

**STATEMENT OF
ASSISTANT CHIEF JAMES SECRETO
COMMANDING OFFICER, SCHOOL SAFETY DIVISION
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL
PUBLIC SAFETY, EDUCATION AND
JUVENILE JUSTICE COMMITTEES**

NOVEMBER 10, 2009

Good afternoon, Committee Chairs and members of the Council. I am Assistant Chief James Secreto, the Commanding Officer of the NYPD's School Safety Division, and I am here with Deputy Chief John Donohue, the Commanding Officer of the Office of Management Analysis and Planning. On behalf of Police Commissioner Raymond Kelly, we would like to thank you for this opportunity to provide our comments regarding the bill before you today, Intro. 816-A.

It has been almost eleven years since the functions of the Board of Education's Division of School Safety were transferred to the Police Department, giving the Police Department the responsibility for managing school security personnel and designating School Safety Agents, or SSAs, to be employees of the Police Department. We have previously discussed with you the reasons for that change, and the level of crime that dangerously compromised the safety and security of the City's public schools at that time, to the ultimate detriment of the educational mission.

Our mutual goal was to provide the highest level of safety and security for students and school personnel, by utilizing the Police Department's expertise, experience and resources in reducing crime and disorder in the schools. We believe that together, the Police Department and the Department of Education have succeeded. We note the striking improvement in the safety of our schools, the increased professionalism of the SSA cadre, more accurate reporting of crime in schools, and the significantly higher level of confidence in the security of their schools among students, educators, and parents.

From the 1999/2000 school year to the 2008/2009 school year, total crime in the schools decreased by 34%. Since the 2001/2002 school year, violent crime in schools decreased by 25%, and the seven major index felonies decreased by 33%. Further, non-criminal incidents, such as harassment, disorderly conduct and trespassing, which can also seriously disrupt the tone of a school, dropped 44%, and possession of weapons and dangerous instruments dropped 43%. These decreases are matched by the current year's experience. Since the beginning of the current school year, total crime has decreased by another 27%, violent crime has decreased by 22%, the seven major index felonies have decreased by 24%, non-criminal incidents have dropped by 29%, and possession of weapons and dangerous instruments dropped by 32%.

These dramatic decreases are of course attributable to the hard work of many people, from both the NYPD and the DOE, with the strong participation and assistance of students and their parents, but it is clear that the School Safety Agents are the backbone of school security.

At the time of the transfer eleven years ago, there were 3,041 active SSAs. Today, the Division is made up of 5,249 SSAs, a 73% increase. Approximately 70% of School Safety Agents are women, and approximately 93% are black or Hispanic. Virtually all of our School Safety Agents are City residents, and many SSAs are themselves parents with children in the City's public schools.

School Safety Agents are responsible for patrolling designated areas in the schools and in the immediate vicinity to maintain the order necessary to further the educational process. This may include challenging unauthorized visitors, removing unruly students, and taking enforcement action when necessary and appropriate. We have previously discussed with you the qualifications and training of SSAs, describing the comprehensive 14-week training course they receive upon hire, as well as the dynamic in-service training program we conduct. SSAs are an integral part of the school community, and our confidence in their professionalism is supported by the most recent Citywide public school survey conducted by the DOE, reflecting the view of the people most involved in the life of the school – the students, teachers, and parents. The survey revealed that 76% of students and 92% of teachers feel safe in their schools, and that 93% of parents feel that their children are safe at school. The majority of all three groups (74% of students, 82% of teachers, and 95% of parents) also feel that SSAs help to promote a safe and respectful environment in their schools.

With this in mind, we would like to turn to the bill before you today, composed of three major elements affecting the Police Department: quarterly reporting regarding complaints against School Safety Agents; a public education campaign inviting the filing of complaints against School Safety Agents; and quarterly reporting regarding certain categories of information for criminal and non-criminal incidents.

We will first discuss the provisions of the bill which are directed in particular to School Safety Agents. Intro. 816-A selects one distinct category of City employee, School Safety Agent, for treatment and oversight unlike that directed to any of the City's other 245,000 civilian employees, even beyond that given to other agencies' uniformed officers. Its provisions are modeled in large part on the special scrutiny given only to the NYPD's police officers. We respectfully oppose this portion of the legislation as unnecessary, counterproductive, and potentially damaging to the fabric of our school communities, and urge the Council to refrain from enacting these provisions as drafted.

We understand the Council's interest in how the Police Department handles complaints against School Safety Agents, and have provided to the Council a full description of how complaints are made, and how they are investigated once they are made. Briefly, all complaints against civilian members of the service are reported to the Internal Affairs Bureau and are then assigned for investigation depending upon the seriousness of

the complaint. The most serious complaints, of corruption and serious misconduct, are retained by IAB for investigation; other complaints are investigated by either the School Safety Division's Investigations Unit or the local Integrity Control Officer.

Through our discussions with the Council's staff, we learned that there was some confusion when individuals seeking to make a complaint against an SSA called the City's general service and complaint number, 311. We appreciated receiving this information, and we solved the problem by working with the Department of Information Technology and Telecommunications, to ensure that every such complaint is referred to the Internal Affairs Bureau, which is, again, the proper entity within the Police Department to receive it.

But we must strongly disagree with what seems to be a premise underlying Intro. 816-A, that the public must be further educated as to how to make a complaint against a School Safety Agent. We have seen no actual evidence that a public education campaign to this effect is necessary. Instead, we have witnessed a highly publicized effort by the New York Civil Liberties Union over the last several years to encourage complaints against school-based NYPD personnel. This effort, which continues unabated, even included an offer of cash prizes, topping out at \$1,000, in a 2006 contest entitled "Who Runs Your School: The Principal or the Police?"

During the 2008 calendar year, there were 1,159 complaints of misconduct or other types of incidents involving School Safety Agents. However, the use of this overall number is misleading if one intends to focus on what we think of as the types of complaints handled by the Civilian Complaint Review Board. Of the total number of incidents involving School Safety Agents, 174, or 15%, actually alleged unnecessary force, abuse of authority, discourtesy, or offensive language. The rest reflected a variety of misconduct allegations or personal situations, which might be found among the employees of any large entity, whether public or private, and which are not contemplated by the bill.

We would also note that our thorough internal investigation process resolves every complaint on the merits and in a timely manner, including findings of substantiation at a rate higher than those reached in CCRB cases. When the Council has requested information in its oversight capacity regarding the investigation of complaints against School Safety Agents, we have provided it, and will continue to respond to such requests for information, to the degree practicable.

Further, the steps envisioned by the bill, to prominently advertise, in schools and on our websites, the ability to call 311 to make a complaint against SSAs, can be seen as an invitation to drive a wedge between School Safety Agents and the rest of the school community. This type of campaign invites students who may be the subjects of necessary action by SSAs to make retaliatory complaints, in a manner that could serve to chill the very actions that are necessary to keeping the school safe and orderly. Unlike the usually transitory encounters between police officers and those who file complaints against them, students and SSAs coexist in a close environment on a day-to-day basis, where there is a real risk that students could misuse the complaint process in order to affect the ongoing

performance of the SSA in their school. We suggest that there is nothing to be gained by further publicizing a telephone number, 311, which is already firmly in the public consciousness as the way to make complaints about City employees and services, while there is much to be lost in the relationship between School Safety Agents and the rest of the school community.

With respect to the language of the bill itself, the public education component would require 311 operators to transfer the call to the Internal Affairs Bureau, upon the consent of the caller. However, the 311 system is not designed to function in this manner. When a caller to 311 seeks to make a complaint against a School Safety Agent, or any other civilian employee of the NYPD, the 311 operator records the complaint and forwards it to IAB through an electronic data transfer. In emergency situations, the 311 operator will immediately transfer the call to 911. Of course, the caller always has the option of calling IAB's Action Desk directly in order to make a complaint.

In addition, some of the specific data points regarding complaints, which would be required by Intro. 816-A, are not currently collected and would require new recordkeeping systems, for example, segregating complaints by school district and tabulating the number of days a complaint has been pending. Perhaps most problematic, the requirement that the Council receive a report regarding each School Safety Agent, individually identified, receiving more than one complaint, would likely result in that information being shared throughout the school community, notwithstanding whether the subject complaints were substantiated or unfounded. This provision in particular goes beyond what we believe is a fair understanding of the Council's oversight role.

In order to gauge the practical impact of those portions of the bill directed to School Safety Agents, we note the tremendous increase in CCRB complaints which occurred after 311 was mobilized to accept them. This increase in complaints was, however, accompanied by a large decrease in the number of complaints going to full investigation or substantive conclusion. In the analogous situation presented by Intro. 816-A, we believe that the bill's combination of recordkeeping requirements and solicitation of complaints would result in a dramatic increase in complaints filed, each of which would have to be investigated. The bill would also demand an increase in the personnel and other resources needed to fulfill its information-sharing function, requiring a redesign of our internal databases in order to collect and maintain the required information in the format desired. The overall effect of the bill would be to consume the resources that would otherwise be devoted to fighting crime and maintaining order in the schools. At a time when it is a challenge to maintain our core mission in the face of fiscal constraints and a depleted workforce, it would be counterproductive to impose new recordkeeping burdens on our agency.

We have similar concerns regarding the second major portion of the bill affecting the Police Department, requiring a quarterly report of selected activity in schools. There is already posted on the DOE's website school-by-school reporting of the number of major crimes, other crimes, and non-criminal incidents. The bill would require reporting of information which is not centrally collected which we suggest would not serve a demonstrated need, and could violate the privacy provisions of the Family Court Act. For

example, because the numbers of students arrested and/or summonsed is so small, providing demographic data and student status in each case could serve to specifically identify the student involved. In addition, requiring the Police Department to report on student status is not practicable, since this data is not relevant to the police action taken and would not be reflected in our reports.

The bill also seeks a report on the "number of incidents that arose due to metal detector or magnetometer scanning," which implies that there is something inherently problematic in the use of scanning. The use of scanning equipment in schools was begun in 1988 by the Board of Education's Division of School Safety. The program has been significantly expanded and improved since the NYPD undertook this responsibility, encompassing full-time scanning, part-time scanning, and unannounced scanning. There are, at a minimum, two lines for scanning, one for male students and one for female students, with an SSA of the same gender managing the process and conducting hand-held magnetometer screening as necessary. The use of scanning routinely results in the discovery and seizure of hundreds of dangerous weapons each year, primarily bladed instruments, as well as the recovery of other weapons in the immediate vicinity of the school, which have been discarded there during scanning days. While we acknowledge that scanning can be inconvenient and may result in some delay to the start of the school day, we firmly believe that scanning in general and, especially, unannounced scanning, is an invaluable tool for the protection of students and school personnel alike. For example, according to published reports, in 1996, there were 126 guns recovered from the City's public school students; during the last school year there were six, and so far this school year, we have recovered two.

In closing, we would like to share with you our estimate of the fiscal impact of Intro. 816-A. Were the bill to be enacted, it would require the addition of more than 100 members of the Police Department, to handle the anticipated increase in complaint receipt and investigation and to fulfill the recordkeeping responsibilities. In addition, it would take away from their duties the full-time equivalent of 102 School Safety Agents, for the purpose of participating in the investigative process.

At a time when the City's resources are under severe strain, we suggest that enactment of Intro. 816-A as written would compromise our ability to maintain safety and security in the City's public schools. We have and will continue to provide information to the Council which it seeks in its oversight role, and we welcome a continuation of the dialogue we have had regarding the language of Intro. 816-A. We will also continue our strong partnership with the Department of Education to build upon the gains we have made in ensuring the best possible education for our children, in the safest possible environment. Thank you, and we will be pleased to answer any questions you may have.



**Department of
Education**

Joel I Klein, Chancellor

**Testimony of the New York City Department of Education
on Proposed Int. No. 816-A**

**Before the New York City Council
Committees on Education, Public Safety and Juvenile Justice**

November 10, 2009

Elayna Konstan, Chief Executive Officer of the Office of School and Youth Development

Good morning Chair Jackson, Chair Vallone, Chair Gonzalez, and members of the Education, Juvenile Justice, and Public Safety committees. My name is Elayna Konstan, and I am the Chief Executive Officer of the Office of School and Youth Development. I am joined today by the Department of Education's General Counsel Michael Best. Thank you for the opportunity to appear before you to update you about our work on school safety and to share our thoughts regarding the proposed Int. No. 816-A, commonly known as the School Safety Bill.

I come before you as an educator who has served for 37 years in the New York City public schools as a special education teacher, a school-based supervisor, a district supervisor of Clinical Services, a Director of Instruction for high school superintendency, and a Deputy Superintendent. I am a graduate of the New York City public schools, and my son attended the City's public schools as well. From both personal and professional experience, I know that safe and orderly environments are a necessary precondition for effective teaching and learning. This is why the Department has made school safety a key priority in our efforts to improve student achievement.

Over the course of this Administration, DOE representatives have had several opportunities to testify on the topic of school safety, and on each occasion we were able to report that our schools were safer than during our prior appearances. Today is no exception. According to our colleagues at the NYPD, during the 2007-08 school year, we achieved record low levels of crime in our schools, and in 2008-09, crime levels were lower still, with a 7.7% reduction in violent crime and a 20% reduction in total crime in schools citywide over the prior school year. When we look at our impact schools, total crime went down by 45.2%, and violent crime decreased by a remarkable 46.7% over the prior school year. And while it is only November, we are on track to achieve record levels of safety in our schools for a third consecutive year. To put this into perspective, the level of crime in our schools has decreased so dramatically that the handful of schools experiencing the largest number of violent crimes today would not have been included among the most violent by any measure since we began the Impact Program in 2004.

Our schools report similar trends in the most serious levels of disciplinary infractions. From 2006-2007 to 2007-2008, our schools experienced a 13.5% decrease in Level 5 infractions, the most serious level of school-based incidents. In 2008-2009, schools reported an additional 9.3%

decrease in Level 5 incidents over the prior year. And, perhaps most remarkably, these decreases in serious incidents developed concurrently with an overall increase in reporting. School staff are recording and reporting more of the incidents that they witness among students, and even so, the most serious of these infractions have been consistently and steadily declining. While we are justifiably proud of these accomplishments, we know that there is always more work to do, and we appreciate your attention to this important issue.

It is worth noting that we have achieved these improvements in school safety through our strong and successful partnership with NYPD, through the concentrated efforts of our outstanding educators and administrators, through innovations in social-emotional education, through developmentally appropriate guidance support, meaningful student engagement, and consistent enforcement of the Citywide Standards of Discipline and Intervention Measures, commonly known as the Discipline Code.

Our approach to creating a safe and supportive environment is grounded in the belief that safety is the responsibility of the entire school community. Each year, the Discipline Code is shared with all students, parents, and staff members. It outlines clear expectations for behavior and equally clear consequences if those standards are not met. We seek public feedback on the Code every year, and have made changes annually based on that feedback, including extensive input from our students. In delineating consequences for discipline issues, the Code addresses two simultaneous goals – holding students accountable for their behavior and turning negative incidents into an opportunity for growth by providing a range of guidance supports to improve behavior and foster success.

Consistent and equitable implementation of the Discipline Code has been a critical factor in improving the climate and culture of our schools. We have also made considerable progress in finding ways to accurately collect and publicly share information about school safety, while protecting the privacy rights of our students and families. Since I last testified – and in direct response to your requests during that hearing – we have made significant upgrades to our systems that support tracking of student suspension data. These upgrades will allow us to disaggregate demographic characteristics such as race, sex, and grade level at the time of disciplinary action. We recently finished a first school-year pilot of this system and we will be able share district data from that pilot once it has been reviewed for accuracy. And, as you know, we work closely with our partners in NYPD and the Mayor's Office of the Criminal Justice Coordinator to analyze school-based crime data, which we publish on the DOE website.

The proposed School Safety Bill presents us with yet another opportunity to share critical information about school safety with the Council and with the public. The proposed bill will further enable us to understand the factors that support healthy, productive, and safe educational environments. It will also help us build on our progress in improving student safety to ensure that all parents feel confident about the well being of their children in our schools.

At the same time, we are obligated by local, State, and federal law to maintain students' and families' privacy rights with respect to education records, which cannot be released without explicit, written consent. Revised regulations for the federal Family Educational Records Privacy Act – or FERPA – released last December, strengthen our obligation to ensure that student identifying information is not disclosed and reinforce the position that data can be considered identifying even when we do not explicitly list students by name or identification number. Under the new FERPA regulations, providing demographic data that could allow any member of the school community to identify a student is akin to identifying that student and is prohibited.

It is essential that young people involved in disciplinary incidents have the opportunity to turn their behavior around and succeed in school. Any parent whose child has ever been disciplined in school, from a serious infraction down to a small misstep, knows how important it is that their child's right to privacy in this matter is protected. And so we work hard to balance the critical importance of transparency with our equally important responsibility to maintain the confidentiality of student records.

Given this delicate balance, we propose some adjustments to reporting requirements within the School Safety Bill to ensure that Council Members and the public receive the largest possible data set without violating FERPA. We already have shared some of these recommendations with the Council and we look forward to continuing to work with you on these specifications.

As you likely know, education scholars have found that – in school districts of all types and sizes nationwide – low-income students, students of color, and students with the greatest academic needs are disproportionately punished for involvement in incidents. Research on how school systems can sustainably address this apparent disproportionality remains in its early stages. We believe that analyzing and releasing demographic data about discipline issues will help us better evaluate how that trend exists in New York City. And just as we have made significant gains in closing the academic achievement gap between black and Latino students and their white and Asian peers, we will utilize promising, research-based practices to help us to understand and close any version of this disciplinary gap that might exist in our City's schools.

As currently written, the School Safety Bill proposes the release of disciplinary data disaggregated by students' race or ethnicity, sex, age, special education classification, and the infraction codes identifying the category of incident that led to disciplinary action. To meet the goal of this bill, the Department proposes to release disciplinary data disaggregated by students' race or ethnicity, sex, grade level, whether or not the student receives special education services, and the infraction codes identifying the category of incident that led to the disciplinary action.

While we are committed to transparency in this area, we must remain cognizant that including these demographic categories significantly increases the likelihood that a reasonable member of the school community could identify an individual young person involved in these incidents. To maximize transparency and support understanding of this

critical information while protecting student privacy rights, we propose to release this data set annually, and at the district level, rather than the school level.

Separate from the aforementioned data on disciplinary actions, the proposed School Safety Bill also asks the Department to share data on school discharges and transfers that result from disciplinary action. This aspect of the Act presents a different kind of challenge, one that is both philosophical and practical. The fact is that from 2006 to the present, only two students have been expelled from the New York City public school system, in both cases as a result of seriously violent disciplinary infractions. As a system, we focus on providing opportunities for students to grow, change, and excel in a variety of educational contexts and environments.

We are confident that our strategy of integrating opportunities for engagement with accountability for individual behavior and the provision of student support services is effective because it has yielded remarkable results in reducing recidivism. For three consecutive school years, fully 85% of students who received a superintendent's suspension did not commit another offense serious enough to warrant a second superintendent's suspension that school year. And, during that same three-year period, an additional 11% of students who received a second suspension did not commit an offense serious enough to warrant a third. Ninety-six percent of students who receive superintendent's suspensions are only suspended once or twice.

Separate from multiple suspensions, the School Safety Bill asks about transfers. To ensure that transfers never occur without fully considering how the school has attempted to meet the student's needs, New York State law requires a separate hearing – independent of any disciplinary hearing – if a principal seeks to transfer a student. Specifically, State Education Law 3214 permits principals to initiate involuntary transfers in cases “where it is believed that a pupil would benefit from the transfer, or when the pupil would receive an adequate and appropriate education in another school program or facility.” In such cases, however, the principal must initiate a special, separate hearing to request an involuntary transfer.

The process of a principal requesting and a student receiving an involuntary transfer is exceedingly rare. During the 2007-08 school year, only 57 involuntary transfers in the entire New York City public school system were assigned to students through an independent hearing subsequent to a disciplinary suspension. In 2008-09, that number was only 55. Somewhat more often, though still quite rarely, a parent will request a voluntary transfer subsequent to a disciplinary suspension if she or he believes that a student would benefit from a fresh start or be better served in another educational setting. And yet, only 531 voluntary transfers – representing just 3.9% of students involved in suspensions – requested during the suspension process occurred last school year.

By every measure, our disciplinary systems ensure that we give our students extensive opportunities to recover from infractions, to succeed academically, to develop socially and emotionally, and to graduate. The Department has established clear protocols to protect each student's right to remain in school through age 21. We require schools to

give notice to students and their parents of the right to remain in school and schools must schedule a meeting, called a planning interview, before a student may be discharged. Students who are over compulsory school age and who have been absent long-term can only be discharged following outreach and a scheduled planning interview.

I share these details to illustrate a critical point. Our policy on student discharges is very clear: we make every effort to re-engage students, regardless of the context. Students are not discharged as a result of disciplinary action except in the rarest, most egregious cases – resulting in only two expulsions over the past three school years. Even those students who are discharged after a planning interview have the right to re-enroll through age 21. For virtually all students, the discharge process I have just described is completely separate from the discipline process. We are deeply committed to providing all students with a safe, supportive school climate and culture in which to learn and grow so they can succeed in school and graduate.

We are equally committed to addressing the academic and social-emotional needs of students who exhibit challenging behaviors. And we are invested in openly sharing information that will illuminate our areas of progress and our targets for growth. We work hard to ensure that our code of conduct is enforced equitably, while recognizing that appropriate boundaries must be established and disciplinary action must be taken when students violate community expectations, or endanger themselves, their peers, or the adults who support them. We remain focused on the twin goals of supporting students' successful achievement and development, and building the capacity of school staff to create environments that foster that success while allowing for course correction when a student needs additional support.

Thank you for your time today. We look forward to your ongoing support of school safety and to working with the Council to modify the School Safety Bill so that it can become yet another effective tool in our continuing efforts to improve school safety and, indeed, the New York City public schools as a whole. I am happy to answer your questions.

**Testimony of Gregory Floyd, President
Teamsters Local 237
Before the Council Committees on Education,
Juvenile Justice and Public Safety
Regarding Intro. 816-A
November 10, 2009**

Good afternoon. My name is Gregory Floyd. I am the President of Teamsters Local 237, the union representing 5,000 School Safety Agents employed by New York. I thank the Chairman and Committee for this opportunity to speak before you today.

The Committee is considering legislation, Intro 816-A, concerning student discipline in our public schools. Most of the changes are designed to upgrade the collection and publication of statistics on student discipline. This is valuable information for the public, and Local 237 supports this type of statistical reporting.

Local 237 is also pleased that the Council is no longer considering proposals to bring School Safety Agents under the jurisdiction of the Civilian Complaint Review Board (CCRB). This union has consistently argued that the nature of our officers' work and their close ties to the communities from which student populations come, made the CCRB proposal inappropriate.

However, Local 237 is concerned that Intro 816-A unfairly singles out School Safety Agents as wrongdoers. The legislation does not show any evidence that students and parents are prevented from filing complaints. Yet, this bill would mandate that the DOE display on its website – and in all school facilities – ads explaining how to file charges against School Safety Agents. While complaint procedures are available against other school personnel as well – teachers, aides, administrators – no other group except SSAs are singled out for this solicitation of charges. This is not right!

Local 237 submits that singling out School Safety Agents is not only unfair, but ignores the public's approval of our members' work in the schools. The annual DOE school survey shows that 74% of students believe School Safety has created a safe and respectful learning environment. 95% of parents polled said they felt School Safety Agents had made the schools safer; and 88% believed school discipline was fairly imposed.

Local 237 is concerned that the proposed legislation is the result of a campaign generated by the New York Civil Liberties Union (NYCLU) and other groups. NYCLU is a reputable organization, with a long and creditable history. However, its recent claims of School Safety Agents' misconduct are exaggerated and misleading. As far as I am aware, none of the evidence offered by NYCLU has withstood investigation.

Unfortunately, NYCLU has tried to stir controversy. It has distributed leaflets at schools urging students to complain of "harassment" by Agents. It has sponsored essay contests on the subject of students' concerns over school policing, with prizes of up to \$1000. NYCLU is exploiting these young minds by inviting complaints about- and disrespect for - School Safety Agents.

The most outrageous aspect of NYCLU's criticism has been a suggestion that School Safety is insensitive to the concerns of a student population with a large concentration of minority-group members. In fact, our School Safety force is over 90% African-American and Latino, and 75% female, and includes a large number of public school parents. Any suggestion that this force is unsympathetic to the youngsters they protect is simply ridiculous.

In sum, Local 237 supports the increased public reporting of statistics on student discipline. We welcome legitimate scrutiny of School Safety issues. However, we draw the line on differential treatment that suggests our School Safety Agents are more likely to do wrong than any other group within the schools or anywhere else in City government. Neither evidence nor reason suggests this is true.

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**NEW YORK CITY COUNCIL
Committees on Public Safety, Education, and Juvenile Justice
Hearing on the Student Safety Act**

**TESTIMONY OF HOLLY A. THOMAS
Assistant Counsel
NAACP Legal Defense & Educational Fund, Inc.**

November 10, 2009

The NAACP Legal Defense & Educational Fund, Inc. (LDF), is pleased to be here this afternoon to support the passage of the Student Safety Act.

LDF is the nation's premier human rights and civil rights organization. LDF was founded in 1940 to assist African Americans in securing their constitutional and statutory rights, as well as to provide legal services to persons suffering injustice due to racial discrimination. Today, through litigation, advocacy, public education, and outreach, LDF continually works to secure equal justice under the law for all Americans, and to break down barriers that prevent minority groups from succeeding and thriving in society. This work includes advocating for the rights of all students to ensure their equal access to educational opportunities.

The increasing number of suspensions, expulsions, and arrests of public school students is an issue of extreme concern to LDF because all three are overly used and disproportionately applied to students of color, and therefore have a negative impact upon educational opportunities afforded to those children, and, in particular, to African-American youth. For example, nationwide statistics show that in 2004, out of a total public school population of about 49 million children, there were 3,279,745 school suspensions and 106,222 expulsions. That same year, although African-American students represented just 17% of public school students, those students accounted for 37% of school suspensions and 35% of school expulsions nationwide.

These figures are alarming because the consequences of even short-term suspensions and expulsions can be long-lasting. Children who are removed from class through suspensions and expulsions are more likely to fail their classes because of missed assignments; be retained in grade; drop out of school; engage in criminal behavior; and eventually become involved in the juvenile and criminal justice systems. Indeed, African-American youth represent 40% of those in juvenile correctional facilities, and data show that incarcerated youth are also likely to have been previously suspended or expelled from school.

Not enough is known about how school discipline and security policies impact suspension, expulsion, and arrest rates on the local level – yet this is critical information that could help school decisionmakers, city officials, and advocates figure out how to serve our children more effectively and ensure the safety of students, staff and administrators in our schools.

The Student Safety Act presents an opportunity for New York City to become a national leader in the effort to better understand the impacts of discipline and policing practices. The Act will set New York City apart by requiring that both the Department of Education and the New York City Police Department provide publicly available quarterly reports on suspensions and expulsions, arrests, and any incidents involving students and school safety agents. The Act is particularly important because it requires this data to be disaggregated by race/ethnicity, sex, gender identity, and a student's status in general, special, English Language Learner, or resource room classes. This will allow school administrators, students, families, advocates, and this Council, to examine the impact of discipline practices upon specific groups of students, and will provide a foundation to craft policies and procedures that better serve all of the City's students.

LDF is proud of the efforts made by the students, advocates and lawyers of the Student Safety Coalition, with whom we have worked to make today's hearing possible. We urge the members of this Council to pass the Student Safety Act, and ensure the safety and success of our children.

Testimony at City Council Hearing on the Student Safety Act

Liz Sullivan, Human Right to Education Program Director
National Economic and Social Rights Initiative (NESRI)

Tuesday, November 10, 2009

Good afternoon. My name is Liz Sullivan and I am the Education Program Director at the National Economic and Social Rights Initiative (NESRI). NESRI works with advocates and organizers in New York City and around the country to promote the human rights to quality education and dignity for all young people.

We urge the City Council to pass the Student Safety Act as an essential first step in promoting greater accountability over school discipline and safety policies and ensuring the fundamental human rights of New York City school children.

Current discipline policies rely on harsh and excessive suspensions and removals that undermine students' education, ignore the underlying reasons for disruption and conflict, and increase the likelihood of dropout and incarceration.¹ The overuse of police and School Safety Agents create prison-like environments and lead to police intervention and arrests for behavior that used to be dealt with by educators.²

Fundamental human rights standards recognized in the Convention on the Rights of the Child and other human rights treaties require that school policies must not violate the dignity of students, cause mental or physical humiliation or harm, or criminalize adolescent behavior. Instead school policies should be aimed at the full development of each child's abilities and potential, including the teaching of positive behavioral skills and conflict resolution.

The Student Safety Act is necessary for both monitoring the impact of suspensions and police intervention on students' right to education, and for moving the New York City school system to adopt more positive approaches to discipline and safety.

In other cities, like Chicago, Los Angeles and Denver, school districts have begun to embrace alternative disciplinary policies, such as School-wide Positive Behavior Interventions and Supports (PBIS) and Restorative Practices. These approaches are aimed at moving discipline procedures away from a focus on punishment and towards prevention, early intervention, and constructive responses to wrong-doing. Researchers have found that schools implementing these approaches show reductions of up to 50% in suspensions and arrests, along with improvements to academic achievement and teacher satisfaction.

But in order for schools to determine what alternatives will be most effective and what supports are necessary, we must have data about what students are being suspended and arrested for, and when different school staff or police personnel are getting involved. The public availability of

¹ Russell Skiba et al., "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," American Psychological Association (APA) Zero Tolerance Task Force, 2006.

² Advancement Project, Education on Lockdown: The Schoolhouse to Jailhouse Track, 2005.

this data is also essential for ensuring the fundamental human rights of students, parents and educators to participate in shaping, implementing and monitoring these policies.

We urge the City Council to pass the Student Safety Act to better ensure the human rights to education, dignity and participation for all children.

Best Practices in School-wide Approaches to Discipline:

Restorative Practices

Restorative practices use a variety of informal and formal techniques to build a sense of school community and manage conflict by repairing harm and restoring positive relationships through:

- Using circles as a classroom teaching method to work collaboratively with students to set academic goals, explore the curriculum, and set classroom norms for behavior;
- Training teachers and staff in classroom management techniques that increase communication and provoke student reflection on how their actions impact others; and
- Using formal circles, fairness committees, peer juries and group conferencing techniques to involve students in identifying the harm caused by an incident and working together to identify ways to repair the harm done to individuals and the school community.

What the Data Shows

In 2006, Chicago Public Schools adopted a new student code of conduct incorporating restorative practices. Over 50 high schools in Chicago now have restorative peer jury programs. As a result, over 1,000 days of suspension were avoided in 2007-2008 by referring students to peer jury programs for violating school rules, thereby keeping them in the learning environment.³ At Dyett High School in Chicago, student arrest rates decreased by 83% one year after implementing the peer jury program.⁴

West Philadelphia High School was known as one of the worst schools in Philadelphia and was on the state's "Persistently Dangerous Schools" list for six years. But after one year of implementing restorative practices, the climate has improved dramatically. Suspensions were down by 50% in the 2007-2008 school year,⁵ and violent acts and serious incidents were down 52% in the 2007-2008 school year.⁶

Positive Behavior Supports

Positive Behavior Supports (PBS) is a school-wide system that uses proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments. Using PBS, schools develop school-wide discipline plans that include:

³ Bradley Olson and Judah Viola, "Chicago Public Schools High School Peer Jury Program Evaluation Report," DePaul University, September 2007.

⁴ Chloe Wiley, "Peer juries reduce suspensions, increase attendance at Chicago public schools," *Windy Citizen*, May 23, 2008.

⁵ Caralee Adams, "The Talk It Out Solution: How can you promote safety? Try getting rid of the metal detectors," *Scholastic Administrator*, November/December 2008. See video: "The Transformation of West Philadelphia High School: A Story of Hope" <http://www.iirp.org/westphilahigh/>

⁶ Sharon Lewis, Ed., "Improving School Climate: Findings from Schools Implementing Restorative Practices," International Institute for Restorative Practices, May 19, 2009. <http://www.iirp.org/pdf/IIRP-Improving-School-Climate.pdf>

- Developing and teaching school norms and social emotional skills;
- Acknowledging and reinforcing positive student behavior;
- Using effective classroom management and positive behavior support strategies to provide early intervention for misconduct and appropriate use of consequences;
- Using data collection and analysis to monitor and adjust discipline policies to best meet the needs of teachers and students.

What the Data Shows

In Illinois, there are over 600 schools implementing PBS with positive results, including reduced disciplinary referrals and improved academic outcomes for students. At Carpentersville Middle School, for example, after implementing PBS, office disciplinary referrals fell by 64% from 2005 to 2007. During the same period, the number of students that met or exceeded standards for 8th grade tests increased by 12.3% in Reading and 44% in Math.⁷ In 12 Chicago public schools, the number of students who received six or more disciplinary referrals fell by more than 50% over three years after implementing PBS.⁸

In Florida, a study of 102 schools using PBS found that after one year of implementation office disciplinary referrals fell by an average of 25%, and out of school suspensions fell by an average of 10%.⁹ The Los Angeles Unified School District passed a new district-wide Discipline Foundation Policy on School-wide Positive Behavior Support in 2007, which is currently being implemented in every school across the district.

Reports Available On-Line:

Teachers Talk: School Culture, Safety and Human Rights, NESRI and Teachers Unite, October 2008 http://www.nesri.org/programs/teachers_talk_report.html

Deprived of Dignity: Degrading Treatment and Abusive Discipline in New York City and Los Angeles Public Schools, NESRI, March 2007, http://www.nesri.org/programs/dignity_report.html

⁷ Illinois Positive Behavior Interventions & Supports Network, 2006-07 Progress Report. <http://www.pbisillinois.org/>

⁸ Illinois Positive Behavior Interventions & Supports Network, 2005-06 Progress Report. <http://www.pbisillinois.org/>

⁹ Florida's Positive Behavior Support Project Annual Report 2007-2008. <http://flpbs.fmhi.usf.edu/index.asp>



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**TESTIMONY OF DONNA LIEBERMAN, UDI OFER, AND JOHANNA MILLER
ON BEHALF OF THE NEW YORK CIVIL LIBERTIES UNION**

before

**THE NEW YORK CITY COUNCIL
EDUCATION, PUBLIC SAFETY AND JUVENILE JUSTICE COMMITTEES**

on

THE STUDENT SAFETY ACT (Introduction 816-a)

November 10, 2009

The New York Civil Liberties Union respectfully submits the following testimony in support of Int. 816-a, the Student Safety Act.

With more than 48,000 members, the New York Civil Liberties Union is the foremost defender of civil liberties and civil rights in New York State. For several years, as part of our dedication to protecting youth and students' rights, we have worked to understand and dismantle the School to Prison Pipeline in New York City.

The Pipeline is a term used by advocates to describe the means by which at-risk students are pushed out of safe educational environments and often end up in the juvenile justice and criminal justice systems. This is a nationwide phenomenon that affects thousands of students

each year and contributes to the achievement gap, high drop-out rates, and high rates of incarceration.¹ There is evidence, both national and local, suggesting that the pipeline affects black and Latino students and students with disabilities at alarmingly disproportionate rates. The Student Safety Act will give the City Council access to data that will confirm or dispel this evidence—data that is vital to measuring the fairness and continued efficacy of the current school safety paradigm. We wholeheartedly support the enactment of this bill, and emphasize the need for a commitment from the Council to enforce its mandates.

The School to Prison Pipeline

As a member of the Student Safety Coalition, the NYCLU has closely studied the causes and effects of the pipeline in New York City. Our work has revealed that an overreliance on law enforcement to enforce discipline and the use of de facto zero tolerance policies to remove students from the classroom contribute significantly to the pipeline. Classroom removals, arrests, court referrals, suspensions, handcuffing, and aggressive policing are often overreactions to ordinary adolescent behavior. And every day spent outside the learning environment reduces the chances of success for our children.² Varying approaches to discipline and policing result in inconsistent educational opportunities among schools and neighborhoods—a difference that is heavily pronounced along racial and socio-economic lines.³ While the majority of school safety agents do a good job under challenging circumstances, the NYCLU has received too many stories from students, parents and teachers about children being wrongfully searched, handcuffed, arrested and even physically assaulted by police personnel in schools. As a result, childrens' right to an education in a non-discriminatory school system is being jeopardized.

The state of school safety in New York City is illustrative of national trends in education. Over the past decade, fear of school violence, shrinking education budgets, and pressure to raise test scores has lead to an increased police presence in schools, an overreliance on exclusionary

¹ See, e.g., National Center for Schools and Communities, *Policing as Education Policy* (2006); American Academy of Pediatrics, *Out-of-School Suspension and Expulsion* (2003); American Psychological Association, *Zero Tolerance Task Force* (2006); NAACP Legal Defense and Education Fund, *Dismantling the School to Prison Pipeline* (2007).

² NAACP Legal Defense and Education Fund, *Dismantling the School to Prison Pipeline* (2007).

³ Id.

discipline, and a tendency to refer disruptive or challenging students to the police and the courts.⁴ Schools rarely have the resources to explore the reasons for student misbehavior or offer students a meaningful chance to make things right. As the largest school district in the country, New York City has the opportunity to set an example by enacting the Student Safety Act. By refusing to tolerate the pipeline locally, we will be taking a national stand for students.

Access to data on student arrests, suspensions, and other punitive discipline practices is the first step in understanding and stopping the effects of the pipeline. The Student Safety Act will allow the DOE and NYPD to better evaluate the effectiveness of school safety practices. More importantly, it will allow legislators and the public to work towards creating safe, peaceful schools where all children feel welcomed and nurtured.

Unanswered Questions

In 2006, the NYCLU conducted a study of school safety practices, the results of which were published in the report *Criminalizing the Classroom: the Over-Policing of New York City Schools*. We reported our findings to the City Council in October 2007 as five issues. Today, these same five issues comprise the heart of the school safety debate:

1. **Inadequate Training of SSAs:** Police officers and school safety agents are trained to utilize aggressive street policing tactics that are inappropriate for schools. Neither SSAs nor police officers in the school safety division undergo adequate training on the uniqueness of the school environment, the developmental needs of children and adolescents, or the requirements of working with students with disabilities. This disrupts the sanctity of the learning environment and too often leads to mistrust, hostility, unnecessary punishments, and violations of the constitution and federal laws.⁵ Further it may expose SSAs and the City to legal liability. Adequate training is needed to ensure that the school environment is functional and safe for all parties.

⁴ American Academy of Pediatrics, *Out- of-School Suspension and Expulsion* (2003). Available at www.pediatrics.org/cgi/content/full/112/5/1206.

⁵ The Individuals with Disabilities Education Act (IDEA) provides protections to students with special needs, including protections against removals from the learning environment. Arrests, classroom removals, and long-term suspensions can violate this statute. 20 U.S.C.A. §§1415(k) (2009).

- 2. Unclear Role for SSAs:** The Memorandum of Understanding that serves as the governing document for school safety does not adequately explain or define SSAs' roles in schools.⁶ In 1998, Mayor Guiliani and the Board of Education invited the NYPD to take over the struggling school safety force. The transfer came with promises that school safety agents would not have the power to make arrests, and amidst concerns about their role in the school. Unfortunately, the mayor and the board failed to address those concerns by creating a meaningful governing document.

The result is that the boundaries of SSA's authority are too murky, inconsistent from school to school, and too often ignored altogether. We have received reports of SSAs seizing students' lunches, hats and cell phones, kicking students out of school, and not permitting students physical access to the school building before or after school—even where the students have permission or are required to attend school at those times. This unclear role is harmful to children and to SSAs as well. For instance, the NYPD maintains that SSAs are not to be first responders every time there is a disruptive student⁷, but SSAs are called upon to enforce discipline in far too many instances, a fact that is not contemplated by the discipline code or the MOU.

- 3. Unclear Relationship Between SSAs and Schools:** Because SSAs report to the NYPD, many administrators feel that they have no authority to influence their activities. As a result, their integration into the school community is often limited and is troublingly inconsistent between schools. In addition, SSAs generally do not participate in in-service trainings with other school employees, including anti-bias-based harassment and sensitivity trainings, which may make them less well equipped to effectively work with a diverse student body.⁸ While SSAs at many schools are fully integrated into the

⁶ Until a few months ago, it was understood-- and had been unequivocally stated on the record by Deputy Chancellor Kathleen Grimm-- that the MOU had expired in 2002. In fact, Mayor Bloomberg and Chancellor Klein renewed the agreement (without NYPD representatives present) in 2003. The fact that the Deputy Chancellor was not even party to the renewal, is powerfully symbolic of the ad hoc approach the DOE has taken to school safety, and the lack of meaningful communications between it and the NYPD.

⁷ NYPD School Safety, *NYPD, UFT meet on safety problems in schools*, April 1, 2009. Available at <http://blogs.myspace.com/nypdssd>

⁸ In a 2009 conversation with advocates, Brian Ellner, DOE Senior Counselor for Community Affairs, stated that, because SSAs are NYPD employees, DOE could not commit to including them when it handed out materials on

educational environment and respect the needs and rights of students, this is not the case at every school. Additional training, and a strong policy of integration and inclusion, is necessary to ensure that students at each school are treated with dignity and respect. Moreover, it must be made clear that principals are in charge of discipline and safety in their schools.

4. **Metal Detectors:** In 2006, the NYPD and the DOE created a program now known as “roving metal detectors” which brought temporary metal detectors to middle and high schools around the City. All schools are subject to the roving metal detector program and students and teachers usually have no advance warning. The chaos and confusion that occurs when the metal detectors arrive causes students to miss classes and exams, and can result in the illegal confiscation of non-contraband student property such as school supplies, food, and electronic devices.⁹ The roving metal detector program is a flashpoint of conflict that wastes enormous amounts of classroom time, results in high rates of absenteeism, and causes a rift in the sanctity of the learning environment.

Likewise, permanent metal detectors are often the location of negative interactions between students and SSAs. Students and teachers too often report emotional and physical harassment by SSAs occurring at “scanning,” often sparked by something as minor as the zippers on a student’s coat. The DOE’s own data shows that the vast majority of items confiscated at metal detector scanning are not weapons or “dangerous instruments.”¹⁰ Further, in schools with permanent metal detectors, SSA’s are more likely to be involved in “non-criminal incidents” than at other schools.¹¹

Metal detectors should not be viewed as the first—or only—option to keep schools safe, but as a last resort. Further, their use should be temporary, as schools explore more

bias-based harassment to all other professional and non-professional personnel in the schools. Bias-based harassment is an issue of great importance in the schools, as it has the potential to severely disrupt a students’ education and is a violation of Chancellor’s Regulation A-832. The lack of clarity surrounding DOE’s ability to include police officers assigned to work in schools in a training on this issue contributes to SSAs’ lack of integration into the school community and could result in increased harassment of students.

⁹ NYCLU, *Criminalizing the Classroom*, March 2007

¹⁰ New York Civil Liberties Union, *Criminalizing the Classroom: The Over-Policing of New York City Schools*, p.19 (March 2007).

¹¹ *Id.*

effective and lasting means of maintaining safety, such as restorative justice practices. Metal detectors represent a breach in the sanctity of the school environment, and too often contribute to unnecessary conflicts between students and police. We believe that staff, students, and parents should be able to make the decision to add or remove a metal detector from their school in a collaborative way, with annual reviews of the efficacy of the devices and their effects on the school environment. Further, there must be citywide standards to set and control the sensitivity of the devices.

5. **Inadequate Complaint Mechanism:** Students and parents have no meaningful way to complain about the abusive practices of SSAs or police in schools. This is particularly true for undocumented immigrants and other populations who are uncomfortable contacting the police department. While this issue will not be addressed by the passage of the Student Safety Act, it is important to acknowledge that the Internal Affairs process can be intimidating and inappropriate for victims of police misconduct, which likely results in underreporting of incidents.

Since 2007, these core issues have remained unaddressed despite the tireless work of youth organizers, activists, parents, and educators. This is in large part due to a lack of transparency and accountability surrounding the school safety program, from both the DOE and the NYPD.

Advocates, lawmakers and the public face an uphill battle getting answers regarding the operations and effects of school safety practices. The lack of raw data, statistics, and information about student safety and discipline hinders our ability to address basic questions about the operation of the pipeline in New York, and ultimately, our ability to protect students' rights.

There is compelling evidence that school safety is an area where youth of color and those with disabilities are further distanced from their peers. This is not necessarily the result of the actions or beliefs of individual agents so much as the planning, strategies, and policies of the NYPD and DOE. Our research shows that permanent metal detectors, and correspondingly, the heaviest concentrations of police personnel, are in schools that serve high and disproportionate

populations of black and Latino youth, primarily from low-income households.¹² In those schools, police are more likely to become involved in non-criminal incidents than in other schools—in fact, in schools with permanent metal detectors, nearly 80% of police-involved incidents were classified as non-criminal.¹³

Unfortunately, data on routine police-student interactions is nearly impossible to obtain through the Freedom of Information Law. The NYPD consistently ignores or unreasonably delays FOIL requests. The NYCLU has at least four outstanding FOIL requests with the NYPD that are past the statutory deadline for a response—one of which has been outstanding for a year. These are requests for basic information on student arrests, Internal Affairs Bureau complaints, the administration of and basic statistics about the truancy program, and the use of “Velcro handcuffs” on young children in Queens¹⁴, among other matters. Anecdotally, the NYCLU receives a disturbing number of reports of SSAs physically and emotionally abusing students, and using handcuffs and other restraints on students of all ages for common misbehavior. Unfortunately, we cannot gauge the scope of this issue, its impact, or its veracity because the NYPD has failed or refused to disclose any information on the subject. The reporting mandated by the Student Safety Act will protect students from abuse of power, and will protect SSAs from unfounded allegations of misconduct.

Requests to the DOE for information on school safety and discipline have been subject to similar delays and non-responses. A request made on behalf of the Student Safety Coalition for information on student suspensions and discharges—the information which will be regularly reported under the Student Safety Act—was delayed by the DOE for almost a year, and then only a partial response was ever furnished. In a series of letters and conversations with the DOE regarding this request, it became apparent that the Department’s record-keeping in this area has been inconsistent over the past ten years, and the agency is unable to furnish complete and accurate data on student suspensions pre-dating 2005. This precluded the Coalition from conducting an accurate study of student suspensions before and after the installation of the NYPD in schools and the mayoral control laws.

¹² Id. at 20

¹³ Id.

¹⁴ The NYPD announced a pilot program of using Velcro restraints on elementary students in the Queens North precinct in February 2009.

Further, the DOE has told us it does not capture or report records of police-student interactions in schools. This willful ignorance may result in inappropriate, and potentially unconstitutional, behavior in the schools. Last year, the NYCLU alone received calls from dozens of parents complaining that their children had been wrongfully handcuffed, arrested, or ticketed for behavior that occurred inside their school or on the way to school. And yet the DOE would have knowledge only of those few incidents that make their way into the media, because it does not analyze those interactions or provide a mechanism for parents or students to complain about the actions of school safety agents.

Finally, the school safety division has grown by 65% in the past six years, despite the fact that student enrollment is at its lowest point in over a decade. The number of personnel policing New York's one million students is staggering—5,246 officers and agents according to the NYPD. The cost of this police force is \$221 million dollars. For perspective, the City of Dallas, Texas, which has 300,000 more citizens than New York has students, employs just 3,500 police officers. Further, the Department of Education employs just over 3,000 guidance counselors—choosing instead to deal with students through the criminal justice system.¹⁵ Without a real analysis of the efficacy of SSAs' activities in schools—or even what those activities are—this continued expense, and any additional expansion of the division, is unjustifiable.

Alternatives to the Pipeline

This summer, the NYCLU, along with the Annenberg Institute for School Reform and Make the Road New York, released a report on six successful schools in New York City. These schools serve student populations with the same at-risk demographics as the “worst” schools in the City. Some of them accept transfer students, students who have difficulty succeeding in traditional school environments, or who have been victims of the pipeline at their previous schools. None of the schools in the study use metal detector scanning, all have very low suspension rates, and all boast higher graduation and attendance rates. Importantly, violence and criminal incidents in these schools are at remarkably low levels.

Our report examined the methods employed by the administrators and teachers at these schools and found important similarities among them. Student behavior is addressed through

¹⁵ Based on data provided by the United Federation of Teachers (UFT)

conflict resolution, peer juries, or fairness committees; students are given a voice in school rules, which increases their understanding of the functions of those rules; school safety agents are members of the school community, participating in regular meetings with staff and administrators; principals are empowered to make the best decisions for their unique school communities; and the schools rely on ingrained cultures of trust, communication, and respect. These schools show that real-world alternatives exist to solve student discipline problems. All members of the Council received a copy of the report earlier this year. Additional copies can be obtained by contacting the NYCLU. We urge the Council to consider our findings as proven methods to reduce conflict and increase student success.

Conclusion

The Student Safety Act will promote vital transparency in an area of education policy that can have devastating effects on students. By providing this data to policymakers and the public, the Student Safety Act will lead to more informed decision-making on school safety issues, and will allow the public and legislators to conduct a serious analysis of the impact of school safety practices on students' educational opportunities. It will also allow for a sophisticated analysis of trends in school safety—a necessary ingredient in any policy area.

Studies have demonstrated repeatedly that zero tolerance discipline and police referrals are used disproportionately against male students of color and students with disabilities.¹⁶ Youth of color tend to receive harsher punishments than white students for the same offenses.¹⁷ It is important that the Council and the public have access to data that explains what infractions students are being suspended or arrested for, whether particular demographic characteristics affect a student's punishment, whether some schools suspend students at higher rates, and whether interactions at metal detector scanning result in conflicts between students and SSAs.

We urge the Council to pass the Student Safety Act immediately, commit to enforcing its mandates, and conduct serious reviews of the information provided to ensure that every student has an equal opportunity to succeed. New York City students deserve a school system that respects their needs, their individuality, and most importantly, their rights as human beings.

¹⁶ See, e.g., Russel Skiba and M. Karega Rausch, *Zero Tolerance, Suspension and Expulsion: Questions of Equity and Effectiveness* (2006).

¹⁷ *Id.*

SCHOOL SAFETY HEARING

November 10, 2009

Edward C. Josey, President SI Branch NAACP

Ph. (718)608-4847

As President of the Staten Island Branch of the NAACP our branch is often involved in school issues. One of the more disturbing aspects of the educational system is the strong presences of the School Safety Officers. These School Safety Officers are nothing more than Police Officers. Many of the problems our African-American students encounter are due to the image these safety officers represent. These officers are a part of the culture the Police Department Represents. Without going into a deep discussion, the Rand report represents nothing but racial profiling.

Some years ago when the idea of the Police Department taking over School safety took root, the NAACP and many groups were against the NYPD coming into the schools for the very reason or issues we are now confronted with. The schools are meant to be an institution of learning within an educational setting. A closer look at this institution will give you the impression the system is not truly living up to its mission because so many of our African-American and Latino students are falling by the way side and are populating that pipe line to prison.....the NYDOE is failing to provide a huge number of our youth with a foundation success.

I have seen or heard of African-American and Latino boys involvement with the police/school safety officers.

One case on Staten Island last term involved a high school boy being strip searched for drugs and alcohol that were not found. On January 23, 2009 the boy, was grabbed by his neck by the Assistant (AP) Principal and questioned about drug and alcohol (On December 12, 2008 the same Asst. Principal asked the boy was he a Homosexual). The School Safety (became involved) and along with the AP, with the door opened had the boy lift up his shirt, pull down his pants, remove his shoes, pat the boy down, smelled his breath, check his school bag, ripped the lining of his coat. After a while, the safety Officer said the boy was clean. At no time during this procedure was the boy's mother called...the boy.

Upon hearing of this incident, the mother was without doubt mad. Feeling for the boy's safety, the mother kept the boy home and had his school work sent to him. The mother asked for a temporary transfer to another school or get the boy home schooling....these requests were denied. The Principal told the mother say she was going to call Agency for Child Services (ACS). The Mother was charged with mistreating her son and neglect. At this time, May of 2009 the mother called the NAACP and I asked for a detailed letter about the problem. After getting the letter the mother asked me (and an advocate) to visit the school with her. Upon learning of the NAACP at the door, we were denied entrance to the school. I then call the School District's Parent Advocate of the issue. She came to the school, I was still not allowed in the school because the correct appoint was not made. We called the news papers, NAACP in NYC, the Councilman. This story is important to understand because it illustrates the effects of poor Policing.

1. The boy was upset and violated an hurt.
2. Strip searched in public
3. The mother was ignored.
4. The mother was report to the ACS
5. The boy's entire family was upset.
6. The NAACP was upset.
7. I told the mother to go to the D.A. Office
8. The NAACP NYC Conference met with the DOE at tweed court house on this issue
9. I was questioned/told who I should bring with me to help advocate.

This whole picture was out of order and under no circumstances should this incident develop with out parent involvement.

I have seen boy's 10 years old weighing 100 lbs being removed from school in handcuffs and placed in police cars because the pose a safety issue to the school. These boys will most likely be suspended from school, often be placed in special education, do poorly in school, start to develop negative feeling about them selves and the system, drop out of school, get involved in bad life styles and often go prison. At this point in life the student starts to get negative feelings toward the blue police uniform.

**New York City Council
Public Safety and Education Committee Hearing on the Student Safety Act**

**Testimony of Minerva Morales
Parent
Coalition for Educational Justice**

November 10, 2009

My name is Minerva Morales. I am a New York City Public School parent and a member of the New York City Coalition for Educational Justice. I am here today to support the passage of the Student Safety Act.

The Coalition for Educational Justice is an organizing movement led by parents. We are a collaborative of community-based organizations and unions whose members include culturally diverse parents, community members, students and educators. Our most pressing concerns are the inequities that exist in the city's public school system. We are motivated by the urgent need to secure a quality education for all students and we have mobilized the power of parents and the community to affect change and create a more equitable educational system.

Right now schools are relying on safety agents to handle discipline issues that normally used to be handled by school administrators such as: Being late to school, in the hall without a pass, dress code violations and other infractions.

Because of this, more and more students are being arrested and criminalized for non-criminal offenses. Because there is no system of transparency or accountability, School Safety Agents are free to do whatever they want in the schools, even more so than cops on the street. The over-policing has created a police state in our schools that are preventing many students from going to class, getting to class on time, or even graduating. It's doing more to push students out of school than it is keeping them safe.

We have a unique opportunity to address these issues & it begins with the Student Safety Act. By having the reporting requirements, we will see, clearly, how our discipline polices and police practices are affecting the lives and academic possibilities of young people and by making this available to advocates, you will allow them to use their resources to better serve youth and their families' needs.

We are in an educational crisis. As parents who collaborate and organize we see the negative effects of over-policing on children and families everyday. The need for transparency is an urgent need. That's why legislation like the Student Safety Act cannot wait another year to pass. We need change now, for students who are still in school, for students are being suspended as we speak, for students who are sitting in a jail cell for actions that could have been addressed through counseling, mediation, or other alternatives to policing.

Our children are our first priority, and when we place them in the city's hands each day, we hope you will treat them as the precious individuals they are. Please don't wait, when you can act now to give all students the best education possible.

Thank you.

Hi my name is Manny De La Cruz, I am 16 years old and I am a student at the Urban Assembly School for Applied Math and Science. My school fortunatly does not have metal detectors but there are SSA's posted up sitting at the front of the school with the same look of disgust on their faces when we come into the school building. My school is a small community of High School Students with a dedicated faculty and administrative staff, but when small altercations arise and there is a need to take action you can bet the SSA's are there to get up from their seats and attack a student without hesitation. Not to long ago nearing the end of last year there was an incident at the school where there was a student having a heated argument about a food fight in the school, she was a 13 year old old 8th grader in the school when this happened. After a few moments of yelling an SSA overheard the yelling and came in running towards the student in the cafeteria pushed a few students out of the way and grabbed the girl by the throught and pushed her against the main support pillar in the cafeteria. Not only did the student not provoke the attack but when the dean tried to calm the SSA down and put the student down the SSA threatened to put him in the same situation if he interfered. This is not the first time where this has happened and because the SSA's have a such a reputation for acting in this manner students and staff are frankly afraid to attempt to try and calm any situations down involving Students and SSA's. It has never been okay nor is not okay in any circumstance for an adult to lay their hands on a young person. They are in a learning environment not a prison or detention center.

Good afternoon my name is Arcadio Borrero and I am 17 years old. I am a junior at The Urban Assembly School for Applied Math and Science. I am a youth leader at Sistas & Brothas United, a youth lead organization.

There was one time where I was standing outside and I noticed I had forgotten my sweater. So I attempted to get back into the school to get the sweater because it was very cold outside. As I walked inside the school I was stopped by a school safety agent and she asked me where I was going. And I simply replied "I'm going to get my sweater," and she told me I couldn't enter the building and that I had to leave. I beseechingly asked her again if I could go inside and get my sweater, but she said no. Then my assistant principal, Mr. Ogilvie, just so happened to walk by and overheard what was happening and he stopped to investigate. I then explained to Mr. Ogilvie the situation, he then spoke to the school safety agent. What shockingly surprised me was the fact that the school safety agent got rowdy and my assistant principal basically didn't have a say-so.

This is why there needs to be a stronger system of accountability, and the only possible way this can happen is if the Student Safety Act is passed. The

Testimony at City Hall hearing for Student Safety Act 816-A

November 10, 2009

Tammy Greer Brown

83 Highview Avenue

Staten Island, NY 10301

718-595-2116

Hello distinguished guests:

My name is Tammy Greer Brown and I am a parent of a public school student. Over the past years, it has become an “acceptable and tolerated” norm to view civil rights violations as a customary practice on Staten Island. By no means have I become numb to the civil crisis currently confronting our children of color in public schools nor have I bought into the notion that these sentiments have become more palatable or digestible over time. What I do know is, the time is now for change in our public schools and we need everyone’s support to ensure it occurs on Staten Island. In spite of our enormous commitment and dedication to our children, we Staten Islanders are still faced with some of the most appalling discriminatory practices that are subtly permeating the fabric of what is good and decent in the psyche of our public schools children. Today I stand before you to solicit your ear as we move into a new era of awakening on Staten Island.

On Wednesday, May 26th, I received a call from the school that my son engaged with three other friends in an action termed “Kufi” which was a playful, non-malicious, affectionate exchange of head tapping between friends in our day it was called “oops upside your head.” Deemed as horseplay, my son and two of his friends received a principal’s suspension. Although I adamantly believe if you break the rules, there should be consequences, what followed was beyond belief. Not only did my son and his friends receive a 1-day principal’s suspension, they each were forced to sign a document, without parent’s knowledge called the “Prall Performance Re-entry Program” which included the following language:

1. Admission of guilt of a crime committed
2. Evidence of rehabilitation
3. Probation sheet enforceable for 15 days
4. Written contract with the parent, student and school.

Although I wrote and an appeal to the Chancellor in late June to have this document removed from my son’s records permanently, as of today, I have yet to receive a response from Mr. Klein thereby, I stand before you today.

The harshness and severity for a ***generational cultural behavior*** deemed as a violation of discipline codes outlined in the chancellor’s regulations indicate that NYC DOE and NYPD are pushing thousands of students of color closer to the school to prison pipeline for the minutest infraction whether tangible or intangible. There are many parents and students of color on Staten Island who consistently complain about the severe and unfair discipline consequences for the most minor infractions particularly on a high school level on Staten Island. Infractions such as arriving to class late, dropping a pencil on the floor, or not sitting in your chair appropriate are some of the common “tactics” used to control and instill fear among students of color in public

schools on Staten Island. Many parents and students alike are reluctant to report misconduct or inappropriate behavior or disciplinary action of safety agents/school staff due to fear of retaliation against them or their siblings. Thereby, undercover, unchecked inappropriate behavior from authorities continues to exist for students of color but not for their Caucasian counterparts. This very threat of suspension, expulsion and/or arrest has paralyzed a community of bright, capable minority students to instinctively accept second class citizenship in the public schools which inevitably translates into a permanent underclass.

The number of students of color subjected to the vague NYC DOE discipline code and NYPD penal codes have a direct correlation with the number of high school dropout rate and juvenile delinquent statistics. There is no real culturally relative resolution for minimizing disciplinary procedures or police interactions for students of color on Staten Island, many of whom automatically have a distrust of the NYPD which based on our sources, the feeling is mutual.

As a parent of a young, bright, spirited 11 year old African American male, I devote most of my energy attempting to keep him from being arrested at IS 27 particularly after his mandated participation in the re-entry program and the witnessing of several arrests at the school. I am utterly amazed at how typical boy behavior has been exaggerated and translated into "gang-type" activity punishable by law. As a proud informed black mother, it is my absolute duty and goal to have my son be the first male in my family to graduate from college so, I will "not go gentle unto that good night" (Dylan Thomas) like many expect us to do. Nor will I give in to the notion that our young black males are suspects, untrustworthy, criminal-minded and must be rehabilitated. It is words like these that penetrate the very core of their essence and subliminally breaks down their morale and character bit by bit thus creating a "jail mentality." I was told by an after school director "you are just trying to protect him." I would be less than a mother if I was to allow the fears and ignorance of some NYPD or DOE to interfere with the greatness that is in store my son. He is not perfect, yet, he isn't a future paycheck for a Sing Sing employee either. I want to see my son and other boys like him walk across the stage to receive a college diploma and not to be identified in a police lineup. Because in spite of what the statistics say, there is hope and promise for all minority students and jail is not the option. And they should not and will not continue to be treated as criminals.

Tracey Kornish, Principal

Date: 6/18/09

[REDACTED]

RE:

Dear *Jan* Parents,

The "Prall Performance Re-entry Program" requires students who have been on suspension to take responsibility for their actions and redeem their reputation. The suspension of a student is only the first step in the rehabilitation process. The next and most important step is the post suspension follow-up.

As a result, I.S. 27 has developed a program to help students to get back on track and stay on track. Depending on the offense, a suspended student will be given 5-10 days to complete evidence of rehabilitation. The program consists of the following:

- Probation sheet
- Conference with a guidance counselor
- Completion of Student Reflection Sheet and Action Plan
- Written contract with school personnel/student/parent or guardian

Once the program has been completed satisfactorily, the student will have their privileges restored.

Sincerely,

Tracey Kornish
Principal

COPY

Tracey Kornish, Principal

PRALL PERFORMANCE RE-ENTRY CONTRACT

Date: 6/8/09

I, [redacted], realize that I have neglected my responsibilities as a student at I.S. 27. My behavior can create a cloud of suspicion and/or mistrust in my academic community. I know that all students are required to be responsible, respectful, and safe individuals who recognize that their mission is to learn and to represent I.S. 27 in a positive light.

In order to redeem myself I, [redacted], will participate in the "Prall Performance Re-entry Program" as evidence of my commitment.

I, [redacted] understand that failure to comply with these proceedings may result in mandated counseling and/or further disciplinary action.

[redacted signature]
Signature of Student

[redacted date]
Date

Joy Snell
Signature of Dean

6/8/09
Date

[redacted signature]
Signature of Parent/Guardian

Date

Signature of Principal/Assistant Principal

Date

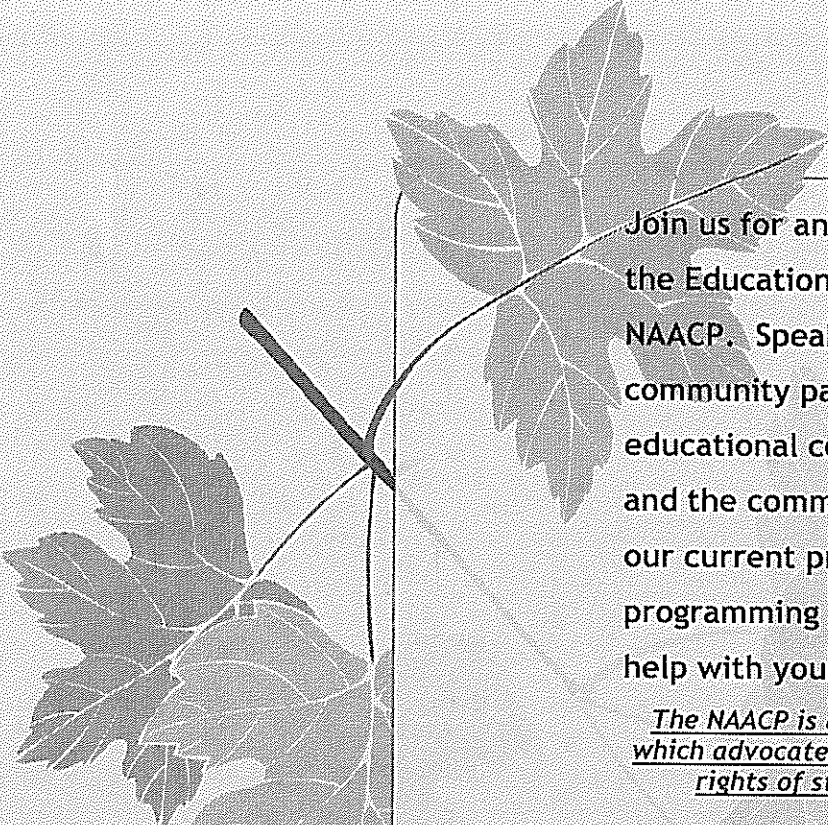
ANNING S. PRALL INTERMEDIATE SCHOOL 27
 11 GLOVE LAKE PLACE
 STATEN ISLAND, NEW YORK 10310

Student Daily Check-in

NAME	CLASS	DATE	Tchr			
AM	2 1 0	2 1 0	2 1 0	2 1 0	2 1 0	
PM	2 1 0	2 1 0	2 1 0	2 1 0	2 1 0	
Total						

Average of 16 pts per day


Teachers: Please circle:
 2=always
 1=sometimes
 0=none



Join us for an informal gathering with the Educational Committee of the NAACP. Speak to some of our community partners about your educational concerns for your children and the community. Find out about our current programming, future programming and where to turn for help with your educational concerns.

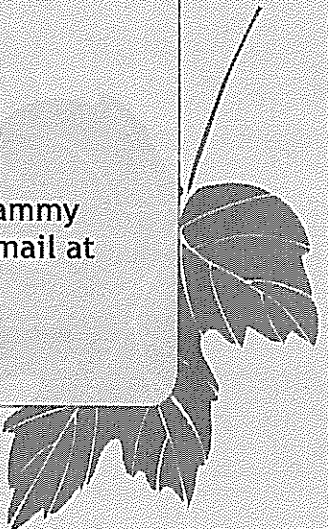
The NAACP is an independent organization which advocates on behalf of the educational rights of students in public schools.

The Staten Island NAACP Education Committee “Chat ‘n’ Chew” session



Monday,
November 16
at 7 P.M.
The Cup
388 Van Duzer St.

To RSVP and for more info, contact: Tammy or Mr. Josey at 718-727-8007; or by email at dor1ed2@aol.com or celebratingrealfamilylife@yahoo.com



November 9, 2009

Dear City Council Members,

I'm a junior at Urban Assembly School for the Performing Arts. I think SSAs, School Safety Agents, should be held accountable for their actions. I haven't had any negative personal experiences, but I have friends who have. Student Safety Agents tried to strip search two of friends. They were wanded, but they did not beep. They were brought to a room where they refused to strip when asked to do so and therefore were not allowed attend school that day. Also a Caucasian boy who attends another school, Academy for Social Action, on the same campus as my school was jumped by a couple of African American students, but the SSAs were nowhere to be found, so a stranger off the street helped him. He was jumped in the school parking lot where we enter the school and the School Safety Agents were inside because it was too cold. When we told the SSAs, they sat there and did nothing at all. He could've been seriously hurt. The School Safety Act should be passed so School Safety Agents will be held accountable for their actions. If they know that they will be punished for their misconduct and actions, they might do their jobs better.

Sincerely,

K.C.

November 9, 2009

Dear City Council members,

My name is Tanisha and I'm a 14 years old student. There are permanent metal detectors at my school. We have a lot of school safety agents that police the student body. The SSA's in my school are loud-mouthed and make people go to the back of the line if they forget to take off their belt. They are always yelling at students and even make students cry. One time the SSA's had me bend over and lean onto a table so they could scan my shoes and I had to take off my sweater and jacket that day. One time I had to take off my boots and the floor was wet and dirty just to go through scanners. If the Student Safety Act was passed it would make a difference, because I would feel safer around the School Safety Agents. I would be able to make a complaint and tell you about all of these horrible experiences that have happened to me while going through scanning.

Thank you sincerely,
Tanisha

Statement of
Nelson Mar, Esq.
Education Law Specialist
Senior Staff Attorney
Legal Services NYC – Bronx

Before the
City Council of the City of New York
Committees of Education, Juvenile Justice and Public Safety

Proposed Intro. No. 816A- The Student Safety Act

Good afternoon Honorable Members of the New York City Council. My name is Nelson Mar. I am the education law specialist at Legal Services NYC – Bronx. Our office as you know is the governmentally funded provider of free civil legal services to low income residents of the Bronx. I would like to thank the Chairs of the Education, Juvenile Justice, and Public Safety Committees for granting our office the opportunity to appear before you today regarding this important bill.

I have represented hundreds of Bronx students over the last ten years in various discipline matters including superintendent suspensions, principal suspensions, teacher removals, and involuntary transfers. Our office is one of a handful of agencies that provides free representation on such matters in the entire city. I can categorically state that the use of aggressive discipline including suspensions continue to detrimentally impact our low income minority communities. Although the numbers may reflect a decline in formal suspensions, we have seen an increase in informal suspensions such as parents told to take their child home because he is misbehaving, students being sent to the emergency room and others told not to return to school until they had a psychiatric examination.

Based on these experiences, there is a clear need for greater oversight and accountability within the New York City public school system. Many of our clients who have served a superintendent's suspension have subsequently suffered setbacks in their academic careers; many have even dropped out of school. Over a dozen occasions in the last 8 years some of these incidents involved alleged misconduct by School Safety Agents.

As a general point, my office recognizes the need to maintain a safe environment conducive to learning in our public schools and the majority of the School Safety Agents in the Bronx contribute to this positive environment. However, the dozen or so cases involving alleged SSA misconduct that I personally have handled demonstrate the need for greater oversight and accountability demanded by the Intro 816A. Although I dealt with only minute fraction of the total number of SSAs, each officer works in a large

public school or academic campus, some with over 4,000 students. Therefore any actions by these officers have wide ranging effects on the school community. Two recent cases from the past academic year highlight this problem.

Both occurred at high schools in the Bronx. One situation involved an SSA at Felisa Rincon de Gautier Institute for Law and Public Policy. The inappropriate actions of the SSA created a negative environment for the school and the student body. Students cited his cruel manner, unprofessional attitude and abuse of authority. In fact was so unbearable that students drafted a petition and circulated it in the school to demand redress against this SSA. Unfortunately before he was removed from the school he assaulted my client. He placed my client in a choke hold when he felt my client did not comply with his orders quickly enough. The irony of the matter is that my client was simply doing what many typical teenagers do, horsing around with his friends. However, my client wound up receiving a superintendent's suspension, a family court desk appearance ticket which all affected his academic progress. Thankfully, our office was able to represent him at the suspension hearing and we prevailed in overturning the suspension. His family court matter is still pending 6 months later. But what happens to all those other students who don't have the luxury to access our services and had a bad run in with that SSA? How would we be able to track that information? There were over 10,000 superintendent suspensions last year and less than one percent had representation.¹ Currently is no vehicle exists to collect necessary data to help determine the severity of this problem but with the passage of Intro 816A we would be able start in that direction.

The second case that I would like to bring to the attention of the Council Members is a case at Alfred E. Smith High School. Last year there was tremendous acrimony between the School Safety Agents and the student body. There were numerous incidents where the police was called into the school because the tension was so high. Students reported to me that they were being arrested or given desk appearance tickets

¹ Based on my knowledge of the number of advocates who conduct hearings and offer to represent students at these hearings. In addition, this number does not include the number of principal suspensions and teacher removals that occur in far larger numbers and in higher frequency.

routinely for minimal things. My client was arrested but not given a desk appearance ticket for striking a School Safety Agent. My client claimed he was simply walking to class when he disobeyed an order to walk in the opposite direction away from a fight occurring in the hallway. For this seemingly minor infraction he was brought down to the security office. While he was down at the office he observed an SSA assaulting a student with her walkie talkie radio. The student who was previously involved in the fight, was in handcuffs at the time. Unfortunately we were unable to prevail at our client's suspension hearing despite the conflicting and incredible testimony of the SSA's. I had spoken to the students who were assaulted by the SSA's and they stated their dad did not think it was worth pursuing charges against the officers.

Yet again, this case illustrates the need for greater oversight. Regardless of how wrong the students may have been we cannot allow SSA's to feel there are no repercussions for their actions. From my interactions with the rogue SSA's, they have a general sense that they are untouchable; above the law because they wear a badge and have a NYPD emblem on their shirt. In fact, some believe they are in the schools to police the students, not protect them. Collecting data about arrests and SSA involvement in school disciplinary incidents is a minor cost for creating a more welcoming school environment which is an important predictor of school success. Likewise, creating public awareness will help those wronged to believe filing a complaint is not an act of futility.

As the Committees consider this bill, I ask that each Council Member reflect on the individual lives that have been drastically changed by the actions of a few dozen bad actors. To ensure we can minimize even more the ramifications of those bad actors and future bad actors we must have the quantitative data to ensure the protection we are providing is the most appropriate for our public schools.

Thank you.

Additional cases involving school safety agents.

2006 – 15 year old student assaulted by SSA. Arrested, spent weekend in Spafford for allegations of assaulting the SSA. Suspension overturned at hearing and family court charges withdrawn by Corporation Counsel based on the suspension hearing transcript. (News story attached)

2007 – 13 year old student has her wrist broken by SSA during altercation. The student was initially attempting to help her SSA's remove an MP3 player from her younger brother (11 years old). SSA's get rough with brother and our client intervenes and has her wrist broken by an SSA.

2007 – 15 year old student asked by an SSA to go to the boys room. Naturally suspicious, he refuses. The SSA begins to aggressively approach student and the student backs away. He is then wrestled to the ground and is assaulted by the SSA and others while being restrained. The suspension hearing officer did not find the testimony of the SSA credible as to why he called my client into the bathroom. Although the suspension was sustained.

News

Policing the New York City Public Schools

by Beth Fertig

NEW YORK, NY June 27, 2007 —Whether entering an office building, or going to the airport, a brush with security guards and metal detectors is increasingly becoming inevitable. But heightened security is also a fact of life for New York City public school students. How that security is administered has come under scrutiny this year. WNYC's Beth Fertig has more.

REPORTER: On October 13th of last Fall, 15 year old Sky Lopez arrived at Middle School 224 in the Bronx late from a doctor's appointment. She headed upstairs and was surprised to find the hallway filled with students and safety agents.

SKY: Everybody was going crazy in the hallways like it was a riot, something like that.

REPORTER: Sky says she kept on walking to class, but a female security agent told her to move faster.

SKY: So she kept on telling me to go to class and I'm like 'I'm going.' So then that's when she went to grab me and I was like 'Don't touch me' so I kept on moving back. And so me and her were just saying stuff back and forth so that's when she grabbed me but she grabbed my hair. Then that's when I hit her back.

REPORTER: Sky admits to hitting the security agent in the face. They started to fight.

SKY: She was hitting me back. Like physically hitting me back, she was punching me, she had me by my hair, she didn't want to let go of my hair.

Some other staffers broke up the fight. Sky was handcuffed and taken to a classroom. But that didn't stop the confrontation.

MAR: This is basically about 10 minutes after the incident originally started

REPORTER: Nelson Mar is Sky's lawyer. We're watching a video tape he obtained from the school, showing the safety agent in the hallway right after the fight broke out.

MAR: She actually enters the room now where my client was being kept while they're figuring out what's going to happen at this point.

REPORTER: Mar says this violates procedures stating agents and perpetrators should be separated after an incident.

MAR: And so she's in there for close to 10 seconds now. And the school safety agents are actually pushing the client back in, and the school safety agent that was involved in the incident with my client just stuck her head back in and obviously said some words.

REPORTER: This apparent misconduct by the safety agent led a hearing officer to overturn Sky Lopez's suspension. Assault charges against her were also dropped in family court. Mar has been representing young people for about eight years at Legal Services of New York in the Bronx. He says this case isn't so unusual.

MAR: There's been far more incidents involving school safety agents either getting physical or getting aggressive with students.

Mar isn't the only one who's come to that conclusion. Donna Lieberman is executive director of the New York Civil Liberties Union, which released a report this year titled "Criminalizing the Classroom." Teachers and principals were surveyed and so were a thousand students. Lieberman says more than half of the students reported feeling uncomfortable in their interactions with officers and safety agents.

LIEBERMAN: There's an incredible over policing of the schools. And at the same time there's no accountability. There's no evaluation and review. And the public has no clue what's going on.

REPORTER: It IS hard to quantify the nature of these complaints. The police department — which is in charge of school safety — has yet to respond to a request WNYC made in February asking for the number of complaints involving officers and safety agents assigned to the schools. The Police Department also wouldn't respond to a request for an interview.

The policing of schools has changed over the past year. Teams of officers and safety agents with metal detectors are now sent to high schools and middle schools on a random basis.

SAFETY AGENT: Take your belts off ladies

REPORTER: Previously, metal detectors were only used at certain high schools, such as Thomas Jefferson, but got used to the routine. But with the introduction of random metal detectors last year, Lieberman - of the students are often caught off guard.

LIEBERMAN: We heard about one case where the kid told us that he was arrested for insubordination, I disorderly conduct. And what was he doing? He was waiting outside school for his mom to pick up his car repeatedly of school safety agents deciding that you can't bring food into school. You can't bring your backpack your lunch in, and what do they do? Well, they confiscate it.

REPORTER: Some students have protested these policies. At the Community School for Social Justice, I decided NOT to walk through the metal detectors that showed up one day in the middle of March. Senior those who refused to be scanned.

LOUIS: I was told that I would be suspended, and I asked them how long the suspension would be and that that would be up to the administration.

REPORTER: Students who refuse to go through scanners CAN be suspended. Since the random metal detectors last spring, more than 19-thousand cell phones were confiscated through the end of April - as well as 67-thousand electronics. 253 weapons and dangerous instruments were also seized - less than 1 percent of the total. That this shows random metal detectors are unwarranted. But Schools Chancellor Joel Klein disagrees.

KLEIN: Two hundred-fifty weapons is a lot of weapons. Knives, boxcutters, things that people are bringing far as I'm concerned, no possible good reason. And as far as the Ipods, you don't want them confiscated.

REPORTER: Police Commissioner Ray Kelly has said another 23 guns were seized this school year - the detectors. Weapons are often hidden outside of schools to avoid the scanners.

The use of random metal detectors is part of a wider crackdown on school security that began in 2004, with most dangerous schools with police. Crime went down afterwards. But the number of serious incidents reported by teachers union has verified more reports this year of assaults, robberies, injuries and physical harassment say the dangers are real.

FLOYD: My members were being injured by the students, not harassed, injured. Physically assaulted.

REPORTER: Gregory Floyd is president of local 237 of the Teamsters union, which represents the 42-hour says gang activity is up. He's dubious about the complaints against his members.

FLOYD: Prior to the mayor implementing his program you didn't hear a complaint from the ACLU. The complaint is because kids weren't complaining because they were running the schools! They're not running now they complain.

REPORTER: Floyd claims the civil liberties union is encouraging students to complain to further its own random metal detectors. He says they're no different than what passengers expect at airports. And he says professionals who are given 14 weeks of training by the police department. But he acknowledges there is improvement. The top salary for safety agents is 30 thousand dollars a year.

FLOYD: It's difficult for school safety to have continuity because you have - I have to tell you in 5 yrs you So with that kind of turnover how can you have consistency in school safety?

REPORTER: With a revolving door of safety agents and the natural tensions involved in supervising adolescents inevitable. A group called the Urban Youth Collaborative has been calling for more conflict resolution training between agents and students. Sixteen year old Shantel Peterkin is a sophomore at the Bronx Guild school headlines a few years ago when its former principal was arrested during a confrontation with school safety.

SHANTEL: They talk to us like we're criminals, they be like "oh I'm going to take you down." And it's I'm a child, the child that my mother raised me to be. Don't talk to me like I'm some thug off the street. I know how to be, like, kind of friendly but at the same time have the students know they have authority and we

REPORTER: The Education Department says it's listening. Last fall, it started a 15 hour training course "strategies to promote positive student behavior." But the class is only for school staffers. The safety agent Department's jurisdiction - and they get just half a day of training in conflict resolution by school officials

**GILPP Students Feel that The security guard
Mr. Lasalle
Is not fit to work with the students of
Law & Public Policy**

DUE TO THE FOLLOWING LISTED :

- **Insubordinate Behavior**
- **Cruel Manner**
- **Hangs With the Same Students He Disciplines**
- **Attitude Is Not Professional**
- **Needs Control Of His Gestures And Handling**

STUDENTS NAME :

Dely Acosta
Vanessa Reguillo
Emily Aponte
Jasmine Roque
Alurabel McDaniel
Katherine Fernandez
Raylon Gomez
Jocelyne Mora
Cinelu Alvarez
Cynthia Gutierrez
Sarai Puello
Jesus Quintana
Alba Santos

SIGNATURE:

Dely Acosta
Vanessa Reguillo
Emily Aponte
Jasmine Roque
Alurabel McDaniel
Katherine Fernandez
Raylon Gomez
Jocelyne Mora
Sarai Puello
Jesus Quintana
Alba Santos

TESTIMONY

The Council of the City of New York

Committee on Education

Robert Jackson, Chair

Committee on Public Safety

Peter F. Vallone, Jr., Chair

Committee on Juvenile Justice

Sara M. Gonzalez, Chair

“Proposed In. No. 816-A: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of education and the police department to provide information regarding school discipline and school safety agents to the city council”

November 10, 2009

New York, New York

Submitted by

The Legal Aid Society

Juvenile Rights Practice &

Criminal Practice

199 Water Street

New York, NY 10038

Good afternoon. I am Nancy Ginsburg, director of the Legal Aid Society's Adolescent Intervention and Diversion Project in the Criminal Practice, a specialized unit dedicated to the representation of adolescents aged 13 to 18 who are prosecuted in the adult criminal courts. I submit this testimony on behalf of the Legal Aid Society, and thank Chairpersons Jackson, Vallone and Gonzalez as well as the Committees on Education, Public Safety and Juvenile Justice for inviting our thoughts on the proposed bill entitled the "School Safety Act". We applaud the Council for proposing this bill to address the critical issue of safety in New York City's schools. We look forward to the valuable contributions that we are sure the Committees will make in this area of vital concern to our City's children and their families.

The Legal Aid Society is the nation's largest and oldest provider of legal services to poor families and individuals. Legal Aid's Juvenile Rights Practice provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our staff represented some 29,000 children, including approximately 4000 who were charged in Family Court with juvenile delinquency. The Society's Criminal Practice represented clients in some 232,000 cases last year. Our perspective comes from our daily contacts with children and their families, and also from our frequent interactions with the courts, social service providers, city agencies including the New York Police Department, Department of Education, Department of Juvenile Justice, Department of Probation and the Administration for Children's Services. In addition to representing many thousands of children each year in trial and appellate courts, we also pursue impact litigation and other law reform initiatives on behalf of our clients.

Legal Aid continues to be deeply concerned about the over-policing of New York City's public schools about which we have previously testified before the City Council. We continue to see the harmful impact of the harsh and pervasive punishment of arresting and suspending students from school, when in the vast majority of cases, less drastic approaches surely would have led to better outcomes for the students and the community.

Today we commend the many concerned members of the Council as well as Speaker Quinn for your support of the School Safety Act. This piece of legislation will bring long-awaited transparency to the policing and discipline issues in New York City schools. Since the effective transfer of the traditional school function of mediating disputes and conflicts from school personnel to the police department and central school officials who do not have daily contact and knowledge of the individual students, little information about these practices have been available to policy-makers and the public. The information collected through the mandate of School Safety Act will provide valuable insight into policing practices in schools and school discipline outcomes. This data is critical to formulating meaningful policy to create a safe and supportive school environment for New York City's students.

We believe that over-policing negatively impacts the quality of educational services provided to the students of New York City. Our biggest concerns are as follows:

- 1) Students are unnecessarily suspended and arrested for minor offenses, many of which are escalated by inappropriate reactions by School Safety Agents ("SSAs"). This creates an unnecessary and detrimental environment in which all students feel they are subjected to jail-like conditions in their schools.

2) School suspensions and arrests disproportionately impact children of color.

3) Students with special education needs are targeted for discipline and arrest.

The Effect of Police in our Schools

The Legal Aid Society strongly supports creating a safe learning environment for the children of New York City, but it has been our experience that, in many schools, the presence of SSAs, instead of enhancing safety, actually undermines the quality of education and the well-being of students and school staff. We recognize that many schools have long histories of disruption and danger which need to be addressed. However, the addition of law enforcement officers should not be the primary or sole response to these issues-- certainly not across the board in every school regardless of need.

Several studies of the Impact School program concluded that the schools in which the most police officers were placed, as compared to schools in the rest of the city, had higher enrollments even as city high schools, overall, saw less crowded conditions. These impact schools also have higher percentages of poor and African-American students, lower than average spending for direct services per student, more students over-age for their grade, higher rates of suspensions, higher rates of reported police incidents and lower rates of attendance.¹

We recognize and applaud the efforts of the New York City Department of Education in creating more small schools to alleviate these issues of the larger schools, including crime. However, those students who are left behind in the large high schools should be entitled to receive equivalent educational services

¹ Drum Major Institute, *A Look at the Impact Schools*, June 2005; National Center for Schools and Communities, Fordham University, *Policing as Education Policy: A briefing on the initial impact of the Impact Schools Program*, August 2006.

in environments that foster learning. Students in large high schools should not be delivered the message that their only option for an education is available in a building that feels like a police state.

School officials often relate to us that they feel that school discipline and safety issues have been taken out of their control. They are concerned about the loss of control over what happens with their own students. The Bill of Student Rights created by the Department of Education provides that "[s]tudents have a right to be in a safe and supportive learning environment..." Unfortunately, because of harsh discipline practices and heavy police presence in some schools, many of our students do not feel safe or supported in their learning environment.²

We, as a city, are losing opportunities for teaching lessons of social interaction, conflict resolution, and conflict de-escalation that are inherently part of every young person's social education. These skills were historically taught by educational staff who have now effectively abdicated that role. Now, a police force trained in arrest and delivery for courthouse punishment is in charge of school discipline. This unit of agents is employed and trained by the NYPD and reports to the NYPD. Despite language in the Memorandum of Understanding that suggest cooperation, there appears to be little to no coordination at the individual school level with the educational organization in which the agents are housed.

The permanent and roving metal detectors now operating in many schools reflect the law enforcement culture which treats students walking into their schools as criminal suspects instead of as children who have a right to an

² National Economic and Social Rights Initiative (NESRI), "Deprived of Dignity: Degrading Treatment and Abusive Discipline in New York City & Los Angeles Public Schools", March 2007.

education. This current perspective on school safety responds to minor disputes or misunderstandings as criminal activity, triggering an often unnecessary escalation of consequences beginning with an arrest followed by school suspension, criminal prosecution and possible incarceration.

Students are often suspended and arrested for minor offenses

New York City has developed a juvenile and criminal system in which primarily low-income children of color are arrested and prosecuted, often to the fullest extent, particularly in Family Court, for what frequently amounts to normative teen behavior or in legal terms, misdemeanors and violations. Incidents such as talking back to an officer and minor school conflicts are not addressed through counseling, mediation and the engagement of families as they are for middle and upper class families. Instead, minor incidents are often blown far out of proportion--often with devastating consequences for children and their families.

This dynamic creates a harsh and punitive environment which pervades many of the public schools, particularly those in the city's most under-served neighborhoods. If teachers or school staff had oversight responsibility for school discipline, a dispute among children, a misunderstanding, or some minor misbehavior could be used as an opportunity to teach new behaviors or skills in conflict resolution. Instead, in the current environment where law enforcement controls school safety, minor disputes or misbehavior most often result in school exclusion and harsh punishment in the court system instead of school-based counseling or mediation. An environment in which law enforcement interdiction is the norm creates profound obstacles for children seeking to obtain a quality public school education.

Additionally, many of our clients who are classified in need of special education services for identified emotional disabilities and mental illness, are often targeted by school safety officers as "criminals" when they are actually young people with very troubled social histories, many of whom are in treatment, on medication and supervised by mental health professionals. Due to their family histories of trauma, these young people often respond inappropriately to authority figures and situations arise where the SSAs escalate incidents that could have been resolved or mitigated by a trained educator or counselor with knowledge of the child's background.

There are two types of suspensions used by the NYC DOE: principal suspensions and superintendent's suspensions. Principal suspensions last for up to five days. There is no limit on how many times a principal may suspend a student over the course of an academic year. The Chancellor's regulations enumerate many specific infractions for which a superintendent's suspension must be imposed, such as using a weapon to inflict injury or selling illegal drugs. The regulations also provide that a superintendent's suspension should be sought when the student's behavior "presents a clear and present danger to the student, other students or school personnel or which is so disruptive as to prevent the orderly operation of the school." (A-443III.B.3)

In reality, however, superintendent's suspensions are often imposed for much lesser infractions by students. The Discipline Code allows for superintendent's suspensions in any number of circumstances, even something as minor as throwing a piece of chalk or talking back to school personnel or a SSA.

Even if a child is found not guilty after going through a school suspension hearing and a delinquency or criminal prosecution, s/he is often punished

academically during the process of responding to the charges. The disruption of a young person's education, even for one or two weeks, can result in the loss of an entire semester's work and cause students to be held back in their grade. Students are rarely, if ever, provided with their homework and class work pending the outcome of a suspension hearing, for example, despite the New York City Schools Chancellor's Regulations stating clearly that suspended students must not be penalized academically.³ Under the City's current school safety model, the consequences for students who are suspended and prosecuted as adults or juveniles also feature the loss of opportunity to take required exams and standardized test, and for some, being required to attend summer school or repeat the entire year instead of being promoted to the next grade. It is well known that students who are over age for their grade are more likely to end up dropping out of school without attaining a diploma.

Moreover, most or all of the suspension sites do not have labs required to obtain credit for high school science classes. Rather than helping these students to progress academically while addressing the behavioral issues that led to the suspension, DOE practice frustrates students who are academically motivated and further alienates those who are not.

School suspensions disproportionately impact children of color

We have found that the vast majority of students who are impacted by the harsh punishment of suspension in New York City are children of color.

Emerging professional opinion and qualitative findings suggest that the disproportionate discipline of students of color may be due to lack of teacher preparation in classroom management or cultural competence. Although there is less data available, students with disabilities, especially those with emotional and

³ Chancellor's regulation §A-443 III.B(1)(a).

behavioral disorders, also appear to be suspended and expelled at rates disproportionate to their representation in the population.⁴

The Legal Aid Society represents many children each year who are arrested and suspended because of incidents involving School Safety Agents. Many of these incidents simply would not have occurred, or certainly would not have escalated, if trained school personnel, rather than police were charged with overseeing student discipline. We provide a few examples of interactions our clients have had with School Safety Agents in New York City schools over the past year. These examples are just a snapshot of a broader, unacceptable environment which has arisen in too many of the schools in New York City:

- Legal Aid represented a teenage boy in Family Court. He is our client because he is the subject of a child protective case and we then represented him at the school suspension hearing. He was charged with allegedly assaulting a school safety agent and refusing to show identification. However, the videotape which captured the incident showed something very different. The tape showed several school safety agents pushing our client into a corner outside the view of the camera. The camera did capture images of our client being hit by the SSAs and of one SSA laughing after the incident. Our client suffered injuries as a result of this incident. The DOE suspension hearing officer dismissed the school suspension charges. The family court case was also dismissed. Nevertheless, he missed school while the suspension was pending and to attend his court dates.
- We represented another young person who was suspended and arrested for assaulting a school security agent. Once again, the videotape demonstrated that it was the SSA who punched our client, an action which was followed by a group of SSAs tackling our client. The school suspension and family court delinquency cases against our client were both dismissed based on the videotape.
- We have represented other teenagers whose cases have actually gone to trial and Family Court judges have found the testimony of the School Safety Agents to be not credible. In these cases, the SSAs were also the initial aggressors and then blamed the students, to set off a series of events which led to the exclusion from school and prosecution of the students.

⁴ *Supra, note 2; Are Zero Tolerance Policies Effective? An Evidentiary Review and Recommendations, American Psychological Association, Zero Tolerance Task Force, February 1, 2006.*

- Legal Aid represented a 16-year-old student who was suspended and arrested for allegedly pulling the hair of a SSA. The incident occurred after the SSA told the student to get to class and the student playfully flipped her hair up with his hand as he walked to class. The SSA testified angrily at the suspension hearing that she felt disrespected when he touched her hair and she intended to teach him a lesson, which she did by having him arrested and filing paperwork to support a suspension. She did this despite the fact that the boy apologized instantaneously verbally and in writing. The student did not have a history of discipline problems and received good reports from his teachers. The hearing officer immediately reinstated him to school after the hearing. The criminal court case was adjourned in contemplation of dismissal. He missed ten days of school pending the suspension and an eleventh day to go to criminal court.
- We represented another 16-year-old who was suspended for assaulting an SSA. He was charged in criminal court with felony assault. An investigation turned up witnesses who supported our client's version of events. The incident began when our client had, in fun, thrown a piece of food at his friend sitting next to him. He was approached by a SSA in the cafeteria who told him to stop. The SSA and our client exchanged words and the SSA hit our client in the head. Our client stood up and the SSA grabbed his chest, pushed him against the wall and then threw a punch. Our client swung back and the SSA fell and then pressed charges. Both the suspension and the criminal court case were dismissed. The student, who had no previous history of disciplinary incidents and is on track to graduate high school, missed nine days of school pending the suspension hearing which never took place and approximately three more days to attend court.
- Legal Aid recently arraigned a teenager who was arrested by a SSA at 2:45 p.m., just after school ended, for standing outside his own school and not dispersing when directed to do so. He spent more than 24 hours incarcerated for an event that does not even qualify as a crime.

Legal Aid has represented other clients who have similar experiences. We know that the Council members will hear additional stories today from other concerned citizens and some of the students themselves who have been victimized by SSAs and the policies and practices of the current school safety program. *What bears highlighting in the examples we include in this testimony is that students are being approached for no reason or the behaviors for which children are confronted--being late to class, talking back, not showing ID--are all common among schoolchildren and are by no means violent or immediately dangerous behaviors.* In the examples, SSAs reacted with unacceptable

aggression and without empathy in situations that, with properly trained school personnel, could have been resolved productively without the use of physical force and without resulting in the extreme punishments of suspension and prosecution.

We join with the community of parents, students, teachers and advocates in urging the City Council to require accountability from our schools and from the police regarding school safety. We urge you to pass the School Safety Act so that there will be true transparency and accountability in the area of school safety and discipline.

Thank you for the opportunity to speak about this important issue.

Contacts: Tamara Steckler, Attorney-in-Charge, Juvenile Rights
Practice
Phone: 212-577-3502; tasteckler@legal-aid.org

Nancy Ginsburg, Director, Adolescent Intervention and
Diversion Project, Criminal Practice
Phone: 212-298-5190; nginsburg@legal-aid.org

**Testimony before the City Council Education, Public Safety and
Juvenile Justice Committees**

November 10, 2009

Tara Foster, Senior Staff Attorney
Education Rights Project
Queens Legal Services Corporation
42-15 Crescent Street, 9th Floor
Long Island City, NY 11101
347-592-2234
tfoster@qls.ls-nyc.org

QUEENS LEGAL SERVICES CORPORATION

STUDENT SAFETY ACT

November 10, 2009

Testimony of Tara Foster, Senior Staff Attorney
Queens Legal Services Corporation
42-15 Crescent Street, 9th Floor
Long Island City, NY 11101
(718) 392-5646, ext. 19
tfoster@qls.ls-nyc.org

My name is Tara Foster. I am an attorney in the Education Rights Project at Queens Legal Services Corporation (QLSC), part of Legal Services NYC. QLSC is a not for profit organization that assists low-income families with a variety of civil legal issues including housing, family law, consumer law, disability benefits and education. Our Education Rights Project is a citywide project, representing parents in all five boroughs in a variety of areas of education law including special education, student discipline, school transportation and academic intervention services. On behalf of my organization and as a parent of two New York City public school children, I support the Student Safety Act.

Each year in New York City, large numbers of children are arrested and suspended in schools. Many of these arrests are inappropriate and all of them interrupt the schooling of students affected. As advocates for low-income students, parents and families across the city, Legal Services NYC knows first-hand that these actions have serious, negative consequences on the educational progress of some of our most vulnerable students. The public deserves to know whether the costs outweigh the benefits. That is why it is so important that you pass the Student Safety Act which would require the New York City Police Department (NYPD) and the Department of Education (DOE) to report basic information to the City Council about what is going on in our schools, including the number of police actions in schools, information about complaints against school safety agents and information about school suspensions along with information about the students affected, including their age, race and disability status.

Over the past eight years, rather than focusing on preventive measures and interventions to address student behavioral problems, the Department of Education has increasingly relied on more punitive measures, including prolonged suspensions with inadequate academic or behavioral supports. In keeping with this trend, we have seen increased police presence in New York City public schools. Increased police presence in the schools has not increased safety and security in the schools and in many cases it has damaged already fragile relations between children and youth and the adults charged with educating and protecting them. Similarly, the increased use of scanning devices in the schools has not turned up the predicted volume of dangerous contraband and has

QUEENS LEGAL SERVICES CORPORATION

primarily led to confiscation of non-dangerous personal items such as cell phones and iPods.

In addition to increased police presence and school arrests, we have heard many stories of school safety agents' inappropriate conduct toward students. Students and their parents have complained of physical and verbal abuse that goes unaddressed by school authorities. The "zero tolerance" policies do not apply equally to school authorities and students. The often counterproductive conduct of school safety agents creates a hostile environment and undermines the learning environment. These problems are compounded by the fact that parents have difficulty getting information about what is going on in the schools and find it difficult to get information on how to file complaints. Parents and the public have practically no access to information about arrests in public schools or the extent of the impact that such arrests and other draconian disciplinary procedures have on struggling students.

Like most advocates, I have heard from and worked with students who have suffered as a result of inappropriate behavior on the part of police and school safety agents. Although most of these incidents relate to middle and high-school-aged students, we have also heard stories of children as young as six being handcuffed by school security agents or police officers and other young children being removed from school and detained at local police precincts.

I recently represented a student who was suspended for purportedly punching a school safety agent. The student and other witnesses at the school maintained that she had not assaulted the SSA. The students maintained that the SSA became verbally and physically aggressive toward the student, pushing her up against a wall, grabbing the accused by the hair, dragging her and punching her in the head. Student witnesses also reported that the same agent had stomped on a student's cell phone as he attempted to videotape the incident. The accused student was taken to the precinct and subjected to a school suspension which was ultimately dismissed. While the family was grateful that the suspension was dismissed, to date, we are unaware of any punishment or even training given to the safety agent.

In another case, I worked with a high school student who was roughly handled by a female security agent because she apparently did not realize that he had already gone through a scanning device set up at the school. When the student asked the agent to take her hands off of him and returned to go through the scanning device again, the security agent claimed that he threw her into the machine and he was suspended from school. The student always maintained that he never touched the security agent and that the school safety agent had grabbed him abruptly and pushed him back through the device.

Following this aggressive and unnecessary treatment by the first SSA, a fellow student observed that other security agents proceeded to taunt and chide the student, making derogatory comments, presumably aimed at provoking the young man into a fight. Fortunately, he did not take the bait. Nonetheless, he was removed from school and charged with a high-level infraction of the discipline code. Video evidence

QUEENS LEGAL SERVICES CORPORATION

exonerating the student eventually materialized, after several subpoena requests, and ultimately a hearing officer dismissed the charges against him.

In another case, a middle-school student returned to the school building following afternoon dismissal. When he did not leave the building immediately, the school security agent forced him down the stairs and reportedly threw him up against walls. When school staff attempted to intervene, they were told that the student would be arrested. Eventually, the child was ushered out of the public hallway but later handcuffed in the principal's office, even as he attempted to tell his side of the story. When his concerned older brother and mother arrived at the school and questioned why police officers and safety agents felt the need to cuff the middle-school student, the officers threatened to lock up the brother as well.

Other students have reported extreme examples of force used against them by school safety agents and police officers. We have heard about instances where students were forcibly grabbed, dragged, banged up against walls, improperly searched, taunted, provoked and otherwise inappropriately dealt with. These unprofessional and abusive tactics have caused students of all ages varying levels of injury, embarrassment and emotional distress. Perhaps more shocking than the fact that this type of behavior towards children occurs at school at all is the fact that abusive treatment by school safety agents tends to occur at disproportionately higher rates toward students of color, as does the length and severity of school discipline generally imposed upon them.

With passage of the Student Safety Act, the committees represented here today will be better equipped to take a serious look at how we deal with behavior and discipline in school generally. We need to pay far more attention to the root causes of adolescent behavior and utilize more preventive and supportive interventions and strategies in order to prepare children for adulthood. The current system prioritizes punishment over prevention. I urge you to change the current policies of over policing and over penalizing student behavior and consider more long term methods of promoting positive conduct through education and training in de-escalation techniques and through the use of behavior intervention plans, guidance counseling and restorative justice principles and strategies. By utilizing human rights principles of equality, accountability, dignity and community, we can go a long way toward improving our schools and our communities. Restorative justice practices deal with repairing harm and changing behavior. Isn't that what we really hope to achieve?

The Student Safety Act will shed light on police practices in the schools by requiring the New York City Police Department (NYPD) and the Department of Education (DOE) to report to the City Council information about arrests and suspensions. This data would assist the public in studying the impact of existing disciplinary practices and in developing more effective policies. The Act would also give children and their parents a place to report allegations of police misconduct. Legal Services NYC believes strongly that the Student Safety Act is a good idea and supports the Act's goals of holding schools accountable.

QUEENS LEGAL SERVICES CORPORATION

I would like to thank the City Council for hosting this hearing today. I hope that we can work together in the future to ensure a safe, hospitable, nurturing and academically inspiring school environment for all students. In order to evaluate and improve the current system, we need transparency and accountability. The Student Safety Act is a good place to start.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Chris Tam

Address: _____

I represent: Advocates for Children

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: Jerome Jones

Address: 594 Pine Street

I represent: Franklin K. Lane H.S.

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: Kaylena Gonzalez

Address: Franklin K. Lane

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: Stephanie Hernandez Franklin K.

Address: _____ Lane

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: Elizabeth Reynoso

Address: 78-18 87 Avenue

I represent: BROOKLYN LAB

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nancy Rosenbloom

Address: _____

I represent: Legal Aid Society

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Nicki Hamilton (PLEASE PRINT)

Address: _____

I represent: Sistas + Brothers United

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/10/09

Name: Scarlet Spence (PLEASE PRINT)

Address: _____

I represent: Urban Assembly School for the Performing Arts

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Arcadio Bersero (PLEASE PRINT)

Address: 2320 ~~2320~~ Bronx park East 6E

I represent: Sistas & Brothers united (SBU)

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: Adama Wind

Address: _____

I represent: St Sistas and Brothers Unity

Address: 103 E. 196th St.

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: Chasity Soriano

Address: _____

I represent: Make the Road NY

Address: 301 Grove St.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: Tammy Greer Brown

Address: 83 Highview Ave, ST, NY

I represent: NAAEP, Ed. Committee ST

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: WILLIAM JUSINO

Address: 850 Grand Street Brooklyn

I represent: PROGRESS High School NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Miguel Rodriguez

Address: _____

I represent: UYC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Robert Moore

Address: _____

I represent: UYC

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: Nov. 10, 2009

(PLEASE PRINT)

Name: Yashira Cudanes
Address: 2311 Southern Blvd Bronx, NY 10460
I represent: Sistas & Brothas United
Address: 103 Est. 196th

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Brian Favoris
Address: 253 Bainbridge St Brooklyn, NY 11233
I represent: Bushwick Community High School
Address: 231 Palmetto

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-10-09

(PLEASE PRINT)

Name: Minerva Morales
Address: 1750 Grand Avenue # GRC BRONX, NY
I represent: Coalition for Educational Justice (CEJ)
Address: 733 Broadway

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL *Youth*
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition *2*
Date: 11/10/09

(PLEASE PRINT)

Name: Emily Hinsey
Address: 2414 Hughes Ave Bronx, NY 10458
I represent: Youth ministries for Peace and Justice
Address: 1384 Stratford Ave Bronx, NY 10472

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 816-A Res. No. _____
 in favor in opposition
Date: 11-10-09

(PLEASE PRINT)

Name: A.C JAMES SECRETO
Address: 1 POLICE PLAZA
I represent: NYPD - School Safety Div.
Address: 28-11 QUEENS PLAZA NO LIC, NY 11101

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

11/10/09

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 in favor in opposition
Date: _____

(PLEASE PRINT)

Name: LIZ SULLIVAN
Address: 90 JOHN ST, SUITE 308 NY NY 10038
I represent: NESRI
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 366A Res. No. _____

in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: Nididos Sheehan

Address: 151 W 30th St, 5th Fl, NY, NY 10011

I represent: Advocates for Children

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-10-09

(PLEASE PRINT)

Name: Leesha Harbajan

Address: 144-12 106 Avenue, Jamaica NY 11435

I represent: DRUM: Desis Rising Up & Moving / collaborative Urban Youth

Address: 72-18 Roosevelt Avenue Jackson Heights, 11372 NY.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: Jerry A. Mathman, Esq.

Address: 315 Broadway, Suite 200

I represent: Local Civil rights attorney

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Stephen Cruz

Address: 153-41 77th Road Apt. 3

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Carlos Cruz

Address: 153-41 77th Rd

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 816A Res. No. _____
 in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: Nelson Mar, Esq., Legal Services NYC

Address: 579 Courtlandt Ave., Bronx NY 10451 Bx

I represent: Legal Services NYC - Bronx

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 816A Res. No. _____

in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: Tara Foster, Esq.

Address: _____

I represent: Queens Legal Services

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 816-A Res. No. _____

in favor in opposition

Date: 10/10/09

(PLEASE PRINT)

Name: Holly A. Thomas

Address: 99 HUDSON STREET, SUITE 1600

I represent: NAACP LEGAL DEFENSE EDUCATIONAL FUND, INC.

Address: 99 HUDSON STREET, SUITE 1600

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 816-A Res. No. _____

in favor in opposition

Date: 11-10-09

(PLEASE PRINT)

Name: Nancy Ginsburg

Address: 49 Thomas St NYC 10013

I represent: Legal Aid Society

Address: 49 Thomas St

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 8/6-A Res. No. _____

in favor in opposition

Date: November 10, 2009

(PLEASE PRINT)

Name: DR. Shirley H. Smith

Address: 3 Washington Square Village NYC

I represent: FORMER PARENT - EDUCATION ADVOCATE

Address: N/A

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 8/6-A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Gregory - Floyd

Address: _____

I represent: Teachers Local 237

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Elayna Konstan

Address: Dept. of Ed. - 52 Chambers

I represent: DOE

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 876-A Res. No. _____

in favor in opposition

Date: 11/8/09

(PLEASE PRINT)

Name: Dist. Chief JAMES SECRETO

Address: _____

I represent: NYCPD -

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11.10.2009

(PLEASE PRINT)

Name: DEPUTY CHIEF JOHN D'ONOFRUE

Address: 1 POLICE PLAZA

I represent: NYPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Michael Best

Address: 52 Chambers St

I represent: Dept of Education

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Michael Mulgrew (PLEASE PRINT)

Address: 52 Broadway

I represent: United Federation of Teachers

Address: New York New York 10004

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/10/09

Name: Yashira Cividanes (PLEASE PRINT)

Address: 103 E 190th St. BX

I represent: SBU / NYC

Address: ↓

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/10/09

Name: Maony de la Cruz (PLEASE PRINT)

Address: 103 E 196th St Bronx, NY

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: A. J.

Address: 103 E 196th St.

I represent: SBV/ NYC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/10/04

(PLEASE PRINT)

Name: Sod:

Address: 103 E 196th St

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Fatima

Address: 103 E 196th St

I represent: _____

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Xakisitis

Address: 103 E 106th St Bronx, NY

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 816-A Res. No. _____
 in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: DAVID OFER & DONNA LIEBERMAN

Address: ~~125 BROAD ST~~ 125 BROAD ST, NY, NY 10004

I represent: NYCLU

Address: 125 BROAD ST.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. 816-A Res. No. _____
 in favor in opposition

Date: 11/10/09

(PLEASE PRINT)

Name: Brian Lombrowski

Address: 23 Steven Drive Hewlett, NY 11557

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: EDWARD C LOSY

Address: 84 PARK HILL LN ST 10307

I represent: FINRACP

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Monica Harris

Address: _____

I represent: Parents, Students

Address: monyahdestiny@gmail.com

Please complete this card and return to the Sergeant-at-Arms