



# Advocates for Children of New York

Protecting every child's right to learn

**Testimony to be delivered to the New York City Council  
Committees on Immigration, Public Safety and Education  
Re: New York City Department of Education's policies related to interactions with  
non-local law enforcement and federal immigration authorities  
April 26, 2017**

Good afternoon. My name is Rita Rodriguez-Engberg and I am a staff attorney in the Immigrant Students' Rights Project at Advocates for Children of New York. For over 45 years, Advocates for Children has worked to promote access to the best education New York can provide for all students, including students from low-income backgrounds, students who are learning English, students with disabilities and students of color. The Immigrant Students' Rights Project advocates for better educational opportunities for immigrant families in New York City public schools.

In the course of our work with immigrant families, we are seeing how the federal government's new immigration enforcement tactics are interfering with the education of New York City children. We have heard from parents who, worried about a potential arrest by Immigration and Customs Enforcement (ICE), have stopped visiting their children's schools altogether. In other cases, parents have scaled back on how often and how much they participate in in-person school events such as parent-teacher conferences. Families are also informing us that they worry about what may happen in the event that one or both parents are arrested while their children are in school.

The New York City Department of Education (DOE) has taken some steps to

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protect New York City children and families. However, additional action is needed. We ask that the DOE issue guidance to address the collection of sensitive immigration information and to address the very likely situation of immigrant parents being picked up by ICE during the day, while their children are at school.

Although the DOE does not ask families to disclose their immigration status, when students enroll in New York City public schools, families must provide proof of identity, age and residency. In our experience, oftentimes families rely on immigration documents for proof of identity, age or residence, such as Office of Refugee Resettlement papers, visas, and work authorization documents. Copies of these documents then become part of the student's file. In order to avoid the collection and storage of sensitive immigration information in a student's file, we urge the DOE to instruct Family Welcome Center and school staff to refrain from photocopying immigration-related documents at the time of enrollment and registration. We recognize that these may be the only documents a family has in their possession. For such cases, we urge the DOE to create a policy whereby DOE staff simply review these sensitive documents, and instead of photocopying them, complete a separate form confirming that they have verified the necessary information. With such a policy, DOE staff will still be able to review a family's documents without their ending up in the student's file.

School staff may also become aware of a family's immigration status through other means, such as when students show an immigration court notice to explain an absence. In these and other less formal instances, NYC DOE staff should not make



any notes of a student’s status in student records, teacher files, emails, or any other internal written communication. Additionally, students or families who share their status with NYC DOE staff should be informed that this information will not be shared with other NYC DOE staff and will remain confidential unless the family gives express consent.

As we continue to hear reports of parents across the country being deported, the DOE needs to take additional steps to address the very likely situation of parents being picked up by ICE during the school day. In addition to updating emergency contact information on the “blue card,” we suggest that the DOE expand the number of emergency contacts that may be listed on the blue card, in the event that multiple family members are detained at once.

Finally, we want to voice our support for Intro. 1565, sponsored by Council Member Dromm, to require the DOE to distribute information to families about educational rights and DOE policies related to interactions with non-local law enforcement and federal immigration authorities. To help ensure that families can benefit from this information, we recommend amending the bill to require the DOE to translate the materials and distribute the information in families’ preferred languages.

Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.