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## Guidance | May 2026

# Recommendations For Entities Providing Education and Child Care Services Related to Interacting with Federal Immigration Officers

## I. Background

On January 29, 2026, Governor Maura Healey issued [Executive Order 650: Protecting Access to Essential Services and Keeping Massachusetts Communities Safe](#) (“Executive Order No. 650”). Among other things, Executive Order No. 650 directs the Executive Office of Education to work with public and private entities engaged in providing education and child care services to the public (“Education Entities”) to ensure that these entities have guidance and policies or procedures in place for:

- Staff interacting with Federal Immigration Officers<sup>1</sup>; and
- Requiring a Judicial Warrant or Judicial Order for entry into nonpublic areas.

The Executive Office of Education is issuing this guidance as a framework for Education Entities to develop or update their own policies or procedures on these topics.

For purposes of this guidance, Education Entities include, but are not limited to, licensed child care centers, family child care home providers, school-aged child care programs, public and private K-12 schools, before and after school programs, adult education programs, and public and private (independent) colleges and universities.

Executive Order No. 650 defines a “Judicial Warrant or Judicial Order” as an arrest warrant or other judicial order issued by a judge or magistrate within a judicial branch of state or federal government. Education Entities have a right to demand that Federal Immigration Officers (like all law enforcement officers) present a valid Judicial Warrant or Judicial Order to enter nonpublic parts of their facilities or to access private information about students/children or staff/employees.

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<sup>1</sup> Consistent with Executive Order No. 650, this guidance defines the term “Federal Immigration Officers” as any agent of federal Immigration and Customs Enforcement (ICE), federal Customs and Border Protection (CBP), or any similar federal law enforcement agency that is tasked with immigration enforcement or that works with another federal law enforcement agency tasked with immigration enforcement.

## II. Guidance Regarding Interactions with Federal Immigration Officers

The Executive Office of Education recommends that all Education Entities adopt written policies or procedures regarding staff/employee interactions with Federal Immigration Officers. In developing or updating these policies and procedures, Education Entities are encouraged to consult their legal counsel and to include the following elements:

### A. General Guidance for Interacting with Federal Immigration Officers

A written policy or procedure should provide general advice for employees/staff and administrators about how to interact with Federal Immigration Officers, including:

- i. Employees and staff are encouraged to remain calm when engaging with Federal Immigration Officers.
- ii. Employees and staff should never attempt to physically interfere with Federal Immigration Officers, nor should they feel compelled to approach a Federal Immigration Officer or engage with them first.
- iii. If employees and staff feel unsafe engaging with Federal Immigration Officers, they can decline to interact with Federal Immigration Officers and instead rely on administrators, as described below.

Education Entities should not permit Federal Immigration Officers to enter the nonpublic areas of the Education Entity's premises unless they have a valid Judicial Warrant or Judicial Order and approval from the Education Entity's designated administrator, or there is an immediate health or safety threat. See Part II.B for more information about the role of designated administrator. If Federal Immigration Officers proceed to enter a nonpublic area despite being told they are not permitted, employees should not attempt to physically interfere with the Federal Immigration Officers but rather should contact the designated administrator. See Part III for further guidance on identifying nonpublic areas of the Education Entity's premises.

### B. Escalation Protocol

Education Entities are encouraged to establish written policies or procedures for how employees and staff should respond if Federal Immigration Officers arrive on site and whom to notify (the "escalation protocol"). Education Entities should also make sure that staff and employees are aware of the protocol, and how to contact the relevant individuals. Education Entities are encouraged to include the following instructions in their escalation protocol:

- i. If Federal Immigration Officers arrive on site, employees and staff should inform the Federal Immigration Officers that the employees/staff will contact an administrator to assist them and that they should wait where they are (ideally outside, away from students/children and their families).

- ii. The employee or staff member should immediately contact the highest-ranking administrator/director on site (which this guidance refers to as the “designated administrator”).<sup>2</sup>
- iii. Once notified, the designated administrator should immediately call the Education Entity’s attorney(s) and then proceed to the entrance where the Federal Immigration Officers are situated.
- iv. With the Education Entity’s attorney on the phone for advice, the designated administrator should speak to the Federal Immigration Officers. The designated administrator should ask the Federal Immigration Officers for identification and to view the warrant or other documentation. The designated administrator should describe the documents to the attorney on the phone so that the Education Entity’s attorney can determine whether the Federal Immigration Officers have a valid Judicial Warrant or Judicial Order. See Part II.E Review of Warrant, below.
- v. If the Federal Immigration Officers have a valid Judicial Warrant or Judicial Order, the designated administrator should inform the Federal Immigration Officers that they may enter the Education Entity’s premises; however, the designated administrator should request that Federal Immigration Officers avoid any areas where students/children are present.
- vi. Employees and staff should not provide any information to Federal Immigration Officers about individual students/children, families, or staff/employees under any circumstances.

All Education Entities are encouraged to include the elements listed above in their escalation protocol and may also include additional elements as appropriate. In addition, Education Entities are encouraged to consider the various scenarios in which interactions with Federal Immigration Officers might occur in the entities’ programs and on their premises so that the Education Entities can include guidance in their escalation protocol(s) to address these particular scenarios. Education Entities should also consider developing guidance in their escalation protocol(s) for certain staff, such as front-office staff, who may be more likely to interact with Federal Immigration Officers. Education Entities should also consider reviewing any safety protocols with school bus companies.

C. Designated Administrator

Education Entities are strongly encouraged to identify in their escalation protocol who the designated administrator is at various points in time, and how employees and staff can quickly contact that designated administrator. Consider whether it would be helpful for

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<sup>2</sup> Alternatively, an Education Entity may choose to designate one of its attorneys as the person whom employees should call when Federal Immigration Officers arrive on site. In that case, the attorney would work with the employee directly, and not an intermediary designated administrator. If an Education Entity chooses to designate only one person as the designated administrator, it may be helpful to also designate a back-up designated administrator.

the designated administrators to share a cell phone so that employees and staff are able to always use a particular phone number to reach the designated administrator on duty.

D. Proactive Discussions with Education Entity’s Attorney(s)

The Education Entity should confer with its attorney(s) about the best and most expedient way to reach them in an emergency situation. The Education Entity should make sure that the designated administrator knows who the Education Entity’s attorney(s) are and how to reach them. The Education Entity may also want to consult its attorney as part of establishing the policies, procedures, and practices outlined in this guidance.

E. Review of Warrant

In line with Executive Order 650, Education Entities are strongly encouraged to advise employees/staff and administrators, in their written policies or procedures, about how to identify a valid Judicial Warrant or Judicial Order. The policy or procedure should contrast Judicial Warrants and Judicial Orders from Administrative Warrants.

<b>Judicial Warrant</b>	<b>Administrative Warrant</b>
<ul style="list-style-type: none"> <li>• Sworn to / supported by an “oath and affirmation” of a magistrate</li> </ul>	<ul style="list-style-type: none"> <li>• Not sworn to or supported by an “oath or affirmation”</li> </ul>
<ul style="list-style-type: none"> <li>• Based on probable cause</li> </ul>	<ul style="list-style-type: none"> <li>• Not based on probable cause</li> </ul>
<ul style="list-style-type: none"> <li>• Signed by a judge or magistrate</li> </ul>	<ul style="list-style-type: none"> <li>• Signed by immigration officer (e.g., Immigration and Customs Enforcement (ICE) agent), not by a judge or magistrate</li> </ul>
<ul style="list-style-type: none"> <li>• Issued by a federal court or state court</li> </ul>	<ul style="list-style-type: none"> <li>• Issued by an agency tasked with immigration enforcement (e.g., ICE via the U.S. Department of Homeland Security), not by a court</li> </ul>

As stated above in Part II.B, if Federal Immigration Officers arrive on site, employees/staff should contact the designated administrator who will: (1) immediately contact the Education Entity’s attorney, and (2) proceed to the entrance where the Federal Immigration Officers are situated. Once the designated administrator has arrived at the entrance, the designated administrator should describe any warrants or orders over the phone to the Education Entity’s attorney, who will evaluate the documents and advise the designated administrator on their validity. If the designated administrator feels safe doing so, they also may ask the Federal Immigration Officer if they may send a photo of the warrant or order to the Education Entity’s attorney or show the warrant or order to the attorney via a video call.

F. Checklists and Approved Language

We encourage Education Entities to develop checklists and draft approved language to be used by employees, staff, and designated administrators when responding to requests from Federal Immigration Officers. These checklists can include the escalation protocol with clear instructions about whom employees/staff should contact if Federal Immigration Officers are on site or making requests.

Examples of “Approved Language” may include:

- i. “I am not authorized to allow you to enter the school. Please wait here while I contact an administrator.”
- ii. “I am not authorized to discuss specific individuals or to speak with you about this student/child/employee. I am going to contact an administrator who will discuss this further with you”; and
- iii. “I am not permitted to discuss/disclose private information to you.”

G. Documentation of Interactions

Employees and staff are encouraged to document their actions, including what steps they took to escalate the issue to leadership, and the actions of Federal Immigration Officers, including whether the officers complied with these requests. If possible, employees and staff can record the interaction, but they must not interfere. The designated administrator is also encouraged to document the names of the Federal Immigration Officers (if known), the number of officers, license plates of the officers’ cars, and the names of any witnesses. We also suggest that employees and staff document the impact on any students/children/employees/staff (after any immediate issues have been addressed).

H. School Resource Officers and Campus Police

School districts should ensure that they have a School Resource Officer Memorandum of Understanding (MOU) that complies with the mandatory [statewide model](#), and districts are encouraged to distribute this MOU to school administrators and school safety personnel. Postsecondary institutions are encouraged to have clear policies or procedures specific to campus police departments aligned with the [Massachusetts Attorney General Guidance for Colleges and Universities](#). Education Entities are encouraged to share their escalation protocol, as well as any other relevant policies or procedures, with their on-site school resource officers or campus police.

I. Parental Notice

If the Federal Immigration Officers are trying to reach a minor child/student or seeking information about a minor child/student, employees/staff should contact the designated administrator and then immediately inform the minor child/student’s parent or legal guardian (unless the student is enrolled in a postsecondary institution). Education

Entities are encouraged to designate an employee or staff member who will notify families as part of their escalation protocol.

J. *Protection of Personally Identifiable Information*

Education Entities cannot disclose personally identifiable information about a student or child in their care to third parties, including Federal Immigration Officers, either orally or in writing unless: the Education Entity has the parent or guardian's specific, informed consent (or, in the case of a student who is at least 18 years old or enrolled in a postsecondary institution, the specific, informed consent of the student); it is pursuant to a Judicial Warrant, Judicial Order, or subpoena; or there is a health/safety emergency. State law also prohibits public postsecondary institutions from disclosing personal data about their employees, except by means of compulsory legal process, and they may only disclose such data after timely notification to those employees.

Education Entities should allow parents/guardians (or students themselves if at least 18 years old or enrolled in a postsecondary institution) to opt out of including directory information. Education Entities may also limit what information is included in the directory (e.g., by excluding the child's/student's address and place of birth), and limit disclosure to the school/program community. Under federal law, schools are required to notify students and their families at least once per year of what information is included in the directory, and to permit parents to opt out of including information in the directory at any time. Schools are encouraged to communicate this information using translation or interpretation services to parents with limited English proficiency.

K. *Caregiver Plans and Contact Information*

Education Entities are encouraged to establish clear protocols for their response in the event a child/student or their parent/guardian is detained by Federal Immigration Officers. We recommend that Education Entities take proactive steps to make sure that emergency contact information, alternative caregiver contacts, and authorized pick-up contacts are up to date for all students/children. Education Entities are also encouraged to keep any associated documentation on file, such as an authorization of another caregiver, temporary agent, or guardian.

L. *Identification of Public and Nonpublic Areas*

Education Entities are encouraged to identify in written policies or procedures which areas of the school/facility are open to the public and which areas are open only to students/children, employees/staff, and students'/children's families. Education Entities may also want to identify whether certain spaces are open to the public only during certain days, times, or parts of the year. See Part III for further guidance on designating public and nonpublic areas.

M. Visitor Policies

Education Entities should adopt written visitor policies (or procedures) that specify restrictions for visitors and that apply equally to all visitors—that is, the visitor policy (or procedure) does not differentiate between Federal Immigration Officers visiting to conduct immigration enforcement and other types of visitors.

### **III. Guidance for Designating Nonpublic Spaces Within Education Entities**

Education Entities may have public and nonpublic areas. As noted above, Education Entities have a right to demand that Federal Immigration Officers (like all law enforcement officers) present a valid Judicial Warrant or Judicial Order to enter nonpublic parts of their facilities or to access private information about students/children or employees/staff. Education Entities should consider taking the following actions to make clear which areas within their school/facility are not accessible to the public:

A. Designate Nonpublic Spaces

Education Entities are encouraged to designate areas within their school/facility that are closed to the public. Nonpublic areas are typically accessed by people who provide services at the Education Entity (e.g., staff, employees, administrators) or people who participate in the services offered by the Education Entity (e.g., students, children, visiting athletes). Public areas are areas that are accessible to members of the public. Certain areas may be open to the public only during certain days, times, or parts of the year, and Education Entities may want to clarify when these spaces are considered nonpublic.

Some examples of nonpublic spaces in educational and child care settings may include the interior of school buildings (including classrooms, offices, hallways, stairwells), as well as playgrounds, athletic fields, and parking lots when school is in session or school activities are taking place. In addition to the foregoing, nonpublic spaces at higher education institutions may also include lecture halls, dormitories, research laboratories, and faculty and staff offices.

Education Entities are encouraged to clearly designate areas as public or nonpublic spaces and may enact policies or procedures establishing requirements for visitors in those areas. Public areas are typically separated from the nonpublic areas by a door or other barrier; they are accessible to members of the public.

B. Access by Federal Immigration Officers to the Education Entity

Education Entities should permit Federal Immigration Officers access to areas that are considered public and only to the same extent as members of the public. Education Entities also should comply with the terms of a valid Judicial Warrant or Judicial Order presented by a Federal Immigration Officer. If Federal Immigration Officers request access to nonpublic areas of the facility without a valid Judicial Warrant or Judicial Order, when there is no

immediate health or safety threat, employees/staff should state that they do not have the authority to allow the Federal Immigration Officer to access the nonpublic areas. Employees/staff should then immediately consult with the designated administrator as set forth in their escalation protocol. However, employees and staff should not obstruct, interfere with, or otherwise impede Federal Immigration Officers. As noted above, if Federal Immigration Officers proceed to enter a nonpublic area despite being told they are not permitted, employees should not attempt to physically interfere with the Federal Immigration Officers but rather should contact the designated administrator.

C. Signs

Education Entities are encouraged to use signs to designate private areas and spaces within the facility. If an Education Entity holds an event during or outside of school hours, it should consider holding the event in private spaces open only to students/children, employees/staff, and students'/children's families, with signs indicating the event is a "private event" for employees/staff, students/children, and their families. Education Entities should also consider using virtual streaming options for events.

D. Documentation of Public and Nonpublic Areas Within an Education Entity

Education Entities are encouraged to identify in written policies or procedures which areas of the school/facility are open to the public and which areas are open only to students/children, employees/staff, and students'/children's families. Education Entities should also consider adopting written visitor policies (or procedures) that specify restrictions for visitors and that apply equally to all visitors (i.e., should not differentiate between individuals at an Education Entity who are there to engage in immigration enforcement and other types of visitors).

#### IV. **Rights of a Person Being Arrested/Detained and Rights of a Bystander**

A. Rights of the Person Being Arrested or Detained

**Right to Remain Silent:** A person being arrested or detained by Federal Immigration Officers does not have to answer questions about their immigration status, citizenship, where they were born, or how they entered the United States. The person can say, "I am exercising my right to remain silent," and refuse to speak with Federal Immigration Officers until they have spoken with an attorney.

**Right to Hire/Consult Attorney:** A person being arrested or detained has the right to hire and speak with a lawyer, but the government is not generally required to provide one in immigration proceedings.

**Right to Refuse to Sign Documents:** A person being arrested or detained has the right to refuse to sign documents (e.g., waiver of rights, voluntary departure forms). The person has a right to read and understand any document before signing it.

People being questioned, arrested, or detained by Federal Immigration Officers should never give false information or fake documents since this could result in criminal charges.

B. *Rights of Bystanders*

**Right to Observe:** Bystanders to immigration enforcement actions have the right to observe Federal Immigration Officers and record the encounter from a reasonable distance, as long as they do not interfere with the officers. Massachusetts law permits openly (not secretly) recording.

**Right to Remain Silent:** Though Federal Immigration Offices may ask questions, bystanders have the right to remain silent. They are not required to answer questions about their own immigration status or the status of anyone else.

## V. **Support for Students and Children**

We encourage Education Entities to offer counseling and social work support to students and children experiencing increased anxiety, especially those who are personally affected, and those whose families are directly affected by changes to federal immigration policy. It is important to consider factors that may hinder access to these services (e.g., language needs) and proactively remove those barriers to the extent feasible. If there is law enforcement activity near the school / facility, Education Entities may want to consider instituting protective measures, such as holding recess indoors or delaying dismissal, to prevent students and children from being unnecessarily exposed to seeing other community members arrested by Federal Immigration Officers.

## VI. **Human Resources/Labor/Union Issues**

Employees/staff are encouraged to raise any personal employment concerns with their human resources team. Employees/staff are encouraged to raise any personal labor concerns with their union representatives. These personal issues may include questions regarding identification requirements and/or recommendations regarding carrying and/or producing passports, and employees/staff are encouraged to seek additional resources if personal issues exist.

## VII. **Trainings on Policies to Promote Safety in Massachusetts Communities**

Education Entities are encouraged to conduct trainings on any policies, procedures, or guidelines existing or established in response to these recommendations to support safety within the facility and in the provision of education and child care services for all students and children in Massachusetts, regardless of national origin or immigration status. Reminders to employees and staff on escalation protocol are often best practice here. Education Entities are encouraged to closely review the relevant guidance from the Massachusetts Attorney General below when developing institutional policies, procedures, guidelines, and trainings. Education Entities are

also encouraged to find effective ways to inform parents/guardians and students who are at least 18 years old or enrolled in a postsecondary institution about their rights.

## **VIII. Additional Resources for Education Entities**

The Massachusetts Attorney General's Office and the Massachusetts Office for Refugees and Immigrants have created the following resources for the public to learn more about their rights. We encourage members of the school community to review these resources, and we suggest that Education Entities consider posting or disseminating these resources to students/children, families, and employees/staff.

- [Massachusetts Attorney General: Resources for Immigrants in Massachusetts](#)
- [Massachusetts Office for Refugees and Immigrants: Community Resource Toolkit](#)
- [Massachusetts Attorney General Guidance: KNOW YOUR RIGHTS: ICE Enforcement An Updated Guide for Immigrants, Families, and Communities](#) *(available in Spanish, Portuguese, Haitian Creole, Chinese, Vietnamese)*
- [Massachusetts Attorney General Guidance: General Information for Massachusetts Service Providers Regarding Immigration Enforcement](#) *(available in Spanish, Portuguese, Haitian Creole, Chinese, Vietnamese)*
- [Massachusetts Attorney General Guidance: K-12 Schools' Obligations to Protect Students and Their Information](#)
- [Massachusetts Attorney General Guidance for Early Education and Care \(EEC\) Programs on their Obligations to Protect Child, Family, and Employee Information](#)
- [Massachusetts Attorney General Flyer: Immigrant Students' Right to Attend School: A Guide for Families](#) *(available in Spanish, Portuguese, Haitian Creole, Vietnamese, Chinese)*
- [Massachusetts Attorney General Flyer: K-12 Schools on Protections for Students and their Information](#)
- [Massachusetts Attorney General Guidance: Information for Massachusetts Colleges and Universities Regarding Immigrant Students](#)
- [Emergency Planning Guide for Parents with Uncertain Immigration Status](#) *(available in Spanish, Portuguese, Haitian Creole, Simplified Chinese)*
- [Emergency Planning Fact Sheet for Parents with Uncertain Immigration Status](#) *(available in Spanish, Portuguese, Haitian Creole, Simplified Chinese)*
- [Attorney General's Advisory Regarding Equal Access to Public Education for All Students Irrespective of Immigration Status](#)
- [Upholding the Rights of Immigrant Students to Enroll in School: Guidance for School Committees and Districts](#)

## **IX. Appendix: Brief Checklist – What Education Entities Should Do If Federal Immigration Officers Arrive on Site**

*Each Education Entity should designate a high-ranking administrator/director to serve as the point of contact (“designated administrator”) for instances in which Federal Immigration Officers arrive on site. The designated administrator should be trained on how to engage with Federal Immigration Officers and how to distinguish between judicial and administrative warrants. The designated administrator may be an attorney.*

1. Employees/staff should:
  - a. tell the Federal Immigration Officers that one of the employees/staff members will contact an administrator, and
  - b. ask the Federal Immigration Officers to wait where they are (ideally outside, away from students/children and families).
2. Employees/staff should contact the highest-ranking administrator/director on site (the “designated administrator”).
3. The designated administrator should immediately call the Education Entity’s attorney(s) and then head to the entrance where the Federal Immigration Officers are situated.
4. With the Education Entity’s attorney on the phone, the designated administrator should:
  - a. ask the Federal Immigration Officers for identification, and
  - b. describe/share a photo of any warrant/order to the attorney on the phone.
5. If the Federal Immigration Officers have a valid Judicial Warrant or Judicial Order, the designated administrator should inform them that they may enter and ask them to avoid areas where students/children are present.
6. Do not provide any information to Federal Immigration Officers about individual students, families, or staff/employees.