PROCEDURES REGARDING EDUCATION LAW § 3201-b

Pursuant to Education Law Section 3201-b and associated model procedures, the Colton-Pierrepont Central School District (the "District") must develop, adopt and implement local operational procedures to safeguard the rights of immigrant and noncitizen students. The District's procedures are as follows:

I. Legal Standard and Definitions

No child eligible to enroll in the District shall be denied a free public education. Notwithstanding any general, special or local law, rule or regulation of the NYS Education Department to the contrary, no child shall be refused admission into, be deterred from participation in, have their admission delayed to, or be excluded from any school on account of such child's perceived or actual citizenship or immigration status or the perceived or actual citizenship or immigration status of a parent or person in parental relationship to such child.

No school personnel shall undertake any action or use any policies that have the intent or effect of deterring a student from participation in or denying a student the benefits of any program or activity on account of such student's perceived or actual citizenship or immigration status or the perceived or actual citizenship or immigration status of a parent or person in a parental relationship to such student. No school personnel shall use policies or procedures or engage in practices that have the intent or effect of excluding participation of a parent or person in a parental relationship to a student from parental engagement activities or programs on account of their perceived or actual citizenship or immigration status.

For the purposes of this policy, the following terms shall be defined in the same way those terms are defined in Section 3201-b of the New York State Education Law: school, school property, school function, immigration authority (including employees thereof), immigration enforcement, child, school personnel, school resources officer, immigration detainer, civil immigration warrant, and municipal government.

The provisions of this Procedure shall apply notwithstanding any other provisions of state or local law, charter, code, ordinance, resolution, rule, or regulation to the contrary and shall not be construed to in any way expand the authority of schools or school personnel to participate in immigration enforcement.

II. Designated Review Authority

The District designates the Superintendent of Schools, as its sole designee to review and authorize or deny any immigration authority's request for information, to enter onto district property, or to take custody of a student. Any school personnel who receive a request from an immigration authority to enter school property and/or take custody of a student must immediately provide such request to the Superintendent of Schools. Upon receipt of such a request from an immigration authority, the Superintendent as designee must seek guidance from the District's legal counsel before responding to any such request. Following consultation with

legal counsel, the Superintendent also must notify the NYSED Privacy Office of receipt of such a request within a reasonable period of time.

III. Access and Custody Protocols

In the event that an immigration authority engaging in immigration enforcement requests access to non-public areas of school property or facilities owned or operated by or under the control of the District, school personnel will not grant permission to access or facilitate access to such areas unless presented with a valid federal judicial warrant signed by an authorized federal judge and authorizing a search or seeking the arrest of an individual present at the time the judicial warrant is presented, or as otherwise required by law. Any such request for access or other documentation presented by an immigration authority to school personnel shall immediately be provided to the Superintendent of Schools for review.

School personnel will not grant permission for or facilitate the release, transfer, surrender, escort, or otherwise deliver a student into the custody of an immigration authority solely on the basis that the student's parent or person in parental relation to that student has been arrested, detained, or taken into federal custody. However, school personnel must comply with a judicial warrant or court order issued by a state or federal court of competent jurisdiction explicitly authorizing the removal, detention, or assumption of custody of that student by an immigration authority. Any such request or other documentation presented by an immigration authority to school personnel shall immediately be provided to the Superintendent of Schools for review.

NOTE: Civil immigration warrants, immigration detainers, notices to appear, or other non-judicial documents will not be considered sufficient authority (a) to authorize an immigration authority to access such non-public areas of school property or facilities or (b) to release, transfer, surrender, escort, or otherwise deliver a student into the custody of an immigration authority.

School personnel will not assist an immigration authority in locating, questioning, or detaining a student, except to comply with a valid judicial warrant or court order issued by a competent federal or state court, or to comply with requirements under existing law. Any such request for assistance or other documentation presented by an immigration authority to school personnel shall immediately be provided to the Superintendent of Schools for review.

Front-office staff will request that immigration authorities identify themselves and the agency with which they are associated; will request that immigration authorities provide copies of any and all court orders, warrants, or other documentation regarding their purpose for entering the school; front-office staff will ask immigration authorities to wait outside or in vestibule while documentation is reviewed.

Nothing contained in this Procedure shall be construed to limit, restrict, or impair the authority of state or local law enforcement to apprehend, detain, or take into custody any individual, including a minor, pursuant to a judicial warrant, court order, or lawful criminal investigation conducted in accordance with applicable New York state criminal law and procedure.

IV. Emergency Placement and Pickup Safeguards

In the event that a student's parent or person in parental relation to a student is detained by an immigration authority, and/or fails to pick up a student as scheduled, school personnel will keep the student safely on school premises until an individual authorized by the parent/personal in parental relation, or an individual authorized by law, is able to pick up the student. Appropriate school personnel will make reasonable efforts to contact all known individuals authorized to pick up the student, including but not limited to contacting any emergency contacts designated by the parent/personal in parental relation. No school personnel will contact the Statewide Central Register for Child Abuse and Maltreatment until such reasonable efforts have been made and documented.

V. Restricting Use of School Resources and Sharing of Information

School personnel are strictly prohibited from the following:

a. Using school resources for immigration enforcement purposes;

b. Disclosing, or threatening to disclose, any information or records about the actual or perceived citizenship or immigration status of a student, student's parent or person in parental relationship to such student to any person or entity, including but not limited to an immigration authority (except to comply with a valid court order or judicial warrant);

c. Disclosing to an immigration authority the personally identifiable information of a student, student's parent or person in parental relationship to such student, including but not limited to name, social security number, physical description, associated addresses, telephone number, financial information, medical information, or place of employment or education (except to comply with a valid court order or judicial warrant);

d. Inquiring about or collecting information from a student, student's parent, or person in parental relation to such student with respect to such person's citizenship, immigration status, nationality, or country of origin (except to comply with a valid court order or judicial warrant, or as needed to administer a public program or benefit sought by such person, or when registering an individual to vote and other election related matters, or as otherwise required by law);

e. Designating immigration status, citizenship, nationality, or national origin as "directory information" under the Family Educational Rights and Privacy Act ("FERPA");

f. Employing registration and enrollment requirements or procedures that have the intent or effect of disproportionately delaying or denying the enrollment of non-citizen students; or

g. Using an immigration authority as an interpreter or translator for law enforcement matters relating to individuals that schools or school personnel interact with as part of their employment duties.

Nothing contained in this Procedure shall 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 applicable federal law and regulation.

VI. Parent Notification

Consistent with state law and NYSED Guidance, the Superintendent of Schools or designee will notify parents and persons in parental relationship regarding the statutory rights, privacy protections, and safeguards afforded to students and families under the law and this Procedure by posting a pdf outlining these rights on our school website.