

ACLU-PA and Education Law Center Share Guidance Regarding Immigration Enforcement at Pennsylvania Schools

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PHILADELPHIA – Following the Trump Administration’s executive order rescinding the “sensitive locations” policy that barred Immigration and Customs Enforcement (ICE) from conducting enforcement actions at schools, playgrounds, and bus stops, the American Civil Liberties Union of Pennsylvania and the Education Law Center have shared a letter of legal guidance about interacting with ICE with Pennsylvania public school district superintendents and charter school CEOs.

The letter reminds school administrators that federal law, including the Fourth Amendment’s protection against unreasonable searches and the Family Educational Rights and Privacy Act, offers protection for all students, and that students are entitled under federal and state law to attend public school regardless of their immigration status.

The letter details the differences between a judicial and administrative warrant; ICE typically uses administrative warrants, which do not legally mandate access to a location. It also offers suggestions on how best to protect students’ privacy, including in school records, and how to foster a welcoming environment for all students.

“Everyone, including school administrators, parents and students, need to understand that President Trump’s Executive Orders or agency directives do not, and cannot, override Constitutional rights or federal anti-discrimination and privacy statutes,” said Witold Walczak, legal director of the ACLU of Pennsylvania. “Immigration agents’ ability to enter schools, harass hard-working people inside, and demand personal information is still limited by the law. Children at school need to be able to focus on their lessons and build relationships with peers and teachers.

“Many immigrant students and their parents are extremely fearful of immigration enforcement efforts that may happen at school; some families are even afraid to send their children to school,” said Maura McInerney, legal director at Education Law Center. “There is also widespread confusion about the authority of ICE to enter schools and access student records. This letter responds to those concerns raised by families and educators. It outlines the rights of students, clarifies the authority of immigration agents, and underscores the legal obligation of

all schools to be welcoming safe spaces where undocumented immigrant students have equal access to learning and all schoolchildren can thrive.”

You can read the full letter [here](#).

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