

Limiting Immigration Enforcement

Applicability of Policies to Immigration

1. ESD 105 adheres to all requirements of federal and state law.
2. The provisions of this policy apply to all ESD 105 educational facilities, including, but not limited to, adjacent sidewalks, parking areas, and entrances and exits.
3. ESD 105's policies prohibiting participation or aid in immigration enforcement apply to enforcement activity against students, their families, staff, and volunteers.
4. ESD 105 staff will presume that activities by federal immigration authorities, including surveillance, constitute immigration enforcement.

Immigration Enforcement in Educational Programs

1. ESD 105 does not grant permission for any person engaging in, or intending to engage in, immigration enforcement, including surveillance, to access the nonpublic areas of its educational facilities. Staff will direct anyone engaging in, or intending to engage in, immigration enforcement, including federal immigration authorities with official business that must be conducted on ESD 105 property, to an administrator before permitting entrance to its educational facilities.
2. If anyone attempts to engage in immigration enforcement on or near ESD 105 educational facilities, including requesting access to a student or employee, the following steps will be followed:
 - a. Staff will immediately direct the person to an administrator. The administrator will verify and record the person's credentials (at least name, agency, and badge number), record the names of everyone they intend to contact, collect the nature of their business at the facility, request a copy of the court order or judicial warrant, log the date and time, and forward the request to the superintendent for review.
 - b. Staff will request that any person desiring to communicate with a student, enter non-public areas of the facility, or conduct an arrest first produce a valid court order or judicial warrant.
 - c. The superintendent will review the court order or judicial warrant. For the order or warrant to be valid, it must state the purpose of the enforcement activity, identify the specific search location, name the specific person to whom access must be granted, include a current date, and be signed by a judge.

- d. The superintendent will review the written authority signed by an appropriate-level director of the person's agency that permits the person to enter ESD 105 property for a specific purpose. If the person doesn't have written authority, the superintendent will contact the appropriate-level director to confirm permission has been granted to enter ESD 105 property for the specific purpose identified.
- e. After receiving and reviewing the required information, the superintendent will determine whether ESD 105 will allow the person to contact or question the identified individual and communicate that decision to the appropriate administrator.
- f. The superintendent or another administrator will notify the parent or guardian of any immigration enforcement concerning their student.
- g. The superintendent or another administrator will request that an ESD 105 representative be present during any interview. ESD 105 will not permit access to information, records, or areas beyond that specified by the court order, judicial warrant, or other legal requirement.

Gathering Immigration-Related Information

- 1. Staff may review but will not inquire about, request, or collect any information about the immigration or citizenship status or place of birth of any person. To the exclusion of other sufficient and permissible information, staff shall not seek or require information regarding a student's or their parent or guardian's citizenship or immigration status.
- 2. If ESD 105 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. school) to satisfy specific federal reporting requirements for special programs, staff will do the following:
 - a. If feasible, consult with legal counsel to seek alternatives to the specific program or documents accepted as adequate proof for the program.
 - b. Explain the reporting requirements, including the possible impact of immigration enforcement, to the student and their parent or guardian in their requested language.
 - c. Mitigate deterring the enrollment of immigrants or their children by collecting the information separately from the school enrollment process.

Responding to Requests for Information

- 1. 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. Requests by federal immigration authorities shall be presumed to be for immigration enforcement purposes.

2. Staff will immediately report receipt of any information request relating to immigration enforcement to an administrator, who will document the request and refer it to the superintendent. The superintendent will review the request to ensure compliance with the Family Educational Rights and Privacy Act, the Keeping Washington Working Act, the Public Records Act, and other relevant laws. This review will be conducted expeditiously, but before any information is disclosed.
3. ESD 105 will notify any affected student's parent or guardian immediately of any request for information relating to immigration enforcement unless otherwise advised by legal counsel.

Use of School Resources

ESD 105 resources will not be used for immigration enforcement.

Legal References: RCW 43.10.310 – Immigration enforcement model policies—Adoption by schools, health facilities, courthouses