Greenwood Lake Union Free School District
P.O. Box 8 • Greenwood Lake, NY 10925
(845) 782-8678 x51100 • fax (845) 782-8582
www.gwlufsd.org

PROCEDURES TO IMPLEMENT EDUCATION LAW §3201-b

I. Definitions

For purposes of these procedures, "Parent" includes natural and adoptive parents, legal guardians, and persons in a parental relationship. Additionally, the following terms are as defined in Education Law §3201-b:

1. "School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land inside the district's property boundary lines; or in or on a school bus.
2. "School bus" means every motor vehicle operated for the transportation of students or their children, teachers, and anyone acting in a supervisory capacity, to or from school activities which is either: (1) owned by the district; or (2) privately owned and operated.
3. "School function" means a school sponsored event or activity, including those taking place outside school property.
4. "School personnel" means any (1) district employee, agent, officer, or school resource officer, or volunteer, or (2) employee of any firm, corporation, institution, or governmental agency who works on school property.

II. Designated Review Authority

The Superintendent of Schools (or their administrative designee in the Superintendent's absence) is the District's Designated Review Authority for requests from immigration authorities to:

1. Enter District property or facilities;
2. Obtain information or records concerning a student or student's family;
3. Locate, question, or detain a student; or
4. Take custody of or remove a student from District property.

II. Access by Immigration Authorities to Students, School Property, and Information

When immigration authorities request or attempt to enter school property, question a student, or take custody of a student, before the immigration authority is permitted to enter school property (including a school bus), or provided with information, or granted access to or custody of the student, district staff will follow the procedure below:

1. any school personnel who encounter immigration authorities will immediately contact the building's lead administrator ("administrator") or designee;
2. the administrator or designee will request the immigration authority provide documentation of the legal basis for the request;

3. the administrator or designee, if they are not the Superintendent of Schools, will immediately contact the Superintendent, who will immediately contact the school attorney;
4. the administrator or designee will await guidance on how to proceed from the Superintendent and school attorney;
5. Except as otherwise required by law, the requesting official will not be permitted to proceed beyond the designated reception area while the District reviews the request. The school attorney will promptly review the documentation provided by the immigration authorities, discuss the issue with the Superintendent, and notify the administrator or designee, whether the request should be granted or denied, pursuant to requirements of law as outlined in sections V, VI, and VII below; and
6. the administrator or designee will promptly relay the determination to the immigration authorities.
   a. If the request is granted, district staff will promptly comply with the immigration authorities' request.
   b. If the request was denied, immigration authorities will not be permitted to access school property, information, or students.

Before granting any request to enter school property or release a student to immigration authorities, the request must be accompanied by a valid judicial warrant or court order as described in Sections V, VI, and VII below. Administrative warrants, immigration detainers, and notices to appear are not sufficient to allow an immigration authority to access non-public areas of the school or take a student into custody. Emergency response actions may be initiated as needed according to the district's safety plans.

Additionally, the district will not permit immigration authorities to question a student without the consent of the parent, and the parent is given the opportunity to attend the questioning, unless prohibited by a valid judicial warrant or court order.

If immigration authorities detain, question/interview, or take custody of a student, or attempt to do so, the Superintendent or designee will immediately notify the parent(s), unless a valid judicial warrant or court order prevents the school from doing so.

Whenever immigration authorities request or attempt to enter school property or take custody of a student, the Superintendent will notify the State Education Department's Privacy Office.

III. Notice to parents

The Superintendent or designee will notify parents of their legal rights and protections under the law, regarding student privacy and safeguards. This will be posted to the District website, included in the registration packet, and directly shared families as appropriate.

IV. Safeguarding Students in the Absence of Parents

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Upon initial enrollment and at the start of each school year, the district will request that all parents provide the school with primary and backup contact information for themselves, that of emergency contacts in case the parent is not available, that of other persons authorized to pick up the student, and that of any persons authorized to take custody of the student in the parent's absence, and will ask if there is a designated Standby Guardian or Person in Parental Relationship. The district will follow up with parents who have not provided such information and stress its importance. The district will also inform parents that this information can be updated at any time throughout the year by contacting the main school office.

When school personnel become aware that a student's parent has been detained by immigration authorities, or they have not picked up a student from school or a school function as scheduled, the student will remain safely with school personnel on the premises, at school, or other safe location. If this occurs while the student is on the school bus home, the bus driver will confer with the Transportation Supervisor and/or Building Principal or designee to determine whether to bring the student back to the school or other district building that is staffed by school personnel. School personnel will explain the situation to the student, assess the student's immediate needs, and refer the student to school counseling, social work, or mental health services as appropriate. School personnel will discretely contact the following people by all available means, and document the attempts:

1. The student's parent(s); then
2. A Standby Guardian or Person in Parental Relationship designated by the parent(s), if any; then
3. A person designated by the parent(s) as authorized to take temporary custody of the student, if any; then
4. Emergency contacts provided by the parent(s).

If the above individuals cannot be reached, or cannot provide appropriate care for the student, after school personnel have made reasonable efforts, school personnel will contact local social services, children and family services, the School Resource Officer, local law enforcement, or other appropriate agencies. School personnel may only contact the Statewide Central Register for child abuse and maltreatment reporting as a last resort, or if they have reasonable cause to suspect the child is neglected or abandoned.

The district will document the name and contact information of the person and/or entity to whom the student was released, and attempt to provide the parents with this information. If needed, the district may transport the student to the person or entity taking custody of the student. As applicable, district personnel will take any actions necessary to continue the student's attendance in the district, or facilitate the transfer of the student's records to a new school district. If the student continues attending district schools, district personnel will follow up with the student and/or the person or entity who took custody of the student as soon as is practicable to promote continued attendance. If applicable, school personnel will contact the district's McKinney-Vento liaison to assist the student.

V. Restriction on Using School Resources for Immigration Enforcement Purposes, and Sharing Information with Immigration Authorities

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Release of student information is governed by federal and state laws and regulations, outlined in district policies 5500 and 8365 (and accompanying regulations). School registration is governed by state regulations and outlined in district policy 5150. Under Education Law §3201-b, school district personnel are prohibited from:

1. Using school resources for immigration enforcement purposes;
2. Disclosing, or threatening to disclose, information or records about actual or perceived citizenship or immigration status of a student or student's family, except as listed below;
3. Inquiring, or collecting information, about a student or their family's citizenship, immigration status, nationality, or country of origin, except as listed below;
4. Disclosing to employees of an immigration authority personally identifiable information, including name, Social Security Number, physical description, associated addresses, phone number, financial/medical information, place of employment of a student or family, except as listed below;
5. Designating immigration status, citizenship, nationality, or national origin as "directory information;"
6. Using registration and enrollment requirements or procedures that have the intent or effect of delaying or denying the enrollment of non-citizen 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; and
7. Implementing policies, procedures, practices, or 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 from participating in parental engagement activities, on account of perceived or actual citizenship or immigration status.

Exceptions to the above are when disclosure is required by law, for example:

1. To comply with a federal judicial warrant or court order signed by a federal U.S. District Court or Magistrate judge;
2. To administer a public program or benefit requested by the family (including educational programs or services or social services);
3. To exchange information regarding a specific person's citizenship or immigration status with the U.S. Department of Homeland Security or any other federal, state, or local governmental entity; or
4. For voter registration.

No District employee will independently determine the legal sufficiency or scope of a warrant or court order.

VI. Restricting Access to District Property by Immigration Authorities

1. School district personnel are prohibited from granting or facilitating access to areas of school property or facilities that are not open to the public to immigration authorities, unless they have a valid federal judicial search or arrest warrant signed by a federal U.S. District Court or Magistrate judge.

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2. Civil immigration warrants, administrative detainers, notices to appear, and other non-judicial documents do not grant sufficient authority to access non-public areas of school property.

VII. Restricting Access to Students by Immigration Authorities

The questioning of students by law enforcement is addressed in district policy 5300. Under Education Law §3201-b, school district personnel are prohibited from:

1. Granting permission for or facilitate the release, transfer, surrender, escort of or delivery of a student into the custody of an immigration authority solely because a parent has been arrested, detained, or taken into federal custody, except as listed below;
2. 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 other nonjudicial document;
3. Assisting immigration authorities in locating, questioning, or detaining a student, except as listed below; and
4. Using immigration authorities as interpreters or translators for any law enforcement matters involving individuals they interact with during the course of their employment duties.

Exceptions to the above are when disclosure is required by law, for example:

1. To comply with a judicial warrant or court order from a state or federal court explicitly authorizing the removal, detention, or assumption of custody of that student by an immigration authority;
2. To exchange information regarding an individual's citizenship or immigration status with the U.S. Department of Homeland Security or any other federal, state, or local governmental entity (pursuant to 8 USC §§1373 and 1644);
3. To comply with valid court orders or judicial warrants issued by a federal judge or a federal magistrate judge appointed under Article III of the Constitution (U.S. Supreme Court justices, judges of U.S. Courts of Appeals, district judges of U.S. District Courts, or judges of U.S. Court of International Trade) (e.g., to locate, question or detain a student); or
4. To comply with a judicial warrant, court order, or lawful criminal investigation conducted in accordance with applicable New York State criminal law and procedure.

No employee is authorized to independently determine the legal validity or enforceability of a warrant, court order, detainer, or other immigration document.

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Parent/Guardian Designation of Authorized to Take Temporary Custody

Student Information

Student's full name: _____ Date of birth: _____ Grade: _____

School:

☐ Greenwood Lake Elementary School ☐ Greenwood Lake Middle School

Student's primary address: _____

Parent/Guardian Information

Parent/Guardian: _____Relationship to student: _____

Primary telephone: _____ Email address: _____

Designated Standby Guardian or Authorized Individual

I designate the following individual as an **individual authorized to take temporary custody of my child from the Greenwood Lake Union Free School District** when I am unavailable or unable to retrieve my child:

Full legal name: _____Relationship to student: _____

Primary telephone: _____ Alternate telephone: _____

Email address: _____Home address: _____

Authorization

By signing this form, I authorize the individual named above to:

- Retrieve my child from school, a school bus, or a school-sponsored activity when I am unavailable or unable to do so;
- Assume temporary physical custody and responsibility for my child upon the child's release by the District; and
- Receive limited information reasonably necessary to confirm the student's identity and coordinate the student's safe release.

This authorization applies:

☐ Immediately and remains in effect until I revoke it in writing.

☐ Only when the District is unable to reach me or another parent/guardian.

☐ Beginning on _____ and ending on _____.

☐ Under the following circumstances or limitations:

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Parent/Guardian Certification

I certify that:

1. I am legally authorized to make this designation.
2. The information provided on this form is accurate.
3. This designation does not conflict with any custody order, order of protection, or other court directive applicable to the student.
4. I will notify the designated individual that I have authorized the District to release the student to them.
5. I will notify the District promptly and in writing if I wish to revoke or change this authorization.
6. The District may require the designated individual to present identification before releasing the student.

Parent/guardian name: _____

Signature: _____ Date: _____

Important Notice

This District form authorizes the release of the student and the assumption of temporary physical custody for school-related purposes. ***It does not, by itself, appoint a legal guardian or authorize the designated individual to make educational, medical, or other legal decisions for the student.***

Families seeking broader decision-making authority may wish to complete a legally recognized Designation of Person in Parental Relation or pursue a standby-guardian appointment through the appropriate court. The District cannot provide legal advice.

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Designated Individual's Acknowledgment

I understand that I have been designated as an individual authorized to retrieve the student and take temporary physical custody of the student upon release by the District. I agree to present identification when requested and to provide current contact information to the District.

Designated individual's name: _____

Signature: _____ Date: _____

District Use Only

Date: _____

Identification reviewed, if applicable: ☐ Yes ☐ No

Student information system updated: ☐ Yes ☐ No

Building personnel notified: ☐ Yes ☐ No

Additional documentation attached: ☐ Yes ☐ No

Notes: _____

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Parent Letter Re: Education Law §3201-b

Dear Greenwood Lake Families,

New York State recently adopted Education Law §3201-b to protect students and ensure that every child can attend public school, regardless of the immigration or citizenship status of the child or their family.
In simple terms, the District's procedures provide that:

- We will not ask families about their immigration or citizenship status unless required by law.
- We will not share private student or family information with immigration authorities unless legally required to do so.
- Immigration authorities may not enter nonpublic areas of our schools or take custody of a student without an appropriate judicial warrant or court order.
- If a parent or guardian is unable to pick up a child, the student will remain safely supervised while we make every reasonable effort to contact the individuals authorized to retrieve the student.

We encourage all families to review and update their emergency contact information. Families may also complete the enclosed form to identify a trusted adult who is authorized to take temporary custody of their child for school pickup purposes if a parent or guardian unexpectedly becomes unavailable. Completing the District form authorizes the child's release to that individual, but it does not by itself create a court-ordered guardianship.

These protections apply to all students and families. Our priority remains ensuring that every child feels safe, supported, and welcome in our schools.

If you have questions or need assistance updating your child's established emergency contacts, please contact your child's school office.
Sincerely,
Sarah Hadden
Superintendent of Schools