

Students

Administrative Procedure - Managing Agency and Law Enforcement Requests

The District responds to all requests from various government agencies and law enforcement authorities regarding access to school property, records, students, and staff. The Board Attorney should be consulted, as needed, regarding the legal requirements presented by this administrative procedure.

The Ill. Council of School Attorneys, with participation from the DuPage County State's Attorney's Office and Regional Superintendent of Schools, developed *Guidelines for Interviews of Students at School by Law Enforcement Authorities (ICSA Guidelines)* to assist law enforcement authorities and school officials in determining when it is appropriate for law enforcement authorities or the Ill. Dept. of Children and Family Services to interview students at school or while participating in school-related activities. The document is available at: www.iasb.com/policy-services-and-school-law/guidance-and-resources/guidelines-for-interviews-of-students/.

Use this procedure to implement 105 ILCS 5/22-105(c)(4), added by P.A. 104-288, eff. 1-1-26, for reviewing and authorizing requests from government agencies and/or law enforcement authorities attempting to enter a school or school facility, in particular requests relating to citizenship or immigration status. Use the *ICSA Guidelines* and this procedure in consultation with the Board Attorney to customize the District's response to any agency or law enforcement requests.

The topics outlined in this procedure include: Glossary of Terms; Procedures, Roles, and Responsibilities; and Training.

Glossary of Terms

Citizenship or immigration status – means all matters regarding citizenship of the United States or any other country or the authority or lack thereof to reside in or otherwise to be present in the United States, including an individual's nationality and country of citizenship.

Law enforcement agent – means an agent of federal, State, or local law enforcement authorized with the power to arrest or detain individuals or manage the custody of detained individuals for a law enforcement purpose, including civil immigration enforcement. Law enforcement agent does not include a school resource officer as defined in 105 ILCS 5/10-20.68.

Nonjudicial warrant – means a warrant issued by a federal, State, or local agency authorized with the power to arrest or detain individuals or manage the custody of detained individuals for any law enforcement purpose, including civil immigration enforcement. *Nonjudicial warrant* includes an immigration detainer or civil immigration warrant as defined in the Illinois TRUST Act. *Nonjudicial warrant* does not include a criminal warrant issued upon a judicial determination of probable cause, in compliance with the requirements of the Fourth Amendment to the U.S. Constitution and Section 6 of Article I of the Ill. Constitution.

School – means every public school, school district, and governing body, including a special charter district or charter school, organized under the School Code, and its agents, including a contracted party.

Procedures, Roles, and Responsibilities

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| Superintendent | Ensures the District does not use procedures or engage in practices that, due to the actual or perceived citizenship or immigration of a student or a student's parent/guardian, have the effect of: |

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| | <ol style="list-style-type: none"> 1. Excluding a student from participation in, or denying the benefits of, any District program or activity; or 2. Excluding participation of the student's parent/guardian from parental engagement activities or programs. Examples of prohibited practices include, but are not limited to: requesting or collecting information or documentation from a student or the student's parent/guardian about citizenship or immigration status unless required by State or federal law; and designating immigration status, citizenship, place of birth, nationality, or national origin as directory information. <p>Ensures the District does not:</p> <ol style="list-style-type: none"> 1. Threaten to disclose anything related to the actual or perceived citizenship or immigration status of a student or a person associated with the student to any other person or entity or an immigration or law enforcement agency; 2. Disclose anything related to the actual or perceived citizenship or immigration status of a student or a person associated with the student to any other person or entity or an immigration or law enforcement agency if the school does not have direct knowledge of the student's or associated person's actual citizenship or immigration status, subject to applicable State and federal requirements governing the disclosure of such records or information; 3. Disclose anything related to the actual citizenship or immigration status of a student or a person associated with the student to any other person or nongovernmental entity if the District has direct knowledge of the student's or associated person's actual citizenship or immigration status, subject to applicable State and federal requirements governing the disclosure of such records or information. <p>Develops a documentation process for all law enforcement authority interactions, with designated staff monitoring or accompanying the agent during the process.</p> <p>Reviews current Board policies and administrative procedures to ensure that no discriminatory practices are in place regarding citizenship or immigration status.</p> <p>Ensures that no questions related to citizenship or immigration status are asked during enrollment, unless explicitly required by federal or State law.</p> <p>Prohibits requesting or collecting information or documentation from a student or the student's parent/guardian about citizenship or immigration status, unless required by State or federal law.</p> <p>Determines changes as needed to the District's designation of <i>directory information</i> to prevent collection of information relating to immigration status, citizenship, place of birth, nationality, or national origin.</p> <p>Develops a list to be posted in every school or administrative office identifying designated personnel who are authorized to consult the Board</p> |

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| | <p>Attorney to review requests from agencies and/or law enforcement authorities to enter a school or school grounds.</p> <p>Develops a list to be posted in every school or administrative office identifying administrators designated as authorized to review and approve requests from government agencies and/or law enforcement authorities attempting to enter a school or school grounds. Authorized personnel may include the Superintendent, other District administrators, and Building Principals. The list should:</p> <ol style="list-style-type: none"> 1. Prioritize each type of request; 2. Provide an alternative designee if the first authorized administrator is not available; and 3. Be kept in the front office of each District building in case there is a substitute front office staff member. <p>Develops a standardized form for documenting law enforcement requests for access to students, school grounds, or records. See sample exhibit 7:150-AP, E, <i>Record of Agency and Law Enforcement Requests</i>. Ensures all such documentation is reviewed by the Board Attorney or designated personnel and appropriately maintained.</p> |
| Superintendent, Building Principal or designee | <p><u>Initial Request from a Law Enforcement Agent</u></p> <p>Arrives quickly and responds courteously in assisting the law enforcement agent.</p> <p>Assesses the situation by verifying the law enforcement agent's purpose and authority to visit the school. Checks the documentation obtained by the front office staff and verifies the information directly with the law enforcement agent. See sample exhibit 7:150-AP, E, <i>Record of Agency and Law Enforcement Requests</i>.</p> <p>Monitors/accompanies the law enforcement agent while on District premises and documents the interaction, including details on the nature and purpose of the request.</p> <p>Calls the Board Attorney for guidance throughout the process.</p> <p>Communicates to the law enforcement agent that the District is consulting with the Board Attorney and will respond as soon as possible or with an estimated amount of time if available.</p> <p>Consults the Board Attorney if a warrant is presented. The Board Attorney will determine whether the warrant is a judicial warrant, an Immigration and Customs Enforcement (ICE) administrative warrant, or another administrative agency warrant.</p> <p>Consults the Board Attorney if a subpoena is presented. If the subpoena seeks student records, the Board Attorney may direct, depending on the circumstances, that the student's parent/guardian be informed immediately.</p> <p>Consults the Board Attorney regarding contacting the parent/guardian of a minor student if a minor student is involved with the law enforcement action.</p> <p>Notifies and seeks consent from a student's parent/guardian, or from the student if the student is 18 years old or older or emancipated, if a law</p> |

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| | <p>enforcement agent requests access to a student for immigration enforcement purposes, unless such access is in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the student's parent/guardian.</p> <p><u>Requests for the District to Comply under Exigent Circumstances</u></p> <p>If the law enforcement agent claims exigent circumstances:</p> <ol style="list-style-type: none"> 1. Explains to the law enforcement agent the District's need to take caution and contact the Board Attorney as well as to notify the student's parent/guardian. If the agent insists on exigent circumstances, then complies with the agent's request while providing an escort to monitor and accompany the agent. 2. Consults the Board Attorney immediately. 3. Immediately contacts the student's parent/guardian. 4. Documents the agent's claim of exigent circumstances. See sample exhibit 7:150-AP, E, <i>Record of Agency and Law Enforcement Requests</i>. <p><u>Requests to Take a Student into Custody</u></p> <p>Consults the Board Attorney immediately.</p> <p>Note: A judicial warrant authorizes the agent to enter the school and go directly to the person who is the subject of the warrant. To minimize disruption, consider offering to have the individual student or employee escorted to the office by a staff member instead.</p> <p>If the law enforcement agent claims exigent circumstances, follow exigent circumstances process, above.</p> <p><u>Requests to Question a Student</u></p> <p>Consults the Board Attorney immediately if a warrant, court order, or subpoena is presented.</p> <p>Absent exigent circumstances being claimed by the agent, school personnel should not consent to questioning or searches on a minor's behalf. If questioning is going to take place during school hours, arranges to make a private office location available. Alternatively, asks the agent to wait and arranges a meeting time after school or away from school.</p> <p>Consults with the student's parent/guardian. The response to the request for questioning the student will depend on parent/guardian permission being granted.</p> <p>Documents all permissions granted.</p> <p><u>Requests for Student Records</u></p> <p>Informs the law enforcement agent that the school does not collect immigration documentation.</p> <p>Explains to the law enforcement agent that most student records are confidential under federal and State student records laws and cannot be immediately released.</p> <p>Note: Parents/guardians have the right to be informed of all directory information and to opt out of directory information</p> |

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| | <p>even if the records sought by the law enforcement agent appear to be directory information.</p> <p>Informs the law enforcement agent that the District requires time to cross-check the agent's request with the list of students for whom directory information is not available due to opt out by the student's parent/guardian.</p> <p>Explains to the law enforcement agent that the Board Attorney is reviewing the matter so that the District may respond in compliance with law.</p> <p><u>Requests to take an Employee into Custody</u></p> <p>Follows the same procedures as for a student, above.</p> <p><u>Requests to Question an Employee</u></p> <p>Follows the same procedures as for a student, above.</p> <p><u>Requests for Employment Records</u></p> <p>Consults with the Board Attorney.</p> |
| Building Principal | <p>If acting in response to an agency or law enforcement request, follows the procedures in the row above. Otherwise, provides assistance to the designated administrator as needed.</p> <p>Immediately notifies the Superintendent or designee of any interaction with law enforcement.</p> |
| Classroom Teachers | <p>If in a position of responding to a law enforcement agent, e.g., while in the front office, at a door as a door monitor, while acting as a crossing guard, or anywhere on school grounds, follows the procedures for All School Personnel, below.</p> |
| All School Personnel | <p>Refrain from disclosing or threatening to disclose anything related to the actual or perceived citizenship or immigration status of a student or a person associated with the student to any person, entity, or immigration or law enforcement agency, unless directed by the Superintendent, Building Principal, or designee.</p> <p>Respond promptly and courteously to assist the law enforcement agent by informing the agent that only an authorized administrator may provide responses to law enforcement requests regarding students, employees, or records.</p> <p>Note: Public facing staff should not speculate or try to answer any of the officer's questions.</p> <p>Inform the agent that the Superintendent, Building Principal, or designee (as applicable) will be notified.</p> <p>Call the Superintendent, Building Principal, or designee (as applicable) using any method available, e.g., telephone, walkie talkie, public announcement system, to request to meet the law enforcement agent in a designated location (front office) and escort the agent to that location, if necessary.</p> <p>If designated by the Superintendent or Building Principal:</p> |

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| | <ol style="list-style-type: none"> 1. Document the law enforcement agent's visit by recording in writing the date, time, officer's name, reason for coming to the building, and badge information. See sample exhibit 7:150-AP, E, <i>Record of Agency and Law Enforcement Requests</i>. Note: Federal law prohibits photocopying or scanning of a federal employee's badge, identification card, or insignia, but notes should be made of the showing of the badge, or giving of a business card, and of any information on the badge without making a scan or copy. 2. After reviewing and recording the information regarding the agent's credentials, scan or copy any additional authorization presented like a subpoena or warrant. 3. Ask the law enforcement agent to please wait in a designated space. <p>Note: This is a complicated determination that may be made by the Superintendent, Building Principal or designee. A federal law enforcement agent must have certain authorization to enter an area of a school building that is not open to the public, specifically:</p> <p style="padding-left: 40px;">A judicial warrant issued by a federal judge or magistrate. Only the Superintendent, Building Principal or designee, in consultation with the Board Attorney, should verify that such a warrant is presented.</p> <p style="padding-left: 40px;">Consent from the Superintendent, Building Principal or designee. The Superintendent, Building Principal or designee can grant consent to access the building but is not required to grant consent. Even if consent is granted, the law enforcement agent should be escorted by the Superintendent, Building Principal or designee at all times.</p> <p style="padding-left: 40px;">Exigent circumstances, such as risk to public safety or destruction of evidence. If a law enforcement agent states that exigent circumstances exist, document that the officer relied on this standard and allow the agent to proceed with an escort.</p> <p>Call the Superintendent, Building Principal or designee based on the priority list until the Superintendent, Building Principal or designee is found and confirms ability to promptly respond in person to the office in need or to communicate with the agent over the phone.</p> <p>Contact the school resource officer, if any, to facilitate communication between the law enforcement agent and the Superintendent, Building Principal or designee.</p> |

Training

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| Superintendent | Reviews and approves training for all school personnel based on this procedure. |

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| | Provides training for all District administrative office personnel on implementation of this procedure. |
| Building Principal | <p>Provides training for all school personnel on implementation of this procedure.</p> <p>Provides resources and guidance for school personnel in responding appropriately to agency and law enforcement requests, including scenarios.</p> |

LEGAL REF.: U.S. Constitution, Amend. IV.
8 U.S.C. §§1373 and 1644.
Plyler v. Doe, 457 U.S. 202 (1982).
Ill. Constitution, Art. I, §6.
105 ILCS 5/10-20.64, 5/10-20.68, 5/22-88, 5/22-105, and 5/24-24.
55 ILCS 80/, Children's Advocacy Center Act.
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/31-1 et seq., Interference with Public Officers Act.
725 ILCS 120/, Rights of Crime Victims and Witnesses Act.

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