

STATE OF INDIANA) IN THE MARION _____ COURT
)
) SS:
COUNTY OF MARION) CAUSE NO.:_____

STATE OF INDIANA *ex rel.*
TODD ROKITA, ATTORNEY GENERAL
OF INDIANA,

Plaintiff,

v.

INDIANAPOLIS PUBLIC SCHOOLS,

Defendant.

**COMPLAINT TO COMPEL COMPLIANCE WITH INDIANA CODE
CHAPTER 5-2-18.2**

Plaintiff, State of Indiana, *ex rel.* Todd Rokita, Attorney General of Indiana, by counsel, brings this Complaint against Defendant, Indianapolis Public Schools (“IPS”), to compel compliance with state laws prohibiting local government entities from limiting or restricting their or their agents’ engagement in activities related to the enforcement of immigration laws to less than the full extent allowed by federal law and from restricting communication and cooperation between their employees and federal immigration authorities concerning immigration status information. *See* Ind. Code §§ 5-2-18.2-3; 5-2-18.2-4.

INTRODUCTION

1. It is the policy of the State of Indiana to ensure that state and local officials and employees are permitted to cooperate with and participate in, to the

fullest extent allowed by federal law, the enforcement of federal immigration laws. Likewise, Indiana law preserves state and local government officials' and employees' ability to communicate and cooperate freely with federal authorities concerning information about individuals' immigration status. Those policies are codified at Indiana Code chapter 5-2-18.2.

2. In direct contravention of that chapter of the Indiana Code and the policy judgment it embodies, IPS has implemented and maintains multiple policies that restrict its own and its employees' ability to cooperate and communicate with federal immigration authorities in at least three important ways.

3. First, IPS policies provide that IPS employees "shall not assist immigration enforcement efforts unless legally required and authorized to do so by the Superintendent." That violates both Indiana's prohibition on restrictions on local government employees' ability to engage in activities related to the enforcement of immigration laws and the State's prohibition on policies that limit local government employees' ability to communicate and cooperate with federal authorities concerning information of individuals' immigration status.

4. Second, IPS policies provide that IPS and its staff will not collect, maintain, or share any information concerning students', students' parents', or school employees' immigration statuses. That also is a clear violation of Indiana's prohibition on policies that restrict local government employees' ability to communicate and cooperate with federal authorities concerning information regarding individuals' immigration status and to otherwise engage in activities in

support of the enforcement of federal immigration laws.

5. Third, IPS policies prohibit federal immigration authorities from accessing nonpublic areas on school property in the absence of a judicial warrant or exigent circumstances. Such limitations on federal officers' access to school facilities are more restrictive than any restrictions imposed by federal law, which allows IPS to consent to law enforcement's entry onto school property even if law enforcement does not possess a judicial warrant and in the absence of exigent circumstances. IPS thus impermissibly "restrict[s] the enforcement of federal immigration laws to less than the full extent permitted by federal law" in this way, too. Ind. Code § 5-2-18.2-4.

6. Each of these IPS policies is patently illegal under Indiana law and poses grave risks to public safety. The policies should be enjoined.

7. The risks to public safety and the effective enforcement of federal immigration laws presented by IPS's unlawful policies are not hypothetical. Earlier this year—on January 8, 2025—IPS's policies directly contributed to the failure of an attempt by federal authorities to deport an illegal alien residing in Indiana. If IPS persists in maintaining policies at odds with Indiana law, similar incidents and disruptions of federal enforcement efforts could occur.

8. Further, IPS policies of noncooperation with federal immigration authorities may jeopardize the success of other important federal enforcement activities, such as U.S. Immigration and Custom Enforcement's ("ICE") ongoing efforts to locate the nearly 400,000 unaccompanied alien children ("UAC") who

arrived in the United States over the past few years and who are at acute risks of being victimized by human traffickers and other criminal elements.

9. Similarly, school policies that limit cooperation and communication with federal immigration authorities create incentives for criminal illegal aliens to exploit school locations as havens in which to evade detection by federal authorities. That has occurred in other states—imperiling the safety of schoolchildren—and IPS’s policies make it far more likely that the same thing may occur in Indiana’s largest school district.

10. IPS’s continued implementation of its illegal policies in defiance of state law thus creates an imminent risk of irreparable harm and should be preliminarily enjoined pending final adjudication of the Attorney General’s claims against IPS.

11. IPS’s policies do not promote the safety of Hoosier schoolchildren. They undermine it.

12. The Office of the Attorney General on multiple occasions has sought to secure IPS’s voluntary compliance with state law. Because IPS has refused to come into compliance, the Attorney General now brings suit.

JURISDICTION AND VENUE

13. The State of Indiana seeks an order compelling IPS to comply with Indiana law.

14. This Court has both subject matter jurisdiction over the Attorney General’s claims and personal jurisdiction over the parties.

15. Venue is proper in Marion County because the principal office of IPS is

in Marion County and a substantial portion of the events giving rise to this complaint occurred in Marion County.

PARTIES

16. The State of Indiana brings this lawsuit to protect its interests as a sovereign state to enact and enforce its laws. Todd Rokita is the Attorney General for the State of Indiana. The Office of Attorney General is established by Indiana Code § 4-6-1-2. As chief legal officer for the State of Indiana, Attorney General Rokita vindicates the legal interests of the State and brings this lawsuit to redress injury to the sovereignty of the State inflicted by Defendant's unlawful policy. Attorney General Rokita is empowered to pursue this cause of action by Indiana Code § 5-2-18.2-5.

17. Indianapolis Public Schools is a governmental body as defined by Indiana Code § 5-22-2-13 with its principal location at 120 E Walnut Street, Indianapolis, Indiana 46204. IPS is the largest school district in Indiana with a total student enrollment of approximately 31,000.

FACTUAL AND LEGAL ALLEGATIONS

I. The January 8, 2025 Incident and the Attorney General's Investigation of IPS

18. On January 8, 2025, the Office of the Attorney General ("OAG") was contacted by ICE concerning difficulty ICE was experiencing in its interactions with IPS in connection with the deportation of an unlawfully present male Honduran national residing in Indiana.

19. ICE informed OAG that the Honduran national had entered into a

voluntary deportation order with ICE under which he had agreed to voluntarily leave the United States of his own accord. Under the terms of the order, the Honduran national was scheduled to leave the United States on a flight scheduled for the afternoon of January 8, 2025. ICE informed OAG that the voluntary departure order would expire that day and that ICE's efforts to deport the alien would be frustrated if the departure did not occur before the order's expiration.

20. One of the Honduran national's children was a student at IPS. ICE informed OAG that the student had gone to school on the morning of January 8 in apparent disregard of his father's wish that they depart the country together that afternoon. ICE did not wish to separate the family and therefore sought to reunite the Honduran national with his son so that they could leave the United States together. Consequently, ICE contacted IPS to help the father take custody of his son in advance of the father's voluntary deportation flight.

21. ICE faced significant obstacles—caused by IPS policies and actions on January 8—in its efforts to reunite the father and the son. After ICE contacted IPS, IPS requested that ICE produce a judicial order concerning the deportation of the son or demonstrate that there were exigent circumstances that would justify ICE taking the son into custody. IPS took the position that it would not release the child to an ICE officer unless the officer had a judicial warrant or other court order. ICE responded that it simply was asking that the son be released to the father so that they could depart the country as the father had agreed to do and that such action did not require a court order.

22. Meanwhile, an IPS teacher put the son in touch with a private immigration attorney for the evident purpose of advising the minor on how to avoid accompanying his father back to Honduras. Multiple IPS staff members facilitated communications between the immigration attorney and the minor throughout the day on January 8.

23. After multiple phone calls and many hours of back and forth between ICE and both inside and outside counsel representing IPS, ICE and IPS were unable to reach an agreed upon course of action and the father was unable to take custody of his son in time to make his flight. As a result, the father missed his flight—ICE did not insist that he board the flight without his son—and the father’s voluntary departure order expired.

24. An illegal alien who should have departed the United States—who had voluntarily agreed to depart the United States—therefore remained in the United States because of IPS’s actions.

25. Ultimately, IPS—instead of releasing the son to the father’s custody so that the father and son could depart the country together—released the minor to the immigration attorney at the end of the school day. IPS staff did so after speaking at the end of the school day with a woman who purported to be the student’s stepmother, but who was not identified as a guardian of the child in IPS’s records. An IPS staff member personally escorted the child to the car of the immigration attorney.

26. Thus, whereas multiple phone calls and hours of discussions with attorneys representing IPS left federal law enforcement still unable to reunite the

father with his son, a private immigration attorney—with no apparent prior relationship with the child—was able easily to assume custody of the child after a brief phone call to IPS from a woman claiming to be the child’s stepmother.

27. To determine what could account for the extreme difficulties ICE faced in its efforts to reunite the Honduran national with his son and effectuate the father’s voluntary departure order, OAG issued a letter and a civil investigative demand (“CID”) to IPS on February 12, 2025.

28. In its February 12 Letter, OAG observed that various IPS policies described on IPS’s website and in communications from IPS to its staff appeared to violate Indiana’s prohibition on local government policies and practices that restrict communication and cooperation with federal immigration authorities. Specifically, IPS’s website and communications with its staff indicated that IPS would not “ask about or share information regarding immigration status” and that “ICE officers must present a valid warrant signed by a judge” before IPS would grant ICE officers access to school grounds. The February 12 Letter informed IPS that neither statement of school policy could be reconciled with state law.

29. In its February 12 CID, OAG sought additional information from IPS concerning its immigration-related policies and practices and the January 8 Incident in order to assist OAG’s evaluation of IPS’s compliance with state law.

30. IPS made a production in response to the CID on April 18, 2025. IPS also modified some of its policies in response to OAG’s letter. However, IPS’ modifications did next to nothing to ameliorate the policies’ legal infirmities. And

IPS's production confirmed to OAG that IPS implements and maintains policies and practices that directly contravene state law.

II. IPS's Immigration-Related Policies.

31. IPS implements and maintains written policies that improperly and unlawfully restrict when and how IPS and its employees cooperate and communicate with federal immigration authorities; limit ICE's ability to access IPS facilities; and bar the collection, maintenance, and sharing of information concerning individuals' immigration statuses. IPS's illegal policies generally fall into three categories: (1) the Non-Assistance Policy, (2) the Information Restriction Policies, and (3) the Restricted Access Policy.

A. The Non-Assistance Policy

32. On February 23, 2017, the IPS Board of School Commissioners adopted Board Resolution No. 7736.

The Resolution provides that "IPS employees shall not assist immigration enforcement efforts unless legally required and authorized to do so by the Superintendent."

33. Under the plain language of this policy, no IPS employee may assist ICE with immigration enforcement unless two conditions are both satisfied:

- a. The law must *require* the assistance (discretionary cooperation is prohibited), and
- b. The Superintendent must *authorize* the assistance.

34. By its terms, this policy applies to all IPS employees in all circumstances involving immigration enforcement matters.

35. Resolution No. 7736 remains in effect today and its contents are described on IPS's public website.

B. The Information Restriction Policies

36. In addition to its general prohibition on its employees engaging in any activity to assist the enforcement of immigration law, IPS maintains multiple policies specifically prohibiting its employees from gathering, maintaining, and sharing with law enforcement information about the immigration status of students, their families, and IPS staff.

37. In particular, Resolution No. 7736 directs that "IPS employees shall . . . follow the policy and practice of not requiring social security numbers for any enrolled or enrolling student and will . . . refrain from inquiring about a student's or parent's immigration status."

38. Resolution No. 7736 further provides that "IPS employees will not collect or provide any information regarding a student's (or his/her family's) immigration status, except as legally required."

39. Similarly, IPS's public website states that "Indianapolis Public Schools does not ask about or disclose immigration status."

40. IPS's website also states that if IPS receives a request for student information, "IPS legal staff are trained to handle such situations and will review the request to confirm whether such disclosure is *required* under applicable law." (emphasis added).

41. Likewise, IPS's Bylaws provide that student information may be

disclosed by IPS staff only when “furnished in compliance with a judicial order or pursuant to any lawfully issued subpoena.”

42. In early 2025, IPS adopted an Officer Response Protocol that places even more restrictions on how its staff responds to inquiries and information requests from immigration authorities. The Protocol emphasizes to IPS staff that they may not share with federal authorities any information concerning individuals’ immigration status. The Protocol also makes clear that IPS’s restrictive information policies extend beyond information concerning students and their families, dictating to IPS staff that, upon initial interaction with an ICE agent, they should “not provide any information about a student, family member, or *staff member*” and “[i]nform the [ICE] agent that IPS does not consent to access school facilities or records without approval from legal counsel.” (emphasis added).

43. Additionally, in its response to OAG’s CID, IPS confirmed that it adheres to a policy and practice of never requesting or maintaining information about the immigration status of students. In other words, even if information concerning a person’s immigration status is gathered by IPS staff inadvertently, IPS does not permit IPS staff to maintain records of such information.

C. The Restricted Access Policy

44. Beyond the restrictions it places on itself and its employees concerning immigration-related information, IPS also severely limits the circumstances in which it and its staff may grant federal immigration authorities access to school facilities. Specifically, under its policies, IPS will grant federal immigration authorities access

to school grounds only in exigent circumstances or if the federal officers possess a judicial warrant.

45. On its website, IPS states that it generally “require[s] proper legal documentation from ICE or any other government agency to enter school facilities or buildings.” According to IPS’s site, this means that “ICE officers must present a valid warrant signed by a judge to enter school [non-public spaces] grounds.”

46. IPS policies also provide that in “limited circumstances . . . ICE officers may enter nonpublic spaces without a valid judicial warrant,” stating these circumstances will be “reviewed on a case-by-case basis” by “IPS legal staff.” IPS policies make clear that IPS makes exceptions to its judicial warrant requirement for immigration authorities only in “exigent circumstances.”

47. The IPS website’s Frequently Asked Questions section reiterates that “[g]enerally, ICE agents cannot enter non-public spaces without a judicial warrant. There are limited circumstances when ICE officers may enter non-public spaces without a valid judicial warrant, which will be reviewed on a case-by-case basis.”

48. IPS’s recently adopted Officer Response Protocol similarly makes clear that IPS limits immigration law enforcement’s access to school facilities—and that these restrictions are unique to non-local law enforcement. The Protocol provides that “[n]on-local law enforcement agents are not permitted to access IPS facilities, students, staff, or records without verified legal documentation and proper authorization from IPS legal counsel.”

49. The Protocol mandates the following steps for all IPS staff upon initial

interaction with an ICE agent:

- a. “Do not provide any information about a student, family member, or staff member.”
- b. “Inform the agent that IPS does not consent to access school facilities or records without approval from legal counsel.”
- c. Collect the ICE agent's name, badge number, purpose of visit, and any legal documents.

III. IPS Policies Violate Indiana Law and Pose Serious Risks to Public Safety

50. On October 3, 2025, the Attorney General issued a second letter to IPS discussing the findings of OAG’s investigation of IPS’s compliance with Indiana Code chapter 5-2-18.2 and identifying the various ways in which IPS’s policies violate state law. In his letter, the Attorney General asked IPS to rescind the offending policies or face legal action. The October 3 Letter gave IPS until October 17, 2025, to come into compliance with Indiana law.

51. IPS did not respond to the Attorney General’s correspondence by October 17. Instead, on October 21, IPS requested a two-week extension of its deadline to respond to the October 3 Letter. OAG agreed to give IPS until October 28, 2025, to eliminate its illegal policies and comply with state law.

52. October 28 came and went with no response from IPS. To date, IPS has not provided a substantive response to the Attorney General’s October 3 Letter. Accordingly, the Attorney General has “determine[d] that probable cause exists that

[IPS] has violated” Indiana Code chapter 5-2-18.2.

A. Indiana Law on Citizenship and Immigration Status

Information and Enforcement of Federal Immigration Laws

53. Indiana law bars state and local entities from restricting their own and their officers’ and employees’ ability to cooperate and communicate with federal authorities in the enforcement of immigration laws and related criminal matters. *See* Ind. Code ch. 5-2-18.2.

54. Indiana Code § 5-2-18.2-3 (“Section 3”) provides that a governmental body “may not enact or implement . . . a policy that prohibits or in any way restricts another governmental body or employee . . . , including a law enforcement officer, a state or local official, or a state or local government employee, from taking” certain protected “actions with regard to information of the citizenship or immigration status, lawful or unlawful, of an individual.”

55. The specific actions local government employees may take with respect to immigration status information and that are protected from interference by local government entities by Section 3 are: “(1) Communicating or cooperating with federal officials[;] (2) Sending to or receiving information from the United States Department of Homeland Security [;] (3) Maintaining information[;] [and] (4) Exchanging information with another federal, state, or local government entity.” *Id.*

56. Separately, Indiana Code § 5-2-18.2-4 (“Section 4”) provides that a governmental body “may not limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law.”

57. Section 3 and Section 4 were enacted in 2011.

58. Under Indiana Code § 5-2-18.2-5, “[i]f the attorney general determines that probable cause exists that a governmental body or a postsecondary educational institution has violated [Section 3 or Section 4], the attorney general shall bring an action to compel the governmental body or postsecondary educational institution to comply with this chapter.”

59. Indiana Code § 5-2-18.2-6 states that “[i]f a court finds by a preponderance of the evidence that a governmental body or postsecondary educational institution knowingly or intentionally violated this chapter, the court shall enjoin the violation.”

60. Each of the IPS policies described above violates either Section 3, Section 4, or both.

B. The Non-Assistance Policy Violates State Law

61. IPS’s Non-Assistance Policy plainly violates both Section 3 and Section 4 of Indiana Code chapter 5-2-18.2.

62. As noted, Section 3 prohibits IPS from “enact[ing] or implement[ing]” any “policy that prohibits *or in any way restricts*” IPS employees from “communicating or cooperating with federal officials” with regard to immigration status information. Ind. Code § 5-2-18.2-3 (emphasis added).

63. IPS Resolution No. 7736 directly violates this prohibition by restricting IPS employees’ ability to provide any form of assistance to federal immigration authorities unless legally required to do so.

64. Local government assistance to federal immigration authorities may include voluntarily responding to information requests from ICE, such as to aid in the identification of an illegal alien. That is a form of assistance in which local government entities may and often do engage and that can be of critical importance to the success of federal law enforcement operations. *See* 8 U.S.C. § 1357(g)(10)(B).

65. For example, one of the most important, current operational priorities of federal immigration authorities is ICE’s Unaccompanied Alien Children Joint Initiative Field Implementation (“Initiative”). The purpose of the Initiative is to locate the nearly 400,000 unaccompanied alien children (“UAC”) who entered the United States through the southern border in recent years.¹ Because of their age and lack of a legal guardian, UAC are especially vulnerable to being victimized by traffickers and other criminal actors. ICE’s Initiative is meant to ensure these UAC “are not subject to crimes of human trafficking or other exploitation.”² To achieve this operational priority, ICE officers have been directed to identify and locate unaccompanied minors released from federal custody. The process of doing so requires, among other things, that ICE officers verify “whether UAC are registered in school.”³

66. It is thus likely—if not certain—that ICE officers will have occasion to

¹ Between 2022–2024, U.S. Customs and Border Patrol encountered 390,330 unaccompanied children. U.S. Customs and Border Prot., *Southwest Land Border Encounters, UC/Single Minors*, available at <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last visited Oct. 10, 2025).

² U.S. Immigr. & Customs Enf’t, *Unaccompanied Alien Children Joint Initiative Field Implementation* (FOIA Release) 1 (2025), available at <https://www.ice.gov/doclib/foia/policy/uac-jifi.pdf> (last visited Oct. 15, 2025).

³ *Id.* at 2.

inquire with IPS staff about UAC who may be enrolled in IPS schools as ICE pursues the Initiative in the coming weeks, months, and years. But because of IPS's Non-Assistance Policy, IPS staff would be obligated to refuse to cooperate with even such basic information requests from ICE officers.

67. IPS's Non-Assistance Policy may thus frustrate an important federal immigration enforcement priority—a result directly contrary to the policy enacted by the General Assembly and codified at Indiana Code chapter 5-2-18.2 of maximizing local government officials' and employees' ability to cooperate with federal immigration authorities. The unlawful Non-Assistance Policy may also jeopardize the safety and wellbeing of the vulnerable UAC whom ICE is attempting to locate.

68. Similarly, the Non-Assistance Policy violates Section 4 because a prohibition on IPS staff providing assistance to immigration authorities unless legally required and authorized by the IPS superintendent to do so plainly restricts IPS's staff's ability to engage in various enforcement-related activities that are protected by Section 4.

69. Federal law permits—but does not require—local government officials and employees to assist in various aspects of immigration enforcement, such as “the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.” 8 U.S.C. § 1357(g)(10)(B). Yet IPS's policy flatly prohibits IPS employees from providing any such assistance.

70. By restricting IPS employees' ability to assist or cooperate voluntarily with federal immigration authorities unless legally *required* to do so, IPS has thus

restricted enforcement-related activities to “less than the full extent *permitted* by federal law” in violation of Indiana law. Ind. Code § 5-2-18.2-4 (emphasis added).⁴

C. The Information Restriction Policies Violate State Law

71. IPS’s Information Restriction Policies plainly violate both Section 3 and Section 4 of Indiana Code chapter 5-2-18.2.

72. As detailed above, IPS places a variety of restrictions on its own and its employees’ ability to gather, maintain, share, exchange, and communicate information concerning the immigration status of IPS students, parents of IPS students, and IPS staff.

73. The violation of Section 3 could not be clearer. Section 3 bars local government entities like IPS from adopting, implementing and maintaining policies that in “any way restrict[]” local government employees from “maintaining;” “communicating” with federal immigration authorities; or “exchanging” with other government entities information concerning individuals’ immigration status. Ind. Code § 5-2-18.2-3. Section 3 likewise protects local government employees’ ability to “cooperat[e]” with federal immigration authorities with respect to such information.

74. IPS’s Information Restriction Policies thus prohibit the precise activities Section 3 protects.

⁴ IPS’s rigid Non-Assistance Policy with respect to federal immigration enforcement stands in sharp contrast to IPS’s cooperative relationship with local law enforcement, such as the Indianapolis Metropolitan Police Department (“IMPD”), with which IPS has previously entered into a memorandum of understanding concerning various forms of cooperation and assistance between IPS and IMPD. *See* Memorandum of Understanding Between the Board of School Commissioners of the City of Indianapolis and the Indianapolis Metropolitan Police Department (Mar. 14, 2017), available at <https://interactive.wthr.com/pdfs/IPS--IMPD-MOU-May-2017.pdf>.

75. Relatedly, the Information Restriction Policies clearly prohibit IPS employees from sharing information that, for example, may assist federal authorities in the identification of an illegal alien—an enforcement-related activity in which, as noted previously, local government entities are clearly permitted to engage by federal law. The Policies therefore also violate Section 4’s prohibition on policies and practices that “limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law.” Ind. Code § 5-2-18.2-4.

D. The Restricted Access Policy Violates State Law

76. IPS’s Restricted Access Policy plainly violates Section 4 of Indiana Code chapter 5-2-18.2.

77. As detailed above, IPS’s Restricted Access Policy prohibits federal immigration authorities from entering school facilities unless the federal officers possess a judicial warrant or there are exigent circumstances that, in IPS’s judgment, warrant granting the officers permission to enter school grounds.⁵

78. Such limitations on federal officers’ ability to enter school grounds are more restrictive than the kind of access that federal officers could be granted under federal law. A judicial warrant and exigent circumstances are not the only means by which law enforcement may access a nonpublic place under the Fourth

⁵ Under the Fourth Amendment, “exigent circumstances” is generally understood to refer to unusual and dangerous circumstances, such as when law enforcement is engaged in the hot pursuit of a criminal or where there is an imminent threat to life. *See Brigham City v. Stuart*, 547 U.S. 398, 403 (2006). IPS’s actions during the January 8, 2025 Incident confirm that IPS applies its exigent circumstances exception in a similarly restrictive way that does not leave unfettered IPS’s discretion to cooperate with federal immigration enforcement to the full extent permitted by federal law and protected by Section 4 of Indiana Code ch. 5-2-18.2.

Amendment to the U.S. Constitution. “[A] search authorized by consent is [also] wholly valid.” *Schneckloth v. Bustamonte*, 412 U.S. 218, 222 (1973). Thus, IPS officials could consent to ICE entry without a warrant. *See Georgia v. Randolph*, 547 U.S. 103, 106 (2006). And ICE regulations expressly authorize ICE officers to enter nonpublic spaces with “the consent of the owner” of the location. 8 C.F.R. § 287.8(f)(2).⁶

79. Because IPS’s policies categorically prohibit federal immigration authorities from accessing school grounds in cases where there is no judicial warrant or exigent circumstance but where IPS could grant consent, the policies are unlawful.

80. Simply put, IPS could, consistent with federal law, consent to ICE’s presence on school grounds. But IPS has a blanket, inflexible policy that says it will not consent unless legally required to do so. Indiana law does not permit IPS to maintain such a categorical restriction on federal immigration enforcement activity. Such a restriction limits immigration-related enforcement activities to “less than the

⁶ The U.S. Department of Homeland Security (“DHS”) earlier this year rescinded a guidance document that had previously limited ICE’s ability to engage in enforcement activity on school grounds. *See* U.S. Dep’t of Homeland Security, Memorandum regarding Enforcement Actions in or Near Protected Areas (January 20, 2025), available at https://www.dhs.gov/sites/default/files/2025-03/25_0120_S1_enforcement-actions-in-near-protected-areas.pdf. Within days of the rescission, IPS contacted parents and students to emphasize that, despite DHS’s change in policy to authorize ICE operations at school locations in certain circumstances, IPS would continue to refuse to grant ICE officers access to school grounds unless the officers possessed a judicial warrant. *See* Caroline Beck, *IPS won’t allow ICE to enter schools without a warrant. Here’s what other districts said*, Indianapolis Star (Jan. 24, 2025). And notably, IPS Board Resolution No. 7736 still provides that IPS “supports U.S. Immigration and Customs Enforcement policy that restricts enforcement actions by ICE officers and agents in or around schools.” IPS’s policies thus appear designed in some ways to counteract DHS’s rescission of its previous enforcement guidance and to maintain restrictions on ICE access to school facilities that are no longer consistent with or dictated by federal policies.

full extent permitted by federal law.” Ind. Code § 5-2-18.2-4.

81. The adverse consequences that IPS’s Restricted Access Policy—implemented and maintained in defiance of state law—may have for federal enforcement activity and the safety of Hoosier schoolchildren are evident and alarming.

82. The January 8, 2025 Incident demonstrates one way in which IPS’s Restricted Access Policy may frustrate federal authorities’ ability to enforce immigration laws. Because IPS will not consent to ICE’s entry on schools grounds unless ICE produces a warrant or demonstrates the existence of exigent circumstances, similar efforts by ICE in the future to effectuate an illegal alien’s voluntary departure from the country or to reunite an illegal alien with his or her child enrolled at an IPS school in advance of such departure would be thwarted by IPS officials who choose to follow their restrictive policies over the policy of robust cooperation with federal immigration authorities codified in Indiana Code chapter 5-2-18.2.

83. Even more concerning, IPS’s Restricted Access Policy would prevent ICE from effecting the arrest of a criminal illegal alien present on IPS’s property. Under federal law, ICE is authorized to arrest an illegal alien for removal through use of an administrative warrant. *See Abel v. United States*, 362 U.S. 217, 233 (1960); 8 C.F.R. § 287.8(f)(2). A judicial warrant is not required. Yet, under its unlawful Restricted Access Policy, IPS would refuse to allow ICE to enter school grounds to make such an administrative arrest.

84. The consequences of barring federal authorities from making such arrests could be significant. Criminal illegal aliens have enrolled in public schools across the country, jeopardizing the safety of students. For example, in 2024, a high school in Maryland enrolled Walter Martinez, an MS-13 illegal alien gang member who was the primary suspect in a 2022 murder.⁷ He attended classes before ultimately pleading guilty to murder and receiving a 70-year sentence.⁸ That same school year, a public school district in Virginia faced outrage after allowing an illegal alien student with alleged MS-13 ties to attend a public school despite being previously arrested for carrying a loaded stolen handgun and threatening to kill a fellow student.⁹ And in September of this year, ICE arrested an Iowa school superintendent who was illegally present in the United States and who has been charged with multiple federal felonies, including federal weapons and narcotics

⁷ See Chris Papst, *ICE Denies Hold Request, Allowing for MS-13 Murder Suspect to Enroll in Public School*, FOX17 (last visited Oct. 17, 2025), <https://fox17.com/news/nation-world/ice-denies-hold-request-allowing-for-ms-13-murder-suspect-to-enroll-in-maryland-public-school-walter-martinez-governor-wes-moore-nino-mangione-kayla-hamilton-edgewood-high-school> (Martinez “was in the country illegally, and a known MS-13 gang member”).

⁸ Michael Lee, *MS-13 Gang Member Suspected of Murder Allowed to Attend Maryland High School*, FOX NEWS (Sept. 11, 2024), <https://www.foxnews.com/politics/ms-13-gang-member-suspected-murder-allowed-attend-maryland-high-school>.

⁹ See *Loudoun County Public Schools Student Allegedly Has Ties to MS-13: Sources*, WJLA (last visited Oct. 17, 2025), <https://wjla.com/news/local/loudoun-county-public-schools-lcps-student-ms-13-gang-illegal-us-citizen-juvenile-crime-laws-blue-ridge-middle-school-valley-high-enrollment-enroll-virginia-glenn-youngkin-ice> (“According to sources with knowledge of the situation, the student is allegedly connected to the MS-13 gang and is in the U.S. illegally.”); Nick Minock, *Loudoun County Schools Moves Student with Alleged MS-13 Ties to ‘Alternative Placement,’* WJLA (Oct. 19, 2024), <https://wjla.com/news/local/loudoun-county-public-schools-lcps-sheriffs-office-virginia-student-gang-ms-13-ties-loudoun-valley-high-lvhs-alternative-placement-school-board-parents-safety-chair-melinda-mansfield-public-comment..>

charges.¹⁰

85. Unquestionably, schools are locations that may be exploited and infiltrated by criminal illegal aliens. When that occurs, it is critical for public safety that ICE have the full cooperation of local school officials in ICE's efforts to locate and arrest such aliens. IPS's Restricted Access Policy categorically denies federal authorities that cooperation by barring IPS and its employees from consenting to any kind of ICE activity on IPS grounds in the absence of a judicial warrant or exigent circumstances. That policy is deeply misguided. It is also illegal under Indiana law.

CAUSES OF ACTION

Count I - Non-Assistance Policy: Action to Compel for Violations of Ind.

Code §§ 5-2-18.2-3 & 4

86. Attorney General Rokita repeats and re-alleges each of the foregoing allegations as if fully set forth herein.

87. The Non-Assistance Policy contained in IPS Board Resolution No. 7736 and implemented by IPS violates Indiana Code §§ 5-2-18.2-3 & 4 including but not limited to for the reasons explained above.

88. Attorney General Rokita has determined that probable cause exists that IPS has violated Indiana Code §§ 5-2-18.2-3 & 4.

89. IPS knowingly and intentionally violated Indiana Code §§ 5-2-18.2-3 &

¹⁰ U.S. Immigr. & Customs Enf't, Press Release: ICE releases new information on extensive criminal history of illegal alien Ian Roberts who was working as Iowa school superintendent (Oct. 3, 2025), available at <https://www.ice.gov/news/releases/ice-releases-new-information-extensive-criminal-history-illegal-alien-ian-roberts-who>.

4 by maintaining the Non-Assistance Policy after Attorney General Rokita informed IPS that the policy was not compliant with state law. IPS continues to violate state law knowingly and intentionally by maintaining and implementing the Non-Assistance Policy.

**Count II - Information Restriction Policies: Action to Compel for Violations
of Ind. Code §§ 5-2-18.2-3 & 4**

90. Attorney General Rokita repeats and re-alleges each of the foregoing allegations as if fully set forth herein.

91. IPS's Information Restriction Policies violate Indiana Code §§ 5-2-18.2-3 & 4 including but not limited to for the reasons explained above.

92. Attorney General Rokita has determined that probable cause exists that IPS has violated Indiana Code §§ 5-2-18.2-3 & 4.

93. IPS knowingly and intentionally violated Indiana Code §§ 5-2-18.2-3 & 4 by maintaining the Information Restriction Policies after Attorney General Rokita informed them that the policies were not compliant with state law. IPS continues to violate state law knowingly and intentionally by maintaining and implementing the Information Restriction Policies.

**Count III - Restricted Access Policy: Action to Compel for Violation of
Ind. Code § 5-2-18.2-4**

94. Attorney General Rokita repeats and re-alleges each of the foregoing allegations as if fully set forth herein.

95. IPS's Restricted Access Policy violates Indiana Code § 5-2-18.2-4

including but not limited to for the reasons explained above.

96. Attorney General Rokita has determined that probable cause exists that IPS has violated Indiana Code § 5-2-18.2-4.

97. IPS knowingly and intentionally violated Indiana Code § 5-2-18.2-4 by maintaining the Restricted Access Policy after Attorney General Rokita informed them that the policy was not compliant with state law. IPS continues to violate state law knowingly and intentionally by maintaining and implementing the Restricted Access Policy.

RELIEF REQUESTED

WHEREFORE, the Plaintiff, State of Indiana, *ex rel.* Todd Rokita, Attorney General of Indiana, respectfully requests that the Court:

1. enter a preliminary injunction, later to be made permanent, enjoining IPS from violating Indiana Code chapter 5-2-18.2; and
2. grant such other and further relief as the Court deems just, proper, and necessary to ensure IPS's full compliance with Indiana Code chapter 5-2-18.2.

Respectfully submitted,

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Attorney General
Attorney No. 18857-49

Date: November 6, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2025, I electronically filed the foregoing document using the Indiana E-filing system. I also certify that on November 6, 2025, a copy of the foregoing was served upon the following by depositing the same in the U.S. Mail, first class, postage prepaid:

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