



## Report On ICE In Schools

### Description

#### By Theo Meranze

On January 21st the Department of Homeland Security announced a new policy that allows ICE to carry out immigration related arrests and searches in what were previously off-limits “sensitive locations”, such as schools and churches. This is incredibly concerning. Here is a [link](#) to an in-depth summary of the federal situation in regards to student’s and district’s rights when dealing with immigration agents.

The situation state-side in California is a bit more confusing right now. The tension between state law, local political culture, and these new federal declarations has left Californian schools uncertain as to how to interact with federal agents. Under state law schools are [not obligated](#) to let immigration officials in for searches without a judicial warrant, for example, yet they very well still may if employees are uneducated as to their rights and ICE threatens them with a “Administrative Immigration Warrants.” Here is a good [summary](#) of what makes an “ICE Warrant”, often known as an “Administrative Immigration Warrant”, different then a federal warrant. It is the responsibility of the districts to prepare their employees.

In response it seems that many Californian schools are updating their policies to keep their undocumented students safe. LAUSD, for example, has vowed to protect its student’s right to an education, going as far as declaring itself a “[sanctuary district](#)” and [giving out cards](#) to students with instructions for dealing with ICE officials. Teachers will be trained as to how to interact with federal officials.

While it’s uncertain how interactions with ICE will continue to go, there are still federal protections that are good to know about that will help protect undocumented students. Under the Family Educational Rights and Privacy Act of 1974 (FERPA), for example, schools are required to withhold information that could identify students to third parties, including federal immigration officers ([COPAA](#)). FERPA also prohibits schools from disclosing personally identifiable information in a student’s education records without parental consent or a subpoena. Even if presented with a subpoena, COPAA recommends that superintendents should consult with their attorney to determine the validity of the subpoena before

disclosing information (COPAA). Notably as well, districts are also required to notify parents when a child is taken from their care by law enforcement.

Here also is [Information](#) about creating a Family Preparedness Plan – this also has a Spanish version.

We will continue to monitor the situation and provide updates.

### **Category**

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