



Office of Legal Counsel
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**RESPONDING TO REQUESTS FOR ACCESS TO DISTRICT PROPERTY, STUDENTS, OR
STUDENT RECORDS
BY IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)**

To: All APS Employees

Date: Feb. 24, 2017

Background: These procedures are intended to provide direction to all employees on handling requests from federal immigration officials.

To be clear, we do not have any indication that there has been or will be immigration actions in our schools or on our district property. Under [federal policy](#) that remains in effect, schools are “sensitive locations” where immigration enforcement should not happen. Again, we do not want to cause alarm to our students or families because we have no reason to believe that immigration enforcement actions will happen on our property. At the same time, we want our families and students to know and feel comforted by the fact that we are prepared for any possibility.

Procedures

District employees shall follow the procedures below if they are contacted by federal immigration officials who are seeking access to students or any student information.

Requests for access to students:

1. Politely inform the federal immigration officer that [we have a process](#) regarding requests to talk to our students and that you will need to contact the APS Office of General Counsel (“the legal office”).
 - a. For non-school leaders, immediately reach out to your school leader or any other administrator who can be quickly located and the school leader can take charge of the procedures below.
2. Once the school leader is located, the school leader should tell the immigration official that the school leader needs to gather some information from the official in order to expedite the review by our legal office. Specifically, we need to know:
 - a. Name and badge number of the immigration agent;
 - b. The phone number of the agent’s supervisor;
 - c. The purpose of their visit;
 - d. Whether they have a warrant, and if so, can they provide us with a copy;
 - e. Any other documentation that would be helpful for our legal office to review the request.
 - f. Take notes and scan the documents provided or take pictures with your phone if a scanner is not available.
3. Ask the immigration officer to give you a few minutes to call the legal office. You can ask them to wait outside the school. Alternatively, if it appears the officer is being cooperative, you can ask him/her to wait in an appropriate area of the front office.

4. Contact the APS legal office at (303) 326-1800 or extension 28301.
 - a. The legal office will ask you to send any documents that you received and to share any information that was provided.
 - b. The legal office will advise on next steps.
5. If the APS legal office is not open or available, call Security at (303) 365-7816. You can also reach out to the Security first if the immigration agent is not working cooperatively with the school.
6. After you are done speaking with the legal office, call Security and let them know about the situation.

Emergency exception to these procedures:

There may be extremely rare situations where the federal immigration officer tells you something along the lines of: This is an emergency or these are “exigent circumstances.” Alternatively, the immigration officer might say something like: I am giving you a lawful order to let me talk to this student. In this situation, you should comply with the officer’s order and not interfere. Immediately contact the APS legal office at (303) 326-1800 or extension 28301 and/or Security at (303) 365-7816 for further guidance.

Requests for information regarding students:

The District would not typically provide records to immigration officials under FERPA unless we have a release or there is a warrant/court order directing the release. There are other FERPA exceptions that may apply such as the emergency situation exception, but those two set forth above would cover the vast majority of cases. We have an agreement with APD to provide disciplinary and attendance records if they are investigating a matter. We do not have an agreement with ICE, so that arrangement would not apply to them.

If you receive a request for information about a student from federal immigration officials, please immediately contact the APS legal office at (303) 326-1800 or extension 28301 and the APS legal office will handle the response.