



Following his inauguration, President Trump issued several executive orders that direct a significant change in the enforcement of federal immigration law. Collectively, these orders are referred to as "Protecting the Homeland." The Department of Homeland Security ("DHS") then issued comprehensive policy orders implementing these executive orders. In this new environment, school districts are grappling with urgent questions about how to address immigration enforcement activities, whether to become a "sanctuary" district, and how to ensure all students are safe at school. These complex issues arise within a fast-moving, highly controversial legal and political environment. This FAQ handout provides an overview of the pertinent law and gives general guidance about key issues for districts to consider when evaluating the response to these concerns.

On January 25, 2017, President Trump issued an executive order entitled "Enhancing Public Safety in the Interior of the United States." This order asserts that the federal government will increase immigration enforcement against "removable aliens" and focuses on "sanctuary jurisdictions." The order finds that p

legal status is under review, it is important for schools to be aware of the fundamental laws regarding students and their families in order to ensure that important rights are not violated.

On February 21, 2017, DHS Secretary John Kelly released several new Implementation Memos and FAQs regarding immigration enforcement related to

"Sanctuary" is a broad term that means different things in different contexts. In the last several months, a growing number of cities, colleges, and school districts have passed "sanctuary" policies, and some entities have had such policies in place for years. Typically, such a policy establishes that the jurisdiction will not affirmatively cooperate with ICE agents, except as required under state or federal law. Sanctuary policies in school districts may also provide for additional supports for students who may be undocumented, require training for teachers and administrators to ensure that all students feel safe at school, and establish procedural requirements for ICE agents and other law enforcement agencies.

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In _____, 457 US 202 (1982),

This is a complex question. Enforcement of immigration laws is a federal obligation. Under the Tenth Amendment and Supreme Court precedent, the common understanding is that the federal government cannot require states and local agencies to assist with federal law enforcement. However, the executive order threatens to withhold federal funds from state and local agencies that refuse to cooperate with federal immigration enforcement officials. As indicated above, there are serious questions about whether the order is enforceable under the Constitution.

Significantly, most federal grant funds allocated to school districts are approved by Congress, which has spending authority under Article I, Section 8, of the Constitution. Any substantive changes to the requirements of the grant funds -- such as conditioning receipt of funds on cooperation with ICE agents -- would likely have to be approved by Congress, and may very well violate other constitutional protections. Any attempt by the federal government to withhold funds from a state or local jurisdiction will very likely be met with complex, protracted litigation.

DACA provides deferral from deportation for undocumented immigrants who were under age 31 as of June 15, 2012, and who came to the U.S. when they were younger than 16, if they meet specific requirements. President Trump has made statements indicating that he intends to review and/or limit DACA, but has not issued an executive orders specifically related to the DACA program.

The DHS Orders indicate that they do not apply to DACA recipients. It is unclear whether President Trump will issue additional guidance regarding DACA students.

As indicated above, schools should ensure that all students feel safe and supported at school. In these challenging times, schools may need to revisit their school climate plans to ensure there are sufficient resources to address concerns about bull

On January 27, 2017, President Trump issued an executive order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States." This order suspends entry into the

Review your district's policies and procedures with regards to student educational records, including directory information.

Ensure school personnel know that they cannot release student or family information, unless that information is directory information and the district has a policy to release directory information to both local and federal law enforcement.

Assign a specific central office department/person to handle requests for information and subpoenas to ensure they are responded to consistently and in accordance with district policies.

Do not collect or maintain documents related to immigration status.

Review your district's policies and procedures with regards to making a student available for an interview with law enforcement.

Depending on your policy, school personnel should not make a student available for an interview with law enforcement without prior parental notice, except in cases of child abuse, imminent harm, or a warrant.

If an ICE agent comes to a school, school personnel should take the agent's contact information and then work with the central office on an appropriate response plan.