

STATE OF NEW YORK

4735--A

2025-2026 Regular Sessions

IN SENATE

February 12, 2025

Introduced by Sens. SEPULVEDA, COMRIE, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil rights law and the education law, in relation to protecting students, faculty, and staff from immigration enforcement while attending or participating in school activities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "protect our schools act".

3 § 2. The civil rights law is amended by adding a new section 29 to
4 read as follows:

5 § 29. Immigration enforcement; protection in school settings. 1. A
6 person attending, employed at, or otherwise lawfully present at a public
7 or charter school, including students, teachers, school staff, volun-
8 teers, and visitors, is privileged from immigration enforcement while on
9 school grounds in non-public portions of such grounds, unless the
10 enforcement action is supported by a valid court order or judicial
11 warrant issued by an independent judge appointed pursuant to Article III
12 of the United States constitution or federal magistrate judge appointed
13 pursuant to 28 USC § 631 commanding the arrest of such individual.

14 2. Administrative warrants, immigration detainers, and all other docu-
15 ments besides a valid court order or judicial warrant are insufficient
16 for immigration enforcement in non-public portions of school grounds.

17 3. It shall be considered unlawful and constitute unlawful imprison-
18 ment for any person to willfully violate this section by executing or
19 assisting in an arrest prohibited under this section, provided, however,
20 that nothing in this subdivision shall affect any right or defense of
21 any person, school resource officer, police officer, peace officer or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 public officer acting lawfully pursuant to their duty to maintain safety
2 in school settings.

3 4. A person whose rights under this section are violated or may be
4 violated may bring a civil action for equitable and declaratory relief
5 if such person has reasonable cause to believe a violation of this
6 section has occurred or may occur. Additionally, the attorney general
7 may bring a civil action in the name of the state to obtain appropriate
8 equitable and declaratory relief if the attorney general has reasonable
9 cause to believe a violation of this section has occurred or may occur.

10 5. Any successful action pursuant to this section may result in the
11 recovery of costs and reasonable attorney's fees.

12 6. As used in this section:

13 (a) "Administrative warrant" shall mean a warrant that is prepared and
14 issued by federal immigration authorities and directs federal officials
15 to arrest a noncitizen for removal or removal proceedings.

16 (b) "Immigration detainer" shall mean a request, typically issued by
17 federal immigration authorities to local law enforcement agencies, to
18 keep an individual in custody for up to forty-eight hours beyond when
19 the individual is scheduled for release.

20 (c) "Immigration enforcement" means the enforcement of any civil
21 provision of the federal Immigration and Nationality Act or any
22 provision of law that penalizes a person's presence in, entry into, or
23 reentry into the United States.

24 § 3. The education law is amended by adding a new section 409-o to
25 read as follows:

26 § 409-o. Authority of public and charter schools to maintain a safe
27 educational environment. 1. Public and charter school personnel shall
28 take appropriate action to prevent unauthorized law enforcement activity
29 on school grounds, to protect students' rights to a secure learning
30 environment.

31 2. All public and charter schools are prohibited from allowing law
32 enforcement officials inside school property to access a student or
33 other person for immigration enforcement or to inquire about citizen-
34 ship, immigration status, nationality, or country of origin, except to
35 address an imminent safety situation or if they present a valid court
36 order or judicial warrant issued by an independent judge appointed
37 pursuant to Article III of the United States constitution or federal
38 magistrate judge appointed pursuant to 28 USC § 631.

39 3. If presented with a valid court order or judicial warrant related
40 to immigration enforcement, before taking any other action, the school
41 personnel must ask for identification from any law enforcement officers
42 presenting a court order or judicial warrant and provide the school's
43 superintendent with the court order or judicial warrant, and such super-
44 intendent shall follow all protocols and guidance issued by the commis-
45 sioner related to an immigration enforcement action.

46 4. A school shall immediately notify the parent or guardian of the
47 student who is the subject of a court order or judicial warrant author-
48 izing an immigration enforcement arrest unless specifically prohibited
49 by such warrant or order.

50 5. No resources of any public or charter school shall be utilized for
51 immigration enforcement, including the time of school personnel and
52 school resource officers and use of school property.

53 6. School personnel, including school resource officers, shall be
54 prohibited from disclosing student records containing immigration status
55 or related information to immigration authorities.

1 7. (a) The commissioner shall promulgate all rules and regulations
2 necessary to ensure compliance with the provisions of this section,
3 including but not limited to, training for school personnel on handling
4 law enforcement requests, protocols for if law enforcement refuses to
5 identify themselves or disregards other school personnel efforts to
6 abide by this subdivision, and appropriate methods for notifying a
7 parent or guardian of a student who is the target of an immigration
8 enforcement action.

9 (b) The department shall publish an annual report on enforcement
10 actions affecting schools, detailing the number and nature of civil
11 arrests attempted or conducted on school premises and their outcome, as
12 well as all communications between immigration authorities and school
13 personnel and their content.

14 8. Public and charter schools shall publicly post information about
15 the rights of students, staff, and parents under the provisions of
16 this section, as well as other information related to immigration
17 enforcement in schools as deemed fit by the commissioner.

18 § 4. Severability. If any clause, sentence, paragraph, section or part
19 of this act shall be adjudged by any court of competent jurisdiction to
20 be invalid and after exhaustion of all further judicial review, the
21 judgment shall not affect, impair or invalidate the remainder thereof,
22 but shall be confined in its operation to the clause, sentence, para-
23 graph, section or part of this act directly involved in the controversy
24 in which the judgment shall have been rendered.

25 § 5. This act shall take effect immediately.