

Limiting Immigration Enforcement in Schools

Immigration Enforcement on School Campus

1. Longview School District does not grant permission for any person engaging in, or intending to engage in, immigration enforcement, including surveillance, to access the nonpublic areas of Longview School District facilities, property, equipment, databases, or otherwise on school grounds or their immediate vicinity. Longview School District 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 Longview School District property, to the school principal or authorized designee prior to permitting entrance to school grounds. Longview School District 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 Longview School District grounds, including requesting access to a student, employee, or school property:
 - a. Longview School District staff shall immediately alert and direct the person to the school principal 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 school, 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. Longview School District staff shall request that any person desiring to communicate with a student, enter school grounds, or conduct an arrest first produce a valid court order or judicial warrant.
 - c. The District Superintendent or authorized designee and/or legal counsel shall review the court order or judicial warrant for signature by a judge and validity. For Longview School District 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 District 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 Longview School District property, for a specific purpose. If no written authority exists, the District 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 District property for the specific purpose identified.
 - e. Upon receipt and examination of the required information, the District Superintendent or authorized designee and/or legal counsel will determine whether the school shall allow access to contact or question the identified individual and will communicate that decision to the school principal or authorized designee.
 - f. The District 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 District Superintendent and/or legal counsel or authorized designee shall request the presence of a school representative to be present during any interview. The school 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. Longview School District 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. School 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. Longview School District 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 school year in a manner for households with individuals that have limited English proficiency (LEP) to understand.
3. If Longview School District 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 certain federal reporting requirements for special programs, District staff shall:
 - a. If feasible, consult with legal counsel to seek alternative, 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 school enrollment of immigrants or their children by collecting this information separately from the school enrollment process.

The District Superintendent shall request the presence of a District representative to be present during any interview. Schools 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. Longview School District 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 school principal or authorized designee. Requests by federal immigration authorities shall be presumed to be for immigration enforcement purposes.

2. Longview School District staff shall immediately report receipt of any information request relating to immigration enforcement to the school principal or authorized designee who shall document the request and refer the request to the Superintendent.
3. Longview School District 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 the District's legal counsel.

Use of School Resources

1. Longview School District resources shall not be used for immigration enforcement.
2. Longview School District's resources and policies regarding immigration enforcement shall be published and distributed to staff, students, 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 Longview School District and a list of the circumstances or conditions under which the District 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 Longview School District's 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.

Definitions:

Civil immigration warrant - means any warrant for a violation of federal civil immigration law issued by a federal immigration authority. A "civil immigration warrant" includes, but is not limited to, administrative warrants entered in the national crime information center database, warrants issued on ICE Form I-200 (Warrant for Arrest of Alien), Form I-205 (ICE Administrative Warrant), or prior or subsequent versions of those forms, which are not court orders.

Court order and judicial warrant - mean a directive issued by a judge or magistrate under the authority of Article III of the United States Constitution or Article IV of the Washington

Constitution or otherwise authorized under the Revised Code of Washington. A “court order” includes, but is not limited to, judicially authorized warrants and judicially enforced subpoenas. Such orders, warrants, and subpoenas do not include civil immigration warrants, or other administrative orders, warrants or subpoenas that are not signed or enforced by a judge or magistrate as defined in this section.

De-identified - means information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

F-1 Visa - is a United States (U.S.) visa for foreign national students who wish to attend educational institutions in the U.S., of these levels:

- Private elementary school (non-U.S. citizens are not allowed to attend U.S. public elementary schools on an F-1 visa);
- High school;
- Seminary;
- Conservatory;
- University and college; and
- Other institutions, such as a language training program.

Federal immigration authority - means any on-duty officer, employee, or person otherwise paid by or acting as an agent of the United States Department of Homeland Security (DHS) including, but not limited to, its sub-agencies, Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), United States Citizenship and Immigration Services (USCIS), and any present or future divisions thereof charged with immigration enforcement. “Federal immigration authority” includes, but is not limited to, the Enforcement & Removal Operations (ERO) and Homeland Security Investigations (HSI) of ICE, or any person or class of persons authorized to perform the functions of an immigration officer as defined in the Immigration and Nationality Act.

Immigration or citizenship status - means as such status as has been established to such individual under the Immigration and Nationality Act.

J-1 Visa - is the visa designated for students and exchange program participants who belong to: Au Pairs, Camp Counselor, Government Visitors, Interns, International Visitors, Interns, International Visitors, Physicians, Professors and Research Scholars, Short-term scholars, specialists in different areas, university students, secondary school students, teachers, trainees, work and travel participants. Those who come to the U.S. under this visa program cannot bring dependents to the U.S.

Language services - includes but is not limited to translation, interpretation, training, or classes. “Translation” means written communication from one language to another while preserving the intent and essential meaning of the original text.

“Interpretation” means transfer of an oral communication from one language to another.

Law enforcement agency - or “LEA” means any agency of the state of Washington (state) or any agency of a city, county, special district, or other political subdivision of the state (local) that is a “general authority Washington law enforcement agency,” as defined by RCW 10.93.020, or that is authorized to operate jails or maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities; or to monitor compliance with probation or parole conditions.

Local government - means any governmental entity other than the state, federal agencies, or an operating system established under chapter 43.52 RCW. It includes, but is not limited to, cities, counties, school districts, and special purpose districts. It does not include sovereign tribal governments.

Notification request - means a federal immigration authority’s request for affirmative notification from a state or local law enforcement agency of an individual’s release from the LEA’s custody. “Notification request” includes, but is not limited to, oral or written requests, including DHS Form I-247A, Form I-247N, or prior or subsequent versions of those forms.

M-1 Visa - is designed for students enrolled in vocational and non-academic education, excluding language courses. This includes, but is not limited to, technical courses, cooking classes, flight school, cosmetology, etc.

Personal information - means names, date of birth, addresses, GPS [global positioning system] coordinates or location, telephone numbers, email addresses, social media handles or screen names, social security numbers, driver’s license numbers, parents’ or affiliates’ names, biometric data, or other personally identifiable information. “Personal information” does not include immigration or citizenship status.

Public schools or Local education agency - means any and all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board and all institutions of higher education as defined in RCW 28B.10.016.

Sensitive location - refers to the 2011 U.S. Immigration and Customs Enforcement (ICE) and 2013 Customs and Border Enforcement (CBP) policies which categorize certain locations as sensitive locations that should generally be avoided for immigration enforcement purposes. Accordingly, “sensitive location” includes health facilities, places of worship, and schools.

School resource officer (SRO) - means a commissioned law enforcement officer in the state of Washington with sworn authority to uphold the law and assigned by the employing police department or sheriff’s office to work in schools to ensure school safety. By building relationships with students, school resource officers work alongside public school administrators and staff to help students make good choices. School resource officers are encouraged to focus

on keeping students out of the criminal justice system when possible and not impose criminal sanctions in matters that are more appropriately handled within the educational system.

State agency - has the same meaning as provided in RCW 42.56.010.

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