

## 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 their immigration status or that of their family members.

For the purposes of this policy, "CREC personnel" includes all CREC employees, counsel for CREC, and any agencies contracting with CREC.

CREC personnel shall not take any steps that would deny students access to education based on their immigration status or 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, CREC staff shall abide by the following:

- CREC employees shall make residency determinations without regard to students' or family members' immigration status.
- All CREC students who meet the relevant programmatic criteria for all school services, including free lunch, free breakfast, transportation, and educational services, are entitled to receive them regardless of their immigration status or that of their family members; and whether or not they or their family members have Social Security numbers.
- CREC employees shall not inquire about, or record in any way, a student's immigration status, nor shall they require documentation of any student's or parents'/guardians' legal status, such as asking for a "green card" or citizenship papers, whether at initial registration or at any other time, and for any purpose.
- CREC employees shall not require students to apply for Social Security numbers nor shall CREC require students to supply a Social Security number for any purpose.

If any member of the CREC community (including students, families, or staff) has questions about their immigration status, CREC employees shall not refer them to the Immigration and Customs Enforcement Office ("ICE") or any other government agency. Instead, employees shall refer them to state and/or local non-profit immigration law organizations. A list of such organizations shall be compiled by the Executive Director or designee and disseminated at all sites and placed on the CREC website. The Executive Director or designee will increase and enhance partnerships with community-based organizations, legal services organizations, and other educational institutions (such as community colleges and universities) to provide resources

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for families of students who are facing deportation or other adverse immigration consequences.

It is the general policy of CREC not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit. It is the Administration's belief that ICE activities in and around schools, preschool education centers, and adult school facilities would constitute a severe disruption to the learning environment and educational setting for students. Therefore, any request by ICE to any CREC employees to visit a school or program site shall be immediately forwarded to the Executive Director or Superintendent of Schools or their designee for review and consultation with CREC's legal counsel, to ensure the safety of all students, as well as compliance with Plyler v. Doe and other applicable state and federal laws.

All requests for documents by ICE to CREC or any CREC employees shall be immediately forwarded to the Executive Director or Superintendent of Schools or their designee for review and consultation with CREC's legal counsel to ensure the safety of all students, as well as 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 CREC sites.

The Executive Director and the Superintendent of Schools or their designee shall ensure all teachers, school administrators, and other staff are trained on how to implement this policy and shall ensure that notification with required translation be distributed to families to fully inform them of their rights in the district.

(cf. 5111 - Admission/Placement)

(cf. 5118.1 - Homeless Students)

(cf. 5125 - 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)

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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

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.

Plyler v. Doe, 457 U.S.202, 102S. Ct. 2382 (1982)

Policy adopted: June 21, 2017

CAPITOL REGION EDUCATION COUNCIL  
Hartford, Connecticut

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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 or program asking for student information or for access to a student, that agent is to be referred to the Executive Director or Superintendent's Office or to the office of an appropriate administrator designated by the Executive Director or Superintendent.
2. Generally, the Executive Director, Superintendent or his/her designee should immediately contact CREC'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. Depending on the situation, ICE agents may have an "administrative warrant" which is not a court order signed by a judge. 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.
4. The Executive Director, Superintendent or his/her designee is to ask the ICE agent to confirm that the agent has a judicial warrant and to show the warrant. If the agent does not have a judicial warrant, the Administrator shall prohibit entry to school facilities to the ICE agent.
5. If the ICE agent does have a judicial warrant, the school official shall review it carefully with the assistance of CREC's attorney, to determine what it authorizes the ICE agent to do, and who issued it.
6. 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 appropriate administrator who in turn shall consult with CREC's attorney.
7. 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 in multiple languages.
8. Schools participating in the Student Exchange Visitor Program (SEVP) must continue to comply with the specific requirements of that program.

9. 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 enforcement and the news of immigration enforcement actions across the country.

## **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

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