

EMPOWERING EDUCATORS: KNOW YOUR RIGHTS FOR EDUCATORS OF IMMIGRANTS STUDENTS



Disclaimer: This document is intended for educational, civic, and advocacy purposes. Nothing on this website is intended as, or should be taken as, legal advice. Even if it sounds like legal advice, it is not legal advice for your particular situation because every situation is different. If you need legal advice specific to your situation, please consult a qualified attorney.

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On January 21, 2025, the U.S. Department of Homeland Security (DHS) rescinded previous guidance that protected “sensitive locations” or “protected areas.” These locations included schools, daycare centers, religious buildings, and hospitals.

These changes mean that schools need to be prepared to protect student rights while meeting their obligation to not obstruct ICE enforcement.

Know Your Rights
Make a Plan to Protect Rights in Your Schools
Train Your School on Your Plan

Know Your Rights to Share Rights Information

You have the right to share truthful, lawfully obtained information about law enforcement and to tell people about their rights—even if they’re in trouble. [Click here to learn more about your right to talk to people about their rights.](#)

Know Your Rights to Education

All students, regardless of their immigration status, have the right to enroll and attend a public K-12 school. Public schools are prohibited from asking students or parents about immigration status for enrollment; revealing parent or student immigration status without permission; or requiring a social security number from students.

Know Your Rights in Non-Public Areas

ICE cannot enter non-public areas (areas where a person may have a reasonable expectation of privacy) without consent or a valid judicial (not administrative warrant), absent exigent circumstances (e.g. if someone is creating a threat to public safety). An administrative warrant for arrest or removal issued by the Department of Homeland Security is not a judicial warrant and does not allow for entry into non-public areas without consent. [Here’s what to look for in a judicial warrant.](#)

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Know Your Rights when Interacting with Law Enforcement

When interacting with law enforcement, you have rights regardless of your immigration status.

Know Your Rights to Keep Education Information Private

Student records are protected by FERPA and cannot be released to any third party unless the school has prior consent from the student (if 18+), their parent or legal guardian, or they are presented with a valid judicial warrant or court order. If a third party presents a warrant, alert key personnel and consult with the school's or the district's attorney before taking any action.

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Question: Once an ICE officer has been admitted into the building, do they have free reign to go anywhere they please? (Thinking about a situation where a well-intended student might let an ICE officer inside while politely holding the door.)

Answer: DCPS schools and most institutions that charged with safeguarding the well-being of minors have policies in place about visitor access to buildings. Those policies would still be applicable and are important in protecting the well-being of students. We encourage administrators to train/re-train staff, educators, and contractors on these policies, including what to do should they encounter an adult that is not an employee or contractor of a particular school walking unaccompanied in the building, whether they are in uniform or not.

Question: What protection does “sanctuary city” status provide D.C., if any?

Answer: At this time, a lot is changing. Reliance on the 4th Amendment, FERPA, or other existing constitutional protections and Federal law is preferable.

Question: If an ICE agent comes to our school with a warrant, should we check if the student is present? And, if the student is absent, is it our right to not open the door?

Answer: A search warrant allows law enforcement to enter a place described to look for and take items identified in the warrant. An arrest warrant allows law enforcement officers to take a person into custody. A warrant of deportation/removal is an administrative warrant and does not grant the same authority to enter a home or other building/private area of a building to do a search or make an arrest. Because of this, it is important to ensure that there are designated people/person at schools to review warrants, consult with the appropriate legal authority, and decide what is the right action to take. For more information on this topic, see National Immigration Law Center’s “Warrants and Subpoenas: What to Look Out for and How to Respond.”

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Question: How will students' rights to education access and nondiscrimination be impacted by the possible elimination of the Dept. of Education, which seems to be one of the most recent developments?

Answer: At this time, we are not prepared to provide an opinion on actions that have not been taken by the administration.

Question: Would a classroom or teacher/nurse/administrator's office be considered a private space? A gymnasium? A locker room? Or a playground?

Answer: Every school environment is different. It is strongly recommended that schools identify and distinguish (ideally with legal advice) private spaces from public spaces. Signage identifying private spaces can be helpful as are limited entry points into the school building itself and areas of the school that are considered private.

Question: How do we know what a warrant looks like/if it is real?

Answer: On immigration warrants and subpoenas, please review the National Immigration Law Center's "[Warrants and Subpoenas: What to Look Out for and How to Respond.](#)"

Question: A tutor shared with me that ICE agents came at recess looking for children. What's the best way to handle this?

Answer: These situations highlight the importance of taking the time to prepare as an organization, be clear on policies and procedures, and ensure that staff, contractors, and educators are well trained. Without more information, it is difficult to answer this question. Here is some information on the rights of [immigrants when encountering law enforcement.](#)

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Question: What rights do students have when not in a space where they have a reasonable expectation of privacy?

Answer: It is important to know your rights when interacting with law enforcement, whether you are an immigrant or not. To learn more about immigrants' rights in law enforcement interactions, [see this resource](#).

Question: Do these principles affect college environments as well? I'm a college instructor and would love to know.

Answer: Everyone living in the United States has constitutional rights, whether they are an immigrant or not. To learn more about immigrants' rights in law enforcement interactions, [see this resource](#). The Department of Homeland Security (DHS) issuance of a directive on January 21, 2025 that rescinded the long-standing policy identifying schools, hospitals, and churches as sensitive locations or protected areas (such that they were subjected to limited immigration enforcement actions) impacts college environments as well. Federal immigration enforcement agents cannot enter limited access, nonpublic areas such as residence halls without consent or a judicial warrant for an arrest or a search. Judicial warrants are signed by a judge. Warrants for removal or deportation are civil or administrative warrants. These warrants do not give the authority to agents to enter private spaces without consent. For more information on warrants, see National Immigration Law Center's "[Warrants and Subpoenas: What to Look Out for and How to Respond](#)." Other constitutional rights also apply to people on college campuses. Individuals continue to have the right to remain silent under the 5th Amendment of the US Constitution, for instance. Individuals should refrain from signing documents they do not understand.

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Question: If a school psychologist writes a report that contains information about a student that may provide potential clues about that student's immigration status (e.g. information about the student's home language, place of birth, etc.), is that document private such that it cannot be accessed by ICE?

Answer: Federal law and other constitutional protections continue to protect the privacy rights of students. Student educational records are protected by FERPA from disclosure without consent (from an adult student or their parent or guardian) or a valid warrant. If the document could be considered a HIPAA-protected document, then HIPAA protections would apply.

Question: Does a visitor policy have to be available to the public? Is a policy in a family and student handbook, which is typically only available to enrolled families, and signage on doors about visitors needing to sign-in, sufficient?

Answer: The sufficiency of a visitor policy for the purpose of ensuring families, children, and visitors are aware of the policy, is a matter for each school to determine. From the perspective of ensuring that unauthorized visitors are not accidentally allowed in the building, it is recommended that staff, educators, contractors, and administrators have a consistent approach and defined points of entry into school areas that have a reasonable expectation of privacy. Schools may also wish to consider training students and staff on the school's visitor policy to ensure that these are not inadvertently allowing unauthorized people in these spaces. In many schools, this is already the practice in light of wanting to ensure children and minors are safe in the school environment. Designating 1-2 staff members who are the points of contact on visitor entry when a situation is complex, such as if a warrant is being presented, and then ensuring those staff members are appropriately trained on what to do next is also a recommended strategy.

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Question: Does any of what you've mentioned in relation to entry into the school change if it is still in the school for out-of-school hours (before/after school)?

Answer: Whether students, families, faculty, or staff have a reasonable expectation of privacy in any area of a school is really dependent on the specific facts. An after-school program, for example, that runs in dedicated areas inside a school building might be 4th amendment protected as participants in the program likely have a reasonable expectation of privacy that the general public could not enter or exit at-will. On the other hand, attendees or participants in an afterschool free concert at a school that is open to the general public are unlikely to have a reasonable expectation of privacy.

Question: I've heard of certain schools telling teachers NOT to share immigration resources unless they are asked specifically by a student(s) for KYR and immigration resources. I've heard some teachers being told they cannot provide KYR and immigration resources to a general audience. What can you share about this?

Answer: School leadership can tell a teacher or staff member what they are and are not able to discuss in a school and with students if they perceive that allowing this information sharing would be disruptive to learning and/or the school environment, and school leadership can also tell teachers and staff what to discuss and not discuss as part of their jobs. However, teachers and staff have first amendment rights when speaking "as a citizen" as opposed to as an employee. They can exercise those rights outside of working hours and off of school premises, including speaking to students and families about their rights, as long as it does not outweigh the government's interest as employer in running the school. It is critically important that rights information that is shared is accurate.

For more information on the rights of immigrant students and their families, [see this link](#) and [this link](#).

For more information on the rights of teachers, administrators, staff, and others to speak with others about their rights, [see this link](#).

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Question: Are ICE/CBP agents always easily identifiable?

Answer: No. ICE and CBP agents may not always be easily identifiable. Upon the arrival of a person that seeks to enter a school or a private area of a school, we recommend requesting identification. If the person says that they are the police, you can ask specifically if they are ICE or CBP. You can then also request names, badge or ID numbers, telephone numbers and a business card. Keep a record of this information.