

Belfast Central School Safeguarding the Rights of Immigrant Students

The Office of the New York State Attorney General (OAG), the Office of New York Governor Kathy Hochul, and the New York State Education Department (SED) share a longstanding commitment to safeguarding the rights of all students, including all noncitizen students. New York State schools are tasked with ensuring that New York's immigrant students have equal access to education and other public services.

Enrollment and Registration Requirements

Under New York law, all children ages 5 to 21 who have not received a high school diploma are entitled to a free public education in the district in which they live. School districts may not refuse admission based on national origin, immigration status, race, or language proficiency, among other grounds. The U.S. Supreme Court has likewise long held that students may not be denied a free public education based on their immigration status or that of their parents or guardians. School policies that thwart equal access to education may expose districts to legal liability and undermine school communities.

To ensure all students are welcome at Belfast Central School, the District will:

- Immediately enroll all age-eligible students regardless of immigration or citizenship status.
- Never deny enrollment based on:
 - Immigration status
 - Citizenship
 - National origin
 - Lack of a Social Security number
 - Parent or guardian immigration status
 - Immunization status
- Ensure all students receive equal access to:
 - Academic programs
 - Extracurricular activities
 - Athletics
 - Transportation
 - School meals
 - Counseling services
 - Special education
 - English Language Learner (ELL) services

District personnel may request only documentation necessary to establish:

- Student age
- Residency within the district
 - To establish residency within the school district, parents, guardians, or persons in parental relation may provide **one or more** of the following documents. This list is **not exhaustive**, and the district may consider other reliable documentation demonstrating that a student resides within district boundaries.
 - **Housing and Property Documents**

- Current mortgage statement
- Property deed
- Property tax bill
- Current residential lease or rental agreement
- Homeowners or renters' insurance policy showing the service address
- Closing documents for a recently purchased residence
- **Utility and Household Bills**
 - Electric bill
 - Gas bill
 - Water or sewer bill
 - Trash collection bill
 - Internet or cable bill
 - Landline telephone bill
 - *Utility bills should generally be recent (e.g., issued within the last 60–90 days).*
- **Government-Issued Documents**
 - Valid driver's license or non-driver identification card
 - Vehicle registration
 - Voter registration record
 - Government-issued correspondence displaying the residential address
 - Benefit eligibility or public assistance documentation
 - Social Security correspondence
 - Tax documents listing the residential address
- **Employment or Financial Documents**
 - Recent pay stub showing the residential address
 - Bank statement
 - Credit card statement
 - Payroll or employer correspondence verifying address
- **Official Mail**
 - Recent correspondence from a federal, state, county, or local government agency
 - Court documents
 - Jury summons
 - Official correspondence from another educational institution
- **Families Living With Others**
 - Families who are residing with another district resident because of financial hardship, temporary circumstances, or other reasons may provide documentation such as:
 - A notarized or signed affidavit from the resident with whom they are living.
 - Proof of residency from the resident (such as a lease, deed, or utility bill).
 - Mail or other documents addressed to the parent/guardian at that residence.

- Any other documentation demonstrating that the student resides at that address.
- **Other Acceptable Documentation**
 - The district may also consider:
 - Documentation from a landlord or property manager
 - Insurance statements
 - Medical or health records showing the residence
 - Childcare records
 - Statements from social service agencies
 - Documents from shelters or transitional housing programs
 - Other reliable documentation establishing residency
- Immunization status

District personnel shall **never request**:

- Immigration documentation
- Visa information
- Green cards
- Passports solely to determine immigration status
- Social Security numbers as a condition of enrollment

If documentation is unavailable, enrollment shall proceed consistent with NYSED regulations while reasonable alternatives are accepted. Families who are unable to produce traditional documentation should contact the district. Alternative documentation may be accepted based on individual circumstances.

Students experiencing homelessness or living in temporary housing, as defined by the **McKinney-Vento Homeless Assistance Act**, may enroll immediately and are **not required** to provide proof of residency. Belfast CSD must immediately enroll migrant and unhoused students even if they lack proof of residency, immunizations, school records, or other documents typically required for registration.

Belfast CSD is responsible for outreach to identify homeless children and youth who need assistance and must also generally provide transportation to and from a student's temporary housing location.

Collecting Student Information and Accessing Student Records

Federal and State law, primarily the Family Educational Rights and Privacy Act of 1974 (FERPA), generally prevent the disclosure of personally identifiable information (PII) without parental consent. As applicable here, Belfast CSD can only release PII to law enforcement officials if it constitutes directory information or is being provided in response to a "judicial order or lawfully issued subpoena." Directory information includes information such as a student's name, address, and telephone number. It does not include immigration status, citizenship, or national origin information or documentation, and Belfast CSD will not collect this information unless required to do so. If such information is necessary for specific program participation or reporting requirements, it will be collected after the enrollment process and anonymized wherever possible. Subject to the above exception for a judicial order or lawfully

issued subpoena, schools are not required to provide student information to federal or local law enforcement officials.

FERPA also prohibits Belfast CSD from disclosing records with information about students' immigration status to School Resource Officers (SRO) without the prior consent of a parent, guardian, or nonminor student, except under certain circumstances where SROs are considered school officials. Even then, SROs may only use PII from education records for the legitimate educational purpose for which the information was sought—that is, to promote school safety and physical security of students.

If a federal or local law enforcement official requests student information, Belfast CSD will not disclose the information and will instead request the subpoena or other documentation upon which the request is based. Upon receipt thereof, the Superintendent will contact our attorney before disclosing any student information. Belfast CSD will inform SED's Privacy Office of any such request.

Additionally, Belfast CSD will

- Review our directory information policies to ensure that they do not include information that may inadvertently disclose a student's immigration status. This may include place of birth, nationality, or passport information. Moreover, the directory information exception is permissive and may only include information that "would not generally be considered harmful or an invasion of privacy if disclosed."
- Reissue the district's annual FERPA notice informing parents and guardians (if any) of their right to opt out of the district's directory information policy, translated into the predominant home languages of students within the district, if possible;
- Immediately notify parents or guardians (if any) if federal or local law enforcement officials have requested their child's information; and
- Review current information collected to determine whether such information could unnecessarily disclose a student or parent's immigration status and whether collection of the information is required.

Under State law, students and families may file complaints regarding the unauthorized disclosure of PII with SED's Privacy Office.

Law Enforcement's Detention, Interrogation, or Removal of Students from School

Property

Various federal and state laws, including the New York Education Law, New York Family Court Act, and the U.S. Supreme Court's decision in *Plyler v. Doe*, impose duties on Belfast CSD with respect to detention, interrogation, and removal of students from school property. A breach of such duties may expose the district to liability.

A valid judicial warrant or court order issued by a competent federal or state court must be provided to the Belfast CSD Superintendent of Schools prior to granting access or transferring custody of any student to an immigration authority, explicitly clarifying that administrative or civil immigration documents are legally insufficient.

If an immigration agent attempts to enforce on school grounds, we must contact our attorneys immediately, who can assist in developing an appropriate response. It is recommended that Belfast CSD take the following actions:

1. Meet the immigration agent at the school entrance, where all visitors are screened for entry.
2. At the entrance, ask for the agent's name, ID, and the reason for the visit during school hours.
3. Ensure the school security guard notifies the Superintendent, Principal, and Business Official.
4. School security shall not provide the agent with any information regarding a particular student without authorization from the school administration. School security and administration must notify the Superintendent of Schools immediately.
5. Direct the agent to the School Principal or Superintendent's office

The Superintendent or School Principal should then request:

- The agent's credentials
 - Supervisor contact information
 - Any documentation from the agent (e.g., subpoena, search warrant, arrest warrant, or written authorization to enter school grounds)
6. Inform the agent that protocols require notifying and obtaining guidance from legal counsel.
 7. School administration should ask the agent to wait while we seek guidance from legal counsel.
 8. School administration or the Superintendent will contact legal counsel and provide them with the details and documentation obtained from the agent.
 9. If the agent refuses to follow such instructions, Belfast CSD personnel will not physically intervene in any enforcement action. Instead, will gather as much information as possible from the agent and notify the Assistant Superintendent, Business Official, and Superintendent.

Bullying and Harassment

New York and federal law prohibit harassment and bullying by students or employees based on actual or perceived race, color, national origin, ethnic group, and citizenship or immigration status, among other grounds.

In addition, New York law prohibits targeting a person or their property for violence, threats, or harassment because of a person's race, color, national origin, ancestry, gender, religion, age, disability, or sexual orientation. The OAG Hate Crimes and Bias Prevention Unit can launch non-criminal investigations of violations of that law and can provide related resources to school districts.

Belfast CSD must implement policies and procedures of the district's Dignity for All Students Act.

Detention or Deportation of Student Family Members

Students—regardless of immigration status—may have parents, guardians, or other family members who have been detained or deported. Belfast CSD will annually collect updated emergency contact information, including secondary emergency contacts for all students and staff members. This information is important in the event that immigration enforcement affects a parent or guardian's ability to provide care.

Emergency Contact Information

The Belfast CSD will maintain current emergency contact information for every student through the student information system (SIS). Parents and guardians are responsible for updating emergency contact information whenever changes occur. At a minimum, emergency contact records will include:

- Parent(s)/guardian(s) contact information
- At least two alternate emergency contacts, when available
- Individuals authorized to pick up the student
- Individuals prohibited from picking up the student, when applicable through legal documentation
- Medical alerts or special considerations relevant to student release

Emergency contact information will be reviewed annually, and families will be encouraged to verify contact information throughout the school year.

Access to Emergency Contact Information

To ensure continuity during an emergency, authorized personnel will have secure access to emergency contact information through multiple methods.

Authorized personnel include:

- Superintendent
- Building Principal(s)
- School Secretary/Office Staff
- School Nurse
- School Counselors/Psychologists, as appropriate
- Transportation Supervisor
- Incident Command Team members designated by the Superintendent

Emergency contact information will be accessible through:

- The district's secure Student Information System (SIS)
- Printed emergency contact reports maintained in a secure emergency binder or reunification kit at each building
- Secure electronic devices available during evacuation or relocation, when feasible

Printed records will be updated regularly and stored in accordance with district confidentiality procedures.

Student Release Procedures

When students must be released before the normal dismissal time:

1. The Superintendent or Incident Commander will authorize student release procedures.
2. Parents/guardians will be notified through the district's emergency communication system using available methods such as:
 - Phone calls
 - Text messages
 - Email
 - District website
 - Social media, when appropriate
3. Families will be directed to the designated reunification site and instructed to bring photo identification.
4. Students will only be released to:
 - A parent or legal guardian; or
 - An individual listed as an authorized emergency contact unless legal restrictions prohibit release.
5. Staff will verify:
 - Government-issued photo identification
 - Authorization within the student's emergency contact record
6. Staff will document:
 - Student name
 - Individual receiving the student
 - Identification verification
 - Date and time of release
 - Staff member completing the release

No student will be released to an unauthorized individual unless directed by law enforcement or pursuant to a court order.

Transportation Assistance

When students cannot safely travel home through normal transportation methods, the district may:

- Utilize district buses with approved routes to designated reunification sites.
- Coordinate transportation with neighboring districts or emergency management agencies.
- Arrange transportation for students with disabilities or other special needs.
- Provide supervision until an authorized adult assumes responsibility for the student.

Transportation decisions will prioritize student safety while maintaining accountability for each student's location.

Students Remaining at School

Students who cannot be immediately reunited with an authorized adult will:

- Remain under staff supervision in a secure location.
- Continue receiving food, water, medication, and emotional support as needed.
- Have repeated attempts made to contact parents and emergency contacts.
- Be released only when an authorized individual has been verified.

If no authorized contact can be reached, the district will coordinate with law enforcement, child protective authorities, or other appropriate agencies consistent with state law and district policy.

Confidentiality

Emergency contact information will be treated as confidential student information and accessed only by personnel with a legitimate educational or emergency response need, in accordance with the Family Educational Rights and Privacy Act (FERPA) and applicable state law.

Training and Review

The district will:

- Train staff annually on emergency student release and reunification procedures.
- Conduct periodic tabletop exercises or drills that include student accountability and reunification procedures.
- Review and update emergency contact records annually and after any significant emergency event.
- Evaluate reunification procedures following drills or actual incidents and make improvements as necessary.

Resources

Governor's Office Resources for Students and Families

- The New York State Office for New Americans assists immigrants in accessing and navigating free services and supports through its statewide network of community-based providers. For more information, visit <https://dos.ny.gov/office-new-americans>.
- For resources for students experiencing homelessness, visit New York State Office of Children and Family Services, Runaway and Homeless Youth, <https://ocfs.ny.gov/programs/youth/rhy>.
- For resources for students and adults who experience discrimination based upon race, color, national origin, gender, religion, age, disability, sexual orientation, or other protected classifications, visit the New York State Division of Human Rights at <https://dhr.ny.gov/complaint>.

New York State Education Department Resources

- Contact the State Education Department's Privacy Office at:
 - Address: 89 Washington Avenue, EB 152, Albany, NY, 12234
 - Phone: 518-474-0937
 - Email: Privacy@nysed.gov
- To file a privacy complaint alleging that students' personally identifiable information has been disclosed to or accessed by an unauthorized person, visit New York State Education Department, Parents and Students File a Privacy Complaint, <https://www.nysed.gov/data-privacy-security/parents-and-students-file-privacy-complaint>.
- For questions regarding this guidance, contact the NYSED Office of Counsel at:
 - Phone: 518-474-6400
 - Email: legal@nysed.gov

Office of the New York State Attorney General Resources

- To file a civil rights complaint with the Office of the New York State Attorney General, visit: <https://ag.ny.gov/file-complaint/civil-rights>
- To file a hate crime complaint with the Office of the New York State Attorney General, visit: <https://ag.ny.gov/publications/hate-crimes>
- For information on attorneys or accredited representatives for immigration related proceedings and resources on avoiding immigration services fraud, visit Office of the New York State Attorney General, Know Your Rights: Immigration Services Fraud, <https://ag.ny.gov/publications/immigration-services-fraud>.
- To help make a plan for the possibility that a family member is detained or deported, visit Office of the New York State Attorney General, Advanced family planning resources, <https://ag.ny.gov/advanced-family-planning-resources>
- For questions regarding this guidance, contact the Office of the New York State Attorney General Civil Rights Bureau at:
 - Email: civil.rights@ag.ny.gov

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