



Thursday, September 20, 2018

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

**BEFORE THE NEW YORK CITY COUNCIL PUBLIC SAFETY COMMITTEE AND
EDUCATION COMMITTEE
THURSDAY, SEPTEMBER 20, 2018**

Good morning Chairs Richards and Treyger and members of the Council. I am Assistant Chief Ruben Beltran, Commanding Officer of the New York City Police Department's (NYPD) School Safety Division. On behalf of Police Commissioner James P. O'Neill, I would like to thank you for this opportunity to discuss school emergency preparedness and safety.

At the outset of my testimony, I believe it is important to state that all students need a safe learning environment in order to succeed in the classroom and thrive in their community. The NYPD is committed to ensuring such an environment in every New York City public school. Ensuring the safety of our school community, including students, staff, and families, each day is at the core of our mission.

I am pleased to be here today to talk with you about the hard work the School Safety Division has done, and continues to do, to improve the safety of the school environment by reducing crime within our schools. Of course, improving school climate is not something the School Safety Division does on its own. The Police Department and the Department of Education (DOE) have established a true partnership in working through all issues related to school climate, school safety and training. I do not believe that we would be experiencing the success we have seen without the strong relationships we have developed with school principals, school administration, teachers, parents, and, most importantly, the students.

Last school year was the safest year on record, with a 23.98% decrease in major crime from the 2014-2015 school year which was the first full school year under this Administration. Additionally, there was a 4.6% decrease in school-related arrests and a 6.8% increase in the number of summonses issued by the School Safety Division compared to the 2016-2017 school year. In working in close collaboration with the DOE, we are focusing on referring minor incidents, where appropriate, to school administrators rather than utilizing the criminal justice system. We have sought to balance holding youth accountable while also utilizing school-based interventions in order to provide opportunities for young people to stay on the path toward college and careers.

Part of our strategy to ensure safety for our students is to work to prevent weapons from entering our schools. In this regard, weapon detection equipment plays an important role. While all intermediate schools and high schools are subject to unannounced scanning, historically there have been a number of intermediate and high school buildings that have been subject to full-time or random, part-time, scanning. It is important to note that the decision to install or remove weapon detection equipment in school buildings is not a unilateral decision by the NYPD. Based on a recommendation from the Mayor's Leadership Team on School Climate, clear protocols were established for school principals to request the addition or removal of weapon detection equipment.

Last school year, weapon recoveries increased by 28.3% when compared to the previous school year.

While weapon detection equipment is an important tool for recovering dangerous weapons, our school community partners are an even more valuable partner in this regard. Through cooperative working relationships with students, school administrators, parents and others, we are identifying and recovering more weapons and counting those in the school community among our strongest partners in fostering trust and making our schools safer. In a continuing effort to enhance and extend relationships and to develop even greater trust with students, teachers and staff, the NYPD expanded its Neighborhood Policing initiative to the City's schools this month with a pilot program in the Bronx. The goal of the Department's School Safety Division Neighborhood Coordination Model is to further decrease crime and violence in our City's 1,800 schools by approaching each one as a neighborhood and involving students as community members.

We attribute much of our crime reduction success to our enhanced training program for the 5,251 School Safety Agents and 113 Police Officers/Detectives assigned to the School Safety Division Uniformed Task Force, six uniformed members assigned to the Counter-Terrorism Unit and eight assigned to the Community Outreach Unit. It is not a coincidence that school climate and school safety improved as our training has been enhanced. Our new School Safety Agent recruits participate in a 17-week training program at the Police Academy. This comprehensive program includes training in the areas of Law, Police Science, Behavioral Science and Physical Education and Tactics and focuses on topics such as bullying, the LGBTQ community, tactical communication and defusing hostility. In order to assist in preparing SSAs for their special role in the school community, DOE personnel participate in our training sessions as instructors, and address specific areas such as special education, school administration, school governance, adolescent suicide, conflict resolution, bullying, child abuse and substance abuse prevention. Training also focuses on how to better work with school administration and students in areas of collaborative problem solving, restorative practices, conflict resolution, de-escalation techniques, and working with special needs students.

Moreover, training does not end at the recruit level for School Safety Division personnel. These members of the service also receive training throughout the year in such important areas as problem solving, mediating conflicts, and responses to emergency or dangerous conditions such as an Active Shooter incident.

Equally important to the successful work of the School Safety Division are our partnerships and strong working relationships with elected officials and advocates outside of City government. As you probably know, the School Safety Division is an integral part of the Mayor's Leadership Team on School Climate. The leadership of the School Safety Division works with representatives from other City agencies, DOE, advocates, and labor organizations to develop new ideas and make recommendations that will help further improve the school environment and enhance the positive role that our Police Officers and School Safety Agents have in ensuring safety. Many of the recent changes the School Safety Division has made with respect to training, utilizing school-based intervention, and the sharing of data are a result of the work of this inter-agency, inter-disciplinary

team. Our work with the Mayor's Leadership Team is ongoing and will play an important role in our efforts to continue to improve school climate.

In addition to the security that School Safety Agents provide each day, we also have a School Safety Uniformed Task Force, a group 113 uniformed officers who supplement the security needs of our school system and are deployed daily, where needed. These officers have been trained in responding to most emergency events, including active shooter events. Their duties include responding to active shooter reports and assisting in establishing emergency preparedness protocols; proactively addressing conditions affecting the safety of students, school staff and safe operations of schools; providing presentations to students on gun violence, gang/crew activity and the dangers of drug use; and responding to lock-downs and shelter-ins to assist School Safety Agents in securing school buildings and ensuring the safety of students and staff. The School Safety Division collaborates with the DOE on twelve (12) required emergency drills each school year. This includes eight evacuation drills and four lockdown drills. In addition, there was a multi-agency joint exercise, active shooter drill, completed this past summer at P.S. 102 in Queens, which included the NYPD, FDNY, and CUNY.

I would be remiss if I did not take a moment to highlight the School Safety Division's Counter-Terrorism Unit. While I am sure we all regret that there is a need for such a unit, it nevertheless addresses a stark reality of our modern times. This unit works collaboratively with the Intelligence Division, precincts and detective squads to investigate threats to our students and school buildings. In addition, it supports and enhances the Department's anti-terrorism initiatives and augments levels of security in New York City schools by providing comprehensive risk and threat assessments; training for the school community in terrorism awareness, with an emphasis on school safety plan protocols; conducts the "Active Shooter"- Advanced Law Enforcement Rapid Response Training (ALERRT) program for all Uniformed, Civilian and Department of Education personnel; and ensures that all School Safety Plans are reviewed, approved, and certified annually, and are in compliance with requirements prescribed in "SAVE" legislation (Safe Schools Against Violence in Education Act).

The safety plan that each Principal/Safety Committee submits, sets down on paper the everyday functions and procedures used by the school to permit the school to run in an efficient and safe manner. All schools are required to submit a plan to ensure that each and every student and staff member can be safely evacuated from their school in the event of an emergency, and to establish procedures for other emergencies that may arise. Our objective is to have 100% of the School Safety Plans approved.

In closing, the Department takes the responsibility of providing a safe climate in every New York City public school very seriously. The Police Department and the School Safety Division will continue to work in partnership with the DOE, parents, students, advocates, elected officials, and the community in furtherance of this responsibility.

Thank you for the opportunity to speak with you today, and I am pleased to answer your questions.



**Testimony of the NYC Department of Education on
School Safety and Emergency Preparedness
Before the NYC Council Committees on Public Safety and Education**

Good afternoon Chairs Treyger and Richards and all the members of the Education and Public Safety Committees here today. My name is LaShawn Robinson, and I am the Deputy Chancellor for School Climate and Wellness at the NYC Department of Education (DOE). Joining me are Mark Rampersant, Senior Executive Director of DOE's Office of Safety and Youth Development (OSYD) and Kenyatte Reid, Executive Director of OSYD. Thank you for the opportunity to discuss our work to ensure that all schools are providing a safe and supportive learning environments, and the proposed legislation before the Committees.

The Division of School Climate and Wellness, which I oversee, is responsible for the social and emotional well-being of our students, including critically, their safety and security. The City Council has had an important, longstanding commitment to school safety and positive school climates, and I would like to thank the Council for your leadership and generous funding over the years.

Providing students with safe, nurturing learning environments is at the heart of our Equity and Excellence for All agenda. As part of this work, this Administration has implemented important school climate reforms across the City, and is investing \$47 million annually in school climate initiatives and mental health supports to ensure that schools are equipped with the critical resources needed to effectively manage incidents and address underlying issues. It has also launched initiatives such as Community Schools to help students succeed academically, socially, and emotionally.

As part of the \$47 million commitment, we have launched and expanded a number of school climate initiatives over the past year. These include the expansion of district-wide restorative practices to three new districts; providing training, curriculum; and support for social-emotional learning through which we're teaching students in 300 schools the skills that will help them to be respectful, reflective, and regulate their own behaviors and emotions. We are also expanding the ways that students and parents can report bullying. This year, we increased ways for students and parents to report school-related bullying complaints by completing a new online form or calling P311. Next year, we will be launching a parent reporting portal. Beginning this year, funding is being allocated to support student-led clubs that promote diversity. These initiatives are all intended to foster welcoming, inclusive and safe school communities that keep students engaged in school, build trusting and respectful relationships, and strengthen school communities.

As a result of our continued investments, suspensions have decreased by 34 percent over the last five years. We have also decreased the number of schools identified by the State as "persistently dangerous," from 27 in 2015–16 school year to one in 2018–19 school year. We are very encouraged by these results and hope for continued improvements as we continue to expand this work.

Many of the initiatives I have discussed were informed by recommendations from the Mayor’s Leadership Team on School Climate and Discipline. Launched in 2015, the task force aims to reduce the number of students who are subject to arrests, summonses, and suspensions in school in a way that both leads to safer schools and protects students’ dignity and future prospects. The task force is co-chaired by the DOE and the Mayor’s Office of Criminal Justice (MOCJ), with representatives from NYPD and other City agencies, students, parents, community organizations, unions, universities, service providers, and the City Council.

We also understand the impact that mental health challenges can have on students’ social, emotional, and academic well-being. In partnership with ThriveNYC, we have made unprecedented investments in mental health resources and services—which, for the first time, are available to every City school. We have expanded our offerings and have: 285 school-based mental health clinics, 272 school-based health clinics, nearly 100 mental health consultants, and 120 more social workers in high needs districts. We have also expanded Therapeutic Crisis Intervention for Schools, a four-day, evidence-based training on how to de-escalate situations and prevent incidents from developing.

In addition to the investments in and expansions of a wide-range of social-emotional programs and supports, we continue to work with the NYPD to ensure all school buildings are secure, and all safety and emergency preparedness protocols are in place and up-to-date.

Within my division, the Office of Safety and Youth Development (OSYD) is laser-focused on school safety. Here too we work closely with the New York Police Department (NYPD). Together, OSYD and the NYPD’s School Safety Division (NYPD-SSD) take every necessary step to ensure the safety and preparedness of our school communities, including developing and implementing individualized building safety plans; and training staff on General Response Protocols, and mandatory lockdown and evacuation drills with students. Each member of the school community has an important role to play in this effort.

At the school level, since 2000, all schools have been required to create a School Safety Committee mandated to meet once a month and develop a School Safety Plan (SSP). Members of this important committee include but are not limited to the school principal, PTA President, Parent Coordinator, the Building Response Team leader, the school safety agent, first responders that serve the local community, and where appropriate a student. The committee plays an important role in establishing and reviewing safety procedures, and recommending additional security measures in response to emerging needs. The Safety Committee is also responsible for communicating the responsibilities and expectations for students and staff to the school community. All schools are required to hold an annual school safety town hall.

SSPs are updated each school year and are approved by the DOE and the NYPD. Each school building uses a standard template to record school and building-specific information that is used to prepare for and respond to a safety emergency – such as specific facility designs, and evacuation and relocation procedures. The SSP also calls for the creation of a Building Response Team (BRT), which plays an essential role in coordinating the actions of students and staff until first responders arrive.

Citywide, the DOE's General Response Protocol provides all schools with the direction they must take when an emergency incident occurs. These protocols outline the immediate actions to take when an emergency requires staff and students to evacuate, shelter-in, or lockdown. All school staff and students are required to participate in four lockdown drills and eight evacuation drills throughout the year. As of 2016, New York State revised the law to require annual emergency procedure training for every school district. All staff, including school based and non-school based staff, must receive training that has to be completed annually by Sept 15, or within 30 days of an individual being hired. In addition to the required lockdown and evacuation drills, all schools are required to conduct three bus drills and participate in two Code Blue (AED/CPR) drills annually. Our comprehensive emergency planning addresses awareness and preparedness for active shooter incidents, natural disasters and incidents within communities, and threat assessments; and collaboration with the first response community. Local partners in this work include the NYPD, the FDNY, and NYC Emergency Management (NYCEM).

These emergency protocols are incorporated in Chancellor's Regulations, the SSP template, training manuals, and our guides to Emergency Preparedness and the General Response Protocol. We distribute our safety protocols, including Visitor Controls, Missing Students, and Reunification Procedures, to school administrators annually.

We also work to share this information with families. At the start of the year, schools provide families copies of the emergency response procedures that highlight the General Response Protocol, citywide scanning policy, and reminders to update emergency contact information on file with the school. We also post this information on our website. Families also receive the parent version of their school's SSP, outlining important immediate information each family will need if an emergency were to occur at their child's school.

A key focus of our work is training for school-based and other staff members. The DOE, in collaboration with our first response agency partners—most often, the NYPD—develops and delivers training for principals and key staff including a two-hour emergency readiness training session every two years provided by OSYD, tabletop exercises, assessing emergency drills, and active shooter protocols. Throughout the school year, Borough Safety Directors hold on-site assessments to identify additional needs at schools for targeted training. All training is aligned with and often exceeds federal and State standards (National Incident Management Systems, Citywide Incident Management Systems, and New York State Education Law 2801).

We regularly review and update our best practices, guidance to schools, and professional development based on feedback from stakeholders including regular meetings on safety with the UFT and CSA, and by consulting with local, State and federal experts. For example, this spring, we increased our engagement with Citywide and Community Education Councils and parent communities, including speaking at meetings and fielding questions from parents; revised our Visitor Control Procedures, implemented BRT leader training; and enhanced the parent and staff versions of the School Safety Plan. We also have increased the number of opportunities for principals and BRT Leaders to attend Joint Active Shooter Training with the NYPD-SSD. OSYD has been at the forefront of emergency preparedness nationally.

We have made presentations to the U.S. Department of Education, U.S. Department of Justice, and at The Briefings: A National School Safety Symposium.

I would now like to turn to the proposed legislation.

We support the goals of the proposed legislation to create an emergency preparedness task force. We believe that the work envisioned by legislation should be performed by an existing task force which focuses on safety and security matters, and we would like to work with the Council to ensure that we maximize the expertise of our existing task force members and that the proposed legislation does not duplicate efforts already underway.

Proposed Intro. No. 880-A requires DOE to install security cameras where the Chancellor, in consultation with the NYPD deems appropriate for security purposes, and to annually provide the City Council a summary of the use of cameras in school buildings and an assessment of best practices related to their installation and use of cameras.

Intro. No. 381-A requires DOE to install door alarms where the chancellor, in consultation with the NYPD, deems appropriate for security purposes. It also requires DOE to provide the Council with a report on door security measures, including a summary of current practices for managing ingress and egress of school buildings, a list of school buildings where door alarms have been installed, and an assessment of best practices related to the locking of exterior doors of school buildings and the use of technology.

DOE uses both cameras and door alarms in school buildings as part of a comprehensive school safety strategy that is developed in ongoing consultation with NYPD. As of July 2018, we have installed Internet Protocol Digital Video Surveillance (IPDVS) in over 700 buildings serving approximately 1,135 schools, with over 29,000 cameras online. These cameras are funded in the current Capital Plan. The IPDVS application allows authorized school officials to view live and archived camera images at their computer stations and provides remote viewing capability to authorized personnel from borough and central offices. In addition, we worked closely with the City Council on Avonte's Law in 2014. Currently, over 97 percent school buildings have door alarms. We look forward to discussing the scope of the reporting requirements of both Intro. Nos 381-A and 880-A with the Council.

We share the Council's commitment to ensure that our children are safe at school and we commend the Council for its leadership on this issue. We will continue to review our safety protocols and procedures, as well as the installation of other security technologies. We look forward to working with the Council on this very important issue.

With that, we would be happy to answer any questions you may have.



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FOR THE RECORD

Gale A. Brewer, Borough President

September 20, 2018

**Gale A. Brewer, Manhattan Borough President
Testimony before the New York City Council
Joint Hearing - Committee on Education & Committee on Public Safety
On Res 514, Intro 0874 and Intro 0912**

Good afternoon. I am Gale A. Brewer, Manhattan Borough President. I am here today to support Resolution 514. This resolution calls upon the DOE to provide one full-time guidance counselor and social worker for every 250 students, with a minimum of at least one full-time guidance counselor and social worker in each school in the city.

In 2016, when I released my report on the state of mental-health services in Manhattan schools, the ratio of social workers to students was appallingly low. We found that there was just 1 school-based social worker for every 800 students and those few social workers were *not* spread across the borough's schools equitably¹.

I believe that if the NYCDOE is able to fulfill the demands of Resolution 514, NYC schools will make great strides in supporting youth and families. By increasing the ratio of guidance counselors and social workers, we can expect suspension rates, arrests, and summons in schools to go down. Conversely, we can also expect *increases* in student morale and academic performance as school climate improves and mental health needs are met.

¹ Gale A. Brewer, "Who's Caring: The state of school-based mental health care in NYC schools", 2017, <http://manhattanbp.nyc.gov/downloads/pdf/School%20Mental%20Health%20Report%20-%202017%20-%20Final.pdf>

However, even if the recommended ratio is achieved, success will depend upon the alignment of policies across all agencies that interact with young people in schools. Therefore, I strongly recommend that the Council make sure the proposed School Emergency Preparedness Taskforce is designed to conform to the current research on mental health issues and the appropriate response to students in need.

The proposed composition of the taskforce is problematic because it excludes the people it would impact most. The proposed membership includes the NYPD commissioner, the DOE chancellor, and several Mayoral appointments, but excludes advocates, teachers, parents, and most importantly, students². This is unacceptable.

The proposal also calls for the taskforce to examine the need for “infrastructure security technologies; including best practices for ingress and egress³.” Though the language is vague, the intent is clear. Given the composition of the taskforce, I fear that this examination of security technology will only lead to more metal detectors and more scanning in more schools. This is not what we need right now. After 30 years of research on school discipline and safety, there is no conclusive evidence that metal detectors and scanning are making our schools any safer. There *is* evidence that school policing and metal detector policies disproportionately impact Black students, Latino students, LGBTQ+ students, and students with disabilities.

The most worrisome aspect of the proposed intros is that which is unsaid. There is no mention of restorative justice. There is no recognition of the need for anti-bias training. There is no recognition that the first responders to mental health crises should be mental health experts. So, how can we be sure that this proposed taskforce would align itself with the recommendations of advocates and experts who have been fighting for improved mental health services for decades?

² Proposed Int. No. 0874-2018

³ Proposed Int. No. 0912-2018

I urge you to take another look at the proposed legislation and rethink the composition of that taskforce so that it meets the mental health needs of our youth. And I urge you to support Resolution 514 and help make the 1 to 250 ratio a reality in all schools.

Thank you to Council Member Treyger for Resolution 514 and thank you to the youth advocates like the members of Urban Youth Collaborative for making sure student voices were heard on this issue.



TESTIMONY
NYC Council Joint Oversight Hearing on
School Emergency Preparedness and
Safety September 20, 2018

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The Council of School Supervisors and Administrators (CSA) represents some 16,000 active and retired principals, assistant principals, educational administrators, and directors and assistant directors in early childhood learning centers. We know that students and staff must feel safe and secure if effective learning is to occur.

To that end, CSA has long maintained a Safety Committee that meets regularly with the Department of Education and NYPD to discuss city-wide measures that will improve safety in our schools.

We, therefore, appreciate and commend the City Council for addressing this important topic. We respectfully request that the Council consider the following recommendations:

- 1- In the event that a task force is ultimately created, it includes union representatives.
- 2- School principals are currently required to regularly convene a school safety committee, a Building Response Team (BRT), a Crisis Team, and submit a comprehensive school safety plan. Therefore, any recommendations made by the task force should be mindful of the time and resources available to principals. Recommendations that include additional time, meetings or paperwork should also include a commensurate reduction in same.
- 3- Any school specific recommendation made by the task force should be in consultation with Principals.
- 4- We commend the Council for recommending additional guidance counselors and social workers. Assistant principals also play a critical role in securing a safe environment for the school community. Unfortunately, budget constraints dictate that many schools do not have an assistant principal and others are severely understaffed. Assistant Principals serve as chairs of school safety committees, assist in the training of staff, interface with parents, are on school leadership teams and lead response efforts during times of crisis. No less that one assistant principal per 250 students is necessary for a safe and effective learning environment. In addition, all schools regardless of size must have at least one assistant principal.

CSA remains committed to working proactively with all educational partners to ensure that each of our schools will serve as safe and secure institutions where teaching and learning can thrive.



Testimony of Adam Eisenman

Rave Mobile Safety

Before

The New York City Council

Committee on Education Jointly with Committee on Public Safety

Oversight Hearing on School Emergency Preparedness and Safety

September 20, 2018

Good Afternoon, my name is Adam Eisenman, and I am with Rave Mobile Safety. Thank you for the opportunity to testify and for your work addressing the critical topic of school safety. Rave Mobile Safety shares your goal of providing safe and secure classrooms for our children to learn and grow.

For 14 years Rave has worked with more than 3,000 communities nationwide to improve safety, and it is our connection to public safety that has helped us become a leader in community preparedness and school safety. Today, Rave's technology is deployed statewide in Arkansas, Michigan, and Delaware and covers major metropolitan areas like Washington D.C., Atlanta, Denver, Seattle, Nashville, Chicago and other major cities, counties and states across the nation. Locally, Nassau and Suffolk counties have deployed Rave across approximately 900 schools.

The School Emergency Preparedness Taskforce and the slate of bills you are proposing are thorough and cover a spectrum of strategies including emergency preparedness,

technology, effective communication and inter-agency collaboration. All of these strategies can be best deployed by Rave's mobile safety panic button application.

As you know, school personnel must prepare to confront a myriad of emergencies on the campus, from medical emergencies and assaults to fires and other crimes, and it is important to implement a system that can effectively respond to incidents of all kinds, including active shooter scenarios.

There are two keys to improving school safety and response for all emergencies that we have learned through our conversations with communities that entrust their children's safety to us and through our industry experience. The first, and most important, is that any emergency response process starts with 9-1-1. 9-1-1 acts as the incident manager, gathers information and dispatches authorized emergency personnel to the scene, their involvement is key to a rapid response and faster reunification. Rave acts as the starting point for any event that takes place in a school, as teachers have become the first first-responders and the entirety of the emergency response process can be run through our solution.

The second is providing notifications to teachers, faculty and staff at the school about the type of incident underway; the proper response can mean the difference in a life and death situation. School personnel need to know instantly if the emergency situation is a routine medical health issue or one where lives are in danger in order to follow proper procedures such as run/hide/fight.

After Action reports from Sandy Hook and San Bernardino and further reporting from the Department of Justice, NENA (the National Emergency Number Association) have all

crystalized through these policy reports that 9-1-1 and enhanced communication are key to improving the response for incidents within our schools.

With that in mind, school personnel, armed with the Rave mobile phone application, with a touch of a button, can communicate directly with a 9-1-1 operator, with those onsite, and with NYPD School Safety Officers. Pressing the button instantly makes a voice call to 9-1-1. This allows the professionals who are trained to handle these types of incidents properly diagnose the situation and send the proper personnel to the scene. At the same time that 9-1-1 call is made, messages are sent to all staff members through SMS text, email, and an app-based notification. These messages contain critical information including: The identity of the person reporting an emergency, the time and location of the event, and most importantly, the type of emergency underway. While all of that is occurring, 9-1-1 receives the same information, while also being presented with school floorplans, emergency response plans, class rosters, points of contact in the building and other critical data that can be instantly disseminated into the field so that first responders have immediate access to it.

Rave offers a multi-hazard approach to school safety, not just active shooter incidents. You'll notice the Rave Panic Button is not a single button, but rather has 5 distinct buttons. All activations will place a voice call to 9-1-1, but depending what button you push determines who will receive notifications. An example of this might be for a medical emergency, not every staff member needs a notification but rather those trained in CPR, a school nurse, principal or he coaching staff would benefit from early incident notification and therefore aiding in the response.

In regards to school information, while some of the response or floor plan information is already collected by the city as required by the SAVE Act, it is the automatic presentation of this data as soon as an emergency is reported that makes it actionable for those in the field. Rave acts as the repository to store these plans, whenever there is a panic button incident we make this information actionable.

Additionally, as the situation unfolds, the Rave Panic Button system's direct connection to 9-1-1 allows for follow up customizable messaging including an "All clear," "Medical emergency," details on the active shooter, or the broadcast of a reunification point following an evacuation to be sent to all of the staff members that received the initial notification that there was an emergency. On occasion, incidents spill over by nearby schools. Rave Panic Button would allow 9-1-1 and NYPD to initiate lock down notifications, as an example, to keep students sheltered in place rather than boarding buses during an active assailant. This 'end-to-end' communication provides greater clarity to those on scene, and reduces the confusion that takes hold during a high stress event.

Rave is also able to interface with existing systems such as video cameras, signage, door locks and access controls among other things. Our system would enhance current capabilities while providing a robust security solution to all schools in a uniform and scalable manner. Rave is the tool that ties all of your proposed bills together.

We have examples across the country of the Panic Button being used effectively:

- preventing a school shooting before it happened in Arkansas
- rallying staff with medical training to provide aid to a young girl who suffered a severe seizure and head trauma in Alabama

- assisting with the search of a child that went missing from a school campus in Snohomish County, Washington that deployed our system in the aftermath of the Marysville-Pilchuck school shooting in 2014, where a gunman killed 4 classmates before turning the weapon on himself

In each of these cases, communication and the immediate involvement of 9-1-1 had a tangible effect on the response, and improved the outcome in each incident.

These are difficult, but unfortunately necessary conversations to have, and I would like to extend my gratitude to each of you for allowing me to testify today. I look forward to continuing to engage with folks like yourselves who are committed to protecting our children, and I'd ask that you leverage Rave's unique expertise in the area of school safety that we have cultivated over many years of working with the communities that have been touched by the horrors of confronting violence at their school's doorsteps.

I'll conclude by asking if the Committee members have any questions that I can answer about my testimony or the Rave technology.

Thank you.

TESTIMONY

The Council of the City of New York
Committee on Public Safety
Committee on Education

Oversight-School Emergency Preparedness and Safety

Int. No. 639B- In relation to requiring a school emergency preparedness task force to review distributing school emergency preparedness materials

Int. No. 866A- In relation to requiring a school emergency preparedness task force to review NYPD, DOE and community collaboration on school emergency preparedness.

Int. No. 869A- In relation to requiring a school emergency preparedness task force to review protocols for students experiencing a mental health crisis

Int. No. 872A- In relation to requiring a school emergency preparedness task force to review a public notification [sic] for school emergencies.

Int. No. 876A- In relation to requiring a school emergency preparedness task force to review evacuation plans and emergency response protocols at schools.

Int. No. 893A-In relation to requiring a school emergency preparedness task force to review the optimal security presence at schools.

Int. No. 894A-In relation to requiring a school emergency preparedness task force to review emergency preparedness training for school personnel.

Int. No. 912A-In relation to requiring a school emergency preparedness task force to review infrastructure security technologies at schools.

Int. No. 921A – in relation to creating to [sic] a school emergency preparedness task force.

Int. No. 922A-In relation to requiring a school emergency preparedness task force to review emergency communication technologies at schools.

Int. No. 923A-In relation to requiring a school emergency preparedness task force to review emergency preparedness at nonpublic schools.

September 20, 2018

The Legal Aid Society
199 Water Street
New York, New York 10038

Presented by: Cara Chambers and Nancy Ginsburg

Good afternoon. We submit this testimony on behalf of the Legal Aid Society, and thank Chairs Richards and Treyger and the Committees on Public Safety and Education for inviting our thoughts on creating a task force to examine issues of school emergency preparedness.

The Legal Aid Society is the nation's largest and oldest provider of legal services to low-income families and individuals. As you know, from offices in all five boroughs, the Society annually provides legal assistance to low-income families and individuals in some 300,000 legal matters involving civil, criminal and juvenile rights problems. Our 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 Juvenile Rights staff represented more than 33,000 children. At the same time, our Criminal Practice handled nearly 220,000 cases for clients accused of criminal conduct last year. Many thousands of our clients with criminal cases in Criminal Court and Supreme Court are school-age teenagers and young adults. Annually, our Civil Practice works on more than 46,000 individual legal matters, including advocacy for families with school-age children. Our Criminal, Civil and Juvenile practices engage in educational advocacy for our clients, in the areas of special education, school discipline, school placement and programming. In addition to representing these children each year in trial and appellate courts, we also pursue impact litigation and other law reform initiatives on behalf of our clients.

Our perspective comes from our daily contacts with children, adolescents, and their families, and also from our frequent interactions with the courts, social service providers, and city agencies including the New York Police Department,

Department of Education, Department of Health and Mental Hygiene and the Administration for Children's Services.

The Legal Aid Society certainly recognizes the need to keep our schools safe, and supports the City Council's efforts to provide oversight and demand accountability from city agencies. However, we have concerns about the scope and composition of the proposed school emergency preparedness task force. Instead, we urge the Council to build upon the extensive work done by the Mayor's School Climate Leadership Team. We encourage City Council to ask the Leadership Team to take on additional tasks related to school safety, and hold city agencies responsible for implementing the carefully considered recommendations that have already been issued by the Leadership Team.

Duplication of scarce resources

The proposed focus of the task force is, in large part, duplicative of the focus of the Mayor's School Climate Leadership Team. The Mayor's Leadership Team was convened in 2015 and drew from a broad cross section of stakeholders in our City's schools: city agencies such as the Department of Education, the NYPD, the Department of Health and Mental Hygiene, the Administration for Children's Services, the Department of Youth and Community Development; various relevant unions; advocacy groups; social service providers; teachers, principals, parents, and students. This task force of over 30 people and more than 150 people who populate various subcommittees, has examined issues such as school safety, climate, discipline and mental health, and has made extensive recommendations in the form of two public reports. The Leadership Team continues to meet on at least a quarterly basis to examine and make recommendations regarding school safety issues.

As a critical member of the Leadership Team, The Legal Aid Society has, for the past four years, joined other advocates and representatives from every city agency that touches our schools to address issues of school climate and safety. The proposed emergency preparedness task force looks to a narrow sub-group of the Leadership Team and asks them to tackle some of the very issues that have been discussed and that could be discussed in the future by the larger Leadership Team. We strongly urge the Council to look to the Leadership Team to address the majority of the issues this set of bills seeks to address.

Some of the proposed bills contain worthy goals that do not require a separate task force. The city agencies of concern are already engaged in much of the work that this proposed task force would be charged with reviewing. The Council has oversight of the DOE, FDNY and the NYPD and can simply direct those agencies to examine and report on:

- Distribution of school emergency preparedness materials to parents and students (Int. 639B)
- Creating a public notification system for school emergencies (Int. 872A)
- evacuation plans and emergency response protocols at schools (Int. 876A)
- the security presence at schools (Int. 893A)
- emergency preparedness training for school personnel (Int. 894A)
- infrastructure security technologies at schools (Int. 912A); and
- emergency communication technologies at schools (Int. 922A).

The mission of the proposed task force is overbroad and overemphasizes a law enforcement response to all crises

Int. No. 921A defines a “school emergency” as “a situation involving a threat of harm to students, personnel, and/or facilities, including but not limited to natural, technological and human-caused incidents which require response from law enforcement.” This definition is so broad as to include every incident that could colorably require a law enforcement response.

The focus of the Leadership Team and many of its recommendations has been to deliberately move away from traditional law enforcement responses and towards holistic responses to safety, discipline and service provision. The Leadership Team has recognized that while serious school incidents may require a law enforcement response, most events can be addressed with alternative means. One of the Leadership Team’s primary goals has been to reduce the disproportionate impact that traditional law enforcement responses have had on minority students and students with disabilities.

Because the proposed emergency preparedness task force is charged with assessing law enforcement responses as a primary goal, there is an unacceptable risk that the issues faced by students, particularly students of color and students with identified disabilities, will take second place to law enforcement mandates. Unfortunately, even with the best intentions, racial disproportionality in school-based arrests and suspensions persist and the risk that this task force would make it worse, even inadvertently, must be resisted.

Issues of mental health in our schools should not be addressed with a law enforcement lens

We strongly object to Int. 869A which mandates that the proposed task force develop protocols for students experiencing a mental health crisis. Given that the scope of the proposed task force is to address “school emergencies” which are defined as a threat of harm requiring a law enforcement response, the inclusion of mental health crises appears to be beyond the scope of such a task force. Most mental health crises in schools do not, and should not, merit a law enforcement response.

The proposed task force has representation of the NYPD, the DOE and the Mayor’s Office of Criminal Justice (“MOCJ”). It does not include any agency with a mental health focus, experts in the mental health and child development field, providers of mental health services or consumers of such services. Assessing mental health crises through a law enforcement lens will result in criminalizing behavior that instead requires a therapeutic response. The Council has held multiple hearings about the excessive response of law enforcement to students experiencing mental health crisis and the proposed task force would likely exacerbate that outcome.

The Leadership Team convened a group of more than 40 individuals/agencies, many of whom have expertise in child development and mental health, and has published a detailed set of recommendations, almost none of which have been implemented as yet. We urge the Council to review those recommendations and consider meeting with the Leadership Team in an effort to address the mental health needs of New York City’s students and remove this issue from the purview of the proposed task force.

Need for diverse and inclusive participation

The proposed task force does not reflect the diversity of interests and perspectives that are critical to any assessment of school safety. The Leadership Team is a group populated with all the stakeholders critical to any discussion of school safety. It is also tasked with the broader mission of assessing issues with a lens that reaches beyond a simple law enforcement response. The diversity of the Leadership Team has resulted in a rounded analysis of issues to reduce the number of students pushed into the school to prison pipeline and to increase supports for students of color and those with disabilities. Any group examining the complex issues of school safety must have the diversity of personnel, mandate and experience to address the multiplicity of factors involved.

We share your goal of improving safety outcomes for all our school children and look forward to working with you to achieve this in the most effective way possible. Thank you for the opportunity to address these committees to speak about these important issues.

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**TESTIMONY OF STEFANIE COYLE
ON BEHALF OF THE NEW YORK CIVIL LIBERTIES UNION**

Before

**THE NEW YORK CITY COUNCIL'S COMMITTEE ON EDUCATION and
COMMITTEE ON PUBLIC SAFETY**

On

SCHOOL EMERGENCY PREPAREDNESS AND SAFETY

September 20, 2018

The New York Civil Liberties Union (“NYCLU”) respectfully submits the following testimony on School Emergency Preparedness and Safety. We would like to thank the Committees on Education and Public Safety for giving the NYCLU the opportunity to provide testimony today on this important topic.

I. INTRODUCTION

The NYCLU, the state affiliate of the American Civil Liberties Union, is a not-for-profit, non-partisan organization with nine offices across New York state and more than 210,000 members and supporters. The NYCLU’s mission is to defend and promote the fundamental principles, rights, and constitutional values embodied in the Bill of Rights of the U.S. Constitution and the Constitution of the State of New York. Protecting and expanding students’ rights is a core component of our mission, and through our Youth and Students’ Rights program the NYCLU advocates for positive school climate and equitable access to quality education for all students.

As a founding member of the Student Safety Coalition, the NYCLU partnered with students, parents, and advocates across the City to urge the Council to enact the Student Safety Act—a first-of-its-kind reporting law on student safety and discipline in schools. The Student Safety Act has given the public a rare view into schools’ inner workings, revealing a disciplinary system that continues to be deeply biased against Black and Latino students and students with disabilities. These students are suspended and arrested at alarmingly high rates relative to their enrollment, and are suspended more often, for longer periods of time, and for more subjective infractions than their peers, issues that the NYCLU has been tirelessly advocating to end.¹ We serve on the Mayor’s Leadership Team on School Climate and Discipline and we work regularly with individual educators and young people, including more than 100 members of our Teen Activist Project. Our work to reform school discipline affords us a unique perspective on the attempted hardening of schools and its impact on school climate and on students.

In the aftermath of the Parkland tragedy, districts across the country have added security features such as armed guards, metal detectors, and surveillance cameras to schools, yet it is unclear whether any of those measures are effective in preventing violent incidents.² The conversation on preventing school violence has been almost exclusively focused on hardening, without an equivalent focus on school climate—including proven techniques for nurturing a safe and healthy student body. We are concerned that the proposed package of introductions is shortsighted, in that it focuses on school hardening rather than supportive and restorative measures for students. It is critical that the City Council consider the school climate impact of proposals affecting schools, including the threat that criminal justice measures pose to students of color.

¹ NYCLU, Student Safety Act Reporting on Suspensions 2017-2018, <https://www.nyclu.org/en/student-safety-act-data>.

² Caitlin Emma, *Why hardening schools hasn't stopped school shootings*, Politico, March 1, 2018, available at <https://www.politico.com/story/2018/03/01/school-shootings-security-guns-431424>.

We enthusiastically support Res. 514, but we oppose the Introductions that make up the proposed school security Task Force. We believe this Task Force is wasteful, duplicative, uninformed, and could cause serious harm to New York City kids.

II. PROPOSED INTRODUCTION 921-A

Introduction 921-A purports to create a “School Emergency Preparedness Task force” (the “Task Force”) which “shall make recommendations concerning matters related to school emergencies” by adding a new section 14-176 to the administrative code of the city of New York.³ The bill defines “school emergency” as a “situation involving a threat of harm to students, personnel, and/or facilities, including but not limited to natural, technological, and human-caused incidents, *which require response from law enforcement.*”⁴ The Task Force will meet quarterly and will be comprised of the NYPD commissioner, the Chancellor of the DOE, and the director of the Mayor’s Office of Criminal Justice (“MO CJ”), or their designees. It will also include “individuals with expertise in the issues of school climate, restorative justice, and social-emotional competence.” The Task Force will seek guidance from a teacher, a non-teacher DOE staff member, a parent, and “any mayoral advisory group making recommendations relating to school climate and discipline.” Nine additional introductions flesh out the specific topics related to school emergencies that the Task Force would examine.⁵

We appreciate these efforts to continue the discussion on how to keep students safe, but we question the wisdom and the necessity of creating this body. Most obviously, one of the most important constituencies is missing from the proposal. When determining how to keep students safe, students must be a part of the conversation. The impact of school policing on students is widely misunderstood and here in New York City the least empowered students typically have the most interactions with criminal justice mechanisms in schools such as police officers and metal detectors. There can be little doubt that the impact of any additional policing measures in schools will be suffered by the city’s Black and Latino youth. To date, the city has failed to take effective measures to reduce racial disproportionality in school safety and discipline practices; even as arrests go down, the racial disparities are getting worse.⁶ Without an explicit focus on the racial impact of its work, the proposed Task Force will inevitably contribute to this injustice. The City Council should ensure that a student representative is part of its school emergency task force and that student voices, particularly those of Black and Latino students, are clearly heard when making decisions about how to keep them safe.

³ Proposed Intro No. 921-A, August 17, 2018, *available at* <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3498547&GUID=946043A6-A532-447D-801D-DBBE5E8D495B&Options=&Search=>.

⁴ *Id.* (emphasis added).

⁵ See Proposed Int. No. 866-A, Proposed Int. No. 869-A, Proposed Int. No. 872-A, Proposed Int. No. 876-A, Proposed Int. No. 893-A, Proposed Int. No. 894-A, Proposed Int. No. 912-A, Proposed Int. No. 922-A, Proposed Int. No. 923-A. The Task Force proposal consists of ten introductions. While some of them suggest important topics within emergency preparedness to consider, questions remain about many of them. The NYCLU will not provide comment on each of the introductions discussed at today’s hearing but will comment on selected introductions.

⁶ For the 2nd Quarter of 2018 (April 1- June 30), nearly 90% of all arrests were of Black and Latino students. Black and Latino students accounted for 91% of child-in-crisis incidents where handcuffs were used. See NYCLU, *Student Safety Act Data, 2011-2018*, *available at* <https://www.nyclu.org/en/student-safety-act-data>.

We are also concerned that there will be potential duplication or even undermining of the work of the Mayor’s School Climate Leadership Team (“SCLT”). While it appears from Proposed Intro No. 921-A that the SCLT’s recommendations will be considered⁷, adding another entity into the conversation may make it more difficult to streamline conversations about these important issues and may cause certain perspectives to be left out.

The SCLT has been grappling with issues of school climate and school safety for several years and has successfully brought together members of the NYPD School Safety Division, MOCJ, the DOE administration, teachers, administrators, students, and advocates from across the city. The SCLT has a wealth of relevant expertise and is a space where diverse groups such have managed to come together in compromise. Members of the SCLT have anxiously awaited the City’s announcement of an improved Memorandum of Understanding (“MOU”) between the NYPD and DOE for more than a year—and we ask now for the Council’s support in ensuring that a new MOU is adopted this year. We hope this revised policy document, once implemented, will restrict the use of police tactics in schools to true emergency situations and reduce the use of law enforcement to enforce regular school discipline. The overlap of the MOU revisions with the mandate of the proposed Task Force is significant, and there are myriad ways that the work of the Task Force could interfere with good policy changes in the MOU. We therefore encourage the City Council to consider the necessity of the School Emergency Task Force, and if it is created, to ensure it works with the SCLT to push the DOE and NYPD to issue a revised MOU that protects the students of New York.

III. PROPOSED INTRODUCTION 912-A

Proposed Intro No. 912-A would require the Task Force to review “infrastructure security technologies, including best practices for ingress and egress.” While not specified in the proposal, these infrastructure security technologies could presumably include additional metal detectors, locking mechanisms, and surveillance cameras. If created, we urge the Task Force to undertake a critical review of the impacts of existing technologies on school climate, rather than taking an approach that focuses solely on adding or bolstering them.

Metal detectors have been used in city schools since the late 1980’s with the stated purpose of “maintain[ing] a safe and secure school environment and prevent[ing] weapons from being brought into the schools.”⁸ However, according to DOE data, a majority of the items seized after a student passes through a metal detector are not weapons, and include cell phones,

⁷ Proposed Int. No. 921-A, § 14-176 (e) (“Such task force shall seek input from at least one teacher employed by the department of education; at least one staff person employed by the department of education who is not a teacher, such as a guidance counselor or social worker; at least one parent of a student currently enrolled in a New York city public school; and any mayoral advisory group making recommendations relating to school climate and discipline.”) (emphasis added).

⁸ Scanning in NYCDOE Schools, http://schools.nyc.gov/NR/rdonlyres/F176F019-7333-41D6-8458-16BD3B5FA22F/0/ScanningProtocolsinNYCDOESchools_20160721.pdf; Chancellor’s Regulation A-432, Search and Seizure, available at <http://schools.nyc.gov/NR/rdonlyres/FE6896D5-CE74-43BB-B988-7836924166B2/0/A432.pdf>.

hairpins, cameras, and school supplies.⁹ There is no transparent criteria for determining if a metal detector is working to make kids safer, is contributing to a negative school climate, or even if it is functioning properly.

During the 2017-2018 school year, there were 91 permanent scanning sites across the city, where 100,000 students are forced to walk through metal detectors every day.¹⁰ Ninety percent of those children are Black or Latinx.¹¹ However, there is still no transparent criteria or public process for the addition or removal of metal detectors from a school. What process there is involves an opaque “data review” conducted by the DOE’s Office of Safety and Youth Development (OSYD) and the NYPD School Safety Division (“SSD”). However, “the final determination will be made by NYPD SSD.”¹² There is no indication of the type of data reviewed, any benchmarks, or important indicators that are considered, or whether school personnel, students, or parents can have any say at all. The DOE and NYPD should develop clear criteria for the data review that includes multiple years of data, the number of weapons found and confiscated, the number of scanning incidents that resulted in the issuance of summons, arrest or school discipline, and whether students are chronically late to class due to scanning delays.¹³ The inquiry into the effects and effectiveness of a metal detector should be repeated throughout the school year and in real-time. Parents and students must understand where and why metal detectors are added or removed and should have some voice in the decision.

It is essential that the Task Force, if created, doesn’t undertake an agenda of increasing the use of metal detectors without a deep understanding of the impacts they have had on children for over 30 years. Again, we urge the Task Force to include representation of student voices, in order to hear firsthand about the actual experience of attending a school with metal detectors.

In addition, we are extremely concerned about the potential to use facial recognition technology (FRT) in schools, and again urge the Council to take a critical approach that fully considers the potential negative impacts on kids. Facial recognition technology is not appropriate for use in schools and is biased, inaccurate, and violates the privacy rights of students, teachers, and parents.

⁹ NYCLU Report, A,B,C,D, STPP: How School Discipline Feeds the School-to-Prison Pipeline, Oct. 2014, page 32-33, https://www.nyclu.org/sites/default/files/publications/nyclu_STPP_1021_FINAL.pdf (last visited Sept. 14, 2018).

¹⁰ Christina Veiga, *Only one school campus has asked to have metal detectors added or removed since New York City created guidelines for requesting changes*, Chalkbeat, December 5, 2017, available at <https://www.chalkbeat.org/posts/ny/2017/12/05/only-one-school-campus-has-asked-to-have-metal-detectors-added-or-removed-since-new-york-city-created-process-for-requesting-changes/>; see also Cecilia Reyes, *100,000 NYC School Children Face Airport-Style Security Screening Every Day*, ProPublica, Jan. 12, 2016, available at <https://www.propublica.org/article/nyc-school-children-face-airport-style-security-screening-every-day>.

¹¹ Johanna Miller, Sy Abudu, *What If New York City Swarmed Schools with Guidance Counselors?*, Feb. 5, 2018, NYCLU Blog, <https://www.nyclu.org/en/news/what-if-new-york-city-swarmed-schools-guidance-counselors>.

¹² Scanning in NYCDOE Schools, http://schools.nyc.gov/NR/rdonlyres/F176F019-7333-41D6-8458-16BD3B5FA22F/0/ScanningProtocolsinNYCDOESchools_20160721.pdf.

¹³ Safety With Dignity, Complete Report by the Mayor’s Leadership Team on School Climate and Discipline, p. 30, July 2015, available at <http://www1.nyc.gov/assets/sclt/downloads/pdf/safety-with-dignity-final-complete-report-723.pdf>.

There are well-documented issues with the accuracy of facial recognition technology, particularly when used to identify women and people of color.¹⁴ Furthermore, the databases to which the images are paired are also unreliable, and because they are provided by law enforcement, often disproportionately include young men of color.¹⁵ This creates an unfair and undue risk of false identification for students of color, who are already far more likely to be unfairly targeted by the criminal justice and school discipline systems.

In addition, these systems infringe on the privacy rights of students, parents, and staff. These systems turn students' and staff members' every step into evidence of an infraction or crime and contribute to the criminalization of ordinary child misbehavior and personal interactions.¹⁶ They could lead to unfair interrogations of students based on which classmates they associate with, a potential infringement of their First Amendment rights. We urge the City Council to enact a moratorium on the use of facial recognition technology in New York City schools and keep this harmful, inaccurate, biased, and untested technology away from children.

IV. PROPOSED INTRODUCTION 923-A

Proposed Introduction No. 923-A would require the Task Force to consider "school emergency preparedness resources needed and available to nonpublic schools." New York City should not use public funding to pay for services for nonpublic schools and the City Council should reject this topic from being examined by the Task Force.

To suggest that nonpublic schools, many of which are sectarian, that receive monetary support from their students and private donors should be financially supported by the City as well is not only bad policy, it is an example of potential unconstitutional government support for religious institutions. In a city as diverse as New York, where many public school kids lack access to working computers and other educational basics, it would be shameful for city leaders to consider offering precious taxpayer money to private institutions.

V. PROPOSED INTRODUCTION 893-A

Proposed Intro No. 893-A would mandate that the Task Force consider "assigned posts of personnel inside and outside of schools, including but not limited to school safety agents, other department personnel, and department of education personnel." This is an inquiry that is inextricably connected with both the existing and revised MOU, and must not be undertaken without close coordination with the SCLT. Indeed, rather than reviewing the posts of security personnel, the City Council should spend its time and resources considering the assignment (or lack) of school counselors, psychologists, and social workers to school buildings across the city.

¹⁴ Sidney Fussell, *Schools are Spending Millions on High Tech Surveillance of Kids*, Gizmodo, March 16, 2018, <https://gizmodo.com/schools-are-spending-millions-on-high-tech-surveillance-1823811050>.

¹⁵ *Id.*; see also, Sidney Fussell, *School Districts can Hardly Wait to Start Tracking Kids with Police State-Style Face Recognition*, Gizmodo, May 21, 2018, <https://gizmodo.com/school-districts-can-hardly-wait-to-start-tracking-kids-1826197713>.

¹⁶ *Id.*

VI. PROPOSED INTRODUCTION 880

Proposed Introduction 880 is not part of the package of bills that make up the Task Force. This intro would repeal Section 528 of the New York City Charter, entitled “the installation and operation of security cameras and other security measures in New York City public schools.” It would create an additional chapter in the administrative code on “school security.”

The new provision and the one it is replacing are very similar, both requiring the DOE to install security cameras “where the chancellor, in consultation with the police department, deems such cameras appropriate for security purposes.” The intro will also require the DOE and NYPD to produce a report on the use of security cameras which includes “an assessment of best practices related to the installation and use of security cameras in school buildings, including evaluating policies related to access to video footage.” We urge that this assessment include ways to protect student privacy, prevent hacking, and consider the toll that the use of surveillance technologies exact on students, along with prohibiting the use of facial recognition equipped cameras in NYC schools. In addition, the Task Force must consider how both state and federal educational privacy laws restrict access to video footage.

VII. PROPOSED INTRODUCTION 869-A

Proposed Intro No. 869-A would mandate that the Task Force consider “protocols for students experiencing a mental health crisis.” However, it is probable that the Task Force will not include any mental health professionals, given its required makeup. If the Task Force considers this topic, it is critical that mental health professionals are consulted. In addition, protocols for students experiencing mental health crises already exist, codified in Chancellor’s Regulation A-411, Behavioral Crisis De-Escalation/Intervention and Contacting 911.¹⁷ It is unclear whether the mandate of the Task Force will overlap with the existing DOE protocols and whether the same stakeholders that were involved in drafting the Regulation will be involved in the Task Force discussions. Again, this provision is intricately connected to the work and recommendations of the SCLT, and risks duplicating or undermining that work.

VIII. RESOLUTION 514

The NYCLU strongly supports Councilmember Treyger’s Resolution 514, which calls on the DOE “to provide one full-time guidance counselor and social worker for every 250 students and to ensure that all schools have at least one full-time guidance counselor or social worker.” In addition to this resolution, we urge the City Council to provide additional funding to add school counselors and social workers to schools across the city. In New York City schools, police officers outnumber guidance counselors and social workers combined by over 1,000.¹⁸

¹⁷ This Regulation was the result of the settlement of a lawsuit, *T.H. v. Fariña*, brought by Legal Services NYC. See *T.H., et al. v. Fariña, et al.*, Case No. 1:13-cv-08777-JLC (SDNY Dec. 15, 2014).

¹⁸ There are currently 4,173 guidance counselors and social workers in NYC DOE schools. New York City DOE, Report on Guidance Counselors Pursuant to Local Law 56 of 2014, February 15, 2018, available at http://infohub.nyced.org/docs/default-source/default-document-library/guidancecounselorreportandsummaryfeb_2018_final.docx?sfvrsn=d565ade9_2. There are approximately 5,200 school safety agents. <https://twitter.com/nypdschools?lang=en>.

Nationwide, there are 27,000 sworn law enforcement officers but only 23,000 social workers in public schools.¹⁹ Based on data from the Office for Civil Rights, during 2015-2016 school year, more than 10 million children attended schools that reported having school resource officers but no social workers. Further, 36 million children are enrolled in schools that do not meet the recommended 250:1 ration of counselors to students by the American School Counselors Association.²⁰

While this is an issue that affects children across the country, in NYC the City Council has a unique opportunity to highlight this issue and to contribute funds to ensure that DOE meets this ratio. Students in each school in the city deserve to have access to a social worker and guidance counselor that will provide support and help build a positive school climate.

IX. RECOMMENDATIONS

The NYCLU has the following recommendations as the City Council considers the Task Force introductions and other related bills:

1. Add a student representative to the Task Force and ensure that impacted student perspectives are considered when discussing school emergencies.
2. The Task Force should work together with the SCLT to push the DOE and NYPD to issue a revised MOU that protects the students of New York.
3. Review the use of metal detectors, surveillance cameras and other “infrastructure security technologies” to assess the impact on school climate and create transparent criteria for the introduction and removal of metal detectors in schools.
4. Impose a moratorium on facial recognition technology in New York City schools.
5. Reject Intro. No. 923-A that would consider the use of public school resources on nonpublic schools.
6. Pass Resolution 514 and provide funding through the City Council to supplement the number of guidance counselors and social workers in NYC schools.

X. CONCLUSION

We thank the New York City Council’s Committees on Education and Public Safety for considering this testimony. In considering how to help students feel safe and supported, it is critical to center their voices and ensure that school hardening measures do not funnel more students into the school-to-prison-pipeline.

¹⁹ Daniel Losen and Amir Whitaker, *11 Million Days Lost: Race, Discipline, and Safety at U.S. Public Schools*, The Center for Civil Rights Remedies at The Civil Rights Project and the American Civil Liberties Union, available at <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/race-discipline-and-safety-us-public-schools?redirect=schooldiscipline>.

²⁰ *Id.*



**Girls for Gender Equity Testimony for the New York City Council
Committee on Public Safety & the Committee on Education**

Delivered by: Ashley C. Sawyer, Esq., Director of Policy and Government Relations

September 20, 2018

RE: Res. 0514-2018, Int 0381-2018, Int 0639-2018, Int 0866-2018, Int 0869-2018, Int 0872-2018, Int 0876-2018, Int 0880-2018, Int 0893-2018, Int 0894-2018, Int 0912-2018, Int 0921-2018, Int 0922-2018, Int 0923-2018

Good afternoon Chairpersons and Committee Members. My name is Ashley Sawyer and I am the Director of Policy and Government Relations at Girls for Gender Equity (GGE).

GGE is a 16 year old, Brooklyn-based youth development and advocacy organization committed to the physical, psychological, social, and economic development of girls and women. GGE challenges structural forces, including racism, sexism, transphobia, homophobia, and economic inequity, which constrict the freedom, full expression, and rights of transgender and cisgender girls and women of color, and gender non-conforming people of color. GGE is also a member of the Dignity in Schools Campaign (DSC).

In 2016, GGE began a Participatory Action Research (PAR) process with over 100 students from New York City public schools. Students between the ages of 9 - 23 shared their experiences and their recommendations for ways to ensure that schools are safe, affirming places for all students. Students described their experiences with school police, metal detectors, and other instruments of surveillance. **Students overwhelmingly indicated that the presence of police in schools did**

not make them feel safer. In fact, students are quoted in our report saying that they felt as if they were in a prison when they attended schools. There is data supporting the experiences shared by the student participants in our research. National advocacy organizations have shared data clearly demonstrating that the presence of law enforcement disproportionately harms Black and Latinx students, as they become the targets of school based arrests.¹ Increased collaboration between the New York City Police Department (NYPD) and school principals, deans, and teachers would only further that trend.

We use the term “criminalization” to describe the patterns and practices which mirror a carceral, prison-like environment within schools and send the message to students, that they are harmful or dangerous. Often criminalization shows up through constantly searching students or sending them through metal detectors, under the suspicion that they are carrying weapons, assigning law enforcement agents to monitor their halls, and arresting students in school. Criminalization impedes learning and does more harm than good.² Worse, it diverts precious resources away from strategies that have the potential to transform schools.³

As a result of horrific school shootings and other forms of violence locally and nationally, we applaud the City Council for thinking strategically about a community response to preventing and responding to incidents of in-school violence. However, it was only recently that the DOE finally started consider restorative approaches to school discipline and moved towards decriminalizing schools. We hope that the bills that the Council is considering today do not result in a shift away from the positive steps that the DOE has begun to take.

¹ Advancement Project, Alliance for Education in Schools, Dignity in Schools, & NAACP LDF <http://dignityinschools.org/wp-content/uploads/2018/03/Police-In-Schools-2018-FINAL.pdf>

² Brea L. Perry & Edward W. Morris, *Suspending Progress: Collateral Consequences of Exclusionary Punishment in Schools*, <http://journals.sagepub.com/doi/abs/10.1177/0003122414556308> (2014).

³ Ashley C. Sawyer, *Healing, Not Metal Detectors Will Dismantle the School-to-Prison Pipeline*, Juvenile Justice Information Exchange, <https://jjiie.org/2018/01/10/healing-not-metal-detectors-will-dismantle-the-school-to-prison-pipeline-for-good/>

We do not believe that additional policing and surveillance of students is a necessary condition to yield the ultimate goals of student and school safety. **We are deeply concerned about any increase in the NYPD's influence, presence, or oversight of New York City schools, as suggested by the proposed bills. The involvement of the NYPD in the proposed Emergency Preparedness Task Force (Int 0866) should explicitly set the expectation to not further the criminalization of New York City students, particularly black, and Latinx youth of color.** We encourage the City Council to add language to this legislation so that the DOE's time and resources are best spent investing in student and school safety by engaging trained professionals who are most well positioned to support students.

It is critical that we remember that the professionals and community members who are best positioned to develop and evaluate protocols for responding to student's mental health needs are *not* members of law enforcement. Instead, this should be in the purview of healthcare and education professionals, people who are trained in childhood and adolescent brain development, people who are culturally competent, and people who are not invested in making arrests or removing students from the school environment. To that end, we implore the Council to consider adding language to Intro 0869 to ensure that any mental health response from schools does not default to the NYPD as the personnel that are expected to support young people experiencing a mental health crisis.

We believe that Resolution 0514 introduced by Council Member Treyger is an important start toward doing the work of keeping students safe, and improving student outcomes. Having *at least* one full-time counselor and social worker for every 250 students, as recommended by the American School Counselor Association (ASCS) is an essential, base level, strategy to keep students safe.⁴ **The research stemming from our *Schools Girls Deserve* report revealed that students wanted more counselors in their schools.** Students felt that having

⁴ Scott E. Carrell, Susan A. Carrell, *Do Lower Student to Counselor Ratios Reduce School Disciplinary Problems*, Contributions to Economic Analysis and Policy, Vol. 5, Issue 1. (2006), <http://www.schoolcounselor-ca.org/files/Advocacy/Lower%20Counselor%20Ratios%20Equal%20Less%20Discipline.pdf>.

guidance counselors and social workers would be a crucial first step toward making schools into healing and affirming learning environments. As the resolution states, there are now more School Safety Agents (SSAs) than the total number of both guidance counselors and social workers combined. This is a startling demonstration of the city's values. We have not invested the appropriate resources to bringing in the professionals who are committed to supporting students. Counselors and Social Workers who are equipped with an anti-racist, culturally competent, gender responsive analysis are crucial to doing the work of keeping schools safe and allowing students to learn.⁵ Staff should be equipped to support students of varying religious backgrounds, ethnicities, sexual orientations, gender identities, and races. These staff need to have a manageable caseload, one that allows them to know the students in their care, and effectively offer services and supports.

Thank you again for allowing us the opportunity to share our expertise and for holding today's hearings. We hope to be in continued conversations with members of this body to ensure that schools are safe, affirming, and healing environments for all students.

⁵ Diane Flinn, Georgette Norman, Sejal Patel & Yvette Robles, *Professional Development: White Anti-Racism*, Teaching Tolerance (Southern Poverty Law Center), <https://www.tolerance.org/professional-development/white-antiracism-living-the-legacy>.



**Testimony before the New York City Council
Joint Committee on Public Safety and Education**

September 20, 2018

Legal Services NYC

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Introduction

Legal Services NYC is the largest provider of free civil legal services in the country. We are dedicated to fighting poverty and seeking racial, social, and economic justice for low-income New Yorkers. Over the course of fifty years, Legal Services NYC has challenged systemic injustice and helped clients meet their basic needs for housing, access to high-quality education, health care, family stability, and income and economic security. Our neighborhood-based offices and outreach sites across all five boroughs assist more than 80,000 New Yorkers annually.

Bronx Legal Services' Education Rights Project assists hundreds of New York City schoolchildren and their families each year with special education and disciplinary proceedings. Over 80% of our student clients are children of color and/or immigrants ranging in age from 3 to 21. Our clients experience a range of behavioral, emotional, and developmental disabilities including autism, Attention Deficit Hyperactivity Disorder (ADHD), oppositional defiant disorder, exposure to trauma/adverse childhood experiences (ACEs), and depression. We represent these students and their families in a host of areas including disability accommodations, special education, student discipline, transportation, school transfers, academic intervention issues, and Social Security disability benefits. We also mentor and partner with students in law school programs across the city, like the Suspension Representation Project, to maximize access to education for New York City students. We train and assist community-based organizations, pro bono attorneys, and elected officials. We work with other advocates, such as the Bronx School Justice Working Group, to address systemic issues facing our client community.

We thank the Committee for holding this hearing and for providing the public with an opportunity to testify about the impact of school safety reforms. Our office has been an active

participant in City Council hearings, particularly on issues involving some of the most at-risk students in the New York City school system: students with disabilities who are subject to discipline. Most notably, we have testified multiple times about the harmful and ineffective practice of New York City public schools transporting students with behavioral and emotional health challenges via Emergency Medical Services (EMS) to hospital emergency rooms. Over the past few years, we have worked closely with local officials and community partners to reverse that trend and are grateful for the progress that those partnerships have yielded. However, further progress is needed if we are to create inclusive, supportive educational environments for students with behavioral and emotional disabilities. We believe that urgent reform is necessary to address and reverse the effects of the school to prison pipeline, particularly as it affects New York City students with a history of trauma/adverse childhood experiences. Schools must have the resources to support these students, not re-traumatize or criminalize them.

The Problem: Disabilities Rooted in Trauma/Adverse Childhood Experiences

Today's conversations about the role of police officers, social workers, and mental health resources in schools directly impact our clients. This testimony will describe the challenges that our clients face and how the Committee and New York City schools can best respond to those challenges. We believe that New York City schools can take steps to improve the protocols and resources their response to mental health challenges in school.

Our education clients experience behavioral, emotional, and developmental disabilities that manifest themselves at school. Many of these disabilities, particularly behavioral and emotional disabilities, are rooted in trauma/ACEs. Trauma may occur when a child is exposed to death, violence, poverty, systemic racism and discrimination, uncertainty about access to basic necessities like food and housing, and family disruptions related to deportation, incarceration, or

the foster care system.¹ For children, these trauma-inducing events are referred to as adverse childhood experiences.² It is estimated that between one half and two thirds of school aged children in the US are exposed to one or more ACEs.³ In New York City, particularly in neighborhoods with high rates of poverty and crime, children suffer ACEs at a higher rate than the rest of the country.⁴

Advancements in psychiatry and psychology tell us that the effects of ACEs, including behavioral and emotional disabilities, can be reversed with proper care. When children who have experienced trauma receive early, high quality intervention, the mental health consequences of ACEs can be nearly eliminated.⁵ For our clients, quality intervention means access to educational resources that support and understand their disabilities. In addition, it means avoiding situations and responses that trigger and re-traumatize them, exacerbating their disabilities and the effects of ACEs. Notably, our clients do not simply need these interventions. They are entitled to them under the law. Federal, state, and local law protect their right to an inclusive school environment,

¹ See “Adverse Childhood Experiences: Looking at How ACEs Affect Our Lives & Society,” *Center for Disease Control*, available at https://vetoviolenecdc.gov/apps/phl/resource_center_infographic.html.

² See, eg, Maura McInerney & Amy McKlindon, Education Law Center, *Unlocking the Door to Learning: Trauma-Informed Classrooms and Transformational Schools*, available at: <https://www.elc-pa.org/wp-content/uploads/2015/06/Trauma-Informed-in-Schools-Classrooms-FINAL-December2014-2.pdf>.

³ V.J. Felitti et al., *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study* 14(4) *American Journal of Preventive Medicine* 245 (1998); W.E. Copeland, *Traumatic Events and Posttraumatic Stress in Childhood* 64(5) *Archives of General Psychiatry* 577 (2017), cited by Maura McInerney & Amy McKlindon, Education Law Center, *Unlocking the Door to Learning: Trauma-Informed Classrooms and Transformational Schools*, available at: <https://www.elc-pa.org/wp-content/uploads/2015/06/Trauma-Informed-in-Schools-Classrooms-FINAL-December2014-2.pdf>.

⁴ From 2011-2015, the poverty rate in New York City was 20.6%, compared to a 15.5% across the United States: Maxwell Austen et al., NYU Furman Center, *State of New York City’s Housing and Neighborhoods in 2016: Focus on Poverty in New York City*, http://furmancenter.org/files/sotc/SOC_2016_FOCUS_Poverty_in_NYC.pdf p 3. Notably, some neighborhoods have extremely high poverty rates – in the Bronx, 52.6% of all neighborhoods had a poverty rate above 30%; Council on Children & Families, *Adverse Childhood Experiences Among New York’s Adults* (2010) http://ccf.ny.gov/files/4713/8262/2276/ACE_BriefTwo.pdf.

⁵ See David Bornstein, “Treating the Lifelong Harm of Childhood Trauma,” *The New York Times* (Jan. 30, 2018), available at <https://www.nytimes.com/2018/01/30/opinion/treating-the-lifelong-harm-of-childhood-trauma.html>.

including appropriate special education services, mental health services, and trauma-informed behavioral interventions in the event of a behavioral crisis.⁶

Our clients' disabilities, particularly those rooted in ACEs, manifest themselves in the classroom in ways ranging from regular minor child misbehavior to incidents requiring the presence of mental health professionals. Children who have experienced trauma are more likely to be aggressive, defiant, withdrawn, perfectionist, hyperactive, emotional and impulsive in a classroom environment.⁷ School officials who are unfamiliar with disabilities rooted in trauma often find it challenging to respond to these behaviors. As a result, they may respond in ways that often escalate the situation or even harm our clients like handcuffing them, arresting them, suspending them, or removing them to a hospital emergency room via EMS. These responses can trigger or exacerbate disabilities and behavioral or emotional disorders,⁸ lead to a decline in the child's performance in school,⁹ and lead to higher likelihood that the child will drop out of school, be arrested, or be incarcerated.¹⁰ However, school officials with appropriate training in behavioral crisis intervention and trauma-informed mental health services can prevent behavioral crises, deescalate them when they occur, and involve emergency services, when necessary, in a way that does not harm students.

Providing Appropriate Mental Health Services in Schools

⁶ These laws include the Individuals with Disabilities Education Act, Part 200 of the New York Regulations of the Commissioner of Education, and New York City Chancellor's Regulations A-400 Series or A-710.

⁷ Aaron Lawson, *Straight Outta Compton: Witness the Strength of Disability Rights Taking One Last Stand for Education Reform*, 67 Syracuse L. Rev. 551 (2017), 559.

⁸ Aaron Lawson, *Straight Outta Compton: Witness the Strength of Disability Rights Taking One Last Stand for Education Reform*, 67 Syracuse L. Rev. 551 (2017), 578-79.

⁹ Russell J. Skiba, *More than a Metaphor: The Contribution of Exclusionary Discipline to a School-to-Prison Pipeline*, 47 Equity & Excellence in Education 546 (2014), 557-8.

¹⁰ Kathryn C. Monahan et al., *From the School Yard to the Squad Car: School Discipline, Truancy, and Arrest*, 43 Journal of Youth and Adolescence 1110 (2014). See also Aaron Lawson, *Straight Outta Compton: Witness the Strength of Disability Rights Taking One Last Stand for Education Reform*, 67 Syracuse L. Rev. 551 (2017), 560; Tony Fabelo et al., Council of State Governments Justice Center and Public Policy Research Institute at Texas A&M University, *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (July, 2011).

New York City schools are often not equipped to provide the response that their students need and are entitled to. As of 2016, New York City schools had approximately 5,000 School Safety Agents but less than 1,200 social workers. Unfortunately, as our clients' experiences tell us, this means that School Safety Agents are much more likely than social workers to respond to behavioral crises. The NYPD's School Safety Division has collaborated with communities and advocates, including Bronx Legal Services, to ensure that School Safety Agents receive training in mental health crisis intervention and de-escalation. These trainings are a step in the right direction for our clients. However, while these trainings allow School Safety Agents to assist or respond to behavioral crises in emergency situations, they do not equip School Safety Agents to provide a comprehensive, trauma-informed response to behavioral and psycho-emotional incidents. Where that training falls short, data indicates that School Safety Agents are likely to respond in the harmful ways described above.

Students with disabilities, including those with behavioral challenges, represent only 18.7% of New York City students. However, 2016 data from the Bronx shows that students with disabilities account for 40% of students suspended after NYPD contact, 47% of students suspended more than once, and 41% of students transported from school to psychiatry emergency rooms. Where a child's behavioral or emotional disability is rooted in trauma related to police officers or the criminal justice system, these punitive outcomes may significantly re-traumatize the child, particularly when a School Safety Agent participates in the response.

Social workers who respond to behavioral or emotional incidents can provide restorative outcomes for our clients. Social workers receive intensive training at both the undergraduate and graduate level and must be certified by the State.¹¹ This training permits social workers to

¹¹ "School Social Work Certification," *New York State School Social Workers' Association*, available at <https://nyssswa.org/school-social-work-certification/>.

provide comprehensive responsive services ranging from short-term counseling to crisis intervention, recognize the signs of trauma and mental health challenges before they escalate, and ensure that school staff members have the knowledge and resources to engage with trauma in a sensitive and effective manner.¹² This is especially essential in low-income, high-crime neighborhoods, like the neighborhoods that Legal Services NYC works with, that have access to limited mental health resources. For this reason, the American School Counselor Association recommends that schools maintain one school counselor for every 250 students.¹³

The need for trauma informed responses to behavioral and emotional crises is gaining national recognition. Massachusetts has a grant program to support schools that implement better procedures and practices for dealing with childhood trauma, and Washington has developed a general framework and principles to guide interactions with students who have experienced trauma.¹⁴ Smaller changes have been made in other states. In Illinois and Wisconsin, the websites for the Board of Education include resources on trauma, and in Idaho the majority of school districts provide training to teachers on trauma.¹⁵ In addition, the private sector has recognized the need for better resources in this area. Beginning this year, our office received critical funding in the form of an Equal Justice Works Fellowship, sponsored by the Arnold & Porter Foundation, that will focus exclusively on representing students with trauma-related disabilities who experience inadequate services or harmful responses at school. New York City

¹² “The School Counselor and Trauma-Informed Practice,” *American School Counselor Association* (2016), available at https://www.schoolcounselor.org/asca/media/asca/PositionStatements/PS_TraumaInformed.pdf; “The School Counselor and Student Mental Health,” *American School Counselor Association* (2015), available at https://www.schoolcounselor.org/asca/media/asca/PositionStatements/PS_StudentMentalHealth.pdf.

¹³ “Press: Student-to-School-Counselor Ratios,” *American School Counselor Association*, available at <https://www.schoolcounselor.org/press>.

¹⁴ Maura McInerney & Amy McKlindon, Education Law Center, *Unlocking the Door to Learning: Trauma-Informed Classrooms and Transformational Schools*, available at: <https://www.elc-pa.org/wp-content/uploads/2015/06/Trauma-Informed-in-Schools-Classrooms-FINAL-December2014-2.pdf> 7-10.

¹⁵ Maura McInerney & Amy McKlindon, Education Law Center, *Unlocking the Door to Learning: Trauma-Informed Classrooms and Transformational Schools*, available at: <https://www.elc-pa.org/wp-content/uploads/2015/06/Trauma-Informed-in-Schools-Classrooms-FINAL-December2014-2.pdf> 10.

can continue to lead the fight against poverty through education and comprehensive mental health services by taking similar steps and ensuring that our students, particularly those with a history of trauma, have access to appropriate and supportive educational environments.

Implementing Appropriate Mental Health Protocols in Schools

Today's conversation about protocols for responding to students experiencing mental health crises has a direct and significant impact upon our clients. As many members of the committee know, Bronx Legal Services was instrumental in helping to develop the existing DOE protocol for responding to behavioral crises in school as part of a landmark settlement with the Department of Education.¹⁶ This settlement followed a citywide lawsuit, *T.H. v. Farina*, which challenged unnecessary student removals by EMS to psychiatric emergency rooms. In furtherance of the goal of continuing to address unnecessary EMS removals of students, we continue to collaborate with communities to ensure the implementation of these reforms.

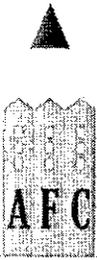
However, even with this new protocol, our clients' experiences tell us that some school officials, particularly at schools in the Bronx, inappropriately rely on these protocols to improperly involve emergency services in behavioral and emotional crises that would be best resolved with mental health crisis intervention. Accordingly, we thank the Committee for taking steps to establish a task force to improve these protocols. In addition, we would welcome the opportunity to contribute our insight, client experience, and expertise to the conversation. We would also encourage the Committee to invite community partners, such as the New Settlement Apartments' Parent Action Committee, the Dignity in Schools Campaign, and the Coordinated Children's Service Initiative to contribute to these conversations. Together, we can continue to improve behavioral crisis intervention protocols and create a more supportive environment for students with disabilities and a history of trauma.

¹⁶ See Chancellor's Regulation A-411.

Transparency in Discipline and Mental Health Response

Finally, today's conversation about security cameras directly implicates the due process rights of our students. When cameras are installed in school facilities, school officials often turn to that footage in the event of a discipline incident. They may rely on footage to advocate for suspensions or other consequences. If this footage is made available to school officials pursuing suspensions but is not made available to students facing suspension and their families, students' access to education may suffer. In contrast, when students and their families can access that footage, they are better equipped to advocate for a discipline response that is just and suitable for the student. Access to footage also allows students with disabilities and their families to determine whether schools are responding appropriately to behavioral incidents and emotional disturbances.

New York City schools can also increase transparency by improving student and family access to incident reports after law enforcement or emergency services response to a behavioral crisis. Our office and our clients frequently have difficulty obtaining incident reports from schools, even when the incident involves an EMS removal to a psychiatric emergency room. Greater transparency on this front is essential to protecting the due process rights of students with disabilities.



Advocates for Children of New York
Protecting every child's right to learn

**Testimony to be delivered to the New York City Council
Committee on Public Safety and Committee on Education**

RE: Oversight – School Emergency Preparedness and Safety.

**Proposed Int. Nos. 639-B, 866-A, 869-A, 876-A, 893-A, 894-A, 921-A, 922-A, 923-A:
Establishing a School Emergency Preparedness Task Force
and**

**Proposed Res. No. 514: Providing for One-Full Time Guidance Counselor for
Every 250 Students and Ensuring All Schools Have At Least One Full-Time
Guidance Counselor and Social Worker**

September 20, 2018

Good afternoon. My name is Rohini Singh. I am a Staff Attorney in the School Justice Project at Advocates for Children of New York (“AFC”) where I focus on helping students with emotional and behavioral challenges get the support they need to stay and succeed in school. AFC is a member of Dignity in Schools New York (“DSC-NY”), a coalition of youth, parents, educators, and advocates dedicated to shifting the culture of New York City schools away from punishment and exclusion and towards positive approaches to discipline and safety. In addition, AFC is a member of the Mayor’s Leadership Team on School Climate and Discipline, dedicated to developing meaningful reforms to improve school climate through alternatives to exclusionary, punitive discipline and school policing.

While AFC believes in the importance of establishing protocols in the event of a school emergency, we have several concerns about the proposed bills.

First, the definition of “school emergency” in these proposed bills defines the scope of the proposed task force to include any situation “involving a threat of harm to students, personnel, and/or facilities including but not limited to natural, technological, and human-caused incidents, which require a response from law enforcement.” This definition encompasses a myriad of school safety situations outside the scope of a true school emergency that requires a law enforcement response, as well as topics already within the scope of the Mayor’s Leadership Team on School Climate and Discipline (“Leadership Team”).

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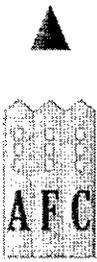
Protecting every child's right to learn

Since 2015, the Leadership Team has worked to develop policies and practices that enhance the well-being and safety of students and staff in the City's public schools, while minimizing the use of suspensions, arrests and summonses. After a two-yearlong collaborative process with diverse stakeholders, the Leadership Team produced two reports with detailed recommendations to address student safety in schools moving away from an overly punitive response to student behavior.¹ Many of these recommendations specifically address issues that fall into the definition of "school emergency" in these proposed bills. For example, the Leadership Team's recommendations include: rewriting the Memorandum of Understanding between the New York City Police Department (NYPD) and the Department of Education (DOE) to align the use of school discipline, security personnel, and security measures with supportive school climate goals; increasing mental health supports for high-needs students; and revising protocols for the use of metal detectors in schools. To date, many of the recommendations made by the Leadership Team have not been implemented.

We are concerned that the composition and scope of this new proposed task force will lead to an increase in law enforcement responses to student behavior, undoing the purpose and work of the Leadership Team. Specific emergency preparedness protocols can be developed without creating an additional task force with this broad and overreaching scope. However, if a task force is formed, then the focus must be significantly narrowed to address true emergencies that require a law enforcement response, and the task force members must coordinate with the Leadership Team to ensure that recommendations are in line with those of the Leadership Team.

Second, while AFC sees an urgent need to focus on meeting the mental health needs of students and would like to work with the Council on this critical issue, we have concerns about Int. 869, requiring the proposed school emergency preparedness task force to "review and make recommendations relating to protocols for responding to a student experiencing a mental health crisis." This purview is overly broad, and we worry that it will result in an increased law enforcement, instead of a medical and mental health response to students with mental health needs.

¹ The Mayor's Leadership Team on School Climate and Discipline, "Phase I Recommendations: Safety with Dignity" (July 2015), <https://www1.nyc.gov/assets/sclt/downloads/pdf/safety-with-dignity-final-complete-report-723.pdf>; The Mayor's Leadership Team on School Climate and Discipline, "Maintaining the Momentum: A Plan for Safety and Fairness In Schools, Phase Two Recommendations" (July 2016), http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf.



Advocates for Children of New York

Protecting every child's right to learn

Last year, AFC released a data brief outlining the significant consequences of a police response to students in emotional distress.² NYPD interventions in schools between July 2016 and June 2017 included 2,702 incidents involving students in emotional distress sent to the hospital for psychiatric evaluation, sometimes using handcuffs on children as young as 5 years old. The reliance on police to address students in emotional crisis in schools has far-reaching consequences for students, particularly students with disabilities and students of color who are often disproportionately policed in schools. Instead of a policing approach, mental health professionals with appropriate training and skills are best positioned to assess and address the needs of students in emotional distress without escalating the situation or further traumatizing students.

The current composition of the proposed task force does not contain any mental health professionals or experts on de-escalation or crisis intervention. We are deeply concerned that the inclusion of these protocols in the current proposed task force will unintentionally lead to further police response to students in emotional distress. Instead, the City and the DOE should implement school-wide and district-wide evidence-based approaches to address students in emotional distress, some of which have already been recommended by the Mayor's Leadership Team on School Climate and Discipline.³ These recommendations include:

- Funding and providing clinically trained mental health professionals to address students in emotional crisis
- Providing school staff with appropriate crisis de-escalation training and resources and monitoring implementation
- Conducting individual behavioral assessments and providing individualized supports and interventions
- Funding the expansion of school-wide and district-wide evidenced-based approaches to address student behaviors and improve school climate including Restorative Practices, Collaborative Problem Solving, and Trauma-Informed Approaches

² Advocates for Children of New York, *Children in Crisis: Police Response to Students in Emotional Distress* (November 2017),

https://www.advocatesforchildren.org/sites/default/files/library/children_in_crisis.pdf?pt=1;

³ The Mayor's Leadership Team on School Climate and Discipline, "Maintaining the Momentum: A Plan for Safety and Fairness In Schools, Phase Two Recommendations" (July 2016), http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf.



Advocates for Children of New York

Protecting every child's right to learn

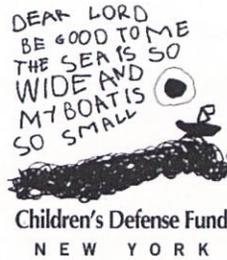
- Revising the Memorandum of Understanding (MOU) between the NYPD and DOE to significantly limit the role of law enforcement when students are in emotional crisis

Third, we support Res. 514 calling for one guidance counselor and social worker for every 250 students and at least one guidance counselor and social worker per school. This resolution is a crucial first step in adding more clinically trained staff members to support students and prevent school emergencies, moving away from a law enforcement approach to a restorative, positive approach to school safety. Moreover, this resolution is in line with the recommendations made by the Mayor's Leadership Team on School Climate and Discipline in July 2015.⁴

Finally, when considering how to prepare and keep students safe during emergency situations, it is important to be cognizant of students with disabilities in the school and any unique needs they may need addressed during emergencies. With lockdowns, sheltering-in-place, and evacuation drills and occurrences taking place more frequently in schools, students with disabilities face disruptions of important routines, expectations to act in ways that may be difficult given their particular disabilities, and physical accessibility barriers. The DOE needs to ensure that Individualized Education Programs (IEPs) for individual students with disabilities include information about how school staff will manage students' emotional and physical needs during emergencies and that all school staff be trained and prepared to protect all students, including those with disabilities, during emergencies.

Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.

⁴ Mayor's Leadership Team on School Climate and Discipline, Phase I Recommendations: Safety with Dignity at 6 (July 2015), <https://www1.nyc.gov/assets/sclt/downloads/pdf/safety-with-dignity-final-complete-report-723.pdf>.



**Testimony of the Children's Defense Fund-New York
For the New York City Council Committee on Public Safety and Committee on Education
Oversight Hearing on School Emergency Preparedness and Safety
September 20, 2018**

Good afternoon. My name is Charlotte Pope and I am the Youth Justice Policy Associate with the Children's Defense Fund-New York (CDF-NY). The Children's Defense Fund's (CDF) Leave No Child Behind® mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities. Through CDF's Cradle to Prison Pipeline® Campaign—a national initiative to stop the funneling of children, especially poor children and children of color, down life paths that often lead to arrest, conviction and incarceration—CDF-NY works to replace punitive school discipline and safety policies in New York City schools with social and emotional supports that encourage a positive school climate.

Thank you to Chair Richards, Chair Treyger, and to the members and staff of the City Council Committees on Public Safety and Education for this opportunity to testify before this oversight hearing on school emergency preparedness and safety.

CDF-NY is a long-time member of the Dignity in Schools Campaign of New York, a coalition that has been working for more than a decade to end the criminalization of young people in their classrooms. In our testimony today we urge the city to realign resources and invest in approaches to school safety that preserve the dignity and wellbeing of all students. Our ultimate goal is for the Department of Education (DOE) to implement restorative justice citywide by providing funding for schools to hire full-time restorative justice coordinators.

Bills under Consideration

Resolution 0514-2018

We support Resolution 514 and this effort to ensure all schools have one full-time guidance counselor and social worker for every 250 students and that smaller schools have at least one full-time guidance counselor and social worker. According to the most recent report on guidance counselors pursuant to Local Law 56 of 2014, there are 898 schools operating above that ratio and another 140 schools operating without a guidance counselor at all. This resolution offers a promising step toward making full-time counselors accessible to students and promoting a continued conversation with students and school communities about what they want and need.

We ask that the city use this movement forward to foster a pathway to employment for New York public school graduates who are trained and prepared to work as guidance counselors in their home communities and in their schools. There are precedents for this, including projects like NYC Men Teach, as well as peacekeeper or restorative justice coordinator models across the country.¹

¹ See POWER-PAC. (2015). *Parent-to-Parent Guide: Restorative Justice in Chicago Public Schools*. Retrieved from <http://www.cofionline.org/COFI/wp-content/uploads/2016/06/COFI-P2P-guide-update-2015.pdf>.

The School Emergency Preparedness Task Force

CDF-NY is concerned that the language establishing a school emergency preparedness task force rely upon an overly broad definition of school emergency:

School emergency means a situation involving a threat of harm to students, personnel, and/or facilities, including but not limited to natural, technological, and human-caused incidents, which require response from law enforcement.

The School Safety working group of the Mayor's Leadership Team intentionally narrowed the scope of school based emergencies to reflect a "threat of imminent danger" in order to ensure police interventions were an absolute last resort in schools. In part due to the overbroad scope of "school emergency," we are concerned that this task force will form recommendations to expand security processes and surveillance of young people in school. Many of the introductions, as written, could be interpreted to justify an increase in policing and zero tolerance approaches to emergency management or crisis intervention that are inconsistent with the Mayor's Leadership Team on School Climate's recommendations meant to alleviate some of the known harms of school safety policies.

CDF-NY works in coalition with students across the city who experience policing responses as measures that fail to address the underlying conditions that lead to conflict and violence in school. This mirrors research on the school-to-prison pipeline that describes how the introduction of police officers to schools leads to a "net widening" effect,² disrupts the schooling process and students' educational trajectories,³ and has had a disproportionately harmful impact on students of color,⁴ who are more likely to be arrested at school for behaving in the same ways as their white peers.⁵ Yet school criminalization continues even as new research finds either no correlation with safety or an inverse one.⁶

At the same time, research consistently finds that students who report high levels of school attachment have higher proportional odds of reporting feeling more safe.⁷ Creating an atmosphere of community and interconnectedness is a prevention strategy that has long proven itself to be a meaningful tool for improving a variety of academic and behavioral outcomes.⁸ However, schools need more tools and resources to implement effective alternatives, and we ask the city to direct attention there.

Introduction 0880-2018

Intro. 880 would require the DOE, in consultation with the NYPD, to install security cameras at schools "where such cameras are deemed appropriate," and report annually on the installation of such cameras. In 2004, City Council passed a bill to increase the installation of cameras in schools by the DOE in conjunction with the NYPD.⁹ While the final version of the law did not mandate the installation of video surveillance, it required the DOE to assess all schools by the end of 2006.¹⁰ Following the introduction of the bill, \$120 million was put into the DOE budget in the five year capital plan for the purpose of placing security cameras in schools.¹¹ By 2008 more than 300 middle and high schools in 130 buildings were set to be equipped with nearly 6,000 cameras belonging to the DOE's \$120 million Internet Protocol Digital

² Devin, D.N., and Gottfredson, D.C. (2018). The Roles of Police Officers in Schools: Effects on the Recording and Reporting of Crime. *Youth Violence and Juvenile Justice*, 16(2): 208-223.

³ Justice Policy Institute. (2011). *Education Under Arrests: The Case Against Police in Schools*. Washington, DC: Author. Retrieved from http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf.

⁴ Sussman, A. (2012). Learning in Lockdown: School Police, Race, and the Limits of Law. *UCLA Law Review*, 59: 788-849.

⁵ Katayoon, M. (2011). Students of the Mass Incarceration Nation. *Howard Law Journal*, 54(2): 343-395

⁶ Adams, A.T. (2000). The Status of School Discipline and Violence. 567 *ANNALS AM. ACAD. POL. & SOC. SCI.* 140; Am.

Psychological Ass'n Zero Tolerance Task Force. (2008). Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations, 63 *AM. PSYCHOL.* 852, 853-54.

⁷ Connell, N.M. (2018). Fear of Crime at School: Understanding Student Perceptions of Safety as Function of Historical Context. *Youth Violence and Juvenile Justice*, 16(2): 124-136.

⁸ Connell, N.M. (2018). Fear of Crime at School: Understanding Student Perceptions of Safety as Function of Historical Context. *Youth Violence and Juvenile Justice*, 16(2): 124-136.

⁹ Local Law of 2004, Council Int. No 0150-2004.

¹⁰ Ayoub, L.H.. (2013). *School Safety in New York City: Policy, Practice, and Programs from 2002 to 2013*. Center for Court Innovation. Available at <https://www.courtinnovation.org/sites/default/files/documents/School%20Safety%20Policy%20Brief.pdf>.

¹¹ Andreatta, D. (2004, September 16). *Cams for All Schools as Crime Skyrockets*. New York Post. <https://nypost.com/2004/09/16/cams-for-all-schools-as-crime-skyrockets/>.

Video Surveillance (IPDVS) system.¹² One research study from 2008 found that enhanced surveillance added to students' experiences of being "monitored," "feared," "contained," and "harassed" all in the name of safety and protection.¹³ A report published nearly ten years later found the same results – New York City students are deeply aware that the persistent advancement of surveillance measures inside their schools has ill-intended consequences on them and their education.¹⁴

In addition to the issue of questionable effectiveness in promoting school safety, we are also concerned about youth privacy. The Council's response to the FY2019 Preliminary Budget included the recommendation to spend \$100 million on camera security systems in schools,¹⁵ with ultimately \$1,794,000 in City Council Capital Funding allocated for school camera installation.¹⁶ When the question of the NYPD's support for camera security systems was raised during the May 14 Executive Budget hearing, the NYPD responded, "We are very favorable on the installation of cameras we think they are very effective at helping us monitor what's going on inside of schools", while noting that "Currently though we only have access to the cameras from inside the school location. We highly recommend that we have remote access to that." CDF-NY is deeply concerned by such recommendations.

New school security infrastructure will surely expand the NYPD's and the School Safety Division's capacity to keep students under surveillance. In an article published in 2008, the DOE claimed that while facial recognition software is not being used, the capacity for future installation is there.¹⁷ There is currently no effective oversight to limit the extent of surveillance or information collected relating to young people, and instead there has been much resistance to community efforts to increase public transparency.¹⁸

The School Safety Division of the NYPD

The new supporting schedules outline the modified Fiscal Year 2018 budget, and details that the NYPD's School Safety Division budget was adjusted and grew to include over \$306 million for the last fiscal year – the largest it has ever been and over \$19 million more expensive than what was initially adopted in 2017.

| | City Spending July 1, 2017 to June 30, 2018 | |
|--|---|--------------------------|
| | <i>School Safety Division</i> | <i>Police Department</i> |
| Current Modified 2018 Plan <i>Published June 18, 2018</i> | \$306,728,993 ¹⁹ | \$5,889,539,378 |
| Adopted 2018 Plan <i>Published June 8, 2017</i> | \$287,208,304 ²⁰ | \$5,571,630,860 |
| <i>Change in Spending:</i> | + \$19,520,689 + 6.8% | +\$317,908,518 + 5.7% |

¹² Winston, A. (2008, January 21). *What Do Cameras Cure? System Gets Own Scrutiny*. City Limits. Available at <https://citylimits.org/2008/01/21/what-do-cameras-cure-system-gets-own-scrutiny/>.

¹³ Weiss, J. (2008) *Under the Radar: School Surveillance and Youth Resistance*. PhD thesis. City University of New York.

¹⁴ Center for Popular Democracy and the Urban Youth Collaborative. (2017). *The \$746 Million a Year School-to-Prison Pipeline: The Ineffective, Discriminatory, and Costly Process of Criminalizing New York City Students*. Available at http://populardemocracy.org/sites/default/files/STPP_layout_web_final.pdf.

¹⁵ See *The New York City Council's Response to the Fiscal 2019 Preliminary Budget and Fiscal 2018 Preliminary Mayor's Management Report*. Available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2018/04/The-Fiscal-2019-Preliminary-Budget-Response.pdf>.

¹⁶ See *New York City Council Capital Funding (2018)*, Available at http://www.nyc.gov/html/citycouncil/html/budget/capital_funding.shtml.

¹⁷ Winston, A. (2008, January 21). *What Do Cameras Cure? System Gets Own Scrutiny*. City Limits. Available at <https://citylimits.org/2008/01/21/what-do-cameras-cure-system-gets-own-scrutiny/>.

¹⁸ Brown, R. (2017, June 18). *Even de Blasio Thinks Proposed Surveillance Bill is too Liberal*. New York Post. Available at <https://nypost.com/2017/06/18/even-de-blasio-thinks-proposed-surveillance-bill-is-too-liberal/>.

¹⁹ This is the sum of \$301,825,145 in personal services and \$4,903,848 in other than personal services. See page 735 and 826 respectively <https://www1.nyc.gov/assets/omb/downloads/pdf/ss6-18.pdf>.

²⁰ This is the sum of \$282,304,456 in personal services and \$4,903,848 in other than personnel services. See page 722 and 813 respectively <https://www1.nyc.gov/assets/omb/downloads/pdf/ss6-17.pdf>.

The modified plan grew the School Safety Division budget by 6.8%, while the NYPD's overall budget grew by 5.7%. Through a 1998 Memorandum of Understanding, the Department of Education (DOE) essentially contracted-out school security to the NYPD. As a result, the DOE pays the NYPD through an intra-city payment each year. According to the supporting schedules this \$19 million increase in school security funding was paid for by the DOE:

| <u>City Spending on School Safety July 1, 2017 to June 30, 2018</u> | | |
|---|---------------------------|-------------------|
| | <i>Intra-City Payment</i> | <i>City Funds</i> |
| Current Modified 2018 Plan <i>Published June 18, 2018</i> | \$278,129,169 | \$23,695,976 |
| Adopted 2018 Plan <i>Published June 8, 2017</i> | \$258,600,021 | \$23,704,435 |
| <i>Change in Spending:</i> | +\$19,529,148 | -\$8,459 |

The new Fiscal Year 2019 Adopted Budget accounts for 4,833 School Safety Agents – an increase of 187 agents from the Fiscal Year 2018 Adopted Budget – as well as an increase in 16 police officers for the School Safety Division of the NYPD. The budget reflects the NYPD's goal of growing the School Safety Division to include 5,511 total positions. At a time when there are only 2,800 full-time guidance counselors and students are calling for investments in their wellbeing, as Resolution 514 points out, the City must not continue to divert valuable resources away from remedies to the school-to-prison pipeline.

Importantly, the scope of police interventions in schools goes beyond this Division's funding. The majority of arrests and summonses carried out in schools are made by NYPD officers outside of the NYPD's School Safety Division. In the 2017-2018 school year, patrol officers and officers in the Detective Bureau made 77.6% of all arrests while patrol officers gave out 63.7% of all summonses.

CDF-NY understands that students who experience measures like arrests and summonses in school are more likely to also experience grade retention, reduced educational achievement, weakened social bonds and negative attitudes toward school, and end up missing or leaving school altogether.²¹ Aggressive and intrusive school security measures can "produce alienation and mistrust," decrease "school connectedness," and impede "a cooperative learning environment by producing hostility and fear."²² School connectedness typically involves students' caring about and feeling invested in attending school.²³ It also involves students' feelings of belongingness at school and their trust of school staff. The benefits associated with greater attachment to school have led researchers and schools to identify increased school connectedness and development of a positive school environment as critical for conflict prevention.²⁴

Threat Assessments

CDF-NY is also concerned about the potential resurgence of zero tolerance responses to student threats of violence. During the first and second quarters of 2017, from January 1 to July 31, there were three school-based arrests of students for "terrorism," while in 2018's first and second quarters there were 23 arrests for "terrorism." This is a 667% increase in arrests for this charge, while overall there was a 6.5% decrease in the use of arrests overall during this time period. This raises concerns about the process of assessing threats and the ways in which exclusionary discipline and policing practices are being relied upon, while also raising other questions about the surveillance of young people.

²¹ Armour, M. (2016). Restorative Practices: Righting the Wrongs of Exclusionary School Discipline. *University of Richmond Law Review*, 50(3):999.

²² Beger, R.R. (2003). The "Worst of Both Worlds": School Security and the Disappearing Fourth Amendment Rights of Students. *Criminal Justice Review*, 28: 338–40.

²³ Theriot, M.T. (2013). The impact of school resource officer interaction on students' feelings about school and school police. *Crime & Delinquency*. Advance online publication, doi:10.1177/001128713503526.

²⁴ Eisenbraun, K. D. (2007). Violence in schools: Prevalence, prediction, and prevention. *Aggression and Violent Behavior*, 12, 459–469

In order to avoid a one-size-fits-all approach of zero tolerance models school districts in different parts of the country have implemented an effective threat assessment model as a violence prevention strategy.²⁵ The Virginia Student Threat Assessment Guidelines in particular were developed as an alternative to zero tolerance approach to student threats.²⁶ One goal of the threat assessment process is to help a student deal with the problem, conflict, or frustration so that there is no longer a need to make a threat. This approach emphasizes teaching students and engaging the school community in effective ways to solve problems.²⁷

The Virginia Guidelines have been examined in a series of studies that have shown that staff training on the guidelines has a substantial effect on the attitudes and knowledge of different kinds of school staff, specifically including principals, psychologists, counselors, social workers, and school-based police officers.²⁸ Threat assessment strategies help identify students who may be in need of extra supports and services and foster a school environment where students feel connected to the staff and teachers. A randomized control trial in 40 schools produced strong evidence that the Virginia Guidelines can reduce long-term exclusions while other findings suggest that it is possible for school authorities to take a problem-oriented approach to resolve student threats without resorting to school removal. Considering what we know of best practices, we are alarmed by New York's recent data and insist that schools can avoid pushing students out of school.

The Warning Card Program

In February of 2015, the NYPD launched a warning card project to establish a pilot program in five school campuses in the Bronx that gives NYPD officers and School Safety Agents the discretion to issue a "warning card" to students instead of issuing a criminal court summonses for two infractions – possession of small amounts of marijuana and disorderly conduct – that occur on school grounds. In February of 2017 the NYPD expanded the warning card program to 11 additional school campuses, for a total of 71 schools. This school year the program has been implemented citywide.

During the 2017-2018 school year, or during the period of July 1 to June 30, there were 169 summonses given out in the participating schools – 88 of which were for disorderly conduct or possession of marijuana. Media reports show that only 82 warning cards were issued across the 71 schools in the last year and three large school campuses issued zero warning cards while continuing to issue summonses.²⁹ One explanation given by the administration was that this is a new policy, however 40 of the 88 summonses were issued inside of the original five pilot school campuses that have had the capacity to issue warning cards since 2015.

We ultimately do not believe that summonses are an appropriate response to young people in school. The DOE's Student Code of Conduct already offers alternatives and outlines 21 unique supports and interventions to be used in tandem with disciplinary actions, like parent outreach, peer mediation, or counseling staff referrals.

In 2011, data on school-related summonses became publically available in New York City for the first time as a result of the Council's Student Safety Act. Unfortunately, due to gaps in the data, we do not know the racial disparities in summonses by summons charge, but we do know that summonses overall were disproportionately given to Black students. In the 2017-2018 school year 53.2% of all summonses were given to Black students – 26% of the total student population – while 96.2% of all summonses were given to students of color – 85% of the student population.

²⁵ Cornell, D., and Lovegrove, P. (2012). Student Threat Assessment as a Method of Reducing Student Suspensions. Chapter prepared for *Race and Gender Disparities in School Discipline*, Center for Civil Rights Remedies, UCLA.

²⁶ Cornell, D. & Sheras, P. (2006). Guidelines for responding to student threats of violence. Longmont, CO: Sopris West.

²⁷ Osher, D., Bear, G. G., Sprague, J.R., & Doyle, W. (2010). How can we improve school discipline? *Educational Researcher*, 39, 48-58.

²⁸ Allen, K., Cornell, D., Lorek, E., & Sheras, P. (2008). Response of school personnel to student threat assessment training. *School Effectiveness and School Improvement*, 19, 319-332. See also Cornell, D., Allen, K., & Fan, X. (2012). A randomized controlled study of the Virginia Student Threat Assessment Guidelines in grades K-12. *School Psychology Review*, 41, 100-115.

²⁹ Spectrum News NY1. (2018, September 14). *Public Schools Tackle Students' First Offense with Warning Cards*. Author. Available at <http://www.ny1.com/nyc/all-boroughs/news/2018/09/14/public-schools-tackle-students-first-offense-with-warning-cards>.

Missing school to answer a summons and attend court not only requires students to miss classroom instruction time and possibly fall behind academically, but exclusion serves to stigmatize students and impede access to needed support or resources.³⁰ Accumulating evidence demonstrates that excluding students from school significantly decreases the likelihood that they will graduate from high school,³¹ and increases the likelihood that students will be pushed into the justice system in the future.³² Not only does a summons require missing school, it burdens young people with fines and court fees or potential warrants for missed court dates or inability to pay the fine. It is important to point out that this potential for intensifying punishment is only imposed on students 16 and older, while their 15 year old classmates are experiencing alternatives.

The Neighborhood Coordination Officer Pilot Program

During the May 14, 2018 Executive Budget hearing on Public Safety, the NYPD testified that the School Safety Division would be bringing the Neighborhood Coordination Officer (NCO) "philosophy" to schools starting in September in the Bronx and moving citywide after that. The program was featured in the New York Times during the first week of school, claiming the pilot would "turn school safety agents into the equivalent of beat cops."³³

This "new approach to school safety," as the New York Times labels it, will not remedy the conditions that lead to conflict or violence, but rather will push aside the more systemic problems and push young people out of school. Community policing will extend police presence and surveillance deeper into everyday student life, and further treat what are interpersonal and community concerns as police matters to be responded to with the tools of policing - like what we see reported through the Council's Student Safety Act in use of force, handcuffs and restraints, arrests, and criminal court summonses numbers.

Using a longitudinal sample consisting of three years of data from the School Survey on Crime and Safety, researchers concluded that School Resource Officers (SROs) may contribute to a deterioration of the school climate and communal social organization of the school.³⁴ We urge the City to prioritize divestment from the intensive policing of youth and instead invest in community responses that preserve the dignity of all students.

The Memorandum of Understanding

This pilot program further contradicts the recommendations established by the Mayor's Leadership Team on School Climate (hereafter "MLT"). In July of 2016, the MLT released their first of two reports, including the recommendation that the Memorandum of Understanding (MOU) between the NYPD and DOE be revised to decriminalize student behavior by clearly delineating the roles of school administrators and the NYPD, specifying behaviors that will not result in student arrest or receipt of a summons, and creating an arrest diversion program. As stated in the report, the MOU, as is, "fails to clearly delineate the role of educators in disciplining students for non-criminal behavior".³⁵ With the school safety working group, CDF-NY worked to codify a ladder of referral within school administration to govern the initial response to harmful student behavior as the presence of school police creates the opportunity for increased application of the law directly to students without the filter of school administrators or policies.

³⁰ Noguera, P.A. (2003). Schools, Prisons, and Social Implications of Punishment: Rethinking Disciplinary Practices. *Theory into Practice*, 42(4): 341-350.

³¹ Justice Policy Institute. (2011). Education under Arrest: The Case Against Police in Schools. Washington, D.C.: Author. Available at http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf.

³² *Ibid.*

³³ Shapiro, E. (2018, September 5). *Wander the Halls, Say Hello: A New Approach to School Safety*. The New York Times. Available at <https://www.nytimes.com/2018/09/05/nyregion/school-safety-nyc.html>.

³⁴ Devlin, D.N., Rennó Santos, M., Gottfredson, D.C. (2018). An evaluation of police officers in schools as a bullying intervention. *Evaluation of Program Planning*, 71(12):12-21.

³⁵ The Mayor's Leadership Team on School Climate and Discipline. (2016). *Maintaining the Momentum: A Plan for Safety and Fairness in Schools*. New York, NY. Available at http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf.

Restorative Justice

By developing more balanced responses to student behavior, such as restorative justice, schools can promote stronger academic environments, which in turn improve school safety.³⁶ School-based restorative justice is a whole-school approach focused on relationships, reconciliation, and student inclusion in the school community as a means of addressing issues of the significant negative impact of exclusionary discipline.³⁷ The theory behind restorative practices is to empower people to resolve conflict or harm together,³⁸ and prevent unwelcome behavior and subsequent police intervention by facilitating relationship-building, setting clear behavioral expectations, and maintaining a positive school climate.³⁹

The Council's Restorative Justice Initiative

In the spring of 2016, with \$2.4 million of funding from the Council, the DOE launched a Restorative Justice Pilot Program in 25 schools.⁴⁰ We are disappointed to see that in FY2019 the Initiative received only \$1.3 million in funding, even as data made public by the Council shows that the program is working and there has been a significant decline in suspensions at the 25 schools participating.⁴¹

CDF-NY respectfully asks that the Council continue this initiative in FY2020 as well as continue to seek feedback from restorative practitioners and community members about how restorative practices are best implemented in schools. By prioritizing initiatives that build school capacity, we have a remarkable opportunity to sincerely and strategically transform schools from an inequitable, punitive model to an alternative, preventative and restorative model that improves school climate and safety.

Conclusion

CDF-NY believes that all city schools need access to models, such as restorative justice practices, that can positively address student needs and lessen the demand for policing and surveillance. It is our hope that the Council continues dialogue with the City on the value of sustainable investment in restorative justice in schools and ending the persistent disparities facing New York's students.

Thank you again for this opportunity to testify.

³⁶ Stinchcomb, J.B., Bazemore, G., and Riestenberg, N. (2006). Beyond Zero Tolerance: Restoring Justice in Secondary Schools. *Youth Violence & Juvenile Justice*, 4:123-147.

³⁷ Haft, W. (2000). More Than Zero, The Cost of Zero Tolerance and the Case for Restorative Justice in Schools. *Denver University Law Review*, 77: 795.

³⁸ Karp, D., and Clear, T.R. (2000). Community Justice: A Conceptual Framework. In C.M. Friel (Ed.), *Boundaries Changes in Criminal Justice Organizations*, vol. 2. (pp. 323-368). Washington, DC: National Institute of Justice.

³⁹ Osher, D., Bear, G.G., Sprague, J.R., and Doyle, W. (2010). How Can We Improve School Discipline? *Educational Researcher*, 39(1): 48-58.

⁴⁰ DOE, "School Allocation Memorandum No. 66, FY 2017," Aug. 22, 2016, available at

http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy16_17/fy17_pdf/sam66.pdf.

⁴¹ See Committee Report <http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=573905&GUID=E5C8F3DF-4378-4AAA-82DB-7FAE23C1726B&Options=Info&Search=>.

9/20/18

To: New York City Council

From: Jessica Garcia, Youth Leader, Make the Road New York & Urban Youth Collaborative

Re: Testimony for Public Safety & Education Meeting

Mental Health as a School Safety Solution (Jessica, MRNY, Staten Island)

My name is Jessica Garcia, I am a youth leader from Make the Road and the Urban Youth Collaborative. Mental Health Service workers play a very important role to support students in school. Two years ago my family was one of the many immigrant families that were ripped apart by our hateful immigration system. I lost my support system at home and really have struggled with school ever since. My guidance counselor is overwhelmed and I didn't receive the support I needed to continue. Students of color of this city go through trauma in our homes, in our streets and in our schools. New York City must design a network of mental health services to support students along a spectrum of mental health needs. This city calls itself a sanctuary city but students are being ripped apart from their parents and have no one to talk to.

It is not acceptable that School Safety Agents are the ones that respond to young folk having mental health crisis and putting them in handcuffs because of it.

In just one year, the NYPD reported intervening during a "child-in-crisis" incident, or emotional crisis 3,574 times and more than 1,300 students were sent to the emergency room for an emotional or psychological need.

95 percent of the young people "in crisis" were students of color and 95 percent of the students who the NYPD reported handcuffing during these incidents were students of color. This was the one of the most frequent types of police activity in schools.

Instead of focusing on responding to mental health needs with police, mental health needs should be addressed with mental health workers. As part of our Young People's School Justice Agenda, we have proposed a mental health plan. It requires the city to establish school relationships with hospital-based clinics. In addition, call-in centers staffed by experienced mental health clinicians should be established to field calls from schools. They can help schools understand a student during a mental health crisis and reduce the overuse of emergency rooms. School Response Teams, each working with four schools, would work with students and also help the school officials learn how to better respond to mental health needs. Over a three-year timeframe the whole schools involved in this continuum should be trained in Collaborative Problem-Solving. Full-time school-based Behavioral Health Consultants should be hired to each work with five schools. Finally, the Department of Education should work with community organizations to ensure that there is robust data collection and program evaluation of this continuum.

Investing in a mental health plan is real safety. We know our experiences and research shows investing more money in increasing security plans that are about metal detectors and police officers is not effective.

Addressing the mental health needs of young people, through comprehensive mental health supports, has been proven to increase school safety. We must assess the mental health service needs in our schools rather than continue the policing of mental health needs by NYPD. We don't need a new task force to tell us what will make schools safe. We need to listen to young people.

As the Principal of a small public elementary school on the Lower East Side of Manhattan, I am keenly interested in the Councilmember Treyger's proposal to ensure all schools have at least one social worker and guidance counselor. Our Title I school which serves over 350 students in preK through 5th grade has been granted a DOE social worker for only 2 days per week. Our students, over one-third of whom receive special education services, come from a variety of circumstances before arriving at school. Many of our students are coping with the challenges associated with poverty including food insecurity and unstable housing. Some have witnessed violence at home, while others feel the anxiety of being undocumented in our current political environment.

Our students need support as they cope with these large and unsettling issues – and they need this support not only on Tuesdays and Thursdays, when our social worker is in the building, but any day that they feel anxious, stressed, and unable to self-regulate. We know that our students have the ability to succeed academically, but to ask them to do so without providing the emotional support they need to overcome the challenges they face is cruel and unfair. Our system seems to have plenty of funds for large companies to create standardized exams. Surely funding is available to allocate to care for students so that they can meet the challenges of these exams. There are funds available for corporations that produce and deploy scanners. So how can there be no funds available to provide support for students so they feel safe enough not to feel they need to bring protection to school?

Social-emotional and mental health supports are essential for schools to serve children well. They cannot learn if they do not feel safe and secure. One guidance counselor and social worker is truly the minimum the DOE should provide each school so we can take care of our students. Instead of planning to clean up the mess that results from not taking care of our students, let's plan to support our students so they can achieve.

Daphna Gutman

Principal

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New York, NY 10002



Testimony of Eunice Mercedes, Member, SEIU 32BJ

Committees on Education and Public Safety

September 20, 2018

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Good afternoon Committee Chairpersons Treyger and Richards and to the rest of the Committee. My name is Eunice Mercedes and I've been a member of SEIU 32BJ for almost 10 years. I'm a mom and a security guard at Trinity Church on Varick Street and I work hard every day to keep our city safe. On behalf of our 85,000 members here in New York, thank you for holding these hearings.

We appreciate the Councils' efforts to create a school emergency preparedness task force in order to keep our students safe and appreciate all efforts to ensure student and parent participation on that taskforce. In addition, we recommend that the emergency preparedness task force should include a security guard representative who can bring on-the-ground expertise and a worker's perspective to the table. We also want to stress that any efforts to create a safer learning environment for our students needs to also take into account that our children should not feel criminalized or policed in their schools.

I'm here today to talk about Intro 0923-2018, a bill that would require the school emergency preparedness task force to review and make recommendations relating to the resources available to nonpublic schools in regards to emergency preparedness. While we think this is an important first step, emergency preparedness plans are only as good as the staff and security guards who are tasked with carrying them out. Given this, we believe firmly that any guidance or resources made available to non-public schools in regards to emergency preparedness must also include guidance for procuring high-quality subcontracted security services.

In order to ensure quality security services in non-public schools, all security procurement should include a requirement that the contractor provide a minimum training requirement of 40 hour enhanced security training with an annual refresher. All security solicitations should include meaningful capacity and experience requirements as well as clear indication of intent and ability to comply with prevailing wage requirements and other job standards. Additionally, all security work for non-public schools should be procured with an RFP so that qualitative non-price factors can be considered when awarding bids. Ideally, non-public schools should be required to purchase off the DCAS master contract. Alternatively, they should be required to follow a similarly vigorous vetting standards and the spending should be subject to careful monitoring and accountability standards.

Higher standards in security subcontracting that takes into account the importance of contractor experience and capacity will create safe schools and good jobs for our community members. Without these standards, low-bid contracting creates a race-to-the-bottom amongst bidders. When bid prices are driven down, contractors may cut corners in order to offer services at the lowest price possible. In this scenario, contractors can even lack the capacity to meet payroll and they may use lower quality healthcare and retirement plans.

This leaves workers vulnerable, creates high-turnover, and puts schools and students at risk.

As we work to make all of our City schools [safe](#) through the creation of the emergency preparedness task force, we believe that any guidance or resources made available in regards to emergency preparedness to nonpublic schools

should include guidance for procuring high-quality subcontracted security services. Thank you for your time. If you have any questions about the specifics our proposals we can connect you with our policy team for further details.

**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: 9/20/2018

(PLEASE PRINT)

Name: Scott Kessler

Address: _____

I represent: City - As School

Address: 16 Clarkson St, New York, NY

Please complete this card and return to the **THE COUNCIL** *Sergeant-at-Arms*
THE CITY OF NEW YORK

Appearance Card

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

in favor in opposition

Date: 9-20-18

(PLEASE PRINT)

Name: OLEG Chernyavsky

Address: _____

I represent: NYPD

Address: 1 Police Plaza

Please complete this card and return to the **THE COUNCIL** *Sergeant-at-Arms*
THE CITY OF NEW YORK

Appearance Card

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

in favor in opposition

Date: 09/20/2018

(PLEASE PRINT)

Name: ADAM EISMAN

Address: _____

I represent: RAVE MOBILITY

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: Kenyatta Reid, Executive Director NYC Dog

Address: 52 Chambers St.

I represent: NYC Dog Office of Safety and Youth Development

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: 9/24/18

(PLEASE PRINT)

Name: Jessica Garcia

Address: _____

I represent: Urban Youth Collaborative

Address: CUYC Panel

**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: 9/20/18

(PLEASE PRINT)

Name: Magebeden Navarro

Address: _____

I represent: Urban Youth Collaborative

Address: CUYC Panel

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: 9/20/18

(PLEASE PRINT)

Name: Katherine Terenzi

Address: _____

I represent: Center for Popular Democracy

Address: (w/ UYC Panel)

**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: 9/20/18

(PLEASE PRINT)

Name: Bryan Aguilar

Address: _____

I represent: Urban Youth Collaborative

Address: (UYC Panel)

**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: Bryan Aguilar

Address: 1160 Wheeler Ave

I represent: Urban Youth Collaborative

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: 9/20/18

(PLEASE PRINT)

Name: Matthew Costello

Address: Urban Youth Collaborative

I represent: Urban Youth Collaborative

Address: (UYC Panel)

**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: September 20th, 2018

(PLEASE PRINT)

Name: Matthew Baerston

Address: 785 New Jersey Ave Brooklyn NY 11207

I represent: Future of Tompkins

Address: 999 Jamaica Ave Brooklyn NY 11208

**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: 9/20/18

(PLEASE PRINT)

Name: Itzgor dan Gonzalez

Address: UYC Panel

I represent: Urban Youth Collaborative

Address: (UYC Panel)

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: 9/20/18

(PLEASE PRINT)

Name: Matthew Boston

Address: Urban Youth Collaborative

I represent: (UYC Planet)

Address: (UYC Planet)

**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: Ellice Williams

Address: _____

I represent: 3211 8th

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 514

in favor in opposition

Date: 09/20/2018

(PLEASE PRINT)

Name: Charlotte Pope

Address: _____

I represent: Children's Defense Fund NY

Address: (Dignity in Schools)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 8691 Res. No. 514

in favor in opposition

Date: 9/20/15

(PLEASE PRINT)

Name: KATRINA FELDKAMP

Address: 24

I represent: BRONX LEGAL SERVICES

Address: 349 E. 144 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: 9/20/18

(PLEASE PRINT)

Name: Melinda Andra / Nancy Ginsberg

Address: 101 Lafayette St, NY, NY

I represent: Legal Aid Society

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: 9/20/18

(PLEASE PRINT)

Name: Stefanie Coyle

Address: _____

I represent: New York Civil Liberties Union

Address: 125 Broad Street, NY, NY 10004

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: 7/20/18

(PLEASE PRINT)

Name: Mark Rampersant, Senior Executive Director NYC

Address: 52 Chambers St. NY, NY

I represent: NYC DOE, Office of Safety and Youth Development

Address: 100 Broadway New York, 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: 9/20/18

(PLEASE PRINT)

Name: Lashbrian Robinson, Deputy Chancellor

Address: 52 Chambers St.

I represent: NYC Department of Education, Deputy Chancellor

Address: School Climate and Wellness

**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: 9-20-18

(PLEASE PRINT)

Name: Assistant Chief Ruben Beltran

Address: _____

I represent: NYPD

Address: 1 Police Plaza

**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: Ashley C. Sampor, Esq. / Girls for Gender Equity / DC

Address: _____

I represent: youth girls (Girls for Gender Equity)

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: 9-20-16

(PLEASE PRINT)

Name: Assistant Commissioner Ruman Garcia

Address: _____

I represent: NYPD

Address: 4 Police Plaza

◆ 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: Rohini Singh
Address: 151 West 30th St 5th Floor 10001
I represent: Advocates for Children of NY
Address: 151 W 30th St 5th Floor 10001

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: Nancy Gunsburg + Melinda Harkin
Address: 49 Thomas St NY NY
I represent: Legal Aid Society
Address: 49 Thomas St NY NY

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