

Students

Agency and Law Enforcement Requests¹

The District recognizes the right of every student to equal access to a free public education under State and federal law, consistent with Board policy 7:10, *Equal Educational Opportunities*. District administrators and staff stand *in loco parentis*² when government agency and law enforcement authority requests occur at school.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ By 7-1-26, 105 ILCS 5/22-105(d), added by P.A. 104-288, eff. 1-1-26, requires a board to adopt a policy to ensure that no child is denied a free public education based on the child's perceived or actual citizenship or immigration status, consistent with the U.S. Supreme Court's decision in *Plyler v. Doe*, 457 U.S. 202 (1982), which held that it is unconstitutional for states to deny children a free public education based on immigration status. The **Federal and State Law Requirements Regarding Citizenship and Immigration Status in Schools** subhead of this sample policy contains the policy elements required by 105 ILCS 5/22-105(d). By 7-1-26, districts are also required to develop procedures for reviewing and authorizing requests from *law enforcement agents* attempting to enter a school or school facility. 105 ILCS 5/22-105(c)(4), added by P.A. 104-288, eff. 1-1-26. 105 ILCS 5/22-105(b), added by P.A. 104-288, eff. 1-1-26, defines *law enforcement agent* as "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 as defined in 105 ILCS 5/10-20.68. *Id.* See sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*.

The Illinois TRUST Act, 5 ILCS 805/, prohibits law enforcement agencies and officials from enforcing federal civil immigration laws. Under 5 ILCS 805/15(b), law enforcement cannot stop, arrest, search, detain, or continue to detain a person solely based on an individual's citizenship or immigration status. The Keep Illinois Families Together Act, 5 ILCS 835/, further provides that no law enforcement agency or official may enter into or remain in an agreement with U.S. Immigration and Customs Enforcement (ICE) under a federal 287(g) program, which would permit ICE to delegate certain enforcement duties to State and local law enforcement agencies.

An excellent resource is the *Guidelines for Interviews of Students*, published by the Ill. Council of School Attorneys (ICSA *Guidelines*) at: www.iasb.com/law/ICSAGuidelinesforInterviewsofStudents.pdf. Another resource, *Policing in Schools, Developing a Governance Document for School Resource Officers in K-12 Schools*, developed by the American Civil Liberties Union (ACLU), is available at: www.aclu.org/racial-justice/policing-schools-developing-governance-document-school-resource-officers-k-12-schools. It, like the *ICSA Guidelines*, highlights the need for collaboration between law enforcement and school officials. It recommends that school officials provide law enforcement agencies with information about the school's mission to ensure a safe school environment while respecting student rights. To accomplish this, the ACLU recommends that school officials create a *model governance document*, e.g., 7:150-AP, *Managing Agency and Law Enforcement Requests*, and provide it to law enforcement authorities with whom they work.

The Ill. State Board of Education (ISBE) published *Non-Regulatory Guidance on Immigration Enforcement Actions* (Jan. 2025) available at: www.isbe.net/Documents/Immigration-Enforcement-Guidance.pdf. In addition, ISBE published *Non-Regulatory Guidance on Registration: Residency & Enrollment, Immigrant Pupils, Homeless Pupils and School Fees & Waivers* (September 2025) available at: www.isbe.net/Documents/guidance_reg.pdf. Another helpful resource is *School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA)*, from the Privacy Technical Assistance Center of the U.S. Dept. of Educ. (2019), at: www.studentprivacy.ed.gov/resources/school-resource-officers-school-law-enforcement-units-and-ferpa.

105 ILCS 5/10-20.64 prohibits *student booking stations* from being established or maintained on school grounds. A *student booking station* is "a building, office, room, or any indefinitely established space or site, mobile or fixed, which operates concurrently as: (1) predominantly or regularly a place of operation for a municipal police department, county sheriff department, or other law enforcement agency, or under the primary control thereof, and (2) a site at which students are detained in connection with criminal charges or allegations against those students, taken into custody, or engaged with law enforcement personnel in any process that creates a law enforcement record of that contact with law enforcement personnel or processes." 105 ILCS 5/10-20.64(d).

² 105 ILCS 5/24-24. See the *ICSA Guidelines*, for a discussion of *in loco parentis*.

Federal and State Law Requirements Regarding Citizenship and Immigration Status in Schools³

No student shall be denied an education based on the student's, or their parent's/guardian's, actual or perceived citizenship or immigration status. Based on such status, the District will not:

1. Exclude a student from participating in, or deny them the benefits of, any District program or activity.⁴
2. Use policies or procedures or engage in practices that have the effect of excluding a student from participating in or denying the benefits of any District program or activity.⁵
3. Use policies or procedures or engage in practices that have the effect of excluding participation of a student's parent(s)/guardian(s) from District parental engagement activities or programs.⁶
4. Threaten to disclose information related to the actual or perceived citizenship or immigration status of a student or a person associated with the student to any other person, entity, or immigration or law enforcement agency.⁷
5. Disclose information related to the perceived citizenship or immigration status of a student or a person associated with the student to any other person, entity, or immigration or law enforcement agency if the District does not have direct knowledge of the student's or associated person's actual citizenship or immigration status, subject to the requirements in 105 ILCS 5/22-105(c)(3).⁸
6. Disclose information 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 status, subject to the requirements in 105 ILCS 5/22-105(c)(3).⁹

State law does not prohibit or restrict the District from sending or receiving information about the citizenship or immigration status of an individual to or from the U.S. Dept. of Homeland Security or any other governmental entity under 8 U.S.C. §§1373 and 1644.¹⁰

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³ The contents of this subhead are required by 105 ILCS 5/22-105(d), added by P.A. 104-288, eff. 1-1-26.

⁴ 105 ILCS 5/22-105(c)(1), added by P.A. 104-288, eff. 1-1-26.

⁵ *Id.* at (c)(2), added by P.A. 104-288, eff. 1-1-26.

⁶ *Id.*, added by P.A. 104-288, eff. 1-1-26.

⁷ *Id.* at (c)(3)(A), added by P.A. 104-288, eff. 1-1-26.

⁸ *Id.* at (c)(3)(B), added by P.A. 104-288, eff. 1-1-26. Districts must also still comply with federal and State laws, e.g., FERPA and the Ill. School Student Records Act, governing the disclosure of student records or information. *Id.* 8 U.S.C. §1373(b) states, "Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual: (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service. (2) Maintaining such information. (3) Exchanging such information with any other Federal, State, or local government entity." 8 U.S.C. §1644 states, "Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States." See also, Section VII of the *ICSA Guidelines* for a discussion of the intersection of federal and state laws relating to compliance with immigration enforcement actions. This area of law is rapidly evolving and the subject of litigation by the federal government challenging Illinois laws that limit local and state cooperation with federal immigration authorities. **Consult the board attorney regarding legal requirements when requests are received from federal law enforcement agencies.**

⁹ 105 ILCS 5/22-105(c)(3)(C), added by P.A. 104-288, eff. 1-1-26, and see f/n 8, above, for additional legal compliance considerations.

¹⁰ See f/n 8, above.

Responding to Agency and Law Enforcement Requests ¹¹

The Superintendent shall develop procedures to manage requests by government agencies or law enforcement authorities regarding students at school. Procedures will:

1. Recognize individual student rights and privacy.
2. Recognize the potential impact the release of information or an interview may have on an individual student.
3. Minimize potential disruption.
4. Foster a cooperative relationship with government agencies and law enforcement authorities.
5. Maintain discipline and recognize that school employees stand in the relationship of the parents/guardians to the students¹² during the school day.
6. Comply with State law including, but not limited to, ensuring that before a law enforcement agent, school resource officer, or other school security person detains and questions on school grounds a student under 18 years of age who is suspected of committing a criminal act, the Superintendent or designee will: ¹³
 - a. Notify or attempt to notify the student's parent(s)/guardian(s) and document the time and manner in writing;
 - b. Make reasonable efforts to ensure the student's parent/guardian is present during questioning or, if they are not present, ensure that school employees (including, but not limited to, a school social worker, psychologist, nurse, counselor, or any other mental health professional) are present during the questioning; and
 - c. If practicable, make reasonable efforts to ensure a trained law enforcement officer to promote safe interactions and communications with the student is present during questioning. ¹⁴

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¹¹ With the exception of items #6 and #7, the listed standards for procedures are at the local school board's discretion and may be omitted. For procedures addressing #1-6, refer to the *ICSA Guidelines* in consultation with the board attorney. For procedures addressing the items listed in #7, refer to sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*, in consultation with the board attorney. Procedures covering item #7 are required by 105 ILCS 5/22-105, added by P.A. 104-288, eff. 1-1-26, and must be implemented by 7-1-26.

¹² See f/n 2, above.

¹³ 105 ILCS 5/22-88. The statute does not specifically assign these duties to a school official, but instead states that "a law enforcement officer, school resource officer, or other school security personnel" must ensure these conditions are met before detaining and questioning a student on school grounds. For ease of implementation, this policy assigns these duties to a school official as they routinely contact parents/guardians and can arrange for the presence of school personnel during an interview. See the *ICSA Guidelines* for further discussion of school officials' responsibilities when law enforcement authorities interview students at school.

¹⁴ 105 ILCS 5/22-88(b)(4). 105 ILCS 5/22-88 uses the term *law enforcement officer* but does not define it, whereas 105 ILCS 5/22-105, added by P.A. 104-288, eff. 1-1-26, uses and defines the term *law enforcement agent*. See f/n 1, above. With the exception of *trained law enforcement officer* in Item #6.c, this sample policy and sample administrative procedure 7:150-AP, *Managing Agency and Law Enforcement Requests*, use *law enforcement agent*. A *trained law enforcement officer* is someone who: (1) received training in youth investigations approved or certified by his/her law enforcement agency or under 50 ILCS 705/10.22, or (2) is a juvenile police officer per 705 ILCS 405/1-3(17). 105 ILCS 5/22-88(b)(4).

7. Manage reviewing and authorizing requests from law enforcement agents attempting to enter a school or school facility, in accordance with the requirements of 105 ILCS 5/22-105(c)(4).¹⁵

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, and 5/24-24.
55 ILCS 80/, Children's Advocacy Center Act.
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/31-1 *et seq.*, Interference with Public Officers Act.
725 ILCS 120/, Rights of Crime Victims and Witnesses Act.

CROSS REF.: 2:160 (Board Attorney), 2:260 (Uniform Grievance Procedure), and 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 5:90 (Abused and Neglected Child Reporting), 7:10 (Equal Educational Opportunities), 7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:190 (Student Behavior)

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¹⁵ 105 ILCS 5/22-105(c)(4), added by P.A. 104-288, eff. 1-1-26, requires a district to develop procedures that: (1) designate authorized personnel at the school and the superintendent's office or school administrative office who may contact the board attorney, (2) require the designated authorized person and board attorney to work together to review requests from law enforcement agents to enter a school or school facility, including under judicial warrants, nonjudicial warrants, and subpoenas, (3) require the designated authorized personnel to monitor or accompany and to document all interactions with law enforcement agents while on the school's premises, and (4) require the designated authorized person to notify and seek consent from a student's parent/guardian, or from the student if the student is 18 years old or older or emancipated, if a law enforcement agent requests access to a student for immigration enforcement purposes, unless such access is in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the student's parent/guardian.

Regarding requirement #2 in the paragraph immediately above, ensure that the superintendent's authority to designate others to contact the board attorney aligns with policy 2:160, *Board Attorney*. The superintendent will need to work with the board attorney to create a list of administrators authorized to consult directly with the board attorney if any agency or law enforcement request is received. Factors to consider when drafting this list include: the type of request received, the type of agency or law enforcement unit making the request, whether or not a warrant is presented, and whether or not exigent circumstances are claimed.