

**STATEMENT OF
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NEW YORK CITY POLICE DEPARTMENT**

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

OCTOBER 10, 2007

Good morning, Committee Chairs and members of the Council. I am Assistant Chief James Secreto, the Commanding Officer of the NYPD's School Safety Division, and I am here with Chief Douglas Zeigler, the Chief of Community Affairs. On behalf of Police Commissioner Raymond Kelly, we would like to thank you for this opportunity to speak to you about public safety in New York City's schools.

I would first like to explain the relationship between the Community Affairs Bureau and the School Safety Division. As you may be aware, the School Safety Division formerly was a command within the Department's Patrol Services Bureau. However, in early 2006, the Community Affairs Bureau was reorganized under Chief Zeigler's command and its responsibilities greatly expanded. Among other significant changes, Commissioner Kelly transferred the School Safety Division into the Community Affairs Bureau, increasing the opportunity and resources directly available for reaching out to young people in New York City. In this way, the Department is able to maximize the impact of the Community Affairs Bureau's youth initiatives, such as the Police Athletic League, Law Enforcement Explorers, the Summer Youth Police Academy, and Internship programs in the Police Department, among other programs, through its common command structure with the School Safety Division. The Department's commitment to reaching out to young people has been greatly assisted by this realignment, and we are continually looking for ways to improve participation in our programs through our daily contact with the young people in our City's schools.

It has been almost nine years since the functions of the Board of Education's Division of School Safety were transferred to the Police Department, giving the Police Department the responsibility for managing school security personnel and designating School Safety Agents, or SSAs, to be employees of the Police Department. It might be useful at this point to step back and briefly recall the reasons for that change.

Prior to December, 1998, authority and accountability for school safety rested primarily with the individual principals of the City's public schools, with the assistance of the Board of Education's Division of School Safety, which employed its School Safety Officers. This relatively decentralized authority led to inconsistent implementation of policies regarding the enforcement of the discipline code or the protocol for reporting criminal incidents to the NYPD. It was therefore difficult to reliably estimate the level of

crime in schools, but in the late 1990's, the safety and security of the City's public schools were generally perceived to be dangerously compromised.

The goal of the Memorandum of Understanding executed in 1998 between the City and the then-Board of Education was to enhance the educational mission of the schools by providing the highest level of safety and security for students and school personnel, by utilizing the Department's expertise, experience and resources in reducing crime and disorder in the schools. It was also intended to mirror the Department's success in reducing crime and incidents, and to make improvements in all aspects of school safety administration: hiring, training, professionalism, and the effective deployment of staff.

It is our belief that the goals of the Memorandum of Understanding have been more than met, and that the Police Department's partnership with the now-Department of Education has resulted in striking improvement in the safety of our schools, in the increased professionalism of the SSA cadre, in more accurate reporting of crime in schools, and a significantly higher level of confidence in the security of their schools among students, educators, and parents.

From the 1999/2000 school year to the 2006/2007 school year, total crime in the schools decreased by 13.7%, violent crime in schools decreased nearly 20%, and the seven major index felonies decreased by 35%. Further, non-criminal incidents, such as harassment, disorderly conduct and trespassing, which can also seriously disrupt the tone of a school, dropped 21.3%, and possession of weapons and dangerous instruments dropped 51.5%. Note also that because the reporting of crime in schools is more consistent than in the past, due to the presence of SSAs and the clear mandate to make such reports to the Police Department, there is a greater level of confidence in the NYPD's crime data, which is reported on the DOE's website for each school.

These dramatic decreases in crime and non-criminal incidents are attributable to the hard work of many people – the management personnel of both the Police Department and the DOE who design and implement school safety programs and policies; the SSAs and school-based personnel who take front-line responsibility for keeping the schools safe; and the students themselves, who have responded with energy and cooperation to change the climate of their schools from disorderly to orderly. But there are also some very specific factors which have contributed to the overall improvement in school safety, which I would like to describe in some detail.

The School Safety Agents are the backbone of school security. At the time of the transfer, there were 3,041 active SSAs. Today, the Division is made up of 4,899 SSAs, a 61% increase. To put this increase into context, there are well over 1,300 facilities currently in the system, with more being added each year. We deploy these Agents according to a quantitative personnel staffing plan, the School Safety Allocation Model, which takes into consideration variables such as student population, physical layout of the facility, the use of magnetometers, the tone or climate of the school, and crime levels. The Model was developed in close collaboration between the NYPD and the DOE. The Model

suggests an optimal number of SSAs required to secure a facility, and thereby produces an analytic path to determine the number of Agents needed for the entire system.

At least one SSA is deployed in each elementary school. Middle and high schools are assigned at least one Supervisor and a complement of SSAs in a number appropriate to the school. The staffing plan is revisited on a regular basis and coverage may be adjusted as needs change or in response to specific requests from the DOE.

SSAs are responsible for patrolling designated areas in the schools and in their immediate vicinity to maintain the order necessary to further the educational process. This may include challenging unauthorized visitors, removing unruly students, and taking enforcement action when violations of law occur. The position of School Safety Agent was formerly a non-competitive title, with applications made by submitting a resume, but at the NYPD's request, the Department of Citywide Administrative Services established the position as a competitive civil service title, and application is now made through an open, competitive exam. Hiring in this manner goes a long way toward professionalizing the position of SSA. The other requirements for the position are essentially unchanged: a high school diploma or equivalent, and the ability to meet the qualifications for appointment as a Special Patrolman within 90 days – be over the age of 21, a U.S. citizen, and a City resident. Candidates must also pass a psychological and medical assessment, including drug screening, a qualifying physical test, and an extensive background investigation. The starting salary is \$26,041, and increases to \$29,432 after two years.

An additional step to professionalizing the position has been an increase in the entry level training allotted to our Agents. At the time of the merge, Agents received nine weeks of training. Now, candidates receive an initial, comprehensive 14-week training course. Further, the Agents who conduct training are certified by New York State as general topics instructors and are qualified to teach at any New York State Police facility. In addition, Police Officers and Sergeants from the Police Academy provide instruction in the areas of Law, Police Science, Behavioral Science and Physical Education and Tactics. Because SSAs have limited peace officer powers through their designation as Special Patrolmen, the course is designed as a basic course for peace officers without firearms.

Topics addressed in the Law curriculum include the law of arrest, probable cause and reasonable suspicion, the use of force, and the laws of evidence. Police Science includes instruction in radio communications, report writing, discipline, weapons detection, and visitor control procedures. Behavioral Science focuses on human interactions and social psychology, in both routine and crisis situations. Topics include cultural diversity, hate crimes, verbal judo, and crisis intervention. The Physical Training and Tactics curriculum teaches the newly hired Agents self-defense skills, handcuffing, and first aid/CPR, with an emphasis on helping them strengthen their own cardiovascular fitness.

However, in order to assist in preparing SSAs for their special role as part of the school community, DOE personnel also participate in the training as instructors, and address specific areas such as Special Education, school administration, school governance, adolescent suicide, conflict resolution, child abuse, and substance abuse prevention.

Supplementing this initial training, the School Safety Division maintains a dynamic In-Service Training Unit, responsible for enhancing the performance and knowledge of all our SSAs. Command Level training is conducted on a daily basis, similar to what is termed "roll call" training for police officers in a precinct, on a wide variety of topics tailored to emerging issues and improved performance. Further, In-Service Training takes advantage of DOE recess breaks and school holidays in order to provide additional training, both basic and specialized, as well as promotional training for School Safety personnel who are promoted to higher levels of responsibility and supervision.

Up to now, we have focused on the civilian component of the Department's school safety efforts. I would now like to discuss how our uniformed officers play a role in ensuring public safety in the City's schools.

Uniformed police personnel have been interwoven into the School Safety Division's leadership structure and work closely with DOE personnel and the NYPD's School Safety personnel. An NYPD Captain in each Patrol Borough is designated Patrol Borough School Safety Coordinator. The Captain reports directly to the Patrol Borough Commander. The Captain is responsible for developing interagency borough level school safety strategies; coordinating the use of borough resources to address conditions in and around schools; and conducting regular meetings with School Safety Division Borough Managers, Precinct Commanding Officers, School Safety Sergeants, Precinct Youth Officers and Principals. The Captain must be aware of school dismissal times, after-school sporting events, possible gang activities in and around the schools, and inter-school rivalries. This knowledge enables the Captain to anticipate potential problems, inform local precincts of the concerns, and, if appropriate, apply additional patrol resources to the situation.

A Police Department Sergeant in each patrol precinct is designated as the School Safety Sergeant, under the direct supervision of the precinct Special Operations Lieutenant. The Sergeants are responsible for developing precinct level school safety strategies, coordinating the activities of truancy units, and directing the use of precinct resources to address conditions in and around schools. The Sergeants interact directly with the Patrol Borough School Safety Captain, School Safety Supervisors and locally, the Principals or Assistant Principals of the schools in their precincts. This interaction ensures that information necessary for appropriate deployment strategy is shared with all the stakeholders.

There are currently approximately 127 precinct-based Police Officers assigned to schools throughout the city. The concept of Police Officers patrolling in and around schools is not new and did not originate with the NYPD's assumption of school safety responsibilities; in fact approximately 150 Police Officers were assigned to City schools, primarily high schools, prior to the 1998 merger. Deploying Police Officers in this way is also not just a local phenomenon. The practice has been in place for many years nationwide, as evidenced by federal grants routinely awarded to law enforcement agencies for "COPS in Schools" grants, which provide funding for salaries of police officers assigned to schools.

Note that the U.S. Department of Justice awarded the NYPD a COPS in Schools grant for a four-year period, the first three of which were funded by the DOJ. The final year, which began this past August, is being funded by the NYPD. This program provided the Department with \$6,250,000 over the first three year period to fund the salaries of 50 Police Officers, who are assigned to the School Safety Division. These officers receive special training from the U. S. Department of Education as "school resource officers," where they learn the complexities of policing in such a sensitive environment.

As of September 30th of this year, the School Safety Division is staffed with a total of 181 uniformed members of the service, ranging from myself at its head, to 148 members of Police Officer rank, who perform a variety of tasks related to school safety. They receive regular In-Service Training that addresses topics unique to the school environment, such as bullying, conflict resolution, and discipline in the school. The majority of these officers are assigned to the Division's Uniformed Task Force, a citywide unit that is able to deploy personnel rapidly, either for planned operations or in response to an emergency. They focus their efforts on problem schools where criminal incidents, gang activity, and truancy issues may exist.

Mindful of the unique needs and conditions in the schools, a substantial number of Task Force members have youth and school-related experience in prior assignments with the Department. The Uniformed Task Force patrols both inside and outside schools, with particular attention to "hot spots" and heavily used dismissal routes, and serves as liaison between the school community and other police resources, such as the Crime Prevention Division, Citywide Vandals Task Force, and the Transit Bureau, which covers Safe Corridor posts running to and from the most heavily traveled routes near a school. During the summer months, the Uniformed Task Force assigns personnel to the Summer Youth Police Academy I mentioned earlier, and to patrol key play streets.

Also, we note that in 2003, we created the School Safety Division Counter Terrorism Unit. The Unit is led by a Captain and serves as a liaison to other Department units focused on the counter terrorism effort, as well as to the DOE and to other agencies such as the Office of Emergency Management and the School Construction Authority. The Counter Terrorism Unit is responsible for training and equipping School Safety Division personnel to respond to terrorist threats. We emphasize an increased awareness of potential threats at schools, with a focus on preparedness and prevention. We stress the necessity for SSAs to be thoroughly familiar with their school's safety plan, including evacuation routes and sites. This Unit also makes recommendations to the DOE regarding security at school facilities. In a broader context, School Safety Division and DOE personnel recently participated in a full-day conference held by the Police Department's NYPD SHIELD program, devoted to campus and school security.

One of the most important elements of the Department's success in reducing school crime is a collaborative initiative called "Impact for Schools." The initiative is fashioned on the successful precinct-based "Operation Impact" program, in which the Department pinpoints "hot spots" in the City, to focus additional resources there and reduce violent

crime. As in Operation Impact, Impact for Schools utilizes proven crime-fighting measures to address school safety issues, mainly by adapting our analysis-driven application of resources to problem schools.

The program began in January, 2004 and initially focused on 12 schools identified as having experienced serious incidents of crime and disorder. Security assessments were conducted in each school, in cooperation with the DOE, and based on these assessments, we made changes in how security was managed in these facilities. We designed Impact with the goal of having sustainable improvements made in each school. We increased the number of SSAs assigned to each school, increased Uniformed Task Force patrols, instituted rigorous school safety plans, and carefully monitored each school's progress via weekly crime statistics and thorough assessment visits. As conditions improve at the targeted schools, together with the DOE, we remove them from Impact status.

Since the inception of the program, 26 schools have been identified as Impact schools, and 17 schools have made significant enough improvement to enable them to leave the Impact list.

There are currently nine Impact schools. The nine current Impact schools have seen a 21.6% decrease in the seven major index crimes from the 2005/2006 school year to the 2006/2007 school year and a corresponding 17.4% decrease in violent crimes. Weapons and dangerous instruments possession have decreased 18.2%. As for sustainable improvements, we note that the 17 Impact schools which are no longer in the program also continue to improve, with a 5% decrease in the seven major index crimes, a 10.3% decrease in violent crimes, a 15.9% decrease in total crimes, a 6.9% decrease in non-criminal incidents and a 33.2% decrease in weapons and dangerous instruments when comparing the 2005/2006 school year to the 2006/2007 school year.

Beyond the Impact for Schools program, the Department and the School Safety Division monitor the conditions in all public schools closely, continually assessing security and conditions throughout the school system in order to maximize the safety of both students and teachers. One of our most important priorities is to keep weapons out of schools, which requires in some instances the use of magnetometers.

The use of scanning equipment in schools was begun in 1988 by the Board of Education's Division of School Safety. The program has been significantly expanded and improved since the NYPD undertook this responsibility. There are currently 73 sites, at intermediate and high schools, that have full-time scanning, and eight which have part-time, or "random" scanning, with the entire system subject to unannounced scanning. Each school day, over 100,000 students are scanned in a 90-minute period, which compares to the total number of passengers screened at Kennedy Airport in an entire day. The School Safety Division also conducts scanning for all Police Athletic League school athletic events, held at various venues including colleges and stadiums. Note that there are, at a minimum, two lines for scanning, one for male students and one for female students, with an SSA of the same gender managing the process and conducting hand-held magnetometer screening as necessary.

The deployment of unannounced scanning is made based on a variety of quantitative and qualitative factors, the focus being the prevention of weapons-related violence. The decision to deploy may be influenced by intelligence received, patterns of incidents or a serious single incident, trends in offense types, or in relatively few instances it may be randomly deployed, to generally deter the possession of weapons. We work to coordinate unannounced scanning with the selected schools to minimize any disruptions. The school administrators are made aware of the selection in advance and, just as with the full time scanning locations, pursuant to our requirements and Chancellor regulations, senior level staff from the school is present with our Agents at the point of entry. Further, conspicuous signage is posted at the threshold of the school property announcing that scanning is taking place. In those instances where delays are observed, we quickly modify our approach appropriately for that school.

For the 2006/2007 school year, unannounced scanning resulted in the discovery of 227 knives, 137 boxcutters and 204 other dangerous items, such as mace, laser pointers or various blunt instruments, for a total of 568 items removed. It is also fairly common to recover weapons or unlawful items from the grounds outside the school on unannounced scanning days, presumably disposed of by students so that they are not carried through the scanners. We firmly believe that scanning in general and, especially, unannounced scanning, is an invaluable tool for the protection of students and school personnel alike and these numbers are empirical proof of that belief.

Since the Police Department undertook the responsibility for school safety, the presence of weapons and dangerous instruments in schools has decreased by over 50%. However, during the 2006/2007 school year, the School Safety Division confiscated 24 firearms and 114 BB guns, compared to 20 firearms and 51 BB guns during the prior school year. Clearly, there is more work to do, and the use of scanning remains an important element of our strategy to keep schools safe.

Another school security initiative which bears mention is the installation of CCTV in the City's schools, which falls primarily within the purview of the DOE. We have worked with the DOE to develop a means for prioritizing installation, and I believe that the resulting report was submitted to the Council earlier this year. We look forward to expansion of the use of this technology as an additional means of addressing and preventing crime in schools.

With respect to more global issues of security, the DOE requires every school to form a School Safety Committee which is responsible for preparing an annual school safety plan. Each plan outlines the individual school's procedure for handling security issues in the building. The plan covers procedures for admission of staff, students, and visitors to the school, for the safe movement of students and staff within the building, and for dealing with fires and bomb threats. The Police Department is now represented on the School Safety Committee by the Precinct Commander or his or her designee and either the School Safety Supervisor concerned or his or her designee, usually a level III supervisor. Before 1998, the Police Department had no input into school safety plans. Since the transfer of the

school safety function, however, both the School Safety Division and the local Precinct Commander are signatories to every school safety plan.

In closing, since the Police Department undertook responsibility for safety in New York City's public schools, there has been a significant improvement in the quality of services provided, accompanied by a striking drop in school crime. Beyond the data we have presented and the initiatives we have discussed, we would like to refer the Council to the comprehensive Citywide public school survey conducted by the DOE, for the view of the people most involved in the life of the school – students, teachers, and parents. The survey revealed that 83% of students and 84% of teachers feel safe in their schools, and that 85% of parents feel that their children are safe at school. The majority of all three groups (68% of students, 83% of parents, and 70% of teachers) also feel that SSAs help to promote a safe and respectful environment in their schools.

The Police Department and the School Safety Division will continue to work in partnership with the Department of Education to build upon the gains we have made together. We are pleased to answer any questions you may have.



THE NEW YORK CITY DEPARTMENT OF EDUCATION

JOEL I. KLEIN, *Chancellor*

OFFICE OF THE CHANCELLOR

52 Chambers Street – New York, NY 10007

**Testimony of Elayna Konstan
Chief Executive Officer
Office of School and Youth Development**

School Safety
Committees on Education, Public Safety and Juvenile Justice
October 10, 2007

Good morning, Chair Jackson, Chair Vallone Jr., Chair Gonzalez and members of the Education, Public Safety and Juvenile Justice committees. I am Elayna Konstan, Chief Executive of the Office of School and Youth Development at the New York City Department of Education. I am joined today by Deputy Chancellor Kathleen Grimm. We are pleased to be here to discuss the progress we have made in ensuring that our schools are safe environments for teaching and learning.

Our schools are safer today than they were the last time we appeared before you on this issue in 2004. This is borne out in the statistics and substantiated by families and staff of our schools. As Assistant Chief Secreto outlined, major crime, violent crime, and total crime in our schools has steadily fallen over the last several years. My office, the Office of School and Youth Development (OSYD), works closely with the New York City Police Department on school safety. In addition to ensuring the safety and security of our students, we provide the youth development supports that are crucial in addressing students' changing social, physical and educational needs. This includes guidance, prevention and intervention programs,

social/emotional learning, attendance improvement, crisis intervention, behavior management, and professional development for staff.

With 33 years in the public school system, I firmly believe that safety and youth development must go hand-in-hand in order to promote and maintain a positive school climate and foster student growth and learning so that students can achieve academic success. By working directly with school leaders and the NYPD, we implement an integrated and coordinated approach to school safety.

Impact schools update

As Assistant Chief Secreto mentioned, the Impact Initiative has been an important part of our collaboration. It has been three years since the DOE testified before you on this important subject, so I'll take this opportunity to update you on our impact schools initiative, which has been very successful. My team, in partnership with NYPD, continues to visit Impact Schools to conduct walkthroughs, make recommendations and monitor progress. OSYD created a comprehensive assessment tool – the Best Practices Standards- to

monitor and evaluate schools on safety and security. It measures 108 variables in 14 different categories of school function/school life. We use this safety assessment tool in our comprehensive walkthroughs of Impact schools to assess school operations and safety protocols. In addition to my team's use of the Best Practices Standards, we have trained borough-based safety administrators in its use so that they can use it to conduct school assessments in all schools. Of the 26 schools that have been identified as Impact, 131 assessments have been conducted and 17 schools have come off Impact to date. We have conducted an additional 108 assessments of other schools as part of our pro-active approach to school safety. Overall, my office makes over 3,000 school visits a year to monitor safety and support all schools.

When we go into a school, we examine its physical condition, entry and exit procedures, the functionality of security cameras, and student movement throughout the building at entry, between classes and at dismissal. We also look at how the building is staffed, how staff is deployed for safety related assignments, and how effective the guidance program is in providing student support services. We look at

the level of student engagement as well as parent and community involvement and how effectively school rules are disseminated and implemented. We use the information we gather at the walkthrough in conjunction with the quantitative data from police records and our Online Occurrence Reporting System (OORS), to identify the schools most in need of the additional resources that the impact program provides. The work we have done with Impact schools and the lessons we have learned through that work continue to frame our safety efforts in all schools.

Under NCLB, our OORS data is sent to the State Education Department which reviews and processes the data and posts it on the SED website. Citywide, since the 2004-2005 school year, incident reporting in OORS has increased by 40%. This increase is substantial and speaks to the Department's commitment to accurately report student behavior. During this time, there has been a 32% increase in principal's reporting and holding students accountable for lower level incidents. At the same time, the most serious and egregious incidents have decreased by 11% which validates that addressing lower level behavioral incidents results in a safer school

environment and helps to decrease the incidence of more violent behavior.

The use of our comprehensive assessment tool has enabled us to pinpoint for each assessed school, areas in need of improvement that have a direct impact on school safety and school culture and climate. Assessment reports to the schools have resulted in expanded youth development services, improved safety practices and procedures, greater opportunities for positive student engagement in school life, increased attention to low-level incidents, and a team approach to school safety which has helped to prevent the escalation of major criminal occurrences and has resulted in improved school culture. We continue to see steady declines in school crime since the inception of the Impact program, and while there is still work to do, we are encouraged by the results thus far. Impact schools remain on the list until they become stable. We continue to monitor schools after they come off the impact list to ensure that successful strategies remain in place and to prevent regress. Staff and safety agents are then redeployed to other schools that need intervention.

Professional Development is a key component in both our intervention efforts in Impact schools and in our prevention efforts to assist schools in implementing best practices. Over the last three years, my office, either directly or in collaboration with partner community based organizations, has provided substantial citywide professional development in a variety of safety and support related areas including: bullying prevention and intervention strategies, crisis intervention, conflict resolution, peer mediation, diversity, and classroom management/guided discipline. This professional development has included counselors, teachers, school aides, deans, teaching fellows, School Safety Agents, aspiring school leaders, and current school administrators. This year, with support from the City Council, we have launched the Respect for All Initiative which will provide diversity training to teams of counselors and teachers from the 769 schools that serve students in grades 6-12.

As part of our focus on best practices in school safety, the Department, in consultation with the NYPD, has expanded the use of security systems in our schools, including enhancements in the areas of video surveillance, radio communications, access control, and

scanning at entry. The collaboration between DOE and NYPD has become more extensive over time, even more so since the start of our Impact Schools initiative. I meet regularly with Assistant Chief Secreto, and speak daily either with him or with members of his staff.

Cameras Update

Our use of technology has expanded during the last three years as well. Since the 2004-2005 school year, we have installed digital video surveillance in 74 school buildings serving over 170 schools and an additional 60 buildings will get systems during this school year for a total of 134 buildings. An additional 152 buildings remain on a high priority list. Camera location selection for each school building depends upon site-specific needs and physical configurations. My office works closely with the school principals and building councils, borough-based safety administrators, New York City Police Department, school safety supervisors, and the Division of School Facilities managers to review the scope of work for each site to ensure that camera coverage corresponds with the site-specific priorities. Based on individualized assessments conducted by these teams, cameras may be placed at often well-known "hot spots" in

schools such as entrances/exits, in hallways, stairwells, cafeterias and auditoriums, and/or the building exterior or on school grounds.

Discipline Code Update

While technology is an important tool in our efforts to keep our schools safe, the Citywide Standards of Discipline and Intervention Measures, commonly called the Discipline Code, is the foundation upon which we base our prevention and intervention efforts. Per NY State education law, we review the discipline code annually and update it as needed to ensure clarity and effective implementation. Changes in the code reflect our commitment to remain responsive to students, parents, school personnel and others in the community while continuing to maintain safe and secure learning environments. Our goal is to make sure the Discipline Code is fair and understood by students and school personnel alike so that all members of the school community know the behavioral expectations we have for students and know how students will be held accountable for their behavior if they do not live up to these expectations. This year, for example, students in a youth focus group told us they wanted the Bill of Student Rights and Responsibilities to be more prominent in the

document, and they requested that references to Chancellor's Regulations be included to help define and clarify the terminology used. These were thoughtful suggestions that were included and which we believe will be valuable and practical.

Conclusion

In conclusion, we agree our students should learn and our staff teach in a school environment that is "...free from intimidation and physical harm." The Department is committed to making our schools safe and supportive for all students. Recently, in a survey conducted by the Department, a majority of students, parents and teachers told us they feel safe in their schools. While we are gratified that this is the case, we know that our work must be on-going and substantive if we are to maintain the gains we have made and continue to improve the level of safety in our schools. We appreciate the City Council's ongoing support and dedication to our efforts to help our students become responsible and respectful individuals and to provide a safe and orderly environment in our schools. Thank you for the opportunity to address you on these important matters.

FOR THE RECORD

New York City Council Joint Hearing on School Safety October 10, 2007

Zeyen Wu, Legislative Advocate Coalition for Asian American Children and Families

Introduction: Hello, my name is Zeyen Wu, and I am here today on behalf of the Coalition for Asian American Children and Families. CACF is the nation's only pan-Asian advocacy group, and we are dedicated to improving the health and welfare of the Asian Pacific American (APA) community in New York City.

I would like to thank Council Member Jackson, Council Member Vallone, and Council Member Gonzalez for convening this hearing to talk about an issue that is of particular concern to our community.

The APA community in New York is comprised of a wide range of ethnic groups that includes immigrants from East Asia (Korea, China), South Asia (Pakistan, Bangladesh), and Southeast Asia (Vietnam, Cambodia). While many are recent immigrants, there are also 3rd and 4th generation APAs whose parents and grandparents were born and raised in the U.S.

Issues: CACF has found that on the topic of school safety harassment in the public school system is a significant problem, especially with regards to its effects on Asian Pacific American students. APAs make up **more than 12% of the public school system**, and yet their problems are often overlooked due to stereotyping and their minority presence in many schools. In *Hidden in Plain View*, CACF's comprehensive report on the needs of APA children in NYC public schools, we identified two populations within the APA community that are particularly vulnerable as targets of harassment:

- 1) Students of South Asian descent who are often mistaken as being of Middle Eastern descent and targeted as "terrorists" and foreigners. The Sikh community in particular, who often wear turbans as a sign of their religion, have been subject to many incidents of harassment and bullying.
- 2) Recent immigrants and limited proficient English speakers who may not yet be versed in the culture and customs of American schools.

In addition to these groups, other APAs may face harassment due to their minority status in many city public schools. Students tend to group together by ethnic or racial background, and those who do not comprise the majority are often singled out for their differences. While this is not a new phenomenon, it is CACF's belief that school staff, teachers, and administrators could do more to foster a culture of cooperation and understanding within one of the most diverse school systems in the country.

The negative effects of peer harassment on long term personal growth and development have been well documented. This issue is particularly pressing in the Asian American community, as in studies APA youth have been shown to have the **lowest levels of self esteem in comparison to other racial groups**. These measures of identity formation often have a direct correlation to academic performance or conversely, mental health problems.

Recommendations: CACF believes that schools should take a proactive approach to topics of race and ethnic identity. Students should be encouraged to share their experiences in a safe environment in order to facilitate improved communication between racial/ethnic groups.

- 1) Schools should incorporate the study of APA history into their curriculum. New York City in particular should take the lead on this issue because of the high percentage of Asian Americans in the NYC school system. Specific curriculum dedicated to understanding the APA experience shows that the school is invested in its students and should be encouraged.
- 2) Schools, especially those with significant Asian Pacific American populations, should hire teachers who are bilingual and have experience with APA students. Teachers and school staff can serve as positive role models for a school community.
- 3) Schools must improve reporting and oversight of harassment issues. In a New York City Commission on Human Rights study, 83% of Muslim, Arab, and South Asian students who were harassed did not report the incident due to a variety of reasons. While not all incidents of harassment will be worth reporting, schools must ensure that their processes do not actively discourage students who are subject to bullying from reporting any incidents to the proper authorities. Students must also be knowledgeable about who those authorities are.
- 4) Proactive forms of developing a healthy and understanding school culture include support for ethnic/cultural students groups, heritage months/events, and other efforts to promote mutual understanding.
- 5) Anti-bullying and peer mediation programs can also help to foster an atmosphere of trust between school faculty, staff, and students of all groups.

Conclusion: All students have the right to a safe and positive school environment. This cannot be taken for granted, especially in a system as diverse as the NYC public schools. Recent studies on schools that show significant gains in academic achievement often have a component incorporating positive school atmosphere as an integral part of their mission. This issue is important not just in terms of the overall well being of our children, but also for their academic achievement.

**STATEMENT OF LOCAL 237 PRESIDENT GREGORY FLOYD
BEFORE THE COMMITTEES ON EDUCATION AND
PUBLIC SAFETY**

Good morning. I am Gregory Floyd, President of Teamsters Local 237. I speak here today on behalf of 4,300-plus New York City School Safety Agents who are represented by Local 237. I thank the Committees for this opportunity to speak on behalf of our members.

Local 237 understands one purpose of these hearings to be a review of the procedures and training of law enforcement and safety personnel in New York City's schools. I congratulate the Committees for undertaking this investigation, which is of paramount interest to all New Yorkers.

First, permit me to express Local 237's great pride in the job done by School Safety Agents. Our members daily protect over 1,000,000 students and staff, a population greater than that of Detroit, Michigan. Agents must quell gang disputes, confiscate weapons and contraband, and preserve an orderly environment in which teachers and students can do their work. A stirring exhibition of our members' professionalism came at this spring's PSAL basketball tournament in Madison Square Garden, where 300 School Safety Agents calmed a potentially deadly disorder in a crowd of over 15,000 students.

But our union is not satisfied to rest on these laurels. Local 237 has taken a lead role in ensuring that School Safety Agents are properly selected for their mission of protecting students and staff. Local 237 fought for many years, with final success in 2007, to make School Safety a competitive Civil Service title. Local 237 thus ensured that School Safety Agents will now be selected through a process of competitive written examinations.

Local 237 continues to fight to upgrade the School Safety title. We have recommended to NYPD that civil service testing be used for promotion of School Safety Agents to the so-called Level II and Level III ("Sergeant") positions within the title, which are now filled entirely at the discretion of NYPD. We believe that, as with entry-level positions, competitive testing is the proper basis for promotion within School Safety.

Finally, Local 237 seeks to integrate School Safety more fully into the Police Department, a process which will enhance the professionalism of the School Safety force. We have asked Commissioner Kelly to reinstate the right of School Safety Agents to promote to NYPD patrolman, allowing Agents to substitute two years of service in the title for the two years of college credits ordinarily requested of applicants.

NYPD currently permits veterans of the military to use their years of service as a substitute for college credits when applying for Patrolmen's jobs. Local 237 contends that the School Safety job more nearly resembles the duties of a New York police officer than most

military service today. A right to promote to Patrolman would surely attract many more ambitious and capable young people to School Safety, enhancing performance and morale.

Thus Local 237 yields to no group or individual in our effort to ensure a well-trained and professional School Safety force. However, while working toward this goal, we urge the City Council to be cautious in its appraisal of recent public critiques of the performance of School Safety Agents.

In particular, Local 237 has been concerned by the report of the New York Civil Liberties Union, which alleges a pattern of hostile treatment of students by NYPD representatives, including School Safety Agents. Local 237 is mindful of NYCLU's many honorable efforts over the years. However, we feel that its report, which was prepared without any consultation of Agents or their union, lends itself to distortion and sensationalism. One example is the report's claim of inappropriate sexual "touching" of female students during searches by Agents. Local 237 is confident in representing that School Safety Agents follow a strict protocol which permits searches of female students to be conducted only by female agents. Surely the fact of this protocol – unreported by NYCLU – changes the perception of any "touching" incidents.

Of course, Local 237 rejects any implication that School Safety Agents are insensitive to the concerns of a largely-minority public-school population. A majority of our School Safety Agents are women of color. They reside in the communities from which students are drawn. Many of them are mothers of public school students themselves. They are not in any way estranged from the population they are charged with protecting.

School Safety Agents are sometimes blamed for policies that others have devised, which have caused controversy. Our members are sometimes caught up in a confusing division of authority between their NYPD superiors and school principals. School Safety Agents take the brunt of students' frustration over such issues as cellphone confiscation, which may contribute to some of the complaints featured in NYCLU's report.

Much more work needs to be done to guarantee a safe, quality environment in our schools. Training, recruitment and other issues are very much on the table. Local 237 is eager to join with all interested parties – the Chancellor, teachers, parents, and watchdog groups – to ensure a meaningful dialogue and results that will benefit our children.



Council of School Supervisors & Administrators, New York City

New York State Federation of School Administrators
Local 1 American Federation of School Administrators, AFL-CIO

TESTIMONY OF

ERNEST LOGAN
PRESIDENT

THE COUNCIL OF
SCHOOL SUPERVISORS
AND ADMINISTRATORS

TO THE CITY COUNCIL COMMITTEES ON EDUCATION,
PUBLIC SAFETY & JUVENILE JUSTICE

OCTOBER 10, 2007

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Good morning Chairman Jackson, Chairman Vallone, Chairwoman Gonzalez and distinguished members of these three committees. My name is Ernest Logan, and I am the President of the *Council of School Supervisors and Administrators* (CSA). Thank you for this opportunity to present testimony on behalf of my members, the Principals, Assistant Principals, Supervisors and Education Administrators who work for the Department of Education. I commend each one of you for making the critical issue of school safety your focus at this hearing.

Our work here today is essential to the wellbeing of the City's school children and the administrators and teachers who guide their learning each day.

As school leaders, we are charged with the task of providing a quality education for all students. It is, of course, impossible to reach that goal without having a learning environment in which students, teachers and staff feel -- and actually are -- safe and secure. One school struggling with safety problems is one too many.

The challenges school administrators face are extensive, labor-intensive and time-consuming. We oversee large buildings that typically have multiple entrances and several floors. Hallways and bathrooms must be monitored, as do lunchrooms and even staircases. Some schools are spread out among multiple sites, sometimes several miles from each other. There can be a constant flow of people in and around a school, especially as children are dropped off, picked up, and go out for lunch. Bus drop-offs and pick-ups also have to be

factored in, as do crosswalks and even the safe passage of students to and from public transportation stops in the neighborhood. Simply covering all the bases can be difficult.

For those schools that have metal detectors and scanners, the process of screening hundreds, if not thousands of children is a process that must be carefully calibrated. Minor delays can mean crowded situations on sidewalks or in the street, and all it takes is one person pushing another and a Principal may have an incident on his or her hands.

Many of our schools are overcrowded, which creates tension and friction in classrooms and hallways, and forces administrators to devote a good deal of time and energy to logistics and simply maintaining order. Some schools also have suspension sites or a special needs population that requires an increased presence of adults to monitor students.

This list of challenges might go on and on. My point is that the safety and security of a school building -- and the hundreds of buildings in our system -- is much more complicated than most people realize, and there are no simple solutions. I cannot stress enough the need for resources, support and collaboration between all the parties involved. We cannot prevent every incident, but together we can take steps to reduce the risks of violence by improving school security and crisis preparedness measures.

I would like to propose several common-sense recommendations that I believe would help improve safety in our schools.

First, CSA would still like to see a meaningful assessment of safety and security for each and every school in New York City. Such a report is years - if not decades - overdue. That way, we would know exactly where we need to replace things such as outdated PA systems and intercoms that play crucial roles in emergency situations or where more staff are needed. Such an analysis would also allow researchers to look at a school's population in relation to the size of a building's hallways and classrooms, right down to the little details that administrators must deal with, such as proper lighting in stairwells and other areas that are conducive to students gathering.

And once we know about safety and security needs in our schools, the next step is to give our schools more options and more resources. For example, how many of our new Principals know that 'panic' buttons linked directly to local police precincts even exist, and how many have the extra money in their budgets to install such a system? Principals may be operating with a new level of autonomy this year, but I think we can all agree that safety and security is an area where they definitely need continuous support, guidance and funding.

That brings me to the issue of data and reporting, specifically the notion that some Principals underreport incidents for fear of recrimination. That is something none of us can tolerate, and my members know they can be held accountable if this happens. I would argue that every principal understands the necessity of reporting incidents, no matter how small, and that extensive reporting is being done. I would also argue that the guidelines and instructions on reporting can be vague and open to interpretation, and that there are

different levels of incidents and different methods of dealing with each incident. The guidelines need to be refined and more supervision by the DoE is appropriate in these matters.

Every incident is unique and teachers and principals must continue to be afforded the opportunity to use our professional judgment to resolve incidents in the best we know how. As a whole, we must be vigilant in understanding the difference between circumstances warranting school discipline and those others that need the intervention of police, so that we are not unnecessarily criminalizing students. A lunchroom fight is not necessarily a criminal act that should result in arrest. Educators understand that kids can and will misbehave, and we are prepared to deal with most instances at the school level. We recognize that there are events that police must handle instead, but it is essential to avoid putting students into the criminal justice system when unwarranted.

That brings me to another crucial piece of this puzzle: Professional Development. All Principals, Assistant Principals, and other school personnel from supervisors on down should be trained to deal with safety issues, crisis prevention and the suspension process. They must have an understanding of cultural issues, adolescent behaviors and conflict resolution. They should be able to continually learn and evaluate new techniques on how to gain the trust of students, and mentor them. In short, they should know how to spot the warning signs.

The Department of Education should also explore expanding its programs dealing with conflict resolution, peer mediation and other law/civic-related topics. These types of programs help build students' self-esteem, develop communication and social skills, and promote understanding of legal and social issues. They also must increase access to mental health services and school counselors, to offer guidance and help - the earlier in a child's life, the better. These are important steps to identify potentially troubled students.

On the issue of collaboration between the parties, we are reconvening the monthly meetings between CSA and School Safety Agents. We also suggest the city reconvene the now dormant Joint Safety Committee - consisting of CSA, UFT, LOCAL 237, DOE, NYPD and SSA members. This committee can improve the flow and coordination of information and ideas, and improve the overall safety of schools citywide. This group could and should evaluate school safety practices annually to come up with a "best practice" model. Currently there is no procedure for holding a school accountable for safety issues other than a poor review of a Principal.

The DOE should also look into expanding its partnerships with organizations such as the Council of Unity, which has done wonders for schools with gang problems. Taking the Governor's lead, the Department should also further enhance the 'Safe Corridor' and 'Safe Passage' programs, to closely monitor the movement of students as they arrive and leave the school building.

I want to commend the work done by our school safety agents. They should be proud of the work they do each day. With the extensive reporting now available, the Department

has a good opportunity to revamp the formula it uses to dispatch school safety agents. We feel the DoE should revisit its current staffing model, which by in large shifts agents to schools according to the number of incident reports. Shuffling agents is not an answer. Every school needs them. We also need more of them, particularly in schools that want to extend coverage beyond the regular school day.

We must implement a comprehensive professional development and training program for all agents and officers who are in our schools. This speaks to the issue of recruitment and retention. This knowledge helps them adjust to the unique school environment and learn to foster a positive relationship with the school community. Agents with a certain amount of tenure in a school can gain students' trust and because they understand their 'community', they are more adept at spotting trouble -- an incredibly valuable resource inside a school.

On the leadership level, Assistant Principals are lifelines in schools in the area of security. More supervisory support in this area could help immensely, particularly in the schools that don't have APs and the larger schools that need more of them. Schools also depend on Safety Administrators, of which there are only two at each ISC. With 100 to 150 schools assigned to each Administrator, there is a clear need for at least one more Administrator at each ISC.

I believe that the Principals and Assistant Principals who are in charge of their buildings must have more direct control and supervision over those agents. It simply makes no sense to me that those who are held accountable for school safety should have little control over their key personnel and the implementation of safety measures. If the School Safety Division were a part of the DoE, or in the very least had some accountability to the DoE, it would be much, much easier to create school environments that are consistent with our educational and social development goals.

With these recommendations, we have tried to emphasize the importance of resources and preventive approaches to school safety. Remember, we can only provide our students with a quality education after first ensuring they have a safe environment in which to learn. We hope that the Department of Education will consider and follow through on our recommendations -- which are shaped and formed by our members' work and observations every school day. School safety and security are the shared responsibility of each and every one of us. We cannot solve these problems without cooperation and collaboration, and CSA is ready and very willing to do its part.

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New York City Council
Committee on Education
Robert Jackson, Chair
Committee on Juvenile Justice
Sara M. Gonzalez, Chair
Committee on Public Safety
Peter F. Vallone, Jr., Chair

Oversight Hearing: School Safety

October 10, 2007
New York, New York

Submitted by:

The Legal Aid Society
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Good afternoon. I am Nancy Ginsburg, Director of the Legal Aid Society's Adolescent Intervention and Diversion Project in the Criminal Practice. I submit this testimony on behalf of the Legal Aid Society, and thank the Committees on Education, Juvenile Justice, and Public Safety, and Chairs Jackson, Gonzalez and Vallone, for the opportunity to testify about school safety. Specifically, we will focus on the effect on students of having more than 5000 School Safety Agents (SSAs) currently assigned by the NYPD to police New York City's public schools.

The Legal Aid Society is the nation's largest and oldest provider of legal services to poor people. In our Juvenile Rights Practice, we provide legal representation City-wide to children who appear before the New York City Family Courts in child welfare, juvenile delinquency and other proceedings affecting children's rights and welfare. Last year, our attorneys and social workers represented more than 30,000 children, including some 4000 children aged 7-15 who were charged with juvenile delinquency in Family Court. Our Criminal Defense Practice handled some 225,000 criminal cases, including cases of children ages 13-15 who are charged in adult court with certain enumerated crimes, and children ages 16 and older who, when charged with any criminal act, are accused and tried, and may be jailed or imprisoned, along with adults in the adult criminal justice system. The Civil Practice provides comprehensive legal assistance for families and individuals in 30,000 matters annually, involving a broad range of legal problems related to poverty. Legal Aid also provides appeals and law reform representation within each practice area.

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

York Police Department, Department of Education, Department of Juvenile Justice, Department of Probation, and Administration for Children's Services; and the New York State Education Department, Office of Mental Health, Office of Mental Retardation and Developmental Disabilities, and Office of Children and Family Services ("OCFS")

Background

At the Council's recent hearing on Alternatives to Detention on September 26, 2007, Legal Aid testified that New York has created a juvenile justice system in which primarily low-income children of color are arrested and prosecuted, often to the fullest extent, in Family Court for what frequently amounts to normative teen behavior or in legal terms, misdemeanors¹. Graffiti, talking back to an officer, and minor school conflicts are not dealt with through counseling, mediation, and the engagement of families, as they are for middle and upper class families. Instead, minor incidents are blown far out of proportion - often with devastating consequences for children and their families. This creates a harsh and punitive environment which now pervades many of the public schools, particularly those in the city's most under-served neighborhoods.

The large majority of young people detained by the Family Courts, for example, are accused of delinquent behavior involving nonviolent, misdemeanor offenses. While juvenile arrests and detention usage in New York City increased in 2006 as compared to 2005, the largest increases were in misdemeanor arrests (11% increase) and usage of non-secure detention (NSD) group homes (11%

¹Although the New York City Department of Juvenile Justice no longer posts statistics related to race on its website, almost the entire detention population consistently has been composed of youth of color -- approximately 60% of those detained pre-trial are African-American and 37% are Latino.

increase)². As we have testified before, the overuse of detention comes at great financial and human cost to the City. The 2007 Mayor's Management Report indicates that the cost of detaining a child in New York City is now \$551 per day³ (\$201,115 per year). A recent policy brief released by the national Justice Policy Institute (JPI) showed the harm caused by the unnecessary over-incarceration of children. Significantly, the report highlights the known fact that detained youth face barriers in returning to school and in the long run experience reduced success in the labor market.⁴

The Effect of Police in Our Schools

In many ways, the enormous police presence in the public schools in the form of over 5000 School Safety Agents has been counterproductive. The Legal Aid Society strongly supports creating a safe learning environment for the children of New York City, but it has been our experience that, instead of enhancing safety, the presence of SSAs can undermine the quality of education and the well-being of students and school staff. We recognize that many schools have long histories of disruption and danger which need to be addressed. However, the addition of law enforcement officers should not be the primary or sole response to these issues. Several recent studies of the Impact Schools concluded that the schools in which the most police officers were placed, as compared to schools in the rest of the city, had higher enrollments even as city high schools saw less

²Data provided on March 12, 2007 to the Legal Aid Society by the NYC Mayor's Office of the Criminal Justice Coordinator.

³ FY 2007 Mayor's Management Report,
http://www.nyc.gov/html/ops/downloads/pdf/_mmr/djj.pdf.

⁴Justice Policy Institute (Holman & Ziedenberg), *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and other Secure Facilities*, November 2006.

crowded conditions, higher percentages of poor and African-American students, lower average spending for direct services per student, more students over-age for their grade, higher rates of suspensions, higher rates of reported police incidents and lower rates of attendance.⁵

We recognize and applaud the efforts of the New York City Department of Education in creating more small schools to alleviate the issues of the larger schools. However, those students who are left behind in the large high schools should be entitled to receive equivalent educational services in environments which foster learning. Students in large high schools should not be delivered the message that their only option for an education is available in a building that feels like a police state. School officials often relate to us that they feel that school discipline and safety issues have been taken out of their control. They are concerned about the loss of control over what happens with their own students. We, as a city, are losing opportunities for teaching lessons of social interaction, conflict resolution, conflict de-escalation that are inherently part of every young person's social education. These skills were historically taught by educational staff. Now, that function has been abdicated to a law enforcement body which does not coordinate its goals and expected outcomes with the educational organization in which it is housed.

The permanent and roving metal detectors now operating in many schools reflect the law enforcement culture which treats students walking into their schoolhouses as criminal suspects instead of as children who have a right to an education. This current perspective on school safety responds to minor disputes or misunderstandings as criminal activity, triggering an often unnecessary

⁵Drum Major Institute, *A Look at the Impact Schools*, June 2005; National Center for Schools and Communities, Fordham University, *Policing as Education Policy: A briefing on the initial impact of the Impact Schools program*, August, 2006.

escalation of consequences beginning with an arrest followed by school suspension, criminal prosecution and possible incarceration.

If teachers or school staff were overseeing school discipline, a dispute among children, a misunderstanding, or some minor misbehavior could be taken as an opportunity to learn new behaviors or skills in conflict resolution. In the current environment where law enforcement controls school safety, minor disputes or misbehavior most often result in harsh punishment instead of counseling or mediation. An environment where law enforcement interdiction is the norm, creates profound obstacles for children seeking to obtain a quality public school education. Additionally, many of our clients are classified in need of special education services for identified emotional disabilities and mental illness, are often targeted by school safety officers as “criminals” when they are actually young people with very troubled social histories, many of whom are in treatment, on medication and supervised by mental health professionals. Due to their family histories of trauma, these young people often respond inappropriately to authority figures and situations arise where the SSAs escalate incidents that could have been resolved or mitigated by an educator or counselor with knowledge of the child’s background and who is trained to work with young people with emotional disturbances.

Even if a child is found not guilty after going through a school suspension hearing and a delinquency prosecution in Family Court or criminal prosecution, s/he is often punished academically during the process of responding to the charges. The disruption of a young person’s education, even for one or two weeks, can result in the loss of an entire semester’s work and cause students to be held back in their grade. Students are rarely, if ever, provided with their homework and classwork pending the outcome of a suspension hearing, for example, despite the New York

City Schools Chancellor's Regulations stating clearly that suspended students must not be penalized academically.⁶ Under the City's current school safety model, the consequences for students who are suspended and prosecuted as adults or juveniles also feature the loss of opportunity to take required exams and standardized tests, and for some, being required to attend summer school or repeat the entire year instead of being promoted to the next grade. It is well known that students who are over age for their grade are more likely to end up dropping out of school without attaining a diploma.

The Legal Aid Society represents many children each year who are arrested and suspended because of incidents involving School Safety Agents. Many of these incidents simply would not have occurred, or certainly would not have escalated, if trained school personnel rather than police were charged with overseeing student discipline. The vast majority of the information we have received from children, parents and teachers indicates that School Safety Agents are poorly trained in how to work with adolescents, and inadequately supervised. We have never been able to see the training protocol of the SSAs. It is unclear whether the Department of Education had any input or has seen the training protocol as well. We suggest that the City Council obtain a copy of the training protocol used by the NYPD in training school safety agents. Based on numerous examples in which we have represented children, we conclude that School Safety Agents often create more problems than they prevent. Making matters worse, there is no adequate forum in which students and their families may seek redress for the misconduct of School Safety Agents.

Following are just a few examples of what has happened recently to the children with whom we work. These examples are just a snapshot of a broader, unacceptable environment which has

⁶Chancellor's Regulation §A-443 III.B(1)(a).

been created in too many of the schools in New York City:

- A.P. is a 12-year-old, 6th grade student in general education who skipped his art class one day because he was frustrated by how overcrowded and chaotic that class was. He was approached in the hallway by an SSA who immediately pushed A.P. upon seeing him and demanded to see his I.D. A.P. gave the SSA his I.D. and the SSA became verbally abusive and cursed at and insulted A.P.. A second SSA took A.P. by the arm and led him to the Dean's office, as the first SSA followed behind, taunting and threatening A.P.. A.P. objected to the SSA's insulting remarks and was told by the SSA to "shut up," and then the SSA dared A.P. to hit him. A.P. tried to push that SSA away from him, and the SSA hit A.P. in the face and then in the chest. A.P. was arrested and suspended. A.P. received a very short suspension, and based on the facts shown at trial, the Family Court judge dismissed the assault case against A.P..
- R.G. is a 13-year-old boy in the 6th grade in Special Education, classified as emotionally disturbed. A School Safety Agent approached him and accused him of spitting in the hallway. R.G. said that he did not spit in the hallway. The SSA responded by slamming R.G. up against a wall, throwing him to the floor and handcuffing him. R.G. was suspended and arrested for assault. A few days after the suspension hearing was held, the SSA spotted R.G. in a grocery store in the neighborhood. The SSA grabbed R.G. by his shirt, choked him, slammed him onto a counter and then slammed him onto the floor. R.G. escaped without his shirt and ran home. His parents took him to the emergency room and made a police complaint. The parents also reported the attack by the SSA to the DOE's Office of Special Investigations. As a result of the investigation by OSI, the SSA was suspended for 30 days.
- L.A. was in general education at a large high school in Brooklyn. Late in the afternoon she was feeling ill and wanted to go home one period before the end of the day. As she was trying to exit the school, a SSA blocked her from leaving by putting her arm across the door. The SSA then put her arm down and turned to speak with another student. At that time, L.A. thought that it was alright for her to leave. As she moved through the doorway, however, the SSA slammed L.A. with her body into the door frame so hard that she had trouble breathing. The SSA then grabbed L.A., who struggled to get out of the SSA's grasp. During the struggle, L.A. hit the SSA. L.A. was arrested, charged with assault and suspended from school.
- We also represent G.B., a 15-year-old girl, who walked past an argument between two students in the hallway of her school. SSAs intervened in the argument and took one of the arguing students away. As the other students in the hallway walked or ran away, a female SSA grabbed the friend who had been walking with G.B. When G.B. told the SSA that her friend had not been involved in the argument, the SSA told G.B., "Move the f**k away

before I slap the sh** out of you." The SSA then dared G.B. to hit her, and G.B. refused. The SSA grabbed G.B. from behind, and the front of G.B.'s shirt came open, revealing her breasts. After G.B. was handcuffed, another student came forward and buttoned the shirt. G.B. was given a 5-day principal's suspension and was arrested for obstruction of governmental administration and resisting arrest. Again, after a trial, the judge dismissed the court case against G.B. due to facial insufficiency of the charges.

- We represent a high school student who was coming in from gym when he was stopped by the SSA who thought he was skipping class. The student tried to tell the SSA that he was in the class and when the SSA didn't believe him he told him to leave the school. The student refused. The SSA became upset and started to manhandle our client. The SSA punched the student several times. Our client is the one who ended up with felony assault charges in the adult Criminal Court system. It is our information that this particular SSA has had similar problems in the past and apparently has been retrained and reassigned.

Legal Aid has many other examples that illustrate inappropriate behavior by SSAs. We know that the Council members will hear additional stories today from other concerned citizens and some of the students themselves who have been victimized by SSAs and the policies and practices of the current school safety program. *What bears highlighting in the examples we have included in this testimony is that students are being approached for no reason or the behaviors for which children are confronted -- skipping a class, allegedly spitting in the hallway, leaving school one period early, and speaking up on behalf of a friend -- are all common among schoolchildren and are by no means violent or immediately dangerous behaviors.* In the examples, SSAs reacted with unacceptable aggression and without empathy in situations that, with properly trained school personnel, could have been resolved productively without the use of physical force and without resulting in the extreme punishments of suspension and criminal prosecution.

We join with the community of parents, students, teachers and advocates in urging the

City Council to restore authority over school safety to school administrators, and to require accountability from our schools and from the police regarding school safety. We join with those seeking new legislation to expand the jurisdiction of the Civilian Complaint Review Board to hear cases involving alleged misconduct by School Safety Agents and requiring detailed quarterly reporting to the City Council about the school safety program in the public schools. We are encouraged that the City Council is holding this hearing. Without meaningful oversight and action by the Council, the current crisis related to the over-policing of our school children will only persist.

Thank you for the opportunity to speak on this important topic.

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Testimony of
Advocates for Children
to the
Joint Oversight Hearing
of the City Council
Education, Juvenile Justice and Public Safety
Committees
on
School Safety

Wednesday, October 10, 2007

Advocates for Children of New York

Testimony at City Council Oversight Hearing on School Safety

October 10, 2007

Good morning. My name is Christopher Tan, and I am the Director of the Juvenile Justice Project at Advocates for Children (AFC). I want to thank Speaker Quinn and the Committees on Education, Juvenile Justice and Public Safety for convening this hearing and for the opportunity to testify on the issue of School Safety.

AFC is a non-profit legal advocacy organization whose mission for over 35 years has been to ensure equal educational opportunities and quality education for children in the New York City public school system. Over the last 7 years, AFC's Juvenile Justice Project has worked with over a thousand court-involved youth to address school-related problems.

My testimony will focus on 3 main areas. First, I will provide an overview of ways court-involved youth have been denied appropriate educational services that often contribute to behavior incidents and arrests. Next, I will describe problems we have encountered with the schools which most often send students to juvenile detention or jail, with a focus on District 75 schools. Lastly, I will highlight concerns with inappropriate school placements for youth returning from incarceration.

Lack of Appropriate Special Education and Behavior Support Services

According to the New York City Department of Juvenile Justice (DJJ), up to 40% of youth in detention have a special education classification,¹ which is almost three times the citywide rate.² Furthermore, many youth in detention have special education needs that have not yet been recognized. The DJJ states that 29% of *all* youth in detention read below the 4th grade level.³ Moreover, the Office of Children & Family Services (OCFS) reported last December that 50% of youth in OCFS facilities require special education services and that about two-thirds of these youth were not identified as having special education needs until they were actually at the facilities.⁴

The Department of Education (DOE) is failing thousands of students with special needs, and for far too many, these failures contribute to eventual incarceration. In some cases, students with a history of behavior issues or learning disabilities must wait months for school placements, or are illegally discharged after they are registered. In other cases, students with psychological and psychiatric problems wait many years before the conditions they have been suffering are finally diagnosed. Once diagnosed, many students do not receive behavior intervention plans, mandated evaluation updates, or other critical special education services. When a student subsequently acts out, school staff may suspend the student and School Safety Agents (SSAs) or police officers may arrest the student, without any investigation or consideration of whether the behavior was related to his or her disability. In one recent case, an 8th grade student was mandated to

¹ NYC Department of Juvenile Justice Discussion Paper (http://www.nyc.gov/html/djj/pdf/ceo_initiative.pdf).

² *Id.*, citing NYC Department of Education Statistical Summary for 2006-2007 as of 12/31/06 (<http://schools.nyc.gov/offices/stats/default.htm>).

³ NYC Department of Juvenile Justice Discussion Paper (http://www.nyc.gov/html/djj/pdf/ceo_initiative.pdf).

⁴ Testimony of Larry G. Brown, Executive Deputy Commissioner, NYS Office of Children & Family Services, to the New York State Assembly Standing Committees on Children and Families and Codes Monday, December 18, 2006.

be accompanied at all times in school by a crisis paraprofessional, due to his psychiatric condition. The para refused to take the stairs and skipped out on lunch, however, so she never accompanied the student during those times. The student was repeatedly suspended and eventually arrested for altercations occurring in the halls and during lunch.

Sometimes, psychological issues and behavior problems arise simply because learning disabilities are neglected for several years. For example, one student we worked with this year never received any extra help with his reading or math skills even though his mother asked the DOE for assistance throughout his elementary and middle school years. By the time he was in 9th grade, his reading and math skills were still at 1st grade levels, and he was known to become disruptive when instructed to perform assignments in front of his classmates. Eventually, he was arrested for his behavior. His case is not uncommon.

Inappropriate School Placements Contributing to Youth Incarceration

Youth are being incarcerated in large numbers from certain schools in particular, and that many of these schools are District 75 schools. As the data on page 5 of this testimony indicates, 3 of the 10 schools discharging the largest numbers of students to schools in DJJ detention or Riker's Island are District 75 schools. Furthermore, 12 of the 27 schools in New York State identified in August 2007 by the New York State Education Department (NYSED) as "Persistently Dangerous" under the No Child Left Behind Act (NCLB) are District 75 schools.⁵

⁵ NYSED report and list (<http://www.emsc.nysed.gov/irts/violence-data/2007/DangerousSchoolsRelease8-21-07.doc>).

District 75 is a citywide special education district, and it serves an estimated 23,000 students each year.⁶ Approximately half (if not more) of the students in District 75 programs are classified as “emotionally disturbed” and are placed in those settings because of behavioral issues. Too often, it appears that behavior management is the primary concern, and that attention to learning disabilities or positive behavioral supports falls by the wayside. A research report completed by AFC in 2005 showed that in the 2003-2004 school year, only 46 students graduated with a regular diploma.⁷ While graduation numbers may have improved somewhat since then, the numbers still remain appallingly low. AFC receives case referrals on a regular basis for transfers out of District 75 schools because students are not learning, or because the school climate does not support positive behavior for students with emotional issues. In one case we worked on recently, a student was placed in a District 75 school in a classroom with students from 3 different grades at the same time. During the 3 years he attended the school, no one kept track of what grade the student was in. The student was eventually sent to high school, but after attending for 2 months, he was removed because the DOE could not determine his appropriate grade. He was kept out of school for the remainder of the year, and after essentially losing a year of his education, he became court-involved.

Inappropriate School Placements for Youth Returning From Detention or Jail

Far too many court-involved youth are also being placed in inappropriate school placements upon their return from juvenile detention or placement. Many youth with learning disabilities are only offered schools that have been identified as failing under the

⁶ NYC DOE website (<http://schools.nycenet.edu/d75/district/default.htm>).

⁷ AFC report (<http://www.advocatesforchildren.org/pubs/2005/spedgradrates.pdf>).

NCLB. Other youth are sent back to schools where the incident that led to the incarceration occurred, or where instigators attend. Students who are struggling with psychological and behavior issues are also often assigned to schools that have been identified by NYSED as “Persistently Dangerous” under the NCLB. Youth in all of these situations may feel they have no choice but to attend the school, even if there is a significant risk of behavior incidents occurring.

Conclusion

Our schools need a more expansive and realistic conception of school safety beyond just reflexively resorting to punitive measures. We must consider ways in which schools are failing our students, and how that contributes to safety incidents. School must address the ineffectiveness of their behavior support practices, and the lack of substantive, appropriate education provided to the young people in their care. Too many of the schools that are supposed to be able to provide the most appropriate behavior support to students with learning disabilities and emotional disturbances are instead resorting to behavior management via incarceration. Thank you.

Top 10 Schools Discharging Students to Passages or Island Academy in 2005-2006⁸

Name of School	# of Students Incarcerated
Lillian Rashkis (D75)	49
John F. Kennedy High School	42
Career Education Center	41
Boys and Girls High School	40
Queens Offsite Educational Services	37
PS 035 Manhattan High School (D75)	36
PS 12X Lewis and Clark School (D75)	33
Jamaica High School	31
Martin Van Buren High School	31
Harry S. Truman High School	31

Top 10 Schools Receiving Students from Passages or Island Academy in 2005-2006⁹

Name of School	# of Students Returning
Boys and Girls High School	33
Queens Offsite Educational Services	32
John F. Kennedy High School	30
Lillian Rashkis High School (D75)	26
Jamaica High School	26
Franklin K. Lane High School	26
South Shore High School	22
Newtown High School	21
Career Education Center	20
Beach Channel High School	20

⁸ Data provided by New York City Department of Education. Passages Academy refers to the DOE schools serving students in DJJ detention; Island Academy is the DOE school serving students in Riker's Island.

⁹ Id.

**Testimony Submitted by Jonathan Clark Before the Education Committee, the
Juvenile Justice Committee and the Public Safety Committee of the New York City
Council on the Policing of the New York City Public Schools**

October 10, 2007

As I arrived at school on October 24, 2006, I could see that dozens of police vans and cruisers were surrounding my school, Aviation High School. Both regular police officers and School Security Agents were forcing students to go through metal detectors in order to get into school. We weren't given any instructions, just yelled at to, "Hurry up!" The police presence was really overwhelming. It seemed like a lot just for a metal detector.

There were very long lines because the officers were searching every student. The school had to cancel all zero-period Advanced Placement classes, labs and leadership activities, which usually begin at 7:00 a.m. When first and then second periods began there were still hundreds of students outside waiting to get in. A lot of students were late and had to miss class, which meant that they would be marked absent and maybe even lose their certifications, which is why we're at Aviation in the first place.

After we went through the metal detectors, the officers began to search through our book bags. They went through my folders, pulled out all my papers and confiscated my drawing supplies. They decided that my six-inch ruler was "a hazard to society," even though it's sold at school and required for class. I began to wonder what else they would take from me.

The ROTC (Reserve Officers' Training Corps) students were forced to remove their medals, which was really upsetting - especially because they're graded on wearing them.

The teachers had no idea what was going on. Their hands were tied. For the first time in my entire career at the school, the principal looked disheartened. I could see why.

Even as all this was going on, the students stayed calm. I told them, "If you guys get loud now, it justifies their actions. If you keep quiet, like we're doing now, we can fight this later."

I wrote a letter complaining about the incident to Chancellor Klein via e-mail, and in response my mother received an angry phone call from Bernard Lopez, the local head of school security. [we need to confirm the name and title, or drop the reference] He said, "There's no way a sixteen-year-old, public high school student could write a letter of that magnitude." My parents were furious; I was just sickened by all of this.

There should be officers that are trained to work with kids. We shouldn't be treated like criminals until proven innocent. And I don't think the metal detectors are necessary unless it's warranted by the school. It's one thing if they're trying to protect our safety, but keeping everyone out of class doesn't make a lot of sense.

New York City Council Hearing on Police in Schools, October 10, 2007

Testimony from Elizabeth Sullivan, Education Program Director

National Economic and Social Rights Initiative (NESRI)

A member of the Student Safety Coalition

The National Economic and Social Rights Initiative (NESRI) works with advocates and organizers in New York City to promote the rights to education, dignity and student participation in schools. In March 2007, NESRI released the report *Deprived of Dignity Degrading Treatment and Abusive Discipline in New York City and Los Angeles Public Schools*. The report documents in-depth interviews with over 40 students, parents, and teachers from 20 New York City middle and high schools (primarily large high schools with over 2,500 students and middle schools with over 1,000 students, approximately one third attended Impact Schools.) It describes the hostile school environment created by the heavy presence of safety agents and police, the inappropriate involvement of safety agents and police officers in school disciplinary matters that should be dealt with by educational staff, and the abusive tactics often employed by police.

Students we interviewed had been harassed, handcuffed, patted down and in some cases arrested for shouting in hallways, being late to school, and talking back to safety personnel. These behaviors, while inappropriate, often reflect typical adolescent reactions, especially in the context of overcrowded and under-resourced schools where students face a criminalizing environment, and should be dealt with by school staff. Even when students are involved in fights or altercations, in most cases, these behaviors should NOT be treated as crimes. Children and adolescents have not fully developed behavioral and conflict resolution skills, and the role of the school should be to help students develop constructive ways of addressing conflict, not to criminalize and remove them from school. Students told us in interviews that without counseling or mediation services, suspensions, arrests and other punitive responses do nothing to address the problems that cause misbehavior.

We thank the City Council for calling this hearing and urge you to help ensure that there is greater oversight and accountability for the role that safety agents and police play in schools to ensure that children are no longer criminalized. We need more comprehensive data reporting on police and safety agent incidents and suspension rates so that we know how they are currently involved in discipline, and we need to more clearly define their role. Students and parents should also have effective complaint mechanisms for when safety personnel act inappropriately.

But, we also need to go further and shift the way we think about safety and discipline in schools altogether. Discipline should be a part of the educational goals of our schools and about ensuring the right to respect and dignity among students and adults. Basic human rights standards in the Convention on the Rights of the Child and other human rights treaties require that school policies must not violate the dignity of students, cause mental or physical humiliation or harm, or criminalize adolescent behavior. Instead school policies should be aimed at the full development of each child's abilities and potential, including the teaching of positive behavioral skills and conflict resolution. Above all, discipline and safety policies must not jeopardize the right to education.

In other cities around the country, like Chicago and Los Angeles, school districts have begun to embrace alternative disciplinary policies that guarantee students' right to education and dignity in school. Earlier this year, the Los Angeles Unified School District passed a new district policy for School-wide Positive Behavior Support aimed at moving discipline procedures away from a focus on punishment and towards early intervention and teaching positive behavioral skills. Under Positive Behavior Intervention and Support or PBIS, the goal is to decrease student suspensions and discipline actions by establishing a preventive system geared towards establishing a positive school climate. Behavioral expectations are defined and taught to students in the classroom, and staff are trained to acknowledge positive behavior, talk with students about the reasons for misbehavior, and identify positive solutions to misbehavior.

The Jefferson Parish school district in Louisiana adopted PBIS district-wide in 2005. A nationally recognized team of experts was hired to help the district develop and implement training for all staff. The district also agreed to provide more counseling, reduce the number of suspensions and expulsions, and create better data tracking systems for disciplinary responses. In Jefferson Parish, where implementation began in the 2006-2007 school year, advocates on the ground report that suspension and expulsions have gone down. There is also increased communication between the school system, the juvenile courts and education advocates who have carried out trainings with judges and law enforcement on the corrective action plans implemented by the school district.

The Chicago public school system has taken a different approach using restorative justice models for discipline. For several years, individual schools in Chicago have successfully used peer juries, classroom circles and family group conferencing to resolve problems and decide on restorative consequences for students who break rules. Rather than viewing misbehavior by students as an act against school authorities, restorative justice models define misbehavior as an act against the entire community. Accountability and discipline involve taking responsibility for one's behavior and repairing the harm to the community resulting from those behaviors. Over 40 schools in Chicago currently use the peer jury model, and in 2006, Chicago Public Schools adopted a new system-wide student code of conduct that includes "components of restorative justice, alternatives to out of school suspension, and additional measures aimed to ensure a safe and positive environment for students and school personnel."

Here in New York City, adult mediators and conflict resolution models are also being used successfully in individual schools. At Humanities Preparatory Academy in Manhattan, for example, restorative justice practices similar to those in Chicago are used to resolve disputes. Students who break school rules go before a Fairness Committee made up of students and staff to discuss the reasons behind the students' misbehavior, and what the consequences will be. Others testifying today will describe similar school programs. But we are behind other school districts in taking steps to implement these proactive solutions district-wide.

We ask you to urge Mayor Bloomberg and Chancellor Klein to work with the youth, teachers, administrators and parents who are calling for more guidance counselors, and peer and adult mediators trained to address the root problems inside our schools.



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**TESTIMONY OF STEPHANIE NILVA, ESQ.,
EXECUTIVE DIRECTOR OF DAY ONE
(AN INCUBATOR PROJECT OF THE FUND FOR THE CITY OF NEW YORK)
JOINT MEETING – EDUCATION, PUBLIC SAFETY & JUVENILE JUSTICE
OCTOBER 10, 2007**

Thank you for holding this hearing to address the critical issue of school safety. Day One supports the creation of a Department of Education policy that would include protocols and a structure of accountability related to violence occurring among students and in schools. Administrators, teachers and school safety personnel need to have clear guidelines that direct them how to respond to incidents of violence, and more importantly, need the training to guide them in how to evaluate behaviors among students, respond appropriately and pursue the proper resources.

An adequate policy addressing violence in schools will not just address general violent behavior, but will acknowledge that dating abuse and sexual assaults are occurring among students at alarming rates. The rate of domestic violence among youth is the same as it is among adults – between one quarter and one third of New York City youth experiencing abuse in a dating relationship, and young people have far fewer resources available than adults do.

While many people are uncomfortable discussing intimate partner violence and sexual assault among youth, acting as if it does not exist will not protect youth, and places them at greater risk. Right now teachers are trained extensively about parent-child abuse and not at all about relationship abuse among teens, which could affect between 300,000 and 400,000 students in New York City.

Academic personnel are in desperate need of training, information and comprehensive protocols. It is insufficient to add a few hours of information on a sensitive topic to be taught by an untrained adult. Even if this were effective, young people are generally distrusting of authority figures and reluctant to disclose abuse. All professionals in a school setting must be trained so that young people who come forward with



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disclosures are met with knowledgeable, sensitive guidance and not discomfort, distress and misinformation that can place young people at further risk

Day One is the only New York organization with the sole focus of addressing domestic violence among this population. Day One assists teens and young adults in the five boroughs who are at risk of or experiencing relationship abuse through community education and legal advocacy. In nearly 200 schools, Day One has trained more than 14,000 youth and professionals how to identify dating abuse, determine mandated reporting obligations, and interact appropriately with students.

Day One also offers legal representation and guidance to young people affected by relationship abuse. As a law-based organization, Day One is particularly disturbed that the Department of Education lacks a protocol to enforce or comply with orders of protection that are issued on behalf of students. With a move toward smaller schools, most schools cannot ensure that a safe distance remains between a victim and abuser, or even relocate a locker or arrange different entrance locations or departure times. Even when an order of protection issued by a court is in place, schools do not require the abuser to transfer, but offer a “safety transfer” to the victim, effectively re-victimizing the subject of the abuse by removing her or him from the supportive environment and leaving the perpetrator in place. Day One is very concerned that it will take the death or serious injury of a student in our public schools – and an accompanying lawsuit – before this risk is taken seriously.

Prevention is critical to ending the generational cycle of domestic violence. We encourage the Department of Education to take this opportunity to prepare its staff to reach out to and respond to the needs of students before they are subjected to extreme violence or tied to an abuser through marriage or children.

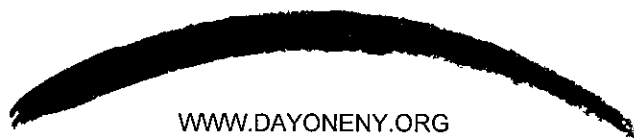
We hope that action can be taken on establishing a policy and that specialized providers in the community, like Day One, will be consulted to offer their expertise on interpersonal violence among youth. Day One has been working for some time with other organizations to draft a proposed policy for the Department of Education on the subject of dating abuse.

Proposed Policy and Protocols

- Department of Education regulations must **acknowledge and define teen dating abuse**, take a stand against it, and institute systems of response.
- Establish annual culturally competent **trainings for professionals** in schools related to dating abuse and the law.

- Expand the curriculum to ensure that every middle and high school student receives comprehensive and culturally competent **information about safe and healthy relationships** and how to respond to abusive relationships.
- Designate a **trained resource within every school** as the person responsible for responding to domestic violence among youth.
- Institute a **protocol to address reports of relationship violence** that maximize the autonomy of youth and ensure **confidentiality** wherever possible.
- Ensure **accountability for perpetrators** that is measured, appropriate and rehabilitative.
- **Monitor implementation** of any policy that addresses relationship abuse to follow reporting of abusive incidents, DOE response, any legal action taken and safety transfers granted.

Thank you again for holding this important hearing. We encourage the Department of Education to make a strong statement that ongoing safety in relationships is a priority for our students and that the issue of appropriate intervention will be taken seriously. We thank the City Council for its support of Day One and thank you again for working to address the safety of youth in schools.



Testimony of Alejandro Ramos Before the Education, Public Safety and Juvenile Justice Committees.

October, 10, 2007

Hello, my name is Alejandro Ramos. I am 15 years old; I am a youth leader in Future of Tomorrow, and the Urban Youth Collaborative. I would prefer not to say what school I go to because I do not want to get in trouble.

Recently I was going to lunchroom, I swiped, my I. D. grabbed my lunch and sat down. A School Safety Agent came up to me and asked to see my I. D. I asked why because when they ask to see your I. D it means your in trouble. So instead of causing trouble I showed him my I. D. he told me to follow him to the elevator. At this point I was embarrassed and disrespected I felt like this because I was in front of my friends and other ssa's. When we got to the elevator, the ssa started cursing at me. He did this by using the f word many times and insulting the students that go to the school. At the same time I felt defenseless because there wasn't anything I could say or do to tell him that I did nothing wrong. I did not know why we were going to the dean's office. Once we were there the SSA began to tell the dean that I had given my program to a student so that they can get into lunch. I told them both that I didn't give my program to anybody. Since they didn't believe me I asked to call my father. They refused to let me call him. After about 15 minutes of waiting the dean came up to me and told me to go to class after missing lunch. I told the dean that I did not have my I.D. I started to get frustrated because no one wanted to give me my I. D or tell me where it was. I went back to the dean's office he gave me a pass to get a new I.D. I finally got to class about 15 minutes late. This was an experience that no one should have to go through. I think that the SSA's should be able to respect the students more. So what we want to solve this problem is to have a conflict mediation training for the ssa's. so this way rather than punishing the students we could talk and work through certain situations. Because simple things like this can be handled and worked out. We as UYC have been working on the conflict mediation training for the last year and half and we want to be able to tackle these problems. The most important thing that is not included in school policy is STUDENT VOICE and this needs to change!!!

Testimony of Zakiyah Ansari Before the Education, Public Safety and Juvenile Justice Committees

October 10, 2007

Good Afternoon Council,

My name is Zakiyah Ansari and I am a mother of 8 children. I reside in Brooklyn, New York. I would first like to acknowledge and say thank you to the Council for having these hearings on school safety. I am here today to stand with the youth of the Urban Youth Collaborative to me it seems fitting that parents support their children whenever possible. We as parents and adults have a responsibility to listen to and support our youth and whenever there is a way that I can use my voice to help make their voice louder then that's what I'll do. When it comes to school safety, who better to know what is happening in the schools than the students who we are supposed to be protecting?

I sit hear before you today as a parent who is extremely involved in my children's lives and advocates for all children. I have a child in a school with metal detectors and have had children in schools without metal detectors. There is a huge difference in the tone of schools with metal detectors and those without. I myself have seen some of the issues that cause the unnecessary tension in the schools.

One example is the attitudes of some of the safety agents in the school towards the students. I've witnessed safety agents making rude comments toward students which can be transmitted to students as "I don't respect you or how you feel." I don't know about you but for me respect is a two way street. You have to give respect to get respect. The lack of respect of safety agents for students is a big concern for me.

In addition, when students have problems with safety agents they need to have a complaint process in place and feel comfortable about making that complaint against a safety agent without fear of retaliation.

For so many years there has been this message of children should be seen and not heard; but, this being a new era and time, our children have the right to speak up and they have a whole lot to say. Even more importantly they have a Student Safety Act to address these very issues.

So, I ask that not only does the council listen to this group of amazing, intelligent, brave, relentless and most socially conscious group of young adults but also hear them, really hear them as they share their stories and solutions.

Thank you.

Testimony of Miguel Hernandez Before Education, Public Safety and
Juvenile Justice Committees

October 10, 2007

My name is Juan Antigua and I am sharing this testimony on behalf of Miguel Hernandez, a student at Dewitt Clinton High School in the Bronx.

Everyday I have to wake up earlier than usual, to stand on a line longer than usual, and get to class later than usual because of metal detectors and the way they are being used. The same dynamic sometimes happens when fights break out. The students argue for longer than usual, cops get there later than usual, and students get sent to the precinct earlier than usual. Who is getting blamed for all of these issues? Youth are usually blamed! Like being in a school that is over 100% capacity that has NYPD with guns, and is in an under-resourced community, is our fault. The fact of the matter is that youth do not get to make any decisions about safety policies in their schools. Yet, we are the ones that have to deal with it, and are blamed for the violence in our schools. We are often told that we are uncontrollable, that we need to behave ourselves because we act like animals. I say that it's time the DOE, the City Council, and every other stake holder step up and take responsibility.

The following are some solutions to these problems:

If we had a clear complaint process set up in our schools, with a board of youth, and other community residents, then at least when an issue occurs we could complain about it, and action can be taken.

If school aids were trained to de-escalate problems and engage youth in a non-threatening way, then at least we wouldn't have to be disciplined by the same people who arrest us, and suspend us, and make us feel down in general.

We need NYPD and the DOE to report on the incidents that happen in schools. If we had this statistical information, we as youth who experience those incidents would be able to help think about solutions. However if we don't know what is happening in our schools, and why we have so many SSAs, armed police officers, and metal detectors, how can we ever get to solutions to the root causes of these problems?

The most important thing I want to tell you is that what ever resolution you guys come up with will be in vain, if all youth are not included in the decision, and the process of coming up with the solution. Not doing that would be an injustice on behalf of the DOE, City Council, and everyone else involved in decision making in our schools.

Thank YOU

Testimony of Denise Melendez Before Education, Public Safety and Juvenile Justice Committees.

October 10, 2007

Hi my name is Denise Melendez. I am a youth leader at F.O.T, future of tomorrow I am also a part of the urban youth collaborative. I rather not say what school I attend for safety reasons.

I want to tell you about one of the problems I had with a School Safety Agent that could have been dealt with in different way.

I was trying to get to class and the late bell had not rung yet. A School Safety Agent stopped my friend and I while there was many kids walking in the hall besides us.

The SSA took our ID's and held them until the late bell rang and then began to write us up. We felt really embarrassed because she began yelling and threatening us in front of everyone in the hallway. She stated that we would not be able to get in the building tomorrow. The SSA took us down stairs to the holding room, we told the dean what happened and he told us this is not the 1st time that SSA has done this to youth.

If there was a complaint process this would not keep happening to students because someone would of already written a complaint about this SSA. All though this has happened to other students, no one knows. I feel that if we had a clear way that youth can complain about their problems with School Safety Agents, misunderstandings would not happen and this would prevent larger problems. The Student Safety Act Coalition has developed a bill that would allow for students to complaint without parental consent. This gives students a much needed voice.

Testimony of Raquib Alam Before the Education, Public Safety and Juvenile Justice Committees

October 10, 2007

Good afternoon everyone, my name is Raquib Alam and I am a youth leader at DRUM (Desis Rising Up and Moving) and the Urban Youth Collaborative. I am also a recent graduate from William Cullen Bryant High School in Queens. Today I want to talk to you about an incident that happened to me during the summer of 2006 and some ways that you can improve school safety in New York City.

I was going to school and when I got out of the subway station I was shocked to see a lot of police on the school block. As I walked towards the school I saw cop cars going around the block and picking up students. I thought that something had happened and I got scared. When I got in front of the school, there were several cops and SSAs telling us to take off everything that we had such as belts, wallets, anything that we had in our pockets, and any other electronic devices that we may have and put it in our bags. I then realized that it was a surprise scanning with the roving metal detectors.

The line was stretched around the block. Once we got inside we were told to put our bags through the scanning machine. Then everyone had to go through the metal detectors and many students had to do it twice because it would beep. When I went through they told me to take off my shoes because I was beeping every time I went through. They then sent me to go through a secondary scanning where I was told to hold my hands out and then I was scanned with the wand. While I was being scanned the cop yells at me saying, "Didn't we tell you to take off everything!?" When I said "yes," he yelled, "Then why are you here?!" I felt really disrespected and many other students felt disrespected too because the cops and SSAs were ordering the students around and yelling. It was really chaotic.

Students' property was also being taken away, which created many arguments and the cops and SSAs really didn't make things easier because they just argued with the students. There were some parents who came to visit who also had to go through the scanners and you could tell that they also didn't like it. When I got to class almost half the period was over and we had a test to take.

The biggest problem was that I felt like I was in prison and many other students felt the same way. It really affected our learning environment because not only did we miss part of our class but it also set a bad tone to the rest of the day because students felt really upset.

Now I want to talk about solutions. You can see from my experience that SSAs and cops do not know how to treat students. We need to be treated with respect. Right now the NYPD trains the SSA's. I don't think the NYPD knows how to deal with young people and if they are the only ones training SSA's that really does not make sense.

We need to have SSA trainings that involve students. That is why we ask you to add an SSA training section that involves student participation. SSAs need to interact and treat students with respect and they need to understand youth in order to create an environment where students feel safe, and secure.



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**TESTIMONY SUBMITTED BY DONNA LIEBERMAN ON BEHALF
OF THE NEW YORK CIVIL LIBERTIES UNION BEFORE THE
EDUCATION COMMITTEE, THE JUVENILE JUSTICE COMMITTEE
AND THE PUBLIC SAFETY COMMITTEE OF THE NEW YORK CITY
COUNCIL ON THE POLICING OF THE NEW YORK CITY PUBLIC SCHOOLS**

October 10, 2007

My name is Donna Lieberman. I am the Executive Director of the New York Civil Liberties Union on whose behalf I present the following testimony.

More than a year ago, the New York Civil Liberties Union (NYCLU) began receiving episodic reports of abusive conduct by police officers and school safety agents assigned to the New York City public schools. We received one report involving teachers who called a local precinct to ask for assistance in breaking up a fight. By the time police arrived the fight was resolved and the situation was calm. But the police arrived at the school with the swagger and aggressiveness of street thugs. They began yelling at the children and directing profanity at both students and teachers. When one teacher asked the police not to curse at the children the cops threatened him with arrest. And when a second teacher rallied to support the first teacher, the police arrested both teachers and paraded them out of the school in handcuffs. We received another report of a school safety agent arresting a student for disobeying his directive that the student not wear a hat in the school. We heard of a school principal who was arrested for objecting when a school safety agent entered a classroom to arrest a student in a circumstance where the arrest was not required by any exigent circumstance.

We heard many other similar stories. Consequently, during the summer of 2006, we decided to look more closely at the role of police and School Safety Agents (SSAs) in schools and we ended up undertaking a nine-month survey of the matter. The survey involved interviewing and reviewing forms from over 1,000 students; examining public documents; interviewing teachers, administrators and union representatives; as well as on-site visits to schools.

We concluded our survey in March, 2007 with the publication of a Report entitled "Criminalizing the Classroom: The Over-Policing of New York City Schools." I am submitting this Report, prepared jointly by the NYCLU and the Racial Justice Project of the American Civil Liberties Union, along with my written testimony because the Report amply and accurately documents the development of current policing practices in the New York City schools and problems arising out of such practices.

At the outset, I want to emphasize that in undertaking our study of the schools and in preparing our Report, we started with the unassailable proposition that students and teachers are entitled to a safe educational environment that is conducive to both teaching and learning. But in our study of that environment, five principal observations emerged.

First, we found that too often school safety agents failed to appreciate the difference in environment between the street-corner and the schools. Too often police officers and School Safety Agents (SSAs) brought into the schools the thugishness and aggressiveness of the street-corner. And, in this respect the police presence in schools detrimentally affected the school environment and undermined the very sense of security and the safe learning environment that they were brought into the schools to protect. We concluded, in this respect, that this behavioral pattern pointed to a deficiency in training

and that neither police officers nor SSAs had been trained to understand properly the special environment of the schools. Second, we found that SSAs, who are assigned to the schools to assure safety and security, too often exceed their authority, by either enforcing school rules regarding dress or cursing that have nothing to do with security, or by making up their own rules like imposing a ban on bringing food, cameras or even required school supplies into the building. Third, we found that, when administrators and teachers tried to control the excesses of some SSAs, they were not infrequently rebuffed by the SSAs who insisted that, since the SSAs report to the NYPD and not to the school administrators, the administrators had no authority to tell them what to do. Fourth, we found that the roving detector program was often a flashpoint for conflict and that the program routinely wasted enormous amounts of classroom time. Fifth, we found that students and parents had no meaningful way to complain about the abusive practices of SSAs.

Accordingly, our Report suggested four basic remedial proposals: first, authority over school safety must be restored to school administrators; second, school safety agents had to be trained in the special environment of the schools; third, police should be in schools only to address legitimate security concerns and other disciplinary matters should be left to school administrators; fourth, a meaningful complaint process must be developed to permit parents and students to report abusive behavior by SSAs.

Subsequent to the issuance of our Report, we learned of another study conducted, in 2006, by the American Psychological Association (APA) that confirmed some of our concerns. The APA found that zero tolerance policies have been ineffective in reducing violence in schools and have instead increased disciplinary problems and drop out rates

in middle schools and high schools, and have led to an over-representation of students of color in school discipline processes. The report also found that zero tolerance policies have increased the number of referrals to the juvenile justice system for minor infractions that were once handled by educators in the schools, which leads to the creation of a school-to-prison pipeline. The report concluded with recommendations for alternatives to zero tolerance policies.

Finally, I feel compelled, before I close, to discuss the lack of transparency on the part of both the NYPD and the Department of Education with respect to these matters. The NYCLU has submitted two FOIL requests to the NYPD and a FOIL request to the Department of Education regarding school safety matters. Following numerous letters and phone calls, the NYCLU received a partial response to the NYPD FOIL requests. We have yet to receive any of the documents we requested in the FOIL submitted to the Department of Education.

On June 26, 2006, the NYCLU sent a FOIL request to the DOE asking for documents pertaining to the Impact Schools Initiative, metal detectors, school governance, incidents in schools, and procedures for handling complaints regarding police activities in schools. The NYCLU has yet to receive any of these documents from the Department of Education.

The NYCLU sent a FOIL request to the NYPD on July 11, 2005, and requested written guidelines for the handling of complaints concerning school safety personnel; all such complaints received by the NYPD and their dispositions; and all materials used in training school safety personnel and members of the NYPD present in NYC public schools. The NYCLU sent a second FOIL request on June 26, 2006 for documents

relating to the Impact Schools Initiative, metal detectors, school governance, and protocols on the handling of complaints against school safety agents and police officer misconduct in schools.

The NYCLU received a procedural response from the NYPD on July 19, 2005 indicating that “a determination” would be made on the FOIL request by November 18, 2005. The NYPD informed the NYCLU on October 13, 2005 that the NYCLU’s request would be expedited, and during a December 8, 2005 phone call, the NYPD informed the NYCLU that it would send several documents, including Internal Affairs Bureau (“IAB”) statistics on the number of complaints filed against school safety personnel, and an IAB report on dispositions of complaints filed against school safety personnel. In a letter dated November 16, 2005, the NYCLU renewed its request to the NYPD.

On December 26, 2006, the NYCLU received an incomplete response to its two outstanding FOIL requests. The NYCLU received the following information, most of which is publicly available: two news releases from the Mayor’s office relating to Operation Impact and Operation Spotlight; the 1998 Memorandum of Understanding between the NYPD and Board of Education; selections from the NYPD Patrol Guide; selections from the Police Academy School Safety training guide; and the NYC Joint Committee on School safety report for the 2004-2005 school year.

Most of the NYCLU’s requests are still unmet, including the IAB data and reports on the number of complaints filed against school safety personnel. It is important for the City Council to gather such information in its efforts to evaluate policing practices in the schools.

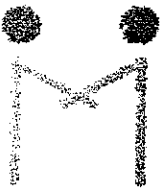
It should be noted that some data has now been produced, but not to the NYCLU. In a June 11, 2007 letter from NYPD Commissioner Raymond Kelly to Councilmember

Robert Jackson the following data was provided:

- There are more than 5,000 SSAs in the schools
- There are approximately 200 armed police officers in the schools.
- Since 2002, the NYPD has received 2,670 complaints against SSAs. Of those, 722 have been substantiated, yielding a substantiation rate of 27%.
- Since 2002, the NYPD has received 38 complaints against armed police officers in the schools. Two have been substantiated.

A substantiation rate of 27% should be a cause for concern on the part of the Police Commissioner. Yet we have heard no such expressions of concern about this matter from his office.

Thank you for the opportunity to address these committees. As the City Council moves forward in its consideration of these matters, I urge that you read our enclosed Report. It raises important questions and offers what we believe to be useful remedial suggestions.



Morningside Center for Teaching Social Responsibility

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Testimony from Tom Roderick Executive Director, Morningside Center for Teaching Social Responsibility

Hello. My name is Tom Roderick, and I am executive director of Morningside Center for Teaching Social Responsibility—formerly Educators for Social Responsibility Metropolitan Area.

For the past 23 years, we have collaborated with the New York City Department of Education to implement some of the nation's leading conflict resolution programs in hundreds of public schools. Last year, our programs reached over 23,000 students in 102 NYC public schools.

As you know, Chancellor Klein and the DOE recently published the results of their new Learning Environment Survey of students, teachers, and parents. We applaud the Chancellor for initiating the survey, which is a courageous step toward making our public schools more transparent and accountable.

Although the survey results included much encouraging news, they also revealed some serious problems that we need to address:

- When asked how often students are threatened or bullied at school, 29% of the students surveyed said all of the time or most of the time. An additional 47% said some of the time.
- When asked how often they worry about crime and violence in school, 19% of students said most of the time or all of the time, and an additional 43% said they worried some of the time.
- 32% of students said they disagreed or strongly disagreed with the statement, "I am safe in the hallways, bathrooms, and locker rooms at my school."

- When asked how often there was conflict in their school “based on race, culture, religion, sexual orientation, gender, or disabilities,” 25% said most of the time or all of the time, and an additional 35% said some of the time.
- 38% of students said they disagreed with this statement: “Most students in my school treat each other with respect.” Another 18% strongly disagreed with the statement. So in all, 56% do not believe that students treat each other with respect.

Bullying, threats, crime, and violence are of course problems in themselves. They also affect academics: Children can’t learn in a hostile atmosphere where they feel they have to “watch their back.”

The police can’t solve this problem. All they can do is attempt to keep the lid on when a particularly dangerous situation develops. Schools are educational institutions, and educational strategies are best suited to address the root causes of student misbehavior.

Fortunately, a growing body of research shows that there are effective educational approaches. By teaching children social and emotional skills, we can create a safe and positive environment in our schools. Even better, we don’t have to choose between promoting social and emotional learning and improving children’s academic performance. In fact, research demonstrates that they go hand-in-hand.

In an analysis of more than 300 research studies, researchers Roger Weissberg and Joseph Kurlak found that an average student enrolled in a social and emotional learning program ranked at least 10 percentile points higher on achievement tests than students who did not participate in such programs. They also had significantly better attendance records; their classroom behavior was more constructive; they liked school more; they had better grade point averages; and they were less likely to be suspended.

Social and emotional learning programs aren't just for children deemed "at risk" or in special need. A school that effectively promotes social and emotional learning considers every aspect of its operation, from the classroom to the hallways to the playground. It involves all students and adults as partners in creating a positive learning environment. All students receive instruction to develop their capacity to understand and manage feelings, relate well to others, make good decisions, deal well with conflict and other life challenges, and take responsibility for improving their community. The approach needs to be systematic and school-wide.

Let me give an example. P.S. 24 is located in the largely Latino, working class neighborhood of Sunset Park, Brooklyn. Since it opened ten years ago, P.S. 24 has made respect and peace a cornerstone of everything it does. Nearly every classroom teacher implements our literacy-based conflict resolution curriculum, The 4Rs. Trained peer mediators resolve conflicts among their peers in the cafeteria, playground, and elsewhere. Every kindergarten, first-grade, and second-grade classroom has a cadre of young "Peace Helpers." These youngsters have established "Peace Corners" in every classroom. Students who are having a problem or a conflict can go to the Peace Corner to reflect, read, or talk with a Peace Helper. In this school, children as well as adults are taking leadership to create a positive school culture.

Perhaps this sounds a little dreamy. Here are some hard facts: P.S. 24 had zero suspensions last year, and attendance was above average. On the Learning Environment Survey, P.S. 24 exceeded the average scores in every category, among every constituency. The DOE's Quality Review Report gave P.S. 24 the highest rating, calling it a "well-developed school" in all five areas evaluated. And academically, P.S. 24 is taking off. The school was rated "exemplary" in closing the achievement gap. Principal Christina Fuentes says her school's commitment to "social and emotional learning" has been integral to this success.

I commend the Department of Education for taking some important steps toward promoting social and emotional learning. For instance, the DOE's "Respect for All Initiative" will provide professional development for teachers, counselors and other support staff aimed at making schools safe and supportive for all students.

However, in general the DOE's approach to social and emotional learning is patchy and unsystematic. We reach some schools and not others. We target some populations, and not others. Some schools use research-based approaches, others do not. We wouldn't accept this haphazard approach in teaching reading, and we shouldn't accept it for social and emotional learning either.

So—what are the next steps in promoting systematic social and emotional learning in all our schools? Our recommendations include the following:

- The New York Regents should adopt statewide standards in social and emotional learning—and ensure that schools have the resources they need to implement them.
- At the city level, we need to hold schools accountable for developing students' social and emotional capacities. Social and emotional learning should receive more weight in the school accountability process.
- Lastly, the Department of Education needs to inform principals, parents, teachers, counselors, and other school staff of the research-based programs and planning models that can help them improve their implementation of social and emotional learning.

In short, we need to ensure that all our schools have the tools they need to educate both the heart and the mind.

For more information, call Tom Roderick at Morningside Center, 212-870-3318 x32, or email him at TRoderick@MorningsideCenter.Org.

David C. Bloomfield
Testimony before the New York City Council Education Committee
Hearing on School Safety
October 10, 2007

Thank you for this opportunity. My name is David Bloomfield. I am the father of two New York City public high school students. I have been an elected parent member of the Citywide Council on High Schools since its inception in 2004, last year serving as its President. In my day job, I am a professor and head of the Master's Degree Program in Educational Leadership at Brooklyn College. I am the author of the recently published book, American Public Education Law (Peter Lang), as well as numerous articles on education law and policy.

Last year, the Citywide Council on High Schools held a hearing on School Safety. In researching the topic and through testimony, it became clear that, indeed, our schools are too often policed in a manner that sends the wrong message to our youth about the role of security personnel in a free society. Too often, police and school safety agents are belligerent to students and parents, earning resentment rather than respect. Police priorities of command and control substitute for teaching our children the social priorities of consent and consideration.

The parents on our Council were surprisingly united in this view across racial, ethnic, gender, and geographic lines. It is not that we are against order in our children's schools or that we view security personnel as enemies. Rather, it is the palpable sense that these staff members are trained to view our kids and even parents as the enemy, that Tweed and the Police Department view us as a potential mob to be stopped before we can create disorder. Any infraction is subject to overwhelming force and punishment. This is not good for kids or the schools' educational mission.

The nature of schools requires a different attitude, different training, and different lines of command. As a Network Leader told me recently, "Once the scanners are in place, you can't remove them because of the criticism if something happened."

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So are we stuck in a never-ending cycle of increased police presence in our schools? Does the Mayor have the courage to really let principals lead, rather than imposing an external force answerable to non-educators?

The answers are not to do away with security in our schools but to better integrate security with other school functions. I recommend accepting the policy recommendations of the New York Civil Liberties Union in its report, "Criminalizing the Classroom":

- Authority over school safety must be restored to school administrators;
- School safety personnel must be trained to function in accordance with sound educational practices and to respect the differences between street and school environments;
- The role of police personnel in schools must be limited to legitimate security concerns for children and educators; and.
- Students, families and educators must be given meaningful mechanisms, including access to the Civilian Complaint Review Board, to report wrongdoing by school-based police personnel.

One final note on data. The Department of Education and Police Departments will probably try to minimize and marginalize parent complaints by calling them isolated incidents and merely anecdotal. But that these reports are all we have. DOE data are notoriously unreliable. The recent parent survey was unscientific and unreliable. Incidents between cops and kids are not apt to be reported and, if so, from the officer's perspective. In short, if they say there's no problem, don't believe them.

So hear our plea: Balance the need for school order with the need for respect. Please establish these recommendations to restore that balance. Thank you.

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QUEENS LEGAL SERVICES CORPORATION

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

October 10, 2007

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QUEENS LEGAL SERVICES CORPORATION

SCHOOL SAFETY ISSUES

October 10, 2007

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My name is Tara Foster. I am an attorney in the Education Rights Project at Queens Legal Services. QLSC is a not for profit organization that assists low-income families with a variety of civil legal issues including housing, family law, consumer law issues, disability benefits and education. Our Education Rights Project is a citywide project, representing parents in all five boroughs in a variety of areas including special education, student discipline, school transportation, safety complaints, and academic intervention issues.

I am here today in my capacity not only as an educational advocate for parents and students but as the parent of two New York City public school students. As a parent and an advocate, I am concerned about the increased police presence in schools and about stories that I keep hearing from parents and children about inappropriate and unnecessary treatment of students by some school safety agents and police officers.

Over the past five years, New York City's Student Discipline Code and Policies have revealed that the Department of Education has become less willing to examine the roots of student behavioral problems, and more willing to punish students first, and ask questions later. In the last two years alone, Superintendent's suspensions have increased by about 40 percent with no corresponding rise in school violence or other disruptions. With dropping numbers of counselors in the schools and more cuts in this area reported to be coming this school year, the City has done little to encourage school leaders to use preventive techniques and supports to prevent disruptive incidents or to utilize intermediate steps to work with at-risk students.

Rather than focusing on sensible approaches to student behavioral problems as a preventative measure, the Department of Education has increasingly relied on more punitive measures, including prolonged suspensions with inadequate academic or behavioral supports. In keeping with this trend, we have seen increased police presence in New York City public schools. From what I can see, increased police presence in the schools has not increased safety and security in the schools and in many cases it has damaged already fragile relations between children and youth and the adults charged with educating and protecting them. Similarly, the increased use of scanning devices in the

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schools really has not turned up the predicted volume of dangerous contraband and has primarily led to confiscation of non-dangerous personal items such as cell phones and iPods.

Increased police presence in the New York City public schools, has not fostered a positive, hospitable environment of mutual respect between children and adults and has not helped to nurture healthy learning environments where students grow as creative, courageous, intellectual individuals. Isn't that what we as parents, educators and community leaders aspire to achieve?

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

During the 2006-2007 school year, I worked with a high school student who was roughly handled by a female security agent because she apparently did not realize that he had already gone through a scanning device set up at the school. When the student asked the agent to take her hands off of him and returned to go through the scanning device again, the security agent claimed that he threw her into the machine and he was suspended from school. The student always maintained that he never touched the security agent and that the school safety agent had grabbed him abruptly and pushed him back through the device.

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

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

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

Most of us in the advocacy community have heard many, many stories similar to these, often where the student has done little or nothing wrong. In one scenario, the student is running late to class and gets stopped by the safety agent. In another scenario, the student might even have engaged in some relatively low-level infraction, such as graffiti or insubordination, and the security agent or police officer responds in a physically or verbally aggressive manner, wholly out of proportion to the situation.

To the extent that the City continues to keep school safety agents and other police presence in the schools, those agents need sensitivity and other training to deal appropriately and sensibly with children and youth. But the City Council, school administrators and police officials also need to dig deeper. We need to take a hard look at what we really hope to achieve with police presence in the schools. If we feel concern about gang violence, perhaps we should take a better look at the root causes of gang membership and develop more effective strategies for eradicating it from our schools and communities. If we feel concern about guns we need to put into place strategies that stop access to such weapons long before they reach the school house gate. If we feel concern about school bullies and physical aggression amongst students, then we need to break down barriers dividing students and put together strategies for conflict resolutions and tolerance.

In the near future, New York City stands to receive more money from the State than ever before, thanks to the CFE lawsuit in which City Council Member Jackson and others participated. Now is the time to put those resources to good use. School officials should have less uniformed officers and agents in the hallways and more qualified adults in the classroom, on the playground, in the lunch room, in the office and in the corridors to help kids deal with, mediate, and cope with the day to day difficulties and frustrations and the social and academic challenges of childhood.

Members of this committee should also take a serious look at how we deal with behavior and discipline generally. We need to pay far more attention to the root causes of adolescent behavior and utilize more preventive and supportive interventions and strategies in order to prepare children for adulthood. The current system prioritizes punishment over prevention. I urge you to change the current policies of over policing and over penalizing student behavior and consider more long term methods of promoting positive conduct through education and training in de-escalation techniques and through the use of behavior intervention plans, guidance counseling and restorative justice

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principles and strategies. By utilizing human rights principles of equality, accountability, dignity and community, by vowing not to cause mental or physical humiliation or harm to students and by refraining from knee jerk criminalization of adolescent behavior, we can go a long way toward improving our schools and our communities. Restorative justice practices deal with repairing harm and changing behavior. Isn't that what we really hope to achieve?

We should all be concerned about the increased police presence in schools and current school discipline policies because they will surely result in more inappropriate treatment of children and senseless arrests and suspensions without any corresponding reduction in school disruptions. School personnel, safety agents and police officers need training in de-escalation techniques when dealing with children and youth. Principals, plagued by pressure to achieve high rates of passage on standardized tests, need to resist the trend to increase police presence in the schools and to push kids out by suspending as a first resort. School leaders need to take the time to utilize true interventions, such as peer mediation, counseling and behavior intervention plans. They should receive resources and support to ensure that staff and students learn about de-escalation and conflict resolution and to support them in developing and utilizing other positive supports and interventions.

If we continue dealing with student behavior and discipline in the way that we have, we will most certainly experience a backlash. What do we plan to do when all of these arrested and suspended students return to school? They will be even farther behind academically and less likely to reach out to school officials and community members for help. Does anyone here sincerely think that this will promote safe schools?

We urge you to focus on improving school safety by utilizing preventive techniques such as restorative justice, mediation, training, and behavior intervention strategies. It's time to move forward on curing the vast number of legal and moral violations in the school discipline system for disabled and non-disabled students alike. Accountability and sensible practices within, not increased policing and punishment for school children, should be the focus.

I would like to thank the City Council for hosting this hearing today. I hope that we can work together in the future to ensure a safe, hospitable, nurturing and academically inspiring school environment for all students.