Administrative Procedure – Managing Agency and Outside Law Enforcement Requests

The District responds to all requests from various government agencies and law enforcement agencies regarding access to school property, records, students, and staff. The Attorney for the District should be consulted, as needed, regarding the legal requirements presented by this Administrative Procedure.

The Ill. Council of School Attorneys, with participation from the DuPage County State's Attorney's Office and Regional Superintendent of Schools, developed *Guidelines for Interviews of Students at School by Law Enforcement Authorities (ICSA Guidelines)* to assist law enforcement agencies and school officials in determining when it is appropriate for law enforcement agencies or the Ill. Dept. of Children and Family Services to interview students at school or while participating in school-related activities. The document is available at: https://www.iasb.com/policy-services-and-school-law/guidance-and-resources/guidelines-for-interviews-of-students/.

Use this procedure to implement 105 ILCS 5/22-~~105~~106(c)(4), added by P.A. 104-0288~~, eff. July 1, 2026~~, for reviewing and authorizing requests from government agencies and/or outside law enforcement agents attempting to enter a school or school facility, in particular requests relating to citizenship or immigration status. Use the *ICSA Guidelines* and this procedure in consultation with the ~~Board~~ Attorney for the District to customize the District's response to any agency or law enforcement requests.

The topics outlined in this Administrative Procedure include: Glossary of Terms; Procedures, Roles, and Responsibilities; and Training.

Glossary of Terms

Citizenship or immigration status - means all matters regarding citizenship of the United States or any other country or the authority or lack thereof to reside in or otherwise to be present in the United States, including an individual's nationality and country of citizenship.

Outside law enforcement agent - means an agent of federal, State, or local law enforcement authorized with the power to arrest or detain individuals or manage the custody of detained individuals for a law enforcement purpose, including civil immigration enforcement. Law enforcement agent does not include a School Resource Officer (SRO) as defined in 105 ILCS 5/10-20.68 and below.

Nonjudicial warrant - means a warrant issued by a federal, State, or local agency authorized with the power to arrest or detain individuals or manage the custody of detained individuals for any law enforcement purpose, including civil immigration enforcement. *Nonjudicial warrant* includes an immigration detainer or civil immigration warrant as defined in the Illinois TRUST Act. *Nonjudicial warrant* does not include a criminal warrant issued upon a judicial determination of probable cause, in compliance with the requirements of the Fourth Amendment to the U.S. Constitution and Section 6 of Article I of the Ill. Constitution.

~~*Prevailing party* includes any party: (1) who obtains some of their requested relief through a judicial judgment in their favor; (2) who obtains some of their requested relief through a settlement agreement approved by the court; or (3) whose pursuit of a non-frivolous claim was a catalyst for a unilateral change in position by the opposing party relative to the relief sought.~~

School - means every public school, school district, and governing body, including a special charter district or charter school, organized under this Code, and its agents, including a contracted party.

School resource officer (SRO) - means a law enforcement officer who has been primarily assigned to a school or the District under a memorandum of understanding between a law enforcement agency and the District.

Procedures, Roles, and Responsibilities

Actor	Action
Superintendent	Ensures the District does not use procedures or engage in practices that, due to the actual or perceived citizenship or immigration status of a student or a student's parent/guardian, have the effect of: 1. Excluding a student from participation in, or denying the benefits of, any District program or activity. 2. Excluding participation of the student's parent/guardian from parental engagement activities or programs. Examples of prohibited practices include, but are not limited to: requesting or collecting information or documentation from a student or the student's parent/guardian about citizenship or immigration status unless required by State or federal law; and designating immigration status, citizenship, place of birth, nationality, or national origin as directory information. Ensures the District does not: 1. Threaten to disclose anything related to the actual or perceived citizenship or immigration status of a student or a person associated with the student to any other person or entity or an immigration or law enforcement agency. 2. Disclose anything related to the actual or perceived citizenship or immigration status of a student or a person associated with the student to any other person or entity or an immigration or law enforcement agency if the school does not have direct knowledge of the student's or associated person's actual citizenship or immigration status, subject to applicable State and federal requirements governing the disclosure of such records or information. 3. Disclose anything related to the actual citizenship or immigration status of a student or a person associated with the student to any other person or nongovernmental entity if the District has direct knowledge of the student's or associated person's actual citizenship or immigration status, subject to applicable state and federal requirements governing the disclosures of such records or information. Develops a process for documenting all interactions with outside law enforcement agents while on a school's premises and for monitoring or accompanying agents during the process.

	Reviews current Board policies and administrative procedures to ensure that no discriminatory practices are in place regarding citizenship or immigration status. Ensures that no questions related to citizenship or immigration status are asked during enrollment, unless explicitly required by federal or State law. Prohibits requesting or collecting information or documentation from a student or the student's parent/guardian about citizenship or immigration status, unless required by State or federal law. Determines changes as needed to the District's designation of *directory information* to prevent collection of information relating to immigration status, citizenship, place of birth, nationality, or national origin. Develops a standardized form for documenting law enforcement requests for access to students, school grounds, or records. See Exhibit 7.150-AP1, E1, *Record of Agency and Law Enforcement Requests*. Ensures all such documentation is reviewed by the Attorney for the District and appropriately maintained.

Requests for Access by Outside Law Enforcement Agents

Building Principal or Administrator	Requests the purpose of the outside law enforcement agent's visit. Verifies the outside law enforcement agent's credentials (name, title, badge number, and law enforcement agency or unit) and any legal process, including judicial warrants, nonjudicial warrants, and subpoenas. Records this and the other information needed to complete Exhibit 7.150-AP1, E1, *Record of Agency and Law Enforcement Requests*. Note: Federal law prohibits photocopying or scanning of a federal employee's badge, identification card, or insignia, but notes should be made of the showing of the badge, or giving of a business card, and of any information on the badge without making a scan or copy. Communicates to the outside law enforcement agent that the District is consulting with the Attorney for the District and will respond as soon as possible or with an estimated amount of time if available. If the outside law enforcement agent claims there are exigent circumstances and they are unable to wait (see below). Contacts the Attorney for the District to discuss the request and provides the Attorney for the District with any legal process received from the outside law enforcement agent. The Attorney for the District will determine whether a warrant is a judicial warrant, an Immigration and Customs Enforcement (ICE) administrative warrant, or another administrative agency warrant. If a subpoena is presented seeking student records, the Attorney for the District will direct that the student's parent/guardian be informed immediately.

	Notifies and seeks consent from a student's parent/guardian, or from the student if the student is 18 years old or older or emancipated, prior to allowing access to the student unless such access is in: 1. Compliance with a judicial warrant or subpoena that restricts disclosures of the information to the student's parent/guardian; or 2. Exigent circumstances (see below). If notice to and consent from a student's parent/guardian cannot be made prior to allowing access to the student, the notice should be made as soon as possible unless the outside law enforcement agent requests the parent/guardian not be notified because: 1. There is a risk that notification to the student's parent/guardian may pose imminent danger to the health or safety of the student, other students, school employees, or other persons in the community; or 2. The student's parent(s)/guardian(s) are suspected of serious criminal activity or of co-involvement with the student in criminal activity. Requests by outside law enforcement agents not to notify the parent/guardian should be in writing. Documents attempts to notify the student's parent/guardian. Monitors and accompanies the outside law enforcement agent while on school premises and documents the interaction including any interview. <u>Requests for the District to Comply under Exigent Circumstances</u> If the outside law enforcement agent claims exigent circumstances: 1. Explains to the outside law enforcement agent the District's need to take caution and contact the Attorney for the District as well as to notify the student's parent/guardian. If the agent insists on exigent circumstances, then complies with the agent's request while providing an escort to monitor and accompany the agent; 2. Consults the Attorney for the District immediately; 3. Contacts the student's parent/guardian unless the outside law enforcement agent requests the parent/guardian not be notified because: a. There is a risk that notification to the student's parent/guardian may pose imminent danger to the health

	or safety of the student, other students, school employees, or other persons in the community; or b. The student's parent(s)/guardian(s) are suspected of serious criminal activity or of co-involvement with the student in criminal activity; 4. Documents the outside agent's claim of exigent circumstances. See Exhibit 7.150-AP, E1 *Record of Agency and Law Enforcement Requests*. Outside law enforcement agent access to a student for immigration enforcement purposes is not an exigent circumstance. Examples of exigent circumstances include, but are not limited to the follow instances: 1. There is a risk that delay in access to the student may pose imminent danger to the health or safety of students, school employees, or other persons in the community. In such case, the student's parent/guardian will be contacted as soon as soon as possible once the imminent danger is no longer present. 2. Law enforcement authorities need to act promptly to prevent destruction of evidence of a serious crime, or flight from the jurisdiction by a person suspected of serious criminal activity. <u>Requests to Take a Student into Custody</u> **Consults the Attorney for the District immediately.** No student shall be removed from the school by an outside law enforcement agent without the consent of a parent/guardian, except upon service of a valid warrant of arrest, in cases of warrantless temporary protective custody, or when probable cause for arrest exists. When an outside law enforcement officer has no warrant and asserts that probable cause exists, the Building Principal or designee will inform the outside law enforcement officer that removal of the student from the school should occur through the least disruptive means as possible (i.e. through the shortest, least conspicuous route), as determined by the Building Principal or designee. To minimize disruption, consider offering to have the individual student escorted to the office by a staff member instead. If a parent/guardian is absent, the Building Principal or designee and one other adult witness, selected by the Building Principal or designee, will be present during the removal of the student from the school building. **Note:** A judicial warrant authorizes the agent to enter the school and go directly to the person who is the subject of the warrant. <u>Requests to Question a Student</u>

	Consults the Attorney for the District immediately if a warrant, court order, or subpoena is presented. Notifies the student's parent/guardian of the request unless the outside law enforcement agent requests the parent/guardian not be notified because: 1. There is a risk that notification to the student's parent/guardian may pose imminent danger to the health or safety of the student, other students, school employees, or other persons in the community; or 2. The student's parent(s)/guardian(s) are suspected of serious criminal activity or of co-involvement with the student in criminal activity; or 3. Law enforcement authorities need to act promptly to prevent destruction of evidence of a serious crime, or flight from the jurisdiction by a person suspected of serious criminal activity.~~.~~ At the discretion of the school administration, parents/guardians notified of a request by an outside law enforcement agent to question their student should be given the opportunity to be present unless there are exigent circumstances. If a parent/guardian is absent, the Building Principal or designee should be present during any interview. If questioning is going to take place during school hours, arranges to make a private office location available. Alternatively, asks the agent to wait and arranges a meeting time after school or away from school. Documents all consent granted. <u>Requests for Student Records</u> Informs the outside law enforcement agent that the school does not collect immigration documentation. Explains to the outside law enforcement agent that most student records are confidential under federal and State student records laws and cannot be immediately released. **Note:** Parents/guardians have the right to be informed of all directory information and to opt out of directory information even if the records sought by the law enforcement agent appear to be directory information. Informs the outside law enforcement agent that the District requires time to cross-check the agent's request with the list of students for whom directory information is not available due to opt out by the student's parent/guardian.

	Explains to the outside law enforcement agent that the Attorney for the District is reviewing the matter so that the District may respond in compliance with law.
Attorney for the District	Immediately notifies the Superintendent or designee. Provides legal guidance to Building Principals and Administrators and reviews any legal documentation provided, including judicial warrants, nonjudicial warrants, and subpoenas.
Classroom Teachers	If in a position of responding to an outside law enforcement agent, e.g., while in the front office, at a door as a door monitor, or anywhere on school grounds, follows the procedures for All School Personnel below.
All School Personnel	Refrain from disclosing or threatening to disclose anything related to the actual or perceived citizenship or immigration status of a student or a person associated with the student to any person, entity, or immigration or law enforcement agency, unless directed by the Superintendent, Building Principal, or designee. Respond courteously to an outside law enforcement agent by informing the agent that only an authorized administrator may provide responses to law enforcement requests regarding students, employees, or records. **Note:** Public-facing staff should not speculate or try to answer any of the agent's questions. Inform the outside law enforcement agent that the Building Principal or Administrator will be notified. Call the Building Principal or Administrator using any method available, e.g., telephone, walkie talkie, public announcement system, to request to meet the outside law enforcement agent in a designated location (front office) and escort the agent to that location if necessary. Ask the law enforcement agent to please wait in the designated location. **Note:** This is a complicated determination that may be made by the Superintendent, Building Principal, or designee. A federal law enforcement agent must have certain authorization to enter an area of a school building that is not open to the public, specifically in one of the following ways: A judicial warrant issued by a federal judge or magistrate. Only the Attorney for the District or the Superintendent or designee, in the absence of the Attorney for the District, should verify that such a warrant is presented. Consent from the Superintendent, Building Principal or Administrator, or designee. The Superintendent, Building Principal or Administrator, or designee can grant consent to access the building but is not required to grant consent. Even if consent is granted, the outside law enforcement agent should

	be escorted by a Building Principal or Administrator, or designee at all times. Exigent circumstances, such as risk to public safety or destruction of evidence. If a law enforcement agent states that exigent circumstances exist, document that the officer relied on this standard and allow the agent to proceed with an escort. Call the Superintendent, Building Principal or Administrator, or designee based on the priority list until the Superintendent, Building Principal or Administrator, or designee is found and confirms ability to promptly respond in person to the office in need or communicate with the agent over the phone.

Requests for Access by the Illinois Department of Children and Family Services (DCFS)

Building Principal or Administrator	Follows the Agreed Protocol for Child Abuse and Neglect Reporting by and Between Unit 5 and DCFS adopted by the Board as Exhibit 7.150-E1. Notifies the school resource officer (SRO) or local law enforcement and the Attorney for the District of a DCFS investigator's request to interview a student at school, verify the investigator's name and State of Illinois identification badge, review any papers pertaining to a legal process, and obtain a completed copy of the School Protocol Letter from the investigator. If the DCFS investigator presents a court order, an interview must be allowed. If no court order is presented by DCFS, the Building Principal or designee will allow reasonable access to interview the student. Makes a written record of the DCFS investigator's name, request, and any accompanying paperwork. Coordinates the timing with DCFS and the SRO or local law enforcement of any notifications to the student's parents/guardians that the student is subject to an interview. If the DCFS investigator does not want parent(s)/guardian(s) to be notified or present during the interview, this stipulation should be in writing and signed by the DCFS agent. Interviews will be conducted in a private, interior setting. The Building Principal or designee will be present during the interview and sign a CANTS 23 (non-disclosure form). If circumstances warrant, the student may be removed from school by the DCFS investigator pursuant to the Juvenile Court Act, or if a law enforcement officer or a DCFS investigator assumes temporary protective custody pursuant to the Illinois Abused and Neglected Child Reporting Act. The Building Principal or designee will request that the DCFS investigator/agent or law enforcement officer 1. Sign an appropriate document memorializing that fact before assuming custody; or

	2. Provide permission for the Building Principal or designee to create a copy of the documentation presented authorizing the temporary custody of the student. The person taking or retaining a child in temporary protective custody shall immediately make every reasonable effort to notify the person responsible for the child's welfare and shall immediately notify the Department.

Training

Superintendent	Reviews and approves training for all school personnel based on this procedure. Provides training for all District administrative office personnel on implementation of this procedure.
Building Principal	Provides training for all school personnel on implementation of this procedure. Provides resources and guidance for school personnel in responding appropriately to agency and law enforcement requests, including scenarios.

LEGAL REF.: U.S. Constitution, Amend. IV.
8 U.S.C. §1373 and §1644.
Plyler v. Doe, 457 U.S. 202 (1982).
Ill. Constitution, Art. I, §6.
105 ILCS 5/10-20.64, 5/10-20.68, 5/22-88, 5/22-~~105~~106, and 5/24-24.
55 ILCS 80/1 et seq., Children's Advocacy Center Act.
325 ILCS 5/1 et seq., Abused and Neglected Child Reporting Act.
720 ILCS 5/31-1 et seq., Interference with Public Officers Act.
725 ILCS 120/1 et seq., Rights of Crime Victims and Witnesses Act.