



Legislation Text

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Int. No. 1565-A

By Council Members Dromm, Menchaca, Ferreras-Copeland, The Speaker (Council Member Mark-Viverito), Levin, Kallos, Chin, Gibson, Cohen and Rose

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute information regarding educational rights and departmental policies related to interactions with non-local law enforcement

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 15 to read as follows:

Chapter 15. Distribution of Information Regarding Interactions with Non-Local Law Enforcement

§ 21-977 Distribution of information regarding educational rights and departmental policies related to interactions with non-local law enforcement. a. For the purposes of this section, the following terms have the following meanings:

School. The term “school” means a school of the city school district of the city of New York.

Student. The term “student” means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school.

b. The department shall annually distribute to each school, for distribution to every student of such school, the following information in writing, in hard copy or electronically if distribution of other similar documents occurs electronically, using plain and simple language:

1. information about available legal resources that may help parents and students to understand their legal rights and options with respect to: (i) educational rights that may be guaranteed regardless of citizenship

or immigration status; (ii) the circumstances in which personally identifiable information from a student's education record, the disclosure of which is subject to the family educational rights and privacy act, may be disclosed to third parties, including, but not limited to, non-local law enforcement; (iii) circumstances under which students may have the right to refuse to speak with non-local law enforcement; (iv) the application process for obtaining nonimmigrant status under subparagraphs (T) and (U) of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States code, or successor statutes, and for the self-petition process pursuant to the violence against women act; and (v) resources available to assist students and their families seeking immigration-related legal assistance, including, but not limited to, contact information for the mayor's office of immigrant affairs;

2. information regarding the department's protocol and policies with regard to interactions with non-local law enforcement, including the number of staff who received training administered by the department relating to such protocol and policies; and

3. information regarding the department's protocol and policies in the event that a parent of a student is detained or otherwise separated pursuant to actions by non-local law enforcement, and information regarding how a parent of a student may update relevant emergency contact information.

c. Prior to the release of any directory information pursuant to the family educational rights and privacy act, the department shall distribute, in writing, in hard copy or electronically if distribution of other similar documents occurs electronically, to any student whose information may be released, or to such student's parent, (i) the categories of information the department has designated as directory information; (ii) how a parent of a student under age 18, or a student age 18 or over, may notify the department that such directory information pertaining to his or her child, or to himself or herself, may not be disclosed; and (iii) the circumstances in which such directory information may be disclosed to third parties, including, but not limited to, non-local law enforcement, and the third parties to whom it would be disclosed, if a parent of a student under age 18, or a student age 18 or over, does not opt out of disclosure of such information pertaining to such student.

d. The department shall ensure that the information required to be distributed by subdivision b is additionally available in each school, each office where the department provides enrollment assistance and on the department's website.

e. Upon any request by non-local law enforcement for access to a student or a student's records, the department shall notify such student's parent of such request unless such notification is prohibited by law or by a judicial order or lawfully issued subpoena, and shall provide such student and parent with information on available resources for seeking legal assistance in response to such request.

§ 2. This local law takes effect 60 days after it becomes law.

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