

Boar d

Safeguarding the Rights of Immigrant Students

First Supervisory District of Suffolk County
201 Sunrise Highway
Patchogue, New York 11772

Eastern Suffolk BOCES is committed to ensuring that all students have equal and uninterrupted access to a free public education and are able to learn in a safe, welcoming, and inclusive environment regardless of their actual or perceived immigration status, citizenship, nationality, or country of origin, or that of their parents or guardians.

ESBOCES recognizes the rights afforded to all students under federal and state law, including New York Education Law Section 3201-b, and will maintain practices designed to protect students and families from unlawful discrimination, unauthorized disclosure of information, and unnecessary disruptions to a student's educational program based on immigration status. ESBOCES will work collaboratively with students, families, legal counsel, and governmental agencies, as appropriate, to ensure compliance with applicable law.

Immigrant Student Rights Liaison

ESBOCES Immigrant Student Rights Liaison is responsible for reviewing immigration authorities' requests to enter ESBOCES property or take custody of a student, as well as notifying parents or legal guardians of their legal rights and protections ESBOCES has designated the following person to act as its Immigrant Student Rights Liaison:

Claudy Damus-Makelele
Associate Superintendent for Educational Services
201 Sunrise Highway, Patchogue, NY 11772
(631) 687-3056
cdamus@esboces.org

Protection of Student Information and Educational Access

Restricting the Use of ESBOCES Resources and Sharing Information

ESBOCES personnel are prohibited from:

- a. Using ESBOCES 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, subject to the exceptions listed below;
- c. 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;

- 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, subject to the exceptions listed below;
- e. Designating immigration status, citizenship, nationality, or national origin as "directory information";
- f. 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;
- g. 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 to these prohibitions exist where disclosure is required by law, including, but not limited to:

- a. Complying with a federal judicial warrant or court order signed by a Federal U.S. District Court or magistrate judge;
- b. Administering a public program or benefit requested by the family;
- c. Exchanging 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 law.

Restricting Access to ESBOCES Property

ESBOCES personnel must not grant or facilitate access to non-public areas of ESBOCES property or facilities to any immigration authority unless presented with a valid federal judicial search or arrest warrant signed by a federal U.S. District Court or magistrate judge.

Civil immigration warrants, administrative detainers, notices to appear, and other non-judicial documents do not grant sufficient authority to access non-public areas of EBOCES property.

ESBOCES personnel are prohibited from:

- a. 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;
- b. 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;

- c. Assisting immigration authorities in locating, questioning, or detaining a student, subject to the exceptions listed below;
- d. 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 following exceptions to these prohibitions apply when complying with applicable legal requirements, including:

- a. 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 law.
- b. 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);
- c. A judicial warrant, court order, or lawful criminal investigation conducted in accordance with applicable New York State criminal law and procedure.

Reviewing Immigration Authorities' Requests

In the event ESBOCES receives a request from an immigration authority to enter ESBOCES property or take custody of a student, the Immigration Student Rights Liaison will:

- a. Seek guidance from an attorney for ESBOCES before responding to any requests from immigration authorities;
- b. Review the request to determine whether they are accompanied by a valid judicial warrant or court order issued by a federal U.S. District Court;
- c. Notify the New York State Education Department when the request is made.

ESBOCES Response in the Event a Parent or Guardian is Detained

In the event a parent or guardian of an ESBOCES student is detained by immigration authorities or fails to pick up a student as scheduled, ESBOCES will:

- a. Keep the student safely on ESBOCES premises;
- b. Not contact the statewide central register for child abuse and maltreatment unless ESBOCES personnel have made every reasonable effort to reach all other authorized emergency contacts.

References:

- Education Law Section 3201-b

First Adopted: 9/16/2026