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# Federal Immigration Enforcement: Sanctuary Districts, Safe Zones, Records, Plyler and DACA

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# Federal Immigration Enforcement: Sanctuary Districts, Safe Zones, Records, *Plyler* and Employees

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The election of President Donald Trump in November 2016 was a bellwether moment in the United States. Immigration was perhaps the single most important issue of his campaign; he focused heavily on taking a tougher stance on enforcing immigration laws against both legal and undocumented immigrants in the U.S., and immediately took steps to fulfill these campaign promises. His election immediately prompted a host of legal questions from school districts. Schools across the U.S. have asked how they should address student and family concerns related to immigration enforcement. Can immigration enforcement officers enter school property to conduct immigration investigations and arrest students? Additionally, do school districts have the authority to prevent them from doing so? Additionally, what are school districts' obligations under the law with respect to federal immigration enforcement?

As education and immigration lawyers, we have been fortunate to be in a position to counsel schools navigating these thorny issues. The reaction from schools has varied. Many schools have publicly responded by reaffirming their commitment to educating all students, regardless of immigration status, while others have issued resolutions stating an official position of non-cooperation with immigration enforcement functions in the U.S. Others have not taken a public position but have continued to rely upon existing federal and state law to ensure the confidentiality of student records.

This paper outlines guidance on navigating these issues and sets forth basic legal principles that all school districts should consider following, regardless of their specific response. In doing so, we will review the legal guidance governing undocumented students' right to attend public schools, how President Trump's immigration enforcement strategies are reshaping the landscape, the concept of a sanctuary school, and how school districts can prepare for the possibility of contact with immigration enforcement on school grounds.

## I. School Districts Take Note of Shifting Immigration Policies

Enrollment of Undocumented Students

School district officials and staff should be familiar with the concept that all children within the United States have a constitutional right to attend public primary and secondary school in the

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United States until they turn 21, regardless of immigration status.[1] The U.S. Supreme Court in *Plyler* prohibited schools from inquiring about the immigration status of parents and students and from restricting enrollment based on citizenship or immigration status. Subsequent guidance from the federal Department of Education[2] and state boards of education have further interpreted and applied *Plyler*, and clarified that school districts should generally not inquire about immigration status during the course of enrolling a student.

Practically speaking, some schools become aware of a student's immigration status (or lack thereof) incidentally while educating a student or during the course of a residency determination. Schools have no legal obligation to report a student's immigration status to federal officials if they become aware of it but should also avoid asking questions about a student and his/her family's immigration status.

In addition, as with student records generally, schools also must comply with Family Educational Rights and Privacy Act ("FERPA") prohibitions on the nonconsensual sharing of student records for students 18 years of age or older.[3] FERPA prohibits school districts from disclosing student records without written consent from parents or "eligible students" except for certain enumerated exceptions. One applicable exception is where such disclosure is required "to comply with a judicial order or lawfully issued subpoena." In addition, many states have additional laws protecting student records. For example, in Illinois, the Illinois School Student Records Act ("ISSRA") requires a court order, not just a subpoena.[4]

The New Administration and Immigration Enforcement Changes

President Donald Trump and his administration have made immigration enforcement a top priority, issuing three immigration-focused executive orders within the first week of his term. On January 25, 2017, the President signed two orders directing resource shifting and changing immigration enforcement policies at the U.S.-Mexico border and in the United States generally: "Executive Order: Border Security and Immigration Enforcement Improvements" and "Executive Order: Enhancing Public Safety in the Interior of the United States." On January 27, 2017, he signed the now-heavily litigated "Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States," which temporarily suspended the U.S. refugee resettlement program and temporarily banned the entry of certain individuals from 7 Muslim-majority nations. While the latter order is not the focus of our discussion, the President's January 25 orders have already had a major impact on the enforcement of U.S. immigration law by U.S. Immigration and Customs

[1] *Plyler v. Doe*, 457 U.S. 202 (1982).
[2] May 8, 2014 Dear Colleague Letter, available at: https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerletter.pdf.
[3] 20 U.S.C. §1232(g).
[4] 105 ILCS 10.

Enforcement (ICE), and are continuing to impact the lives of many foreign nationals in the United States.

The executive orders signed on January 25 made several significant changes to immigration policy and enforcement in the United States:

- Empowering the DHS Secretary to authorize State and local law enforcement agencies "to perform the functions of immigration officers."
- Defunding sanctuary jurisdictions, which the administration defines as jurisdictions whose laws, policies, or practices are determined to prevent or hinder immigration enforcement.
- Terminating the Obama administration's prioritized enforcement policies, which made non-violent violators of immigration law with strong ties to the U.S. low priorities for immigration enforcement.
- Collection of all legal fines and penalties against those who aid unlawful immigrants.

Preliminary statistics indicate that ICE arrests have substantially increased from the same time period last year, more individuals without criminal histories are being arrested for alleged immigration violations, the frequency of removal orders has increased, and the administration faces roadblocks to administering widespread removal orders due to resource limitations and due process requirements:

- In the first 100 days of the Administration, 41,300 individuals were arrested by ICE, which is approximately a 38% increase in arrests over a comparable time in 2016.[5] In addition, the first 100 days saw more arrests of undocumented individuals lacking criminal records — 10,800 between January 22 and April 29, a significant increase compared to 4,200 during the same period in 2016.
- On August 8, the U.S. Department of Justice announced that final orders of removal issued by immigration judges increased by 27.8 percent during the first six months of the Trump presidency (from February 1 through July 31) compared to the same period last year.[6] In addition, as a result of the border security executive order, more than 100 existing immigration judges were relocated to adjudicate cases at DHS detention facilities near the U.S. border, and more than 90 percent of those cases resulted in removal orders.[7]

[5] Department of Homeland Security, "ICE ERO immigration arrests climb nearly 40%," 5/17/17 (https://www.ice.gov/features/100-days).
[6] Department of Justice Office of Public Affairs, "Return to Rule of Law in Trump Administration Marked by Increase in Key Immigration Statistics," 8/8/17 (https://www.justice.gov/opa/pr/return-rule-law-trump-administration-marked-increase-key-immigration-statistics).
[7] Id.

- However, *Politico* reported that from February 1 to June 30 this year, ICE officials removed 84,473 people, or about 16,900 people per month, which is fewer actual removals per month than even "the slowest years of Barack Obama's presidency." Those numbers are not officially released until after 2017, but the estimates indicate that heavy immigration court backlogs continue to slow the removal process.[8]
- The second iteration of Operation Border Guardian/Border Resolve, a four-day operation targeting individuals who entered the country as unaccompanied alien children (UACs) and family units, resulted in a reported 650 arrests during the operation.[9] Targets for the operation were individuals with outstanding final orders of removal entered by immigration judges. Of those arrested, 457 people, or 70 percent, were not operation targets. They were simply, as *Time* magazine put it, "in the wrong place at the wrong time."[10]

In addition, ICE reported at the end of July 2017 that pursuant to the executive order, the agency had entered into 18 new 287(g) agreements in Texas, increasing its total MOA count to 60 nationwide.[11] These MOAs allow the agency to delegate authority for immigration enforcement to state and local law enforcement within their jurisdictions.

The government's removal priorities have thus become increasingly unpredictable, creating a palpable sense of fear and anxiety in many immigrant communities throughout the United States.

## II. Immigration Enforcement Action in Schools and Potential Solutions

Almost immediately after the election, and particularly after the issuance of the immigration-related executive orders in January, many school districts began reviewing their policies on sharing information about immigrant students and their protocols if ICE officers or

[8] Hesson, Ted, "Deportation slowdown," *Politico*, 8/9/17 (http://www.politico.com/tipsheets/morning-shift/2017/08/09/deportation-slowdown-221778).
[9] ICE, "ICE announces results of Operation Border Guardian/Border Resolve," 8/1/17 (https://www.ice.gov/news/releases/ice-announces-results-operation-border-guardianborder-resolve). The first iteration of Operation Border Guardian/Border Resolve took place in January and February 2016, during the prior administration and in response to the significant spike in families and UACs from Central America attempting to illegally cross the southern border.
[10] Berenson, Tessa. "Immigration Raids Are Sweeping Up More People Who Weren't Targets," *Time*, 8/9/17 (http://time.com/4893074/immigration-raids-undocumented-targets/?utm_source=Recent%20Postings%20Alert&utm_medium=Email&utm_campaign=RP%20Daily).
[11] ICE, "ICE announces 18 new 287(g) agreements in Texas," 7/31/17 (https://www.ice.gov/news/releases/ice-announces-18-new-287g-agreements-texas).

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other designated immigration enforcement officials entered school grounds to request records or sought access to student(s) and their family members.

Schools as Sensitive Locations

There is a dearth of case law regarding school's rights vis-à-vis immigration enforcement, largely because ICE actions on school property are rare. ICE follows a policy, set forth in a 2011 memorandum, prohibiting arrests, interviews, searches and immigration-enforcement-related surveillance at schools, churches and other "sensitive locations" with narrow exceptions.[12] In the interest of ensuring that ICE officers and other authorized immigration enforcement "exercise sound judgment when enforcing federal law" at or focused on sensitive locations, such planned enforcement actions must have prior approval from high level leadership at ICE.

Exceptions to the policy are made in limited circumstances that require several layers of supervisory approval. Exceptions exist where the enforcement action involves: a national security or terrorism matter; an imminent risk of death, violence or physical harm to a person or property; the immediate arrest or pursuit of a dangerous felon, terrorist suspect, and anyone who presents an imminent danger to public safety; or imminent risk of destruction of evidence material to an ongoing criminal case. These circumstances control when immigration enforcement officers may act within sensitive locations without prior approval from headquarters. When acting in such circumstances, the memo requires enforcement agents to "conduct themselves as discretely as possible" and "make every effort to limit the time at or focused on the sensitive location."

The sensitive locations policy does not categorically prohibit enforcement operations in cases of "exigent circumstances" and does not cover actions such as:

- Obtaining records, documents and materials from officials or employees;
- Providing notice to officials or employees;
- Serving subpoenas;
- Engaging in Student and Exchange Visitor Program (SEVP) compliance and certification visits; or
- Participating in official functions or community meetings.

The policy serves as a self-imposed restraint by ICE on immigration enforcement functions; as long as ICE follows this policy, schools should not be targets for direct ICE immigration enforcement activities. Of note, while DHS and ICE have withdrawn several policy memorandums issued by the Obama Administration since the change in administrations, this policy has not changed as of August 14, 2017. However, it is subject to future change.

[12] Memo, Morton, Director ICE, *Enforcement Actions at or Focused on Sensitive Locations*, PN 10029.2 (Oct. 24, 2011).

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Furthermore, the policy specifically exempts "obtaining records" from its scope and also does not specifically apply to areas surrounding schools. Finally, the "exigent circumstances" defined in this memo also leave some room for interpretation by ICE Officers.

Since an ICE agent or other immigration enforcement agent may enter school property to request records, school districts should review their policies and protocols for sharing student records to ensure that they are consistent with FERPA and state-mandated protections. Furthermore, to minimize risk, school districts should evaluate the extent to which they need to maintain records identifying an individual's ethnicity or immigration status.

School Districts' Rights and Obligations Under the Law

In the as-yet unprecedented scenario in which an immigration enforcement official seeks to execute an enforcement action on school property, schools may be required to cooperate in certain circumstances. The most probable circumstances in which schools may be required to legally comply with immigration enforcement requests include:

- Where immigration enforcement agents arrive with a valid criminal arrest warrant issued by a judge; or
- Where ICE personnel are conducting compliance for SEVP, which is only applicable to schools with F-1 visa holders that are registered with SEVIS.

ICE officers and authorized agents may present either a criminal or administrative warrant. Both types of warrants may authorize an arrest or a search/seizure.

ICE agents often present an administrative warrant to request or copy records or otherwise solicit information about a specific person of interest. An administrative warrant can compel attendance in immigration court proceedings and the production of documents and must be issued by the Attorney General, a DHS officer, or ICE officers designated by the ICE Commissioner "concerning any matter which is material and relevant to the enforcement of [the INA] and the administration of [DHS], and to that end may invoke the aid of any court of the United States."[13] Note that the regulation does not give those parties the authority to issue "John Doe" subpoenas in situations in which investigation targets are known.[14] Immigration judges also can issue subpoenas for witnesses or documents.[15] If issued in relation to an investigation of unauthorized

[13] INA §235(d)(4).
[14] *Peters v. U.S.*, 853 F.2d 692 (9th Cir. 1988).
[1515] 8 C.F.R. §§1003.35(b)(2).

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employment (violations under INA §274A(e)(2)), it must be issued prior to the filing of a complaint and may provide less than 3 days' notice.[16]

DHS and its designated agents also may issue an administrative warrant authorizing the arrest/detention of a person.[17] Usually, such warrants will be issued for undocumented persons whose only offense is their lack of immigration status. An administrative warrant for an arrest can only be executed in locations where there is not a reasonable expectation of privacy, *i.e.*, on public property. Therefore, an administrative warrant would not mandate that a school allow ICE agents to enter the property to remove a student or other undocumented person on school grounds. A school district would be within its rights to politely but firmly request that immigration enforcement execute a presented administrative warrant outside of and away from school grounds.

It is unclear if administrative arrest warrants meet constitutional due process requirements. Immigration offenses are usually civil rather than criminal in nature, and the due process protections of the Fourth Amendment are not set forth in the Immigration and Nationality Act ("INA"). The statute itself does not include requirements for probable cause and limitations on detention authority. However, courts that have considered challenges to the sufficiency of detention under the INA have recognized certain constitutional limitations. In *Zadvydas v. Davis*, the U.S. Supreme Court held that the federal government's power to enforce immigration laws is "subject to important constitutional limitations," [18] and that even deportable immigrants have an inherent liberty interest.[19] The decision kicked off a wave of litigation questioning the constitutionality of immigration enforcement processes, including the lack of protections in the issuance and execution of administrative arrest warrants that will further push the debate about the constitutionality of such warrants.

If the government seeks to detain somebody for reasons beyond just immigration violations, and particularly where serious criminal activity is suspected, ICE agents may secure a criminal or judicial warrant. Criminal warrants are traditional warrants that are issued and signed by judges presiding over the jurisdiction. A criminal warrant authorizes law enforcement to enter a person's dwelling and any other location where there is a reasonable expectation of privacy in order to execute an arrest — including schools.

In light of increasing immigration enforcement activities and increased use of state and local law enforcement (non-ICE) personnel to execute agency action, schools should have a written protocol for requests for records or access to students that addresses all of the following:

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[16] Memo, Virtue, G.C. HQCOU 90/15-P (Dec. 21, 1998), *reprinted in* 76 No. 16 *Interpreter Releases* 632, 661-64 (Apr. 26, 1999).
[17] 8 C.F.R. §287.5(e)(2).
[18] 533 U. S. 678 at 682, 695 (2001).
[19] Id. at 696.

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1. **Determine who is responsible for executing the policy**. Designate specific staff member(s) to speak with ICE or ICE-authorized enforcement agents upon arrival at the school. Train a few people for this role, and ensure that individuals can represent the school's interests when meeting with law enforcement.

2. **Lay out specific protocols for interacting with agents**. For example:

    - Ask enforcement personnel to explain what they are seeking (*i.e.* interviews with students, access to records, arrest of a student). Ask whether there are circumstances, such as an immediate threat to public safety, that have resulted in the request for access or information.
    - Request and record the name and identification of the person requesting access, or ask to make a copy of their identification for the school's records.
    - Generally, decline to share information about a specific student or his/her parents or guardians unless enforcement personnel present a warrant or court order. This right also extends to verbal requests for information about a student's schedule or the schedule of his/her family members.

3. **Lay out specific protocols where a warrant is presented.** For example:

    - If agents have a warrant or order, ask to photocopy the warrant for the school's records and to share it with appropriate staff, such as the school superintendent or other designated administrator, prior to acting on it.
    - Ask whether the school may have an opportunity to notify staff and students about the entry by immigration enforcement in the interest of safety.
    - If the agent refuses to wait and insists that the warrant must be immediately honored, indicate that the school has not agreed to the enforcement of the warrant on its property but avoid escalating the situation. Document the agent's directives and the substance of the warrant, accompany the agent wherever possible, and remind agents to avoid disrupting school operations or placing anybody at risk.

4. **Assurances for student constitutional protections**. Even when enforcement personnel have a warrant, students and staff have the right to an attorney before an interrogation by law enforcement and a Fifth Amendment right to remain silent.

Due to some degree of uncertainty over whether local and state law enforcement agents will participate in immigration enforcement functions, we recommend that a school district communicate with its local law enforcement agency and ask if routine student interactions with these agencies could result in ICE's involvement. For example, would a complaint about harassment or bullying filed by an immigrant student result in ICE's involvement if the student is

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undocumented? Obtaining answers to these questions is important to ensure that students, regardless of immigration status, are willing to trust the school's administration and to report incidents that have criminal or other connotations. This issue may, however, be resolved on a statewide level if the state has relevant law barring the coopting of local law enforcement by federal agents. Illinois, for example, is on the cusp of passing a statute called the TRUST Act that would restrict local law enforcement from entering into MOAs with DHS.

## III. Sanctuary Statements

In the wake of these significant changes to federal immigration policy, some school districts are adopting resolutions calling themselves "safe havens" or "sanctuaries" for immigrant students. Of note, "sanctuary" is not a defined term and schools adopting "sanctuary resolutions" are generally borrowing this term from sanctuary jurisdictions. Most self-described "sanctuary" or "welcoming" jurisdictions limit the use of the jurisdiction's law enforcement entities to enforce immigration laws and generally limit information-sharing regarding the immigration status of those who come into contact with local law enforcement. For a variety of reasons, some schools have adopted other, less "buzzworthy" terms, such as a safe zone or welcoming district. While a sanctuary or welcoming resolution is a valuable way to communicate a school district's commitment to educating all students, regardless of immigration status, some school districts are opting to be less public while embracing similar general principles as the principles expressed in "sanctuary" resolutions. It is important to recognize that there does not appear to be any connection between threats to withhold funding against sanctuary jurisdictions and federal monies for schools.

School districts' reasons for taking public stances in support of undocumented students' rights are varied. Many school districts simply wish to maintain an environment in which students do not feel afraid to communicate with their teachers and administrators or go to school. School districts have also expressed serious concerns about how to deal with situations in which a student is left without an accessible parent or guardian after that person is put into ICE detention. Some school districts concerned about potential backlash for taking a public stance are nevertheless reminding their staff about the right of all students meeting state residency requirements, regardless of immigration status, to a free public primary and secondary education.

Concerns about community rapport and the school's ability to navigate communication with students and families should be accounted for when determining what the school's policies for interacting with immigration enforcement will be. For example, is it likely that if a school publicly represents that it is willing to share allowable student information with immigration enforcement, would that create a chilling effect in the community and impact communications between students/families and the school or discourage certain students from attending school? Does a school's records sharing policy risk running afoul of federal and state privacy regulations? Is a school willing to play more of an advocacy role to connect immigrant students and their

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families with other support networks such as legal screenings? How will a district enforce any policies it has against harassment in its schools?

Many of the school districts that have labelled themselves sanctuaries have done so to mirror the sanctuary label of their jurisdiction. For example, Chicago Public Schools passed a resolution to affirm the district's status as a "welcoming district for all students" in December 2016, stating that the Chicago Board of Education "officially endorses" the City of Chicago's Welcoming City Ordinance.[20] School districts across the United States (including Elgin and Aurora in the Chicagoland area; Denver Public Schools; Pittsburgh Public Schools; the Houston Independent School District Board of Education; the School District for Eugene, Oregon; the Austin Independent School District, the Los Angeles School Board, and the Santa Fe Board of Education) have adopted similar resolutions.[21] The language for such resolutions varies, but most tend to recognize the constitutional right of all children in the United States to attend public primary and secondary school, and commit to protecting students and keeping student records confidential pursuant to applicable federal, state and local law.

Since communication with students and their parents/guardians is critical to school's abilities to educate students, we recommend that school districts consider doing the following:

- Clearly communicate the school's policies to provide a safe and secure educational environment to all students regardless of immigration status, and to reiterate that the school has no interest in enforcing immigration law or in being made aware of an individual's immigration status. This can be done in a letter to students/parents or a more formal statement.
- If applicable federal, state, or local law or policy changes in the future, make the school's best effort to share accurate information with its students and community.
- Avoid causing unnecessary concern, but make it clear that the school is aware of increased enforcement policies impacting the community and has a plan, in the event that immigration enforcement activities encroach upon the school.
- Remind parents that they if they fear becoming the target of immigration enforcement actions, they should make plans with a trusted family member or friend to take care of their children.

[20] "Resolution to Affirm Chicago Public Schools' Status as a Welcoming District for All Students," 16-1207-RS5, Dec. 7, 2016 (available at http://www.cpsboe.org/content/actions/2016_12/16-1207-RS5.pdf).
[21] Sanchez, Ray, "US public schools take steps to protect undocumented students," *CNN*, 02/23/17 (http://www.cnn.com/2017/02/23/us/public-schools-immigration-crackdown/index.html).

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Ultimately, any resolution or policy must be clearly communicated to parents and students to serve its intended effect, *i.e.*, to ensure that parents and students have reassurance that the school is a welcoming place and information shared with the school will not be shared with the immigration agency. School districts adopting such resolutions should therefore consider translating such resolutions into the languages that are most frequently spoken among the constituencies they serve.

## IV. Can Protecting Students and their Records be Considered Harboring?

Section 274(a)(1)(A)(iii) of the INA establishes federal criminal penalties for those convicted of harboring, concealing or shielding from detection undocumented immigrants.[22] Such crimes are punishable by up to 10 years' incarceration if done for the purposes of financial or commercial gain. To prove a claim of harboring, the government must show that 1) the defendant's conduct facilitated an undocumented person's remaining in the United States illegally and 2) the defendant prevented government authorities from detecting the person's presence.[23] The statute typically has been applied to defendants being prosecuted for knowingly employing or sheltering undocumented persons, along with other behaviors designed to prevent the government from apprehending those persons.[24]

Public schools in the U.S. are required to recognize and protect undocumented children's constitutional right to attendance. Therefore, allowing undocumented children to enroll in and

[22] 8 U.S.C. 1324(a)(1)(A)(iii); PL 64-301, 39 Stat. 874, 880 (1917) (repealed); PL 82-414, Title IV, §274(a), 66 Stat. 163, 228-29 (1952); PL 82-823, 66 Stat. 26 (1952); PL 99-603, Title I, Part B, §112(a), 100 Stat. 3359, 3381-82 (1986).

[23] *U.S. v. Vargas-Cordon*, 733 F.3d 366, 383 (2d Cir. 2013).

[24] The case law appears to show that generally, an intent to deceive is required. For example, no harboring was found where a defendant sheltered undocumented persons but made available to them legal assistance to legalize their status. *U.S. v. Dominguez*, 661 F.3d 1051, 1063 (11th Cir. 2012). Most case law involving a finding of harboring also usually involves commercial or financial gain to the defendant. *See i.e. U.S. v. Tipton*, 518 F.3d 591 (8th Cir. 2008) (finding evidence of harboring where undocumented workers were employed and false immigration documents were kept and where the defendant had given them shelter, daily transportation, and money); *U.S. v. Acosta de Evans*, 531 F.2d 428, 430 (9th Cir. 1976); *U.S. v. Dann*, 652 F.3d 1160 (9th Cir. 2011); and *U.S. v. Bonetti*, 277 F.3d 441 (4th Cir. 2002); *U.S. v. Khanani*, 502 F.3d 1281, 1285-89 (11th Cir. 2007) (finding harboring where the defendant facilitated the undocumented person's presence for personal gain similar to domestic slavery). *See also U.S. v. Cantu*, 557 F.2d 1173 (5th Cir. 1977) (finding a violation where the defendant employer refused to admit immigration enforcement agents without a warrant and also helped undocumented workers leave the work place undetected).

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attend school does not constitute facilitation of unlawful presence or preventing authorities from detecting undocumented students. Conversely, reporting undocumented students to authorities would likely be considered a violation of a student's right to publicly available education given its chilling effect on student enrollment and participation. Furthermore, a school that maintains the confidentiality of student records pursuant to state and federal law cannot be said to be facilitating unlawful presence or thwarting authorities, on that basis alone, particularly where a school is complying with federal and state/local codes regarding privacy and school records.

## V. Other State/Local Movements to Consider

Finally, although immigration law is generally a federal issue, state and local legislation can dramatically impact how immigration enforcement is carried out within jurisdictions. Since the 2016 presidential election, there have been record numbers of proposed state and local bills pertaining to immigration, feeding into the debate about immigration policy as states either take hard stances against providing benefits to undocumented immigrants or seek to protect undocumented immigrants and other residents and citizens from discrimination and harm.

In Illinois, as an example, the Illinois Trust Act (SB 31), awaits the signature of Gov. Bruce Rauner at the time of this writing. The bill, which was passed with bipartisan support, will prevent local police in the State of Illinois from detaining people for immigration purposes without court-issued warrants and disallow police from stopping, searching or arresting anyone based on immigration status alone, consistent with constitutional search and seizure protections. Although the final version of SB 31 was stripped of all connections to protections of schools specifically, an earlier iteration provided that a government official would not be permitted to make arrests on State-funded facilities or adjacent grounds including schools and other sensitive locations, absent a judicial warrant or probable cause of criminal activity[25]. The earlier version essentially sought to codify ICE's sensitive locations policy within the state to provide extra assurance in the event that the agency reverses its own policy.

In April 2017, the California state Senate passed legislation to provide legal counsel to immigrants facing deportation and limit cooperation between local law enforcement agencies and ICE.[26] In contrast with California's robust protections for the undocumented, the State of Texas in May 2017 passed a bill banning sanctuary jurisdictions in the state.[27] Since changes in law

[25] See Bill Status of SB 0031 (available at http://www.ilga.gov/legislation/billstatus.asp?DocNum=31&GAID=14&GA=100&DocTypeID=SB&LegID=98874&SessionID=91).
[26] California Senate Bill 54 (available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB54).
[27] Texas Senate Bill 4 (available at https://legiscan.com/TX/text/SB4/2017).

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impacting immigrants at a state or local level have a bearing on school district policies, it is important that school districts stay abreast of local legislation.