

## **WHAT TO DO IF AN IMMIGRATION-ENFORCEMENT OFFICER REQUESTS PERSONAL INFORMATION ABOUT A STUDENT OR HIS/HER FAMILY MEMBERS?**

- Avoiding unauthorized information disclosure: Do not disclose information that might indicate a student’s or family’s citizenship or immigration status without consent of the parents, guardians, or students (if the student is 18 years of age or over), unless the information is for a legitimate educational purpose or is in response to a court order or subpoena. Providing information about a student’s or family’s citizenship or immigration status to immigration authorities for immigration-enforcement purposes is not for a legitimate educational purpose under federal or state law.
- Procedure for responding to all information requests: Take the following action steps if you receive any information request related to a student’s or family’s immigration or citizenship status that is not supported by a judicial warrant or court order:
  - ✓ Notify a designated local educational agency administrator about the information request.
  - ✓ Provide students and families with appropriate notice and a description of the immigration officer’s request.
  - ✓ Document any verbal or written request for information by immigration authorities.
  - ✓ Provide students and parents/guardians with any documents issued by the immigration-enforcement officer.
- Responding to court documents requesting student or family information: Notify the parents or guardians if you receive a court order, subpoena, or warrant requesting information regarding a student or family member, unless: (1) the warrant or subpoena concerns an investigation of child abuse, child neglect, or child dependency, or (2) the subpoena prohibits disclosure.
- Secure written consent from the parent/guardian/adult student before releasing information: You must get written parental or guardian consent authorizing disclosure of student information, unless the information is relevant for a legitimate educational interest or includes directory information only. Because neither exception permits disclosing information to immigration authorities for immigration-enforcement purposes, no student information shall be disclosed to immigration authorities for immigration-enforcement purposes without written consent from a parent, guardian, or student (if over 18 years of age or in a postsecondary institution), or a court order or judicial subpoena.

The written consent for release of student information must include the following:

1. A description of the information to be released;
2. The reason for release of information;
3. The parties or type of parties receiving the information;
4. If requested by the parents, guardians or student (if the student is 18 years of age or older or in a postsecondary institution), a copy of the records to be released; and
5. Date and signature of the parent, guardian, or student (if 18 years of age or older or in a postsecondary institution) consenting to the release of information.

Please Note: The parent, guardian, or student (if over 18 years of age or in a postsecondary institution) is not required to sign the consent form. Therefore, you cannot release the information if the parent, guardian, or student (if over 18 years of age or in a postsecondary institution) refuses to provide written consent for its release.

Once the parent, guardian, or adult student signs and dates the consent form, keep the consent notice with the record file. Also, notify the recipient of the student/family information that further transmission of the information to other individuals is prohibited, without the written consent of the parent/guardian/student (if 18 years of age or older).