

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

Co-Sponsorship:

Vice Chairperson, Dr. Angela Green
Panel Member, Marielle Ali
Panel Member, Adriana Alicea
Panel Member, Shirley Aubin
Panel Member, Camille Casaretti
Panel Member, Marjorie Dienstag

Panel Member, Amy Fair
Panel Member, Anita Garcia
Panel Member, Anthony Giordano
Panel Member, Dr. Darling Miramey
Panel Member, Dr. Sharon Odwin
Panel Member, Thomas Sheppard

FINAL RESOLUTION

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

WHEREAS, it remains the policy of NYCPS 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 harassment, discrimination, and bias-based harm have no place in NYC public 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, regardless of immigration status; and

WHEREAS, in Plyler v. Doe (1982), the United States Supreme Court ensures all children, regardless of their immigration status, have the right to a free K-12 public education, and this ruling prohibits public schools from denying enrollment to undocumented immigrant children, affirming their right to an 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 U.S. Immigration and Customs Enforcement (ICE); and

WHEREAS, NYCPS staff, and other personnel working in schools are subject to the provisions of Chancellor’s Regulation A-412; and

WHEREAS, NYCPS Chancellor’s Regulation A-780 defines the rights of Students in Temporary Housing, and federal, state, and local statutes and regulations protect the confidentiality of student information, 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 provide training to its staff and collaborate with union partners and immigration advocates to offer coaching and support for students 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 how to obtain immigration legal assistance, health and mental health care, and public safety support.
3. NYCPS will advocate for and support the 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 shall not disclose any student record information including without limitation, the immigration status of any student or other personally identifiable information except in accordance with applicable law.

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 absent confirmation from NYCPS legal counsel that there exist exigent circumstances a judicial warrant, a court order, or validly issued subpoena.
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.