



StandWithUs

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President Michael Mulgrew
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VIA EMAIL: ksamuels@schools.nyc.gov; leadership@uft.org

January 16, 2026

Dear Chancellor Samuels and President Mulgrew:

We are writing to request your urgent attention to issues arising from an upcoming event intended for New York City schoolchildren ages 6-18, hosted by NYC Educators for Palestine and being promoted by at least one United Federation of Teachers (“UFT”) caucus (the “Event”). The Event details, pictured below, encourage families to send their children for a free day of “food, community and age-conscious lessons” by “trained educators and mental health professionals.”



We respectfully urge you to issue clear guidance reminding educators that, while they retain robust rights as private citizens, they must remain compliant with the multitude of relevant federal, state, city, and agency rules that protect all New York City students and their families, described below.

We were glad to learn that the New York City Department of Education (“NYC DOE”) reminded school principals of the relevant policies concerning employee political neutrality. While that is a critical step, we are reaching out to share additional policies and procedures that are implicated by the Event and that should be shared with your members and staff to ensure that all New York City school (“NYCPS”) children can learn in spaces that keep them valued, supported and safe.

Given the very young ages of the students being targeted by the Event, it is particularly important that you share clear guidelines with your teachers, administrators, parents and students. As you know, NYCPS teachers have robust rights like any other private citizens, but their speech and conduct are subject to a number of important limitations as employees of the city and the NYC DOE. Specifically:

- (1) NYCPS teachers’ speech can be considered government speech, as opposed to private speech, depending on the context. The teachers involved in advertising and speaking at the Event are proactively sharing their status and training as NYCPS teachers to attract attendance. Doing so risks misleading families as to whether the Event is sponsored or supported by the DOE.
- (2) NYCPS teachers’ speech - even private speech off of school grounds - can be limited if it would interfere with the “effective operation of the school.”¹ Here, whether intentional or not, the Event has already sparked tremendous fear in the NYCPS community, causing large numbers of families and community members to contact all levels in your offices to get more information, share security concerns, and request additional attention and resources. Further, the Event is intended to equip students as young as 6 with specific information to be used in schools, all of which will require significant analyses by school administrators under discrimination and controversial issues policies.
- (3) NYCPS teachers are prohibited from engaging in conduct, even off of school property, that would “disrupt[] or would foreseeably disrupt the educational process or endanger[] or would foreseeably endanger the health, safety, morals, or welfare of the school community.”² This rule applies whether or not the teacher’s conduct was “intentionally offensive or directed as a particular person or group.”³ Again, whether intentional or not, the Event’s organizers have already created substantial fear in the community about the potential endangerment of students’ health, safety, morals and welfare. In fact, not only are Jewish families sharing their concerns about the impact of this event on their children. The Event’s organizers have shared - as illustrated in the screenshot below - that they have concerns about the safety of the children attending the event.

¹ See, e.g., NYSUT: Know Your Rights, Overview of Free Speech Considerations for Public Employees, *available at* <https://nysut.docsend.com/view/mrnfcyxscve9qkjs>.

² Chancellor Regulation A-830(I)(B)(4).

³ Chancellor Regulation A-830(I)(D)(3).



- (4) NYCPS teachers, as city employees, may not use their positions of authority to influence students. Whether or not they are literally in the classroom, students are considered “captive audience” members to their teachers.
- (5) NYCPS teachers, like all educators, have the critical job of teaching students *how* to think, not *what* to think. As such, they must handle controversial issues with professional neutrality so as to ensure that they are not putting their thumb on the scale and unduly influencing students. Teachers may engage in age-appropriate ways with complex, even controversial or difficult subjects with their students. But if they are engaging in these subjects, they are required to ensure students are exposed in meaningful ways to multiple perspectives and sources. The Event’s organizers appear fully aware of the charged political nature of their content, as indicated in the screenshots above.
- (6) NYCPS teachers may not use instructional time or school resources, including computers, supplies, and/or access to family contact information, for personal or political purposes.

We welcome the opportunity to speak about these issues further with members of your team, and thank you for your ongoing attention and care.

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