

## **SAFE SCHOOLS**

### **INTRODUCTION**

The Bristol Warren Regional School District implements policies and procedures that foster a safe, supportive, and positive learning environment for all students.

The District's goal is to ensure that each school is accessible and welcoming. District team members, including those within individual schools, act in loco parentis while students are in the school or on school grounds. As such, the District is responsible for the safety and welfare of all students while in school or on school grounds. Protecting the welfare and safety of students requires the close screening and monitoring of all visitors to the school, including law enforcement and immigration officials.

The District is committed to protecting students' constitutional right to equitable access to a free, public education, regardless of their country of origin or immigration status.<sup>i</sup>

This policy provides guidance on the procedures for District employees to follow if United States Immigration and Customs Enforcement (ICE) officers request access to school facilities, students, or student records.

### **DEFINITIONS**

**ICE:** Immigration and Customs Enforcement

**District Employees:** All District appointed personnel, and any agents, contractors and assignees of the District.

**Directory information:** A student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.

**Personally Identifiable Information:** The term includes, but is not limited to—(a) The student's name;(b) The name of the student's parent or other family members;(c) The address of the student or student's family;(d) A personal identifier, such as the student's social security number, student number, or biometric record;(e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;(f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or(g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.(Authority: [20 U.S.C. 1232](#) g)

**Students:** All individuals registered and enrolled as a student in the District, regardless of age.

## **STANDARDS, PROCEDURES, AND GUIDELINES**

The School Committee declares that every site under the care and control of the Bristol Warren Regional School District is declared a safe place for students and their families to seek help, assistance, and information.

As such, in order to provide a public education, regardless of a child or family member's immigration status, absent any applicable federal, state, or local law, regulation, ordinance or court decision, the District shall abide by the following conduct:

### **1. Citizenship and/or Immigration Information**

- a) District personnel shall not inquire about or record a student or a family member's immigration status, and pursuant to the Family Education Rights and Privacy Act ("FERPA"), shall not disclose, without the written consent of a parent, guardian or student aged 18 and over, the immigration status of any student, or other personally identifiable information. This shall include the disclosure of information to other District employees who do not have an educational interest in said student and family information.
- b) District employees will not prevent or discourage a student from enrolling in or attending any school within the district because they lack a birth certificate or have records that indicate a foreign place of birth.
- c) District employees will not require social security numbers from individuals (parent, student, legal guardian, prospective student, or otherwise).
- d) District employees will not bar a child from enrolling in or attending any school within the district if a parent, guardian or student aged 18 and over decides not to provide a student's race or ethnicity information.
- e) Any communication to federal agencies or officials initiated by a school or school personnel concerning confidential information about a student or a student's family member, including but not limited to: information about gender identity; sexual orientation; status as a survivor of domestic violence; survivor of sexual assault; crime witness; recipient of public assistance; actual or perceived immigration or citizenship status; national origin; school discipline record; and all information included in an individual's or household's income tax records, is prohibited, unless permission is granted in writing by the student aged 18 or over or student's parent or guardian.

### **2. Access to Students**

- a) The District shall refuse all voluntary information sharing with immigration agents across all aspects of the District to the fullest extent possible under the law.

- b) Any request by immigration agents for information or to access a school site shall be initially denied and immediately forwarded to the Superintendent and the District's Counsel for review and a decision on whether to reverse the denial and allow access to the site, and/or a decision on whether the information will ensure District compliance with *Plyler v. Doe* and other applicable laws. The request must be provided with adequate notice so that the Superintendent and District Counsel can take steps to provide for the emotional and physical safety of its students and staff.
- c) District employees will be directed to politely inform the ICE employee that the District has procedures that must be followed in such circumstances.
- d) District employees will follow procedures herein:
  - i. Immediately notify the school building administrator of the ICE employee's presence and request from the ICE employee : (1) Name and badge number, (2) the purpose of the visit or request, (3) copy of the warrant, if there is one, and (4) a copy of any additional documentation to support the purpose of the ICE employee's visit.
  - ii. Inform the ICE employee that they must wait outside the school building until the school receives guidance from District Counsel.
- e) The school or building administrator, upon being informed of the ICE employee's presence will immediately:
  - i. Contact District Legal Counsel.
  - ii. Provide District Legal Counsel with all information and documentation related to the officer's request. If the officer presented a warrant, Legal Counsel will examine it to determine if it was validly issued by a judge.
  - iii. Instruct District employees that they are not to provide access to any student and that they will receive further instruction.
  - iv. Notify the Superintendent's office and if the student is under the age of 18, contact the student's parent/guardian after communicating with Legal Counsel.
  - v. Await instructions and guidance from Legal Counsel before taking further action.
  - vi. In the event that an ICE employee presents a fully executed judicial warrant, as verified by District Legal Counsel, District employees shall comply with the warrant in accordance with the law.
- f) The District will not enter into agreements with state or local law enforcement agencies, ICE, or any other federal agency for the enforcement of federal immigration law, except as required by law.

- g) The District and its staff, faculty, employees, and School Resource Officers will not honor any ICE detainers or requests, except as required by law.
- h) School Resource Officers are prohibited from inquiring about or recording any information regarding an individual's immigration status or country of birth.
- i) School Resource Officers shall sign an agreement acknowledging that they have no authority to enforce federal immigration law and declaring that they will not participate in immigration enforcement efforts of federal authorities. This includes School Resource Officers not holding people on ICE detainers, not responding to ICE notification or transfer requests, not making arrests based on civil immigration warrants, and not allowing ICE to use campus facilities for immigration enforcement purposes.

### **3. Access to Student Records**

- a) Federal privacy laws such as the Family Educational Rights and Privacy Act (FERPA) generally protect student records.<sup>ii</sup>
- b) Student records will be released only: subject to a lawfully issued subpoena; court order; if consent is given by the student's parent/guardian or by the student if aged 18 or over; or if there are emergency exigent circumstances that threaten public safety.
- c) Under FERPA, the District may disclose appropriately designated "directory information" without written consent, unless the student's parent/guardian, or student aged 18 or over, has advised the District in writing, according to District procedures, not to release student directory information.
- d) Should an immigration official or local law enforcement official arrive at a school and request access to a student's education record, the Superintendent must be notified immediately. The Superintendent will immediately contact District Legal Counsel and follow the steps in Section Three of this policy.
- e) In the event that an immigration official or law enforcement official presents a fully executed judicial warrant, as verified by District Legal Counsel, including to seize student records, District employees shall comply with the warrant in accordance with the law.

### **4. The Role of School Counselors**

- a) School counselors are expected to focus their skills, time and energy on direct and indirect services to all students, regardless of their citizenship, national origin, race, color, gender, gender identity, sexual orientation, socioeconomic status or any other demographics.
- b) School counselors are expected to:

- i. Advocate for the rights of all students, including undocumented students, by ensuring students are not barred from education based on foreign birth certificates, lack of a Social Security number or a home language other than English.
- ii. Working with other district personnel so any information collected is uniformly applied to all students and not used to discriminate or bar certain students' access to education.
- iii. Assist students with seeking postsecondary goals, navigating college access and finding funding for their goals, including assisting students with federal financial aid paperwork. School counselors should not disclose the immigration status of students on financial aid paperwork without the permission of a student aged 18 or over or their parent/guardian.
- iv. Work with community partners and leverage resources to provide support in keeping families intact, if possible, while supporting students who are separated from a parent due to deportation.
- v. Provide counseling intervention and social/emotional support for students affected by immigration stressors, including assessment of possible trauma that they may have experienced.
- vi. Maintain a database of community resources to support referrals in assisting families with various challenges related to issues surrounding undocumented status, including recovery associated with trauma resulting from separation.

## **LEGAL REFERENCES**

<sup>i</sup> *Plyer v. Doe*, 457 U.S. 202 (1982)

<sup>ii</sup> 20 U.S.C. § 1232g; 34 CFR Part 99

<sup>iii</sup> American School Counselor Association, *The School Counselor and Working with Students Experiencing Issues Surrounding Undocumented Status* (2019)

Adopted: February 24, 2025