



WINOOSKI SCHOOLS
We are the future.

WSD Policy L1

WINOOSKI SANCTUARY SCHOOLS POLICY

First Read: 1/8/2025

Second Read: 2/12/2025

ADOPTION DATE: 3/12/2025

SECTION 1: POLICY SUMMARY

In fulfillment of its obligation to provide a public education free of barriers, regardless of a child's or family member's immigration status, absent any applicable federal or state law, state regulation, or court decision, the Winooski School District site shall establish itself as a safe place for its students and their families if faced with fear and anxiety about immigration enforcement efforts.

SECTION 2: BACKGROUND

A model version of this policy was first developed by legal advocacy organizations, including the ACLU of California and the National Immigration Law Center, for K-12 school Districts that are contemplating adopting protections for their immigrant students. A volunteer Vermont taskforce of educators and advocacy organizations provided localized revisions to the model policy in December of 2024. Key provisions of this policy are:

- Emphasizing the district's responsibility to limit the sharing of student and family information for anyone who is not properly authorized to have access to such information, including federal immigration authorities.
- Preventing community fear by lawfully restricting immigration agents' access to school sites for search and apprehension purposes without the required identification and respective judicial order.
- Prohibiting any unauthorized school staff from willingly and proactively collaborating with federal immigration authorities, including off-duty collaboration for employees who use privileged access to confidential information to collaborate without prior and explicit authorization from the superintendent.
- Providing resources and information for immigrant students and their families in moments of crisis and distress.

SECTION 3: RATIONALE

The Winooski School District, abiding by its responsibility to fulfill its Global Ends Policy and to protect the integrity of an educational program for students that is free of fear, has considered the following:

1. Threats of legal action, and particularly of separation and deportation, against students and their families create severe emotional, psychological and physical barriers to learning and education that can and should be allayed or reduced through support systems;
2. No written state or federal law mandates that local Districts assist ICE in the enforcement of immigration laws;
3. The United States Supreme Court held in Plyer v. Doe (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 their rights to equal protection and due process enshrined by the Fourteenth Amendment;
4. The US Supreme Court has long affirmed all people's Fourth Amendment right to freedom from unlawful government search and seizure, including by Immigration and Customs Enforcement officers;
5. Since 1974, the Federal Family Educational Rights and Privacy Act (FERPA) has prohibited schools from releasing information from students' educational records absent express written permission from parents, caregivers, or eligible students. Since 1996, the Health Insurance Portability and Accountability Act (HIPAA) has similarly prohibited health care providers, which in rare circumstances can include school nurses or other similar school-based health care settings, from releasing protected health information absent express written permission;
6. Migration to this country is often propelled by social, economic, and political factors and native country conditions, immigrants and their families are entitled to compassionate and humane treatment in this country;
7. In Vermont, there is a strong economic and workforce development need that makes in-migration critical to our future;
8. Ensuring that our schools are safe and inviting for all students and their families will facilitate the physical safety and emotional well-being of all children in the District, and is paramount to students' ability to achieve;
9. Immigration enforcement activities around schools create hardships and barriers to health and educational attainment, and a pervasive climate of fear, conflict and stress that affects all students in our District, regardless of their background or status. Children who have a status but whose family members, friends, or schoolmates do

not, and students who are themselves undocumented, are all affected and at risk;

10. Students' ability to achieve is undermined by the removal of their family members during ICE raids and arrests that leave students without adults to supervise or care for them, and the District should have in place policies and procedures to protect and care for such students until a guardian or other designated adult is contacted;
11. Immigration arrests, detentions, and deportations affects families every day, and indications that deportations will increase dramatically has created a climate of heightened fear and anxiety for some students and their families;
12. The record number of deportations in recent administrations tragically has broken apart loving families, devastated communities, and caused widespread fear among immigrants and their family members;
13. Involving school staff in enforcing federal civil immigration law will create the perception that they are immigration agents and decrease students' likelihood of cooperating with educators, the District Liaison Officer, and other school personnel based on fears that this would lead to their deportation or the deportation of family members;

SECTION 4: POLICY REQUIREMENTS

In order to provide a public education, regardless of a child's or family member's immigration status, absent any applicable federal or state law, state regulation, or court decision, the Winooski School District site shall establish itself as a safe place for its students and their families to seek help, assistance, and information if faced with fear and anxiety about immigration enforcement efforts; Furthermore:

1. The Superintendent will designate a District officer and respective office to be established as resource and information site for immigrant students and families; The Superintendent designee will seek to increase and enhance partnerships with community-based organizations and legal services organizations who provide resources for families facing deportation; This includes offering free space to community organizations doing immigration rights work such as know your rights trainings.
2. The Superintendent will partner with legal advocacy institutions to provide assistance and protection to the children in the event that a guardian is detained while a child is in school, or to provide an additional layer of monitoring in the case of direct state intervention in custodial matters post-arrest.
3. The Superintendent designee will distribute in-language Know Your Rights resources for students and family members to cover their rights regarding interactions with law enforcement and immigration agents.
4. 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") and The Health Insurance Portability and Accountability Act "HIPAA", will not disclose, without parental consent, the immigration status of any student, if known or assumed, or other personally identifiable information.
5. Any communication to federal agencies or officials initiated by a school or school personnel concerning confidential information about a student or a student's family member, including but not limited to: information about gender identity; sexual orientation; status as a survivor of domestic violence; survivor of sexual assault; crime witness; recipient of public assistance; actual or perceived immigration or citizenship status; national origin; school discipline record; and all information included in an individual's or household's income tax records, is prohibited, unless permission is granted by the student if 18 years of age or student's parent or guardian.
6. The District will refuse all voluntary information sharing with immigration agents across all aspects of the District to the fullest extent possible under the law.

7. Absent exigent circumstances, any request by immigration agents for information or to access a school site shall be immediately forwarded to the Superintendent for review and a decision on whether to allow access to the site. The request must be provided with reasonable notice so that the Superintendent can take steps to provide for the emotional and physical safety of its students and staff.
8. Should an immigration agent request access to a school site, the Superintendent or authorized designee will ask for the immigration agent's credentials, ~~ask the agent why the agent is requesting access, and ask to see a warrant signed by a federal or state Judge.~~ Immigration agents must provide written authority from ICE instructing them to enter District property, specific location within the district, and for what purpose. A warrant signed by a federal or state Judge which specifies the name of the person under arrest must be provided for entry.
9. Should agents refuse to wait for superintendent authorization, WSD staff will not obstruct, block, or delay the agent's entry but will inform the administration immediately so that an emergency "Hold" Protocol is put in place for all learning areas and all families are notified of the entry.
10. The District will not willingly enter into agreements with state or local law enforcement agencies, ICE, or any other federal agency for the enforcement of federal immigration law, except as required by law.
11. Neither the District nor its staff, faculty, employees, agents, or site-based officers will honor or comply with or otherwise reveal information in response to ICE detainers or other ICE requests within District sites absent a duly executed judicial warrant.
12. The Superintendent will ensure that students are aware of opportunities to gain access to college, in-state tuition, financial aid, scholarships, internships and career opportunities, regardless of their status.
13. The Superintendent or designee will report to the United We Dream hotline at 1-844-363-1423 if an immigration raid occurs at the school or ICE (or direct partners of ICE) violates its policy to stay off school grounds.
14. The Superintendent or designee will identify multilingual staff and/or volunteer community members that are willing and well-equipped to assist in an emergency. This list will be made available to students, family members, and caregivers.
15. The Superintendent shall ensure that all families, students, teachers, school administrators, and other staff gain timely awareness of this policy.

SECTION 5: DEFINITIONS

- “Citizenship or immigration status” means all matters regarding questions of citizenship or nationality of the United States or any other country, the authority to reside in or otherwise be present in the United States, the time or manner of a person’s entry into the United States, a person’s past or present immigration status under federal law, or any other civil immigration matter administered or enforced by the Department of Homeland Security or other federal agency charged with the administration or enforcement of civil immigration law.
- “Immigration agent” shall mean an agent of the U.S. Department of Homeland Security, such as the U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection, any individuals authorized to conduct enforcement of civil immigration laws under 8 U.S.C. §1357(g) or any other federal law, other federal agents charged with enforcement of civil immigration laws, and any successors. All mentions of “immigration agent” in this policy assume that the agent is acting in their official capacity and performing their respective duties. Nothing in this policy precludes a Winooski guardian, parent, caregiver, or community member who is employed by a law enforcement entity from accessing the premises pursuant to policies applicable to non-agents.
- “Enforcement actions” include checkpoints; arrests; interviews; searches; surveillance; obtaining records, documents, and similar materials; and other actions for the purposes of civil immigration law administration or enforcement.