

HUNTINGTON UNION FREE SCHOOL DISTRICT PROCEDURE SAFEGUARDING THE RIGHTS OF IMMIGRANT AND NONCITIZEN STUDENTS

The District establishes procedures to comply with Education Law 3201-b and to safeguard the rights of immigrant and noncitizen students as set forth in Education Law §3201-b. The District shall not implement 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 the District's programs or activities, or that exclude parents or guardians from participating in the District's parental engagement activities, on account of perceived or actual citizenship or immigration status. The District shall not designate immigration status, citizenship, nationality, or national origin as "directory information". The District shall not adopt registration and enrollment requirements or procedures that have the intent or effect of disproportionately delaying or denying the enrollment of children based on their actual or perceived citizenship or immigration status, or the actual or perceived citizenship or immigration status of persons in parental relationship to such children.

1. Mandatory Designee and Custody Care Protocol

Requests to Enter School Grounds or Disclosure of Information by Immigration Authorities

- a. Immigration authorities shall be treated as visitors to school grounds and shall be required to provide identification consistent with the Code of Conduct.
- b. The Building Principal shall be notified of the presence of immigration authorities and their request to enter school grounds.
- c. Immigration authorities shall be asked to provide any documentation for review by the Designee and the District's counsel.
- d. The District shall address requests by immigration authorities to enter school grounds and to disclose information in accordance with Education Law §3201-b and advice of District's counsel.
- e. Unless specifically prohibited (*e.g.*, by a judicial order), the student's parent or guardian shall be immediately notified of the presence of immigration authorities and their request.
- f. The Designee shall notify the New York State Department of Education Privacy Office of a request for disclosure of information by immigration authorities.

Procedures when a Parent or Guardian is Detained by Immigration Authorities or Fails to Pick Up Students as Scheduled

- a. The Building Principal shall be notified in the event parents or guardians are detained by immigration authorities, or students are not picked up by their parent or guardian as scheduled.
- b. The Building Principal shall take steps to place students in custody and control of authorized emergency contacts and/or address students' emergency medical needs.
- c. The Building Principal shall ensure such students are supervised on school premises. The Statewide Central Register for Child Abuse and Maltreatment shall not be contacted unless school personnel have exhausted all reasonable efforts to reach all other authorized emergency contacts and have been unsuccessful in doing so.

2. Provisions Intended to Safeguard the Rights of Immigrant and Noncitizen Students

Except when required by law (e.g. 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), school personnel are strictly prohibited from:

Restrictions on the Use of School Resources and Sharing of Information

- a. using school resources for immigration enforcement purposes;
- b. disclosing, or threatening to disclose, information or records about actual or perceived citizenship or immigration status of a student or student's family;
- c. inquiring, or collecting information, about a student or student's family's citizenship, immigration status, nationality, or country of origin;
- d. disclosing to employees of an immigration authority personally identifiable information, including name, social security number, physical description, associated addresses, phone number, financial/medical info, place of employment of a student or family;
- e. 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;

Restrictions on Immigration Authorities' Access to Property

- f. Granting or facilitating access to non-public areas of school property or facilities to any immigration authority;

Restrictions on Immigration Authorities' Access to Students

- g. 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;
- h. 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;
- i. Assisting immigration authorities in locating, questioning, or detaining a student; and/or
- j. 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.

The District shall notify parents and persons in a parental relationship about the rights of and protections for students, parents, and persons in a parental relationship provided by this Procedure by making the procedure available on the district website.

The District shall notify staff responsible for implementation of this procedure through faculty and staff meetings.

Building Principals shall designate an individual to fulfill their obligations under this procedure in the event they are unavailable.