**Brewster Central School District**

# IMMIGRATION ENFORCEMENT ACTIONS PROCEDURES

The Brewster School District prides itself on maintaining a safe environment where all students can recognize their potential and receive uninterrupted access to education.

In compliance with New York Education Law § 3201-b and the New York State Guidance on Safeguarding the Rights of Immigrant Students January 2025 (updated December 2025), these procedures establish mandatory operational standards to safeguard the rights of immigrant and noncitizen students. The purpose of these procedures is to guarantee all children an uninterrupted free public education and to ensure that school environments remain safe havens free from unauthorized immigration enforcement or discrimination based on actual or perceived immigration status, citizenship, nationality, or country of origin. These procedures comply with the New York State Education Department's Model Policy.

For the purposes of these operational safeguards, immigration authorities include, but are not limited to, officers from the Federal Bureau of Investigation ("FBI") or Immigration and Customs Enforcement ("ICE").

## Procedures for Responding to Requests from Immigration Authorities for Access to Students or Student Information at District Facilities

**Immigration authorities will only be permitted to access school facilities, students or student information if they have a valid judicial warrant or order.**

To minimize disruption to school communities, the District requires that all requests for entry into school facilities or for student information be directed to the Superintendent (or designee), who will consult with District counsel to determine if compliance with the request is legally required. If immigration authorities come directly to a school facility to request entry or serve a subpoena, the principal shall take the following steps:

1. School Resource Officers (SROs) or other staff who maintain control over building entrances must immediately notify the school principal and ask immigration authorities to wait outside the building. SROs or school staff may not provide any information about students, family members, or District employees to immigration authorities.

2. The school principal should request to see the officer's badge or other government identification, and any documentation presented by the officer, including a warrant or subpoena.

3. The school principal will inform the officer that they must consult with the Superintendent and District counsel before granting access to the facility or student information and ask them to continue waiting outside the building.

4. The school principal must immediately notify the Superintendent and District counsel of the request and share all documentation provided by immigration authorities. The school principal shall await further instruction from the Superintendent before proceeding.

5. District counsel will review the documentation presented by immigration authorities and determine if compliance with the request is required.

6. In the case of a request that names a specific student, the school principal must immediately notify the student's parent or guardian unless a judicial warrant or court-issued subpoena explicitly prohibits doing so.

7. If District counsel determines that immigration authorities seeks access to student information in the form of records, the school principal shall notify the officer that the District will search for responsive records (if a court-ordered subpoena has been provided), and, if any such records exist, they will be provided upon review by District Counsel and approval of the Superintendent at a later time.. District counsel and the Superintendent will review any applicable policies on protecting student privacy in determining whether to comply with a judicial warrant or lawfully-issued subpoena.

8. In the event that District counsel advises against complying with a request for entry, the school principal will immediately inform immigration authorities and ask them to leave the property.

9. In the event that District counsel advises that compliance is required, the school principal must consult with District counsel and the Superintendent on how to do so while minimizing disruption to the school community.

10. If the officer or agent cites an "exigent circumstance" or "safety emergency," the school principal shall immediately contact the Superintendent and District counsel to verify whether exigent circumstances exist which warrant either admission of officers or agents to the school building or disclosure of student records without parental consent. The Superintendent will advise the principal whether to permit access.

11. While District personnel shall not consent to access by immigration authorities in the absence of exigent circumstances, they should not attempt to physically impede the officer or agent, even if the officer or agent appears to be exceeding the authorization conferred by a warrant or other document. If immigration authorities enter the premises without consent, District personnel shall document their actions and call local law enforcement or the SRO.

12. The school principal shall document and file an incident report for each instance when immigration authorities requests access to a District facility, student records, or an individual student, including whether the student is interrogated or detained.

13. The District will notify the SED Privacy Office when a data request is made by immigration authorities.

14. Employees will be defended and indemnified by the District for individual legal consequences that occur as a result of implementing this policy within the course and scope of their job responsibilities.

## Guidelines for School Bus Personnel

1. School bus drivers or other personnel are not authorized to consent to immigration authorities entering a bus to interrogate or detain students.

2. In the unlikely event that immigration authorities attempt to enter a school bus, school bus drivers and other personnel shall inform officers that they are not authorized to permit entry and ask them to wait outside the bus. The bus driver must immediately contact the Director of Transportation, who will contact the Superintendent.

3. If the school principal or his or her designee is unable to immediately arrive, they may ask that the school bus driver request to see the officer's badge or other government identification, along with a copy of any documentation presented by the officer, which the school bus driver may then transmit via phone to the principal.

4. The school principal shall then follow the procedure for responding to requests from immigration enforcement for access to students.

## Procedure in the Event of the Detention or Deportation of a Student's Family Member

Periodically, District staff shall request students and families to update emergency contact information and provide alternative contacts. The District shall permit families to include the name and contact information of an additional trusted adult as a secondary emergency contact in case a student's parent or guardian is detained. Families may add multiple emergency contacts if desired. Emergency contact information shall only be used in emergency situations, and not for any other purpose.

In the event a student's parent or guardian is detained or deported, the District shall release the student to the person(s) designated as secondary emergency contacts. Alternatively, the District shall release the student into the custody of any individual who presents a signed and notarized Designation of Person in Parental Relation form or a Designation of Standby Guardian form.

The District shall only notify Child Protective Services (CPS) if the District cannot arrange for the timely care of the child through the emergency contact information in the school's possession, a Designation of Person in Parental Relation or a Designation of Standby Guardian form, or other information or instructions conveyed by the parent or guardian.

## Notice of Procedures

Schools will provide notice to all faculty and staff including administrators, teachers, SROs, front office staff, bus drivers, dispatchers, and attendants to follow the above procedures.

The District will provide notice of these procedures, as well as New York State Education Department's model policy, to parents and persons in parental relation.