

April 7<sup>th</sup>, 2025

**Re: Legal Rights of Immigrant Students in Wyoming Schools**

Dear Superintendent,

We write today on behalf of the American Civil Liberties Union (ACLU) of Wyoming to share relevant information with you regarding recent changes in federal policy that may impact some of your students and to suggest proactive steps you can take to guarantee that you continue to provide a safe and welcoming environment to all of the children in your district.



The ACLU of Wyoming is a non-profit, non-partisan organization dedicated to protecting and advancing the civil rights and civil liberties of everyone in Wyoming. The ACLU of Wyoming works in communities, legislative bodies, and courts to preserve those liberties enshrined by the state and federal Constitutions. Our organization is dedicated to protecting all immigrants—citizens and non-citizens alike.

Recognizing the sensitivity of schools and certain other locations, U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) previously maintained a “sensitive locations” policy over several different presidential administrations that limited immigration enforcement at schools and certain other locations.<sup>1</sup> However, this policy was rescinded on January 21, 2025. Accordingly, it is no longer contrary to ICE or CBP policy to engage in enforcement operations at or near schools, school playgrounds, or bus stops. But simply because internal agency guidance may permit activity does not mean that schools must, or even can consistent with law, allow immigration agents to enter schools, inspect records, or engage with students and staff. No agency directive can override federal laws and the U.S. Constitution.

We have heard from many educators who are concerned about how the federal government’s revocation of the “sensitive locations” policy will affect their ability to educate their students. Educators have reached out to us with questions about how best to serve their immigrant students, what is required to meet their legal obligations, and what they can do to ensure that schools will remain safe places for all children to learn and grow.

This letter will provide you with answers to some common questions and with tools that can help you to ensure that all students in your district feel welcome.<sup>2</sup>

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<sup>1</sup> U.S. Immigration and Custom Enforcement, Guidelines for Enforcement Actions in or Near Protected Areas, [https://www.dhs.gov/sites/default/files/publications/21\\_1027\\_opa\\_guidelines-enforcement-actions-in-near-protected-areas.pdf](https://www.dhs.gov/sites/default/files/publications/21_1027_opa_guidelines-enforcement-actions-in-near-protected-areas.pdf).

<sup>2</sup> This letter should not be viewed as legal advice, but rather as a strong recommendation that you seek legal guidance promptly relative to issues in this letter. The law in this area is complex and every situation is different.

At the outset, it is important to understand that the federal government’s revocation of the “sensitive locations” policy does not affect the constitutional right of immigrant children to an education, does not affect the legal responsibilities of school districts toward their students, and does not affect a school’s own legal rights regarding who enters their property. The end of the sensitive locations policy, however, makes it more likely that immigration enforcement operations will take place at schools. Therefore, it is critically important for schools to understand both children’s rights and schools’ responsibilities.

### **Federal and State Law Protects Students Regardless of Immigration Status**



Federal laws prohibit discrimination in public education, including discrimination on the basis of race, color, or national origin.<sup>3</sup> Federal law specifically prohibits schools from “utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.”<sup>4</sup> The Supreme Court, in the case *Plyler v. Doe*,<sup>5</sup> also held that discrimination on the basis of immigration status in access to basic public education violates the Constitution. As the Court explained, denying access to education “imposes a lifetime hardship on a discrete class of children not accountable for their disabling status.”<sup>6</sup>

The Wyoming Constitution likewise “requires that *all* students receive an equal opportunity to a quality education.”<sup>7</sup> And the Wyoming Supreme Court has determined that the state Constitution’s guarantee of an “equal opportunity for a proper education necessarily contemplates the playing field will be leveled so each child has equal chance for educational success.”<sup>8</sup> Any threat or insinuation that immigrant children and their families are unwelcome could violate these rights guaranteed by the Wyoming Constitution.

### **School Districts Should Have Procedures to Respond If Immigration Agents Take Enforcement Action at Schools**

Every district should develop procedures in consultation with legal counsel, if it has not done so already, to be prepared for immigration enforcement at or near schools, school events, bus stops, etc. Schools must protect students’ rights, including their Fourth Amendment rights against unreasonable searches and seizures, their Fifth Amendment right against self-incrimination, and their privacy rights under Family Educational Rights and Privacy Act (“FERPA”), as well as numerous other laws.

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<sup>3</sup> Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c-6 (public elementary and secondary education); Title VI, 42 U.S.C. § 2000d (recipients of federal funds).

<sup>4</sup> 28 C.F.R. § 42.104(B)(2); 34 C.F.R. § 100.3(b)(2); *see also* U.S. Dep’t of Educ., Office for Civil Rights & Office of the General Counsel, U.S. Dep’t of Just., Civil Rights Div., Dear Colleague Letter: School Enrollment Procedures 1 (May 8, 2014)

<sup>5</sup> 457 U.S. 202 (1982).

<sup>6</sup> *Id.* at 223.

<sup>7</sup> *In re RM*, P.3d 868, 874 (Wyo. 2004) (Citing Article 1 Section 23 of the Wyoming Constitution).

<sup>8</sup> *Campbell County School Dist. v. State*, 907 P.2d 1238 (Wyo. 1995).



While longstanding law requires schools to comply with valid judicial warrants and subpoenas, immigration agents often serve what are known as administrative warrants, which do not have the same legal force. To be valid, a judicial warrant must:

- Be issued by a judicial court;<sup>9</sup>
- Be signed by a state or federal judge or magistrate (not merely authorized by an immigration judge or agent within the Department of Homeland Security or ICE);<sup>10</sup>
- State the address of the premises to be searched (check for your school’s exact address); and
- Be executed within the limited time period specified on the warrant.

However, ICE typically does not use judicial warrants. Instead, ICE commonly relies on administrative warrants, signed by an immigration officer<sup>11</sup> or immigration judge. Unlike judicial warrants, administrative warrants do not give ICE agents authority to enter areas of school property that are not otherwise open to the public.<sup>12</sup> To enter those places (absent a judicial warrant), ICE would need the school’s consent, which school officials have no legal obligation to give.

In short, if ICE agents present a warrant, it is critical to read it and determine whether it is issued by an ICE officer or a judge. A useful fact sheet explaining what is required and how to respond to different types of warrants and subpoenas is available at: [www.nilc.org/wp-content/uploads/2020/09/Warrants-Subpoenas-Facts-1.pdf](http://www.nilc.org/wp-content/uploads/2020/09/Warrants-Subpoenas-Facts-1.pdf).

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<sup>9</sup> Judicial orders are required by the Fourth Amendment’s guarantee to be free from unreasonable searches and seizures of persons or objects. *See* U.S. CONST. amend. IV. As courts have explained, administrative warrants “lack the independent assurance guaranteed by the Fourth Amendment” and therefore are insufficient to enter a constitutionally protected area. *See, e.g., Kidd v. Mayorkas*, 734 F. Supp. 3d 967, 979–80 (C.D. Cal. 2024) (holding that ICE’s “knock and talk” policy violated Fourth Amendment).

<sup>10</sup> An immigration judge (IJ) presides exclusively in immigration court over administrative deportation proceedings, and an IJ’s authority to issue administrative warrants and administrative subpoenas exists only in the immigration court context. *See* 8 C.F.R. § 1240.41. Warrants and subpoenas signed or otherwise authorized or issued by an immigration judge are not judicial warrants or judicial subpoenas.

<sup>11</sup> “Immigration officer” is a term that designates employees and agents of U.S. Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), and U.S. Customs and Border Protection (CBP). *See* Immigration and Nationality Act (INA), 8 U.S.C. § 1101(a)(18).

<sup>12</sup> U.S. CONST. amend. IV (“[N]o Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”); *Johnson v. United States*, 333 U.S. 10, 14 (1948) (warrant must be issued by “neutral and detached magistrate”); *Coolidge v. New Hampshire*, 403 U.S. 443, 453 (1971) (Fourth Amendment “neutral and detached magistrate” requirement not satisfied if person issuing warrant belongs to executive branch rather than member of judiciary); *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975) (Fourth Amendment protections apply to interactions between immigration officials and people they suspect to be undocumented); *Santos v. Frederick Cnty. Bd. of Comm’rs*, 725 F.3d 451, 468 (4th Cir. 2013) (deputies conducting arrest based on ICE civil arrest warrant violated noncitizen’s Fourth Amendment rights). *See also*, ICE Administrative Removal Warrants, FED. L. ENF’T TRAINING CTRS., <https://www.fletc.gov/ice-administrative-removal-warrants-mp3> (last visited Mar. 10, 2025) (“The primary difference [between an ICE warrant and a criminal warrant] is that, unlike a criminal warrant issued by the federal court, a removal warrant does not authorize the ICE officer to enter into an REP [Reasonable Expectation of Privacy] area to execute the warrant.”).



Other important steps for schools to take include:

- Clearly demarcate the public and non-public areas in your schools. If school playgrounds, sports fields, etc., are not open to the public during certain hours, you can also post signage setting out those limits.
- Establish protocols for exactly what school staff should do if immigration agents come to a school. The National Immigration Law Center provides some useful pointers in their *Guide for Employers: What to Do if Immigration Comes to Your Workplace* available at <https://www.nilc.org/resources/a-guide-for-employers-what-to-do-if-immigration-comes-to-your-workplace/>.
- Train all school staff, based on your protocols, that if immigration agents come to a school, staff should immediately inform a designated trained contact person (for example the principal), who should then consult the school's attorney. School staff should not themselves consent to immigration enforcement officers entering non-public areas and should not allow immigration enforcement officers to interview students. As explained in more detail below, schools may also face legal repercussions if staff provide information to immigration agents about students, which is why legal review of all requests for student information is critical.
- Because immigration agents sometimes wear clothing intended to suggest they are local police and because a variety of law enforcement agencies can be involved in immigration investigations and enforcement, the procedures above should be used whenever any law enforcement officials come to a school (other than in emergency situations or when called by the school to come there).
- An attorney should review what immigration enforcement officials are requesting, including any warrant or subpoena presented. The attorney can ensure that schools are acting consistent with their legal responsibilities to students and can provide advice to school decision makers about how to proceed.
- Judicial warrants and subpoenas are often limited to particular places or people. The school's attorney and decision-makers should hold immigration agents to the limits in the warrant or subpoena.
- Any actions by immigration agents should be observed and documented. Schools should make copies of officers' identification documents, as well as any warrants or subpoenas.

### **School Districts Cannot Require Information About Immigration Status and Should Limit the Other Information They Collect**

Requiring students, parents, or guardians to provide schools with information regarding their immigration status or taking other actions that significantly interfere with the right to a public education, violates the constitutional principles set out in *Plyler v. Doe*.<sup>13</sup>

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<sup>13</sup> See *Hispanic Interest Coal. of Alabama v. Governor of Alabama*, 691 F.3d 1236, 1245 (11th Cir. 2012); *League of United Latin Am. Citizens v. Wilson*, 908 F. Supp. 755, 774 (C.D. Cal. 1995), on reconsideration in part, 997 F. Supp. 1244 (C.D. Cal. 1997).



Schools should not require students to provide a social security number and, consistent with *Plyler*, should identify a range of documents (e.g. birth certificate, family bible, parent affidavit) that may be used to establish a child’s age. To further remove barriers to enrollment, schools can limit the information required to enroll to proof of residency, proof of age, and immunization records, and request any other information after enrollment. In sum:

- Schools should not ask about or require students to provide proof of immigration status.
- Schools should not ask students for information such as social security numbers or place of birth that may indicate a student’s immigration status.
- Schools should not require documents for determining residency or age that only people with U.S. citizenship or current immigration status can have (e.g. U.S. passport, driver’s license, etc.). Instead, schools should provide a variety of means for establishing information necessary for enrollment.
- School administrators should limit the information collected from students, parents and guardians. If there is no reason to collect it, then do not collect it.

Schools should also review what information is contained in school directories, and remind parents, guardians, and adult students that they have a right to opt out of having their information included in the directory.<sup>14</sup>

### **School Districts Must Protect the Privacy of Student Records**

FERPA generally prohibits schools and school districts that receive federal funds from releasing personal information contained in a student’s education records without the written consent of the parent/guardian or adult student.<sup>15</sup> FERPA embodies the principle that schools should act with sensitivity in collecting and retaining information regarding children, and should take precautions to ensure that school records are not disclosed or used in a way that could harm students.<sup>16</sup>

FERPA allows a law enforcement officer to obtain student information from a school if they have a valid court order or judicial subpoena.<sup>17</sup> Schools must make a reasonable effort to alert parents or adult students to a subpoena before providing information.<sup>18</sup> ICE administrative subpoenas are not judicial subpoenas and are not enforceable on their own,

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<sup>14</sup> 20 USC 1232g(a)(5)(B).

<sup>15</sup> 20 U.S.C. § 1232g; 34 C.F.R. § 99.1-99.67.

<sup>16</sup> 20 U.S.C. § 1232g; 34 CFR Part 99. The U.S. Department of Education Privacy Technical Assistance Center provides a Data Security Checklist that schools can consult. Privacy Technical Assistance Center, Data Security Checklist (rev. 2015), [https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/Data%20Security%20Checklist\\_0.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Data%20Security%20Checklist_0.pdf).

<sup>17</sup> 20 U.S.C. § 1232g(b)(2)(B), (b)(1)(J).

<sup>18</sup> See 34 C.F.R. § 99.31(a)(9)(ii).

absent a separate judicial order or legal proceeding to enforce the subpoena.<sup>19</sup> Any subpoena presented by immigration agents should be reviewed by legal counsel before any information is produced. Releasing directory information for immigration enforcement purposes could likewise violate the law.<sup>20</sup>

### **Districts Must Ensure Any School Security Officers Abide by Student Privacy Laws**



Ensuring that students' privacy rights are respected is particularly important if a district has school security officers, school resource officers, or other police officers assigned to schools. Districts must ensure that such security officers do not have general access to FERPA-protected records.

Under FERPA, school security officers may use FERPA-protected information if they are acting as a "school official" in order to fulfill a "legitimate educational interest." School security officers may not redisclose that information to other law enforcement officers who are not acting as "school officials" for the same task.<sup>21</sup> Immigration enforcement is not a "legitimate educational interest." And it's important to be aware that school administrators can be held responsible for the actions of school security officers who violate FERPA because security officers are acting as "school officials" when accessing FERPA-protected information.

We recommend that:

- School security officers should commit through a signed agreement or official policy not to inquire about immigration status, not to engage in immigration enforcement activities, and not to detain students and family members for purposes of immigration enforcement.
- Districts should educate school security officers about the legal protections for immigrant students and should inform them that if they engage in immigration enforcement activities, they run the risk of violating federal and state law.

Districts must also ensure that such school security officers are properly following Fourth and Fifth Amendment standards for detention, interrogation, search, and seizure, and are not arresting students for incidents that can be handled as matters of school discipline. These concerns carry extra weight for immigrant students, for whom school policing has the potential to undermine the education rights outlined in *Plyler*. Police in schools commonly arrest students for misdemeanor offenses like disorderly conduct when behaviors could easily be addressed through school discipline.<sup>22</sup> Police in schools

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<sup>19</sup> See National Immigration Law Center, *Warrants and Subpoenas: What to Look Out For and How to Respond*, 4-6 (Jan. 2025), [https://www.nilc.org/wp-content/uploads/2025/01/2025-Subpoenas-Warrants .pdf](https://www.nilc.org/wp-content/uploads/2025/01/2025-Subpoenas-Warrants.pdf).

<sup>20</sup> See e.g. *Hispanic Interest Coalition of Alabama v. Governor of Alabama*, 691 F.3d 1236 (11th Cir. 2012).

<sup>21</sup> See 34 C.F.R. § 99.31(a)(1)(i)(B), § 99.31(a)(1)(ii) and § 99.33(a)(2).

<sup>22</sup> See, e.g., Chongmin Na & Denise Gottfredson, *Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors*, 30 JUST. Q. 619, 620 (2013); Steven C. Teske, *A Study of Zero Tolerance Policies in Schools: A Multi-integrate System Approach to Improve Outcomes for Adolescents*, J.

sometimes also collect intelligence on students, for example, to enter them into a database of alleged gang associates. In addition to numerous detrimental impacts these forms of policing have on any student,<sup>23</sup> immigrant students risk having their application for lawful status or an immigration benefit placed in jeopardy, being detained by ICE, and/or being placed in removal or expedited removal proceedings.

We recommend that districts review their policing practices to focus attention on protecting the school community from outside threats and limit law enforcement interactions with students to immediate threats to physical safety.

### **State Laws Do Not Impact a School's Obligation to Protect Students' Privacy**



No law passed by the Wyoming legislature can bypass students' federally guaranteed right to privacy. For instance, the recently passed House Bill 133 will add a section to Wyoming's code which states that "[n]o state or local official or employee shall be prohibited or restricted from communicating or cooperating with federal officials or law enforcement officers with regard to reporting immigration status information while the official or state employee is acting within the scope of the official's or employee's official duties."<sup>24</sup> However, FERPA is a federal law that protects students' right to privacy and when a state law conflicts with the federal law, the Supremacy Clause of the United States Constitution guarantees that the federal law is the highest authority.<sup>25</sup>

Therefore, requests for information by immigration agents should always be reviewed by legal counsel. Also, districts should review policies and practices regarding the management and use of student data. Districts must ensure that staff, contractors, consultants, agency partners, and volunteers who come into contact with students or who access student records respect students' FERPA rights.

### **Steps Schools Can Take to Ensure that They Are Welcoming for All Students**

There are many steps districts can take to support their immigrant students. To begin with, the attached self-assessment tool provides a checklist that both the district and each school in the district can use to review policies and procedures.

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OF CHILD AND ADOLESCENT PSYCH. NURSING; Matthew T. Theriot, *School Resource Officers and the Criminalization of Student Behavior*, 37 J. OF CRIM. JUST. (2009).

<sup>23</sup> See, e.g., Sarah E. Redfield & Jason P. Nance, American Bar Association, Preliminary Report: School-to-Prison Pipeline (Feb. 2016), [https://www.americanbar.org/content/dam/aba/administrative/diversity\\_pipeline/stp\\_preliminary\\_report\\_final.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/diversity_pipeline/stp_preliminary_report_final.authcheckdam.pdf); American Psychological Association Zero Tolerance Taskforce, *Are Zero Tolerance Policies Effective in the Schools?: An Evidentiary Review and Recommendations*, AM. PSYCHOLOGIST (Dec. 2008), <https://www.apa.org/pubs/info/reports/zero-tolerance.pdf>; Gary Sweeten, *Who Will Graduate? "Disruption of High School Education by Arrest and Court Involvement"*, 23 JUST. Q. 4 (2006)(a first time arrest during high school almost doubles the odds of drop out); Paul Hirschfield, *Another Way Out: The Impact of Juvenile Arrests on High School Dropout*, 82 SOC. OF EDUC. 4 (2009).

<sup>24</sup> See H.B. 133, creating Wyo. Stat. § 9-25-102(b).

<sup>25</sup> See e.g., *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 324 (2015) (noting that the Supremacy Clause means that courts "must not give effect to state laws that conflict with federal laws").

In addition, we encourage you to communicate with district families that all students are welcome in your schools.<sup>26</sup> Districts should adopt policies for how staff should handle interactions with law enforcement, including ICE, that are consistent with federal law and the Wyoming Constitution's guarantee of an equal opportunity to learn for all students. Districts should clearly communicate these policies to the school community to help assuage fears and minimize misinformation. Districts should also share with the school community that you are committed to ensuring an emotionally and physically safe learning environment for all students.

Children and families in your district may well be afraid. As educators, you know the importance of information, and we encourage you to:



- Share Know Your Rights Materials about immigration enforcement, such as those available on the websites of the National Immigration Law Center (<https://www.nilc.org/resources/everyone-has-certain-basic-rights/>) and the ACLU ([www.aclu.org/know-your-rights/immigrants-rights](http://www.aclu.org/know-your-rights/immigrants-rights)).
- Share the ACLU of Wyoming's Immigrant Rights family preparedness packet (<https://www.aclu-wy.org/packet>), which can help parents prepare for possible action by immigration authorities and make arrangements for the care of their children if they are detained or deported.

If parents have filled out a delegation of parental authority or made other legal arrangements, school officials will be able to send a child to the appropriate caregiver if the parents are suddenly taken away. In addition, districts should remind parents and guardians to update their children's emergency contact information.

If a family member or child is arrested by immigration enforcement agents, schools should advise the family to immediately seek legal advice from a licensed immigration attorney. Families can find immigration attorneys in Wyoming through the American Immigration Lawyers Association (AILA) at their website: [www.aialawyer.com](http://www.aialawyer.com).

### **Ways Schools Can Learn More and Stay Up to Date**

Many organizations are working to provide up-to-date information for educators even as there has been a daily barrage of new executive orders and policies. In addition to the resources on the ACLU and ACLU of Wyoming websites, the following resources may be helpful:

- The National Immigration Law Center (<http://www.nilc.org/resources>) is an excellent source for current information about changing immigration policies.
- The National Education Association's *Guidance on Immigration Issues* (<https://www.nea.org/resource-library/guidance-immigration-issues>) has information specifically for educators.

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<sup>26</sup> A sample letter from Grand Rapids, Michigan is available at: [https://www.aclumich.org/sites/default/files/grand\\_rapids\\_immigration\\_info\\_jan\\_23\\_2025.pdf](https://www.aclumich.org/sites/default/files/grand_rapids_immigration_info_jan_23_2025.pdf).



Thank you for your important work to ensure that all Wyoming children receive the education they need in order to thrive.

If you need additional information or would like to discuss this matter further, please do not hesitate to contact us.

Sincerely,



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## District and School Self-Assessment

<b>Enrollment and Information Collection Practices</b>	
Eliminate requests for documentation at enrollment other than proof of residency, proof of age, and immunization history. In particular, requiring a driver's license or state ID for enrollment excludes many immigrant parents and should be discontinued.	
Establish process for collecting additional documentation after enrollment (e.g. demographic data; home language surveys; school history).	
Utilize student identification numbers that do not include social security numbers.	
Remove requests for social security numbers from district forms, including forms for:	
(i) residency verification	
(ii) pre-k enrollment	
(iii) after school programs	
(iv) extracurricular activities	
(v) other application-based programs and services	
Offer multiple means of establishing residency, such as a mortgage, lease, or rental agreement; utility bill; tax bill; pay stub, voter documents, or other proof acceptable to the school.	
Review policies and procedures for enrollment of children without records to ensure best practices for compliance with the McKinney-Vento Homeless Assistance Act. <sup>19</sup>	

Ensure that staff accept multiple forms of establishing identity.	
Remove any requests from home language surveys for information regarding place of birth, immigration status or length of attendance in U.S. schools. Make clear to families that the home language survey is not used to identify immigration status.	
Staff responsible for enrollment have received training within the past year and on any revised policies.	
Procedures for collecting, transferring, and storing enrollment information are secure. <sup>20</sup>	

<sup>19</sup> See National Center for Homeless Education, *Prompt and Proper Placement, Enrolling Students without Records* (2006), [https://nche.ed.gov/wp-content/uploads/2018/11/tool\\_app10.pdf](https://nche.ed.gov/wp-content/uploads/2018/11/tool_app10.pdf).

<sup>20</sup> See Privacy Technical Assistance Center, *Data Security Checklist* (rev. 2015), [https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/Data%20Security%20Checklist\\_0.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Data%20Security%20Checklist_0.pdf).

<b>Parent Information</b>	
Eliminate any requests for information regarding parent citizenship or immigration status.	
Review measures for parent and visitor screening to ensure these do not undermine parent engagement with the school. In particular, requiring a driver's license or state ID can prevent immigrant parents from participating.	
<b>Records Maintenance and Usage</b>	
Review policy on directory information and revise as necessary to:	
(i) Limit the extent of information characterized as directory information.	
(ii) Remove any categories of information that could be used to identify or presume immigration status, such as place of birth.	

Review policies and provide notice to students and families:	
(iii) Ensure that no student information will be used or disclosed for purposes of immigration enforcement except as required under a valid court order or subpoena. Information on what to look out for and how to respond to warrants and subpoenas is available at: <a href="http://www.nilc.org/wp-content/uploads/2020/09/2025-Subpoenas-Warrants.pdf">www.nilc.org/wp-content/uploads/2020/09/2025-Subpoenas-Warrants.pdf</a> .	
(iv) Ensure that information collected related to English Language Learner status, including through home language surveys, is disclosed only to the extent necessary and or the purpose of providing language acquisition services.	
(v) Define “legitimate educational interests” in school policies to expressly exclude immigration enforcement and all forms of law enforcement. Records may be made available for law enforcement purposes under FERPA emergency or subpoena exceptions.	
(vi) Expressly define security camera footage inside of school buildings as educational records.	
(vii) Remind families that they can opt out of disclosing directory information.	
Review security of student information systems and practices for access, disclosure, and use of student records.	
Confirm that any consultant or third party to which the district discloses information agrees to abide by district policies.	
Document all requests for disclosure of student records, actual disclosures, and the legitimate educational interest justifying disclosure.	
<b>Responding to Immigration Enforcement Actions</b>	
Develop protocols to handle immigration enforcement by ICE, CBP, or other law enforcement agencies, and ensure all staff are trained on these procedures. Such protocols can also be used for all law enforcement investigations at schools.	

<p>Train all school staff, based on your protocols, that if immigration agents or other law enforcement come to a school seeking student information, seeking to interview students, or seeking to enter school property, staff should immediately inform a designated trained contact person (for example the principal), who should then consult the school’s attorney. Train staff that they should not themselves consent to immigration enforcement officers entering non-public areas and should not allow immigration enforcement officers to interview students. Train staff to ask officials to wait off school premises while any warrant or order is verified by an attorney. Train staff that schools may face legal repercussions if staff provide information to immigration agents about students, which is why legal review of all requests for student information is critical.</p>	
<p>Ensure that school entry areas clearly show the point at which visitors may not pass. Many schools already have signage to ensure that unauthorized individuals do not enter beyond the school office. Post signage at school playgrounds, sports fields, etc., regarding the hours when this property is not open to the public.</p>	
<p>Observe and document all contacts by immigration officials. Request proper identification from agents. Make copies of identification and any warrants or subpoenas.</p>	
<p><b>School Security Officers</b></p>	
<p>If a district uses school security officers, require officers to be trained on the education system’s Plyler obligations and other governing civil rights laws.</p>	
<p>Require law enforcement officers working in schools to affirmatively commit:</p>	
<p>(i) That officers will not inquire about the immigration status of any student or the family or friends of any student.</p>	
<p>(ii) That officers will not take immigration enforcement actions or detain any student for ICE.</p>	
<p>(iii) That for any parent or family member on school grounds or participating in an educational activity, officers will not inquire about a family member’s immigration status or detain a family member.</p>	

(iv) That officers will not arrest students for any misdemeanor offense and will endeavor to avoid arresting or citing a student whenever practicable.	
(v) That officers will not enter information on students into a gang database and will not collect and retain other intelligence records on students.	
<b>Educating Families</b>	
Provide families with Know Your Rights and family preparedness materials.	
Send letter to families about school policies and that the district is a welcoming place.	
Remind all parents regularly in many languages that they should have updated emergency contact information so that the school is able to reach the person to whom they would like their child released in the event that they are not able to pick them up. For immigrant families, this is critical to prevent children from unnecessarily being turned over to protective services in the event of a raid.	
<b>School Climate</b>	
Ensure policies effectively cover discrimination, including harassment.	
Designate one employee at each school as the person to whom students can report incidents of potential harassment or other discrimination. Ensure that students know about the designated employee.	
Engage in a school-wide positive climate program.	
Provide teachers with resources and support to instill a positive climate and address classroom incidents.	