



Legislation Text

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Res. No. 929-A

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.5373A/S.4735B, known as the Protect Our Schools Act, in relation to protecting students, faculty and staff from civil arrest while attending or participating in school activities

By Council Members Brewer, Louis, Restler, Lee, Hanif, Avilés, Farías, Cabán, Hudson, Brannan, De La Rosa, Dinowitz, Gutiérrez and Won

Whereas, On January 20, 2025, the Trump Administration rescinded a Biden-era memo called “Guidelines for Enforcement Actions in or Near Protected Areas”; and

Whereas, The Biden-era memo protected certain areas, including schools and places where children gather, from Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) activity; and

Whereas, Prior to this memo, standing guidance protecting certain, sensitive locations from immigration enforcement was issued by the Department of Homeland Security (DHS) to federal immigration authorities; and

Whereas, The Biden-era memo has since been replaced with guidance from the Trump Administration that directs federal immigration authorities to use “common sense” prior to conducting enforcement actions, but does not restrict them from conducting actions in any location; and

Whereas, In an article for *Chalkbeat*, immigration experts noted that it is unlikely that federal immigration authorities will conduct enforcement efforts in schools, however, because of the push by the Trump Administration to increase immigration arrests, advocates are doubtful that “common sense” will deter authorities from making arrests in previously protected locations; and

Whereas, According to reports in North Carolina and Illinois, since the memo was rescinded, ICE has

conducted arrests of parents during school drop-offs; and

Whereas, The children witnessing the arrests of their parents or the students witnessing ICE conduct arrests can be traumatized, and the schools in these incidents offered counseling and social work support to their students; and

Whereas, Earlier this year in New Mexico, Border Patrol agents boarded a charter bus taking public school students to a swim competition to verify the legal status of the children on the bus; and

Whereas, Since the rescission of this memo, immigrant families have been scared to send their children to school and schools across the country are reportedly seeing drops in attendance of children in immigrant families; and

Whereas, Research has shown that increasing immigration enforcement negatively impacts student's academic outcomes; and

Whereas, As seen anecdotally following the rescission of "Guidelines for Enforcement Actions in or Near Protected Areas" and further reinforced in research articles published by *American Educational Research Association*, immigration enforcement actions are correlated with chronic absenteeism and drops in school enrollment; and

Whereas, Reporting from *KFF* also connected increased immigration enforcement to negative physical and mental health outcomes among children in immigrant families; and

Whereas, According to the 2023 American Community Survey, across the United States there are roughly 9 million school age children that live in a household with at least one noncitizen adult vulnerable to federal immigration enforcement actions; and

Whereas, According to a 2019 report from the Vera Institute of Justice, in the New York Metro Area, there are 2 million children with at least one immigrant parent; and

Whereas, The same report noted that over 640,000 immigrants in New York are enrolled in pre-K through college or graduate school; and

Whereas, Between the summer of 2022 and September 2024, almost 40,000 migrant children were enrolled in New York City's schools; and

Whereas, In New York City, school officials have reported a drop in attendance among migrant students; and

Whereas, With New York City school funding also dependent on class size, these drops in attendance due to the fear of interactions with immigration authorities could also lead to a decrease in a school's funding; and

Whereas, Due to the significant number of immigrant children or children from immigrant families in New York City, in accordance with New York City Public Schools (NYCPS) policy, non-local law enforcement are not permitted to enter schools, except when required by law; and

Whereas, Non-local law enforcement must present valid judicial warrants, court orders, or subpoenas to enter a school or access information about an individual student, family member, or school employee; and

Whereas, NYCPS protocol limits communication between the non-local law enforcement officer and the school principal and provides a general process for principals that have been presented documentation which includes, getting the information of the officer, escalating the documentation to the Senior Field Counsel (SFC), and awaiting further instruction from the SFC; and

Whereas, Although some schools, like New York City Public Schools, have assured parents that their children will be safe in their care and have promised to protect the children in their schools, there is a push to codify and expand these protections; and

Whereas, A.5373A introduced by Assembly Member Catalina Cruz, pending in the New York State Assembly, and S.4735B introduced by Senator Luis R. Sepúlveda, pending in the New York State Senate, seek to amend the civil rights law and the education law, in relation to protecting students, faculty and staff from civil arrest while attending or participating in school activities; and

Whereas, A.5373A/S.4735B, also known as the Protect Our Schools Act, would codify NYCPS policy

and protocols for staff, and students and their families while they are traveling to and from school, attending classes or school related activities, or participating in extracurricular or education programs on school grounds or affiliated with the school, such as after school programs; and

Whereas, Similar to the NYCPS protocols, the Protect Our Schools Act would prohibit immigration enforcement activities in public and charter school settings without a judicial warrant, restrict access to student records without a judicial order or subpoena, require the school's superintendent and district attorney to assess the documentation provided by law enforcement prior to taking any action, mandate that parents or guardians are immediately notified if a student is the subject of enforcement actions, and require schools to establish and publicly post protocols; and

Whereas, Learning should be free of fear, and schools should be safe, nurturing, and educational spaces and without protections from immigration enforcement schools can become a place of terror for immigrant students or immigrant families; and

Whereas, All children, regardless of immigration status, are entitled to access to education and even more importantly students deserve peace and safety; and

Whereas, New York must ensure that schools remain a place of sanctuary, especially in light of the growing instability that many students may face because of the Trump Administration's attacks on immigrants; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.5373A/S.4735B, known as the Protect Our Schools Act, in relation to protecting students, faculty and staff from civil arrest while attending or participating in school activities.

