

IMMIGRATION FREQUENTLY ASKED QUESTIONS

We know that many of our students and families are struggling with intensely personal questions, concerns, and fears about the national landscape regarding immigration. Our mission – and our obligation under the law – is to ensure that our schools are safe spaces for learning, where all students – regardless of immigration status, race, ethnicity, religion, disability, nationality, gender, gender identity, or any other protected classification – are respected and have access to a quality education.

We hope that the following will answer some of the most frequently asked questions concerning immigration, discrimination and harassment.

What impact does my or my child's immigration status have on my child's education?

None! All children in the United States have a constitutional right to equal access to a free public education regardless of their parents' or their own immigration status. Immigration status also has no effect on the child's eligibility to ride the bus to school, to receive free or reduced-price lunch, to receive English Language services, or to receive special education services. Salt Lake City School District is legally required and happy to educate all students.

Does the District ask for a child's/parent's immigration status at enrollment?

No; nor do we ask for this information on applications for transportation, free/reduced-price meals, academic programs, extracurricular activities, and other services. The District has an obligation to enroll students regardless of their or their parent's immigration status, and without discrimination on the basis of race, color, national origin, or any other protected classification.

Can I visit my child's school if I am undocumented?

Yes, you are welcome in our schools. For the safety of all our students we required that any visitor, including all parents and guardians, have photo identification.

Would the District share our students' immigration status with federal immigration officials?

No. As mentioned above, we do not ask for students' immigration status for enrollment or educational purposes. Therefore, the district would not have this information to provide to federal immigration officials.

If a staff member inadvertently becomes aware of a student's immigration status, that information is not retained by the District, and staff members must keep all private student information confidential.

Can federal immigration officials come into District schools?

Federal immigration officials have a policy restricting enforcement actions at "sensitive locations," including schools, hospitals, and institutions of worship. That policy is still valid at the time of this writing. Also, federal immigration officials may only come into schools under exceptional circumstances, such as an immediate public safety issue, or when there is a valid search warrant, subpoena, or court order.

Can my student's educational records be released to federal immigration officials?

The Family Educational Rights and Privacy Act ("FERPA") prohibits the District from releasing student educational records without prior parental consent except in limited circumstances. FERPA has no specific exemption that requires the District to release student education records to federal immigration officials without prior parental permission. Under FERPA, the District may be required to provide confidential student information in response to a properly issued subpoena. However, pursuant to FERPA, the District is required to make a reasonable effort to notify parents about the subpoena before producing any information, so the parent can object or otherwise seek protection from the subpoena.

Can – and must – the District release my student's "directory information" to federal immigration officials?

Under FERPA, the District has designated certain categories of information as "directory information," which may be released without prior parental consent. Directory information includes information such as student and family names, contact information, and photographs. However, FERPA does not require the District to release this information, it only says that the District may do so. One important right that parents have is to opt-out of having any of their child's information considered "directory information." Parents must notify their student's school principal within 20 days of registration if they would like to opt-out of having their student's directory information shared.

What does the District do to ensure that no student or family is discriminated against or harassed because of their race, ethnicity, religion, sexual orientation, national origin, or other protected classification?

The District believes deeply in ensuring equity and in providing safe learning environments for all students. We enforce our policies that prohibit discrimination or harassment of our students, families, or employees on the basis of race, color, national origin, gender identity, disability, religion, age, gender, genetic information, pregnancy, or sexual orientation.

What should I do if my child feels like he/she has been the victim of discrimination or harassment?

Please report the behavior immediately to a teacher or school leader (principal or assistant principal) to see if it can be resolved. If you or your student are uncomfortable reporting the incident to someone at the school, the District's Compliance and Investigations Coordinator, Tina Hatch, may be contacted at 801.578.8388 or by email at tina.hatch@slcschools.org.

We take these complaints very seriously, and rely on our families, students and staff to share concerns so we can ensure that our schools continue to be safe spaces.

What if I am a DACA recipient?

Deferred Action for Childhood Arrivals (DACA) is based on an order by the president, and is intended to protect immigrant youth, who meet certain eligibility criteria, from deportation. The new president could choose to rescind this order. If you are a recipient of DACA, consider reaching out to an immigration attorney now in order to determine if you have additional ways to change your immigration status. Although we do not know at this time what approach federal authorities may take on DACA, it is important to know that in order to remain eligible for DACA under current requirements, recipients must continue to meet certain criteria such as school attendance or high school completion.

What should parents or guardians do if they are worried about being detained while their children are at school?

It is important that parents update school forms to list the people approved to pick their children up from school, their emergency contact information, and any student medical records and/or waivers. Parents can update this information either at their child's school or in the PowerSchool Parent Portal. In the event that any parents are detained during school hours, the District will engage our crisis and emergency response teams to support our students.

What should I do if I want to understand my immigration rights?

District personnel cannot give legal advice concerning specific immigration matters. It is the District's opinion that licensed immigration attorneys can provide you with the most accurate advice about immigration matters. For your own protection, please do not seek the advice of notaries or others who are not licensed immigration attorneys. A list of available legal resources and advocacy groups can be found at <https://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=UT>. Also, an immigration attorney directory has been compiled by the American Immigration Lawyers Association and is available at <http://www.ailalawyer.org/>.

What services do you have for families who do not speak English or are learning English?

The District has translators and interpreters covering more than 68 languages. We can provide direct support to families and schools through the use of in-person translators or telephone services. Translation and interpretation services can be requested by calling 801-578-8378 or emailing bob.muench@slcschools.org. Additionally, the District offers resources to guide families through the new school experience, refugee parent orientations, and many other services in collaboration with the Educational Equity Department and Community Learning Centers.

My student is undocumented and is hoping to go to college. Are there any opportunities and resources available to him/her?

Yes! The Repository of Resources for Undocumented Students is a great place to start in identifying admission policies, financial aid resources, and other support organizations available in Utah (and in other States). The repository can be accessed at <https://secure-media.collegeboard.org/digitalServices/pdf/professionals/repository-of-resources-for-undocumented-students.pdf>.