



Questions?

Should a situation arise in which the school is unsure how to handle, please contact the Division ESL teacher.

Contact Information

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What are our legal responsibilities?

School divisions have an obligation to educate students regardless of their immigration status and must take active steps to guard the public education rights of *all* students.

- School divisions may not use citizenship or visa status for enrollment purposes.
- Divisions must accept all students who meet the residency requirements under Code of Virginia §22.1-3.

This pamphlet was created to summarize the contents of Superintendent's Memo #059-17 issued on March 1, 2017



STUDENTS AND
IMMIGRATION



STUDENTS AND IMMIGRATION

*School Division Responsibilities
and Actions*



FERPA

Family Educational Rights and Privacy Act

Schools have a legal responsibility to protect the privacy of educational records. Any information provided upon enrollment is considered part of an educational record. Such information cannot legally be shared with the Immigration and Naturalization Service without parental consent unless it is in accordance with 34 Code of Federal Regulations §99.31. Student information can be shared with other educational agencies with a legitimate educational interest or other outside agencies contracted by the division. *BVPS considers a student's name, address, and grade to be directory information.* This information can be disclosed in certain school publications unless a family expressed in writing that they do not want this information to be released without prior consent.

What can school divisions do?

- Provide educational opportunities to students regardless of immigration status.
- Provide general information to families about their legal rights and referrals to seek legal aid.
- Ensure emergency contact information is up-to-date.
- Have a plan in place for any actions to take to protect and provide a safe place for a child if his or her parents or guardians are detained.

School divisions have an obligation to ensure that their students feel safe and protected while in school.

Harboring

Federal law prohibits local school divisions from engaging in conduct that substantially facilitates a person's ability to remain in the United States without authorization.



What if an Immigration and Customs Enforcement (ICE) official contacts me?

Historically immigration officers do not come to schools for information. In the unlikely event that you are approached by an ICE official, here are some things to remember:

- A subpoena or court order must be presented before educational records may be released (Have the order inspected before releasing records).
- Any personally identifiable information cannot be released to an ICE official per FERPA without a court order or subpoena.
- An immigration official must present a warrant before entering school grounds.