



KROKIDAS & BLUESTEIN LLP

U.S. Immigration and Customs Enforcement Comes to your Massachusetts Public School: What Next?

This first week of the new presidential administration has seen a flurry of executive orders and rescissions of prior guidance across numerous substantive areas. At Krokidas & Bluestein LLP, we understand that the pace and complexity of available information, particularly with respect to immigration policy and activities of U.S. Immigration and Customs Enforcement (“ICE”) and the Department of Homeland Security (“DHS”), have raised a variety of questions by Massachusetts public schools concerning how best to protect and support students, families, and employees. Schools may be particularly concerned about the rescission of a prior policy that designated schools as “protected areas” in and around which ICE would avoid taking enforcement action.

Though guidance and information regarding immigration enforcement continue to evolve, we want to highlight action steps for public schools to consider.

Planning and Steps to Take Now:

- Review and update (or implement) an ICE Policy and Protocol so that families and employees know the school’s policy and practices with respect to ICE access and the sharing of student, family, and employee information. Contact legal counsel for support.
- Designate administrative staff to take the lead in responding to ICE if agents or officials arrive on campus and ensure staff have information on how to contact legal counsel for guidance and advice if needed.
- Remind families to make sure student emergency contacts are kept up to date.
- Maintain strong coverage at school entrance(s), with clear protocols for school transition times and for allowing access by visitors. Review existing policies and ensure that they are implemented consistently. For example, the school’s visitor policy should be clear and provide that visitors must check in with the front office and are never permitted to be in non-public areas of school buildings without staff accompaniment.
- Ensure that the school is not collecting and maintaining personal information about students and employees that may not be necessary (for example, social security numbers for students and information related to immigration status) and that any confidential personal information is always maintained in a secure manner.
- Remind staff and third-party vendors about FERPA and Massachusetts student record requirements, including but not limited to the general prohibition against releasing student record information without parent/guardian consent.
- Ensure that information about basic legal rights, particularly with respect to immigration enforcement, is identified for (and accessible to) the school

community (such as “Know Your Rights” toolkits available in multiple languages).

Considerations to Address in Your School’s ICE Policy and Protocol:

1. What steps will the school take upon arrival of an ICE agent or official, and who is responsible for each step?
2. What steps should be taken if ICE requests access to a student or school employee?
3. What steps should be taken if ICE requests access to student record information, including directory information?
4. What steps should the school take immediately following a visit or request from ICE?

Note: It is possible that ICE or another law enforcement agency may ignore or reject a school’s policies and procedures. At all times, school staff should use good judgment and respond to ICE enforcement activities in a manner that ensures the safety of the entire school community.

Krokidas & Bluestein is committed to providing clients with updated guidance and best practices across all the Firm’s practice areas as policy changes in the new presidential administration develop. **If your school requires policies, protocols, and/or resources with respect to ICE and immigration enforcement, or if ICE or another law enforcement agency comes to your school and you need immediate legal guidance**, please contact Bettina Toner (btoner@kb-law.com) or Eric Jordan (ejordan@kb-law.com) in Krokidas & Bluestein LLP’s Education practice.

Krokidas & Bluestein LLP’s [Education Practice](#) provides a full array of advice and guidance to charter schools and other education entities on a wide range of legal matters including student discipline, special education, employment, governance, tax, regulatory and compliance matters, real estate, financing, and litigation.