



4310SP.B Limiting Immigration Enforcement at Schools

State Law (RCW 43.10.310) directs public school districts to adopt policies and procedures for limiting immigration enforcement at schools to the fullest extent possible consistent with federal and state law. This ensures schools remain safe and accessible to all Washington residents, regardless of immigration or citizenship status.

Seattle Public Schools has adopted the following procedure based on the Washington State Attorney General's Office model policy and procedure to apply to District interactions with federal immigration authorities.

I. District Obligations to Educate Students & Limit Disruption to the Learning Environment

Seattle Public Schools is legally required to educate all students residing within its boundaries regardless of immigration status or national origin. Consistent with this constitutional imperative, the District is committed to providing safe and non-disruptive learning environments for all students as required by Board Policy No. 4200, School Visitations and Maintaining Safe and Orderly Environments.

The work of federal immigration authorities does not overlap with these educational rights and duties. As such, the District does not permit federal immigration authorities, including Immigration and Customs Enforcement (ICE), access to its school facilities except when required by law.

Therefore, school staff shall not grant federal immigration authorities access to information or buildings without prior review and approval from the General Counsel's office to confirm the proper legal authority exists.

II. Applicability of Procedures to Immigration Enforcement

The provisions of this procedure shall apply to all Seattle Public Schools facilities, which include, but are not limited to, parking areas, sports facilities, playgrounds, and entrances and exits from said building spaces.

Seattle Public Schools adheres to all requirements of federal and state law. Consistent with state and federal constitutional mandates to serve every student, Seattle Public Schools staff are prohibited from participating or aiding immigration enforcement activities against students and their families, staff, and volunteers. Seattle Public Schools resources shall not be used for immigration enforcement.

III. Student Access to Schools

The District has a responsibility to ensure that all students who reside within District boundaries can safely access a free public K-12 education.

The District does not exclude students from receiving an education or unlawfully discriminate against anyone because of their race, color, national origin, 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.

The District will uphold its responsibility to all students and ensure that all staff and volunteers are aware of the rights of immigrant students to receive an education.

IV. Immigration Enforcement on School Campus

Seattle Public Schools does not grant permission for any person engaging in, or intending to engage in, immigration enforcement, including surveillance, to access the nonpublic areas of Seattle Public Schools' facilities, property, equipment (including vehicles owned or operated on behalf of Seattle Public Schools), databases, or otherwise on school grounds.

Prior to permitting entrance to school grounds, Seattle Public Schools 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 Seattle Public Schools property, to the school principal or their designee. Seattle Public Schools staff shall presume that activities by federal immigration authorities, including surveillance, constitute immigration enforcement.

If any person attempts to engage in immigration enforcement on Seattle Public School grounds, including requesting access to a student, employee, or school property, school officials shall adhere to the following procedure and not permit entrance to the school grounds until advised by the General Counsel's office:

1. **Direct the Individual to the Principal or Designee.** Staff shall immediately alert and direct the person to the school principal or authorized designee.
2. **Collect and Record Credentials.** The principal or their designee shall verify and record the person's credentials (at minimum, their name, agency, badge/ID number, and contact information), record the names of all persons they intend to contact, collect the nature of the person's business at the school, and log the date and time.
3. **Request a Copy of the Court Order or Judicial Warrant.** Any person who seeks to enter school grounds, communicate with a student, or conduct an arrest, shall first produce a valid court order or judicial warrant to the principal or their designee.

The principal or their designee should advise the federal immigration authority that prior to responding to their request or permitting entry into the building, the school leader or designee must notify and obtain guidance from legal counsel. During this review process, the officer must not enter the school building or remain on school grounds.

4. **Forward the Request for Legal Review.** After collecting the person's credentials, the principal or designee shall forward a copy of the information, including the judicial warrant, to the General Counsel's office for review (legal@seattleschools.org).
5. **Review by the General Counsel's Office.** The General Counsel's office will review the court order or judicial warrant for validity and scope. For Seattle Public Schools to consider it valid, any court order or judicial warrant must:
 - Be signed by a judge;
 - Properly identify the agency with authority to search;
 - State the purpose of the enforcement activity;
 - Identify the specific search location(s);
 - Name the specific person to whom access must be granted; and
 - Include a current, non-expired date.

The General Counsel's office shall review written authority signed by an appropriate level director of a federal immigration authority's agency that permits them to enter Seattle Public Schools property, for a specific purpose. If no written authority exists, the General Counsel's office shall contact the appropriate level director for the federal immigration authority's agency to confirm permission has been granted to enter Seattle Public Schools property for the specific purpose identified.

6. **Communication to the School Principal.** Upon receipt and examination of the required information, the General Counsel's office will determine whether the school shall allow access to contact or question the identified individual and will communicate that decision to the school principal, the Regional Executive Director of Schools, Superintendent's office, and Security office.

If the General Counsel's office advises against providing access or information to the federal immigration authority:

- Inform the officer that you have been told that you cannot comply with the request and ask them to leave the school area.
- After the officer has left, notify the student's parent/guardian.
- School staff should not attempt to physically interfere with any enforcement action if an immigration authority fails to comply with these instructions. The principal or designee should notify the Security office and ask for assistance as needed.

- 7. Notices and Student Interviews.** Unless advised otherwise by the General Counsel's office, the school principal or designee will make a reasonable effort to notify the parent/guardian of any immigration enforcement activity at school concerning their student, including contact or interview attempts.

The school principal or their designee shall request to be present during any interview and should only permit access to individuals, information, or records as advised by legal counsel.

V. Gathering Immigration Related Information

Though District departments may review personal information and other sensitive records for business and/or educational purposes consistent with FERPA and Superintendent Procedure 6501SP, Data Privacy, District departments and staff shall not inquire about, request, or collect any information about the immigration or citizenship status or place of birth of any person. Staff shall not seek or require, to the exclusion of other sufficient and permissible information, information regarding a student's or their parent or guardian's citizenship or immigration status.

Seattle Public Schools 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 to understand.

If Seattle Public Schools 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, staff shall:

- If feasible, consult with legal counsel to seek alternatives, including alternatives to the specific program or documents accepted as adequate proof for the program;
- 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;
- Provide notice to the student's parent(s) and/or guardian(s); and
- Mitigate deterring school enrollment of immigrants or their children by collecting this information separately from the school enrollment process.

VI. Responding to Requests for Information

Student records and information protected by the Family Educational Rights and Privacy Act (FERPA) will only be released following written permission of a minor student's parent/guardian or an adult student, pursuant to a lawfully issued court order or subpoena, or in response to a health or safety emergency.

Seattle Public Schools 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. Requests by federal immigration authorities shall be presumed to be for immigration enforcement purposes.

Staff shall handle any requests for information in the following manner:

1. Forward any information request relating to immigration enforcement to the school principal, who shall document the request and refer the request to the General Counsel's office.
2. The General Counsel's office will review the request to ensure compliance with FERPA, the Keep Washington Working Act, the Public Records Act (PRA), and other relevant federal and state laws. This review shall be conducted before disclosing any information to the requesting party.
3. To the extent allowed by FERPA, Seattle Public Schools staff will 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 General Counsel's office.

VII. 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.
- **"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.

Policy Cross References:

- 3119 – Residency
- 3130 – Student Assignment and Enrollment
- 3210 – Nondiscrimination, Acts of Hostility and Defamation
- 3231 – Student Records
- 4040 - Public Access to District Records
- 4200 - School Visitations and Maintaining Safe and Orderly Environments
- 4218 – Language Access
- 4310 – Relations with Law Enforcement, Child Protective Services, and the County Health Department
- 6501 – Data Privacy

Revisions:

Adopted:

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