

GUIDANCE FOR SCHOOLS

IMMIGRATION

ENFORCEMENT

This is not legal advice and does not substitute for a consultation with an attorney.



What To Know

If ICE Arrives at Your School

Parent/Guardian Consent



In the absence of a valid judicial warrant, schools should not permit an immigration official to question or remove a student from school without the consent of a parent or guardian.

Protecting Students



School personnel have the common law responsibility to care for children in place of their parents while children are at school.

School personnel are not obligated to report an undocumented student or family member to ICE, or to assist ICE in apprehending that student. The relevant laws governing schools and students give the school the authority and the obligation to protect undocumented students, including from ICE.

However, it may be a crime to take affirmative and active steps to conceal, harbor, or shield an undocumented person from detection, with knowledge of or reckless disregard for that person's undocumented status.

Handling ICE's Presence

ICE can be stationed outside of a school. If there are ICE agents outside or near your school, you can send a designated staff member outside to ascertain the identity of the individuals. If they can confirm that they are immigration agents, that person can reenter the school to prepare and remind people of their rights should the agents attempt to gain entry.

KNOW THE DIFFERENCE: Judicial Warrants vs. Administrative Warrants

A valid judicial warrant is signed and issued by a judge and should be reviewed by the district attorney.

This is different from an administrative warrant, which is a document signed by an ICE agent.



If a judicial warrant is presented, the Superintendent should consult with the school district's attorney before taking any action.

Student's Rights



All students, regardless of their immigration status, have the right to enroll in and attend a public K-12 school.

A child also has the right against self-incrimination and may not be required to provide any information that would establish his or her immigration status.

Frequently Asked Questions – Schools

Before Immigration Enforcement Arrives

Are schools required to enforce immigration laws?

No. Schools are not required and cannot be forced to enforce immigration laws.

What protections are in place for immigrant students and their families?

Public schools are prohibited from:

- Asking students or their parents about their immigration status for the purposes of enrollment.
- Revealing a student's or their parent's immigration status without their permission.
- Requiring social security numbers from students.
- Sharing a student's or their family's private information contained in education records without the written consent of a parent, guardian, or the student (if over 18 years old).

Exceptions include if the information is considered directory information or if a valid judicial order or subpoena is presented.

Does the Family Education Rights and Privacy Act of 1974 (FERPA) exception related to law enforcement with a valid judicial warrant allow ICE agents to obtain personal information?

Yes, but the court order or judicial warrant should be elevated to the school superintendent and validated by the school's district attorney. No action should be taken until these steps are taken.

If personal information must be shared because of this exception, the affected family must be alerted unless the order or warrant explicitly states that you may not.

Are schools public places and how does this impact immigration enforcement?

Generally, schools are not considered public places and limitations are in place on who may enter. Schools can prevent immigration officials from entering private space if they don't have a judicial warrant.

Thus, it is strongly recommended that schools identify and distinguish (ideally with legal advice) their private spaces from their public ones, if any. This can be done by placing signs identifying private areas, or by placing security guards tasked with signing in visitors at main entrances.

Recommendations & Resources for Schools

Before Immigration Enforcement Arrives

Create Proactive Internal Policy to Protect Students from Immigration Enforcement, including:

POLICIES FOR RESPONDING TO ICE

- The distinction between public and private spaces.
- Internal protocol for interacting with immigration agents, including protocol for handling law enforcement requests.
- Designation of a well-trained individual or immigration advocacy group personnel to approach ICE agents outside or near the property.
- Establish rapid response teams to assist students if their parent or guardian has been detained.

POLICIES FOR PROTECTING STUDENT INFORMATION

- Restrictions to information in the school directory, such as not requiring immigration status information.
- Written privacy policies regarding student's information.



Share “Know Your Rights” Information

Create and disseminate educational materials and “Know Your Rights” trainings for school personnel:

- [ACLU Know Your Rights: Immigration Enforcement](#)
- [Sample Presentation for School Administrators](#) (ACLU of Nebraska)
- [Know Your Rights as an Immigrant](#) (ACLU of Idaho)

Communicate Clear Protocols

Communicate with Superintendents about clear protocols for schools to follow if asked for student information or for access to a student:

- [DC schools immigration guidance](#) (DC OAG)
- [Welcoming schools and safety protocol](#) (ACLU of PA)

Emergency Safety Planning

Host or provide emergency safety planning for immigrant families:

- [Immigration Emergency Preparedness](#) (Alliance of Idaho)
- [Emergency Documentation Needed](#) (Alliance of Idaho)

Connect with Local Organizations

Compile and provide contact information for local organizations providing free legal assistance for families:

- [Immigration Advocates Network](#)

Advocate in Your Community

Advocate for model policies with your school board and local government:

- [Model school board policy](#) (NEA)
- [School campus model policy](#) (ACLU of ME)
- [School campus model resolution](#) (ACLU of ME)
- [Welcoming schools and safety protocol](#) (ACLU of PA)
- [Legal rights of students letter to schools](#) (ACLU of PA)

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