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Keeping DC Schools Safe for All Protocol for DC School Officials

As we navigate the current climate, it is important that we provide appropriate guidance to our educators, administrators and other officials who work with DC students and families. We must ensure that our policies follow applicable DC and federal laws while making all Washingtonians feel safe and included.

The following points provide guidance that can help to protect DC students, DC families and those who work at DC schools. Please take a moment to review this information.

ADVICE FOR SCHOOL PERSONNEL

What can I tell my students and their families?

- **Assure students and their families that *all* students, regardless of immigration status, have a constitutional right to a public education.** DCPS and our charter schools continue to welcome children, regardless of their immigration or citizenship status. According to *Plyler v. Doe*, a Supreme Court case from 1982, a State cannot bar undocumented children from public school. This would violate the Equal Protection Clause of the Fourteenth Amendment. Even if *Plyler* did not exist, barring undocumented students would violate our DC values. This means that kids enrolled in school, regardless of status, may take advantage of all school related programs other than ones necessitating a passport, regardless of status. That is, they can participate in school meal programs; they are entitled to special education services where needed; they get the same Kids Ride Free benefits; they can participate in the same school sponsored after school activities; they get the same services from the school nurse. They are treated the same.
- **Point students toward helpful resources.** DC schools are allowed to distribute Know Your Rights information and lists of organizations that can provide help. Ask your principal/ administrative leader if your school has information to share, such as a Know Your Rights handout or list of nonprofit organizations. Though you cannot take affirmative steps to conceal or harbor an undocumented individual, you *can* serve your students, support your students and connect them with helpful services. Please note, though, that you should only distribute materials that have been reviewed by the Office of General Counsel. This is to ensure the accuracy of any information disseminated.

- **Remind students that schools, daycare centers and school activity events are sensitive locations.** According to a 2011 ICE Memorandum (“Sensitive Locations Policy”), as expanded under the Trump Administration, ICE cannot conduct enforcement activities at, near or in a way that would disrupt the operation of “sensitive locations” – *unless* the agents have prior approval from ICE. “Sensitive locations” include known and licensed daycares, pre-schools, primary schools, secondary schools, scholastic or education-related activities/events, colleges, universities, vocational/trade schools and marked/known school bus stops during periods when school children are present. Though this policy does *not* create an enforceable right, the guidance should provide some comfort to immigrant students and their families.

What should I be doing in my classroom?

- **Do not ask students about immigration status.** Do not put students in an uncomfortable situation. Do not make examples of them, even if your motives are rooted in kindness. Do not ask students to protest or voice dissent with federal immigration policies; you could be putting them in an uncomfortable or risky situation. *Plyler* bars school officials from “discouraging” participation in education. Remember that schools are *not* required to ask immigration status. If anyone asks you for this information, say that DCPS does not inquire into immigration status. Then report this to your principal or administrative leader.
- **Issue frequent reminders to update emergency contact information.** Because a student’s parents may be detained, try to have accurate and updated contact information – including contact information for other family members, a family friend or guardian who can help. If families have specific questions about assigning a “power of attorney” or immigration issues generally, consult the DCPS Office of the General Counsel for a list of nonprofit and legal services organizations that may be willing to help.
- **Do not assume that foreign-born students, English language learners, or anyone else is here without documentation.** About 1/7 of DC residents were born abroad. A much smaller percentage of our international population is here without documentation.
- **Advise students and their families that they can “opt out” of directory information disclosure.** Although the Family Educational Rights and Privacy Act (FERPA) protects personally identifiable information (PII), FERPA permits schools to disclose “directory” information without consent *unless* parents, guardians or eligible students (generally refers to students 18 and older) have “opted out” of disclosure. Directory information includes a student’s name, address and dates of attendance, as well as the student’s date and place of birth. Parents/guardians or eligible students may “opt out” of directory information disclosure using the Release of Student Directory Information form on the Enrollment Forms page of the DCPS website.

DCPS does not share personally identifiable information (PII) with federal immigration officials except where legally required to do so. Consider making copies of the Release of Student Directory Information form readily available, in all languages that are used by students’ families, and reminding students that “opt out” must occur each year if they want to protect directory information that may be private or sensitive.

- **Address bullying proactively.** If you see bullying based on immigration status or anything else, follow the District-Wide Bullying Prevention Policy. The District-Wide Bullying Prevention Policy can be accessed at <http://dcps.dc.gov/publication/dcps-bullying-prevention-policy>.

What do I do if ICE comes to my school?

- **Do not disclose private information.** You and your school must comply with the Family Educational Rights and Privacy Act (FERPA). This means that you cannot release educational records without the consent of the parent/ guardian or eligible student (generally refers to students 18 and older) *unless* a very limited set of circumstances apply (e.g. there is a court order or lawfully issued subpoena). If you get a request for a student record, immediately report this request to your principal or administrative leader. If you receive a court order or subpoena, or otherwise need guidance concerning a request for a student record, please consult with the DCPS Office of the General Counsel at (202) 442-5000.
- **Schools are considered “sensitive” locations and ICE’s guidelines discourage anyone from being picked up when he/she is at school.** Because schools are “sensitive locations” under Department of Homeland Security (DHS) guidance, ICE agents should not come to school buildings. Should ICE agents come to your DCPS campus, immediately contact your principal or administrative leader, who will then contact the Office of the Chief of Schools at (202) 939-5298 and the Office of the General Counsel at (202) 442-5000. If you are at a public charter school, contact your school’s administrative leader and/or general counsel. You can also call 877-2INTAKE or Joint.Intake@dhs.gov to open a DHS complaint. Remember that ICE agents cannot conduct enforcement actions at sensitive locations – like your school – unless they have agency approval.
- **If a federal immigration or ICE official requests student information, seek immediate guidance.** As noted above, DC schools are bound by FERPA. If you are at DCPS and federal immigration or ICE agents request student information, immediately consult your principal and the DCPS Office of the General Counsel at (202) 442-5000. Seek this guidance *before* providing the federal immigration or ICE agents with a response. If you are at a public charter school, contact your school’s administrative leader and/or general counsel.
- **If a federal immigration or ICE official requests a meeting with a student, seek immediate guidance.** If you are at DCPS and you receive such a request, you should immediately contact your principal, who will then contact the Office of the Chief of Schools and the Office of the General Counsel. If you are at a public charter school, contact your school’s administrative leader and/or general counsel. To report unauthorized ICE activity, you can also call 877-2INTAKE or Joint.Intake@dhs.gov to open a DHS complaint.