



COMMUNITY EDUCATION DISTRICT COUNCIL 30

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Resolution 189

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

WHEREAS, Community Education Council 30 (CEC 30) wholeheartedly embraces its commitment to creating and maintaining a safe and welcoming environment for all New York City Public Schools (NYCPS) students and staff; and

WHEREAS, it is 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, NYCPS reflects the diverse population of the world, which the district celebrates in many ways through a student's daily experience; 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 / or may live in mixed-status households; 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 guarantees the right to individuals aged 5- 21 to free public school education, regardless of nationality or immigration status¹ and prohibits discrimination²; and

WHEREAS, New York State Human Rights Law³, 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 ... by reason of his... citizenship or immigration status.”

WHEREAS, New York City Public Schools offers free public education to students of K- age 21(CR A-101)⁴, and protects them from discrimination (CR A-830, A-831, A-832); and

WHEREAS, New York State as per Governor’s Executive Order-170⁵, and New York City by its Administrative Codes sections 9-131, 9-205, 10-178, and 14-154 limits the interaction of local law enforcement agencies with Immigration and Customs Enforcement; and

WHEREAS, NYCPS adheres to Protocols for Non-Local Law enforcements⁶ and school administrators follow Chancellor Regulation A-412⁷; and

WHEREAS, Chancellors Regulation A-780⁸ defines the rights of Students in Temporary Housing, and along with Chancellors Regulation A-820⁹ outlines the data and privacy protection NYCPS students are entitled to; and

WHEREAS, Former Chancellor Banks committed to combat all forms of hate in NYCPS, including Antisemitism and Islamophobia¹⁰; and

WHEREAS, The Panel for Educational Policy adopted two resolutions to protect all NYCPS students¹¹; and

¹ <https://www.nysed.gov/sites/default/files/programs/main/know-your-rights-guidance-nysed-ag.pdf>

² <https://www.nysenate.gov/legislation/laws/EDN/3201>

³ <https://www.nysenate.gov/legislation/laws/EXC/296>

⁴ <https://www.schools.nyc.gov/docs/default-source/default-document-library/a101-admissions-readmissions-transfers-english.pdf>

⁵ https://www.governor.ny.gov/sites/default/files/atoms/files/EO_170.1.pdf

⁶ <https://www.schools.nyc.gov/school-life/school-environment/immigrant-families/protocols-for-non-local-law-enforcement>

⁷ <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-412-final-version70b2d643e2644c21b728183efbd323c7.pdf>

⁸ <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-780-4-18-19-final-combined-remediated-wcag2-0.pdf>

⁹ <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-820-6-29-2009-final-combined-remediated-wcag2-0.pdf>

¹⁰ <https://www.schools.nyc.gov/about-us/news/announcements/contentdetails/2024/01/22/new-york-city-public-schools-announces-comprehensive-plan-to-combat-antisemitism-islamophobia-and-all-forms-of-hate>

¹¹ <file:///Users/tazinazad/Downloads/Student%20Protection%20Resolution%2002.pdf>

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

WHEREAS, Chancellor Ramos reaffirmed her and NYCPS’ commitment to maintain safe and supportive environments for our students, staff, and families¹²; and

WHEREAS, students and staff deserve a safe and supportive space to process, grieve, share, reflect, learn, and take action together. NYCPS encourages engagement with students to discuss difficult, controversial, or emotionally charged topics in a safe and productive manner. In doing so, NYCPS provides guidance and resources for supporting, managing, and reflecting on student civil discourse, civic learning, and civic engagement. This includes recognizing the factors that have shaped perspectives, including life experience, family, culture, and identity. The purpose is to provide space where young people generate questions, explore their curiosities, strengthen their civic skills, and analyze aspects of our society and government; and

WHEREAS, NYCPS is committed to ensuring students have access to a high-quality, well-rounded, rigorous, and joyful education.

THEREFORE, BE IT RESOLVED, COMMUNITY EDUCATION COUNCIL 30 urges NYCPS to ensure that:

1. NYCPS schools will always welcome all students, staff, and their families regardless of identity, gender, religious background, and legal status.
2. NYCPS will work alongside its union partners and immigration advocates to provide training and support for students, staff, and their families on immigrant rights, understanding various legal statuses, potential avenues for immigration relief, and the overall health and well-being of those affected.
2. NYCPS will provide multi-language 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 make multilingual resources for its students, staff, and their families on its website's Current Issues and Events page. In partnership with the City on legal assistance, immigrant rights, mental health care, and public safety, NYCPS will make these resources available to all students and families.

<https://pwsauth.nycenet.edu/docs/default-source/data/student-protection-resolution-018997d59f-15db-4d23-b11c-e1986f406881.pdf>

¹²<https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/family-letters/reflecting-on-this-election.pdf>

4. NYCPS will include in its legislative agenda advocacy at the state and federal levels for Deferred Action for Childhood Arrivals (DACA), Temporary Protective Status (TPS), and Refugee Settlement Programs. It will also oppose any legislation creating a Muslim registry system or eroding civil rights protections for our communities.

BE IT FURTHER RESOLVED, that NYCPS shall continue to provide a public education, regardless of a child's or family member's immigration status, absent any applicable federal, state, or local law, regulation, ordinance or court decision, that NYCPS shall abide by the following conduct:

1. 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.
2. Any communication to federal agencies or officials initiated by a school or school personnel concerning confidential information about a student or a student's family member, including but not limited to: information about gender identity; sexual orientation; status as a survivor of domestic violence; survivor of sexual assault; crime witness; recipient of public assistance; actual or perceived immigration or citizenship status; national origin; school discipline record; and all information included in an individual's or household's income tax records, is prohibited, unless permission is granted by the student or student's parent or guardian.
3. NYCPS shall refuse all voluntary information sharing with immigration agents across all aspects of the District to the fullest extent possible under the law.
4. Any request by immigration agents for information or to access a school site shall be initially denied and immediately forwarded to the Superintendent and Counsel for review and a decision on whether to reverse the denial and allow access to the site, and/or a decision on whether the information will ensure District compliance with Plyler v. Doe and other applicable laws. The request must be provided with adequate notice so that the Superintendent and General Counsel can take steps to provide for the emotional and physical safety of its students and staff. a. Should an immigration agent request access to a school site, the Superintendent and/or General Counsel shall ask for the immigration agent's credentials, ask the agent why the agent is requesting access, and ask to see a warrant signed by a federal or state Judge. b. Immigration agents must provide written authority from ICE instructing them to enter District property and for what purpose as well as a warrant signed by a federal or state Judge which specifies the name of the person under arrest.
5. NYCPS will not enter into agreements with state or local law enforcement agencies, ICE, or any other federal agency to enforce federal immigration law, except as required by law.
6. The NYCPS and its staff, faculty, employees, and School Safety Agents will not honor any ICE detainers or requests. 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 – which must be submitted to the Senior Field Counsel (SFC) for review and detailed guidance on proceeding.

7. School Safety Agents are prohibited from inquiring about or recording any information regarding an individual's immigration status or country of birth.
8. School Safety Agents shall create a policy acknowledging that they have no authority to enforce federal immigration law and declaring that they will not participate in immigration enforcement efforts of federal authorities. This includes SSAs not holding people on ICE detainers, not responding to ICE notification or transfer requests, not making arrests based on civil immigration warrants, and not allowing ICE to use campus facilities for immigration enforcement purposes.
9. NYCPS personnel treat all students equitably when they receive school services, including, but not limited to, the free and reduced lunch program, transportation, and educational instruction.

BE IT FURTHER RESOLVED, that 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.

BE IT FURTHER RESOLVED that NYCPS schools will always welcome all students, staff, and their families regardless of immigration status.

VOTED AND APPROVED: March 10, 2025