



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Policy 5111.3 - Protection of Undocumented Students **Board Policy Statement approved on February 20, 2018**

All students have the right to attend public school and enjoy access to equitable educational and programmatic services regardless of the immigration status of the student or of the student's family members.

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

District personnel shall not take any steps that would deny students access to education based on their immigration status or any steps 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, regulation, local ordinance, or court decision, District personnel shall abide by the following conduct:

- District personnel shall not treat students disparately for District residency determination purposes based on their immigration status.
- All District students who meet the relevant programmatic criteria are entitled to receive all school services, including free lunch, free breakfast, transportation, and educational services, regardless of the immigration status of the student or of the student's family members. This entitlement exists whether or not the student or the student's family members have social security numbers.
- District personnel shall not inquire about, or record in any way, a student's immigration status, nor shall District personnel require documentation of any student's legal status, such as asking for a "green card" or citizenship papers, at initial registration or at any other time, for any purpose.
- District personnel shall not require students to apply for Social Security numbers nor shall the District require students to supply a Social Security number for any purpose.

If any member of the District community (including students, families, or staff) has questions about their immigration status, District personnel shall not refer them to the Immigration and Customs Enforcement Office ("ICE") or any other government agency. Instead, District personnel shall refer them to state and/or local non-profit immigration law organizations. A list of such organizations shall be compiled by the Superintendent or designee and disseminated at school sites and on the District's website. The Superintendent is also encouraged to increase and enhance partnerships with community-based organizations, legal services organizations, and other educational institutions (such as community colleges and universities) to provide resources for families of students or District employees who are facing deportation or other adverse immigration consequences.

It is the general policy of the District not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit. The Board of Education believes 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 District personnel to visit a school site shall be immediately forwarded to the Superintendent for review and consultation with 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 the District or any District personnel shall be immediately forwarded to the Superintendent for review and consultation with legal counsel and the Board 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 District and school sites.

The Superintendent or 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.

- Policy 0521 - Nondiscrimination
- Policy 5111 - Admission/Placement
- Policy 5118.1 - Homeless Students
- Policy 6171 - Special Education

Legal References

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

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.

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



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Administrative Procedure

There is no administrative procedure on file for Protection of Undocumented Students.