



Migrant and Immigrant Students' Rights to Attend Public Schools

The Cardinal McCloskey Community Charter School ("CMCCS" or the "School") is committed to protecting the right of every student to attend public school, regardless of immigration status, national origin, race, language proficiency, religion, or any other legally protected characteristic.

Under New York State law, all children ages 5 to 21 who have not received a high school diploma are entitled to a free public education in the school district in which they live.

Migrant and immigrant students have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents. The School may not:

- deny admission to a student during initial enrollment or at any other time on the basis of immigration status;
- treat a migrant or unhoused student differently to determine residency;
- engage in any practices to "chill" the right of access to school;
- ask students or parents/guardians about their immigration status at the time of or as a condition of enrollment; or
- require social security numbers, or any information that would reveal immigration status of the student or the student's parent/guardian at the time of enrollment. (Adults without social security numbers who are applying for a free lunch and/or breakfast program on behalf of a student need only indicate on the application that they do not have a social security number).

Below is a helpful Q&A concerning the rights of migrant and immigrant students.

1. *What will the School do if it receives a request from United States Immigration and Customs Enforcement ("ICE") or other law enforcement officer to access student records?*

Absent parent/guardian or eligible student (age 18 or older) consent, the School may only release student records to an ICE or other law enforcement officer where the officer has a court order or a lawfully issued subpoena. If the School is legally required to disclose student records, the School will attempt to notify the parent/guardian or eligible student of the court order or subpoena before disclosing the records (unless the court order or subpoena prohibits the School from doing so).

2. *What will the School do if an ICE or other law enforcement officer demands to question a student on School property and/or remove a student from School property?*



Generally, ICE and other law enforcement officers may only question a student on School property or remove a student from School property (1) where they have a lawfully issued warrant providing court-authorized access to a student; (2) with consent from a parent/guardian; or (3) if the student is accused of committing a crime on School property and School personnel invite law enforcement officers to investigate. If none of these criteria are met, the School will not permit officers to speak or access the student on School property.

- 3. What happens if a student is being harassed, bullied, or discriminated against based on their actual or perceived immigration status?*

Federal law, New York State law, and School policy prohibit harassment, bullying, and discrimination based on actual or perceived race, color, national origin, ethnic group, citizen or immigration status, or any other legally protected characteristic. Consistent with the School's Dignity for All Students Act ("DASA") Policy, the School is committed to creating a school environment free from harassment, bullying, and discrimination. If the School receives information that harassment, bullying, or discrimination has or is occurring, it will investigate the situation and discipline offenders consistent with School policy.

Parents/guardians can help protect their children by providing emergency contact information to the School that includes names and telephone numbers of adults (for example: family members, friends, babysitters, neighbors, or other school parents/guardians) who can pick up their child in their absence. That includes any after-school program that the child attends.

Parents/guardians can apply to have a court appoint a standby guardian in case a child's caregiver is detained or deported by ICE. To learn more, you can call 311 and say "Action NYC" to connect with free and safe immigration legal help.

REVISED: 5/6/26