

**RESOLUTION AFFIRMING THE STATUS OF NEW YORK CITY PUBLIC SCHOOLS AS A
WELCOMING CITYWIDE DISTRICT FOR ALL STUDENTS**

2024-2025 Panel for Educational Policy

Meeting Consideration:

22 January 2025

Introduction Date:

11 December 2024

Sponsorship:

Panel Member, Naveed Hasan
Chairperson, Gregory Faulkner

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RESOLUTION

WHEREAS the New York City Panel for Educational Policy (Panel) wholeheartedly embraces its commitment to creating and maintaining a safe and welcoming environment for all New York City Public Schools (NYCPS) students, staff, and families; and

WHEREAS, it remains the policy of the Panel to prohibit unlawful discrimination, harassment and retaliation on the basis of sexual orientation, gender or sex, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, immigration status, marital status, registered domestic partner status, genetic information, political belief or affiliation, military status, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics in the educational programs or activities NYCPS operates; and

WHEREAS all NYCPS staff and students are entitled to their First Amendment right to free speech, but harassment, discrimination, and bias-based harm have no place in NYCPS school communities and will not be tolerated; and

WHEREAS, NYCPS’ students, staff and their families originate from many different countries besides the United States, may live in households where family members have different immigration and citizenship statuses, may be beneficiaries of the Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), or similar forms of humanitarian relief, or may be undocumented; and

WHEREAS, in Plyler v. Doe (1982), the United States Supreme Court held that all immigrant children are people “in any ordinary sense of the term” and hence protected from discrimination under the 14th Amendment, and that all children, regardless of their immigration status, have the right to a free public education; and

WHEREAS, New York State Human Rights Law, Section 4 states: “It shall be an unlawful discriminatory practice for an educational institution to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of his race, color, religion, disability, national origin, citizenship or immigration status...”; and

WHEREAS, as per New York State Governor’s Executive Order 170, and New York City Administrative Codes sections 9-131, 9-205, 10-178, 14-154 limit the interaction of local law enforcement agencies with Immigration and Customs Enforcement; and

WHEREAS, NYCPS adheres to Protocols for Non-Local Law enforcements and school administrators follow Chancellor’s Regulation A-412; and

WHEREAS, NYCPS Chancellor's Regulation A-780 defines the rights of Students in Temporary Housing, and NYCPS Chancellor's Regulation A-820 outlines the data and privacy protection to which students are entitled; and

WHEREAS, NYCPS reflects the diverse population of the world, which each district celebrates in many ways through a student’s daily experience.

THEREFORE, BE IT RESOLVED, that the New York City Panel for Educational Policy urges the following:

1. NYCPS will continue to work alongside its union partners and immigration advocates to provide training and support for students, staff, and their families on immigrant rights, potential avenues for immigration relief, and the overall health and well-being of those affected.
2. NYCPS will provide multi-language printed and online resources for its students, staff, and their families in partnership with the City on legal assistance, immigrant rights, health and mental health care, and public safety.
3. NYCPS will advocate for and support Deferred Action for Childhood Arrivals (DACA), Temporary Protective Status (TPS), and Refugee Resettlement Programs, as well as oppose the creation of a Muslim registry system and any efforts to erode civil rights protections for our diverse communities.
4. NYCPS will work alongside educators and elected officials committed to maintaining a curriculum that reflects our students’ identities and lived experiences and protecting our schools as spaces where our students feel safe, welcome, and valued for who they are.
5. NYCPS personnel shall not inquire about or record a student’s or a family member’s immigration status, and pursuant to the Family Education Rights and Privacy Act (FERPA), shall not disclose, without parental consent, the immigration status of any student or other personally identifiable information.
6. NYCPS does not consent to granting non-local law enforcement agencies, including the U.S. Immigration and Customs Enforcement (ICE), access to school facilities, students, or student records for immigration enforcement purposes. Therefore, absent exigent circumstances, ICE will not be granted access without a judicial warrant—to be submitted to the Senior Field Counsel (SFC) for review and guidance.
7. NYCPS will collaborate with the New York City Police Department (NYPD) School Safety Division to provide training and reaffirm that School Safety Agents (SSA) have no authority to

enforce federal immigration law and SSAs will not participate in federal immigration enforcement activities.

8. SSAs are prohibited from inquiring about or recording any information regarding an individual's immigration status. SSAs shall not hold people on ICE detainers; shall not respond to ICE notification or transfer requests; shall not make arrests based on civil immigration warrants and shall not allow ICE to use campus facilities for immigration enforcement purposes.
9. NYCPS personnel shall treat all students equitably in the receipt of school services, including, but not limited to, the free lunch program, pupil transportation, and all instructional programming.
10. NYCPS will continue to welcome all students, staff, and their families regardless of immigration status.