LANSINGBURGH CSD COMPLIANCE PROCEDURES: NY EDUC. LAW § 3201-b

ARTICLE I: PURPOSE AND LEGAL AUTHORITY

The U.S. Supreme Court has long held that students may not be denied a free public education based on their immigration status or that of their parents or guardians (Plyler v. Doe, 457 U.S. 202 (1982)). And, in 2026, the New York State Legislature codified this right in New York State Education Law § 3201-b. This law requires all New York State Public School Districts, Charter Schools, Boards of Cooperative Educational Service (BOCES), State-Operated Schools, Special Act School Districts, and Universal Pre-Kindergarten (UPK) Programs operating on school property to maintain safe environments for all students, ensuring uninterrupted access to education regardless of immigration status.

In accordance with New York Education Law § 3201-b (enacted as Part LL, Subpart D of the Public Protection and General Government budget bill), 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.

ARTICLE II: REQUEST REVIEW AND CUSTODY CARE PROTOCOL

The District designates the superintendent of schools to handle all immigration authorities' requests to enter school property or take custody of a student.

When presented with such a request, the superintendent of schools will seek guidance from an attorney for the District before responding or producing a student. The superintendent of schools will also request to see any officer’s badge or other government identification and will take note of any officer’s name and agency for record-keeping purposes. The superintendent of schools, working with the attorney for the District, will determine whether the request is accompanied by a valid judicial warrant or court order issued by a federal U.S. District Court. The superintendent of schools will immediately notify the student’s parent or guardian, unless specifically prohibited, of any request.

If a parent or guardian is detained by immigration authorities or fails to pick up a student as scheduled, the school will keep the student safely on school premises and will not contact the statewide central register for child abuse and maltreatment unless personnel have made every reasonable effort to reach all other authorized emergency contacts.

ARTICLE III: RESTRICTING THE USE OF SCHOOL RESOURCES AND SHARING INFORMATION

District personnel are strictly prohibited from:

• Using school resources for immigration enforcement purposes;

• Disclosing, or threatening to disclose, information or records about actual or perceived citizenship or immigration status of a student or student's family, subject to the exceptions listed below;

• Inquiring, or collecting information, about a student or student's family's citizenship, immigration status, nationality, or country of origin, subject to the exceptions listed below;

• Disclosing to employees of an immigration authority personally identifiable information, including name, SSN, physical description, associated addresses, phone number, financial/medical info, place of employment of a student or family, subject to the exceptions listed below;

• Designating immigration status, citizenship, nationality, or national origin as "directory information"; or

• 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 proof of residency and age.

• 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 or guardians from participating in parental engagement activities, on account of perceived or actual citizenship or immigration status.

Exceptions: 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.

ARTICLE IV: RESTRICTING ACCESS TO PROPERTY

District personnel will not grant or facilitate access to non-public areas of school property or facilities to 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. Access will only be permitted by the superintendent of schools after fully implementing these procedures.

ARTICLE V: RESTRICTING ACCESS TO STUDENTS

District personnel are prohibited from:

• Granting permission for or facilitating the release, transfer, surrender, escort of or delivery of a student into the custody of an immigration authority solely because a parent or legal guardian has been arrested, detained, or taken into federal custody, subject to the exceptions listed below;

• 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 non-judicial document;

• Assisting immigration authorities in locating, questioning, or detaining a student, subject to the exceptions listed below;

• Using an immigration authority as interpreters or translators for any law enforcement matters involving individuals they interact with during the course of their employment duties.

Exceptions: 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 that 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 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 New York State criminal law and procedure.

ARTICLE VI: NOTIFICATION OF RIGHTS AND PROCEDURES

The District will post these procedures on the District's website. The District will directly share these procedures with parents, guardians, and students when relevant and upon request.