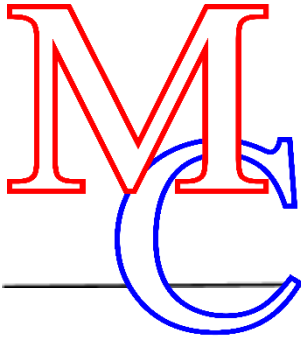




MIDDLE COUNTRY CENTRAL SCHOOL DISTRICT

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Student Protection Procedures Under Education Law § 3201-b

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 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. District personnel should consult the Joint Guidance on Safeguarding the Rights of Immigrant Students (“Joint Guidance”) for additional materials (issued Jan. 2025/updated Dec. 2025), which serves as an authoritative reference for day-to-day operational compliance under New York Education Law § 3201-b.

MANDATORY DESIGNEE and CUSTODY CARE PROTOCOL

- The District designates the Superintendent of Schools to handle requests by immigration authorities to enter school property, obtain student information, or take custody of a student. In the event that the Superintendent is unavailable, the district has designated the Assistant Superintendent for Instruction to review and authorize or deny such requests in accordance with these procedures.
- If an immigration authority contacts school personnel or appears at a school building, District personnel should promptly refer the agent or officer to the Superintendent of Schools and should not provide access to student records, nonpublic areas, or students until the request has been properly reviewed and assessed.

The mission of the MCCSD is to empower and inspire all students to apply the knowledge, skills, and attitudes necessary to be creative problem solvers, to achieve personal success, and to contribute responsibly in a diverse and dynamic world.

- Upon receiving the request, the District's designee should take the following steps:
 1. Request and document the officer's name, agency, badge number, contact information, and the nature of their request.
 2. Request copies of any relevant documentation related to the request, including any warrant, court order, or any other judicial document offered in support of the request.
 3. Immediately notify District counsel of the request and provide all information and documentation for review.
 4. Create and maintain written documentation of the request, documents provided, actions taken, and any correspondence with the student's parents or person in parental relation, District administration, and legal counsel.
- In the event that a parent or person in parental relation to the student is detained by immigration authorities or fails to pick up a student as scheduled, the District must keep the student safely on school premises while District personnel make reasonable efforts to contact the student's parent, person in parental relation, or authorized emergency contacts.
- The District will not contact the statewide central register for child abuse and maltreatment unless school personnel have made every reasonable effort to reach all other authorized emergency contacts of the student.
- The District will periodically ensure that all students and their families provide updated emergency contact information, including secondary emergency contacts.
- The District will make information available to parents and persons in parental relation to students concerning the legal rights and protections available to immigrant and noncitizen students, including translations into all applicable non-English languages.

RESTRICTING THE USE OF DISTRICT 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";
 - 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.
 - 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, etc.).

RESTRICTING ACCESS TO PROPERTY

- District personnel may not grant access to any nonpublic areas of school property or facilities to any immigration authority unless the authority presents a valid federal judicial search or arrest warrant signed by a federal U.S. District Court or Magistrate judge.
- **Note:** Civil immigration warrants, administrative detainers, notices to appear, and other non-judicial documents **do not** grant sufficient authority to access nonpublic areas of school property. These documents should be referred to the District's designated employee, Superintendent or designee, and District counsel for review.

RESTRICTING ACCESS TO STUDENTS

- District personnel will handle requests involving access to, questioning of, removal of, or custody of a student through the Superintendent of Schools and in consultation with the District counsel.
- District personnel will request to see the officer's badge or other government identification and should take note of the officer's name and agency for record-keeping purposes;
- Before taking any other action, District personnel should provide the Superintendent and/or school district attorney with the officer's information and documentation, which they will assess in the context of the law enforcement request, and await guidance before proceeding;
- District personnel will immediately notify the student's parent or person in parental relation (if any) unless specifically prohibited (for example, by a judicial order).
- District personnel are strictly 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 nonjudicial 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.

Note: the provisions of New York Education Law § 3201-b supersede any contrary state or local law, charter, code, ordinance, resolution, rule, or regulation, and shall not be construed to expand the authority of school personnel to participate in immigration enforcement. However, nothing in this article prevents or restricts a municipal government or school district from adopting local policies, ordinances, or regulations that meet or exceed the minimum standards of this section, or that further restrict school personnel from participating in immigration enforcement beyond these requirements. The provisions of New York Education Law § 3201-b shall not 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 8 U.S.C. § 1373 and 8 U.S.C. § 1644.

NOTIFICATION OF RIGHTS AND PROCEDURES

The District will:

- Make the procedures available to parents, guardians and students upon request.
- Share the procedures directly with families and students when appropriate.