CLINTON CENTRAL SCHOOL DISTRICT
PROCEDURES TO IMPLEMENT EDUCATION LAW §3201-b

Pursuant to Education Law Section 3201-b and associated model procedures, the Clinton Central School District (the "District") must develop and implement local operational procedures to safeguard the rights of immigrant and noncitizen students. The District's procedures are as follows:

I. Legal Standard and Definitions

No child eligible to enroll in the District shall be denied a free public education. Notwithstanding any general, special or local law, rule or regulation of the NYS Education Department to the contrary, no child shall be refused admission into, be deterred from participation in, have their admission delayed to, or be excluded from any school on account of such child's perceived or actual citizenship or immigration status or the perceived or actual citizenship or immigration status of a parent or person in parental relationship to such child.

No school personnel shall undertake any action or use any policies that have the intent or effect of deterring a student from participation in or denying a student the benefits of any program or activity on account of such student's perceived or actual citizenship or immigration status or the perceived or actual citizenship or immigration status of a parent or person in a parental relationship to such student. No school personnel shall use policies or procedures or engage in practices that have the intent or effect of excluding participation of a parent or person in a parental relationship to a student from parental engagement activities or programs on account of their perceived or actual citizenship or immigration status.

For the purposes of this procedure, the following terms shall be defined in the same way those terms are defined in Section 3201-b of the New York State Education Law: school, school property, school function, immigration authority (including employees thereof), immigration enforcement, child, school personnel, school resources officer, immigration detainer, civil immigration warrant, and municipal government.

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.

II. Designated Review Authority

The District designates the Superintendent of Schools, as its sole designee to review and authorize or deny any immigration authority's request for information, to enter onto district property, or to take custody of a student. Any school personnel who receives a request from an immigration authority to enter school property and/or take custody of a student must immediately provide such request to the Superintendent of Schools. Upon receipt of such a request from an immigration authority, the Superintendent as designee must seek guidance from the District's legal counsel before responding to any such request. Following consultation with

legal counsel, the Superintendent also must notify the NYSED Privacy Office of receipt of such a request within a reasonable period of time.

III. Access and Custody Protocols

In the event that an immigration authority engaging in immigration enforcement requests access to non-public areas of school property or facilities owned or operated by or under the control of the District, school personnel will not grant permission to access or facilitate access to such areas unless presented with a valid federal judicial warrant signed by an authorized federal judge and authorizing a search or seeking the arrest of an individual present at the time the judicial warrant is presented, or as otherwise required by law. Any such request for access or other documentation presented by an immigration authority to school personnel shall immediately be provided to the Superintendent of Schools for review, in accordance with this procedure.

School personnel will not grant permission for or facilitate the release, transfer, surrender, escort, or otherwise deliver a student into the custody of an immigration authority solely on the basis that the student's parent or person in parental relation to that student has been arrested, detained, or taken into federal custody. However, school personnel must comply with a judicial warrant or court order issued by a state or federal court of competent jurisdiction explicitly authorizing the removal, detention, or assumption of custody of that student by an immigration authority. Any such request or other documentation presented by an immigration authority to school personnel shall immediately be provided to the Superintendent of Schools for review.

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 encounters 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, and seek to be provided with a judicial warrant or court order;
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 school attorney;
5. after consultation with the school attorney, the Superintendent will make a determination regarding the request for access or information. If the request was granted, district staff will promptly comply with the immigration authorities' request. If the request was denied, immigration authorities will not be permitted to access school property, information, or students.

Civil immigration warrants, immigration detainers, notices to appear, or other non-judicial documents will not be considered sufficient authority to allow an immigration authority to access

non-public areas of school property or facilities or to release, transfer, surrender, escort, or otherwise deliver a student into the custody of an immigration authority.

School personnel will not assist an immigration authority in locating, questioning, or detaining a student, except to comply with a valid judicial warrant or court order issued by a competent federal or state court, or to comply with requirements under existing law. Any such request for assistance or other documentation presented by an immigration authority to school personnel shall immediately be provided to the Superintendent of Schools for review.

Nothing contained in this procedure shall be construed to limit, restrict, or impair the authority of federal, state or local law enforcement to apprehend, 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 Federal laws or New York state criminal law and procedure.

IV. Notice to parents

The administrator or designee will notify parents of their legal rights and protections under Education Law 3201-b, this procedure regarding student privacy and safeguards. This will be done via the district website and back-to-school materials.

V. Safeguarding Students in the Absence of Parents

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. 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 until an individual authorized by the parent or person in parental relation, or an individual authorized by law, is able to pick up the student. 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. 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, and will document the attempts. School personnel may only contact the Statewide Central Register for child abuse and maltreatment once such reasonable efforts have been made and documented.

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

Release of student information is governed by federal and state laws and regulations, outlined in district policies 5500 and 8635 (and accompanying regulation). 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, student's parent, or persons 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);
3. Inquiring about, or collecting information from, a student, student's parent, or person in parental relationship to such student with respect to such person's 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 such person, or when registering an individual to vote and other election related matters, or as otherwise required by law);
4. Disclosing to an immigration authority personally identifiable information of a student, student's parent, or person in parental relationship to a student, including but not limited to name, Social Security Number, physical description, associated addresses, telephone number, financial/medical information, place of employment or education (except to comply with a valid court order or judicial warrant);
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;
8. 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.

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.