws.

All requests for documents by ICE to the District or any District personnel shall be immediately forwarded to the Superintendent for review and consultation with legal counsel and the Board to ensure the safety of all students, as well as compliance with Plyler v. Doe and other applicable state and federal laws.

The Superintendent or designee shall ensure that copies of this Policy are distributed to all District and school sites.

The Superintendent or designee shall ensure all teachers, school administrators, and other staff are trained on how to implement this policy and shall ensure that notification with required translation be distributed to families to fully inform them of their rights in the District.

(cf. [0521](#) - Nondiscrimination)

(cf. [5111](#) - Admission/Placement)

(cf. [5112](#) - Ages of Attendance)

(cf. [5118.1](#) - Homeless Students)

(cf. [5124](#) - Student Records)

(cf. [5141](#) - Student Health Services)

(cf. [6171](#) - Special Education)

Legal Reference: Connecticut General Statutes

[10-15](#) Towns to maintain schools

[10-15c](#) Discrimination in public schools prohibited

[10-76a](#) - [10-76g](#) re special education

[10-184](#) Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive)

[10-186](#) Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission, as amended.

[10-220h](#) Transfer of student records, as amended.

[10-261](#) Definitions

State Board of Education Regulations

[10-76a-1](#) General definitions (c) (d) (q) (t)

[10-204a](#) Required immunizations

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93 568, codified at 20 U.S.C.1232g.).

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96, and Final Rule 34 CFR Part 99, December 9, 2008, December 2, 2011)

McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.

Phyler v. Doe, 457 U.S.202, 102S. Ct. 2382 (1982)

**Policy adopted: Monday, August 26, 2019**

## Students

### Protection of Undocumented Students

In order to provide a free public education for all children and to provide a welcoming, safe, and supportive school environment, the following guidelines are to be followed when handling requests and visits from the U.S. Immigration and Customs Enforcement (ICE):

1. If an ICE agent approaches a school asking for student information or for access to a student, that agent is to be referred to the Superintendent's Office or to the office of an appropriate administrator designated by the Superintendent.
2. Generally, the Superintendent or his/her designee should immediately contact the district's attorney before taking any action or providing any information in response to a request or visit from an ICE agent. The Superintendent or his/her designee is to ask the ICE agent to state the reasons and authority for the visit, whether the "sensitive locations" policy is being followed, and, if so, why such "sensitive locations" policy permits the visit.
3. The Superintendent or his/her designee is to ask the ICE agent to confirm that the agent has a warrant and to show the warrant. If the agent does not have a warrant, the District shall prohibit entry to school facilities to the ICE agent.
4. If the ICE agent does have a warrant, the school official shall review it carefully to determine what it authorizes the ICE agent to do, and who issued it.
  - a. Note, that depending on the situation, ICE agents may have an "administrative warrant" which is not a court order signed by a judge.
  - b. School officials should not assume that an ICE agent has the authority to enter school facilities or obtain information or records based on an administrative warrant.
5. Situations could arise in the school setting, including when ICE agents demand records or information concerning a student, where a warrant signed by a judge or other appropriate court order likely would be required by law. In such situations, school officials are to consult with the District's attorney.

6. Resources to assist families informing them of their rights regarding immigration and connecting them with legal and social services that are available within the community should be made available and translated in multiple languages.
7. Schools participating in the Student Exchange Visitor Program (SEVP) must continue to comply with the specific requirements of that program.
8. Counselors and mental health support services are to be made available to students who are experiencing stress or anxiety as a result of the repercussions of the Presidential executive order regarding immigration and the news of immigration enforcement actions across the country.

## **RESOURCES**

### **For families:**

ACLU - Know Your Rights: What to Do If Immigration Agents are at Your Door

Connecticut Students for a Dream

### **For districts and schools:**

ICE Sensitive Locations Policy

U.S. Department of Education guidance for supporting undocumented youth

United We Dream - Deferred Action for Childhood Arrivals guide

School Counselors Working with Undocumented Students

U.S. Department of Health and Human Services information on the rights of unaccompanied children to enroll in school and participate meaningfully and equally in educational programs

### **The following organizations provide direct legal services:**

International Institute of Connecticut

Integrated Refugee & Immigrant Services

Catholic Charities Migration, Refugee, and Immigration Services

Center for Children's Advocacy

Connecticut Legal Services

New Haven Legal Assistance

UConn School of Law Asylum and Human Rights Clinic

Yale Law School Worker and Immigrant Rights Advocacy Clinic

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