Immigration Authority Interactions & Student Protection

Designated Review Authority & Incident Reporting

• Sole Approving Official: The Superintendent of Schools serves as the sole designated authority responsible for reviewing, evaluating, and authorizing or denying any request from federal or local law enforcement and immigration authorities to enter district property, inspect records, or to take custody of any student.

• Staff Reporting Mandate: All district personnel receiving inquiries, visits, or document requests from immigration enforcement officials must immediately notify the Superintendent, who will notify the district's legal counsel before taking any further action.

• Identification & Recording: District personnel must request official credentials and document the full name, badge number, and agency of any visiting officer for district records.

Access, Custody, & Transportation Protocols

• Warrant Requirement: District staff shall not grant immigration or law enforcement officials access to school property, school vehicles, or permit the transfer of a student without a valid warrant or court order signed by a judge of a competent federal or state court.

• Insufficiency of Administrative Documents: Administrative Warrants (e.g., ICE Forms 1-200 or 1-205), civil immigration detainers, or ICE-issued forms are **strictly insufficient** as a legal basis to grant school access or surrender student custody.

Emergency Placement & Student Safety Safeguards

• Protocol for Unavailable Parents: If a parent or guardian is detained or unavailable due to an immigration enforcement action, school personnel must safely retain the student on school premises.

• Exhaustion of Emergency Contacts: Staff must attempt to reach every emergency contact listed in the student's file before taking alternative custody steps.

• Statewide Central Register {SCR) Restriction: Contacting the Statewide Central Register for Child Abuse and Maltreatment (SCR) is strictly prohibited unless all reasonable efforts to locate and release the student to an authorized emergency contact have been exhausted.

School Resource Officer (SRO) Governance

• Contract/MOU Standards: District agreements with law enforcement agencies employing SROs must explicitly incorporate protections safeguarding undocumented students.

• Status Inquiries Prohibited: SROs are strictly prohibited from questioning, detaining, or investigating students or family members regarding actual or perceived immigration status.

• Scope of Search & Seizure: SRO authority to question or search students is restricted under the Fourth Amendment to reasonable suspicion of specific school policy or criminal violations affecting school safety.

• Record Restrictions: SROs shall not be granted access to student educational records containing immigration status, nationality, or place of birth.

Student Data Privacy & FERPA Compliance

• Directory Information Exclusions: Place of birth, nationality, and passport details shall be excluded from designated FERPA "Directory Information" to prevent inadvertent disclosure of status.

• Subpoena & PII Protocols: Requests for Personally Identifiable Information (PII) from law enforcement require a court order or subpoena. Prior to disclosure, staff must consult District Legal Counsel and notify the NYSED Privacy Office.

• Parental Notice & Translation: The district shall annually distribute FERPA opt-out forms to parents in their primary home languages and immediately notify parents if law enforcement requests student record information, unless prohibited by court order.

Parental & Community Notification

• Distribution of Protections: The district shall distribute written notices to parents, guardians, and persons in a guardian-relationship outlining their statutory rights, privacy protections, and safety safeguards.

• New York State Guidance on Safeguarding the Rights of Immigrant Students (PDF)

• Safeguarding the Rights of New York State Immigrant Students (PDF)

• Language Accessibility: Notification materials must be provided in the primary languages spoken within the district community to ensure full accessibility. ParentSquare has built-in translation to ensure families receive communications in their primary language.