

School Administrators Guide to ICE Enforcement on School Property¹

Topics Covered:

1. A brief summary of ICE enforcement authority (and limitations) in schools
2. Information regarding the legal implications of obstructing or impeding a lawful ICE enforcement
3. Recommended procedures for handling ICE presence in schools
 - Procedures for front office staff
 - Procedures for administrators
 - Procedures for all staff
4. Recommendations for providing information to parents

ICE Enforcement Authority (and Limitations) in Schools

ICE Authority to Conduct Enforcement Activities:

In order to enter the areas of the school not open to the public (i.e., to go past the front office), ICE agents must have one of the following:

- A judicial warrant issued by a federal judge or magistrate
- Consent from the occupant or authorized individual
- Exigent circumstances, such as a risk to public safety or destruction of evidence

ICE has the ability to issue “administrative warrants,” which are issued and signed by an official within ICE. An ICE administrative warrant is NOT equivalent to judicial warrants and do NOT authorize entry into private spaces (including School Board property) without consent or exigent circumstances.

Therefore, it is imperative that the administrative team in consultation with Chief Legal Counsel confirm that the warrant has been issued and signed by a federal judge or magistrate (not an ICE administrative official) and clearly identifies the individual in question. Any questions regarding warrants may be directed to Chief Legal Counsel at (504)-365-5366 (o) or (504)-296-8209 (c) or padams.legal@jpschools.org.

Authority to Obtain Personally-Identifiable Information about Students

Student records are protected by the Family Educational Rights and Privacy Act (FERPA). “Directory information” may, but is not required to be provided to 3rd parties without parental consent. School Board Policy JR (Student Privacy and Education Records) establishes what information constitutes “directory information”. [JR Student Records](#)

In order to obtain any other student information, a law enforcement agency, including ICE, must provide a lawful subpoena or court order. This is a document signed by a judge, and it is required to specify what information is being requested.

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Unless the subpoena or court order states otherwise, schools have a reasonable amount of time to gather and produce the requested information. FERPA also requires that, unless the subpoena or court order specifically states otherwise, parents must be provided with advance notice of the subpoena or court order prior to disclosure. This gives parents the opportunity to challenge the subpoena in court, if they wish to do so.

Unless the subpoena states otherwise, you are not required to, and should not, respond to a subpoena or court order immediately. If the subpoena is presented in person by an ICE agent, *and a response is demanded immediately*, contact the district's Chief Legal Counsel at (504)-365-5366 or padams.legal@jpschools.org to ensure that the demand is legally authorized and required. Otherwise, FERPA provides the school with a reasonable amount of time for the district's legal counsel to review the subpoena, notify the parents and produce the requested records.

Legal Implications of Obstructing or Otherwise Impeding Lawful ICE Enforcement Actions

Obstructing or failing to comply with a lawful immigration enforcement action by ICE is a criminal offense. School personnel must take great care to follow the procedures set forth in this memo, which are designed to ensure compliance with the law while also taking care to protect student rights.

It should be noted that the U.S. Department of Justice issued a memorandum on January 21, 2025, emphasizing the DOJ's intent to take very seriously and prosecute to the full extent any efforts by "state or local actors," which would include public school personnel, to resist, obstruct, and otherwise fail to comply with "lawful immigration-related commands and requests."

The Louisiana Legislature recently passed a law that provides, in pertinent part, that interfering with a civil immigration proceeding or knowingly committing any act intended to hinder, delay, prevent or thwart federal immigration enforcement constitutes the crime of obstruction of justice punishable by substantial fines and incarceration.

School system employees have an obligation to comply with state and federal laws that prohibit interference or delay of a lawful immigration enforcement action.

School system employees also have an obligation to protect the rights of students and their parents by ensuring that ICE enforcement actions are carried out lawfully. Follow this guidance to ensure that you take the right steps if an ICE agent comes to your school.

Procedures for Designated Administrators if an ICE Agent Comes to the School¹

- Each school should have a list of 3-5 designated administrators contacts readily available to respond, *in person*, to immigration officials. The front office staff should be instructed to contact the designees in the order listed. Below is a *sample* list.
 - Principal - Name - Contact #
 - Assistant Principal - Name - Contact #
 - Dean of Students - Name - Contact #
 - Designated Guidance Counselor - Contact #
- When the front office provides notice of the presence of an ICE official, IMMEDIATELY go to the front office to meet them. If you will be delayed for any reason, let the front office know. If the delay will be more than a few minutes, designate someone else to meet them.
- Introduce yourself and ask the agent to introduce him/herself. If there is more than one agent, be sure to get all of their names.
- Ask to see their credentials. Take a picture or make a copy of the credentials.
 - ***May I make a copy [take a photo] of your credentials for our records?***
 - If you are not permitted to make a copy or take a photo, make sure that you review the credentials carefully. Record their name(s), badge number(s), agency affiliation, and any other information that is provided.
- ***What is the nature of your visit?***
 - Document the agents' response to this question.

If ICE is asking for information about a student or students:

Let them know that you are unable to provide information about students without a lawful subpoena or court order.

- ***Student records are protected by FERPA. We are legally prohibited from sharing information about students without a court order or lawful subpoena that meets the requirements set forth in FERPA. Do you have a subpoena or court order?***

If a subpoena or court order is provided:

- ***May I make a copy of this? I need to share it with our attorney to ensure that we are in full compliance with this document and the law.***
 - If they allow you to make a copy, thank them for the information and let them know that you will respond in a timely manner once you have reviewed it with the school's attorney.

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- ***Thank you. I will review this information with our attorney, and we will respond to this subpoena [court order] in a timely manner.***
- If they do not allow you to make a copy:
 - ***I will need a copy of this document to review with our attorney.***
- If they do not allow you to make a copy, or if they are demanding that you comply with the subpoena immediately, step out and call the school's attorney for guidance.
 - ***Let me consult with our attorney. I'll be right back.***
- Step out and call the attorney for next steps.

If they do not provide a subpoena or court order:

- ***We would be happy to cooperate with you, but we do require that you have a lawful subpoena or court order that meets the requirements of FERPA in order for us to provide that information.***
- Thank the agents for the information and let them know that you will respond in a timely manner once you have consulted with your attorney.
- Note: If complying with a lawful subpoena of records, unless the subpoena explicitly states otherwise, FERPA requires that the school provide reasonable *advance* notice to the parents of the student(s) in question so that they may have an opportunity to challenge the subpoena through the courts, if they wish.

If ICE is requesting to come into the school to conduct an investigation, speak to a student, arrest a student or otherwise conduct immigration enforcement activities; or if they are asking you to produce a student:

- Determine whether there is a warrant.
 - ***Do you have a warrant?***
- If they produce a warrant, review it carefully, make a copy and let them know that you need a few minutes to review the document with your attorney.
 - ***May I make a copy of this warrant? To ensure that we comply with the law, I will need to contact the school's legal counsel to review this document and provide guidance. I will return in a few minutes.***
- Call Chief Legal Counsel Patricia Adams at (504)-365-5366 (o) or (504)296-8209 (c).

In the event that the district's attorney advises the school to permit the ICE enforcement activity on school grounds:

- Once it has been established that the judicial warrant is valid and the district's attorney has advised that the school should permit the ICE enforcement action, the school should not interfere in any way with the ICE enforcement activity.

- School personnel should not participate or assist in an ICE enforcement activity.
- If the ICE agent needs to question/interview a student, school personnel should not be present for the interview unless the ICE agent asks for school personnel to be present. During interviews where no school personnel is present, however, it is recommended that a school administrator remain outside of the room with visual contact of the student and agent if at all possible.
- It may be necessary to distinguish “consent” to search/interview, etc., with “compliance” with a judicial warrant. **You should never “consent” to a search but you should always comply with a lawful judicial warrant or court order.** There is an important legal distinction between “compliance” and “consent”. If you are asked if you, the district or the school “consents” to a search, you should tell the ICE agent that:
 - ***I don’t have the authority to provide “consent” for this [search/investigation], but I have confirmed with our attorney that we will comply with this warrant, and we will not prevent you from conducting the actions set forth in it.***

Documenting ICE interactions with the school:

Be sure to carefully document all ICE interactions with the school:

- Date, Location, Time
- Information regarding ICE agents
- What information was sought/what action was requested
- Whether a warrant was provided
- Detailed description of the outcome, including a summary of the school’s role

Procedures for Front Office Staff in the Event that an ICE Agent Comes to School¹

Follow these steps if an ICE agent approaches the school:

1. REMAIN CALM
2. Ask them why they are there (if they haven't already said).
How can I help you?
3. Carefully listen to what they say so that you can relay the message to the designated administrator.
Just a moment - let me call someone who can help you with that.
4. Ask the ICE agent to sign in on the visitor's log.
We require all visitors to sign in on the visitors log. Please sign in and take a seat.
5. Immediately contact the designated administrator. Make sure that you clearly indicate that the visitor is an ICE agent. Do not provide any additional information on the phone.
To the administrator on the phone: Hello. There is an ICE agent here in the front office who needs to speak to an administrator.
6. Inform the agent that an administrator will be out to speak to him/her.
One of our administrators will be right out.
7. Do not leave the agent unattended. Do not permit the agent to enter the school or escort the agent to the administrator. Let the administrator come to the front office to meet the agent.
 - While waiting for the administrator:
 - Do not answer any questions regarding specific students or staff members. Engaging in limited small talk is fine, but avoid conversation related to specific students, the student body in general, or specific faculty members.
 - If you are uncomfortable, or if you feel that the small talk is turning into an interview, let them know that you need to return to your work, but that someone will be with them shortly.
I really need to finish this up, but one of our administrators will be with you very shortly.
8. If, at any time, the agent tries to engage you by asking questions related to the reason for their visit, just let him/her know that he/she will need to wait for an administrator.

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9. If there is a delay in the administration arriving (more than 5 minutes or so), you may wish to communicate with the administrator again to get an update on how long they will be. Provide an update to the ICE agent.

I apologize for the delay. The administrator has assured me that s/he will be out in [x] minutes.

10. If the ICE agents insist on entering the school prior to the arrival of the administrator, explain that you are not permitted to provide access without the permission of an administrator.

We are happy to cooperate with you within the boundaries of the law, but our procedures require that an administrator be present. I have checked and s/he will be here very shortly.

Procedures for All Staff Related to Immigration Enforcement on Campus

- Immigration enforcement can be a triggering and anxiety producing topic. It is important for all staff to **REMAIN CALM** about the issue.¹
 - Regardless of your private concerns, it is unnecessary and unhelpful to cause panic or anxiety in others. ICE enforcement actions on school grounds are unlikely, but if one does occur, we want you to be ready.
 - Everything is under control. It is the responsibility of the staff to maintain an atmosphere of calm within the school.
- If you encounter an ICE agent anywhere on school grounds, let them know that they need to report to the main office.
 - ***Excuse me, all visitors need to report to the front office. Let me show you where it is.***

If they ask questions on the way, explain that you are not able to answer their questions but that you will contact an administrator who will be able to help them.

- ***I'm sorry, but I'm not able to answer/discuss that. When we get to the office, I will put you in touch with one of our administrators, who will be able to better assist you.***

Once you get to the front office, the front office staff will follow the procedures related to the presence of an ICE agent on campus.

If the ICE agent does not agree to accompany you to the front office, immediately escort any and all students in the area to the school office and contact an administrator.

DO NOT PERMIT ICE AGENTS TO ENGAGE IN ANY DIRECT CONTACT WITH STUDENTS ON SCHOOL GROUNDS UNTIL AN ADMINISTRATOR IS PRESENT.

If you ever receive any email communication from someone claiming to be with ICE or any other immigration or law enforcement agency, **DO NOT RESPOND**. Immediately forward it to the CEO, and let the administration handle it.

The school has designated one administrator to provide information to parents and to the public regarding immigration enforcement. If a parent or other person asks you about the school's response and/or procedures for handling ICE investigations or actions or a related question (whether the school cooperates with ICE investigations, whether the school has a "sanctuary" policy, whether the school reports undocumented families to ICE, etc.), refer them to the designated administrator. Do not provide answers to such questions yourself or provide your personal understanding of the process or procedures.

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Guidelines Regarding Providing Information to Parents¹

Parents will understandably have concerns. The school should present a unified response to any and all questions from parents or the public. The school should designate a single administrator to be responsible for providing information to parents and the public regarding immigration enforcement actions within the school setting.

The following information can be communicated to parents and the public:

- *All children who reside in the U.S., regardless of their documentation or citizenship status, have the right to a public education.*
- *The school does not collect or maintain any information regarding the documentation status of any of its students or its families. As such, it is unable to report any such information to ICE or other federal, state, or local law enforcement agencies. Consistent with federal law, the school does not require students to have or provide a social security number for any purpose.*
- *Pursuant to FERPA and consistent with Board policy, the school does not provide legally protected personally identifiable information about students to any law enforcement agent, including ICE agents, without express written parental consent or a valid judicial warrant.*
- *The school has established formal procedures for handling all interactions with immigration enforcement officials on school grounds*
- *At this time, the law prohibits ICE agents to enter the school without a valid judicial warrant, consent or exigent circumstances, such as a risk to public safety or destruction of evidence. It is the school's policy not to provide consent for ICE agents to enter or conduct enforcement actions in the school. Therefore, the school will only permit ICE enforcement actions on school grounds on the specific advice of the school's legal counsel in cases where there is a valid judicial warrant or where ICE agents have determined that exigent circumstances exist. The school is legally prohibited from obstructing or otherwise interfering with a lawful ICE enforcement action.*
- *Unless specifically prohibited by ICE, the school will immediately attempt to contact the parents of any student who is the subject of an ICE enforcement action.*
- *The law and federal guidelines regarding ICE enforcement actions are subject to change. The school is required to adhere to all applicable federal and state laws.*
- *Undocumented families should have a plan for what will occur if an immigration enforcement action prevents parents from picking up their child from school. Please ensure that you have contacted the school to designate someone else (a family member or trusted adult) to be able to pick up your child from school in such an event.*

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Situations to Avoid:

- DO NOT provide information to parents based upon their presumed legal status or based upon stereotypes such as race, national origin, native language, or other factors. If providing the information above, provide it to ALL families. Do not presume or assume someone's legal status.
- DO NOT ask about a student's or family's documentation status.
- DO NOT provide "helpful" tips or information related to immigration and/or documentation status.
- DO NOT provide or recommend resources for undocumented families such as websites, support groups, attorneys, advocates, etc. This is done in many schools, but the law and federal policies and procedures will likely be rapidly changing over the next few months, and there may be potential liability in making such recommendations, particularly if they are not accurate or vetted. The provision of some types of information can also be viewed as obstructing ICE enforcement, which is a criminal offense.