

## **The Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. The law prohibits school districts from releasing education records without prior parental consent except in limited circumstances.

Under FERPA, school districts can designate certain categories of information as "directory information." Directory information can include a variety of information, such as student and family names, contact information, and photographs. Directory information may be released without prior parental consent. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them.

FERPA has no specific exemption that allows school districts to release student education records to ICE agents who are enforcing immigration law without prior parental permission.

ICE does have authority to issue subpoenas. Under FERPA, school districts can provide confidential student information in response to a properly issued subpoena. However, FERPA requires schools to make a reasonable effort to notify parents about the subpoena before producing information, so the parent can object or otherwise seek protection from the subpoena.

### **Interviews on school premises**

The ICE sensitive locations policy, adopted in 2011, provides that enforcement actions at sensitive locations, such as schools, should generally be avoided, and require either prior approval from an appropriate supervisory official or exigent circumstances necessitating immediate action. Enforcement actions covered by this policy are apprehensions, arrests, interviews, or searches, and for purposes of immigration enforcement only, surveillance. The policy is still in effect.

In 2018, the Oregon Legislature passed SB 1540, which gives the Oregon Department of Human Services or a law enforcement agency the authority to interview a child on school premises as part of an investigation of a report of child abuse. The statute is limited to child abuse investigations and does not give federal immigration enforcement the authority to interview a child on school premises.