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MEMORANDUM

**TO: BOARD OF EDUCATION MEMBERS
SUPERINTENDENT OF SCHOOLS**

FROM: SHAW PERELSON, LLP

**RE: NEW LAW PROTECTING THE RIGHTS OF IMMIGRANT AND
NON-CITIZEN STUDENTS (EDUCATION LAW §3201-b)**

DATE: AUGUST 28, 2026

Effective with the 2026-27 school year, school districts, BOCES and other schools referenced in the recently enacted Education Law §3201-b (special act school districts, charter schools, state operated schools and UPK schools), hereafter referred to as "Schools," must comply with certain statutory mandates in addressing issues involving immigrant and non-citizen students, as well as their parents/guardians. While the law does not require the enactment of a policy, there is a requirement to develop procedures that are compliant with the statutory provisions. At a minimum, these procedures must be posted on the school district/BOCES website. The New York State Education Department ("NYSED") has developed and issued a model policy that includes procedures, which may be adopted for compliance purposes (<https://www.nysed.gov/sites/default/files/programs/bilingual-ed/model-policy-and-compliance-procedures-implementation-of-ny-educ-law-3201-b.pdf>), but the school district/BOCES may develop its own policy and/or procedures as long as they comply with the statute.

Each school district/BOCES must submit a form to verify compliance with Education Law

§3201-b, to be filed on the NYSED Business Portal. (Copy attached) Decision making regarding whether to adopt a policy or compliance procedures should be made by mid-September by Board resolution and the certification must be submitted to the Business Portal by September 21, 2026.

The provisions of §3201-b require that the following elements be covered by the school district or BOCES policy or procedures:

POLICY OR PROCEDURES

To assure compliance with the provisions of Education Law §3201-b, the policy of (or the procedures of) school districts or BOCES must ensure that the rights of immigrant and non-citizen students, as well as their parents/guardians are protected as follow:

1. **Duty to Enroll Students and Grant Program Access:** Students must be enrolled upon parent/guardian request regardless of the student's actual or perceived immigrant or citizenship status. The process of enrolling immigrant students and assigning them to classes, as well as their participation in other school programs and activities, may not be disproportionately delayed based upon their status.
2. **Parent/Guardian Participation Rights:** The parents/guardians of immigrant and non-citizen students shall have the same participation rights as parents/guardians who are citizen residents of a school district or who are citizens whose children are attending a school other than the public school.
3. **Student and Parent/Guardian Immigrant/Non-Citizen Protected Status:** School District authorities are prohibited from disclosing information about a student's immigration or non-citizenship status or that of their parent or guardian to any governmental authority, including federal immigration authorities¹ except to the extent necessary to cooperate when presented with a lawfully issued federal court issued order or federal court issued warrant.² State and local law enforcement authorities' efforts to apprehend, detain or take into custody any individual, including minors, pursuant to a judicial warrant, court order or lawful criminal investigation under New York State criminal law or procedure must not be limited, restricted or impaired.
4. **Section §3201-b Designees Regarding Access to School Property and Persons and Information:** Building Principals and in their absence, a designated Assistant Principal or a Districtwide Administrator, shall address all requests from immigration authorities for information about students, their parents/guardians, as well as any demand to interview or to take a student into custody. A designee shall consult with the school attorney, to the extent practicable, before making a decision regarding these matters. All court orders and warrants must be reviewed by the school attorney. The designee

¹ "Immigration Authority" means an agency that primarily enforces immigration law including, but not limited to, United States Immigration and Customs Enforcement or United States Customs and Border Protection, and any successor agencies having similar duties; or a federal agency making a request or taking an enforcement action pursuant to the civil enforcement provisions of the federal Immigration and Nationality Act.

² Federal court orders and warrants refer to those issued by a federal judge or federal magistrate judge (Article III U.S. Constitution and 28 U.S.C. §631, respectively).

is responsible for decision making regarding immigration authorities' entry into school buildings, grounds, facilities and transportation vehicles and, to the extent practicable, will contact the school attorney for consultation.

5. **State and Local Law Enforcement Exception.** The School must comply with state and local law enforcement authorities' efforts to apprehend, detain or take into custody any individual, including minors, pursuant to a judicial warrant, court order or lawful criminal investigation under New York state criminal law or procedure.
6. **Court versus other Agencies Processes:** Information shall not be shared which identifies a student's citizenship, immigration status, nationality or country of origin, except to comply with federal or state court orders. Civil non-judicial immigration warrants, immigration detainers, notices to appear or other non-judicial documents do not constitute a legal basis to release, transfer, surrender, escort or otherwise deliver a student into the custody of immigration authorities.
7. **Limits on School Personnel Assistance, including School Resource Officers ("SRO"):** School resources, including personnel and SROs, may not be used during school hours or at school functions³ for the purpose of assisting other governmental entities in their immigration law enforcement processes in locating, questioning or detaining students, except for compliance with a lawfully issued federal court orders or federal court issued warrants.
8. **Personnel Practice Regarding Immigrant and Non-Citizen Students:** School personnel shall not disclose information regarding immigrant and non-citizen students or their parents/guardians to immigration authorities or their employees except in response to a lawfully issued federal court order or federal court warrant. School personnel shall not make inquiries into or collect information about immigration or non-citizen status, nationality, or country of origin, except for compliance with court orders as described in this Policy (or Procedure) or as necessary to administer a public program or benefit sought by such person or when conducting voter registration
9. **Prohibition Against the Use of Threats:** School personnel may not threaten disclosure of immigrant or citizenship status regarding students and those in parental or custodial relationships with such students to any other person or entity, including an immigration authority or its employees.
10. **Restriction on use of Immigration Authorities Interpreters.** School personnel may not use an immigration authority or any of its employees as interpreters or translators for law enforcement matters relating to the school's personnel interactions as part of their employment duties.

³. "School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a school; or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law. "School function" means a school sponsored event or activity, including if such event or activity occurs outside of school property.

- 11. Student Protection when a Parent/Guardian is Arrested, Detained or in Federal Custody:** School officials or personnel shall not grant permission for or facilitate the release, transfer, surrender, escort of, or otherwise deliver a student into the custody of an immigration authority or employee solely on the basis that a person in a parental relationship to such student has been arrested, detained, or taken into federal custody, unless there is a lawfully issued judicial warrant or court order, issued by a federal or state court of competent jurisdiction, specifically authorizing the removal, detention, or assumption of custody of the student by an immigration authority or employee.

If the School is informed that a parent/guardian of an immigrant or non-citizen student has been arrested, detained or taken into federal custody, the student must be kept safely at school premises. No contact shall be made with CPS (The Statewide Registry) unless school personnel have made every effort to reach all other authorized emergency contacts.

- 12. Personally Identifiable Information (PII):** The School may not include as *Directory Information* under its FERPA and Education Law §2-d policies references to immigration status, citizen status, nationality or place of national origin. School personnel shall not disclose the following PII regarding immigrant students and their parent/guardian except to comply with court ordered subpoenas: name, social security number, physical description, associated addresses, telephone numbers, financial information, medical information or place of employment or education.
- 13. Homeland Security Related Disclosures:** An exception regarding information disclosure limitations shall not apply regarding communications to and from the U.S. Department of Homeland Security in accordance with the provisions of 8 U.S.C. §1373 and 8 U.S.C. §1644.
- 14. Public Assistance and Other Information:** Information may be exchanged with federal governmental authorities regarding immigration and citizenship status under 8 U.S.C. §1373 and §1644 (e.g., such as for administration of public assistance programs).
- 15. New York Law Enforcement Processes:** The law enforcement processes of state and local police are not subject to the restrictions set forth above when investigating state criminal law matters pursuant to state criminal procedure laws.
- 16. Notification to Parents/Guardian:** District personnel will immediately notify the student's parent/guardian regarding inquiries made by immigration authorities relating to their student or themselves, unless prohibited by a judicial order.

Please don't hesitate to call us if you need further information or assistance in implementing the requirements of Education Law §3201-b.

DSS/MLM/jm
Encl.

DISTRICT VERIFICATION OF COMPLIANCE

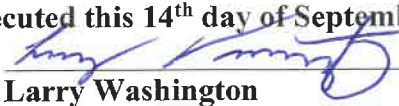
To: Commissioner of Education, New York State Education Department
From: Office of the Superintendent of Schools
Subject: Verification of Implementation of Student Protection Procedures

SUPERINTENDENT CHIEF SCHOOL OFFICER CERTIFICATION

I hereby certify and verify to the Commissioner of Education that the **Washingtonville CSD** has fully developed, adopted, and implemented local operational procedures that strictly comply with the requirements of the New York State Education Department's model procedures and the applicable provisions of State law regarding school interactions with immigration authorities. As required by statute, our district's implemented procedures explicitly include, but are not limited to, the following core components:

1. **Designated Review Authority:** The district has designated **Dr. Larry Washington Superintendent of Schools** who is solely responsible for reviewing and authorizing or denying any request from immigration authorities to enter school property or to take custody of a student.
2. **Access & Custody Protocols:** Established strict protocols requiring a valid judicial warrant or court order issued by a competent federal or state court prior to granting access or transferring custody of any student to an immigration authority, explicitly clarifying that administrative or civil immigration documents are legally insufficient.
3. **Parental and Community Notification:** Implemented a distribution process to formally notify parents, guardians, and persons in a parental relationship regarding the statutory rights, privacy protections, and safety safeguards afforded to students and families under this section.
4. **Emergency Placement & Pickup Safeguards:** Enacted mandatory operational guidelines to protect students whose parents or guardians are detained or rendered unavailable due to an immigration enforcement action. These guidelines strictly prohibit contact with the Statewide Central Register for Child Abuse and Maltreatment (SCR) unless the school has first exhausted all reasonable efforts to contact all alternative authorized emergency contacts, and mandate that the student be safely retained on school premises until retrieved by an authorized individual.

Executed this 14th day of September, 2026.

By: 

Dr. Larry Washington
Superintendent of Schools
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