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

(a) "School" includes 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, or state-operated school. For the purposes of subdivisions three through eleven of this section, school also includes universal pre-kindergarten programs authorized under this chapter that are operated by schools on school property.

(b) "School property" means: 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" means a school sponsored event or activity, including if such event or activity occurs outside of school property.

(d) "Immigration authority" has the same meaning as such term is defined in section three hundred nineteen of the executive law.

(e) "Immigration enforcement" has the same meaning as such term is defined in section three hundred nineteen of the executive law.

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

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

(h) "School resource officer" means a school resource officer, school safety officer, school security official, or any other substantially similar position or office whose purpose is to provide improved public safety and/or security on school property.

(i) "Immigration detainer" means any document, form, or other communication requesting or directing that a school or school personnel detain or maintain custody of an individual, for any period of time, for pickup by or transfer to immigration authorities.

(j) "Civil immigration warrant" means any warrant for a violation of civil immigration law that is not issued by a judge appointed pursuant

to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631.

(k) "Municipal government" means a municipal corporation or a governing board as defined in section two of the general municipal law.

2. (a) No child shall be denied a free public education. Notwithstanding any general, special or local law, rule or regulation of the education department to the contrary, no child shall be refused admission into, be deterred from participation in, have their admission delayed to, or be excluded from any school in the state of New York on account of such child's perceived or actual citizenship or immigration status or the perceived or actual citizenship or immigration status of a person in a parental relationship to such child.

(b) No school or school personnel shall undertake any action or use any policies that have the intent or effect of deterring a student from participation in or denying a student the benefits of any program or activity on account of such student's perceived or actual citizenship or immigration status or the perceived or actual citizenship or immigration status of a person in a parental relationship to such student.

(c) No school or school personnel shall use policies or procedures or engage in practices that have the intent or effect of excluding participation of a person in a parental relationship to a student from parental engagement activities or programs on account of their perceived or actual citizenship or immigration status.

3. No school or school personnel shall:

(a) use school resources, including, but not limited to, time spent while on duty on school property or at a school function for immigration enforcement purposes;

(b) disclose any information, including actual records, about the actual or perceived citizenship or immigration status of a student or a person in a parental relationship to such student to any other person or entity, including an immigration authority or any employee thereof, except to comply with a court order issued by a judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631, or a judicial warrant issued by a judge appointed pursuant to Article III of the United States

Constitution or federal magistrate judge appointed pursuant to 28 U.S.C. § 631;

(c) threaten to disclose any information, including actual records, 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 an immigration authority or any employee thereof;

(d) disclose to an immigration authority or any employee thereof the personally identifiable information of a student or a person in a parental relationship to such student, including, but not limited to, name, social security number, physical description, associated addresses, telephone number, financial information, medical information, or place of employment or education except to comply with a court order issued by a judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631, or a judicial warrant issued by a judge appointed pursuant to Article III of the United States Constitution or federal magistrate judge appointed pursuant to 28 U.S.C. § 631 or unless otherwise required by law;

(e) inquire about a student or a person in a parental relationship to such student about such person's citizenship, immigration status, nationality, or country of origin, except to comply with a court order issued by a judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631, or a judicial warrant issued by a judge appointed pursuant to Article III of the United States Constitution or federal magistrate judge appointed pursuant to 28 U.S.C. § 631; or as necessary to administer a public program or benefit sought by such person; or when registering an individual to vote and other election related matters; or as otherwise required by law;

(f) collect information from a student or a person in a parental relationship to such student about such student's or person's citizenship, immigration status, nationality, or national origin except to comply with a court order issued by a judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631, or a judicial warrant issued by a judge appointed pursuant to Article III of the United States Constitution or federal magistrate judge appointed pursuant to 28 U.S.C.

§ 631; or as necessary to administer a public program or benefit sought by such person; or when registering an individual to vote and other election related matters; or as otherwise required by law;

(g) designate immigration status, citizenship, nationality, or national origin as directory information; or

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

4. (a) No school or school personnel shall grant permission to access or facilitate access to non-public areas of school property or facilities owned or operated by or under the control of a school to any immigration authority engaging in immigration enforcement unless presented with a judicial warrant signed by a judge appointed pursuant to Article III of the United States Constitution or federal magistrate judge appointed pursuant to 28 U.S.C. § 631, authorizing a search or seeking the arrest of an individual present at the time the judicial warrant is presented, or as otherwise required by law.

(b) Civil immigration warrants, immigration detainers, notices to appear, or other non-judicial documents shall not constitute sufficient authority to authorize an immigration authority or any employee thereof to access non-public areas of school property or facilities owned or operated by or under the control of a school for the purpose of engaging in immigration enforcement.

5. (a) No school or school personnel shall grant permission for or facilitate the release, transfer, surrender, escort of, or otherwise deliver, a student into the custody of an immigration authority or any employee thereof solely on the basis that a person in a parental relationship to such student has been arrested, detained, or taken into federal custody, unless there is a judicial warrant or court order, issued by a federal or state court of competent jurisdiction, specifically authorizing the removal, detention, or assumption of custody of the student by an immigration authority or any employee thereof.

(b) Civil immigration warrants, immigration detainers, notices to appear, or other non-judicial documents shall not constitute sufficient

authority to release, transfer, surrender, escort, or otherwise deliver a student into the custody of an immigration authority or any employee thereof.

(c) (i) No school or school personnel shall assist immigration authorities in locating, questioning, or detaining a student unless presented with court orders issued by a judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631, or judicial warrants issued by a judge appointed pursuant to Article III of the United States Constitution or federal magistrate judge appointed pursuant to 28 U.S.C. § 631, or to comply with requirements under existing law.

(ii) Nothing in this section shall be construed to limit, restrict, or impair the authority of state or local law enforcement to apprehend, detain, or take into custody any individual, including a minor, pursuant to a judicial warrant, court order, or lawful criminal investigation conducted in accordance with applicable New York state criminal law and procedure.

6. No school personnel shall use an immigration authority or any employee thereof as interpreters or translators for law enforcement matters relating to individuals that schools or such school personnel interact with as part of their employment duties.

7. The provisions of this section shall not be construed to prohibit or restrict a school or school personnel 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 8 U.S.C. § 1373 and 8 U.S.C. § 1644.

8. The provisions of this section shall not prohibit school or school personnel from complying with court orders or judicial warrants issued by a judge appointed pursuant to Article III of the United States Constitution or federal magistrate judge appointed pursuant to 28 U.S.C. § 631.

9. The provisions of this section shall apply notwithstanding any

other provisions of state or local law, charter, code, ordinance, resolution, rule, or regulation to the contrary and shall not be construed to in any way expand the authority of schools or school personnel to participate in immigration enforcement. Provided, however, that nothing in this article shall be construed to prevent or restrict a municipal government or school from adopting, enacting, or enforcing local policies, laws, resolutions, ordinances, or regulations which comply with at least the applicable standards or requirements of this section, or which exceed the provisions of this section, or which further restrict the ability of schools or school personnel to participate in immigration enforcement beyond the requirements set forth in the chapter of the laws of two thousand twenty-six that added this section.

10. Within forty-five days of the effective date of this section, the department shall develop and publish on the department's website model procedures that shall comply with the requirements of this section.

11. Within sixty days of the date the model procedures are published on the department's website pursuant to subdivision ten of this section, each school shall verify to the commissioner that they have developed and implemented procedures that comply with the department's model procedures and the requirements of this section, which shall include, but not be limited to, procedures for reviewing and authorizing requests from immigration authorities to enter school property or to take custody of a student, including designating an individual who is responsible for reviewing such requests, and 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. Such procedures shall identify the actions the school will take if the school or school personnel become aware that a person in a parental relationship to a student will be unavailable to retrieve the student from school or a school function because a person in a parental relationship to the student has been detained by immigration authorities or the student is not picked up as scheduled, and such student is in need of an alternate plan for pickup. Such procedures shall include, at a minimum, that the school shall not contact the

statewide central register for child abuse and maltreatment unless the school has made reasonable efforts to contact all known individuals authorized to retrieve the student and that the school will retain the student on the premises until the student is picked up by an individual authorized by the person in a parental relationship to such student or by law.