



Fact Sheet: School Police and Protecting Student Privacy

Background

To properly protect students' rights, educators must also ensure that contractors, consultants, and other agency partners who come into contact with students or who access student records respect students' rights. This is particularly important if a school has sworn law enforcement officers assigned to the school. For all students, schools must ensure that police officers on campus do not have general access to FERPA protected records, are properly following Fourth Amendment standards for detention, interrogation, search, and seizure, and are not arresting students for incidents that can be handled as matters of school discipline. These concerns carry extra weight for immigrant students, for whom school policing has the potential to undermine the education rights outlined in *Plyler v. Doe*¹, the U.S. Supreme Court case that held states cannot constitutionally deny students a free public education on account of their immigration status. Requiring students or students' parents to provide schools with information regarding their immigration status, or taking other actions that significantly interfere with the right to a basic public education, violates the constitutional principles set out in *Plyler*.²

What You Need to Know

- School police should commit through a signed agreement or official policy not to inquire about immigration status or to detain or report students and family members for purposes of immigration enforcement.
- The school should review its policing practices to focus attention on protecting the school community from outside threats and limit law enforcement interactions with students to immediate threats to physical safety.
- Policing in schools puts immigrant students at a greater risk for having their application for citizenship or other immigration benefits placed in jeopardy or being prioritized for deportation.

Things to Note

Police in schools commonly arrest students for misdemeanor offenses like disorderly conduct when behaviors could easily be addressed through school discipline.³ Police in schools sometimes also collect intelligence on students, for example to enter them into a database of alleged gang associates. The ACLU has challenged these practices where police have unfairly and incorrectly identified students as gang members.⁴ In addition to the numerous detrimental impacts these forms of policing have on any student, immigrant students risk having their application for citizenship or other immigration benefits placed in jeopardy or being prioritized for deportation.

¹ 457 U.S. 202 (1982).

² See *Hispanic Interest Coal. of Alabama v. Governor of Alabama*, 691 F.3d 1236, 1245 (11th Cir. 2012); *League of United Latin Am. Citizens v. Wilson*, 908 F. Supp. 755, 774 (C.D. Cal. 1995), on reconsideration in part, 997 F. Supp. 1244 (C.D. Cal. 1997).

³ See, e.g., Chongmin Na & Denise Gottfredson, *Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors*, 30 JUST. Q. 619, 620 (2013); Steven C. Teske, *A Study of Zero Tolerance Policies in Schools: A Multi-integrate System Approach to Improve Outcomes for Adolescents*, J. OF CHILD AND ADOLESCENT PSYCH. NURSING; Matthew T. Theriot, *School Resource Officers and the Criminalization of Student Behavior*, 37 J. OF CRIM. JUST. (2009).

⁴ See ACLU, *Case page: Winston v. Salt Lake City Police Department, et al.* (last updated March 17, 2016), <https://www.aclu.org/cases/winston-v-salt-lake-city-police-department-et-al>; ACLU of Northern California, *Case Page: Benitez v. Montoya* (May 18, 2015), <https://www.aclunc.org/our-work/legal-docket/benitez-v-montoya>.