

I. PURPOSE

The purpose of this policy is to ensure all students, regardless of the student's or family member's immigration status, can safely access public education, including all secondary benefits of public education, provided by the district to which they may be otherwise eligible.

II. BACKGROUND

Los Alamos Public Schools (LAPS) welcomes all eligible students and has a responsibility to ensure that all students who reside within Los Alamos County and accepted out-of-district students, regardless of immigration status, can safely access a free public education. This position is supported by the Supreme Court of the United States that held in *Plyler v. Doe*, 457 U.S. 202 (1982), that no public school district has a basis to deny children access to education based on their immigration status, citing the harm it would inflict on the child and society itself, and the equal protection rights of the Fourteenth Amendment. Likewise, the U.S. Immigration and Customs Enforcement (ICE) has a longstanding policy that it will not conduct immigration enforcement activity at any sensitive location, which includes school property and education-related activities or events and bus stops that are marked and/or known, during periods when school children are present at the stop, unless exigent circumstances exist or without special permission from specific federal law enforcement officials. There is also no state or federal law that mandates that local school districts must assist ICE in the enforcement of immigration laws.

III. POSITION

A. All students, regardless of immigration status, who register for or seek to participate in the benefits of a public education at LAPS including any secondary benefits to which they are otherwise eligible, are entitled to participate in and receive all such benefits and services, including free or reduced-cost meals, transportation, health care treatment from the school nurse, extracurricular activities and nonacademic services.

B. District personnel will not inquire about or record a student's or a family member's immigration status, and pursuant to the Family Education Rights and Privacy Act (FERPA), shall not disclose, without parental consent, the immigration status of any student or other personally identifiable information unless a FERPA exception applies. Requests for documentation may not discriminate or have the effect of discriminating on the basis of national origin or immigration status. All students shall be treated equally regarding admittance to LAPS as set forth in Policy 5100 and 5100R. Any reliable proof of the student's identity and age required for school admission or other educational services will not be maintained or disclosed by LAPS.

Policy Adopted 01/18 _____