

*A sample policy to consider.*

## **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 based on 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 the student's family members. This entitlement exists regardless of whether the student or their 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 nonprofit organizations specializing in immigration law. 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 strengthen 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 facing deportation or other adverse immigration consequences.

## **Students**

### **Protection of Undocumented Students (continued)**

It is the District's general policy not to allow any individual or organization to enter a school site if the educational setting would be disrupted by the 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 students' learning environment and educational setting. Therefore, any request by ICE to 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 and compliance with *Plyler v. Doe* and other applicable state and federal laws.

All requests for documents from ICE to the District or any District personnel shall be immediately forwarded to the Superintendent for review, consultation with legal counsel, and consultation with the Board to ensure the safety of all students and 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 that all teachers, school administrators, and other staff are trained to implement this policy and that notification, including required translation, is provided to families to fully inform them of their rights within the District.

(cf. 0521 - Nondiscrimination)

(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

## Students

### Protection of Undocumented Students

Legal Reference: Connecticut General Statutes (continued)  
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.  
*Phylar v. Doe*, 457 U.S.202, 102S. Ct. 2382 (1982)

*This regulation provides greater specificity in preparation for an ICE visit to a school.*

## **Students**

### **Protection of Undocumented Students**

#### **U.S. Immigration and Customs Enforcement (ICE) Enforcement Protocols**

*Please be mindful that policies, regulations, and protocols addressing visits by immigration officials should be vetted by, or crafted in consultation with, the districts' board attorneys. Additionally, the State Department of Education stated in an update on January 23, 2025, that it is currently preparing guidance on the issue.*

#### **Background**

In the U.S. Supreme Court Case known as *Plyler v. Doe*, the court held that schools are responsible for extending the equal protection clause of the 14th Amendment to undocumented children and that public schools may not require citizenship documentation from students or deprive them of education. Therefore, public schools cannot discriminate against or force undocumented families to pay tuition if they reside in the school's community.

“Protected Areas” status derived from a 13-year-old Homeland Security policy discouraging enforcement action in or near a location that would restrain access to essential services or engagement in essential activities, including schools. On January 20, 2025, the Department of Homeland Security revised the Protected Areas policy, increasing schools' risk of DHS enforcement action.

As schools continue to meet their commitment to educating undocumented students and lose their Protected Areas status, once again, they are put in the middle, forced to navigate political headwinds, executive orders, and established laws while meeting their mission to educate and protect all children.

These protocols are designed to assist districts and their schools in providing a consistent and legally sound series of actions in the Event of an ICE Visit:

#### **1. Immediate Notification**

Contact the district's designated point person for immigration matters immediately upon ICE arrival. Prior to an ICE visit, the superintendent will assume the role of or appoint an *ICE Response Coordinator* (point person), who will be responsible for the following:

- a. Completing legal training on essential aspects related to responding to an ICE visit, including, but not limited to, verifying credentials, warrant examination, appropriate and legal response to agent action, Rights of those being targeted, documenting the visit, student records compliance, and conducting a post-visit review.
- b. Providing immediate support and direction to a building administrator receiving an ICE visit.

## **Students**

### **Protection of Undocumented Students**

#### **U.S. Immigration and Customs Enforcement (ICE) Enforcement Protocols (continued)**

##### **1. Immediate Notification (continued)**

- c. Consulting with the superintendent and a board-approved attorney on matters including, but not limited to, the validity of warrants, actions required by court orders and/or subpoenas, and visit documentation.
- d. Consulting with and updating the superintendent on all matters related to ICE agent visitations and communications.

##### **2. Training**

- a. The superintendent or designee will be responsible for staff training by legal experts who are updated on immigration enforcement law and required protocols, student and staff privacy rights, student records, response to warrants, navigating potentially tense interactions with immigration officers, and overall compliance.
- b. Training shall also include steps to follow should U.S. Immigration and Customs Enforcement officers request entry to a school or request student information. This includes training school bus drivers, custodial staff, security guards, front desk personnel, and others who are likely to be involved in such an engagement.
- c. Offer “know-your-rights” presentations to families and students where appropriate. Engage with families and identify opportunities to provide information and updates on ICE activity. Address families’ fears and get ahead of misinformation.
- d. Continue to share resources and legal updates.

##### **3. Visit Procedures**

When informed of or upon an official visit of an ICE agent, immediately notify the District Response Coordinator (IRC) and await instructions.

- i. Remain calm and cooperative, maintaining a professional demeanor.
- ii. Establish the identity and credentials of the ICE agent(s). Request their names, badge numbers, and business cards or other forms of identification.
- iii. Inquire if the agents have a warrant. If so, carefully examine it to determine whether it is a judicial warrant (valid for entry) or an administrative one (not valid for nonpublic areas).
- iv. Do not resist the agent’s questions or requests.
- v. Do not interfere with or obstruct the Agent’s work by hiding individuals or providing false information, as this may lead to legal consequences.

## **Students**

### **Protection of Undocumented Students**

#### **U.S. Immigration and Customs Enforcement (ICE) Enforcement Protocols (continued)**

##### **3. Visit Procedures (continued)**

- vi. Document the visit to the extent possible:
  - 1. Keep detailed records of the interaction;
  - 2. Take notes, make copies of any document provided, and obtain receipts for items taken.
  - 3. If comfortable, take photographs or videos of the incident.
- vii. The disclosure of student records requires a court order or subpoena. Without these, records should not be released unless parental consent or the consent of a student aged 18 or older is obtained. (FERPA)
- viii. Protocols should be displayed in visible locations with copies readily available for frontline personnel to show ICE and parents, as it signals that this is a safe space and there are protocols in place.

##### **4. After-Visit Procedures**

- i. After the incident, review the protocols and conduct training sessions to improve preparedness for future events.
- ii. Consult with the board's attorney to review any changes to protocols to ensure they meet the appropriate legal standards.

##### **5. Additional Information**

- a. An "administrative" warrant differs from those that show probable cause of a criminal offense and are not approved by a judge or magistrate. Therefore, it does not authorize the ICE agent to access non-public areas of the school grounds or to search school records. This means a school official can deny the agent entry to the school or access to records.
- b. If an ICE agent presents a federal warrant signed by a federal judge, the school should follow its protocols, which begin with alerting the superintendent and/or ICE Response Coordinator, legal counsel for the district, and the parents if the child is implicated in the warrant.

Regulation approved:

cps 1/25

*A sample regulation to consider/modify.*

## **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 the ICE agent from entering school facilities.
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 into 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.

## Students

### Protection of Undocumented Students (continued)

#### 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](#)

**CSDE GUIDELINES**

**GUIDANCE TO K-12 PUBLIC SCHOOLS PERTAINING TO IMMIGRATION  
ACTIVITIES**

**k-DRIVE pdf FILE**