



EL CENTRO

De Igualdad Y Derechos

APS Policy Directive: Safe Schools and Relations with Law Enforcement Authorities

(Revised from an early directive: Safe Schools - May 1997 Revision)

Introduced: October 15, 2010

Reviewed: November 8, 2010

Approved: November 12, 2010

Provisions include: (for complete directive go to <http://www.aps.edu/about-us/policies-and-procedural-directives/procedural-directives/j.-students/safe-schools>)

• **Purpose:**

- The Albuquerque Public Schools provides admission and equal educational opportunities to all students that meet enrollment requirements, regardless of their immigration status or national origin. In accordance with federal law and the protections and rights afforded by the Constitution of the United States of America, immigrant or foreign-born students at Albuquerque Public Schools shall not be deterred or discouraged in any manner from attending school or from seeking the benefits of the educational opportunities afforded to non-immigrant students.

• **Access to a School Campus**

- Immigration officials shall not be permitted to enter campus.

• **Immigrant Students and Immigration Officials**

- Albuquerque Public Schools shall be a safe haven for students regardless of their citizenship status.
- Albuquerque Public Schools prohibits any communication to an immigration agency or official initiated by a school or district personnel concerning any student in reference to his/her real or perceived immigration status.
- Any order or directive by immigration officials or local law enforcement officials to any district personnel to bring forth a student for interrogation on their immigration status or to provide any information about a student that may reveal the student's citizenship or immigration status shall be denied and related immediately to the school principal and Albuquerque Public Schools Police.
- Should an immigrant parent/legal guardian or student, for whatever reason, voluntarily offer a document generated by the Department of Homeland Security or the Department of Justice – such as a passport, resident alien card, or I-94 – for identification purposes, the school shall take special care to refrain from recording
 - any personal information from the document;
 - information concerning the type of document submitted;
 - that a document generated by the Department of Homeland Security or Department of Justice was submitted.
- The school shall only record that personal identification was presented.
- Should a school or district personnel, for whatever reason, come across information regarding the immigration status of an immigrant student or his/her parents/legal guardians, such information shall not to

be provided to any outside agency, including any federal immigration agency. The disclosure of such information could potentially jeopardize the rights of immigrant students to attend public school and, absent permission from a student's parents/legal guardian to disclose such information, could result in a violation of the Family Educational Rights and Privacy Act (FERPA).

- Schools and district personnel shall take immediate action to remove any information regarding the immigration status of a student or a student's parents/legal guardians from any and all school records.

Student Protection (JL2)

Reviewed: September 13, 2010

Reviewed: November 8, 2010

Revised: November 17, 2010

Provisions include: (for the full text go to <http://www.aps.edu/about-us/policies-and-procedural-directives/policies/j.-students/jl2-student-protection>)

- Albuquerque Public Schools shall protect the safety and welfare of all students
- Immigration officials shall not be permitted on school campus at any time.

Immigrant Students Regardless of Documented Status

Reviewed: September 24, 2010

Reviewed: October 15, 2010

Reviewed: November 8, 2010

Revised: November 12, 2010

Provisions include (<http://www.aps.edu/about-us/policies-and-procedural-directives/procedural-directives/j.-students/immigrant-students-regardless-of-documented-status>)

- Neither the Constitution of the State of New Mexico nor New Mexico State law establishes citizenship as a requirement for school age children to attend public school in New Mexico. The United States Supreme Court has also ruled that citizenship status cannot be used to deny public school admission to school age children.
- Schools shall not:
 - Deny admission to a school age child on the basis of known, or suspected, undocumented status.
 - Engage in any practice to deter or discourage the right of a student to attend public school.
 - Require students or parents/legal guardians to disclose or document their immigration status or make inquiries that would expose their undocumented status.
 - Require Social Security numbers.

**Compiled by El CENTRO de Igualdad y Derechos;
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