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**TO:** Local School System Superintendents

**FROM:** Carey M. Wright, Ed.D., State Superintendent of Schools

**DATE:** January 23, 2025

**SUBJECT:** Immigration Enforcement Actions at Maryland Schools: A Guide for Students, Families, and Local Education Agencies

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As State Superintendent of Schools, I want to ensure that every student—regardless of immigration status—receives the support they need from our educational system. Every child deserves access to a quality education, and it is our responsibility to uphold that right.

To that end, it is crucial that we provide clear guidance on how to best support immigrant students in our schools, including key topics such as student rights, school registration processes, and how to respond to requests from immigration authorities or law enforcement. In this communication, I will address these important issues to ensure that all members of our school communities are informed, prepared, and able to support immigrant students in a safe, respectful, and legally compliant manner. Thank you for your continued support in ensuring the safety of all Maryland students.

### **Student Rights**

- All children have a right to equal access to a free public education, regardless of the immigration status of the child or their parent/guardian.
- While schools may require proof of residency within the district, information about citizenship or immigration status is never needed for school enrollment.
- Federal and state laws protect education records and personal information. These laws generally require written consent from parents/guardians before releasing information, unless it is for educational purposes, otherwise authorized by law, or in response to a court order or subpoena.
- Some schools collect and make public “directory information” about students, such as name, address, email address, and phone number. If this is a practice, the local educational agency (LEA) must provide parents or guardians with written notice of its directory information policy and provide the option to refuse release of their child’s information. The notice must effectively notify parents who have a primary or home language other than English.
- Students, parents, and guardians have the right to report a hate crime or file a complaint to the school district or the [State Superintendent](#) if they or their child has been discriminated against based on national origin.

## School Registration

- State education law entitles children ages five years old and under 21 years old who have not received a high school diploma to attend the public schools in the LEA in which they reside without paying tuition.
- Undocumented children, like U.S. citizen/resident children, have the right to attend school full time, as long as they meet the age and residency requirements established by state law.
- The U.S. Supreme Court held in *Plyler v. Doe* (1982) that schools may not deny students a free public education on the basis of their undocumented or non-citizen status, or that of their parents or guardians.
- At the time of registration, schools should not ask questions related to a parent or student's immigration status nor request a Social Security number.
- Although LEAs should collect certain data pursuant to state and/or federal laws, they should do so after a student has enrolled in school so as not to give the impression that information related to immigration status will be used in making enrollment determinations.

## Requests from Immigration Authorities or Law Enforcement at a School

- Various laws impose legal duties on the LEA with respect to law enforcement questioning students at school and the confidentiality of student records, including the [Family Educational Rights and Privacy Act \(FERPA\)](#) and the Code of Maryland Regulations (COMAR) 13A.08.02.
- Local school officials should cooperate with law enforcement and federal immigration authorities in accordance with their LEA policies and guidelines and in consultation with their attorneys.
- Upon receipt of a request from immigration officials to access student education records, LEAs should immediately consult with their attorneys, to ensure compliance with FERPA and COMAR 13A.08.02 regarding the release of personally identifiable information (PII) in a student's education records without the consent of the parent or eligible student.
- Before fulfilling a request from federal immigration authorities or law enforcement to enforce immigration laws, LEA employees should immediately contact the local superintendent and school attorneys for legal advice.
- If federal immigration officials or law enforcement enter a school building seeking access to students (for interviews and/or questioning), school personnel should contact the local superintendent immediately for guidance. School personnel should not argue or debate with immigration enforcement officials but should direct them to the local superintendent or designated administrator for further action.
- LEA personnel should immediately notify the student's parent or guardian if an immigration official or law enforcement officer requests or gains access to a student for immigration-enforcement purposes, unless such access was following a judicial warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

### Training for School Personnel

- LEAs should establish training regarding immigration issues for teachers, school administrators, and school staff, including information on responding to a request from an immigration or law enforcement officer seeking to enforce immigration laws at a school or to access a student or student records.

### Resources for Families

- Parents/guardians can update their child’s emergency contact information at school, including secondary contacts, to identify a trusted adult who can care for their child if they are detained or deported. They can also identify a “standby guardian” to care for their child if they are detained or deported, by completing [this Maryland Judiciary form](#) and providing a copy to schools, health care providers, and family members.
- Families trying to locate someone who has already been detained, may use the [Immigration and Customs Enforcement \(ICE\) detainee locator](#).
- Legal assistance is available from a variety of sources, including immigration lawyers in private practice, accredited representatives (non-attorneys who assist individuals in immigration proceedings), and legal-aid organizations:

[The People’s Law Library of Maryland](#)

[Immigration Advocates Network](#)

- Several immigration organizations have prepared comprehensive guidance on preparing for and responding to immigration enforcement actions:

[Family Preparedness Plans](#)

[ACLU Know Your Rights: Immigrant Rights Scenarios](#)

[Catholic Legal Immigration Network Rapid Response Toolkit](#)

[USAHello 2025 Immigration Guide](#)

- Families also may wish to [contact the consulate or embassy](#) of their country of origin for further information.

For questions about immigrant students’ rights or immigration enforcement in schools, contact your local school system’s office of legal counsel.