

SEAFORD UNION FREE SCHOOL DISTRICT
SEAFORD UNION FREE SCHOOL DISTRICT
Student Protection Procedures Under Education Law § 3201-b

In accordance with New York Education Law § 3201-b, these procedures are intended to guide District personnel in safeguarding the rights of immigrant and noncitizen students ensuring that all students have uninterrupted access to a free public education, regardless of actual or perceived immigration status, citizenship, nationality, or country of origin. For additional materials, District personnel should consult the [*New York state guidance on safeguarding the rights of immigrant students*](#).

District Designee and Custody Care Protocol:

- The Seaford Union Free School District designates the Superintendent of Schools to handle requests by immigration authorities to enter school property, obtain student information, or take custody of a student.
- If an immigration authority contacts school personnel or appears at a school building, District personnel should promptly refer the agent or officer to the Building Principal and should not provide access to student records, nonpublic areas, or students until the request has been properly reviewed and assessed by the designee. The Building Principal shall immediately notify the Superintendent of Schools, who will coordinate review with District counsel and other appropriate central administrators.
- Upon receiving the request, the Building Administrator should take the following steps:
 - o Request and document the officer's name, agency, badge number, contact information, and the nature of their request.
 - o Request copies of any relevant documentation related to the request, including any warrant, court order, or any other judicial document offered in support of the request.
 - o Immediately notify the Superintendent and/or District counsel of the request and provide all information and documentation for review.
 - o Create and maintain written documentation of the request, documents provided, actions taken, and any correspondence with the student's parents or person in parental relation, District administration, and legal counsel.
- In the event that a parent or person in parental relation to the student is detained by immigration authorities or fails to pick up a student as scheduled, the District must keep the student safely on school premises while District personnel make reasonable efforts to contact the student's parent, person in parental relation, or authorized emergency contacts.
- The District will not contact the statewide central register for child abuse and maltreatment unless school personnel have made every reasonable effort to reach all other authorized emergency contacts of the student.
- The District will periodically ensure that all students and their families provide updated emergency contact information, including secondary emergency contacts.
- The District will make information available to parents and persons in parental relation to students concerning the legal rights and protections available to immigrant and noncitizen students, including translations into all applicable non-English languages.

Use of School Resources and Sharing Information:

- District personnel will administer enrollment information, student records, and all communication in a manner that protects student privacy and avoids denying attendance or participation based on immigration-related concerns. Accordingly, District personnel are strictly prohibited from:
 - o Disclosing, or threatening to disclose, information or records concerning the actual or perceived citizenship or immigration status of a student or student's family, subject to the limited exceptions listed below;
 - o Inquiring into, or collecting information about a student or student's family's citizenship, immigration status, nationality, or country of origin, subject to the limited exceptions listed below;
 - o Disclosing personally identifiable information¹ (including name, SSN, physical description, associated addresses, phone number, financial/medical information, place of employment of

¹ Personally identifiable information ("PII") is defined by the Family Education Rights and Privacy Act ("FERPA") to include: the student's name, name of the student's parents or other family members, address of the student or

Student Protection Procedures Under Education Law § 3201-b

SEAFORD UNION FREE SCHOOL DISTRICT

a student or family) to employees of an immigration authority, subject to the limited exceptions listed below;

- Designating immigration status, citizenship, nationality, or national origin as “directory information;”
 - Using registration and enrollment requirements or procedures that have the intent or effect of delaying or denying the enrollment of noncitizen students, including delaying the enrollment and attendance in class of students if they cannot immediately provide all documents required for registration, including proofs of residency and age.
 - Implementing policies, procedures, practices, or engaging in actions that have the intent or effect of deterring a student from participating in or denying a student the benefits of programs or activities, or that exclude parents or persons in parental relation from participating in parent engagement activities, on account of perceived or actual citizenship or immigration status.
 - Disclosing records containing information about students’ immigration status to School Resource Officers (SROs) without the prior consent of a parent, persons in parental relation, or nonminor student, except under certain circumstances where SROs are considered school officials.²
 - **Exceptions to the above:** When disclosure is required by law (e.g. to comply with a federal judicial warrant or court order signed by a federal U.S. District Court or Magistrate judge; to administer a public program or benefit requested by the family; to exchange information regarding an individual’s citizenship or immigration status with the United States Department of Homeland Security or any other federal, state, or local governmental entity, in compliance with 8 U.S.C. § 1373 and 8 U.S.C. § 1644; for voter registration, etc.).
- The District will:
- Review directory information policies to ensure that they do not include information that may inadvertently disclose a student’s immigration status;
 - Reissue the District’s annual FERPA notice informing parents and persons in parental relation (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 and persons in parental relation (if any) if federal or local law enforcement officials have requested their child’s information; and
 - Review the information currently collected to determine whether such information could unnecessarily disclose a student or parent’s immigration status and whether collection of the information is required.

Access to School Property:

- District personnel may not grant access to any nonpublic areas of school property or facilities to any immigration authority unless the authority presents a valid federal judicial search or arrest warrant signed by a federal U.S. District Court or Magistrate judge.
 - **Note:** Civil immigration warrants, administrative detainers, notices to appear, and other non-judicial documents do not grant sufficient authority to access nonpublic areas of school property. These documents should be referred to the District’s designated employee, Superintendent or designee, and District counsel for review.

student’s family, personal identifiers such as the student’s social security number, student number, or biometric record; indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

² Even in these circumstances, SROs may only use PII from education records for the legitimate educational purpose for which information was sought, that is, to promote school safety and physical security of students.

SEAFORD UNION FREE SCHOOL DISTRICT

Access to Students:

- District personnel will handle requests involving access to, questioning, removal of, or custody of a student through the Building Principal and in consultation with the Superintendent of Schools and District counsel. Accordingly, District personnel are strictly prohibited from:
 - o Granting permission for or facilitating the release, transfer, surrender, escort, or delivery of a student into custody of an immigration authority solely because a parent or person in parental relation has been arrested, detained, or taken into federal custody, subject to the limited exceptions listed below;
 - o Releasing, transferring, surrendering, escorting, or otherwise delivering a student into the custody of an immigration authority based on a civil immigration warrant, immigration detainer, notice to appear, or another non-judicial document;
 - o Assisting immigration authorities in locating, questioning, or detaining a student, subject to the limited exceptions listed below;
 - o Using an immigration authority as an interpreter or translator for any law enforcement matters involving individuals they interact with during the course of their employment duties.
 - **Exceptions to the above:** To comply with a judicial warrant or court order from a competent state or federal court explicitly authorizing the removal, detention, or assumption of custody of a student by an immigration authority; to exchange information regarding an individual's citizenship or immigration status with the United States Department of Homeland Security or any other federal, state, or local governmental entity, in compliance with 8 U.S.C. § 1373 and 8 U.S.C. § 1644; to comply with all valid court orders or judicial warrants issued by an Article III federal judge or a federal magistrate judge (e.g. to locate, question, or detain a student); to comply with a judicial warrant, court order, or lawful criminal investigation conducted in accordance with applicable NYS criminal law and procedure.
- District personnel will request to see the officer's badge or other government identification and should take note of the officer's name and agency for record-keeping purposes;
- Before taking any other action, District personnel should provide the Superintendent and/or school district attorney with the officer's information and documentation, which they will assess in the context of the law enforcement request, and await guidance before proceeding;
- District personnel will immediately notify the student's parent or person in parental relation (if any) unless specifically prohibited (for example, by a judicial order).