

# K-12 Schools are Obligated to Protect All Students and Their Information.



Office of the Attorney General  
Civil Rights Division &  
Children's Justice Unit

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## All Children are Entitled to a Free Public Education. Avoid School Policies that Discourage or Deny Access to School on the Basis of Immigration and Citizenship Status.

1. Schools **must** enroll students and provide equal access to education regardless of immigration status.
2. Schools should **revise** enrollment policies to collect *only* the information necessary to verify a child's age and residence. For example, as a general matter, districts should **not** collect purposes documents containing passport, visa, Social Security information.
3. Districts should **accept** a range of documents, not limited to government issued ID. For example, districts may accept an affidavit indicating the child's date of birth from a parent.

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## Steps to take if ICE Requests Access to Students or Their Information:

1. Refer the ICE agent to the district's central office to ensure proper protocol is followed.
2. Superintendent or designee: Contact the district's legal counsel.
3. Inform the student's parent or guardian.
4. If presented with a warrant or other order, review the document in consultation with legal counsel.
  - a. Check whether it is a **judicial warrant** or order (signed by a federal or state judge or magistrate), or an administrative arrest or removal warrant (issued by ICE or DHS). An administrative warrant does **not** authorize entry into non-public spaces, including schools.
  - b. If it is a judicial warrant, or court order or subpoena, determine the scope of the search or arrest authority that the judicial warrant or order provides.

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## Protection of Student Information under the Federal Educational Rights and Privacy Act of 1974 (FERPA) and the Massachusetts Student Records Regulations.

- Schools **cannot** disclose to ICE agents, either orally or in writing, a student's personally identifiable information (PII) without the parent or guardian's specific, informed consent, or pursuant to a judicial warrant, court order or subpoena, or a health and safety emergency.
- PII includes a student's name, the name of the student's parents or other family members, address, student's social security number, student number, date of birth, place of birth.

*Note: If ICE visits or contacts a school asking for student information, school personnel should either direct the ICE official to the district central office, or immediately contact the superintendent or designee and wait for their instructions before making any disclosure. Superintendents and their designees should consult legal counsel to ensure they are adhering to student privacy laws.*

### Student Directories

Schools **may** disclose directory information to third parties, but may also **limit** the scope and disclosure of directory information to specific parties, purposes, or both. For example, schools may:

1. **Limit** disclosure to only members of school community, not other third parties.
2. **Limit** the information included in the directory (to, for e.g., student name, phone number, grade level, dates of attendance, participation in activities and sports, or honors and awards received).

Schools must inform students and families what information is included in the directory at least annually and **allow parents to opt-out** of the directory entirely or opt to include only specific categories of information. These notice opportunities should be interpreted or translated into languages students and families can understand.

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## Share Plan-ahead Resources with Students and Families.

- **Provide** regular opportunities to update emergency contacts, alternative caretaker contacts, and authorized pick-up contacts.
- **Review** school policies to ensure they include steps if a student cannot return home due to a parent's ICE detention or arrest.
- **Support** needs of students and families who are experiencing increased anxiety and/or have been directly affected by changes to federal immigration policy.

## Find More Support from the Office of the Attorney General.

- Learn more about other resources available to immigrant communities at: <https://www.mass.gov/info-details/resources-for-immigrants-in-massachusetts>.

See this guidance in full  
by scanning this QR code:

