

Regulation

Draft 09/17/2026
New 7001.1

STUDENTS

IMPLEMENTATION OF NYS EDUCATION LAW § 3201-b

I. Statement of Policy

- A. The OHM BOCES shall maintain a safe environment for all students in accordance with all state and federal laws, including ensuring uninterrupted access to education regardless of actual or perceived immigration status, citizenship, nationality, or country of origin of a student or their parent/person in parental relation.
- B. If necessary, the District Superintendent or their designee shall develop additional Regulations or internal procedures to implement this Policy and ensure compliance with the law.

II. Designated OHM BOCES Official

The District Superintendent **or** Assistant Superintendent for Instructional Programs & Professional Learning is designated to handle requests from immigration authorities related to a student or their parent/person in parental relation (the Designated Official).

III. Access and Custody Protocols to Students and Student Information

- A. Access to and Custody of Students
 - 1. OHM BOCES School Personnel, as defined by NYS Education Law 3201-b, will not grant or facilitate access to students or to non-public areas of school property or facilities by any immigration authority unless presented with a valid federal judicial search or arrest warrant signed by a federal U.S. District Court or Magistrate judge.
 - 2. School Personnel are prohibited from assisting immigration authorities in locating, questioning, or detaining a student absent a valid judicial warrant or court order.
 - 3. Any School Personnel who receives a request from an immigration authority to enter school property and/or take custody of a student must immediately inform the Designated Official.
 - 4. The Designated Official will notify the student's parent or person in parental relation unless specifically prohibited to do so. (e.g., by a judicial order).

STUDENTS

IMPLEMENTATION OF NYS EDUCATION LAW § 3201-b

5. Upon receipt of the request from the immigration authority, and prior to any response, the Designated Official must seek guidance from the OHM BOCES' legal counsel.
 6. The OHM BOCES and legal counsel will determine whether or not the request(s) is accompanied by a valid judicial warrant or court order issued by a federal U.S. District Court. Administrative or civil immigration documents are legally insufficient and not acceptable substitutes to a valid judicial warrant or court order issued by a federal U.S. District Court or federal Magistrate judge.
- B. Access to or Sharing of Student Information
1. School Personnel are prohibited from:
 - a. Disclosing to an immigration authority the personally identifiable information (PII) of a student, student's parent or person in parental relationship to such student, including but not limited to name, social security number, physical description, associated addresses, telephone number, financial information, medical information, or place of employment or education.
 - b. Disclosing or threatening to disclose any information or records about the actual or perceived citizenship or immigration status of a student or their parent/person in parental relationship to an immigration authority except to comply with a valid court order or judicial warrant.
 2. In the event immigration authorities request student information, School Personnel shall contact the Designated Official immediately.
 3. The Designated Official must seek guidance from the OHM BOCES' legal counsel before proceeding. The OHM BOCES and legal counsel will then determine whether or not the request(s) is accompanied by a valid judicial warrant or court order issued by a federal U.S. District Court. Administrative or civil immigration documents are legally insufficient and not an acceptable substitute to a valid judicial warrant or court order issued by a federal U.S. District Court or federal Magistrate judge.
 4. The Designated Official will notify parents or guardians (if any) if federal or local law enforcement officials have requested their child's information.

IMPLEMENTATION OF NYS EDUCATION LAW § 3201-b

5. The OHM BOCES and legal counsel will determine whether or not the request(s) is accompanied by a valid judicial warrant or court order issued by a federal U.S. District Court. Administrative or civil immigration documents are legally insufficient and not an acceptable substitute to a valid judicial warrant or court order issued by a federal U.S. District Court or federal Magistrate judge.
6. Following consultation with the OHM BOCES' legal counsel, the District Superintendent or their designee will notify the New York State Education Department (NYSED) Privacy Office of receipt of such a request.

IV. Emergency Placement and Pickup Safeguards

- A. In the event that a student's parent or person in parental relation to a student is detained by an immigration authority, and/or fails to pick up a student as scheduled, School Personnel will keep the student safely on school premises until an individual authorized by the parent/person in parental relation, or an individual authorized by law, is able to pick up the student.
- B. The Designated Official shall ensure that the appropriate School Personnel will make reasonable efforts to contact all known individuals authorized to pick up the student, including but not limited to contacting any emergency contacts designated by the parent/personal in parental relation.
- C. No School Personnel will contact the Statewide Central Register for Child Abuse and Maltreatment until such reasonable efforts have been made and documented.

V. Other Prohibited Activities

- A. Access to OHM BOCES Property
 1. School Personnel are prohibited from granting or facilitating access to non-public areas of school property until reviewing such request with the Designated Official or District Superintendent.
 2. Access will be granted by the District Superintendent or the Designated Official only if a valid federal judicial search or arrest warrant (signed by a federal U.S. District Court or Magistrate judge) is presented.
- B. School Personnel are further prohibited from:
 1. Using school resources for immigration enforcement purposes.

IMPLEMENTATION OF NYS EDUCATION LAW § 3201-b

2. Inquiring about or collecting information from a student, student's parent, or person in parental relation to such student with respect to such person's citizenship, immigration status, nationality, or country of origin, except:
 - a. To comply with a valid court order or judicial warrant;
 - b. As needed to administer a public program or benefit sought by such person;
 - c. When registering an individual to vote and other election related matters; or
 - d. As otherwise required by law.
3. Designating immigration status, citizenship, nationality, or national origin as directory information under the Family Educational Rights and Privacy Act (FERPA).
4. Employing registration and enrollment requirements or procedures that have the intent or effect of disproportionately delaying or denying the enrollment of non-citizen students.
5. Using an immigration authority as an interpreter or translator for law enforcement matters relating to individuals that schools or school personnel interact with as part of their employment duties.
6. Using an immigration authority as interpreters or translators for any law enforcement matters involving individuals they interact with during the course of their employment duties.

VI. Parental and Community Notification(s)

The Designated Official will notify parents and persons in parental relationship regarding the statutory rights, privacy protections, and safety safeguards afforded to students and families under the law by **via designated ParentSquare or another messaging system.**

Oneida-Herkimer-Madison Board of Cooperative Educational Services

Legal Ref.: NYS Education Law § 3201-b

Cross Ref.: 0015, Equal Opportunity and Prohibition of Discrimination and Harassment

Including Sexual Harassment; 1005, Code of Conduct; 7400, Education Records

Approved by the District Superintendent: 09/17/2026