



# Protecting Students' Rights & Privacy

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

Dear District Leaders,

We should all remain steadfast in our commitment to protecting the rights of every student we serve. Safeguarding the rights and privacy of all children is not only a legal obligation but also an essential step in building trust, fostering inclusion, and ensuring academic success for all learners.

To support your efforts in this critical work, we are pleased to share a guidance template designed to assist your district in developing a communicative policy that prioritizes the rights and privacy of all students. This resource provides practical steps and clear guidance to help your district comply with federal and state laws, including the Family Educational Rights and Privacy Act (FERPA), and to prevent discrimination or harm.

### Purpose and Potential Uses

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The template is designed to:

- Provide actionable instructions for responding to requests for student or family information.
- Ensure alignment and compliance with federal and state laws, including privacy and civil rights protections.

- Equip school staff with clear roles and responsibilities to protect sensitive information and maintain confidentiality, including designating a District/ School Administrator to oversee compliance and manage sensitive information requests.
- Promote an equitable and supportive learning environment for multilingual and immigrant students and their families.

This document serves as a framework to help district leaders cultivate a school culture rooted in equity, trust, and respect. By adapting this template to meet your district’s unique needs, you can further your commitment to upholding the rights and dignity of all students.

## Disclaimer

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Please note that this template is not intended as legal advice. Instead, it is a model and starting point for your district’s policy development. We strongly recommend consulting with your district’s legal counsel to ensure that any adopted policy aligns with your local context and meets all legal requirements.

We encourage you to use this template as a guide to shape policies and practices that reflect your district’s dedication to inclusive excellence. Thank you for your ongoing efforts to create safe and welcoming spaces where every student can thrive.



# 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.



## Recommendations for Educational Leaders

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- **Develop Translated Resources:** Create privacy notices and consent forms in multiple languages to accommodate students and their families.
- **Cultural Sensitivity Training:** Provide training for educators and administrators on cultural sensitivity and the unique privacy concerns of immigrant families.
- **Community Collaboration:** Work with [local community organizations](#) to reach families and ensure they are informed about data privacy practices.
- **Advocate for Inclusive Policies:** Promote the development of policies that consider the diverse needs of students, ensuring equitable access and protection.





## Definitions

### TERMINOLOGY

**District/School Administrator** District/School point official who is responsible for identifying, approving, or declining requests for information.

[FERPA](#) (Family Educational Rights and Privacy Act) A federal law that protects the privacy of student education records and restricts disclosure without parental consent, except under specific circumstances.

**Official Documentation** Documentation includes, but not limited to, warrant, subpoena, court order, other requests for student records.

[Personally Identifiable Information \(PII\)](#) Includes any data that could identify a specific student, such as:

- Name, address, or phone number
- Student ID numbers
- Information about family members

[Plyler v. Doe](#) Plyler v. Doe, 457 U.S. 202 (1982): A Supreme Court decision. A state cannot prevent children of undocumented immigrants from attending public school unless a substantial state interest is involved.

**Sensitive Student Information** Includes immigration status, home language, national origin, and other personal or family details that could place students at risk.

## Local Community Organizations

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Please refer to the list below of local community organizations and government agencies that can assist in supporting immigrants within your community.

- [Michigan Immigrant Rights Center \(MIRC\)](#)
- [Samaritas](#)
- [ACCESS](#)
- [Chaldean Community Foundation \(CCF\)](#)
- Government Agencies & Offices:
  - [U.S. Citizenship & Immigration Services \(USCIS\)](#)
  - [ICE Online Detainee Locator System](#)
  - [Office of Global Michigan](#)
  - Immigration and Custom Enforcement (ICE) - Detroit, 333 Mt. Elliott St., Detroit, MI 48207. (313) 568-6049
  - United States Citizenship and Immigration Services (USCIS) - USCIS National Customer Service Line 1-800-375-5283
  - USCIS Detroit District Office - 11411 East Jefferson Ave., Detroit, MI 48214 (313) 926-4202 (If the recorded message does not address your question for USCIS about an application that is being decided at the Detroit District Office and you need to speak, press 1 and extension 4522 to speak with an operator).
  - Executive Office for Immigration Review Immigration Court: Detroit Court, 477 Michigan Ave, Ste. 440, Detroit, MI 48226, (313) 226-2603
  - Customs and Borders Protections (CBP)/ICE: Grand Rapids, 6450 Air Cargo Drive SE, Grand Rapids, MI 49512, (616) 942-5245.



## Federal and State Laws & Resources

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- [Civil Rights Act of 1964, Title VI](#): Prohibits discrimination on the basis of race, color, or national origin in federally funded programs.
- [FERPA \(20 U.S.C. § 1232g\)](#): Governs the privacy of student education records. (check again for broken link)
- [Plyler v. Doe, 457 U.S. 202](#) (1982): Ensures the right to public education for all children, regardless of immigration status.
- [Every Student Succeeds Act \(ESSA\)](#) (2015): This act requires schools to take appropriate action to overcome language barriers that impede equal participation by students in instructional programs.
- [Michigan's Elliott-Larsen Civil Rights Act \(ELCRA\)](#) (1976): Public education is a public service, and school-age children—all school-age children—have the right to this service.
- [Michigan's Protection of Pupil Privacy Act \(MCL 380-1136\)](#): Reinforce protections for student information in state public schools.
- [Dear Colleague Letter](#) (Updated January 8, 2025): Resources for Ensuring Equal Access to Education for Immigrant Students. ([En Español](#))
- [MDE Guidance on the Responsibility to Educate Children Regardless of Citizenship and Immigration Status](#). A memo issued by State Superintendent Dr. Michael Rice on January 16, 2025.
- [Michigan Immigrant Rights Center Issue Brief: A Child's Right to Education in Michigan. Right to Attend a Free Public School.](#)
- [Immigration Rights Schools Need to Know](#): A resource document developed by Michigan ISD leaders in collaboration with MDE (December 2024).

## Other Resources

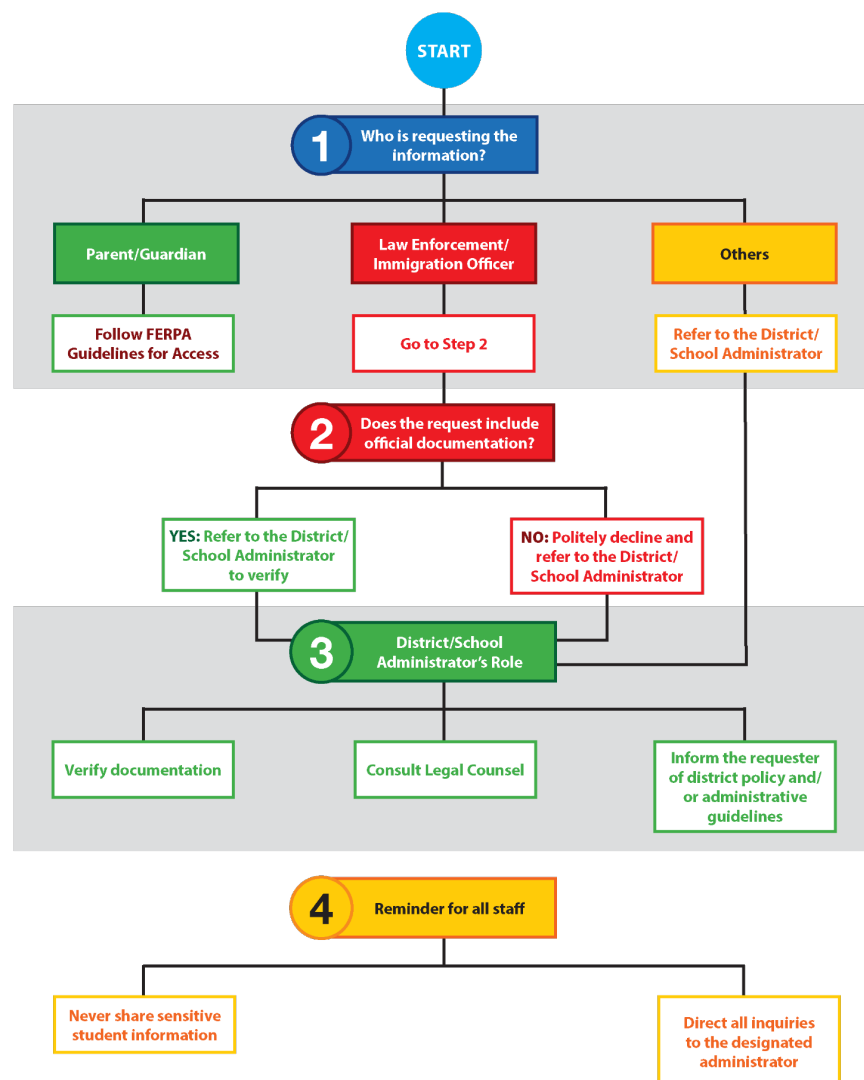
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- [NAELPA Webinar](#) - Protecting the Rights and Privacy of Multilingual Learners and their Families
- [What Should Schools Do If Immigration Officers Make Contact?](#): A new video (January 2025) by Lee Ryder Koffend, a senior immigration counsel.

## Flowcharts and Supportive Documents Created

Please make a copy of the templates below:

- [Flowchart \(Word\)](#)
- [Flowchart \(PDF\)](#)
- [Flowchart \(Canva\)](#)
- [Template: Protecting Students' Privacy When Integrating AI](#)
- [Template: Privacy Policy for Protecting Students at School](#)



## Contributors

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