



## DEPARTMENT OF EDUCATION

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February 5, 2025

Dear Superintendents and Charter School Leaders,

As our state's essential education leaders, I wanted to share the steps the Department of Education (DDOE) is taking to protect our learning communities from the current wave of mass immigrant deportations that are happening nationally. During this critical threat to our education system, I am also writing to ask for your assistance in communicating accurate information to our state's students, families, educators and administrators.

First, I want to be very clear about Delaware's iron-clad commitment to student privacy, counseling and academic continuity, maintaining a safe, inclusive environment, and preventing disruptions caused by immigration enforcement. Because I know you share these values, I have posted an [open letter](#) on our Department website, which may help you communicate with your learning communities.

Last week, Attorney General Kathy Jennings issued [very helpful language](#) for immigrant families to help them better understand their rights at this difficult time. Again, I encourage you to share this information with your community if you have not already done so. To assist in this, we have also posted on our website some outstanding examples of [communication](#) on these issues from your fellow district and charter leaders as well as [resources and guidance](#).

Because district leaders are problem solvers by nature, I have already heard from several superintendents asking what additional steps they can take to help their students continue to thrive. In that spirit of collaboration, I am sharing the following suggestions.

1. I urge you to bring an urgent resolution to your Board of Education. Timely resolutions can affirm your commitment to support all families, list the supports that will be provided in case of an immigration enforcement action, and describe what policies and protocols are in place to protect students. Such resolutions can also inform the community about the school's preparedness plan if immigration law enforcement shows up at or near a school. A [sample school board resolution](#) is available for use.
2. If you have not already done so, clarify the conditions under which an Immigration and Customs Enforcement (ICE) agent may enter a school facility by updating your administrative procedures for managing non-local law enforcement actions and inquiries. You are only required to allow ICE to enter a facility if they have a judicial warrant signed by a judge. You have a right to refuse entry if they do not have a judicial warrant.

3. Educators and security personnel are not lawyers, and they cannot be expected to determine the validity of legal documents. Instead, specially designated district staff should be trained on what constitutes a judicial order - as opposed to an ICE administrative warrant.
4. Some districts have found it helpful to make explicit that individual employees:
  - May neither accept nor reject a request by ICE to access school property and should not “make imminent threat determinations” or resist if agents enter the school anyway.
  - Are required to inform ICE, “All such requests fall under the purview of the district superintendent until a legal review can determine the validity of the order.”
5. Remind staff that Delaware school employees are not permitted to ask about the immigration status of a student or their parents, guardians or relatives. As a general matter, schools should not collect for enrollment purposes or maintain documents that contain passport information, visa information, and Social Security numbers. This information is not necessary to confirm age or residency and collecting it creates additional data protection obligations, and risks deterring enrollment on the basis of immigration or citizenship status.
6. If ICE asks for information on a student or staff member’s immigration status, be clear about your response, and share this guidance with your secretaries, registrars, front office staff, counselors, nurses, homeless liaisons, and nutrition supervisors. Without prior written consent, federal law (FERPA) permits school officials to disclose educational records only if required to do so by a court order or subpoena or a health or safety emergency. If immigration officials do not have a court order or subpoena, then FERPA prohibits you from disclosing these records without prior written consent from the student’s parents or, if the student is over 18 years old, from the student. If the agent does have a court order or subpoena, in addition to contacting legal counsel, the school must make a reasonable effort to notify the parent or eligible student of that court order or subpoena before disclosing the records, unless the official(s) indicate that they are investigating an act of terrorism.
7. Make it clear that “certificated district employees” may discuss the ICE policy in class “provided it is age appropriate.” Students should be informed that counselors are available to discuss the policy.
8. Provide counseling, emotional support and peer group support to any students experiencing high anxiety. This may include both the students whose families have been directly affected by changes to federal immigration policy as well as their friends and classmates. Districts and charters should also be prepared to meet staff mental health needs to address secondary trauma as well.
9. Provide training and support for students, their families, and staff on immigrants’ rights and resources in multiple languages on legal assistance, mental health care, and public safety.
10. Support educators who choose to offer flexibility on classwork when families choose to keep children home.

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11. Update your school safety plan to include managing immigration raids, even if they do not occur on school grounds. You should have clear procedures to take if, for example, a parent is forcibly removed from the community. Clarify which employees are assigned to keep students and their families informed should they become separated due to ICE action.
12. The implementation of accurate emergency contact systems for all families is paramount. Provide parents/guardians regular opportunities to update emergency contact information, alternative caretaker contacts, and authorized pick-up contacts.

As a former principal and district leader, I am keenly aware of your long workdays and the high volume of demands on your time. I hope the above information is helpful to you in providing solutions to keep our schools focused on our students. Please let me know if I may ever be of service to you or your community.

Sincerely,

Cindy Marten  
Secretary of Education  
Delaware Department of Education