STATE OF NEW YORK

8597

2025-2026 Regular Sessions

IN SENATE

December 3, 2025

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

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:

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

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

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

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

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

(d) "Immigration authorities" shall mean any officer, employee, government employee, or agent thereof, who is responsible for enforce-

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

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ment of the federal Immigration and Nationality Act, including but not limited to any officer or agent of the United States immigration and customs enforcement agency or the United States customs and border protection, and any officer or agent of local law enforcement participating in or otherwise facilitating immigration enforcement activity.

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

(f) "School personnel" shall mean any employee, agent, or officer of a school or any volunteer or employee of any firm, corporation, institution, or governmental agency who works on school property.

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

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

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

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

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

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

3. No school or school personnel shall:

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

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

(c) Disclose anything related to the actual records or information about the citizenship or immigration status of a student or a person associated with such student unless required by state or federal law, and subject to the limitations of such law. This paragraph and paragraph (b) of this subdivision shall not be construed to prohibit or restrict

an entity from sending to or receiving from the United States department of homeland security or any other federal, state, or local governmental entity information regarding the citizenship or immigration status of an individual under Sections 1373 and 1644 of Title 8 of the United States Code.

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

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

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

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

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

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

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

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

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

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

(a) Such civil action may seek damages for violations of subdivisions two, three, or four of this section, or injunctive relief or other appropriate relief for any violation of this section. Such civil action

shall be brought in the name of the state. If the attorney general proceeds with and prevails in an action brought pursuant to this section, the court shall order the distribution of any award of damages to the injured party and shall award reasonable attorneys' fees and costs to the attorney general.

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

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

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

§ 3. This act shall take effect immediately.