

BY ELECTRONIC MAIL

Chancellor Lester W. Young, Jr.
Members of the Board of Regents
New York State Board of Regents
89 Washington Avenue
Albany, New York 12234

August 5, 2021

Dear Chancellor Young and Members of the Board of Regents:

We write to alert you of troubling developments regarding Diversity, Equity, and Inclusion (DEI) efforts in several New York school districts. We hope you will take action to address these issues.

The NYCLU, the state affiliate of the ACLU, is the oldest and largest defender of civil rights and liberties in New York, with more than 200,000 members and supporters, and 9 offices statewide. For decades, we have been a key player in education advocacy in New York, supporting diverse, inclusive, welcoming, and successful public schools for all New York students. We played a leading role in the passage and implementation of the Dignity for All Students Act and have advocated for curricular standards that promote teaching accurate content and support inclusive learning environments.

It is with this breadth of experience that we reach out to you regarding current efforts to thwart implementation of your *Framework on Diversity, Equity, and Inclusion in New York's Schools: A Call to Action*. We applaud your work to recognize the critical role of public education in the formation of democratic ideals and your responsiveness to the trauma students are experiencing in the face of systemic and interpersonal racism and police violence. By adopting this framework, the Board of Regents has communicated New York's commitment to anti-racist schools.

Unfortunately, a nationwide attempt to censor these discussions in the classroom is underway, and it is threatening your work. Our offices across the state have gathered reports of community members, school board candidates and sitting school board members, and police and police unions thwarting efforts by school districts to implement statewide guidelines on Diversity, Equity, and Inclusion. For example, in Smithtown, curricular choices that align with your framework were at the heart of this spring's contentious school board election. In an unusual move, two Long Island police unions publicly endorsed candidates who oppose the current DEI efforts, several of whom secured seats on the school board. These board members have threatened to bar Smithtown educators from teaching concepts like white privilege and racial equity in schools. The consequences of police intimidation are real: a Smithtown administrator who was leading on DEI work recently resigned.

In Binghamton, the police union publicly opposed a class reading a book about a Black child grappling with police violence, stating "We hope that the Binghamton Central School District will work to assure their students that the police exist to protect and serve their communities." The school district issued an apology for offending the police.

In Clarkstown, community members, supported by the Rockland County Patrolmen's Benevolent Association, successfully shut down a presentation by a group of 8th-graders about the importance of valuing Black lives. We understand that this case has come to the attention of the Commissioner, and we appreciate your efforts to ensure the police can never exercise censorship authority over New York classrooms.



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In what we believe to be a similar cultural context, we have also received recent intakes about students as young as kindergarten being forced by school officials to stand for the Pledge of Allegiance, in violation of constitutional principles and long-established law.

In the face of this movement to censor and control curriculum, it is imperative that state education officials make it clear to school districts and their community members that creating equitable and inclusive learning environments are mandates enshrined in state and federal law and implemented at the local level in accordance with these laws. School officials and staff should not be singled out or intimidated for carrying out their legally required duties to educate all students and in the absence of vocal, active support from the state, district administrators are bearing the brunt of public outrage over statewide guidance.

The Black Lives Matter movement has shown all Americans that the need to dismantle oppressive systems and pursue justice is as strong as ever. Young people need the tools to think critically, ask questions, and dive into complex topics that our nation is grappling with, including racism, sexism, xenophobia, homophobia, and what it means to live in a pluralist society. But rather than engage with these conversations, some would seek to silence educators and young people and erase the lived experiences of Black and Brown people, women and girls, immigrants, and LGBTQ+ individuals.

Prohibiting or punishing conversation about race, gender, or sexuality in schools risks maintaining or creating education environments that are unwelcoming to students of diverse backgrounds and identities. It risks violating state and federal law, including the Dignity for All Students Act, the New York Human Rights Law, Title VI and IX of the Civil Rights Act, and the First Amendment. It also harms the entire student body and risks sewing the very divisions claimed to be avoided.

As New York's leading education officials, the Board of Regents must continue to pave a clear path for school districts to implement policies and practices that advance diversity, equity and inclusion. Building upon the Framework, we strongly urge you to take the following steps:

- Work with BOCES to host training webinars for school leaders and school board members on the *Framework on Diversity*.
- Ensure that schools are aware of their obligations to establish and maintain diverse, inclusive, and equitable environments and that those obligations are communicated to the wider community. We have heard from district leaders who are implementing DEI measures that it is critical to have information of their legal obligations to implement DEI that they can share. This is an important role for the Board in minimizing the hostility and intimidation districts are experiencing in response to their DEI efforts.
- In 2018, the taskforce convened by NYSED to explore how to strengthen requirements for teacher training under The Dignity Act issued recommendations that included mandatory pre-service coursework on multicultural education. The Board should approve these recommendations.
- To reduce racially disparate treatment and outcomes among students resulting from punitive discipline, adopt regulatory changes to reduce reliance on exclusionary discipline.

We would be happy to meet with you to further discuss these issues and recommendations.

Sincerely,



Johanna E. Miller
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Senior Organizer



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