

## **POLICY ON UNDOCUMENTED STUDENTS**

The United States Supreme Court in 1982 ruled in *Plyler v. Doe* that public schools were prohibited from denying students access to elementary and secondary public education based on their immigration status, citing that children have little control over their immigration status, the life-long harm it would inflict on the child and society itself, and constitutional equal protection rights.

In order to ensure that undocumented students receive a public education at Healthy Start Academy, regardless of a child's or family's immigration status, absent any applicable federal, state, local law or regulation or local ordinance or court decision, HSA staff shall abide by the following:

1. HSA staff shall not treat students differently for residence determination purposes on the basis of their actual or perceived immigration status and shall treat all students equitably in the receipt of all school services, including but, not limited to, enrollment, registration, the free and reduced lunch program, transportation and educational instruction.
2. HSA staff shall review the list of documents that are currently used to establish residency and make appropriate changes to ensure that any required documents would not unlawfully bar or discourage a student who is undocumented or whose parents are undocumented from enrolling in or attending this school.
3. HSA staff shall not inquire about a student's immigration status, including requiring documentation of a student's legal status, such as asking for a green card or citizenship papers, at initial registration or at any other time.
4. HSA staff shall not make unreasonable inquiries from a student or their parents for the purpose of exposing the immigration status of the child or their family.
5. HSA staff shall not require students to apply for Social Security numbers nor will HSA staff require students to supply a Social Security number.
6. If parents or students have questions about their immigration status, school staff shall refer them to community-based and legal organizations that provide resources for immigrant families and families facing deportation.
7. Because it is the general policy of the HSA Board not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit, any request by ICE or a cooperating law enforcement agency to visit a school site must be forwarded to the Executive Director for review before a decision is made to allow access to the site. Staff must also attempt to contact the parents or guardians of any students involved
8. All requests for information or documents by ICE or a cooperating law enforcement agency should be forwarded to the Executive Director, who in consultation with HSA legal counsel, shall determine if the information or documents can be released to ICE or a cooperating law enforcement agency.
9. If any law enforcement or ICE agent attempts to enter the Healthy Start Academy or a venue where HSA is conducting an event, HSA staff shall request identification and contact information from the officers or agents and photocopy it;
10. Staff shall provide the agents with a copy of this Policy.
11. Staff shall advise the agents that they are required to complete these steps prior to allowing them access to any school site or student data.



12. Request a judicial warrant and photocopy it;

- a If no warrant is presented and it is not a situation in which someone is in immediate danger staff shall :
  - i politely tell them that they cannot come on the premises;
  - ii ask them, and make notes of, the reasons for access (including the names of particular students);
  - iii contact the students' parents or guardians;
  - iv do not attempt to provide your own information or conjecture about the students, such as their schedule, for example; and
  - v contact legal counsel for HSA.
- b If a warrant is presented:
  - i ask them politely for the opportunity to review the warrant, photocopy it, and contact the Director and HSA legal counsel before they enter;
  - ii If they have a warrant and they do not want to wait, have someone contact the Principal and the students' parents or guardians while you cooperate with the government official.

13. The Principal shall ensure that all teachers, school administrators and other staff will be appropriately and adequately trained on how to implement this policy; and

14. The Principal shall distribute copies of this Resolution, translated into all appropriate languages, to all school sites and to all HSA families using usual means of communication.

Adopted by the Board this 28th day of March 2017.