

SAFE HAVENS

Protecting and Supporting New York State's
Immigrant Students

A Statewide Call to Action



MAY 2017



The Education Trust—New York



Advocates for Children
of New York
Protecting every child's right to learn



The Committee for Hispanic
Children and Families, Inc.

“Our schools should be the safe havens where all children’s academic, social-emotional, and civic development are nurtured and where the pathway to achieving their American Dream begins.”

SAFE HAVENS

Protecting and Supporting New York State's Immigrant Students

In the national debate over immigration and the undercurrents of hostility and fear it has exposed, our schools hold a unique and sacred place.

Regardless of national origin or immigration status, every child in New York State is entitled to a public education.¹ Our schools are — or should be — the safe havens where all children's academic, social-emotional, and civic development are nurtured and where the pathway to achieving *their* American Dream begins.

But they are also places where documents and sensitive information can change hands. Where families are welcomed into the community — or asked personal questions that can have chilling effects. Where students are taught about the values of equality and diversity — or not.

In short, New York's schools are places where the pedagogical, legal, and bureaucratic choices of adults can have lifelong effects — for good or ill — on the more than 190,000 immigrant students who rely on them, and on their families and communities.²

Advancing the high achievement of all students must therefore begin with ensuring that they are supported and protected throughout our education system.

At the state level, many of New York's leaders have risen to the challenge in these troubling times.

Regents Chancellor Betty A. Rosa has vowed to "seize this opportunity to reaffirm our commitment to the ideals of inclusiveness and openness that make us the Empire State" and has championed the state's commitment to "respect, tolerance, and inclusion."³ Attorney General Eric T. Schneiderman

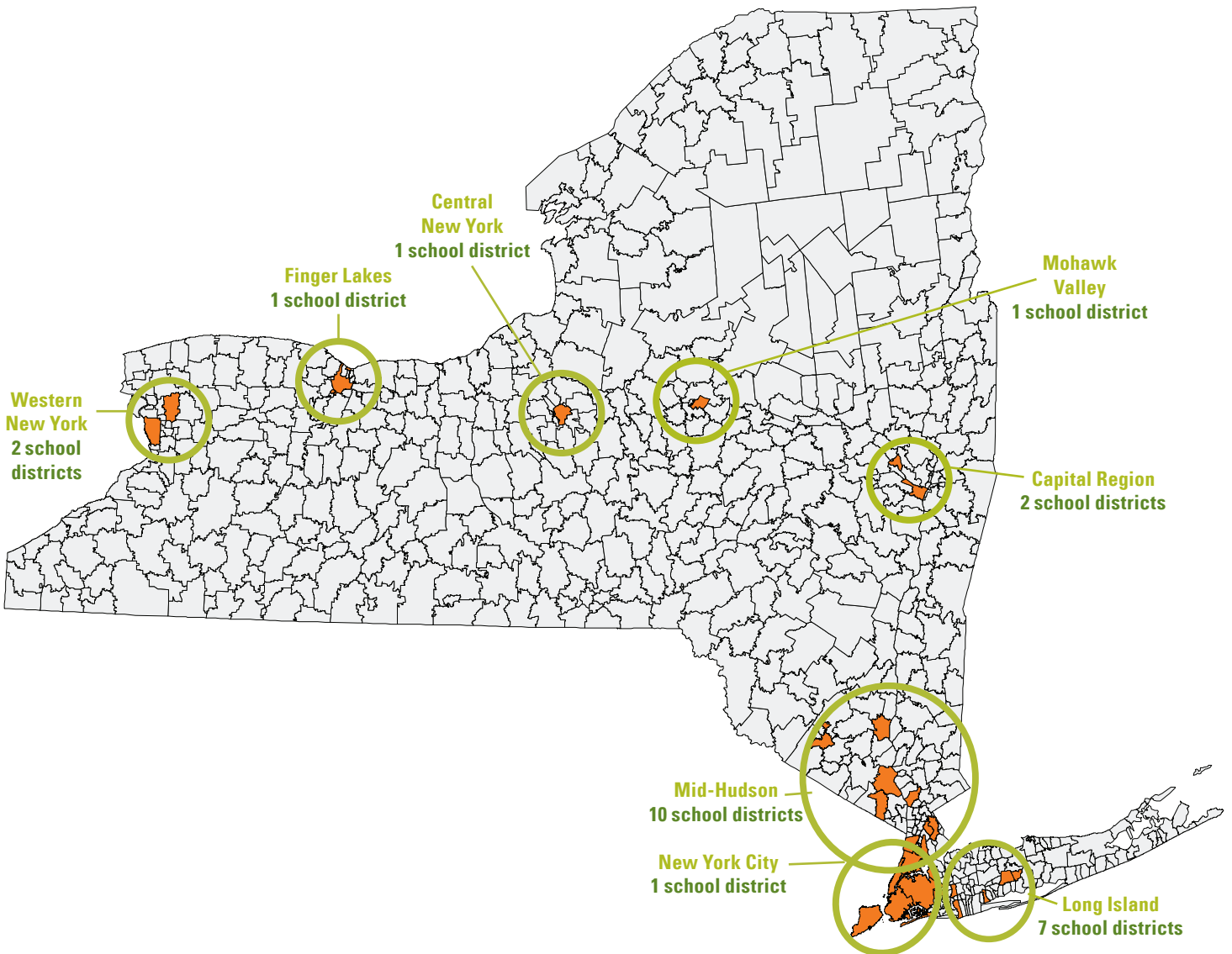
and State Education Commissioner MaryEllen Elia have proactively instructed school districts on their responsibilities to educate and protect immigrant students.⁴ And Governor Andrew M. Cuomo has led the state in reaffirming its commitment to all New Yorkers regardless of immigration status and in fighting hate crimes.⁵

Yet our research — described in the pages that follow — reveals considerable variability in how the 25 school districts that serve the highest numbers of immigrant students in New York State — together representing 80 percent of all immigrant students in New York — are addressing issues on-the-ground that are critical to these students and their families (**Figure 1**).

By analyzing information supplied by each school district, we have identified indications of strong practices that support students and demonstrate the community's values of inclusivity; alarming practices that threaten student well-being; and unanswered questions about the robustness of current policies and protocols (see *A Note on Data Collection on page 14*). Based on the experiences of immigrant community-based organizations, advocates, and service providers, this report then offers recommendations to strengthen supports at the state, school district, and school levels.

The districts' responses reinforce the value of strong guidance from the State Education Department (SED). The number of immigrant students in each of the top 25 school districts covers an extraordinary range, from 540 students in two of the school districts to nearly 127,000 students in New York City. Many school districts responded to our query with copies of guidelines, PowerPoint presentations, and brochures issued by SED.

Figure 1: 25 New York school districts enroll 80 percent of the state's immigrant students



Source: United States Census Bureau, American Community Survey, 5-year estimates (2010-2014)

Just as SED has already taken important steps to protect and support immigrant students — including the guidelines that were recently released in partnership with the Attorney General — SED's ongoing leadership will remain vital. Building on its positive efforts to date, we believe there are additional concrete measures that SED can pursue to support and strengthen sound decision-making by school districts, and to remind

school districts of these guidelines and urge them to review their own policies.

SED should help build local capacity in four areas, each of which is discussed in the following pages. School districts should heed this as a call to action by taking ownership and additional steps to create safe and inclusive learning environments:

ENSURING THAT ALL STUDENTS AND THEIR FAMILIES ARE WELCOMED REGARDLESS OF IMMIGRATION STATUS OR NATIONAL ORIGIN

Establishing an inclusive school environment is a prerequisite for an educational culture of learning and collaboration. Of the 25 school districts queried, at least eight districts shared communications that clearly demonstrate this commitment.

Following the presidential election and in response to anti-immigrant messaging from national leaders and increased fear of discrimination and deportation, several school districts — including Albany, Buffalo, Uniondale, and New York City — sent strong messages of support and inclusiveness in letters to all families in the school district. These messages typically affirm the districts' commitment to diversity and the rights of immigrant students (*Figure 2*).

Some school districts also reported that they have institutionalized welcoming practices into district programming. For example, Syracuse has “nationality workers” who work with immigrant parents, and White Plains provides parents with a welcome package from the Family Information Center in multiple languages.

In addition, school districts including New York City, Utica, and Rochester reported that they either incorporate inclusive values directly into their curricula or direct teachers to vetted classroom resources that accomplish these goals.

RECOMMENDATIONS

To encourage greater support for immigrant students in the current environment and to ensure their long-term success in school, SED should:

- Invite school districts to submit model curricula relating to national origin, religion, and diverse immigrant contributions and experiences that **promote tolerance and combat anti-immigrant rhetoric and bias**, so that SED can share best practices statewide (leveraging federal funds to support this work to the extent available).
- Strongly **enforce and ensure local adherence to the state’s Dignity for All Students Act (DASA)**, in order to prevent discrimination, intimidation, taunting, harassment, and bullying, on account of immigration status, religion, ability to speak English, and national origin.
- Provide a model for how school districts can **establish a safe environment** in each school so that immigrant students feel comfortable participating in all school activities and sharing freely, engaging with, and leading their peers.
- Issue further guidelines reminding school districts of the following best practices:
 - making **public announcements** or statements that the school supports immigrant students and their families (shared in at least the top five languages in the district, or more if required in order to reach key groups within the school community);
 - linking immigrant families to resources and establishing and/or strengthening **partnerships with community-based organizations** that serve immigrant families; and
 - providing events and services such as **introduction and orientation programs** that address newly arrived students’ academic and social-emotional needs.
- Remind school districts through guidance that newly arrived teenagers should not by default be placed into non-degree programs and that the school district should **support their completion of a formal high school diploma program**.
- Define for districts and schools what **effective immigrant family engagement** encompasses in order to create baseline competency that will support districts’ efforts in this challenging climate and beyond.

Figure 2: Some school districts are sending welcoming messages to immigrant families and clearly communicating the district's values to staff

Letter to parents – City School District of Albany

Many are questioning if this is the America we learned about, or are learning about, in school. A place of freedom and equality. A place of compassion and dignity. A place of honor and character.

I am writing to reassure you that all of those qualities remain alive and well in the City School District of Albany. I want to reassure every student, every family, every staff member and every community member that you are valued. You are supported. You are loved.

Whether you or your children were born across town, across the country or across the world, please know that we will continue to do our best every day to make sure you feel at home everywhere in our school district.

Letter to parents – Buffalo Public Schools

Recent events related to federal travel restriction for certain individuals have caused tremendous concern, confusion and fear for many of our students, families, and staff, as well as our neighbors and community partners. Please be reassured and know that Buffalo Public Schools will remain a place where all students, regardless of nationality, culture, religion, or ethnic background, will be able to pursue their dreams. Our District provides the benefit of free public education to all persons who meet New York State's age and residency requirements, regardless of immigration or citizenship status. As a public school district, it is our responsibility to ensure that our schools are safe spaces where all children are supported academically, socially, and emotionally.

Letter to parents – New York City Department of Education

In New York City we are committed to the ideals embodied in the Statue of Liberty. We are a nation of immigrants, and we are a city of immigrants. We are stronger because of our differences. Today, alongside all New Yorkers, we reaffirm our commitment to stand with you.

Sincerely,



Carmen Fariña
Chancellor
NYC Department of Education



Nisha Agarwal
Commissioner
Mayor's Office of Immigrant Affairs

Letter to parents – Uniondale Union Free School District

Dear Uniondale Parents and Staff:

In light of recent events that may impact our immigrant scholars, we are writing to assure you that the Uniondale School District supports all of our students regardless of immigration status and or their religious background. We understand that these may be sensitive issues that create concern for our students and their families.

Information for staff – Rochester City School District

What do I say to students?

The [Teaching Tolerance website](#) addresses how students may be impacted by President Trump's orders on immigration and refugees. Included are facts and additional links for educators to engage in productive conversations in classrooms and schools. www.tolerance.org

HANDLING COLLECTION, RETENTION, STORAGE, AND RELEASE OF INFORMATION THAT INCLUDES STUDENTS' AND FAMILIES' IMMIGRATION STATUS, PLACE OF BIRTH, COUNTRY OF ORIGIN, YEARS IN U.S. SCHOOLS, AND U.S. ENTRY DATE

The student registration process is a critical point of contact both in terms of perceptions — instilling security or fear in a newly arrived family — and in determining whether the school district maintains sensitive records that imply or even document a family's immigration status.

Following a joint compliance review by SED and the Attorney General's Office based on reports that unaccompanied youth and other immigrant students were being denied equal educational opportunities, the Board of Regents in 2014 adopted Commissioner's Regulation 100.2(y), which significantly strengthened protections for immigrant families in ensuring uniform and fair enrollment decisions.

Our inquiry found that some of the regulation's requirements have had a notable and positive effect. For example, none of the 25 school districts we queried requested a student's Social Security card or number on the district registration form or explicitly asked for immigration status.

Other areas are more nuanced — and more likely to be mishandled.

2.1: Questions Regarding National Origin

Commissioner's Regulation 100.2(y) states that "the school district shall not request on any enrollment/registration form(s)... any information regarding or which would tend to reveal the immigration status of the child, the child's parent(s) or the person(s) in parental relation, including but not limited to copies of or information concerning visas or other documentation indicating immigration status."⁶ The recent SED/Attorney General guidelines also note that "while school districts may need to collect certain data pursuant to state and/or federal laws, they should do so after a student has enrolled in school so as not

to inadvertently give the impression that information related to immigration status will be used in making enrollment determinations" [emphasis in original].⁷

The Middletown City School District, for example, incorporates these provisions into a school board policy under the header "Undocumented Foreign Nationals," explicitly noting that "the District shall not request on any enrollment/registration form(s) or in any meeting or other communication [sensitive information that could indicate immigration status] **at the time of enrollment and/or as a condition of enrollment**" [emphasis in original]. The policy goes on to say that when "required, for purposes of complying with state and/or federal laws, to collect social security numbers, data pertaining to students' national origin, or other information that would tend to reveal the immigration status of any child and/or child's parent(s) or person(s) in parental relation, District personnel shall collect such data after the child already has been enrolled in school" [emphasis in original] (**Figure 3**).

Yet most school districts queried (including Middletown) do not heed this practice. Fifteen of the 25 school districts ask questions that can imply or indicate national origin on the district's registration form — such as requesting "country of origin," "place of birth," "date of entry into the U.S.," and even "mother's birth country (non-U.S.," and "father's birth country (non-U.S.," (**Figure 4**).

2.2: Other Student Registration Issues

Some school districts also continue to require proof of residency that can be inordinately burdensome and request forms of identification that can reveal immigration status:

- **Proof of residency:** 10 school districts require parents to provide three or more forms of proof of

Figure 3: Some school districts have board policies that address the collection of sensitive information on immigration status during the registration process

School board policy on student registration – Enlarged City School District of Middletown

Undocumented Foreign Nationals

Children who are undocumented foreign nationals, like children who are U.S. citizens, have the right to attend school full-time as long as they meet the age and residency requirements established by state law. Accordingly, the District shall not request on any enrollment/registration form(s) or in any meeting or other communication any of the following documentation **at the time of enrollment and/or as a condition of enrollment**:

- a) Social security card or number; or
- b) Any information regarding, or which would tend to reveal, the immigration status of the child, the child's parent(s) or the person(s) in parental relation, including but not limited to copies of or information concerning visas or other documentation indicating immigration status.

Insofar as the District is required, for purposes of complying with state and/or federal laws, to collect social security numbers, data pertaining to students' national origin, or other information that would tend to reveal the immigration status of any child and/or child's parent(s) or person(s) in parental relation, District personnel shall collect such data after the child already has been enrolled in school.

Figure 4: Some school districts ask potentially chilling questions about national origin during student registration (pre-enrollment)

Great Neck Public Schools

_____ ADDRESS _____ APT # _____ TOWN _____

BIRTH PLACE (City, State, Country)

Mother/Guardian: Name: _____ Birthplace: _____
 Address(If different from child's): _____ E-mail: _____

Father/Guardian: Name: _____ Birthplace: _____
 Address(If different from child's): _____ E-mail: _____

Yonkers Public Schools

____ Mother First Name: _____ M.I. _____
Mother's Birth Country (Non-US): _____

 4.I. _____
Father's Birth Country (Non-US): _____

- **Student Birth Country:** _____
- Student Birth City: _____
- Student Birth State: _____
- **Student Country of Origin:** _____
- **Date Student Entered US:** _____

For additional examples, please see Appendix A.

residency — and at least two districts, Uniondale Union Free School District and Sewanhaka Central High School District, appear to require more forms of identification for renters (who are more likely to include undocumented immigrants) than for homeowners (**Figure 5**). At least three school districts also require parents to provide government-issued photo identification (**Figure 6**).

- **Documentation of student age:** 14 school districts require unnecessarily burdensome documentation of student age, such as original (rather than certified) birth certificates, requiring that a translation be provided for foreign birth certificates, and/or not providing alternative options consistent with Commissioner’s Regulation 100.2(y) for students who do not have a birth certificate (**Figure 7**). In addition, Central Islip provides fewer options to demonstrate student age in the Spanish-language version of their registration materials than in the English-language version.

- **Documents that indicate immigration status:** At least three school districts — Buffalo, Rochester, and Williamsville — have the clear potential to collect information that can indicate immigration status, such as I-94 forms, green cards, or other immigration paperwork (**Figure 8**). It is especially problematic that these documents may be photocopied and included in students’ files.

2.3: Protection of Sensitive Information

In addition to questions of whether and how school districts collect sensitive information, a related crucial area of concern is in the protection of these records.

The Federal Education Rights and Privacy Act (FERPA) is the federal law that governs student record privacy and describes the specific circumstances under which records can be disclosed.⁸ Recent guidelines from SED and the Attorney General emphasize that “a request from [the U.S. Immigration and Customs Enforcement (ICE)] or other federal immigration

Figure 5: Some school districts require at least three pieces of evidence for residency — and two school districts appear to require even more evidence for renters than for homeowners

Yonkers Public Schools (three pieces of evidence)

PROOF OF RESIDENCE -	THREE proofs of residency are required. These proofs must be dated within the last 30 days. Acceptable documents are:	
Con Edison Bill	Current Water Bill	DSS Budget Sheet
Telephone Bill	Property Tax Statement	Letters from Agencies or Caseworkers
Bank Account Statements	Payroll Stubs	Credit Card Statements
Cablevision Bill	Lease or Deed	Section 8 or Municipal Housing Statement
W-2 Form	Voters Registration Card	

Sewanhaka Central High School District (more evidence for renters)

HOMEOWNERS: Must provide proof of ownership such as a recent mortgage statement, tax bill or deed **AND** a utility bill. No additional documentation is required.

RENTERS: Complete and notarize Form A and submit a copy of a recent utility bill. Have the owner/landlord complete and notarize Form B and provide a monthly mortgage statement, tax bill or deed.

Uniondale Union Free School District (more evidence for renters)

- You must submit a completed and notarized Form “A” for each child.
- **IF YOU OWN A HOME,** you must submit **Form B** (Landlord affidavit) & your deed or current mortgage statement with 1 utility bill **no older than 30 days**.
- **IF YOU ARE RENTOR/ NON-OWNER,** you must submit both **Form B** (Landlord Affidavit) and **Form C** (Tenant Affidavit), but in the event Form B is unavailable the **Third Party Affidavit** may be substituted. These documents must also be accompanied by **3 proofs identified in Section 1, below, no older than 30 days** with current address.

For additional examples, please see Appendix B.

Figure 6: Some school districts require parents to provide government-issued photo ID

Copiague Public Schools

- Parent/Legal Guardian Photo Identification
 - Driver License or
 - Passport

Newburgh Enlarged City School District

5. Government issued Picture ID of the parent/guardian

Uniondale Union Free School District

- Parent/ Guardian must produce an UNEXPIRED VALID Government Issued Photo ID.

Figure 7: Some school districts require inordinately burdensome evidence of the student’s age, including original birth certificates and/or not listing alternative forms of identification for students who do not have a birth certificate

Central Islip Union Free School District (incomplete translation of accepted documents)

<ul style="list-style-type: none"> ✓ Original Birth Certificate 	Birth Certificate or Baptismal Certificate, if not available: to determine age a passport, state or other government issued identification with DOB, school photo ID with DOB, Consulate ID card, hospital or health records, military dependent ID card, documents issued by a federal, state or local government, court orders or court issued documents.
<ul style="list-style-type: none"> ✓ Proof of Residence 	Home Owners: Tax Statement or mortgage statement and 2 of the following documents <ul style="list-style-type: none"> ▪ Recent utility bill such as – electric, gas, oil, water ▪ Car insurance or registration ▪ Income Tax form
<ul style="list-style-type: none"> ✓ Partida de Nacimiento Original 	Partida de nacimiento es necesario, si no esta disponible la partida de bautizo o pasaporte sera aceptado
<ul style="list-style-type: none"> ✓ Prueba de domicilio 	Dueños de Casa: Declaración de impuestos de la casa o cuenta de hipoteca y 2 de los dos siguientes documentos

Freeport Public Schools

In an effort to provide a smooth transition into the District for you and your child, and to conform with New York State Law and District policy, the following documents are required for registration:

- * Picture I.D. (Driver’s license, passport, employee I.D. for verification purposes)
- * **Child’s original birth certificate**
- * Proof of legal guardianship or the appropriate foster care form DSS2999
- * Proof of current residency (see below) **no more than 45-60 days old**
- * Child’s up-to-date immunization records signed and stamped by physician

Great Neck Public Schools

- Proof of residency (see below)
- **Child’s original birth certificate (if foreign born, translated into English)**
- Child’s up-to-date immunization records signed and stamped by physician

Yonkers Public Schools

ORIGINAL BIRTH CERTIFICATE - Children born in Yonkers birth certificates may be obtained from: DEPARTMENT OF VITAL STATISTICS, CITY HALL ROOM 107, NEPPERHAN AVENUE, YONKERS, NY 10701-914-377-6017.

Children born outside of Yonkers birth certificates may be obtained from the city or state where the child was born.

For additional examples, please see Appendix C.

Figure 8: Some school districts list immigration documents as a suggested form of identification or ask for them during the registration process

Buffalo Public Schools

2. Certified birth certificate which includes parent(s) name or I-94 card (including Immigration Family Page)
3. Up-to-date immunization record
4. Latest report card (grades 1-8), official transcript (grades 9-12), and special education documents, if applicable

Williamsville Central School District

2. Immigration paperwork (Visa Status - Visitors and I-20 paperwork are not eligible for attendance in Williamsville CSD public schools)

Rochester City School District

Proof of Student's age (one of the following):

- Birth Certificate
- Baptismal Certificate
- Passports
- Green card
- I-94

officials to access student [personally identifiable information] from education records does not appear to satisfy any of the FERPA exceptions to the general rule that a parent or eligible student must consent to disclosures to third parties.”⁹ This is an essential protection that should be communicated by each school district to its staff and shared with families so that they are aware of their rights.

RECOMMENDATIONS

While some school districts are taking important steps to protect student data, there is significant room for improvement. SED should build on its clear and helpful statements to date and:

- Reiterate in formal guidelines that the intent of Commissioner’s Regulation 100.2(y) is that school districts **not ask questions about national origin during student registration**, including by providing examples of questions that districts should not include on enrollment forms.
- Provide guidance that, when required, **information on national origin should be requested following student registration**, including asking districts to explain to parents why it is being collected and what rights parents have in this context.
- Reiterate that the intent of Commissioner’s Regulation 100.2(y) is that school districts not create **inordinately burdensome requirements for documenting identity/age/residency**; for example, SED could draft a model enrollment procedure that includes best practices on the number and types of forms of proof that should have to be submitted (while maintaining the robust set of options for families who may not have access to extensive documentation to meet this requirement), and provide greater scrutiny if a district requires more extensive documentation than the model procedure.
- Require that school districts **provide training/information to staff consistent with SED’s guidance that a request from ICE or other federal immigration officials to access student personally identifiable information from education records does not satisfy any of the FERPA exceptions** to the general rule that a parent or eligible student must consent to disclosures to third parties.
- Require that school districts **provide training/information to staff on how to handle the collection, retention, and storage of information that includes sensitive immigration data** (e.g., immigration status, place of birth, country of origin,

years in U.S. schools, and U.S. entry date) and require that staff who handle student registration be instructed never to photocopy or keep on file sensitive immigration information.

- Direct school districts to protect relationships of trust between teachers/school officials and

students and their families by **maintaining confidentiality** if and when a student or family shares their immigration status by ensuring that this information is not included in notes or written records and reminding staff not to disclose this information to their colleagues without the express consent of the family.

3

RESPONDING TO REQUESTS BY FEDERAL AUTHORITIES REGARDING ENFORCEMENT OF IMMIGRATION LAWS

The great fear of many immigrant families is that under the new administration, federal authorities will depart from the established norms of ICE’s “sensitive locations” policy and try to co-opt the educational system as an arm of immigration enforcement.¹⁰ Whether or not this ever occurs, the possibility alone has had a chilling effect. For example, providers have noticed a drop in after-school participation; immigrant community-based organizations have reported a decrease in immigrant parent engagement in schools; and special education advocates have noted an increase in the number of families expressing concerns about exercising their due process rights because of their immigration status.

As a result, it is essential that school districts adopt policies and protocols that maximize the protections for students if ICE ever seeks access to a school; that these policies and protocols are shared with district staff so that they are properly followed if needed;

and that they are made available to the public and, specifically, to reassure immigrant families.

SED and the Attorney General’s Office addressed some of these concerns in their recent guidelines, reminding school districts that “law enforcement officers may not remove a student from school property or interrogate a student without the consent of the student’s parent or person in parental relation, except in very limited situations (e.g., when law enforcement officers have a valid warrant or when a crime has been committed on school property).”¹¹ Several school districts provided a copy of these guidelines in response to our inquiry (in some cases, districts had responded before the guidelines were issued).

In its own guidelines, New York City also took a further positive step, suggesting that a *judicial* rather than *administrative* warrant is a requirement for school access by ICE (**Figure 9**).¹² This is an

Figure 9: Some school districts require a judicial warrant for ICE access

New York City Department of Education

2. Proper Warrants

Whether a warrant authorizes a non-local law enforcement officer, including an ICE officer, to take a specific action, such as conducting a search or arrest, depends on the scope of the warrant and whether it was issued by a judge or was administratively issued. The DOE, consistent with the rule of law, must honor valid judicial warrants, but it is difficult for an untrained person to determine whether a warrant has been validly issued by a judge. Thus, it is vitally important to obtain a copy of the warrant and contact the SFC before allowing any access pursuant to a warrant. If a non-local law enforcement officer, including an ICE officer, presents a warrant of any type, provide the warrant to the SFC and await further instructions.

important distinction, and a standard that is also in place in other school districts including Chicago, Denver, and Miami.

In addition, New York City appears to have adopted the clearest protocols for school staff to follow if an ICE agent seeks access to a school, and provided training on it to school leaders. Rochester also responded with instructions that were provided to school employees to contact the district's Law Department if they receive any questions from ICE. However, no other school district provided such information on policies or protocols specific to ICE in response to our inquiry.

There are also important areas where existing policies can be strengthened, as cities and school districts across the country have demonstrated. Los Angeles, San Francisco, Boston, Portland, Minneapolis, Des Moines, and Sacramento require that the school district superintendent personally review any request for access by ICE. Minneapolis, Ann Arbor, Portland, Des Moines, Sacramento, Jefferson County (KY), and Broward County (FL) further require advance notice before ICE agents can set foot on school premises.¹³

RECOMMENDATIONS

SED should:

- Require that school districts **publicize and**



SUPPORTING STUDENTS AND FAMILIES WHEN A PARENT, FAMILY MEMBER, OR GUARDIAN IS AT RISK OF DEPORTATION OR HAS BEEN DEPORTED

During this time of fear and uncertainty, it is imperative that school districts ensure the availability of social-emotional supports and resources for students and their families, reaffirm safe and confidential support through school districts, ensure strong communication with families, and strengthen ties with community-based organizations that serve immigrant families.

translate their protocols and criteria for evaluating ICE access.

- Issue further guidelines reminding school districts of the following best practices to protect the learning environment and safeguard trusted relationships between school staff and families:
 - granting access to ICE only when absolutely required by law — i.e., if presented with a valid **judicial warrant** or in rare cases in the event of an emergency (and providing information to school districts on the difference between judicial and administrative warrants);
 - requiring **advance notice** before ICE can set foot on school sites, facilities, or property;
 - requiring that ICE **wait away from school sites, facilities, or property** while paperwork is reviewed;
 - establishing clear policies that **parents will be notified immediately** of any outside inquiries concerning their child, unless prohibited by law;
 - requiring that the **superintendent (not school principal or other personnel) authorize ICE entry**, after consulting with the district's counsel; and
 - **providing information and training proactively to all staff on the district's ICE protocols.**

While few school districts responded to our inquiry with documents that address these needs, there are some positive examples (**Figure 10**). New York City, Buffalo, Albany, and White Plains provide guidance on where families can seek help and information through "Know Your Rights" events and similar programs. In addition, Copiague provides parents

Figure 10: Some school districts make available resources and information to support immigrant families

Letter to parents – Buffalo Public Schools

JESSICA M. LAZARINI, DIRECTOR OF NEW AMERICANS

School Supports: Certified School Counselors, Certified School Psychologist, Certified School Social Workers, District Level Multi-Tier Student, Support Behavior Specialist, SAY YES Mental Health Clinics, Trained Parent Facilitators, SAY YES Facilitators, Various Community Partners, and School Resource Officers

Say Yes Free Legal Clinics: Free legal advice is available to all Buffalo Public School students and families on all non-criminal legal matters year-round. Clinics are open 3:30-5:30pm on Mondays at Lafayette Campus, Tuesdays at school #206, Wednesdays at Bennett Campus and Thursdays at school #307, when school is in session. Additionally, legal services are available at the BPS Adult Education Center (389 Virginia Street) on Wednesdays from 12:00-2:00pm on days when school is in session.

District Parent Drop-In Centers: Interpreters are available in the district's top six languages to answer questions about school, set-up parent meetings, learn more about events happening at the district and school level, as well as address any other concerns and/or answer any questions

- Community Academic Center, 214 Grant St. Buffalo NY 14213, 4-6pm, February 28, March 21, April 18, May 16, June 20
- East Community School, 820 Northampton St. Buffalo NY 14221, 9-11am, Feb 11, March 18, April 22, May 20

Upcoming Community Event: Immigrants & Refugees: "Know Your Rights" Workshop - Saturday, February 4, 2017 @ 12 PM – 4 PM – 184 Barton Street Buffalo NY 14213

Community resource guide – Copiague Public Schools

Immigration Information 4


Catholic Charities Immigration Services
 143 Schlegel Boulevard
 Amityville, NY 11701
 (631) 789-5210
 www.catholiccharities.cc
Legal counseling and assistance with immigration applications

St. Martin of Tours Outreach Programs/Immigration Services
 41 Union Avenue
 Amityville, NY 11701
 (631) 264-4840
 Monday to Friday 10:00-12:30pm and 1:30-4:00pm
Provides food pantry, employment referrals, immigration services

C.A.R.E.C.E.N
 2000 Brentwood Road
 Brentwood, NY 11717
 (631) 273-8721
 Monday to Friday 10:00-1:00pm and 2:00-6:00pm
 Attorney available Monday to Wednesday
Provides citizenship course, low cost assistance completing INS forms, referral service for housing, domestic violence services, etc.

U.S. Citizenship and Immigration Services
 (800) 375-5283
 www.uscis.gov

Know your rights meeting – White Plains Public Schools




BECOME INFORMED ABOUT YOUR IMMIGRATION RIGHTS AND PROTECT YOURSELF & YOUR FAMILY...

SPEAKERS


- Westchester Hispanic Coalition Inc.
- Immigration Attorney/ Advocacy Office
- FORME Medical Center
- White Plains Police Department School Resource Office

Call 914-358-5776/5692
 For more information or e-mail Klisman@fsw.org
 Sponsored by FSW Early Childhood Education Program



WHEN:
 Thursday, March 23
 11:00 to 1:00 PM

WHERE:
 Rochambeau School Auditorium
 228 Fisher Ave. White Plains, NY 10601



Information for staff – Rochester City School District

Additional Information for Families

NYS Hotline
 Governor Cuomo has launched a state hotline to assist immigrants affected by President Trump's executive orders. The phone number is [1-888-769-7243](tel:1-888-769-7243), and provides assistance in many languages.

Refugee Center Online: <https://therefugeecenter.org>

Justice for Immigrants: <http://justiceforimmigrants.org/>

Community Forum with Legal Aid Society and Catholic Family Center on March 11
 Attorneys will be present to assist refugee families with any questions or issues in regard to the new executive orders or any other legal question.
 Saturday, March 11, 10:00 am at Rochester International Academy, 1 Edgerton Park

Resources for families – New York City Department of Education

Anyone in our schools seeking immigration legal services will be referred to ActionNYC. ActionNYC is a program that offers free, safe immigration legal help from trusted community organizations, in your communities and in your language.

All New Yorkers, regardless of immigration status, can continue to access City services. Call 311 or visit nyc.gov/immigrants for more information from the Mayor's Office of Immigrant Affairs. Additionally, resources are available on the DOE website at <http://schools.nyc.gov/AboutUs/schools/SupportingAllStudents.htm>. This area of our website will be expanded in the coming weeks.

with a community resource guide (in English and Spanish) that includes listings for immigration and legal services, and Sewanhaka publishes a community resource guide that included mental health providers that focus on immigrant populations. New York City also offers translated, detailed information for parents on the district's website.

There are many more steps that school districts can take.

RECOMMENDATIONS

SED should:

- Issue further guidelines reminding school districts of the following best practices:
 - providing **social-emotional support** to students (as well as support and/or referral to supports for parents) experiencing fear and stress as a result of the national climate and possibility of family deportation;
 - maintaining updated information on local **culturally and linguistically competent resources** for students and families that include mental health providers, social workers, and reputable attorneys, publicizing these resources, and ensuring district staff know how to access the information;
 - organizing **Know Your Rights workshops** and immigration information sessions with immigrant organizations, including providing language access;
 - establishing and sharing information about **procedures if a parent is detained** and no emergency contacts are available for school pick-up or other emergent issues;
 - providing an opportunity for families to update **emergency contact** and authorized pick-up information;

- establishing a policy that employees, contractors, volunteers, and representatives will **not refer students and parents with questions about their immigration status to ICE**; and
- providing **accurate information and support if there are rumors** about ICE activity in the school community, starting with outreach to community organizations for verification prior to communicating anything.

- Provide a sample packet/template, with input from immigrant advocacy organizations, of **informational materials on federal immigration policy and rights for parents and students** that school districts can utilize, including information on making a plan in case of deportation.
- **Remind school districts of the existence of the New York State Office of Children and Family Services' *Designation of Person in Parental Relation* form**, which allows parents to designate another adult to make educational decisions for their children, and of the importance of training staff to recognize and accept it. This form is being used by immigrant families across New York State as part of their contingency planning efforts.

CONCLUSION

Reaffirming New York State's commitment to protect all children — regardless of immigration status — is a job for everyone: state leaders, district officials, educators, and support staff. In the face of such clear threats to New York's students and families from the federal government, this is a call to action that we must all answer. ■

A NOTE ON DATA COLLECTION

In order to understand how school districts are meeting the needs of immigrant families, we sought information from the 25 school districts that, according to U.S. Census data, enroll the greatest number of immigrant students in New York State.

To ensure consistency, this information was requested under the Freedom of Information Law (FOIL). While written policies or procedures alone cannot speak to fidelity of implementation, they can serve as indicators of a school district's general approach.

As of the date this publication was printed, 22 of the 25 school districts have provided the requested information. Eleven districts included registration forms, enrollment requirements, or both registration forms and enrollment requirements as part of their response to our request. Any registration forms and enrollment requirements not included in a response were procured through publicly accessible district websites (as of May 11-12, 2017), including the 14 districts that either did not include the information in their response or had not responded to our request. Furthermore, four districts responded to our request by directing us to their publicly accessible school board policies. Two of those districts directed us to specific policies. For the other two districts, which provided no guidance, we included policies which were commonly provided as a response to our request. One district — Freeport Union — rejected the FOIL request altogether.

Each school district was asked to provide the following:

1. All official policies, programs, procedures, directives, guidance or similar documents that describe how the school district ensures that all students and their families are served and welcomed regardless of immigration status or national origin (this may include, but is not limited to, enrollment, access to appropriate instruction, and preventing discrimination, bullying and/or harassment). Please provide in as many languages as the document has been issued.
2. All official policies, procedures, directives, guidance or similar documents that describe the school district's approach to the collection, retention, storage and/or release (including but not limited to release to federal authorities) of information that includes students' and/or families' immigration status, place of birth, country of origin, years in U.S. schools and U.S. entry date. Please provide in as many languages as the document has been issued.
3. All official policies, procedures, directives, guidance or similar documents that describe the school district's approach (including as it relates to school safety or resource officers) to compliance with requests by federal authorities regarding enforcement of immigration laws. Please provide in as many languages as the document has been issued.
4. All official policies, programs, procedures, directives, guidance or similar documents that describe the school district's approach to supporting students when a parent, family member or guardian could be or has been deported. Please provide in as many languages as the document has been issued.

SCHOOL DISTRICT	NUMBER OF FOREIGN-BORN STUDENTS
New York City Department of Education	126,940
Buffalo City School District	3,065
Syracuse City School District	2,275
Yonkers City School District	2,190
Rochester City School District	1,600
Utica City School District	1,500
East Ramapo Central School District	1,455
Brentwood Union Free School District	1,290
Sewanhaka Central High School District	1,110
New Rochelle City School District	965
Albany City School District	815
Haverstraw-Stony Point Central School District (North Rockland)	810
Schenectady City School District	785
Copiague Union Free School District	780
Freeport Union Free School District	725
White Plains City School District	690
Harrison Central School District	685
Middletown City School District	680
Central Islip Union Free School District	660
Mount Vernon School District	645
Great Neck Union Free School District	585
Uniondale Union Free School District	565
Ossining Union Free School District	560
Newburgh City School District	540
Williamsville Central School District	540

Source: United States Census Bureau, American Community Survey, 5-year estimates (2010-2014).

Appendix A – Additional Examples: Some school districts ask potentially chilling questions about national origin during student registration (pre-enrollment)

Enlarged City School District of Middletown

Student's Last Name _____ First _____ Middle _____
 Date of Birth _____ Birth Place _____ Gender _____

North Rockland Central School District

First: _____ MI: _____
 Date of Birth: _____ Place of Birth: _____

Newburgh Enlarged City School District

Birth Country of Student: _____
 Date Entered US: _____
 Date Entered US School: _____
 Date Entered State School: _____

White Plains Public Schools

Child's date of birth _____
 Birthplace _____
 Date child entered U.S. _____
 Date child first entered U.S. school _____

Mount Vernon City School District

Address: _____
 Birthplace: _____
 Ethnicity: Hispanic/Latino o

Syracuse City School District

1.9 City of Birth: Syracuse
 1.10 State of Birth: New York
 1.11 Country of Birth: Choose One
 1.12 *Ethnicity: Hispanic Not Hispanic

Utica City School District

Date first enrolled in a U.S. School _____ Last Grade Completed in the U. S. _____
 Previous Education outside the U.S. _____
 Name City Country

Central Islip Union Free School District

Street & Town _____
 Birth Place City _____

Copiague Public Schools

Home Phone: _____
 Address: _____
 Birthplace: _____

Appendix A – Additional Examples (cont.): Some school districts ask potentially chilling questions about national origin during student registration (pre-enrollment)

City School District of Albany

Student's home phone: _____

Country of origin: _____ Primary language: _____

Schenectady City School District

Date of Birth _____ LAST _____ FIRST _____ MIDDLE _____
City, State or Country of Birth _____

If born out of the Country, what was the date when the child first entered the US? _____

Uniondale School District

Name of Last School Attended (Anywhere) _____ Tel.# _____

Address of School _____ City _____ State _____ Country _____

Last Date Attended _____ Grade _____

Student Address During Attendance _____ City _____ State _____ Country _____

Appendix B – Additional Examples: Some school districts require at least three pieces of evidence for residency

City School District of New Rochelle

Parents seeking to register children should call the school's main office for an appointment. At the time of registration, parents present: three (3) proofs of residency, such as utility bills, mortgage statement, or other bills received by mail; proof of the student's age, such as birth or baptismal certificate; immunization records; transcripts from previous schools, and the most recent report card. For students residing with other than a parent or court-appointed legal guardian, or in cases where parents do not have required proof of residency, enrollment must be arranged through the Department of Pupil Services. Please call 576-4274 for information.

Central Islip Union Free School District

<p>✓ Proof of Residency</p>	<p>Home Owners: Tax Statement or mortgage statement and 2 of the following documents</p> <ul style="list-style-type: none">▪ Recent utility bill such as – electric, gas, oil, water▪ Car insurance or registration▪ Income Tax form▪ Paystub showing address▪ Membership cards based on residency <p>Child custody documentation, such as custody orders or guardianship papers that states address</p> <p>Renters:</p> <ul style="list-style-type: none">▪ Landlord affidavit and 2 of the following documents▪ Recent utility bill such as – electric, gas, oil, water▪ Car insurance or registration▪ Income Tax form▪ Paystub showing address▪ Membership cards based on residency
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Mount Vernon City School District

attended, immunization records, grades, standardized test scores, and Section 504 of Special Education must be submitted.

2. **Proof of Residency:** The Mount Vernon City School District requires evidence of residency and may make a reasonable Inquiry to verify eligibility for admission into our schools. Parent/guardian should provide 1 item from Section A and 2 item(s) from Section B. If unable to provide an item for Section A, parent/guardian will need to provide 3 item(s) from Section B.

Great Neck Public Schools

Acceptable Proofs of Residency

The following items are acceptable proofs of residency in the Great Neck School District:
Deed, closing statement, or tax statement if you own a home; proprietary lease (for co-op); current lease, rental statement/agreement, or affidavits of residency (obtained from this office or online) signed and notarized

AND

any three (3) of the following (dated current or past month only) - **please note we will accept either Gas or Electric Bill, not both:**

- | | |
|----------------------------------|--|
| Water Bill | Mortgage Statement/Payment Booklet |
| Electric Bill or Gas Bill | D.S.S. Correspondence |
| Automobile Registration | Social Security Correspondence |
| Telephone Bill | Unemployment Correspondence |
| IRS Correspondence | Foster Care Agency Letter |
| Credit Card Statements | Mailed Bank Statement |
| Cell Phone Bill | Tax Bill |
| Cablevision or Satellite Bill | Home/Tenant/Car/Life/Health Insurance |
| Federal/State Mail with Address | Stamped Post Office Change of Address Form |
| Pay Stub with Current Address | Voter Registration |
| Oil Delivery Bill | |

Ossining Union Free School District

2. **Proof of Residency is required.** *According to NY State Law: In order to register your child/children in the School District, you must be physically domiciled at your address within the School District's geographic boundaries.*

You should provide at least **one (1) item from Section A AND three (3) items from Section B; if you cannot provide an item from Section A, you will need to provide four (4) items from Section B.**

Section A	Section B
1) Copy of a residential lease or proof of ownership of a house or condominium, such as a deed or mortgage statement	1) pay stub
2)a statement by a third-party landlord, owner or tenant from whom the parent(s) or person(s) in parental relation leases or with whom they share property within the district	2) income tax form(s)
3) such other statement by a third-party establishing parent(s) or person(s) in parental relation physical presence in the School District	3) Utility bill or other bills (e.g., power company, cable, National Grid, etc.)
Note: The Ossining School District reserves the right to contact any individual who provides a statement attesting to the physical presence in the School District of the parent(s) or person(s) in parental relation to the student requesting enrollment.	4) membership documents that are based upon residency (e.g., library cards)
	5) voter registration document(s)
	6) official driver's license, learner's permit or non-driver identification
	7) documents issued by federal, state or local agencies (for instance, local social services agency, federal Office of Refugee Resettlement)
	8) evidence of custody of the child/children, including, but not limited to judicial custody orders or guardianship papers
	9) Other forms of documentation and/or information establishing parent(s) or person(s) in parental relation physical presence in the School District.

If you have any questions regarding the fulfillment of the District's residency requirements or are homeless, please contact...

Freeport Public Schools

**The following items are acceptable proofs of residency in the Freeport School District:
 **Deed or Current Lease NOTARIZED plus a minimum of three (3) of the following:
 (Dated within the last 45-60 days: proofs must be from different agencies or establishments)**

- | | |
|---------------------------|--------------------------------------|
| Freeport Water Bill | Mailed Post Office Change of Address |
| Freeport Electric Bill | D.S.S. Correspondence |
| LIPA/Keyspan Gas Bill | Social Security Correspondence |
| Telephone Bill | Unemployment Correspondence |
| Foster Care Agency Letter | Pay stub w/current address |
| Credit Card Statement | Mailed Bank Statement |
| N.Y. Driver's License | Cablevision or Satellite Bill |
| Auto Ins. Bill | Federal/State Mail w/current address |
| Mortgage Statement | Home/Tenant/Life/Health Ins. Bills |

Appendix B – Additional Examples (cont.): Some school districts require at least three pieces of evidence for residency

Harrison Central School District

Provide at least one utility bill, one item from Section A, plus one item from Section B.

Section A	Section B
1. Copy of a residential lease or proof of ownership of a house or condominium, such as a deed or mortgage statement	1. Pay stub
2. A statement by a third-party landlord, owner or tenant from whom the parent(s) or person(s) in parental relation leases or with whom they share property within the district	2. Income tax form(s)
3. In the absence of the above, the District may consider other forms of documentation and/or information such as a statement by a third-party establishing parent(s) or person(s) in parental relation physical presence in the School District	3. Additional Utility bills
	4. Cell Phone bills
	5. Voter registration document(s)
	6. Official driver's license, learner's permit or non-driver identification
	7. Documents issued by federal, state or local agencies (for instance, local social services agency, Federal Office of Refugee Resettlement)
	8. In the absence of the above, the District may consider other forms of documentation and/or information establishing parent(s) or person(s) in parental relation physical presence in the School District

Appendix C – Additional Examples: Some school districts require inordinately burdensome evidence of the student's age, including original birth certificates and/or not listing alternative forms of identification for students who do not have a birth certificate

Buffalo Public Schools (does not include alternatives if birth certificate is unavailable)

2. Certified birth certificate which includes parent(s) name or I-94 card (including Immigration Family Page)
3. Up-to-date immunization record
4. Latest report card (grades 1-8), official transcript (grades 9-12), and special education documents, if applicable
5. Parent/legal guardian photo identification

Harrison Central School District

- **Required Forms of Proof of Date of Birth**
In order to determine the programming needs of your child/children, you must show proof of age by providing one of the following:
 - An original birth certificate or record of baptism
 - Original passport
 - Where the above is not available, the School District may consider certain other documents/records in existence two years or more to determine age.
 - A photo ID of parent/guardian when possible

Rochester City School District (does not include alternatives if these documents are unavailable)

Proof of Student's age (one of the following):
Birth Certificate
Baptismal Certificate
Passports
Green card
I-94

Schenectady City School District (does not include alternatives if birth certificate is unavailable)

- Proof of student Age**
 - A birth certificate or passport is accepted as proof of student age.

Appendix C – Additional Examples (cont.): Some school districts require inordinately burdensome evidence of the student’s age, including original birth certificates and/or not listing alternative forms of identification for students who do not have a birth certificate

Newburgh Enlarged City School District (does not include alternatives if birth certificate is unavailable)

Documents Needed to Register a Student for the Newburgh Enlarged City School District

1. Birth Certificate
2. Immunization/shot record (up to date)
3. Copy of last physical exam

Enlarged City School District of Middletown

THE FOLLOWING DOCUMENTS ARE RECOMMENDED TO ENROLL YOUR CHILD:

- > ORIGINAL BIRTH CERTIFICATE
- > IMMUNIZATION (SHOT) RECORDS
- > PROOF OF ADDRESS:

City School District of Albany

To enroll in the City School District of Albany, New York State Education Law requires that students be residents of the district and of age to attend school. The following documents must be submitted to demonstrate this:

1) Documentation of birth – One of the following. Copies will *not* be accepted.

- Original birth certificate
- Original baptismal certificate
- Passport

Uniondale Union Free School District

The following original documents must be presented to complete the registration process:

- Parent/ Guardian must produce an UNEXPIRED VALID Government Issued Photo ID.
- You must submit the original birth certificate or record of baptism for each child. If this is not available a passport may be used to determine a child's age. Last if you have none of the above you may supply the following for the child:

White Plains Public Schools (does not include alternatives if these documents are unavailable)

- Proof of residency in White Plains (see information below);
- Official verification of the date of birth (birth or baptismal certificate or passport);

Williamsville Central School District

Child's original birth certificate with seal or Foster Care DSS 2999 Form

ENDNOTES

¹ *Plyler v. Doe*, 457 U.S. 202 (1982).

² United States Census Bureau, American Community Survey, 5-year estimates (2010-2014).

³ *Statement from New York State Board of Regents Chancellor Betty A. Rosa*. February 21, 2017. <http://www.nysed.gov/news/2017/statement-new-york-state-board-regents-chancellor-betty-rosa>.

⁴ *Letter from Commissioner Elia and NYS Attorney General Regarding U.S. Immigration and Customs Enforcement*. February 27, 2017. <http://www.nysed.gov/common/nysed/files/oag-sed-letter-ice-2-27-17.pdf>.

See also: *Guidance Concerning Local Authority Participation in Immigration Enforcement and Model Sanctuary Provisions*. January 2017. https://ag.ny.gov/sites/default/files/guidance_concerning_local_authority_participation_in_immigration_enforcement.1.19.17.pdf.

⁵ *Governor Cuomo Announces Actions to Protect Civil Rights and Combat Hate Crimes*. November 20, 2016. <https://www.governor.ny.gov/news/governor-cuomo-announces-actions-protect-civil-rights-and-combat-hate-crimes>.

⁶ Commissioner's Regulation 100.2(y)(3)(i).

⁷ *Letter from Commissioner Elia and NYS Attorney General Regarding U.S. Immigration and Customs Enforcement*. February 27, 2017. <http://www.nysed.gov/common/nysed/files/oag-sed-letter-ice-2-27-17.pdf>.

⁸ See: <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html?src=rn>.

⁹ *Letter from Commissioner Elia and NYS Attorney General Regarding U.S. Immigration and Customs Enforcement*. February 27, 2017. <http://www.nysed.gov/common/nysed/files/oag-sed-letter-ice-2-27-17.pdf>.

¹⁰ ICE's "sensitive locations" policy is "designed to ensure that [arrests, interviews, searches, and, for purposes of immigration enforcement only, surveillance] do not occur at nor are focused on sensitive locations such as schools and churches unless (a) exigent circumstances exist, (b) other law enforcement actions have led officers to a sensitive location..., or (c) prior approval is obtained." See: <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>.

¹¹ *Letter from Commissioner Elia and NYS Attorney General Regarding U.S. Immigration and Customs Enforcement*. February 27, 2017. <http://www.nysed.gov/common/nysed/files/oag-sed-letter-ice-2-27-17.pdf>.

¹² A "judicial warrant" can be civil or criminal, but is issued by a neutral judge, magistrate, or other judicial officer after an independent assessment of the legal basis for the warrant. An "administrative warrant" in the immigration context is any document issued by a designated ICE official documenting the authority of an ICE agent to arrest a person suspected of violating immigration laws. These administrative warrants are not issued by a neutral party, but instead can be signed by various designated immigration officers, including the ICE agents themselves.

¹³ New York Immigration Coalition.



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The Committee for Hispanic
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