

STATE OF NEW YORK

10021

IN ASSEMBLY

January 23, 2026

Introduced by M. of A. CRUZ -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to prohibiting children from being denied access to a free public education due to citizenship or immigration status

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

1 Section 1. The education law is amended by adding a new section 3201-b
2 to read as follows:

3 § 3201-b. Denial of a free public education prohibited. 1. For
4 purposes of this section, the following terms shall have the following
5 meanings:

6 (a) "School" shall include a school district, public school, charter
7 school, board of cooperative educational services, special act school
8 district as defined in section four thousand one of this chapter,
9 approved preschool special education program pursuant to section forty-
10 four hundred ten of this chapter, approved private residential or non-
11 residential school for the education of students with disabilities
12 including private schools established under chapter eight hundred
13 fifty-three of the laws of nineteen hundred seventy-six, or state-oper-
14 ated or state-supported school in accordance with article eighty-five,
15 eighty-seven or eighty-eight of this chapter.

16 (b) "School property" shall mean: in or within any building, struc-
17 ture, athletic playing field, playground, parking lot, or land contained
18 within the real property boundary line of a school; or in or on a school
19 bus, as defined in section one hundred forty-two of the vehicle and
20 traffic law.

21 (c) "School function" shall mean a school sponsored event or activity,
22 including if such event or activity occurs outside of school property.

23 (d) "Immigration authorities" shall mean any officer, employee,
24 government employee, or agent thereof, who is responsible for enforce-
25 ment of the federal Immigration and Nationality Act, including but not
26 limited to any officer or agent of the United States immigration and
27 customs enforcement agency or the United States customs and border

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

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1 protection, and any officer or agent of local law enforcement partic-
2 ipating in or otherwise facilitating immigration enforcement activity.

3 (e) "Child" shall mean a person entitled to attend the public schools
4 of this state under section three thousand two hundred two of this part.

5 (f) "School personnel" shall mean any employee, agent, or officer of a
6 school or any volunteer or employee of any firm, corporation, institu-
7 tion, or governmental agency who works on school property.

8 2. Notwithstanding any general, special, local law, rule or regulation
9 of the education department to the contrary, no child shall be refused
10 admission into, be discouraged from participation in, have their admis-
11 sion delayed, or be excluded from any school in the state of New York on
12 account of perceived or actual citizenship or immigration status or the
13 perceived or actual citizenship or immigration status of their parents
14 or person in a parental relationship.

15 (a) No school or school personnel shall exclude, discourage, or impede
16 a student from participation in or deny a student the benefits of any
17 program or activity on account of their perceived or actual citizenship
18 or immigration status or the perceived or actual citizenship or immi-
19 gration status of their parents or person in a parental relationship.

20 (b) No school or school personnel shall use policies or procedures or
21 engage in practices that have the intent or effect of excluding,
22 discouraging, or impeding a student from participation in or denying the
23 benefits of any program or activity or the intent or effect of excluding
24 participation of such student's parent or person in a parental relation-
25 ship from parental engagement activities or programs on account of their
26 perceived or actual citizenship or immigration status or the perceived
27 or actual citizenship or immigration status of their parents or person
28 in a parental relationship. These policies, procedures, and practices
29 include, but are not limited to:

30 (i) Requesting or collecting information or documentation from a
31 student or student's parents or person in a parental relationship about
32 citizenship, immigration status, place of birth, nationality, or
33 national origin unless otherwise required by state or federal law;

34 (ii) Designating immigration status, citizenship, place of birth,
35 nationality, or national origin as directory information; and

36 (iii) Employing registration and enrollment requirements or procedures
37 that have the intent or effect of disproportionately delaying or denying
38 the enrollment of non-citizen students.

39 3. No school or school personnel shall:

40 (a) Threaten to disclose any information about the actual or perceived
41 citizenship or immigration status of a student or a person associated
42 with such student to any other person or entity, including any immi-
43 gration authorities.

44 (b) Disclose any information related to the perceived citizenship or
45 immigration status of a student or a person associated with such student
46 to any other person or entity, including any immigration authorities, if
47 the school does not have documentation of such student's or associated
48 person's actual citizenship or immigration status.

49 (c) Disclose anything related to the actual records or information
50 about the citizenship or immigration status of a student or a person
51 associated with such student unless required by state or federal law,
52 and subject to the limitations of such law. This paragraph and paragraph
53 (b) of this subdivision shall not be construed to prohibit or restrict
54 an entity from sending to or receiving from the United States department
55 of homeland security or any other federal, state, or local governmental
56 entity information regarding the citizenship or immigration status of an

1 individual under Sections 1373 and 1644 of Title 8 of the United States
2 Code.

3 4. No school or school personnel shall allow immigration enforcement
4 to enter school property or a school function for any purpose without
5 being presented with a valid judicial warrant or judicial subpoena
6 authorizing such entry.

7 5. Within thirty days of the effective date of this section, each
8 school shall develop procedures for reviewing and authorizing requests
9 from immigration authorities attempting to enter school property or a
10 school function. Such procedures shall comply with the requirements of
11 this section and shall include, but not be limited to:

12 (a) procedures for requesting identification from, and recording the
13 names and agencies of immigration authorities that request to enter
14 school property or a school function, or access a student or a student's
15 records;

16 (b) procedures for contacting the school's attorney, superintendent,
17 district superintendent, or principal, and any other designated individ-
18 uals, and procedures for those individuals to determine whether such
19 requests meet the requirements of subdivision four of this section prior
20 to allowing any immigration authorities to enter school property or such
21 function;

22 (c) procedures for monitoring, documenting, and maintaining a record
23 of all interactions with immigration authorities while on the school's
24 property or at the function and guidance for preventing the disclosure
25 of personally identifiable information in compliance with the Federal
26 Educational Rights and Privacy Act, sections two-c and two-d of this
27 chapter, and federal and state implementing regulations;

28 (d) procedures for notifying and seeking consent from a student's
29 parents or person in a parental relationship or from the student if the
30 student is eighteen years of age or older or emancipated if an immi-
31 gration authority requests access to a student or a student's records
32 unless such access is in compliance with a judicial warrant or subpoena
33 that restricts the disclosure of the information to the student's parent
34 or person in a parental relationship;

35 (e) procedures for notifying parents and persons in a parental
36 relationship about the rights of and protections for students, parents,
37 and persons in a parental relationship provided by this section; and

38 (f) procedures for ensuring all school personnel are aware of the
39 school's procedures as required by this subdivision.

40 6. Within sixty days of the effective date of this section, each
41 school shall attest to the department in a form prescribed by the
42 department that they have developed procedures for reviewing and author-
43 izing requests from immigration authorities to enter school property or
44 a school function as required by subdivision five of this section.

45 7. Beginning thirty days after the effective date of this section, the
46 attorney general may take proof and determine the relevant facts and
47 issue subpoenas in accordance with the civil practice law and rules, and
48 may bring a civil action on behalf of an injured party aggrieved by
49 conduct that violates subdivisions two, three, four, or five of this
50 section.

51 (a) Such civil action may seek damages for violations of subdivisions
52 two, three, or four of this section, or injunctive relief or other
53 appropriate relief for any violation of this section. Such civil action
54 shall be brought in the name of the state. If the attorney general
55 proceeds with and prevails in an action brought pursuant to this
56 section, the court shall order the distribution of any award of damages

1 to the injured party and shall award reasonable attorneys' fees and
2 costs to the attorney general.

3 (b) Such civil action shall be brought no later than six years after
4 the alleged violation.

5 (c) Nothing in this section may be construed to require an exhaustion
6 of the administrative complaint process before the attorney general may
7 commence a civil action.

8 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
9 sion, section or part of this act shall be adjudged by any court of
10 competent jurisdiction to be invalid, such judgment shall not affect,
11 impair, or invalidate the remainder thereof, but shall be confined in
12 its operation to the clause, sentence, paragraph, subdivision, section
13 or part thereof directly involved in the controversy in which such judg-
14 ment shall have been rendered. It is hereby declared to be the intent of
15 the legislature that this act would have been enacted even if such
16 invalid provisions had not been included herein.

17 § 3. This act shall take effect immediately.