WATERTOWN CITY SCHOOL DISTRICT

ADMINISTRATIVE PROCEDURE

Implementation of New York Education Law § 3201-b: Safeguarding the Rights of Immigrant and Noncitizen Students

Issued under the authority of the Superintendent of Schools. This is an administrative procedure, not a Board-adopted policy. It implements the New York State Education Department's ("NYSED") Model Policy and Compliance Procedures for NY Educ. Law § 3201-b (statutory effective date May 27, 2026) and the accompanying Joint Guidance on Safeguarding the Rights of Immigrant Students (issued Jan. 2025 / updated Dec. 2025).

1. Purpose

The Watertown City School District ("District") maintains a safe environment for all students in accordance with State and federal law, including uninterrupted access to education regardless of a student's or a student's parent/person in parental relation's actual or perceived immigration status, citizenship, nationality, or country of origin.

This Procedure establishes the District's operational steps for responding to immigration authority requests, protecting student information, and notifying families of their rights, consistent with NY Educ. Law § 3201-b and NYSED's Model Policy and Compliance Procedures.

2. Designated Official

The Superintendent of Schools, Dr. Larry C. Schmiegel, is designated as the District's Designated Official responsible for reviewing and authorizing or denying any request from an immigration authority to enter school property or to take custody of a student, and for the other responsibilities assigned to the Designated Official under this Procedure.

In the Superintendent's absence, the responsibilities of the Designated Official shall be carried out by the Superintendent's designee, identified in advance by the Superintendent.

3. Access and Custody Protocols

3.1 Access to and Custody of Students

- District personnel 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.
- District personnel are prohibited from assisting immigration authorities in locating, questioning, or detaining a student absent a valid judicial warrant or court order.
- Any District personnel who receive a request from an immigration authority to enter school property and/or take custody of a student must immediately notify the Designated Official.
- Before responding to the request, the Designated Official must seek guidance from the District's legal counsel.
- The District and legal counsel will determine whether the request is accompanied by a valid judicial warrant or court order issued by a federal U.S. District Court. Administrative or civil immigration documents (including civil immigration warrants, administrative detainers, and notices to appear) are legally insufficient and are not acceptable substitutes.
- Following consultation with legal counsel, the Superintendent or designee will notify the NYSED Privacy Office that a request has been received within a reasonable period of time.

Nothing contained in this Procedure shall be construed to limit, restrict, or impair the authority of federal, state or local law enforcement to apprehend, interrogate, detain, or take into custody any individual, including a minor, pursuant to a judicial warrant, court order, or lawful criminal investigation conducted in accordance with applicable New York state criminal law and procedure, or conducted in accordance with applicable Federal law and procedure.

3.2 Access to or Sharing of Student Information

District personnel are prohibited from:

- Disclosing to an immigration authority the personally identifiable information (PII) of a student or a student's parent/person in parental relation, 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 (except to comply with a valid court order or judicial warrant);
- Disclosing, or threatening to disclose, any information or records about the actual or perceived citizenship or immigration status of a student, student's parent, or person in parental relationship to such student to any person or entity, including but not limited to an immigration authority, except to comply with a valid court order or judicial warrant;
- Inquiring about or collecting information from a student, student's parent, or person in parental relationship to such student regarding citizenship, immigration status, nationality, or country of origin (except to comply with a valid court order or judicial warrant, or as needed to administer a public program or benefit sought by that person, or when registering an individual to vote, or as otherwise required by law);
- Designating immigration status, citizenship, nationality, or national origin as "directory information" under FERPA.

If an immigration authority requests student information, staff must contact the Designated Official immediately. The Designated Official will seek guidance from legal counsel, apply the same judicial-warrant standard described in Section 3.1, notify parents/guardians of the request (if any), and notify the NYSED Privacy Office following consultation with counsel.

Nothing contained in this Procedure shall be construed to prohibit or restrict a school or school personnel from sending to or receiving from the United States department of homeland security or any other federal, state, or local governmental entity information regarding the citizenship or immigration status of an individual under applicable federal law and regulation.

4. Emergency Placement and Pickup Safeguards

- If a student's parent or person in parental relation is detained by an immigration authority, and/or fails to pick up the student as scheduled, District 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.
- The Designated Official or designee will ensure that appropriate personnel make and document reasonable efforts to contact all known individuals authorized to pick up the student, including any emergency contacts on file.
- No District personnel will contact the Statewide Central Register for Child Abuse and Maltreatment (SCR) until such reasonable efforts have been made and documented.

5. Other Prohibited Activities

5.1 Access to District Property

- District personnel are prohibited from granting or facilitating access to non-public areas of school property until the request has been reviewed with the Designated Official.
- Access will be granted only if a valid federal judicial search or arrest warrant (signed by a federal U.S. District Court or Magistrate judge) is presented.

5.2 Additional Restrictions

- Using school resources for immigration enforcement purposes.
- Employing registration or enrollment requirements or procedures that have the intent or effect of delaying or denying the enrollment of non-citizen students, including delaying enrollment or class attendance because a student cannot immediately provide all documents requested (e.g., proof of residency or age).

- Implementing practices that deter a student from participating in, or deny a student the benefit of, District programs or activities, or that exclude parents/guardians from parental engagement activities, based on actual or perceived citizenship or immigration status.
- Using an immigration authority as an interpreter or translator for any law enforcement matter involving individuals District personnel interact with in the course of their duties.

6. Parental and Community Notification

The Designated Official will notify parents and persons in parental relation of the statutory rights, privacy protections, and safety safeguards afforded to students and families under NY Educ. Law § 3201-b by distributing a written document outlining these rights through ParentSquare and by posting the notice on the District website. Upon request, the notice will be made available in a parent's preferred language.

7. Administration and Review

- This Procedure is administered by the Superintendent of Schools and may be updated as needed to remain consistent with NY Educ. Law § 3201-b, NYSED's Model Policy and Compliance Procedures, and any additional guidance issued in the future.
- The provisions of this Procedure shall apply notwithstanding any other provisions of state or local law, charter, code, ordinance, resolution, rule, or regulation to the contrary and shall not be construed to in any way expand the authority of schools or school personnel to participate in immigration enforcement..

Effective Date: _____

Issued by: Dr. Larry C. Schmiegel, Superintendent of Schools

Watertown City School District