



# ICE Raids and Their Impact on Public Education

This publication is intended to provide information about ICE, how it may impact your work and what you can do to help your students feel safe.

*Developed by the CTA Civil Rights in Education Committee*

## **\*Anticipated Changes to Immigration Law**

Please note that the current administration has indicated that it intends to make changes to federal immigration law and policy. We can expect further developments in these areas, and we will update this document accordingly.

## Schools Should be a Place Where Students Feel Safe

Schools are responsible for students in their care, and should be aware of who is on their campus. If there is no public safety risk, the school should be contacted prior to ICE agents coming onto school

grounds, and there should be no need for agents to enter classrooms. *This will help ensure that learning environments are productive, and a place where students feel safe to learn, free from fear.*

Teachers, yard-duty supervisors, and other school staff should not be placed in a position to make a decision that might interfere with ICE agents, based on their responsibility to protect students. To avoid confusion and anxiety, the principal should coordinate with ICE agents if necessary.

## What is ICE & How it Impacts Your School?

U.S. Immigration and Customs Enforcement (ICE) is a component of the Department of Homeland Security charged to enforce customs and immigration laws.

**The Problem:** There is substantial evidence that the use of work-place raids as an immigration enforcement strategy is causing great harm to children, schools and child care centers. Attendance falls when there is fear in the community connected to a local ICE raid.

**In California:** In December of 2007, a mother was escorted to school by an ICE agent so she could see her child off to school before accompanying the officer for questioning in Oakland. In the San Francisco Bay Area ICE raids near schools caused confusion and concern at schools in May 2008. Both then-state Sen. Don Perata and Mayor Ron Dellums agreed that legislation was needed to address the concerns of schools, students and parents. CTA has sponsored AB 132 that limits the extent to which immigration raids could disrupt students' education. It is awaiting the governor's signature.

**Elsewhere:** In 1992, Border Patrol agents "repeatedly stopped, questioned, detained, frisked, searched, and arrested without legal cause" El Paso school district students and employees based on their Hispanic appearance. A 2004 settlement with somewhat similar facts illustrates possible limitations to ICE's authority to interview students on campus. In *Gonzalez ex rel. Doe v. Albuquerque Public Schools*, two police officers assigned to work at the Albuquerque public schools allegedly stopped and detained two boys on campus. After one of the boys failed to provide identification, the police called Border Patrol, who then seized one of the boys' brothers from class.

## What Your Association Can Do

Associations can work with local districts to establish an ICE raid policy that includes:

- The Board has found that presence of ICE is likely to lead to a disruption of the educational setting. Therefore, any request by ICE to visit a school site should be forwarded to the Superintendent's Office for review before a decision is made to allow access to the site.
- All District students regardless of citizenship or immigration status who register for following services and meet the federal and state criteria are entitled to receive all school services, including free lunch or breakfast, transportation, and educational services.
- District personnel shall not inquire about a student's immigration status, including requiring documentation of student's legal status.

Districts that already have a policy to address impact of ICE raids on public education include:

- San Francisco Unified School District (4/07)

- Oakland Unified School District (1/08)

## What You Can Do

School district officials must walk a fine line in balancing the rights of law enforcement officers to carry out their duties with students' rights to have access to an education without substantial interference. When faced with a request by an ICE agent to interview a student, school employees should seek guidance from their superiors in the school district and from the school district's attorney.

- Refer all enforcement agents to district office or principal's office.

## What You Should Know

The 1982 U.S. Supreme Court case *Plyer v. Doe* held that all students regardless of citizenship or immigration status have a constitutional right to attend public elementary and secondary schools.

**Education Code 32210:** Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than \$500.

**Education Code 32212:** The Legislature finds and declares that interruption of class time seriously impairs the educational process. It is the intent of the Legislature that each governing board of a school district formally address the problem of classroom interruptions and adopt a policy to control those interruptions.

**NEA policy states:** "All children in the U.S. should be educated regardless of immigration status."

**CTA policy states:** "Immigration policies should guarantee human rights and protect the integrity of the family unit without discrimination. Regardless of immigration status of students or their parents, every student has the right to a free public education free from harassment. Schools are a safe haven and that no police officer or any federal, state, or local agency shall enter the school building and or school grounds for the purpose of interrogating, questioning, arresting or taking into custody a student and/or parent unless upon lawful request."

## What Your District Can Do

- **Develop policy** that all students regardless of citizenship or immigration status who register for following services and meet the federal and state criteria are entitled to receive all school services, including free lunch or breakfast, transportation, and educational services.
- **Contact ICE when agents arrive** on school grounds (Federal immigration enforcement policy is "to attempt to avoid apprehension of persons and to tightly control investigative operations on the premises of schools").
- **Ensure that a parent, guardian or designee is present** if a student is questioned by an enforcement agent on school grounds and:
  1. Ask to see the enforcement agent's credentials and warrants.
  2. Ask enforcement agent why he or she wants to interview a student to make sure that the reason is within the scope of ICE's authority.

3. Ask enforcement agent what evidence of reasonable suspicion he or she has to justify interview.
4. Encourage enforcement agents to interview students outside of school hours and off school grounds.