

**LOWELL PUBLIC SCHOOLS**  
**Rights of Undocumented Students and Protocols for ICE Access to Schools**

**PREAMBLE**

The Lowell School Committee is committed to the success of every student in each of our schools. The vision of the Lowell Public Schools is to inspire all learners to discover and develop their talents; engage learners to think creatively and critically; and empower learners to become active, contributing members of the community, our nation and our world. We value the limitless potential of all students and teachers; equity and transparency in all our actions and interactions; school cultures that are welcoming, respectful, safe and healthy; and partnerships with schools, families and the community.

The Lowell School Committee believes that it is imperative to understand and respond to the needs and interests of the whole child by providing respectful and joyful learning experiences for all students, embracing students' diversity, supporting their personal safety and social-emotional well-being, addressing their physical and nutritional needs and by nurturing their talents and interests before, during, afterschool and throughout the summer months. As such, the Lowell Public School System does not tolerate any form of discrimination, harassment or bullying. The School Committee deems that this welcoming, respectful, safe and healthy environment would be undermined if the district failed to abide by *Plyler v. Doe*.

Specifically, the U.S. Supreme Court ruled in *Plyler v. Doe*, 457 U.S. 202 (1982) that under the Fourteenth Amendment of the U.S. Constitution, if a state provides a free public education to U.S. citizens, it cannot deny such an education to undocumented children. The Lowell School Committee is committed to upholding the U.S. Department of Justice and U.S. Department of Education's basic tenet of *Plyler v. Doe* published in their jointly printed fact sheet that states: "All children in the United States are entitled to equal access to a basic public elementary and secondary education regardless of their actual or perceived race, color, national origin, citizenship, immigration status, or the status of their parents/guardians. "

The Lowell School Committee further affirms that it must comply with the Family Educational Rights and Privacy Act (FERPA), a federal law that requires schools to respect every student's right to confidentiality and privacy, and prevents schools from sharing student information, including their citizenship status, if they know it (even with U.S.

Immigration and Custom Enforcement, i.e. ICE) without parental consent. All student records, including student files, are generally exempt from disclosure or subject to redaction to prevent disclosure of personally identifiable information. This protects against the sharing of personally identifiable student information except for certain narrow exceptions including in response to a court order or subpoena. FERPA also requires prior notice to parents before responding to a subpoena or court order. (See 20 U.S.C. § 1232g(b)(2)(B); 34 C.F.R. § 99.31(a)(9).)

The School Committee further believes that students' well-being and ability to achieve could be impacted by the removal of their family members during Immigration and Customs Enforcement Office (ICE) actions that leave students without supervising adults to care for them, and that the Lowell Public Schools should follow existing policies and procedures to support and care for said students until a guardian or other designated adult is contacted.

We believe that the Lowell Public Schools can remain in compliance with the law, while also ensuring that the Lowell Public Schools remains a safe and welcoming environment for all students.

## **RESOLUTION**

1. Existing Lowell Public School practice requires all visitors to state the reason for their visit and be cleared for entry into a space with students via the RAPTOR System. This practice will also apply to Immigration and Customs Enforcement (ICE) personnel. Staff should inquire as to the purpose of the visit. If the purpose of the visit by ICE personnel is to access a student or a student's records, then staff should immediately notify the Superintendent or designee and/or Legal Counsel for Student Support Services for guidance before allowing ICE personnel access to either the student and/or records.
2. The Superintendent or designee and/or Legal Counsel are authorized to ask for the ICE personnel's credentials, ask the agent why he or she is requesting access and ask the agent what evidence of reasonable suspicion exists via a court order or subpoena, consistent with FERPA. In the absence of this information, the staff will be directed by the Superintendent or designee and/or Legal Counsel for Student Support Services to not allow access of ICE to the student and/or the records and the ICE personnel will be asked to leave the school setting.
3. Staff shall not give Immigration and Customs Enforcement (ICE) personnel access to a student and/or a student's records, unless such access has been reviewed

(consistent with FERPA) and approved by the Superintendent or designee and/or Legal Counsel for Student Support Services

4. Lowell Public School staff shall not ask about a student's immigration status or that of the student's family members, and pursuant to FERPA shall not disclose, without parental consent, the immigration status of any student.
5. Lowell Public School staff will not refer students or families to ICE if they inadvertently or intentionally disclose their immigration status as such action is not consistent with FERPA.