

[Please note – this is a customizable template for use by district administrators – this is not intended as legal advice and local educational agencies are encouraged to contact legal counsel for further guidance.]

MEMO

TO: [All Management and Front Office Staff]
FROM: [Name]
RE: Student Privacy Rights
DATE: [Date]

Please review the following summary of student privacy rights.

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records.

Generally, schools must have written permission from the parent to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific state law.

Administrative Regulation [AR 5125] limits who directory information—such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance—can be disclosed to, and the process for the disclosure. California law and district policy prohibit the release of directory information to immigration authorities for immigration enforcement purposes without parental consent, a court order, or subpoena.

Immigration Enforcement

California law prohibits school employees from:

- Asking if a child or their parents are U.S. citizens
- Asking about a child or their family members' immigration status
- Sharing information about students or their family members with immigration authorities unless ordered to do so by a court

If immigration agents come to the school, in accordance with state and federal law, school staff shall:

- Immediately notify the site principal of the request, who will reach out to their assigned district administrator for further review and handling of the request.
- Not provide access to students or information on students unless compelled to do so by a court order, or informed by the immigration agent that exigent circumstances exist.
- Not give permission to immigration agents to enter non-public areas of the campus (classrooms, cafeteria, playgrounds, etc.) unless compelled to do so by a court order, or informed by the agent that exigent circumstances exist.
- Notify parents immediately if an immigration agent makes any request about you or your family, unless they are prohibited from doing so by a court order.
- Provide parents with a copy of any document, subpoena, or court order provided by an immigration agent
- Escort the agent off campus as soon as possible after the principal has received the agent's request and determined the required response.

Please contact [NAME, CONTACT INFORMATION] with any questions regarding this information.