



Immigration & Schools: BPS Procedures

District Points of Contact

Superintendent Lydia Wilson- Ext 2211

Associate Supt. Kendall Still- Ext 2240

Assistant Supt. Brenda Shaw- Ext 2298

Bixby Public Schools does not inquire about or collect information regarding a student's immigration status except as required by law.

Why are these procedures necessary?

The U.S. Department of Homeland Security recently announced it was rescinding guidance that identified schools, hospitals, and churches as “*protected areas*” where immigration enforcement should be avoided if possible. It's not yet clear what legal effect this change will have on schools, and there has been no additional guidance at this time.

In the event ICE enforcement occurs on school grounds/property:

Immigration and Customs Enforcement agents may enter **any public area**. In a school setting, this will generally be the office/welcoming area or the administration building.

Front Office Procedures

- **Remain calm** and cooperative, with a professional demeanor, when interacting with agents.
 - Verify their identity by asking for a name, badge or ID number, telephone number, and a business card.
 - This is the same process when visited by local law enforcement or government officials from another agency.
 - **Notify your site Principal** that they have “a guest who has requested to interview a student or employee on school property.”

Site Admin Procedures

- **Remain calm** and cooperative, with a professional demeanor, when interacting with agents.
 - Review the information collected by your front office staff
 - Request a copy of their documentation so it can be scanned and emailed to the district administration immediately.
 - Agents wanting to enter a non-public area must have a **judicial warrant** issued by a federal court and signed by a federal judge.
 - A warrant's parameters will include a **time frame** for conducting the search, a description of the **premises to be searched**, and a list of items to be searched for and/or seized.
- **Refer all ICE agents to the District Administration Building** (23 S. Riverview) regardless of which documentation is provided
 - Call or text Rob, Lydia, and Kendall as soon as the agent leaves the office OR
 - If an agent is on school property, has a valid Judicial Warrant, and refuses to leave, call or text Lydia, Brenda, and Kendall so they can come to the site.

District Administration Office

- Welcome the agent(s) and ask them to provide identification.
- Make a copy of their ID and inform the Superintendent, Associate Superintendent, or Assistant Superintendent.
- Ask the agent(s) if they have any paperwork (i.e., subpoena, warrant, etc.). Ask to make copies of the paperwork.
- Ask the agent(s) to sit in the downstairs conference room until a superintendent arrives.
- Keep notes of the date/time, names and titles of the agents, who you contacted at the District Office, the name of the student or staff member they are inquiring about (if known), etc.
- District legal counsel will review all warrants, subpoenas, or court orders prior to compliance when practicable.

FAQs for BPS Staff

What should all BPS Staff know about interacting with immigration officials?

- There are a few scenarios that may result in a visit or request from immigration officials: a request to speak with a student or an employee, or a request for documents.
- Agents may possess an administrative arrest or removal warrant issued by the U.S. Dept. of Homeland Security. This document **would not** authorize officers of the agency to enter **private areas** of the premises **without the administrator's consent**.
- School districts have many legal responsibilities, including safeguarding the safety of students and employees and protecting their private information. Under the Family Educational Rights and Privacy Act (FERPA), access to educational records requires a valid court order or subpoena, and, depending on the nature of the request, districts may be obligated to **notify parents and students before records are provided**.
- Before granting a request for information or to speak with a student or an employee, contact your superintendent(s)

What if we learn that a student's parent or guardian has been detained?

- If you become aware that a student's parent or guardian has been detained, ensure the student is receiving proper care and contact the emergency contacts. If no emergency contact can be reached, follow state child welfare protocols to ensure temporary care is provided.
 - This will be a traumatic event for any student, so please involve your school counselor, the child's teacher, and other adults with whom the student has a trusted relationship.

Additional FAQs for Site Administrators

What if an ICE agent asks to interview a student on school property?

- ICE agents must have the appropriate warrant. If immigration officials request an interview with a student, the Principal should immediately contact the Superintendent. The district has a legal obligation to safeguard student rights and ensure all enforcement actions comply with applicable law.
- The agent must have a valid warrant. School Districts should not give ICE agents access to students on school property without a valid warrant. If ICE agents present a valid warrant, they should be given access to students in a manner that is discreet, private, and away from other students. Because students have a right to attend school regardless of immigration status, a student's attendance at school does not violate the law or create an exigent circumstance that would support ICE having access to a student (including a student's school records) without a warrant or court order.
- A child also has the right against self-incrimination and may not be required to provide any information that would establish his or her residency status. Students have constitutional protections, including the right not to answer questions. District administration and legal counsel should be contacted immediately before any interview occurs. The Superintendent should notify parents that immigration officials have requested an interview with the child.

What is the difference between an administrative warrant and a judicial warrant?

- Administrative warrants are issued by an ICE officer or another official at the Department of Homeland Security (DHS); judicial warrants are issued by a judge or magistrate in a federal or state court. To be valid, a judicial warrant must: 1) be issued by a judicial court, 2) be signed by a state or federal judge or magistrate, 3) state the address of the premises to be searched — make sure the stated address is your address or specifically pertains to you, and 4) be executed within the time period specified on the warrant.
- A judicial warrant will have a court's name (I.e. United States District Court for the Eastern District of California), while an administrative warrant will have another agency/organization listed.

If ICE agents approach a student on school grounds, but outside of school, what should school staff do?

- While students are under school supervision, school staff have a duty of care for student safety, including when students are on school grounds. School staff should determine whether ICE agents have a warrant to detain or arrest.
- If they do *not* have a warrant, school staff should escort the child to the school office. If they *do* have a warrant, school staff should escort the student and the ICE agents to the school office. Contact the central office to ensure the warrant is reviewed by legal prior to releasing the student to ICE agents.

Does the school district have to release records to ICE agents?

- ICE has the right to access the same information about immigrants as any other student does, which means they can request Directory Information if the School District has a policy designating it as available to the public.
- Prior to granting access to Directory Information, school staff should ensure that the parents of the student(s) in question have not opted out of Directory Information. For any other records request, ICE must deliver a judicial warrant or court order (either document signed by a judge) to obtain records.
- Student Directory Information is defined in FERPA as: the student's name, names of the student's parents, grade level, participation in officially recognized activities, weight and height of members of athletic teams, photograph, degrees, honors, and awards received.
- Students have a right to attend school regardless of immigration status, and their attendance at school does not violate any state or federal law, nor is it considered an exigent circumstance.

If school district staff know a student's immigration status, can they be required to disclose it?

- If ICE agents come to school and informally ask school staff about a student's immigration status, even though the school does not collect that information, staff should not answer their questions without a warrant or court order. If school staff receive a warrant or court order, it should be provided to the central office prior to the disclosure of records or information to ICE agents. The school district reserves the right to have staff accompanied by school district legal counsel anytime they are subpoenaed for questioning by ICE agents or law enforcement.

Warrants

Judicial Warrant

- **Issued By:** A judge
- **Purpose:** For criminal investigations and enforcement (e.g., search and arrest related to criminal activity).
- **Authority:** Grants the legal right to enter private spaces (e.g., homes or schools) without permission.
- **Key Feature:** Backed by probable cause and court oversight, giving it broader enforcement power.
- **Judicial warrant is signed by a federal or state judge or magistrate**

Administrative Warrant (aka Immigration Warrant)

- **Issued By:** ICE officials or the Department of Homeland Security (DHS).
- **Purpose:** For civil immigration enforcement (e.g., to detain undocumented individuals).
- **Authority:** Does *not* permit entry into private spaces (e.g., homes, schools, or private areas) without explicit consent.
- **Key Limitation:** This does not carry the same legal power as a judicial warrant; requires permission to access restricted areas.

JUDICIAL WARRANTS v. IMMIGRATION WARRANTS

United States District Court
for the
Eastern District of California

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
[Redacted]
Davis, California 95616

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer **2:11-SW-0161 EFB**

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of CALIFORNIA
(Identify the person or describe the property to be searched and give its location):
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized):
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011
(not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge _____ (name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box): ☐ For _____ days (not to exceed 30).
☐ Until, the facts justifying, the later specific date of _____

Date and time issued: 4-25-2011
9:10:00 AM

City and state: SACRAMENTO, CALIFORNIA

EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE
(Typed name and title)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

File No: _____
Date: _____

To any immigration officer of the United States Department of Homeland Security:

_____ (Full name of alien)
who entered the United States at _____ ON _____ (Place of entry) (Date of entry)

is subject to removal/deportation from the United States based upon a final order by:

☐ an immigration judge in exclusion, deportation, or removal proceedings
☐ a designated official
☐ the Board of Immigration Appeals
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT

(Signature of immigration officer)

(Title of immigration officer)

Is this the right address?

Is it still current?

Note: only the person, property, & areas specified may be searched

Is it actually signed by a judge?

IF THE ANSWER TO ALL OF THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL WARRANT



NATIONAL IMMIGRATION LAW CENTER