

SCHOOL PREPAREDNESS: PROTECTING IMMIGRANT STUDENTS & STAFF

STUDENTS' RIGHTS TO PUBLIC EDUCATION AND PRIVACY.

Privacy laws like FERPA make it unlawful to provide student immigration status to law enforcement like ICE, unless there is written consent from a parent or guardian or you are ordered to by a court. In 1982, the Supreme Court decided that every child has a right to education regardless of immigration status. *Plyer v. Doe*.

DO NOT LET LAW ENFORCEMENT IN THE SCHOOL WITHOUT A VALID JUDICIAL WARRANT. A VALID JUDICIAL WARRANT MUST:

- Be issued by a South Dakota or federal court;
- Be signed by a court's judge; and
- State specifically WHO or WHAT is being looked for.

Keep the door closed. Ask to see the warrant through a window or by sliding it under the door. Look at the warrant to see if there is a judge's signature. The warrant must include a specific timeframe when the warrant must be completed by. If valid you must comply by letting ICE into the specified private area. Courts have decided that a warrant signed by a DHS or ICE official is not valid for entering private spaces and conducting a search.

Tip: Designate a person or a lawyer from your staff who will interact with ICE and knows about warrants. Train all employees, focusing on front desk staff.

REMEMBER YOUR CONSTITUTIONAL RIGHTS.

You have the right to remain silent, the right to not sign anything without consulting a lawyer, and the right to keep the door closed. These are everyone's rights under the U.S. constitution, regardless of citizenship. Remain calm and polite.

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