

## LIMITING IMMIGRATION ENFORCEMENT IN PROGRAMS

### **Applicability of Policies to Immigration Enforcement**

- NWESD 189 adheres to all requirements of federal and state law.
- The provisions of this policy shall apply to NWESD 189 and all program facilities, which include (but are not limited to) adjacent sidewalks, parking areas, sports facilities, playgrounds, and entrances and exits from said building spaces.
- NWESD 189's policies prohibiting participation or aid in immigration enforcement shall apply for enforcement activity against students and their families, staff, and volunteers.
- NWESD 189 personnel shall presume that activities by federal immigration authorities, including surveillance, constitute immigration enforcement

### **Access to Programs**

- NWESD 189 has a responsibility to ensure that all students who reside within its boundaries can safely access a free public K-12 education.
- NWESD 189 does not exclude students from receiving an education or unlawfully discriminate against anyone because of their race, color, national origin, citizenship or immigration status, age, disability, gender identity, immigration or citizenship status, sex, creed, use of a trained dog guide or service animal by a person with a disability, sexual orientation, or on any other basis prohibited by federal, state, or local law.
- NWESD 189 will uphold its responsibility to all students and ensure that all staff and volunteers are aware of the rights of immigrant students to an education

### **Immigration Enforcement on Program Campus**

- 1) NWESD 189 does not grant permission for any person engaging in, or intending to engage in, immigration enforcement, including surveillance, to access the nonpublic areas of NWESD 189 facilities, property, equipment, databases, or otherwise on program grounds or their immediate vicinity. NWESD 189 staff shall direct anyone engaging in, or intending to engage in, immigration enforcement, including federal immigration authorities with official business that must be conducted on program property, to the program administrator or authorized designee prior to permitting entrance to program grounds. NWESD 189 staff shall presume that activities by federal immigration authorities, including surveillance, constitute immigration enforcement.
- 2) If anyone attempts to engage in immigration enforcement on or near program grounds, including requesting access to a student, employee, or program property:
  - A) Program staff shall immediately alert and direct the person to the program administrator or authorized designee who shall: verify and record the person's credentials (at least, name, agency, and badge number), record the names of all

persons they intend to contact, collect the nature of the person's business at the program, request a copy of the court order or judicial warrant, log the date and time, and forward the request to the Superintendent and/or legal counsel for review.

- B) Program staff shall request that any person desiring to communicate with a student, enter program grounds, or conduct an arrest first produce a valid court order or judicial warrant.
- C) The NWESD 189 Superintendent or authorized designee and/or legal counsel shall review the court order or judicial warrant for signature by a judge and validity. For NWESD 189 to consider it valid, any court order or judicial warrant 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 NWESD 189 Superintendent or authorized designee and/or legal counsel shall review written authority signed by an appropriate level director of an officer's agency that permits them to enter NWESD 189 program property for a specific purpose. If no written authority exists, the NWESD 189 Superintendent or authorized designee and/or legal counsel shall contact the appropriate level director for the officer's agency to confirm permission has been granted to enter NWESD 189 program property for the specific purpose identified.
- E) Upon receipt and examination of the required information, the NWESD 189 Superintendent or authorized designee and/or legal counsel will determine whether the program shall allow access to contact or question the identified individual and will communicate that decision to the program administrator or authorized designee.
- F) The NWESD 189 Superintendent or authorized designee and/or legal counsel shall make a reasonable effort, to the extent allowed by the Family Educational Rights and Privacy Act (FERPA), to notify the parent/guardian of any immigration enforcement concerning their student, including contact or interview.
- G) The NWESD 189 Superintendent and/or legal counsel or authorized designee shall request the presence of a NWESD 189 program representative to be present during any interview. The program shall not permit access to information, records, or areas beyond that specified in the court order, judicial warrant, or other legal requirement.

### **Gathering Immigration Related Information**

- 1) NWESD 189 program staff may review, but shall not inquire about, request, or collect any information about the immigration or citizenship status or place of birth of any person. Program staff shall not seek or require, to the exclusion of other sufficient and permissible information, information regarding a student's or his/her parent or guardian's citizenship or immigration status.

- 2) NWESD 189 policies and procedures for gathering and handling student information during enrollment or other relevant periods shall be delineated in writing and made available to students and their parent or guardian(s) at least once per program year in a manner for households with individuals that have limited English proficiency (LEP) to understand.
- 3) If NWESD 189 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. program) to satisfy certain federal reporting requirements for special programs, NWESD 189 program staff shall:
  - A) If feasible, consult with legal counsel to seek alternatives, including alternatives to the specific program or documents accepted as adequate proof for the program;
  - B) Explain to the student and student's parent(s) and/or guardian(s), in their requested language, the reporting requirements, including possible immigration enforcement impact;
  - C) Provide notice to the student's parent(s) and/or guardian(s); and
  - D) Mitigate deterring program enrollment of immigrants or their children by collecting this information separately from the program enrollment process.

The NWESD 189 Superintendent and/or legal counsel or authorized designee shall request the presence of a program representative to be present during any interview. The Program shall not permit access to information, records, or areas beyond that specified in the court order, judicial warrant, or other legal requirement

### **Responding to Requests for Information**

- 1) NWESD 189 program 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 or approval by the program administrator or authorized designee. Requests by federal immigration authorities shall be presumed to be for immigration enforcement purposes.
- 2) Program staff shall immediately report receipt of any information request relating to immigration enforcement to the program administrator or authorized designee who shall document the request and refer the request to the Superintendent and/or legal counsel or authorized designee.
- 3) NWESD 189 programs shall, to the extent allowed by FERPA, notify an affected student's parent(s) and/or guardian(s) immediately of any request for information relating to immigration enforcement unless advised otherwise by legal counsel.

**Use of Program Resources**

- 1) NWESD 189 resources shall not be used for immigration enforcement.
- 2) NWESD 189's resources and policies regarding immigration enforcement shall be published and distributed to parent(s) and/or guardian(s) on an annual basis. These resources shall include, at minimum:
  - A) The right of immigrant students to receive an education, including accommodations for limited English proficiency and special education programs;
  - B) General information policies including the types of records maintained by the NWESD 189 and/or NWESD 189 programs and a list of the circumstances or conditions under which the NWESD 189 and/or NWESD 189 programs might release student information to third parties, including limitations under FERPA and other relevant law;
  - C) Policies regarding the retention and destruction of personal information;
  - D) The process of establishing notice and/or consent from parent(s) and/or guardian(s), as permitted under federal and state law, prior to releasing a student's personal information for immigration enforcement purposes;
  - E) Name and contact information for NWESD 189 and/or NWESD 189 programs' designated point of contact on immigration related matters; and
  - F) "Know Your Rights" resources and emergency preparedness forms to have completed in the event of a family separation.

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RCW 43.10.310