

# 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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