



# WEA Guidance for Supporting Immigrant Students, Members and Families

January 30, 2025

The following information is for Washington Education Association leaders, members and staff.

*(Note: This is not intended as legal advice to any individual – please consult an attorney for specific situations.)*

## GUIDING PRINCIPLES

The Washington Office of Superintendent of Public Instruction has clearly said that Washington schools have “a constitutional and moral obligation to provide a free, high-quality public education” to all students residing within our boundaries and schools are prohibited from “discriminating on the basis of race, color, or national origin” or “...discrimination on the basis of citizenship or immigration status.”

This includes eligibility for programs and services, such as meal programs, provided by public schools. Washington public school employees must not engage with ICE for the purpose of sharing student information.

- See RCW 43.17.425: <https://app.leg.wa.gov/Rcw/default.aspx?cite=43.17.425>
- The OSPI guidance is accessible here: <https://ospi.k12.wa.us/sites/default/files/2025-01/protections-immigrant-students-washington-public-schools.pdf>.
- See also “Key Practices” for educators, a separate document available on WEA Forward: <https://washingtonea.sharepoint.com/sites/LeaderResources/SitePages/WEA-Forward.aspx>
- The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student educational records. See: [FERPA](#).

**Keep Washington Working Act (KWW):** prohibits state and local law enforcement from assisting in federal immigration enforcement “to the fullest extent possible consistent with federal and state law at public schools, courthouses, publicly operated health facilities,

and shelters to ensure they remain safe and accessible to all Washington residents, regardless of immigration or citizenship status.”

- Attorney General’s KWW “Guidance and Model Policies for Public Schools,” available here: <https://www.atg.wa.gov/publications-reports>
- Full act: <https://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/Senate/5497-S2.SL.pdf>
- FAQ: <https://www.atg.wa.gov/keep-washington-working-act-faq-law-enforcement#:~:text=KWW%20prohibits%20law%20enforcement%20officials,%2C%20state%2C%20or%20federal%20law.>

### **What do the FERPA and KWW acts mean for schools?**

Schools may verify that a student lives within a geographical area served, but FERPA and KWW protect sensitive information from being shared with immigration authorities, unless there is a legal requirement to do so.

KWW establishes that the state of Washington “remains a place where the rights and dignity of all residents are maintained and protected in order to keep Washington working.” Gov. Inslee Executive Order 17-01: on Washington’s Commitment to Tolerance, Diversity, and Inclusiveness

The Office of the Governor’s Executive Order 17-01 recognizes the impact of undocumented and documented immigrants to the Washington workforce and to Washington state as a whole. This Order reaffirms Washington’s commitment to its immigrant-residents and provides that state government agencies may not discriminate or refuse to provide services based on a resident’s immigration status.

- Link to Order: [https://governor.wa.gov/sites/default/files/exe\\_order/eo\\_17-01.pdf](https://governor.wa.gov/sites/default/files/exe_order/eo_17-01.pdf)

## **FOR FAMILIES**

### **Protect Yourself and Have an Emergency Plan**

Do not share information about anyone’s immigration status or personal identifying information (including home or work addresses), unless advised to do so by an attorney or compelled to do so by a clear and valid court order.

Contact an attorney if you are unsure how to interpret a government document that purports to be a court order.

Consider opting out of sharing sensitive personal information such as phone numbers and home addresses published in school/parent directories or other places where your information may be shared without your consent.

Do not sign anything without speaking to a lawyer. If asked to sign something, state that you do not consent to signing and would like to speak with an attorney.

Do not open your door to agents of the U.S. Immigration and Customs Enforcement office (ICE) unless ICE presents a court-ordered warrant signed by a judge. See below for a discussion of different types of warrants.

Always carry a copy or screen shot of any immigration papers proving legal status, if this applies to you.

- Concerned individuals may wish to carry a “red card” (available here to download/print in multiple languages: <https://www.ilrc.org/red-cards-tarjetas-rojas> ) to communicate with law enforcement officers in lieu of speaking.
- A resource bank of “Know Your Rights” cards are available here in various languages: <https://www.nwirp.org/resources/kyr/>. For a Washington-specific know your rights and resources: <https://www.nwirp.org/resources/kyr/assets/NWIRP%20Know%20Your%20Rights%202024.pdf>.
- Concerned families should make and write out a preparedness plan for who should be contacted and how, in the event a family member is detained or another emergency. See pg. 17 of the NEA Immigration Guidance Booklet, accessible here: <https://www.nea.org/resource-library/guidance-immigration-issues>.

If you have children and fear you may be detained by ICE, it is important to make a care plan for your children in case of emergency. In addition to making childcare plans and listing the contact names/numbers of trusted individuals, families may wish to set aside cash, prepaid phone cards, travel documents, identification cards, clothing, personal hygiene items, etc. for later use.

**Legal Services:** Immigration attorneys and legal resources are available here:

- American Immigration Lawyers Association: <https://ailalawyer.com/>
- Northwest Immigrant Rights Project: <https://www.nwirp.org/get-help/>
- National Immigration Project: <https://nipnlg.org/find-attorney-washington>
- Executive Office for Immigration Review: <https://www.justice.gov/eoir/file/ProBonoWA/dl>

- Bar Associations may offer free consultations to connect you with an immigration attorney, for example, <https://www.kcba.org/?pg=Immigration-Law>

**Social Services:** Families may access the services of the Washington State Department of Social and Health Services (DSHS) regardless of immigration status. DSHS will not inquire about or discriminate based on immigration status. DSHS may not report to ICE. Note: the Washington State DSHS is not the same as “DHHS,” the U.S. Department of Health and Human Services; it is also not to be confused with “DHS,” the U.S. Department of Homeland Security, the federal agency that ICE is a part of.

- The Washington State DSHS has stated its commitment to providing benefits and assistance to those in need. See: <https://www.dshs.wa.gov/esa/planning-changes-federal-immigration-policies-and-practices> (“Yes, individuals and families should feel comfortable accessing and using cash, food, and medical assistance that they are eligible to receive. DSHS will not share clients’ personal information with immigration enforcement without a judicial warrant or a court order.”)

## FOR ADVOCATES

Familiarize yourselves with any applicable collective bargaining language and/or school policies or protocols that have been adopted. If none are adopted, make sure to notify the school district of its duty to do so.

If your school district has not yet established a “Safe Zone” policy, notify your school district and school board that the KWW Act requires it to adopt one ASAP or it must notify the State Attorney General (AG) why such a policy has not yet been adopted and provide an existing policy to the AG. (RCW 43.10.310(2)).

- See AG Guidelines and Model policies on KWW Act here: [Keep Washington Working Act, Guidance, Model Policies, and Best Practices for Public Schools](#) at pp.1-2, 6-9 and NEA Immigration Guidance Booklet, Appendix A for an examples of such policies.)

Such a “Safe Zone” policy is a protocol for what happens when or if ICE or other immigration enforcement agents attempt to enter school grounds. This is in no way an obstruction or interference with federal law enforcement. Such policies have been recommended by NEA and already adopted by hundreds of school districts across the United States.

## NON-INTERFERENCE and NON-ASSISTANCE

Educators should not physically interfere with or obstruct an immigration officer in the performance of his/her duties, as this could escalate the situation and endanger the educator, students, and other school personnel.

However, there is no duty for individual educators, school personnel, or state/local officials to assist federal immigration authorities in the execution of their duties.

In fact, the KWW Act establishes that Washington State will not assist or divert state resources to these ends. See RCW 43.17.425(1) (“...[N]o state agency, including law enforcement, may use agency funds, facilities, property, equipment, or personnel to investigate, enforce, cooperate with, or assist in the investigation or enforcement of any federal registration or surveillance programs or any other laws, rules, or policies that target Washington residents solely on the basis of race, religion, immigration, or citizenship status, or national or ethnic origin.”)

Further, the AG’s model policies direct that school district policies should prohibit participation in immigration enforcement activities against students, their families, staff and volunteers.

- See [OSPI Guidance](#) at pg. 8 (“Washington public schools initiating engagement with federal immigration authorities for the purpose of sharing student information is inconsistent with state and federal constitutional mandates to serve every student. The Attorney General’s model policies direct that school district policies prohibit participation or aid immigration enforcement with regard to enforcement activity against students and their families, staff, and volunteers.”) *citing* [Keep Washington Working Act, Guidance, Model Policies, and Best Practices for Public Schools](#) at pgs. 8-9.

Neither the state of Washington nor any jurisdiction within Washington State participates in the “287(g) program” of cooperation with federal authorities to enforce the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

- See Immigration and Nationality Act. [8 U.S.C. Sec. 1387](#).

Washington state and local agencies are uniformly prohibited from entering into such cooperation agreements.

- See [RCW 10.93.160\(11\)](#). (“No state or local law enforcement officer may enter into any contract, agreement, or arrangement, whether written or oral, that would grant federal civil immigration enforcement authority or powers to state and local law

enforcement officers, including but not limited to agreements created under 8 U.S.C. Sec. 1357(g), also known as 287(g) agreements.”).

- A list of jurisdictions in other parts of the United States that have stated they will cooperate with ICE may be accessed here: <https://www.ice.gov/identify-and-arrest/287g>

## GOVERNOR’S RAPID RESPONSE TEAM

Governor Ferguson has established a “Rapid Response Team” formed by the Department of Children, Youth and Families (DCYF) to “explore recommended policies and actions for mitigating - to the extent possible - the harm, trauma, and other lasting effects on children who experience family separation through the deportation or detention of their parents or primary caregivers.” This will include meeting with OSPI and school districts to establish lines of communication that will permit “quick and responsive” action in the event a child’s parents or caregivers are deported or detained and finding other ways to support children who experience family separation through the deportation or detention of their parents or primary caregivers.

- See Executive Order 25-04 (Protecting Immigrant Families and Responding to Family Separation), available online here: [25-04 - Protecting Immigrant Families \(tmp\).pdf](#)

## ADDITIONAL RESOURCES

**National Education Association:** [nea-immigration-guidance-booklet-2025.pdf](#)

**WA State agencies:**

- [OSPI Guidance - Protections for Immigrant Students in Washington’s K-12 Public Schools](#)
- [Planning for Changes in Federal Immigration Policies and Practices | DSHS](#)

**Non-profits:**

- Northwest Immigrant Rights Project: <https://www.nwirp.org/get-help/>
- Northwest Justice Project: <https://www.washingtonlawhelp.org/organization/clear-hotline-coordinated-legal-education-adv/immigration/other-immigration-issues>
- Washington Immigrant Solidarity Network: [www.waisn.org](http://www.waisn.org)
- Deportation Defense Hotline: 1-844-724-3737

- The National Immigration Project (a project of the National Lawyers' Guild – has more detailed information on stays of removal, criminal law may be more suitable for legal practitioners and/or immigration advocates):  
<https://nipnl.org/work/resources>
- Legal Directory for Immigration Services Across WA State:  
<https://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=WA>
- Wall Walla Immigrant Rights Coalition: [Home — Walla Walla Immigrant Rights Coalition](#)
- Central Washington Justice for our Neighbors: [Central Washington Justice For Our Neighbors](#)
- Catholic Charities Eastern Washington: <https://www.cceasternwa.org/legal-services>
- Spokane Immigrant Rights Coalition: <https://www.sircwa.com/ourwork>

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