
Handout for Iowa School Principals: Protecting the Rights of Immigrant Students and Families¹

1. Key Responsibilities of Schools

As school administrators in Iowa, it is vital to understand the legal requirements and best practices to ensure the protection of immigrant students' rights and foster an inclusive environment for all families. Here are the key responsibilities:

- **Non-Discriminatory Treatment**
Schools must ensure fair and non-discriminatory treatment for all students, including those without current immigration status or whose parents/guardians may lack current immigration status.
- **Privacy Protection**
Schools must protect the privacy of students and their families. Any personal information shared by students or their families must be handled with the utmost confidentiality.
- **Constitutional Rights**
Schools have an obligation to safeguard the constitutional rights of students. School policies that limit or prevent participation based on immigration status are unconstitutional.

Principals' Responsibilities

Administrators must oversee all staff working with students and parents, ensuring that they comply with these obligations and respect the students' rights.

2. Best Practices for School Administrators

- **Avoid Asking About Immigration Status**
Do not inquire into a student's or family's immigration status when determining residency or age.
- **Accept a Variety of Documents**
Do not require documents that only U.S. citizens or individuals with current immigration status would have (e.g., U.S. passport, social security number, driver's license) to determine residency or age.
- **Ensure Equal Treatment**
Treat all students and families equally, regardless of race, religion, national origin, citizenship, or immigration status.

¹ This handout has been prepared by immigration attorney Sonia Parras Konrad, based on materials provided by ACLU Nebraska. It offers a summary of the obligations and best practices for Iowa schools to ensure the protection of immigrant students' and families' rights. Upholding equal access to education, safeguarding privacy, and protecting constitutional rights are essential to fostering an inclusive and equitable educational environment. This document is not a substitute for legal counsel. Schools are encouraged to consult their legal advisors to assess and refine their policies accordingly. For further information, please contact Sonia Parras at sonia@soniparraslaw.com

- **Review Information Collection Policies**
Review your school’s policies regarding the information you collect from students and families. Avoid collecting unnecessary data.
- **Educate Students and Families on Their Rights**
Inform students and families about their rights and provide them with resources for safety planning.

3. FERPA - Family Educational Rights and Privacy Act

- Schools must protect student privacy by preventing unauthorized access to educational records. A valid judicial subpoena is required to release information, and ICE (**ICE, Immigration and Customs Enforcement**) subpoenas are **not valid** under FERPA.

4. Important Considerations for School Policy

- **Protection of Student Rights Under the U.S. Constitution**
 - **Fourth Amendment:** Protects students from unreasonable searches and seizures. ICE must have a valid judicial warrant to search or seize a student or their belongings.
 - **Fifth Amendment:** Protects against self-incrimination. Students have the right to remain silent.
 - **Sixth Amendment:** Ensures the right to a fair trial and legal counsel for students facing legal charges.
- **Immigration Enforcement in Schools**
 - ICE’s policy to treat schools as “protected” areas has been rescinded as of January 20, 2025. However, ICE must still adhere to the Fourth Amendment and present a valid judicial warrant to enter any private area of the school.

5. Practical Guidance for School Principals

1. **Elevate Law Enforcement Requests**
Any request from law enforcement, including ICE, should be immediately escalated to the Superintendent and the district’s attorney.
2. **Review School Policies**
Revisit policies regarding the collection of student data, ensuring compliance with FERPA and ensuring that information that is not necessary is not collected.
3. **Ensure Students Know Their Rights**
Establish systems to educate students on their rights and ensure they are empowered to assert them if necessary.
4. **Review Policies that Might Create a Chilling Effect**
Policies that might limit enrollment or attendance due to a student’s or family’s immigration status are unconstitutional and should be revised.
5. **Handling ICE Requests**
If ICE does not present a valid warrant, school staff are within their rights to ask them to leave.

APPENDIX

Legal Framework

Plyler v. Doe (1982)

- **Key Ruling:** The U.S. Supreme Court ruled that no child may be denied access to public K-12 education based on immigration status.
- **Legal Basis:** The ruling was based on the Equal Protection Clause of the 14th Amendment, ensuring all children have access to education.

Civil Rights Act of 1964 - Titles IV and VI

- **Title IV:** Prohibits discrimination in public elementary and secondary schools based on race, color, or national origin.
- **Title VI:** Prohibits discrimination by recipients of federal financial assistance, including most private schools.

In Loco Parentis

- Schools have a legal duty to act in place of parents when children are at school, providing care and protection during school hours.

Judicial

Subpoena vs. Immigration Subpoena

- **Judicial Subpoena:** Must include the name of the issuing court, the judge's signature, and specific details about the subpoena's target.
- **ICE Subpoena (Immigration Subpoena):** Generally invalid for school purposes. Does not include a court's signature and is not judicially authorized.

Judicial Warrant vs. Immigration Warrant

- **Judicial Warrant:** Must be signed by a judge, specify the target (e.g., area to be searched), and be current.
- **ICE Warrant:** An administrative document that does not meet judicial requirements and is invalid for school searches.

Resources for Further Guidance

- **Department of Education (DOE):** Student Privacy Policy Office (SPPO).
- **National Immigration Law Center (NILC):** Guidance on warrants and subpoenas.
- **Department of Education FAQs** on student privacy and FERPA.

For further questions or specific legal advice, consult with your district's legal counsel

JUDICIAL SUBPOENAS v. IMMIGRATION SUBPOENAS

Is this directed to you?

Does it specify what documents are being sought?

Is it signed by a clerk of court?

Is this directed to you?

Does it specify what documents are being sought?

Is it signed by a clerk of court?

THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION SUBPOENA

IF THE ANSWER TO THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL SUBPOENA

Key Differences:

1. **Issuing Authority:**
 - A **Judicial Subpoena** is issued by a **court** (signed by a judge).
 - An **Immigration Subpoena** is issued by an **immigration agency** (e.g., ICE), not a court.
2. **Validity:**
 - A **Judicial Subpoena** is valid and enforceable in legal proceedings.
 - An **Immigration Subpoena** is not valid in contexts like accessing student records, as it lacks judicial authority.

Key Features of an Immigration Subpoena (ICE Subpoena):

- **Issued by ICE:** The subpoena is issued by Immigration and Customs Enforcement (ICE) rather than a court.
- **Administrative in Nature:** It is an administrative subpoena, not judicial, and lacks the formal court approval and signatures required for a judicial subpoena.
- **Not Authorized for School Use:** While ICE subpoenas may request documents, they do not have the legal standing of a judicial subpoena and are not valid under laws like FERPA for accessing student records.

Summary of Key Differences:

Feature	ICE Police	State Police
Jurisdiction	Federal jurisdiction across the U.S.	State jurisdiction within their respective state
Primary Duties	Immigration enforcement, customs investigations, national security	Enforcing state laws, traffic enforcement, state crime investigations
Focus on Immigration	Direct enforcement of immigration and customs laws	Do not enforce federal immigration laws unless specifically instructed
Collaboration	Works with federal agencies (FBI, DEA, etc.)	May collaborate with federal or local agencies on joint investigations
Authority	Enforces federal immigration laws	Enforces state criminal laws

Who are ICE agents?

ICE (Immigration and Customs Enforcement) agents are **law enforcement officers** with specific duties related to enforcing federal immigration laws, customs regulations, and national security issues. ICE agents, particularly those in the **Enforcement and Removal Operations (ERO)** division, are responsible for investigating and carrying out the enforcement of immigration laws, including detention and deportation of individuals who are in the U.S. without legal status.

- Safe Zone School District. Toolkit. <https://www.nea.org/resource-library/safe-zone-school-districts>
- National Education Association. Guidance on Immigration Issues. <https://www.nea.org/resource-library/guidance-immigration-issues>
- The Department of Education has a [Student Privacy Policy Office \(SPPO\)](#) that specializes in student privacy and FERPA.
- [Guidance letter from the DoE and DoJ](#) on school obligations under *Plyler v. Doe* and other federal laws.
- [DoE FAQs on student privacy](#).
- [National Immigration Law Center guidance](#) on warrants and subpoenas in the immigration context.
- [National Immigration Law Center Factsheet](#) "Trump's Rescission of Protected Areas Policies Undermines Safety for All."