

# Summary: New York State Guidance on Safeguarding the Rights of Immigrant Students (January 2025)

## General Overview

- Issued by the **Office of the New York State Attorney General (OAG), Governor's Office, and the State Education Department (SED)**
- Reinforces **equal access to education for all students**, regardless of immigration status
- Schools are **safe havens** and should not discourage or discriminate against immigrant students
- Provides guidance on **legal obligations** under state and federal laws

## 1. Enrollment and Registration

- All children **ages 5 to 21** are entitled to **free public education**, regardless of immigration status
- Schools **cannot** request Social Security numbers or information that reveals immigration status
- Schools **must accept various proofs of residency** and publicly list acceptable documentation
- **Migrant and homeless students** must be enrolled immediately, even without standard documents
- The **McKinney-Vento Act** ensures homeless and migrant students' rights, including school transportation

## 2. Student Information and Privacy (FERPA)

- Schools **cannot disclose personally identifiable information (PII)** without parental consent, except under legal circumstances
- **Immigration status should not be collected** unless required for specific programs and should be anonymized
- Schools **must not share student records** with law enforcement, including School Resource Officers (SROs), unless required by a judicial order
- Schools should:
  - Review policies to **avoid unintentional disclosure** of immigration status
  - Provide **opt-out forms** for parents regarding directory information
  - **Notify parents** if law enforcement requests student information

## 3. Law Enforcement's Access to Students

- Schools **must not allow** law enforcement to **detain, interrogate, or remove students** without parental consent, except under specific legal conditions
- Federal immigration arrests on school property **require a judicial warrant**
- Schools should:
  - **Verify legal documentation** from officers before granting access
  - **Inform the superintendent and legal counsel** before taking action

- **Immediately notify parents/guardians** unless legally prohibited
- **SROs must not question or detain students** based on immigration status

#### **4. Bullying and Harassment Protections**

- Schools **must prevent and address** harassment or bullying based on immigration status, race, or ethnicity
- Schools are legally required to:
  - Develop **anti-bullying policies**
  - Train staff and include policies in the **code of conduct**
  - Report incidents to **SED**
- Hate crimes and bias incidents can be investigated by the **OAG Hate Crimes and Bias Prevention Unit**

#### **5. Family Detention or Deportation**

- Schools should ensure students provide **updated emergency contacts**
- Schools may share **legal and community resources** with families impacted by immigration enforcement

This guidance ensures that **immigrant students are protected, supported, and have equal access to education** in New York State.