



## **From the Courts to the Classroom: A back-to-school toolkit for educators, school leaders, and Vermont youth**

In the face of unlawful and confusing actions from the federal government throughout 2025, many of which impact our school communities, we hope to offer a snapshot of where the rights of our students—and responsibilities of our educators and school leaders—stand today.

**Despite these attacks on our students' rights, schools' key responsibilities to students and families have not changed.**

Schools are required to:

- Ensure fair and non-discriminatory treatment—including for noncitizen, immigrant, and LGBTQ+ students;
- Protect the privacy of students and families; and
- Protect the constitutional rights of students.

Everyone, including school administrators, parents, and students, must know that President Trump's Executive Orders or agency directives do not override Constitutional rights or federal anti-discrimination and privacy statutes. And even where federal protections are being stripped away, there are often state laws and policies that fill those gaps.

Below, you'll find information and resources on:

- I. [Immigrants' Rights](#)
- II. [LGBTQ+ Rights](#)
- III. [Free Speech & DEI Programming](#)
- IV. [Student Privacy](#)

We hope this toolkit empowers school leaders and educators, students, and families to stay informed and work together to build systems that protect everyone's rights.

## I. Immigrants' Rights

*All students, regardless of their immigration status, have the right to access education and have their privacy respected.*

### **Legal Landscape**

President Trump has made a concerted effort to target and terrify our noncitizen and immigrant community members, including students and their families. Spreading fear is part of the administration's strategy, but Vermont is fighting back. Since the inauguration, state legislators have passed new laws to protect noncitizen and immigrant Vermonters. And ACLU litigators working nationwide have already thwarted some of President Trump's most egregious actions, and we are continuing to fight for immigrants' rights in the courts.

- **Policy Changes:** This year, Vermont lawmakers passed legislation to enhance protections for immigrant families. Specifically:
  - [S.127](#) bars housing discrimination based on citizenship or immigration status; and
  - [H.98](#) creates a court process for granting “standby guardianships” for children whose parents have been or may be impacted by immigration enforcement actions.
- **Litigation Updates:** In response to the Trump administration's many unlawful executive orders and actions targeting immigrants, the ACLU and its allies have launched dozens of legal challenges. Below are key updates on a few of these issues that may affect students and families in our community:
  - **Birthright citizenship:** We filed a class action lawsuit earlier this summer defending birthright citizenship. [In July, a federal court once again blocked President Trump's order from taking effect](#) while the case moves forward. This means that, right now, people born in the United States—even to noncitizen parents—are entitled to U.S. citizenship.
  - **Temporary Protected Status (TPS):** Our immigration system grants temporary legal authorization to people from specific countries that are experiencing an ongoing emergency, allowing them to stay in the U.S. for a set period of time. The Trump administration has attempted to revoke TPS for noncitizens from several countries, including Honduras, Nicaragua, Haiti, Venezuela, and Afghanistan—a policy move that sows confusion and disrupts the lives of valued members of our communities who now been told they have only a few months to secure a different form of legal status or face deportation. These changes have been [challenged in the courts](#); unfortunately, [a federal court decided it would not keep TPS in place](#) for Central America and Nepal while the case moves forward, leaving tens of thousands of people in legal limbo. Earlier this year, [the Supreme Court allowed Trump to end TPS for many Venezuelans](#), and TPS for many other Venezuelans is scheduled to end on September 10, 2025. Noncitizens

whose TPS has expired or is about to expire may be able to apply for other forms of relief from deportation—if any of your students and their families are facing this situation, we encourage them to connect with the [Vermont Asylum Assistance Project](#) (VAAP) or an immigration attorney to discuss their options.

### ***Guidance for Schools***

Schools can take action now to protect their immigrant and noncitizen students, both inside and outside of the classroom. Although President Trump has repealed the “sensitive location” guidance that limited immigration enforcement activities on school grounds, there are still opportunities for school leaders to implement straightforward protections for their students and families.

[This ACLU-VT publication outlines our recommended best practices](#) for building a school preparedness plan, the rights of students and families, the authority of immigration agents on school grounds, and the legal obligation of all schools to be welcoming safe spaces where immigrant students have equal access to learning and all schoolchildren can thrive.

The [Vermont Agency of Education also issued guidance on immigration enforcement](#) at K-12 schools earlier this year.

Educators should know that they are required by law to protect the privacy of their students, including information about a child’s immigration status. We encourage school leaders to review the guidance linked above and to develop and share a clear protocol with their staff about what to do if an ICE official is on school grounds or asks questions about a student’s legal status.

### ***Information for Noncitizen and Immigrant Students***

Students should be empowered to know their rights and what to do if they are approached by ICE—at home, on the street, or at school.

- [Know Your Rights: Immigrant Students and Schools – National Immigration Law Center \(English and Spanish versions\)](#)
- [We Have Rights Videos – Immigrant Legal Resource Center \(ILRC\)](#)

### ***Resources for Families***

There are several steps that families can take to protect themselves in the event of an ICE encounter and to stay informed. Below is a selection of resources that may be useful for immigrant families in your school community:

- [Family Preparedness Plan – Immigrant Legal Resource Center](#)
- [List of local legal resources and immigration attorneys – Vermont Asylum Assistance Project \(VAAP\)](#)
- [Know Your Rights: Immigrants’ Rights – ACLU-VT](#)

- [Updates about changes to asylum policies – Asylum Seeker Advocacy Project \(ASAP\)](#)

## II. LGBTQ+ Rights

*Our LGBTQ+ students have the right to fully participate in school and have their identities respected.*

### ***Legal Landscape***

Through a series of dehumanizing executive orders and lawsuits, President Trump is attempting to erase LGBTQ+ people from our communities—and from our schools. One of the many executive orders signed by President Trump early in his second term outlines [a plan to reinstate sex discrimination against transgender people](#).

However, executive orders are rarely legally binding and cannot by themselves overturn federal or state anti-discrimination protections. Fortunately, our state’s commitment to antidiscrimination protections for trans, nonbinary, and gender-nonconforming students has not changed. Vermont state laws continue to uphold the rights of LGBTQ+ students, and Vermont leaders have forcefully reiterated that this state does not tolerate discrimination in our classrooms.

Reflecting Vermont’s statutory protections, [guidance from the Vermont Agency of Education affirms the rights of transgender youth](#) to use restrooms and locker rooms and play sports in accordance with their gender identity based on state law. In January 2025, [Vermont Attorney General Charity Clark and the Vermont Human Rights Commission issued a statement affirming their commitment to enforce anti-discrimination protections](#) on the basis of gender identity.

Furthermore, LGBTQ+ families continue to have the full legal right to parent their children. Although parentage in Vermont can be recognized through self-attestation alone, state lawmakers recently passed [H.98](#)—a bill that streamlines the process of confirmatory adoptions for parents who conceived a child through assisted reproduction and are already legally recognized as parents under Vermont law. Regardless of whether a confirmatory or “second-parent” adoption has occurred, schools must continue to honor the rights of LGBTQ+ parents in their community.

### ***Guidance for Schools***

We expect school leaders and educators in Vermont to continue to foster a welcoming and inclusive environment for all students, regardless of their gender identity.

- As this February 2025 Vermont Human Rights Commission [statement](#) re-emphasized: “It is a violation of Vermont’s human rights laws to deny transgender students’ gender identity or to deny them equal opportunities to participate in all aspects of school life on the basis of their gender identity. **Any directive suggesting that trans students should be denied opportunities to participate in sports or other activities, be policed**

**when using the restroom, or have their privacy protections denied is unlawful.”**

- The Vermont School Boards Association’s [model policy](#) highlights how LGBTQ+ students’ identities and privacy can be respected on a district policy level.
- Contrary to the Trump Administration’s fearmongering, the federal government cannot criminalize educators supporting and affirming LGBTQ+ students. Review this [FAQ for educators regarding LGBTQ+ rights](#) (NEA).
- One area where schools often misstep in enforcing gender stereotypes is dress codes. Review this [Open Letter to Principals and Superintendents](#) regarding dress code policies (ACLU).

### ***Information for LGBTQ+ Students***

LGBTQ+ students have the right to bring their whole and authentic selves to school—and they learn best when they are able to safely do so. There are several helpful organizations that offer support for LGBTQ+ youth, including support around asserting their rights in school.

- [LGBTQ Student Rights – ACLU](#)
- [LGBTQ Youth & Schools Resource Library – ACLU](#)
- [Outright Vermont](#)
- [The Trevor Project](#)
- [Direct Online and Phone Support Services for LGBTQ+ Youth – Human Rights Campaign](#)

### ***Resources for Families***

In addition to your love and support, there are ways to advocate for your child, protect your family, and stay up to date on your and your child’s rights.

- [LGBTQ Youth and Family Resources – Family Acceptance Project](#)
- [I Want to Support my LGBTQ+ Loved One – PFLAG](#)
- [LGBTQ Youth & Schools Resource Library – ACLU](#)
- [Trans Rights: Vermont Laws – Lawyers for Good Government](#)

## **III. Free Speech & DEI Programming**

*Schools are places where ideas and different perspectives are meant to be explored, and students’ First Amendment rights do not cease to exist at the school doors.*

### ***Legal Landscape***

This Administration perceives diversity and free speech as threats, rather than as our nation’s greatest assets. Consequently, President Trump has launched several attempts to impose a regime of censorship in the classroom. Courts have blocked many—though

not all—of these assaults on academic freedom, and schools can still promote a learning environment where the exchange of ideas thrives. In short, the Trump administration cannot censor viewpoints it disagrees with, and schools should not preemptively comply with questionable policy announcements.

- **Litigation Updates:** The barrage of attacks on our First Amendment rights and DEI programming has included:
  - **Attempting to end DEI in Schools:** The ACLU, along with the NEA, filed a lawsuit challenging a February 2025 “Dear Colleague” letter that sought to place vague legal restrictions on what teachers can do or say, limiting academic freedom and violating due process and First Amendment protections by threatening to revoke federal funding for schools with DEI programming. In April, [a federal court blocked this order](#) from taking effect. Furthermore, the Vermont Agency of Education has [confirmed](#) that it “will continue to follow longstanding Vermont law with regard to grounds for licensing investigations; the standard for educator misconduct has not been amended by any of these federal executive actions.” The Vermont Agency of Education has also provided [information on federal policy changes](#).
  - **Arresting and Detaining Student and Academic Protestors:** The ACLU represents Mohsen Mahdawi, Rümeysa Öztürk, Mahmoud Khalil, and Dr. Badar Khan Suri—students and scholars who were each targeted for their advocacy on behalf of Palestinian human rights. All four of these individuals have been successful in the initial stages of their federal court cases—with Rümeysa’s and Mohsen’s cases playing out in Vermont—each winning their release from wrongful detention in retaliation for [exercising their First Amendment rights](#). These cases affirm the rights of noncitizen students and scholars to publicly criticize the U.S. government without government retaliation.
  - **Permitting LGBTQ+ content opt-out:** We are deeply disappointed by the outcome of *Mahmoud v. Taylor*, the U.S. Supreme Court’s decision this summer that seeks to undermine the autonomy and curricular decision-making of public school teachers by allowing parents with religious objections to opt their children out of secular lessons that include LGBTQ-themed materials. However, this decision does *not* mean that teachers can no longer use age-appropriate, LGBTQ-oriented materials in their classrooms and curricula—and we urge Vermont schools to continue fostering an inclusive learning environment and preparing students to live in a pluralistic society through diverse representation in course materials.

### **Guidance for Schools**

The Trump Administration’s fear of diverse and inclusive classrooms should not infiltrate Vermont school policies.

- [This resource from the ACLU explains the principles of diversity, equity, inclusion, and accessibility](#) and why they are vital to make progress towards becoming a more equitable society for all—a core pillar of our democracy.
- In response to the Trump administration’s attempt to turn university administrators against their own students and faculty, [we issued an open letter to college and university leaders](#) in Vermont with concepts that are applicable to K-12 school districts as well.

### ***Information for Student Protestors***

When students exercise their First Amendment rights to protest, they should do so proudly and safely. There are a few things to keep in mind to keep yourself and your fellow protestors safe.

- [Students’ Rights: Speech, Walkouts, and Other Protests – ACLU](#)
- [Top 10 Things for Noncitizen Protestors Need to Know – Immigrant Legal Resource Center \(ILRC\) \(generally applicable, available in English and Spanish\)](#)

### ***Resources for Families***

Families can help foster an inclusive school—and community—environment through their own advocacy. School board meetings are an opportunity to participate in building the policies that shape students’ experiences.

- [Protecting the Right to an Honest and Culturally Inclusive Education Toolkit – National Education Association \(NEA\)](#)

## **IV. Privacy Rights**

*Students have certain privacy rights in school, including rights around searches & seizures, bodily autonomy, and data privacy.*

### ***Legal Landscape***

The Supreme Court has long recognized a federal constitutional right to privacy that protects an individual’s right to bodily autonomy and to control the nature and extent of highly personal information released about that individual. Additionally, the Fourth Amendment explicitly protects all people, including students, from unreasonable searches and seizures. Students’ constitutional privacy rights are sometimes greater outside of school than inside of school, but students do not lose all privacy protections when they enter school doors.

Moreover, the [Federal Educational Rights and Privacy Act \(FERPA\)](#), along with [Department of Education regulations](#), generally prohibit schools and school districts that receive federal funds from releasing personal information contained in a student’s education records without the written consent of the parent or adult (18+) student. These federal laws also require schools and school districts to maintain a record, within



the student's file, of all individuals, agencies, and organizations that have requested the student's personal information.

The main exceptions to FERPA's prohibitions are valid subpoenas and "school officials."

- The valid subpoena exception requires a [valid judicial subpoena](#). Schools must make a reasonable effort to alert parents or adult students to a subpoena. Importantly, an Immigration and Customs Enforcement ("ICE") administrative subpoena ("ICE subpoena"), without more, is NOT a legally enforceable subpoena.
- The school-officials exception allows "school officials" and outside entities performing an "institutional service or function" to obtain personal information from a student's file. This exception requires: 1) the school official is under direct control of the file at all times, 2) limiting access as needed to fulfill a "legitimate educational interest," and 3) limiting use and redisclosure to that original purpose. Law enforcement officers acting as a "school official" must use the information only as needed for the "legitimate educational interest" and may NOT redisclose to other law enforcement who are not acting as "school officials" for the same task.

Schools have a legal obligation to make sure that any privacy disclosures are valid under FERPA. Failure to do so may result in legal liability and loss of federal funding.

### ***Guidance for Schools***

Education technology presents exciting new opportunities for students, teachers, and schools, but it also exposes young people to serious new risks. We must ensure that we both enable students to benefit from this technology and protect their privacy.

- Schools should revisit policies on what information they collect, and what information is considered directory information (not protected by FERPA). Remember, you cannot disclose information you do not collect. If there is no reason to collect it, don't.
- Schools should not inquire into immigration status when determining residency or age.
- The Department of Education has a [Student Privacy Policy Office \(SPPO\)](#) that specializes in student privacy and FERPA.
- Review [DoE FAQs](#) on student privacy.
- Check out the [Open Letter to Schools About LGBTQ Student Privacy – ACLU](#)

### ***Information for Students***

From your backpack, locker, and health information, you have privacy rights even in school.

- [Students: Your Right to Privacy – ACLU](#)



### ***Resources for Families***

Learn more about how you can best safeguard your child's data and best practices for keeping your family safe online.

- [Student Data Privacy and Safety Guidelines for Students and Families – Vermont AOE](#)

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If you have any questions about these resources or wish to discuss how your school, district, or classroom can more effectively support students, families, or staff impacted by unjust federal action, please contact our office at [info@acluvt.org](mailto:info@acluvt.org).