

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; and, requiring social security numbers from students.
- Schools are prohibited from 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?

- No. Only if they have a valid judicial warrant, which should be reviewed and validated by legal counsel before decisions about access are made.
- A deportation order or arrest order is not the same as a judicial warrant and does not permit an agent to enter.

What rights do students have?

- 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 residency status.

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.

Can an immigration official question or remove a student from school?

- Schools should not permit an immigration official to question or remove a student from school without the consent of a parent or guardian in the absence of a valid judicial warrant.
- A valid judicial warrant is signed and issued by a judge and should be reviewed by the district attorney. This is different than an administrative warrant, which is a document signed by an ICE agent.

What if a judicial warrant is presented?

- The Superintendent should consult with the school district's attorney before taking any action.

Can immigration officials be stationed outside or near a school?

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

Can school personnel who are aware of the undocumented status of a student or family assist the student to avoid detection?

- No, it may be a crime to take affirmative and active steps to conceal, harbor, or shield from detection an undocumented person, with knowledge of or reckless disregard for that person's undocumented status.
- However, school personnel are not obligated to report an undocumented student or family member to ICE, or to assist ICE in apprehending that student, and have the common law responsibility to care for children in place of their parents while children are at school. The relevant laws governing schools and students give the school the authority and the obligation to protect undocumented students, including from ICE.

Visit www.aclu-mo.org for more information.