



NJDOE Immigration Guidance

January 22, 2025

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Schools must honor valid judicial warrants/orders but should verify documents by contacting my office and we will work with legal counsel before acting on immigration officials' requests.

Protocols should immigration officials show up at schools:

- Immediately contact Superintendent's office
- Verify agent credentials and purpose
- Sup't's office is not required to grant access to school premises absent an official judicial search warrant or arrest warrant signed by a judge or exigent circumstances. An administrative immigration warrant is not sufficient to require admittance. The exception is if agent declares exigent circumstances

Student records protection protocols:

- Immediately contact Supt. office before sharing any student information
- While we must produce education records in response to a court order or subpoena, state and federal laws protect the privacy of student educational records
- The Family Educational Rights and Privacy Act (FERPA) requires schools to make a "reasonable effort" to notify parent
- State regulations require parents and students receive 3-day notice of request
- Districts should consider adopting a policy to ensure a consistent process for responding to subpoenas

Safety planning requirements that should be in place involving non-local law enforcement:

- Develop protocols for supporting undocumented students
- Train staff on security and student rights
- Review building access policies
- Ensure support for special needs/multilingual learners
- Monitor emotional impact on school community
- Create protocols for families affected by deportation
- Ensure School Security Plans are updated and in alignment with NJ Administrative Code
- Support students and families affected by deportation or other immigration-related actions

Legal guidance provided to support NJDOE's stance:

- [Title VI of the Civil Rights Act of 1964](#), which prohibits discrimination on the grounds of race, color, or national origin by entities that receive federal financial support. The Title VI regulatory requirements have been interpreted to prohibit denial of equal access to education because of a language minority student's limited proficiency in the English language.
- [Plyler v. Doe](#) where the U.S. Supreme Court held that a state may not deny access to a basic public education to any child residing in the state, whether present in the United States legally or otherwise. All students have a right to be in school [regardless of immigration documentation and status](#).
- [The Immigrant Trust Directive](#). Issued by the NJ Attorney General which the type of voluntary assistance that New Jersey law enforcement officers—state, county, and local, including Special Law Enforcement Officers—may provide to federal immigration authorities.



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- The website also stresses the importance of education security staff on how to communicate with federal agents, what a valid warrant looks like and data privacy best practices. The site also underscores the need to ensure all communication to parents and families is in multiple languages. Finally, the site offers lots of resources for students affected by deportation and related trauma in an effort to address the emotional, social, and academic challenges they may face.
- For greater detail, please visit:
<https://nj.gov/education/security/studentrights/index.shtml>

