STATE OF NEW YORK

4735

2025-2026 Regular Sessions

IN SENATE

February 12, 2025

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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

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

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

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

§ 29. Civil arrest; protection in school settings. 1. A person attending, employed at, or otherwise lawfully present at a school, including students, teachers, school staff, volunteers, and visitors, is privileged from civil arrest while:

(a) traveling to and from school;

(b) attending classes or school-related activities;

(c) participating in extracurricular or educational programs on school grounds or are affiliated with the school, including but not limited to after school programs.

2. No civil arrest shall be executed on school premises unless supported by a judicial warrant authorizing such an arrest or detainment.

3. No other document shall be sufficient for the execution of any civil arrest including an administrative warrant or immigration detainer.

4. It shall be considered unlawful and constitute false imprisonment for any person to willfully violate this section by executing or assisting in an arrest prohibited under this section.

5. A person whose rights under this section are violated may bring a civil action for equitable and declaratory relief. Additionally, the

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

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attorney general may bring a civil action in the name of the state to enforce compliance.

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

7. As used in this section:

(a) "Judicial warrant or order" shall mean a warrant or order that is signed by a United States district judge or federal magistrate judge and demonstrates probable cause to believe an individual has committed a crime or offense.

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

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

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

§ 409-o. Authority of schools to maintain a safe educational environment. 1. School administrators shall take appropriate action to prevent unauthorized law enforcement activity on school grounds, to protect students' rights to a secure learning environment.

2. All public and charter schools are prohibited from allowing law enforcement officials inside school property to access a student, except to address an imminent safety situation or if they present any of the documents stated in paragraph (b) of subdivision three of this section.

3. Every law enforcement official entering school property with the intent to conduct a civil immigration arrest shall:

(a) Identify themselves to school administration;

(b) Provide a judicial warrant or judicial order authorizing an arrest; and

(c) Obtain permission from school administrators unless responding to an imminent safety threat.

4. Before taking any other action, a school shall provide the school's superintendent and school district attorney with the documentation provided pursuant to paragraph (b) of subdivision three of this section, which such superintendent and school district attorney shall assess in the context of the law enforcement request, and await guidance before proceeding.

5. A school shall immediately notify the parent or guardian of the student who is the subject of a judicial warrant or judicial order authorizing an arrest unless specifically prohibited by such warrant or order.

6. Schools shall establish and publicly post protocols to ensure students, staff, and parents are aware of their rights under the provisions of this section.

7. No school resource officer or any law enforcement official acting on behalf of an immigration authority shall detain, interrogate, or remove a student for the purpose of ascertaining immigration status.

8. Law enforcement officials shall not utilize school facilities for immigration enforcement actions unless required by law or a judicial order.

9. Student resource officers shall be prohibited from accessing or redisclosing student records containing immigration status or related information except when a judicial order or lawfully issued subpoena is

provided and after consultation with the school's superintendent and school district attorney.

10. (a) The commissioner shall promulgate all rules and regulations necessary to ensure compliance with the provisions of this section, including but not limited to, training for school personnel on handling law enforcement requests.

(b) The department shall publish an annual report on enforcement actions affecting schools, detailing the number and nature of civil arrests attempted or conducted on school premises.

11. As used in this section "judicial warrant or order" shall mean a warrant or order that is signed by a United States district judge or federal magistrate judge and demonstrates probable cause to believe an individual has committed a crime or offense.

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

§ 5. This act shall take effect immediately.