

To: All Administrators

From: M. Curt Richardson, Attorney for the District

Re: Rights of Immigrant Students

Date: January 23, 2025

On Monday, January 20, 2025, President Trump signed Executive Orders addressing policies and practices by federal agencies regarding immigration, including the [Protecting the American People Against Invasion Executive Order](#) and the [Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats Executive Order](#). While the impact of these actions on Unit 5, its staff, students, and families is still uncertain, we wanted to make sure staff are aware of students' rights to an education, privacy, and our expectations should the Immigration and Customs Enforcement ("ICE") or another outside federal, state, or local agency contact or show up at your building requesting information regarding students or their families or to interview or detain students.

Immigrant Students Right to an Education

In [Plyler v. Doe](#), the Supreme Court of the United States held that there was no reasonable justification to deny undocumented school-age children the same free public education provided to children who are citizens of the United States or legally admitted aliens, and therefore a Texas statute was unconstitutional under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. The Executive Orders signed by the President do not change this right, and staff should continue to educate all students according to their needs, regardless of their immigration status. In addition, the [Illinois Human Rights Act](#) provides it is a civil rights violation for any elementary or secondary representative (defined to include teachers and other school employees) to commit or engage in harassment toward a student based on the student's actual or perceived race, color, or national origin. This would include reporting to ICE a student's or student's family's actual or perceived immigration status because it has the purpose or potential effect of substantially interfering with a student's educational performance. Finally, [Board Policy 7.10 Equal Educational Opportunities](#) provides that equal educational and co-curricular opportunities shall be available for all students without regard to color, race, nationality, or immigration status.

Privacy Rights of Students

Both federal and state law protect the privacy rights of students including the [Family Education Rights and Privacy Act](#) ("FERPA") and the [Illinois School Student Records Act](#) ("ISSRA"). Both statutes generally prohibit the disclosure of student records and student information except to parents/guardians or students (if 18 yrs. or older), their designated representatives, specifically designated agencies under limited circumstances, or other agencies or individuals where required by law or pursuant to a court order. The Executive Orders do not eliminate these

privacy rights of students, and staff should not release any student records or student information to ICE or another outside federal, state, or local agency without prior approval from District Administration. If you receive a request for student records or student information, please notify your building administration. They will contact the Attorney for the District and District Administration.

Interviews or Detention of Students

We do not anticipate ICE or another outside federal, state, or local agency will seek any enforcement action against students or their families at school or request student records or student information. Additionally, the Illinois TRUST Act prohibits state and local law enforcement agencies and officials from detaining or continuing to detain any individual solely on the basis of any immigration detainer or civil immigration warrant or otherwise comply with an immigration detainer or civil immigration warrant. State and local law enforcement agencies and officials are further prohibited from stopping, arresting, searching, detaining, or continuing to detain a person solely based on an individual's citizenship or immigration status. Should ICE or another outside federal, state, or local agency seek to interview or detain students at school, please ask them to remain in the main office and notify your building administration. The building administration will contact the Attorney for the District and District Administration who will respond to the request.