CHESTER UNION FREE SCHOOL DISTRICT
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PROCEDURES TO IMPLEMENT EDUCATION LAW §3201-b

PROTOCOLS

Consistent with NYS Education Law §3201-b, the District will protect the rights of immigrant and non-citizen students and their parents/guardians while complying with applicable federal and state laws.

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.

Access to School Property

Any immigration authority or law enforcement official who requests access to school grounds, requests information concerning a student, seeks to locate or question a student, or seeks to take custody of a student will be immediately directed to the building's Main Office or other designated administrative office.

District employees or agents receiving such a request shall:

1. Immediately notify the Building Principal;
2. Immediately contact the Superintendent's Office or Designated Review Authority;
3. Refrain from independently responding to the request or providing information, records, or access;
4. Direct the requesting official to remain in the designated reception or administrative area while the request is reviewed; and
5. Immediately contact District legal counsel through the Superintendent or designee.

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.

Review of Documentation

The Superintendent or designee, in consultation with District legal counsel:

1. Will review all actual documentation presented by an immigration authority;
2. Will not rely solely upon an immigration authority's representation that it possesses legal authority;
3. Will deny access to non-public areas of District property or the release, transfer, surrender, escort or delivery of a student into custody of an immigration authority based solely on civil immigration warrants, administrative immigration detainers, notices to appear, and other non-judicial immigration documents (such as Forms I-200 and I-205) unless District legal counsel
   determines that applicable law otherwise requires the District to comply.
4. Will review a judicial warrant or court order, to determine:
   - Whether the document is facially valid;
   - Whether it was issued by a court with appropriate jurisdiction;
   - Whether it is signed by the appropriate judicial officer;
   - Whether it specifically authorizes the action requested;
   - The scope of the authority granted by the document; and
   - Whether any legal restrictions apply to the District's response.

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

The prohibitions and restrictions in these protocols do not apply when disclosure or access is required by law, including:

1. Compliance with a federal judicial warrant or court order signed by a federal U.S. District Court or federal magistrate judge;
2. Administration of a public program or benefit requested by the family;
3. Exchange of 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, in compliance with 8 U.S.C. §§ 1373 and 1644;
4. Voter registration; or
5. Other circumstances in which disclosure is otherwise required by applicable law.

Access to Non-Public Areas of School Property

District personnel will not grant or facilitate access by an immigration authority to non-public areas of District property unless the immigration authority presents a valid federal judicial search or arrest warrant signed by a federal U.S. District Court judge or federal magistrate judge, or unless otherwise required by applicable law, as determined by the Superintendent and District legal counsel.

Requests for Student/Family Information or Records

1. All requests by immigration authorities for student records or personally identifiable information will be immediately referred to the Superintendent or designee;
2. District personnel will not voluntarily provide information concerning a student's or family's actual or perceived citizenship or immigration status.
3. District personnel will not disclose personally identifiable information concerning a student or student's family unless disclosure is authorized or required by applicable law, as determined by the Superintendent and District legal counsel.
4. When a request is accompanied by a warrant, court order, subpoena, or other legal process, the Superintendent or designee will consult with District legal counsel before responding.
5. District personnel will not assist immigration authorities in locating, questioning or detaining a student except as required or expressly authorized by law.

Access to a Student

If an immigration authority requests access to a student, the Superintendent or designeen will:

1. Immediately consult District legal counsel;
2. Review any warrant or court order presented;
3. Determine the legal authority and scope of the request;
4. Determine whether parent/guardian notification is required or permitted;
5. Minimize disruption to the student's educational environment and protect the student's privacy; and
6. Document the request and the District's response.

If access to the student is legally authorized, the student should, to the extent practicable and consistent with the applicable warrant or court order, be brought to a private administrative office rather than removed from a classroom or other public setting.

Student Custody and Release

If the District is legally required to facilitate the student's transfer or custody, the Superintendent or designee will:

1. Authorize and coordinate the process;
2. Limit the interaction to what is legally required;
3. Use a private administrative location, when practicable;
4. Minimize disruption to the educational environment;
5. Protect the student's privacy to the extent permitted by law; and
6. Document the circumstances and actions taken.

Unless prohibited by a judicial warrant, court order, or other applicable law, the District will make reasonable efforts to notify the student's parent/guardian when an immigration authority seeks to take custody of, question, or otherwise obtain access to the student. When legally permitted, the District will attempt to notify the parent/guardian before or during the interaction with the immigration authority.

If the applicable warrant or court order expressly prohibits parent/guardian notification, District personnel will comply with that restriction. District legal counsel will be consulted when there is uncertainty concerning whether parent/guardian notification is permitted or required.

Parent/Guardian Detained or Unavailable

If a parent/guardian is detained by immigration authorities, is otherwise unavailable, or fails to pick up a student because of an immigration enforcement action:

1. The student will remain safely on District property or other safe location under the supervision and care of appropriate District personnel;
2. If this occurs while the student is on the school bus home, the bus driver will immediately contact the Transportation Supervisor or Building Principal to determine whether to bring the student back to school or other district location;
3. The District will provide the student with a safe, supportive, and non-threatening environment;
4. District personnel will make every reasonable effort to contact the student's other authorized emergency contacts;
5. The District will release the student only to an individual who is verified as an authorized emergency contact, legal representative, or other person legally authorized to assume responsibility for the student;
6. The District will not contact the New York Statewide Central Register of Child Abuse and Maltreatment solely because a parent/guardian has been detained by immigration authorities or fails to pick up a student until school personnel have made every reasonable effort to reach all other authorized emergency contacts, consistent with applicable law;
7. District personnel will follow the District's ordinary student release and identification procedures.

District personnel will not use an immigration authority as an interpreter or translator for law enforcement matters involving individuals encountered during the course of District employment duties. Only qualified interpretation or translation resources will be used when such services are necessary.

Documentation of Immigration Enforcement Requests

The Superintendent or designee will maintain appropriate documentation of requests by immigration authorities, including, as applicable:

1. The date and time of the request;
2. The identity and agency of the requesting official;
3. The nature of the request;
4. Any warrant, court order, subpoena, detainer, or other documentation presented;
5. The District's legal review and response;
6. Whether a student or student records were involved;
7. Whether a parent/guardian was notified;
8. Any action taken by the District; and
9. The date and time the matter was concluded.

Such documentation shall be maintained in accordance with applicable District records retention requirements and student privacy laws.

District Personnel Responsibilities and Training

1. The Superintendent or designee will ensure that appropriate District personnel are informed of these protocols and understand the procedures to be followed when an immigration authority requests access to District property, information, or a student.
2. Building administrators will ensure that front-office personnel and other employees who may be the first point of contact with law enforcement or immigration authorities are aware that such requests must immediately be referred to the Main Office, Building Principal, and Superintendent or designee.

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

Annual Notification to Parents/Guardians

The District will annually provide notice to parents/guardians concerning the District's protections and procedures relating to immigration enforcement and the protection of student rights. This notice will be provided in the home preferred language. The notice will be given to the parent/guardian upon registration of a new student.