



Keeping Our Schools Safe for EVERY CHILD



Schools are places for learning, not immigration enforcement.

It has long been the commonsense practice among law enforcement that spaces such as schools, hospitals and churches be off limits to ICE (U.S. Immigration and Customs Enforcement) so as not to deter immigrants, regardless of status, from seeking essential supports and services, and in engaging in the education of their children. Despite the Trump administration's changes in January 2025 that remove those considerations for 'protected areas,' there are still limitations to how ICE can interact with schools.

RIGHT to EDUCATION

All children have the right to a public education under the landmark Supreme Court decision in *Plyler v. Doe*. Schools cannot deny a student a public education based on immigration status. Schools cannot require students or students' families to provide them with information regarding their immigration status in order to enroll in school. School districts may not require students to provide Social Security Numbers, immigration status, or any other documentation that is not required to register or enroll in school. If any school form asks for such information, parents and students may leave it blank.

RIGHT to SAFETY in the school building

What if ICE shows up at a school?

If the school is not open to the general public (for example, during the school day and at after-school and extracurricular programs when doors are locked and guests are monitored and admitted to the building by school staff), principals should not allow ICE agents to enter the school unless they present a signed judicial warrant. If a school is served with only an ICE administrative subpoena, the school is not required to allow agents to enter. The school district's attorney should be contacted to determine if agents are permitted to enter school property. When a school is conducting events or activities that are open to the public (for example, sporting events, a theater performance, a science fair), law enforcement does not need a warrant to enter school property.

RIGHT to PRIVACY of student records

Student information has to be kept confidential by federal law. Public schools must comply with federal law ("FERPA") that requires them to protect the confidentiality of student information. A school cannot release a student's confidential student information without the student or their guardian's consent, or if the school is served with a judicial subpoena, signed by a judge. If a school is served with only an ICE administrative subpoena, the school cannot release confidential student information.

Some student information, called "directory information" can be released by the school without the student or their parents' consent. By law, directory information does not include a student's Social Security Number, but can include their "place of birth," (along with other information like their name, address, and photograph). However, guardians have the right to opt out of their child's directory information being shared without their consent. Parents and guardians can contact their child's school to ask what information about their child is included.

If ICE shows up at the school office and seeks access to a student's data, they are not permitted access to such student information (besides "directory information", to the extent permitted by school district policy) unless they have a signed judicial warrant. The school district's attorney should be consulted to determine if and how the school must comply with requests for students' information, and also whether any exceptions to federal privacy laws exist.

Schools should keep confidential student records in places that are not open to public view – in offices marked "staff only," in locked drawers (if kept in classrooms or other parts of the school), on password-protected computers, etc.)

Immigrant communities and their allies have fought long and hard for educational rights and protections, and these rights and protections still exist. These gains benefit every child and strengthen school communities. We will continue to help create inclusive and tolerant school environments where every child is welcome and safe. For more specific guidance and to partner with Every Child NC, contact info@everychildnc.org