

# Protecting Students' Rights & Privacy

## Guidance for Protecting Rights and Privacy of Students and Their Families

### Purpose and Goals

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The purpose of this guidance is to:

1. Provide clear instructions for all school staff on how to respond to requests for student or family information.
2. Ensure compliance with federal and state laws, including [FERPA](#), civil rights protections, and policies related to immigration enforcement in schools.
3. Protect the rights, safety, and privacy of all students and their families.
4. Promote an equitable, supportive school environment for all students.

### Foundational Resources

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This document is grounded in the following legislation and foundational resources:

- [Title VI of the Civil Rights Act of 1964](#)
- [FERPA - Protecting Student Privacy - U.S. Department of Education](#)
- [U.S. Supreme Court Decision - Plyler v. Doe \(1982\)](#)
- [Every Student Succeeds Act \(ESSA\) \(2015\)](#)
- [Michigan's Elliott-Larsen Civil Rights Act \(ELCRA\)](#)
- [Dear Colleague Letter](#) Resources for Ensuring Equal Access to Education for Immigrant Students. ([En Español](#)) (Updated January 8, 2025)

## Practical Steps for the District

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- **Connect with [local organizations](#):** Identify and familiarize yourself with organizations across Michigan that support immigrant rights.
- **Review enrollment paperwork:** Ensure your district's enrollment forms [do not include questions about citizenship or immigration status](#).
- **Engage in learning and planning:** Incorporate immigrant rights into your district's learning initiatives and action plans including front office staff and transportation personnel.

## Steps to Be Taken by District/School Staff

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### General Guidelines for All Staff

- **Do not share [personally identifiable information \(PII\)](#)** about any student's education record without the parent or eligible student's signed and dated written consent, except as provided in § 99.31.
- Refer all requests for information to the designated **district/school administrator** immediately.
- **Maintain confidentiality** in all discussions regarding students, both on and off campus.
- For detailed guidance tailored to specific staff roles, refer to "[Immigration Rights Schools Need to Know](#)." Additionally, consult the [FIRM Q&A resource](#) for specific steps to take if ICE appears at your school.

### Scenarios for Specific Roles and Responsibilities

#### 1. Front Office Secretary/Receptionist:

- If someone requests student information:
  - Respond: *"I am not authorized to release that information. Let me connect you with our school administrator."*
  - Notify the designated school administrator immediately.
  - Keep a written record of the request, including the name and organization of the requester and the details of the request.

#### 2. Teachers and Support Staff:

- Direct all inquiries about student information to the school administrator.

- Do not discuss a student’s immigration status, home language, or personal information with anyone outside the school because that may violate [FERPA](#).
- Incorporate privacy practices into classroom activities (e.g., do not publicly share student details in assignments, discussions, or displays).

### 3. District/School Administrators:

- Identify and clearly communicate who the designated administrator is for responding to situations involving law enforcement or immigration officials.
- Review all requests for information and consult legal counsel or district privacy officers before responding.
- If law enforcement or immigration officials request information or access to a student:
  - Politely decline and say: *“We follow district policy and cannot provide any information without consulting legal counsel.”*
  - Request official documentation (e.g., a subpoena or warrant) and verify its validity.
  - Notify the district’s legal team immediately.
  - Notify the student’s parent(s) or legal guardian
- Conduct training sessions for staff on [FERPA](#) and privacy policies.

### 4. Assigned School Security Personnel (if applicable):

- Follow district policies regarding access to student information.
- Ensure any enforcement action is consistent with school policies and federal laws protecting students’ privacy and rights.

### 5. Students and/or Parents:

If approached by law enforcement or immigration officials:

- **Students:**
  - Politely decline to engage and say: *“I’m sorry, I can’t talk to strangers.”*
  - Remain silent if further questioned.
  - Immediately find a staff member if the student is on campus.
- **Parents:**
  - Stay calm and refrain from answering questions.
  - Do not reveal personal information (e.g., names, birthdays, phone numbers).
  - Politely exercise your right to privacy.

