



# KNOW YOUR RIGHTS IN SCHOOLS

On Jan. 20, 2025, DHS issued a [directive](#) rescinding the protected areas policy that had previously provided relative safety from immigration enforcement in certain places providing essential services or activities. This [included](#) areas such as schools, places of worship and religious study, domestic violence shelters, places where disaster or emergency relief is being provided, and many other locations.

## Rights of Immigrants

- Right to remain silent (Fifth Amendment)
  - Do not tell the officer your country of nationality.
  - Talk to a local advocate about whether you must produce identification.
- Reasonable expectation of privacy (Fourth Amendment)
  - ICE must have a judicial warrant or specific consent of a person to enter non-public areas.
- Right to refuse a search.
- Right to speak to an attorney.
- Right to refuse to sign documents.

*\*Please note that one must actively state that they are exercising these rights to ensure they are preserved (even if immigration enforcement does not adhere to them).*

## Rights Specific to School Settings

- The Family Educational Rights and Privacy Act (FERPA) protects the release of students' information.
- *Plyler v. Doe* (1982) granted the right to a free K-12 education, regardless of immigration status (this extends to free and reduced lunch).
- Title VI of the Civil Rights Act of 1964 upholds equal access to public education by prohibiting discrimination on the basis of race, color, or national origin.
  - It requires public schools and state education agencies to take steps to address language barriers.
  - Schools are required to provide parents or guardians with access to information in a language in which they are proficient.
- The McKinney-Vento Homeless Assistance Act provides rights to students experiencing homelessness, regardless of immigration status. These students can enroll immediately even without documentation.
- The Fourth Amendment
  - Individuals are free from illegal searches or seizures.
    - Reasonableness of the search dependent on expectation of privacy in the areas searched.

## Best Practices for Schools:

- Have a written policy about how the school handles interactions with law enforcement.
- Train staff to know the policy and to respond appropriately to situations involving undocumented students and their families.
- Have a school district attorney who can verify if any warrants from an officer are valid judicial warrants and not just ICE administrative warrants.
- Be flexible about what documentation is accepted.
- Have a policy that states the school does not ask about or disclose immigration status.
- Schools should remove any requirements for U.S.-based identification, voter registration, and vehicle registration.
- When requesting a Social Security number, the school should make it clear that providing the information is voluntary.
- Schools should be trained to not turn over personally identifiable student records without the written consent of a parent or guardian, unless the information is requested through a subpoena or court order.
- The School Board, the Board of Education, and other leaders can issue resolutions and statements that show the values of the school(s).
- Publish the policies in various languages.
- Know relevant state policies.

## Examples of State and Local Practices

- [Guidance](#) from The Century Foundation.
- [Living document](#) from Immigrant Connections on district and state policies.
- Know relevant state policies.