

EDUCATIONAL ACCESS FOR ALL

All young people have a constitutional right to receive a free public K-12 education, including those who are undocumented.¹ The Boston Public Schools welcomes and teaches every student who enters our classrooms regardless of their immigration status, and will ensure that our schools remain safe, open and inviting learning spaces for our students and their families.

Equity and inclusion are at the core of our values as a school system, and as a city. We believe that all children, no matter their country of origin, deserve access to a high-quality public education.

Boston Public Schools, as a department within the City of Boston, follows all City policies and procedures, including those that relate to immigration and immigrants. As a district, we adhere to the following guidelines to protect the rights of our students and their families.

IMPLEMENTATION GUIDELINES:

Collection of Student Data for Registration and Reporting:

BPS does not and will not require a student or parent to provide information regarding their immigration or citizenship status to establish the student's residency in the district for enrollment purposes.² If a student meets the Boston residency and age requirements, they will be enrolled in school. Even if a family volunteers a student's immigration status, there is no mechanism in our system to capture or store that information.

As required by the Commonwealth of Massachusetts, BPS does collect students' place of birth during the school registration process, including their city, state and country of origin. This information, along with any language assessment, is solely used to determine whether first-year students are required to take the English Language Arts Massachusetts Comprehensive Assessment System (MCAS) exam.

Where required by state or federal law, BPS may be obligated to report some data about our students. For example, Title I requires that the Massachusetts Department of Elementary and Secondary Education (DESE) and BPS report data regarding ELL students who have recently arrived to the United States and are in their first year of U.S. schooling.³

Sharing Student Information:

¹ Plyler v. Doe, 457 U.S. 202 (1982).

² See Joint "Dear Colleague" Letter, U.S. DEP'T OF JUST. & U.S. DEP'T OF EDUC. (May 8, 2014), <https://www.justice.gov/crt/dear-colleague-letter-rights-all-children-enroll-public-schools>.

³ MA DESE SIMS Data Handbook Version 7.1 (August 10, 2016)

BPS does not share student information with third parties, including law enforcement, unless required by or authorized under the law.

The Family Educational Rights and Privacy Act of 1974 (FERPA) and Massachusetts Student Records laws generally prohibit school districts from disclosing information from a student's education records that alone or in combination with other information can identify that student, without the prior written consent of a parent or the eligible student.⁴

FERPA and state Student Records laws include limited exceptions to the requirement to obtain written consent before disclosing personally identifiable information from students' education records⁵, as well as narrowly defined circumstances under which federal immigration laws require or permit a school district to provide specific information about a student to another federal, state, or local government entity.

Immigration Enforcement Agencies:

No federal law requires school districts to report undocumented students to immigration authorities such as U.S. Immigration and Customs Enforcement (ICE).

BPS may have to allow properly credentialed ICE agents to interview students at schools, but to date ICE's policy has been to avoid conducting enforcement actions in sensitive locations such as schools unless (a) prior approval is obtained from an appropriate supervisory official, or (b) there are compelling circumstances necessitating immediate action. Schools may not permit such interviews without notifying and directly consulting with a supervising administrator (Instructional Superintendent/Operational Superintendent), the Superintendent's Office and the BPS Office of the Legal Advisor.

In all cases, schools should notify parents that a law enforcement or immigration enforcement agent has requested access to interview their child, unless the law enforcement or immigration agent has instructed the school and district not to do so.

Services for Non-English Speaking Families:

The 2012 Successor Settlement Agreement between the Boston Public Schools and the U.S. Department of Justice requires that language services be provided to safeguard access for Limited and Non-English speaking BPS families. The Office of English Language Learners Translation & Interpretation (T&I) Unit provides language services for essential information such as IEP/504 meetings, academic report cards and progress reports, and enrollment/student assignments. Family-focused communications are consistently translated in nine major languages spoken by our school communities: Spanish, Cape Verdean Creole, Haitian Creole, Portuguese, Vietnamese, Chinese, Somali, French, and Arabic. Interpretation services are also provided upon the request of school leaders and central office staff to engage with families in their native language.

⁴ See 20 U.S.C. §1232g; 603 CMR 23.07.

⁵ See 34 C.F.R. § 99.31; 603 CMR 23.07.

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