



**New York State Association for Bilingual Education (NYSABE)  
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**NYSABE Position Statement  
on Immigrant Student and Family Safety  
March 17, 2025**

The New York State Association for Bilingual Education, an organization whose mission is to promote bilingual education and equitable educational opportunities for all people residing in New York State, is deeply concerned about recent policies and actions at the federal level that have increased anti-immigrant rhetoric, heightened xenophobia, and reduced acceptance of linguistic and cultural diversity in communities across the nation.

In the wake of mass detention and deportation threats, and the [Rescission of Guidelines for Enforcement Actions in or near Sensitive Locations](#), our organization recently held a Virtual Town Hall Meeting to address the mounting concerns of its members with regard to the safety of immigrant students and families. The concerns stem from increased fear and uncertainty in a climate of aggressive immigration enforcement and false negative narratives about immigrants and immigration. The Virtual Town Hall included presentations by legal and educational experts and practitioners, and smaller group discussions among educators from across New York State. The themes that emerged during the Q&A and in discussion groups include:

- There are great disparities across New York school districts in the development and articulation of district policies intended to protect the rights of immigrant students and families. Educators and families want more support and clear procedures that are required and consistently implemented.
- There is a sense in many districts that the topic is politically charged and should, therefore, not be addressed publicly, leaving educators without clear policies or protocols.
- Significant disparities exist in the quality and quantity of information available to educators and families about their rights and district safeguards.
- The lack of clearly developed and articulated policies has caused heightened fear and anxiety among students, families, and staff. There is a need for policies and guidance from NYSED to ensure that all students, families, and educators receive the same legal and ethical information and assurances.

Students, families, and the educators who serve them want and deserve explicit guidance from their schools and districts that make them feel safe, protected, and valued. To ensure that all schools and districts are equipped to provide well-developed and articulated guidelines and protocols, it is imperative that the state provide expectations and models using language that is clear, prescriptive, and explicitly non-negotiable. New York State and the New York State Education Department should require districts to develop and regularly update guidelines and protocols that let educators, school leaders, and the public know how they plan to keep students safe and what will happen when their safety is threatened. In addition, New York State's

commitment to multilingualism and multiculturalism should be reaffirmed by including requirements for language access in the plans. These plans should be in place indefinitely, supersede executive orders that undermine these protections, and they should transcend political ideologies and changing administrations.

At a minimum, the district plan should include:

- Acknowledgment that immigrants, regardless of legal status, are entitled to all the rights afforded to all residents of the United States, including:
  - Privacy (FERPA)
  - Public K-12 Education (*Plyler v Doe*)
  - Due Process (14th Amendment)
  - Protection from unlawful search and seizure (4th Amendment)
  - The right to remain silent (5th Amendment)
  - The right to an interpreter (NYS Language Access Law)
- Steps to be taken should Immigration and Customs Enforcement Officials (ICE) come to the school, including what to do in varying scenarios and locations in and around school grounds (e.g. Office, Classroom, Playground, Bus Stop)
- Steps to be taken should students or parents/caregivers be detained by ICE officials.
- Information to connect families to local organizations that support immigrant rights and provide resources.
- Procedures for accessing language (interpretation and translation) services.

The district plan should be communicated widely to all staff and stakeholders, including after school program providers, service providers, families, and others. There should be required training in which the plan is reviewed, and updated if necessary. The training should be offered at least annually, but preferably on a regular basis as new staff are onboarded.

**In addition, New York State must:**

1. Strengthen and re-issue its guidance memo to include the points discussed above
2. Provide online training for school and district leaders and staff on the memo to promote consistent understanding and compliance across districts
3. Provide immediate access to trained lawyers with expertise in immigration and education to leaders in smaller districts.
4. Employ (or use) knowledgeable immigration attorneys such as NY Civil Liberties Union (NYCLU) or others to provide training for district lawyers as needed
5. Create a hotline for issues arising at the school or district level
6. Strengthen New York State Human Rights Law immediately, and adopt crystal clear language that irrevocably protects immigrant students' rights in case *Plyler v. Doe* is overturned.
7. Consider how parents/families/caregivers can be told of their rights *before* they enroll in school
8. Include Board of Cooperative Educational Services (BOCES), which serves as a middle ground between the state and school districts, in the creation of protocols
9. Require school boards to have mandated training about the laws and rights of immigrant students and families
10. Require educator and school leader preparation programs to include immigration policy as part of their required coursework
11. Support the [Protect our Schools Act Bill A05373](#)