

**I. Policy Statement**

The Board of Education of Howard County acknowledges that foreign-born students and families may face unique circumstances that negatively impact their safety and learning environment unless appropriate safeguards are taken. The Howard County Public School System (HCPSS) welcomes and supports all students and families, regardless of their place of birth or immigration status, and is committed to providing a safe, engaging, and supportive school climate in which individuals and families are valued and protected. The Board is committed to maintaining a culture that recognizes the worth and dignity of the individual in support of academic achievement and social and emotional development.

**II. Purpose**

The purpose of this policy is to set clear expectations for rights, protections, and supports of foreign-born students, their families, and students perceived to be foreign-born.

**III. Definitions**

Within the context of this policy, the following definitions apply:

- A. Bullying – Intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication that creates a hostile educational or work environment by substantially interfering with a student’s or employee’s educational or employment benefits, opportunities, or performance, or with their physical or psychological well-being and is:
1. A real or perceived power imbalance; or,
  2. Repeated; or,
  3. Motivated by an actual or a perceived personal characteristic including race, national origin, immigration status, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, family structure, or physical or mental ability or disability; or,
  4. Threatening or seriously intimidating; or,
  5. Occurs on any property owned or leased by the HCPSS, at a school activity or event, or on a school bus; or,
  6. Sent via electronic communication; or,
  7. Substantially disrupts the orderly operation of a school or workplace.

- B. Cyberbullying – Harassment, humiliation, intimidation, and/or threats to others transmitted by means of any electronic device, including but not limited to the use of social media sites, telephones, cellular phones, computers, or tablets.
- C. Discrimination – Any act or omission due to an individual’s status or perceived status in a protected class (race, color, creed, national origin, immigration status, religion, physical, mental, or learning disability, pregnancy, age, gender, gender expression, gender identity, genetic information, sexual orientation, marital status, veteran status or socioeconomic status) that creates an intimidating, hostile, or offensive working or educational environment; or substantially interferes with an individual’s ability to work, be educated, or otherwise is sufficiently serious to limit an individual’s employment opportunities, or to limit a student’s ability to participate in or benefit from the educational program.
- D. Foreign-Born – Anyone who is not a U.S. citizen at birth. This includes, but not limited to, naturalized citizens, lawful permanent residents, refugees, asylees, and those without documented status.
- E. Harassment – A sufficiently severe action or persistent, pervasive pattern of actions or statements, directed at an identifiable individual or group, that is intended to be, or which a reasonable person would perceive as, ridiculing or demeaning.
- F. Immigration Status – An individual's legal standing under immigration law.
- G. Intimidation – Subjection to intentional action that seriously threatens and induces a sense of fear and/or inferiority which adversely affects one’s ability to participate in or benefit from the educational or work setting.
- H. Plyler v. Doe (1982) – A United States Supreme Court case (457 U.S. 202) that held that a public school district may not deny students access to education based on their immigration status, citing the harm it would inflict on the student and society itself, and their equal protection rights under the Fourteenth Amendment.
- I. Safe Zone – Any property owned or leased by the HCPSS where the privacy, safety, educational climate, and emotional health of our foreign-born students is lawfully safeguarded.

#### IV. Standards

- A. As per *Plyler v. Doe* (1982), the HCPSS does not deny access to education based on a student’s immigration status or place of birth.
- B. Any property owned or leased by the HCPSS is a safe zone for its students and their families.

- C. Consistent with the United States Immigration and Customs Enforcement (I.C.E.) 2011 policy directive, the HCPSS believes that schools are sensitive locations where immigration enforcement action should not occur. Unless federal, state, or local law mandates otherwise, immigration enforcement actions may not occur on any property owned or leased by the HCPSS.
- D. HCPSS employees will have access to information, resources and supports that can be helpful to students and families who may be impacted by immigration enforcement actions.
- E. HCPSS employees will not take any action that may discourage the participation or lead to the exclusion of students based on place of birth or immigration status.
- F. HCPSS employees will not require students or their families to provide any information about their immigration status (except where specific rules apply to students in international exchange programs as defined in Policy 9000 Student Residency, Eligibility, Enrollment and Assignment).
- G. The HCPSS will annually review its record-keeping policies and practices to ensure that no data is being collected or maintained with respect to students' immigration status.
- H. The HCPSS will not tolerate any harassment, bullying, cyberbullying, intimidation or discrimination on account of a student being foreign-born, their immigration status, or their perceived immigration status on any property owned or leased by the HCPSS or at school system activities.
- I. The HCPSS will develop and maintain partnerships with community organizations and legal services organizations who provide resources for families, including families with questions about immigration laws and deportation.
- J. The HCPSS will provide professional learning to HCPSS employees that:
  - 1. Enhance interaction with foreign-born students and families.
  - 2. Ensure that inquiries, requests for documentation, and the handling of student information comply with *Plyler v. Doe* (1982).
  - 3. Provide training on responding to requests by federal immigration agents.
  - 4. Assist students and their families in accessing resources and services offered by the school system and other agencies when made aware that they have been affected by immigration enforcement actions.
- K. Consequences for violations of this policy will be administered according to applicable school system policies as noted in Section VII.B.

**V. Responsibilities**

- A. All HCPSS employees will comply with the expectations for safe school environments.
- B. The principal/designee will ensure training for school staff to connect families to resources.
- C. The Superintendent/Designee will review record keeping policies and practices.
- D. The Superintendent/Designee will enhance partnerships with community-based organizations who provide resources for families, including families with questions about immigration laws and deportation.
- E. The Superintendent/Designee will provide annual professional development for employees and third parties on the provisions of this policy.
- F. The Superintendent/Designee will take action in response to a violation of this policy.

**VI. Delegation of Authority**

The Superintendent is authorized to develop procedures for the implementation of this policy.

**VII. References**

- A. Legal
  - Homeland Security Act of 2002 - Section 462
  - Plyler v Doe, 457 U.S. 202 (1982)
  - William Wilberforce Trafficking Victims Protections Reauthorizations Act of 2008 - Section 235
- B. Other Board Policies
  - Policy 1000 Civility
  - Policy 1010 Anti-Discrimination
  - Policy 1040 Safe and Supportive Schools
  - Policy 1060 Bullying, Cyberbullying, Harassment, or Intimidation
  - Policy 3050 Records Management
  - Policy 3060 Student Data Governance and Privacy
  - Policy 9000 Student Residency, Eligibility, Enrollment and Assignment
  - Policy 9010 Attendance
  - Policy 9020 Students' Rights and Responsibilities
  - Policy 9050 Student Records
  - Policy 10000 Student, Parent, Family and Community Engagement
- C. Relevant Data Sources

- D. Other
  - HCPSS Student Code of Conduct
  - U.S. Immigration and Customs Enforcement Policy 10029.2 - Enforcement Actions at or Focused on Sensitive Locations
  - Recognizing Safe School Zones Resolution adopted by the HCPSS Board of Education on September 7, 2017

### **VIII. History**

ADOPTED: October 2, 2018

REVIEWED:

MODIFIED:

REVISED:

EFFECTIVE: July 1, 2019

**PROTECTIONS AND SUPPORTS FOR**  
**FOREIGN-BORN STUDENTS AND FAMILIES**

Effective: July 1, 2019

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**I. Definitions**

Within the context of this policy, the following definitions apply:

- A. Confidentiality – The obligation of the school system or an employee not to disclose or transmit information to unauthorized parties.
- B. Family – A group of two people or more (one of whom is the householder) related by birth, marriage, or adoption and residing together.
- C. Third Party – Parents, mentors, volunteers, vendors, contractors, School Resource Officers and others with whom students or employees interact during school or school-related activities.

**II. Student Protections**

- A. The Superintendent/Designee will communicate to all employees and third parties high expectations for the physical safety, emotional safety, and academic success of all students including foreign-born students and students perceived to be foreign-born.
- B. The Superintendent/Designee will establish procedures to ensure that all employees respond quickly and appropriately when employees are aware of students impacted by immigration enforcement related issues.
- C. Existing policies and procedures in the HCPSS Policy 1000 Series: Foundations and Basic Commitments category related to protecting the safety of all students will be followed to provide safety and protection for foreign-born students and students perceived to be foreign-born.

**III. Information Collection and Record Keeping**

- A. Any request from any agency seeking information about foreign-born students and their families should be referred to the principal or their designee.
- B. HCPSS employees will not request any information regarding immigration status/social security numbers for participation in any school system activity.

1. The Superintendent/Designee will maintain school enrollment/registration procedures that do not require immigration status information, including social security numbers.
  2. The principal/designee will ensure that participation in school activities does not require the reporting of immigration status unless the activity is a field trip and the immigration status is required by the field trip location.
  3. To allow families an opportunity to make informed decisions, the principal/designee will provide all families with adequate information about the criteria for participating in field trips that require immigration status reporting. Should families choose to decline participating, the principal/designee will not require them to give a reason for doing so and will ensure that declining the activity will not impact the student's grade.
  4. The principal/designee will communicate information about school activities and immigration status expectations with Activities and Athletics Managers, classroom teachers, and other school-based employees, as appropriate.
- C. The Superintendent/Designee will ensure adherence to Policy 3050 Records Management in the creation, maintenance and destruction of all HCPSS records to ensure no immigration status data, including social security number, is collected or required.
- D. The Superintendent/Designee will ensure adherence to Policy 9050 Student Records for the security, management and access of HCPSS student records to ensure no immigration status data, including social security number, is collected or required.
- E. The Superintendent/Designee will review all HCPSS policies and procedures on a regular basis to ensure no immigration status data, including social security number, is required, collected or maintained.
- F. As part of the student data governance and privacy program identified in Policy 3060 Student Data Governance and Privacy, the Superintendent/Designee will collaborate with the HCPSS executive leadership to manage and maintain the program that will include an annual review of all HCPSS forms completed by students and families to ensure no immigration status data, including social security number, is collected or required.
- G. The Superintendent/Designee will ensure adherence to Policy 9050 Student Records regarding the protection of directory information as defined in the implementation procedures Sections VI.A.9. and VII.A.4.b.

#### **IV. Family and Community Resources**

- A. The Superintendent/Designee will annually update a resource webpage on the HCPSS website to provide school-based and community resource information available for foreign-born students and families.
  - 1. Translations of documents and information about interpreting services will be available on the webpage.
  - 2. School websites will be linked to the HCPSS resource webpage.
- B. The principal/designee will identify a school point of contact and a team of trained employees (including but not limited to a pupil personnel worker (PPW), school counselor, school nurse, school psychologist, and school-based administrator) who will:
  - 1. Respond quickly and appropriately to the needs of students and families affected by immigration enforcement actions.
  - 2. Maintain the confidentiality of the family's immigration status when referring them to community organizations.
- C. School counselors and liaisons will receive training on the legal guidelines and legislation and the transition to college for students with legal immigration status and those without legal immigration status.
- D. The HCPSS will partner with private and public institutions of higher learning to provide information and resources on the transition to college for students with legal immigration status and those without legal immigration status.

#### **V. Communication and Dissemination**

- A. The Superintendent/Designee will communicate clear protocols to identify how HCPSS employees and third parties should interact with law enforcement including federal immigration authorities, on any property owned or leased by the HCPSS and during school system activities.
- B. The Superintendent/Designee will communicate to the community through various avenues, the development of this policy and the safeguards in place to ensure the handling of privileged information regarding all students, including foreign-born students and students perceived to be foreign-born.
- C. The Superintendent/Designee will provide translations of this policy in languages which represent the HCPSS community.



- D. All communications to the community, students, and HCPSS employees regarding this policy, will be articulated in a manner that does not create anxiety or fear among stakeholders.

## **VI. Professional Development**

- A. The principal/designee will provide professional development with the goal of increasing employee understanding of the diverse experiences and backgrounds of foreign-born students, the legal rights of foreign-born students as well as those perceived to be foreign-born, and an awareness of the resources available to support them.
- B. The Superintendent/Designee will include Policy 1070 in the professional development required for all volunteers.
- C. The Superintendent/Designee will provide annual professional development for employees and coaches on bullying, the responsibilities for bullying reporting, and implicit/explicit bias, including bias based on background and perceived immigration status.
- D. HCPSS student services employees, international liaisons, and/or school points of contact will receive training on the following:
  - 1. Resources and legal protections available for foreign-born students
  - 2. How to respond to requests by federal immigration agents (See Implementation Procedures Appendix)
  - 3. Understanding the confidentiality needs of students
  - 4. Available counseling services, and
  - 5. The potential psychosocial impact on students and families affected by immigration enforcement actions.
- E. The Superintendent/Designee will provide professional development to school registrars, admission secretaries and pupil personnel workers that provide guidance regarding documentation required for enrollment. HCPSS employees will be trained to not ask for immigration status and/or social security numbers when registering new students.

## **VII. Violations of this Policy**

Consequences related to violations of this policy and procedures will be administered using the appropriate HCPSS policy and implementation procedures including but not limited to those described in HCPSS Policy 1000 Series: Foundations and Basic Commitments.

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