



## **Navigating the Legal Landscape: Recommendations for Officers on Your Campus**

The role and responsibilities of officers operating within your district may be set out within a Memorandum of Understanding (MOU) or Agreement (MOA), and may be further clarified in additional memos or policy documents produced by the district and/or contracting law enforcement agency. If officers will be present on your campuses, it is critical to ensure that your district take the following steps:

### **1. Governing Principles of the Agreement Should Prioritize Creating Safe and Positive School Environments that Keep Students in School.**

It is critical that any law enforcement agency operating on a school campus operate from the premise that school campuses should be safe and positive environments that keep students in school. We recommend that any agreement or policy document addressing the presence of officers on school campuses establish and reflect the commitments that:

- Excellent and equitable public education is essential to the well-being of individuals, communities, and the State of Texas;
- For students to access an excellent public education, they must feel safe in school; and
- Positive relationships and a supportive school culture are crucial in maintain safety and security in school.

Further, the district and any outside law enforcement agency should establish consensus on and memorialize the following goals:

- To promote school safety and a positive school climate;
- To create a school environment in which conflicts are de-escalated and students are provided developmentally appropriate and fair consequences for misbehavior that address the root cause of their misbehavior, while minimizing the loss of instruction time;
- To create a common understanding that school administrators and teachers are ultimately responsible for school discipline and culture, that law enforcement should not be involved in the enforcement of school rules, and a clear definition of the roles and responsibilities of law enforcement, with regular review by student, parent, teacher, and staff stakeholders, is essential;
- To minimize the number of school-based arrests and citations while maintaining a safe school climate;
- To ensure that any law enforcement officers who have contact with students receive the requisite training and experience about how to work with youth, especially youth with disabilities and youth from high-risk or high-need backgrounds; and
- To ensure that law enforcement officers do not have disproportionately more contact with high-risk or high-need populations.

### **2. All Policy Documents Should Expressly Prohibit Law Enforcement Officers on School Campuses from Inquiring About or Considering Immigration Status.**

To ensure that all students feel safe in school, it is imperative that policy documents prohibit any officers on a school campus from inquiring about or considering the immigration status of any person with whom those officers come into contact. This includes students, parents, employees of the school district, and any of these students' or employees' family members. Policy documents should expressly prohibit the detention of a student, school employee, or family member solely on the basis of facts suggesting that the individual has violated federal immigration law.

Contracting or external law enforcement agencies may have policies that subject students or employees and their families to immigration-related inquiries when not on school campuses. Accordingly, policy documents should also require that any officer on a school campus receive supervisory approval before taking a student into custody and taking a student off campus.

**3. All Requests for Assistance from Immigration and Customs Enforcement (“ICE”) or Customs and Border Protection (“CBP”) Should Route Through the Police Chief or Her Designee.**

Requests for assistance from ICE or CBP made to law enforcement officers on campus should be directed to the department’s police chief or her designee. The chief should determine whether the request was made for assistance with respect to an imminent physical danger to the campus. If not, the chief should deny the request.

Requests for assistance from law enforcement agencies with shared jurisdiction over the campus should be directed to the department’s police chief. Unless a student on campus is in imminent physical danger, if the request for assistance involves, to any degree, the enforcement of any federal immigration laws—civil or criminal, the police chief should deny the request.

**4. All Officers Serving on School Campuses Should Be Trained on Their Role in Upholding the Right to Equal Public Education.**

All officers serving on school campuses should be trained about the negative impacts on a student’s access to public education caused by immigration enforcement or perceived risk of immigration enforcement on and around school campuses. Officers should be made aware that, in the face of actual or perceived immigration enforcement, students and their families may be reluctant to cooperate with officers, school administrators, and other school employees. They may also be deterred from visiting the school district’s campuses at all, reducing participation in class, school activities, and extra-curricular activities.

**5. The District and Police Department Should Jointly Conduct Outreach to Students and Their Families.**

Officials from the district and contracting law enforcement agency should reach out to students and their families via letter or email regarding these policies and affirm their commitment to ensuring safe and equal access to education, regardless of immigration status. The correspondence should explain that officers on school campuses are exempt from the requirements of SB 4 and that immigration enforcement will not occur on or near the district’s campuses by the contracting law enforcement agency. Copies of the correspondence should be prominently displayed online on the district’s webpage.