

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

JOINT COMMITTEES ON EDUCATION, PUBLIC SAFETY AND
JUVENILE JUSTICE

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November 10, 2009

Start: 1:12pm

Recess: 6:30pm

HELD AT: Council Chambers
City Hall

B E F O R E:

ROBERT JACKSON
PETER F. VALLONE
SARA M. GONZALEZ
Co-Chairpersons

COUNCIL MEMBERS:

Council Member Bill de Blasio
Council Member Eric Martin Dilan
Council Member Simcha Felder
Council Member Helen D. Foster
Council Member Daniel R. Garodnick
Council Member James F. Gennaro
Council Member Vincent J. Gentile
Council Member Jessica S. Lappin
Council Member John C. Liu
Council Member Domenic M. Recchia, Jr.
Speaker Christine C. Quinn

A P P E A R A N C E S (CONTINUED)

Elayna Konstan
Chief Executive Officer
Office of School and Youth Development
New York City Department of Education

Michael Best
General Counsel
Department of Education

James Secreto, Assistant Chief
Commanding Officer of the School Safety Division
New York City Police Department

Jack Donohue, Deputy Chief
Commanding Officer, Office of Management Analysis and
Planning
New York City Police Department

Gregory Floyd
President
Local 237, Teamsters Union

Holly Thomas
Assistant Counsel
NAACP Legal Defense and Educational Fund, New York

Donna Lieberman
Executive Director
New York Civil Liberties Union

Edward Josey
President
NAACP, Staten Island

Brian Lombrowski
President
Community Alliance for the Ethical Treatment of Youth

Liz Sullivan
Education Program Director
National Economic and Social Rights Initiative

A P P E A R A N C E S (CONTINUED)

Rudy Ofor
Representative
New York Civil Liberties Union

Michael Mulgrew
President
United Federation of Teachers

Stephen Cruz
Student (Senior)
Robert F. Kennedy High School

Carlos Cruz
Father of Stephen Cruz

Jeffrey Rothman
Attorney
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Leesha Harbigan
Member, DRUM (Desis Rising Up and Moving)
Member, Urban Youth Collaborative

Robert Moore
Senior, Bushwick School for Social Justice
Youth Leader
Make the Road New York, Urban Youth Collaborative.

Adama Wendt
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Youth Adult Borough Center, Wilson Campus

Chastity Serriano
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Make the Road New York, Urban Youth Collaborative.

Miguel Rodriguez
Graduate, New Explorers High School for Film
Humanities
Organizer, Yaya Network
Youth Leader, Sisters and Brothers United

A P P E A R A N C E S (CONTINUED)

Ysidis Santana

Student, Marble Hill High School for International
Studies

Youth Leader, Sisters and Brothers United

Manny de la Cruz

Core Leader, Sisters and Brothers United

Member, Urban Youth Collaborative

Student, Urban Assembly School for Applied Math and
Science

Arcadio Javier Guerrero

Student (junior), Urban Assembly School for Applied
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Jody Gopaul

Student (senior), DeWitt Clinton High School

Youth Leader, Sisters and Brothers United

Nicki Hamilton

Youth Leader

Sisters and Brother United

Yoshira Cividanes

Student (junior), Community School for Social Justice

Member, Sisters and Brother United

Fatima

Student (senior), DeWitt Clinton High School

Leader, Sisters and Brother United

Dr. Shirley H. Smith

Member (former), Community Education Council

Member, Community Board Two

Minerva Morales

Member

New York City Coalition of Educational Justice

A P P E A R A N C E S (CONTINUED)

Kirsten Reyes
Student (fifth grade)
PS306, The Bronx

Tammy Green Brown
Parent

Brian Favors
Teacher, Bushwick Community High School
Director, Sanco for Community Empowerment

William Jusino
Principal
Progress High School

Nancy Rosenbloom
Attorney
Legal Aid Society

Tara Foster
Attorney, Education Rights Project
Queens Legal Services (of Legal Services, NYC)

Nelson Marr
Education Attorney
Legal Services NYC, Bronx

Chris Tan
Project Director, Juvenile Justice Project
Advocates for Children

Scarlet Spence
Student
Urban Assembly School for Performing Arts

Stephanie Hernandez
Student
Franklin K. Lane High School

A P P E A R A N C E S (CONTINUED)

Elizabeth Reynoso
Student
Brooklyn Lab

Jerome Jones
Student
Franklin K. Lane

Kalina Gonzalez
Student, Franklin K. Lane
Member, Future of Tomorrow, Urban Youth Collaborative

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[gavel]

SERGEANT-AT-ARMS: [off mic] Quiet,
please. Find seats.

CHAIRPERSON JACKSON: Good
afternoon, everyone, and welcome to today's joint
hearing on proposed Intro Numbers 816-A, by the
Education, Public Safety and Juvenile Justice
Committees. My name is Robert Jackson, I Chair
the Education Committee, my, we're joined by our
colleague Peter Vallone, Jr., to my right here,
who Chairs the Public Safety Committee, and to our
colleague, Sara Gonzalez, who chairs the Juvenile
Justice, Justice Committee. This is a bill that I
sponsored that would amend the City Charter and
Administrative Code of the City of New York, in
order to increase transparency with respects to
school discipline and school safety agents. I
just want to take a few opening, make a few
opening remarks, and then we move on to opening
statements from my colleague Peter Vallone, Jr.,
Chair of the Public Safety, and Sara Gonzalez,
Chair of the Juvenile Justice Committee, and from
Speaker Quinn, who will be joining us. Proposed
Intro 816-A would require the Department of

1 Education and the Police Department to provide
2 information regarding school discipline and school
3 safety agents to the City Council. The bill would
4 require four main things: first, it would require
5 the Department of Education to report to the City
6 Council on a quarterly basis the quantity and
7 severity of student discipline actions, such as
8 principal and superintendent suspensions; second,
9 it would require the New York City Police
10 Department to report to the City Council on the
11 number and type of complaints received against
12 school safety agents; third, the bill would
13 require the NYPD to make a, to make quarterly
14 reports to the City Council on the number of
15 students arrested and/or issued summonses in
16 school; finally, the bill would raise awareness of
17 the process for making complaints against school
18 safety agents, by requiring 3-1-1 operators to
19 inform any caller seeking to make a complaint
20 against a school safety agent, that complaints are
21 to be lodged with the NYPD Internal Affairs
22 Bureau; it would also require the New York Police
23 Department and the Department of Education to
24 inform the public how to make a complaint, by
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1 posting instructions on the first page of each of
2 their websites, and posting a sign in each police
3 precinct, and each Department of Education school
4 building, explaining that individuals may call 3-
5 1-1 to make a complaint against a school safety
6 agent. Everyone is concerned about safety in
7 schools for students and staff alike. Since the
8 New York City Police Department first assumed
9 primary control of school safety and security in
10 1998, the administration has reported decreases in
11 total crime committed in our schools. However,
12 there are still too many situations reported by
13 students and advocates in which students feel
14 harassed or threatened at school, often, by the
15 very people who are supposed to protect them. Too
16 often, typical adolescent behavior that would be
17 treated far differently outside of school can
18 become criminalized when it occurs inside a
19 school. With that in mind, it is incumbent upon
20 us to ensure that schools remain environments that
21 are conducive to teaching and learning, not
22 institutions that feel like prisons. As I said at
23 our last joint hearing on school safety in October
24 of 2007, I'm concerned that an aggressive and
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1 strictly punitive approach causes tension and
2 conflict in schools, and has a negative impact on
3 the learning environment, and subsequently on
4 student achievement. I'm still concerned that
5 we're not using enough proactive strategies, like
6 conflict resolution, and mediation programs, and
7 other methods of teaching students how to resolve
8 disputes nonviolently, to prevent violence from
9 occurring in schools in the first place. I still
10 believe that we need policies that are balanced
11 between protecting students and nurturing them, to
12 ensure that all New York City public school
13 children are able to enjoy the safe and supportive
14 learning environment to which they are entitled.
15 I also believe that this bill is a necessary first
16 step to achieving that safe and supportive
17 learning environments for all students, since it
18 will provide some of, some transparency around
19 student safety and discipline, that is sorely
20 lacking right now. Today, we'd like to get
21 feedback on proposed Intro Number 816-A, as well
22 as hear ideas on how to improve both safety and
23 supports in our schools' learning environments.
24 Everyone who wishes to testify today must fill out
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1 a witness slip at the Sergeant-of-Arms in the
2 front of the room, and please indicate on your
3 witness slip whether you are here to testify in
4 favor or in opposition to proposed Intro Number
5 816-A. And I want to point out, however, that we
6 will not be voting on the bill today, as this is
7 just the first hearing. To allow as many people
8 as possible to testify, testimony will be limited
9 to three minutes per person. And also because we
10 have members from three different committees here
11 today, and two agencies to question, I ask our
12 colleagues to limit their questioning to no more
13 than five minutes total so we can move forward.
14 I'd now like to turn to our colleague Peter
15 Vallone, Jr., the Chair of the Public Safety
16 Committee, for his opening statements.

18 CHAIRPERSON VALLONE: Thank you,
19 Mr. Chair, it's an honor to do this with you and
20 Sara. We've been joined by Simcha Felder, thank
21 you Mr. Council Member. Welcome everyone, it's
22 clear from the amount of committees involved here
23 and the amount of people in the room, and the
24 amount of people at the, at the witness table,
25 that this is a topic of interest to many, many

1 people. I have been personally involved in school
2 safety for time now, as Public Safety Chair, as a
3 member of Robert Jackson's Education Committee,
4 and probably most importantly, as the father of
5 two girls who have spent eight years in our public
6 schools. The City Council sponsored at my request
7 two bills already, one which facilitated the
8 introduction, the installation of security cameras
9 at schools, which has been very helpful; and the
10 second, which pertains to today's hearing, in
11 2005, which mandated that the DOE for the first
12 time provide information to the public on the
13 amount of crimes in individual schools. As a
14 parent, prior to that law, you could find out
15 about the amount of, you could find out about what
16 was on school lunch menus on the web, but not
17 about the amount of crime in any individual
18 school. So we passed that law in 2005, and
19 unfortunately it is not being completely complied
20 with, and I can't wait to ask questions about
21 that. The information, my bill requires the
22 information be broken down by category of crime,
23 and by school. The MMR, once a year, breaks down
24 crime by school but not by category. And the DOE

1 website at one point had a link to a site which
2 broke down crime by category, but not by school,
3 and that link no longer exists. So, that will be
4 very interesting to hear the DOE talk about why
5 they're not complying with the law, because this
6 law is very similar, and if you're not going to
7 comply with that one, we'll have some problems
8 with this one also. We are here today to speak
9 about the relationship between NYPD school safety
10 officers, the students and the teachers and the
11 other staff at the DOE. Many people were here
12 when we discussed these issues at a prior hearing,
13 I think it was 2007, on this very topic, and many
14 of us are still confused, as to exactly what
15 happens in school when an incident occurs. The
16 police are apparently in charge when there's a
17 crime, the schools are apparently in charge when
18 it's not a crime. Who determines whether it's a
19 crime? Who knows? We all work together, that was
20 basically the testimony a few years ago, and we
21 look forward to finding out whether that's been
22 given some more clarification. Today we're
23 talking about a bill introduced by Chair Jackson,
24 which will provide much greater transparency. We
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1 all understand that schools need to be welcoming
2 places where our kids can learn, but first and
3 foremost they need to be safe, safe environments.
4 There's been continued improvement thanks to our
5 police department in the safety of our schools.
6 In 2009, there was a decrease of 13 percent in the
7 seven most violent crimes in schools compared to
8 '08, which in turn showed a decrease from the
9 previous year. Any violence in school is too
10 much, but we can all be hopeful about the gains
11 we've made. It's the Council's job, however, to
12 do oversight, and that's what we're doing here
13 today, and that's what this bill will provide, a
14 way for us to do oversight by getting needed
15 information. We've got lots of interested
16 parties, so I will end now and turn to our co-
17 chair, Sara Gonzalez.

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19 CHAIRPERSON GONZALEZ: Thank you,
20 Chairs Vallone and Jackson. I am Sara Gonzalez,
21 and I'm the Chair of the Juvenile Justice
22 Committee. I would also like to welcome all of
23 you here today. I will keep my remarks short as I
24 understand we have many witnesses to get to. The
25 issue of school safety is linked to juvenile

1 justice. Unfortunately, some of our City's
2 students are, or have been involved in, the
3 juvenile justice system. And some of those were
4 introduced into the system as a result of
5 something that occurred in school. Additionally,
6 increases in the use of discipline for minor
7 infractions may cause already struggling students
8 to get even further behind and become more
9 detached from school. This increases the
10 likelihood that a child will drop out of school
11 and engage in delinquent behavior. There is no
12 question that everyone benefits from safer
13 schools; however, minority and low income students
14 are disproportionately affected by the
15 criminalization of school discipline. Research
16 shows that students of color are more likely to
17 receive higher penalties for minor infractions and
18 are disproportionately targeted for punishment.
19 This disparate impact is reflected in the fact
20 that over 95 percent of the youth entering the
21 City's DJJ detention facilities are Africa-
22 American or Latino. The bill we are hearing today
23 will provide more information to the public
24 regarding school discipline, which we will enable
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2 to, us to evaluate how we're doing, and to make
3 better decisions about this issue as a whole. I
4 am deeply concerned about the way that safety and
5 discipline are handled in our City's schools. I
6 think more information and transparency will
7 benefit parents and children, so I look forward to
8 hearing from all of our panels today. Children do
9 deviate from their characters, and it is important
10 that we keep an eye on this. And I just want to
11 say as Chair of Juvenile Justice Committee, it is
12 so significant that we look and we prepare for the
13 future, and respect security. Thank you.

14 CHAIRPERSON JACKSON: Thank you,
15 Council Member. Okay. We have witnesses from the
16 Department of Education and the New York City
17 Police Department: Elayna Konstan, Department of
18 Education; Michael Best, Department of Education;
19 Assistant Chief James Secreto from the New York
20 City Police Department; and Deputy Chief Donohue
21 from the Police Department. I don't know who's
22 decided to go first. Could you please, if you
23 don't mind, everyone identify themselves and what
24 position you hold with your agencies, if you don't
25 mind. So.

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2 ELAYNA KONSTAN: Good afternoon,
3 everyone. I'm Elayna Konstan from the Department
4 of Ed, the Chief Executive Office of the Office of
5 School and Youth Development. Good afternoon,
6 Chair Jackson, Chair Vallone and Chair Gonzalez,
7 and members of the Education, Juvenile Justice and
8 Public Safety Committees. As I just said, my name
9 is Elayna Konstan, and I'm joined here today with
10 our Department of Education's General Counsel,
11 Michael Best. Thank you for the opportunity to
12 appear before you to update you on our work on
13 school safety, and to share our thoughts regarding
14 the proposed Intro Number 816-A, also known as
15 "The School Safety Bill." I come before you as an
16 educator who has served for 37 years in the New
17 York City public schools, as a special education
18 teacher, a school based supervisor, a district
19 supervisor of clinical services, a director
20 in instruction for a high school superintendency, and
21 a deputy superintendent. I'm a graduate of the
22 New York City public schools, and so was my son
23 who attended New York City schools, as well. From
24 both personal and professional experience, I know
25 that safe and orderly environments are a necessary

1 precondition for effective teaching and learning.
2 This is why the Department has made school safety
3 a key priority in our efforts to improve student
4 achievement. Over the course of this
5 administration, DOE representatives have had
6 several opportunities to testify on the topic of
7 school safety. On each occasion, we were able to
8 report that our schools were safer than during our
9 previous appearances. Today is no exception.
10 According to our colleagues at NYPD, during the
11 2007/2008 school year, we achieved record low
12 level of crime in our schools. And in '08/'09,
13 crimes were lower still, with a 7.7 percent
14 reduction in violent crimes, and a 20 percent
15 reduction in total crime in schools citywide, over
16 the prior year. When we look at our impact
17 schools, total crime went down 45.2 percent, and
18 violent crime decreased by a remarkable 46.7
19 percent over the prior school year. And while
20 it's only November, we are on track to achieve
21 record levels of safety in our school for a third
22 consecutive year. To put this into perspective,
23 the level of crime in our schools has decreased so
24 dramatically, that the handful of schools
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1 experiencing the largest number of violent crimes
2 today, would not have been included among the most
3 violent by any measure, since we began the impact
4 program in 2004. Our schools report similar
5 trends in the most serious levels of disciplinary
6 infractions. From 2006/7 to 2007/8, our schools
7 experienced a 13.5 percent decrease in level five
8 infractions, the most serious level of school
9 based incidents. In 2008/'09, schools reported an
10 additional 9.3 percent decrease in level fives
11 over the previous year. And perhaps most
12 remarkably, these decreases in serious incidents
13 developed concurrently with an overall increase in
14 reporting. School staff are reporting and
15 recording more of the incidents that they witness
16 among students, and even so, the most serious of
17 these infractions have been consistently and
18 steadily decreasing. While we are justifiably
19 proud of these accomplishments, we know that there
20 is always more work to do, and we appreciate your
21 attention on this important issue. It's, it is
22 worth nothing that we have achieved theses
23 improvements in school safety through our strong
24 and successful partnership with NYPD, through our

1 concentrated efforts of our outstanding educators
2 and administrators, through innovations of
3 social/emotional education, through
4 developmentally appropriate guidance support,
5 meaningful student engagement, and consistent
6 enforcement of the citywide standards of
7 discipline and intervention measures, commonly
8 known as the "Discipline Code." Our approach to
9 creating a safe and supportive environment is
10 grounded in the belief that safety is the
11 responsibility of the entire school community.
12 Each year, the Discipline Code is shared with all
13 students, parents and staff members. It outlines
14 clear expectations for behavior and equally clear
15 consequences if those standards are not met. We
16 seek public feedback on the code every year, and
17 have made changes annually based on the feedback,
18 including extensive input from our students. In
19 delineating consequences for the Discipline Code,
20 the Code addresses two simultaneous goals:
21 holding students accountable for their behavior,
22 and turning negative incidents into an opportunity
23 for growth, by providing a range of guidance
24 supports to improve behavior and foster success.
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1 Consistent and equitable implementation of the
2 Discipline Code has been a critical factor in
3 improving the climate and culture of our schools.
4 We have also made considerable progress in finding
5 ways to accurately collect and publicly share
6 information about school safety, while protecting
7 the privacy rights of our students and families.
8 Since I last testified, and in direct response to
9 your request during that hearing, we have made
10 significant upgrades to our system that support
11 tracking of student suspension data. These
12 upgrades will allow us to disaggregate demographic
13 characteristics such as race, sex and grade level,
14 at the time of the disciplinary action. We
15 recently finished a first school year pilot of
16 this system, and will be able to share district
17 data from that pilot once it has been reviewed for
18 accuracy. And as you know, we work closely with
19 our partners in NYPD and the Mayor's Office of the
20 Criminal Justice Coordinator, to analyze school
21 based crime data, which we do publish on the DOE
22 website. The propo bill presents us with yet
23 another opportunity to share critical information
24 about school safety with the Council and with the
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1 public. The proposed bill will further enable us
2 to understand the factors that support healthy,
3 productive and safe educational environments. It
4 will also help us to build on our progress in
5 improving student safety, to ensure that all
6 parents feel confident about the wellbeing of
7 their children in our schools. At the same time,
8 we are obligated by local, state and federal law
9 to maintain students and families privacy rights,
10 without res--with respect to education records
11 which cannot be released without explicit written
12 consent. Revised regulations for the federal
13 Family Education Records Privacy Act, or FERPA,
14 released last December, strengthen our obligation
15 to ensure that students' identifying information
16 is not disclosed, and reinforced the position that
17 data can be considered identifying even when we do
18 not explicitly list names, students' names or
19 identifying number. Under the new FERPA
20 regulation, providing demographic data that could
21 allow any member of the school community to
22 identify a student is akin to identifying that
23 student, and is prohibited. It is essential that
24 young people involved in disciplinary incidents
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1 have the opportunity to turn their behavior around
2 and succeed in school. And parents whose child
3 has ever been disciplined in school, from a
4 serious infraction down to a small misstep, knows
5 how important it is that their child's right to
6 privacy in this matter is protected. And so we
7 work hard to balance the critical importance of
8 transparency with our equally important
9 responsibility to maintain confidentiality of
10 student records. Given this balance, we propose
11 some adjustments to the reporting requirements of
12 the bill, to ensure that Council Members and the
13 public receive the largest possible data set
14 without violating FERPA. We have already shared
15 some of these recommendations with the Council,
16 and look forward to continuing to work with you on
17 these specifications. As you'll likely know,
18 education scholars have found that in school
19 districts of all types and sizes nationwide, low
20 income students, students of color and students
21 with the greatest academic needs are
22 disproportionately punished for involvement in
23 incidents. Research on how school systems can
24 sustainably address this apparent
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1 disproportionality remains in its early stages.

2 We believe that analyzing and releasing

3 demographic data about discipline issue will help

4 us better evaluate how that trend exists, in New

5 York City. And just as we have made significant

6 gains in closing the academic achievement gap

7 between black and Latino students and their white

8 and Asian peers, we will utilize promising

9 research based practices to help us understand and

10 close any version of this disciplinary gap that

11 might exist in our schools. As currently written,

12 Intro Number 816-A proposes the releaser of

13 disciplinary data disaggregated by students' race

14 or ethnicity, sex, age, special education

15 classification and the infraction codes

16 identifying the category of incident that led to

17 disciplinary action. To meet the goal of this

18 bill, the Department proposes to release

19 disciplinary data disaggregated by students' race

20 or ethnicity, sex, grade level, whether or not the

21 student received special education services, and

22 the infraction codes identifying the category of

23 incident that led to the disciplinary action.

24 While we are committed to transparency in this

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1 area, we must remain cognizant that including
2 these demographic categories significantly
3 increases the likelihood that a member of the
4 school community could identify an individual
5 young person involved in these incidents. To
6 maximize transparency, and support understanding
7 of this critical information, while protecting our
8 students privacy rights, we propose to release
9 this data set at the district level annually,
10 rather than at the school level. Separate from
11 the aforementioned data on disciplinary actions,
12 the proposed bill also asks the Department to
13 share data on school discharges and transfer that
14 result in disciplinary actions. This aspect of
15 the act presents a different kind of challenge,
16 one is that both philosophical and practical. The
17 fact is that in 2006 to present, only two students
18 have been expelled from the New York City public
19 school system, in both cases as a result of
20 seriously violent disciplinary infractions. As a
21 system, we focus on providing opportunities for
22 students to grow, change and excel in a variety of
23 educational contexts and environments. We are
24 confident that our strategy of integrating
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1 opportunities for engagement with accountability
2 for individual behavior, and the provision of
3 student support services, is effective because it
4 has yielded remarkable results in reducing
5 recidivism. For three consecutive years, fully 85
6 percent of our students who receive a
7 superintendent suspension did not commit another
8 offense serious enough to warrant a second. And
9 during that same three year period, an additional
10 eleven percent of those students who received a
11 second suspension never committed a third. 96
12 percent of our students who receive superintendent
13 suspensions are only suspended once or twice.
14 Separate from multiple suspensions, the bill asks
15 about transfers. To ensure that transfers never
16 occur without fully considering how the school has
17 attempted to meet the students' needs, New York
18 State law requires a separate hearing, independent
19 of the disciplinary hearing, if a principal seeks
20 to transfer a student. Specifically, State Ed Law
21 3214 permits a principal to initiate involuntary
22 transfers in cases where it is believed that a
23 pupil would benefit from the transfer, and this is
24 quote, "or when the pupil would receive an
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1 adequate and appropriate education in another
2 school program or facility." In such cases,
3 however, the principal must initiate a special,
4 separate hearing, to request an involuntary
5 transfer. The process of a principal requesting
6 and a student receiving an involuntary transfer is
7 exceedingly rare. In 2007/8 only 57 transfers in
8 the entire New York City school system were
9 assigned to students, through this independent
10 hearing. And in '08/'09, the number was only 55.
11 Somewhat more often, though still quite rare, a
12 parent may request a voluntary transfer subsequent
13 to a disciplinary suspension, if he or she
14 believed that a student would benefit from a fresh
15 start, or be better served in another educational
16 setting. And yet only 531 voluntary transfers,
17 representing just 3.9 percent of the students
18 involved in these suspensions, occurred last
19 school year. By every measure, our disciplinary
20 systems ensure that we give our students extensive
21 opportunities to recover from infractions, to
22 succeed academically, to develop socially and
23 emotionally, and to graduate. The Department has
24 established clear protocols to protect each
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1 student's right to remain in school through age
2 21. We are required to give notice to students
3 and their parents of the right to remain in
4 school, and schools must schedule a meeting,
5 called a "planning interview," before a school
6 may, a student may be discharged. Students who
7 are over compulsory school age, and have been
8 absent long term, can only be discharged following
9 outreach and a scheduled planning interview. I
10 share these details to illustrate a critical
11 point. Our policy on student discharges is very
12 clear. We make every effort to reengage students
13 regardless of the context. Students are not
14 discharged as a result of disciplinary actions,
15 except in the rarest, most egregious cases,
16 resulting in two expulsions over the past three
17 school years. Even those students who are
18 discharged after a planning interview have the
19 right to reenroll through age 21. For virtually
20 all students, the discharge process I have just
21 described is completely separate from the
22 discipline process. We are deeply committed to
23 providing all students with a safe, supportive
24 climate and culture in which to learn and grow, so
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1 they can succeed and graduate. We are equally
2 committed to addressing the academic, social and
3 emotional needs of students who exhibit
4 challenging behaviors. And we are invested in
5 openly sharing information that will illuminate
6 our areas of progress and our targets for growth.
7 We work hard to ensure that our code is enforced
8 equitably, while recognizing that appropriate
9 boundaries must be established, and disciplinary
10 actions must be taken when students violate
11 community expectations, endanger themselves, their
12 peers or the adults who support them. We remain
13 focused on the twin goals of supporting student
14 successful achievement and development, and
15 building the capacity of school staff to create
16 and foster success, while allowing for course
17 correction when a student needs additional
18 support. Thank you for your time today, we look
19 forward to your ongoing support of school safety,
20 and to working with the Council to modify Intro
21 Number 816-A so that it can become yet another
22 effective tool in our efforts to continue to
23 improve school safety and indeed New York City
24 public schools as a whole. I'm happy to answer
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1 any questions later.

2 CHAIRPERSON JACKSON: Thank you.

3 We're going to hear the remarks from the NYPD, and
4 then we are entertaining questions from both
5 agencies. We've been joined by our colleague,
6 Speaker Christine Quinn, and our colleague Helen
7 Diane Foster of The Bronx. And with that we'll
8 turn to NYPD, I believe Assistant Chief? Who's
9 going to give the testimony? Could you just
10 identify your other colleagues that are present at
11 the, at the dais with you, if you don't mind.

12 JAMES SECRETO: Okay. I'm

13 Assistant Chief James Secreto, I'm the Commanding
14 Officer of the School Safety Division. With me is
15 Deputy Chief Jack Donohue, he's the, yes, he's the
16 Commanding Officer of OMAP, which is the Office of
17 Management Analysis and Planning. I have my boss,
18 Chief Douglas Ziegler, the Chief of Community
19 Affairs, and my Executive Officer, Vincent Coogan,
20 also a Deputy Chief in School Safety. Good
21 afternoon, Committee Chairs, members of the
22 Council. Again, I'm Assistant Chief James
23 Secreto, again I'm here with Chief Jack Donohue,
24 Commanding Officer of the Office of Management,

1 Analysis and Planning. On behalf of Commissioner
2 Raymond Kelly, we would like to thank you for this
3 opportunity to provide our comments regarding the
4 bill before you today, Intro 816-A. It has been
5 almost eleven years since the functions of the
6 Board of Education's Division of School Safety
7 were transferred to the Police Department, giving
8 the Police Department the responsibility for
9 managing school security personnel, and
10 designating school safety agents, or SSAs, to be
11 employees of the Police Department. We have
12 previously discussed with you the reasons for that
13 change, and the level of crime that dangerously
14 compromise the safety and security of the City's
15 public schools at that time, to the ultimate
16 detriment of the educational mission. Our mutual
17 goal was to provide the highest level of safety
18 and security for students and school personnel, by
19 utilizing the Police Department's expertise,
20 experience and resources in reducing crime and
21 disorder in the schools. We believe that together
22 the Police Department and the Department of
23 Education have succeeded. We note the striking
24 improvement in the safety of our schools, the
25

1 increased professionalism of the school safety
2 agent cadre, more accurate reporting of crime in
3 schools, and the significantly higher level of
4 confidence in the security of their schools among
5 students, educators and parents. From the
6 1999/2000 school year, to the 2008/2009 school
7 year, total crime in the schools decreased by 34
8 percent. Since the 2001/2002 school year, violent
9 crime in schools decreased by 25 percent. And the
10 seven major index felonies decreased by 33
11 percent. Further, non-criminal incidents, such as
12 harassment, disorderly conduct and trespassing,
13 which can also seriously disrupt the tone of a
14 school, dropped 44 percent; and possession of
15 weapons and dangerous instruments dropped 43
16 percent. These decreases are matched by the
17 current year's experience. Since the beginning of
18 the current school year, total crime has decreased
19 by another 27 percent; violent crime, 22 percent;
20 and the seven major index felonies have decreased
21 by 24 percent. Non-criminal incidents have
22 dropped 29 percent, and possession of weapons and
23 dangerous instruments dropped by 32 percent.
24 These dramatic decreases are of course
25

1
2 attributable to the hard work of many people, from
3 both the NYPD and the DOE, with strong
4 participation and assistance of students and their
5 parents. But it is clear that the school safety
6 agents are the backbone of school security. At
7 the time of the transfer eleven years ago, there
8 were 3,041 active school safety agents. Today,
9 the division is made up of 5,249 SSAs, a 73
10 percent increase. Approximately 70 percent of
11 those school safety agents are women, and
12 approximately 93 percent are black or Hispanic.
13 Virtually all our school safety agents are City
14 residents, and many SSAs are themselves parents
15 with children in the City's public schools.
16 School safety agents are responsible for
17 patrolling designated areas of the school, and in
18 the immediate vicinity to maintain the order
19 necessary to further the educational process.
20 This may include challenging unauthorized
21 visitors, removing unruly students, and taking
22 enforcement action when necessary and appropriate.
23 We have previously discussed with you the
24 qualifications and training of SSAs, describing
25 the a comprehensive 14 week training course they

1 receive upon hire, as well as the dynamic in-
2 service training program we conduct. School
3 safety agents are an integral part of the school
4 community, and our confidence in their
5 professionalism is supported by the most recent
6 citywide public school survey conducted by the
7 DOE, reflecting the view of the people most
8 involved in the school, in the life of the school:
9 the students, teachers and parents. The survey
10 revealed that 76 percent of students, and 92
11 percent of teachers feel safe in their schools.
12 And that 93 percent of parents feel that their
13 children are safe at school. The majority of all
14 three groups, 74 percent of students, 82 percent
15 teachers, and 95 percent of parents, also feel
16 that SSAs help to promote a safe and respectful
17 environment in their schools. With this in mind,
18 we would like to turn to the bill before you
19 today, composed of three major elements affecting
20 the Police Department: quarterly reporting
21 regarding complaints against school safety agents;
22 a public education campaign inviting the filing of
23 complaints against school safety agents; and
24 quarterly reporting regarding certain categories
25

1 of information for criminal and non-criminal
2 incidents. We will first discuss the provisions
3 of the bill, which are directed in particular to
4 school safety agents. Intro 816-A selects one
5 distinct category of City employee--school safety
6 agent--for treatment and oversight unlike that
7 directed to any other City's other 245,000
8 civilian employees. Even beyond that given to
9 other agencies' uniformed officers. It's
10 provisions are modeled in large part on the
11 special scrutiny given only to the NYPD's police
12 officers. We respectfully oppose this portion of
13 the legislation as unnecessary, counterproductive
14 and potentially damaging to the fabric of our
15 school communities, and urge the Council to
16 refrain from enacting these provisions as drafted.
17 We understand the Council's interest in how the
18 Police Department handles complaints against
19 school safety agents, and have provided to the
20 Council a full description of how complaints are
21 made, and how they are investigated once they are
22 made. Briefly, all complaints against civilian
23 members of the service are reported to the
24 Internal Affairs Bureau, and are then assigned for
25

1 investigation depending upon the seriousness of
2 the complaint. The most serious complaints of
3 corruption and serious misconduct are retained by
4 IAB for investigation. Other complaints are
5 investigated by either the School Safety
6 Division's Investigations Unit, or the local
7 Integrity Control Officer. Through our
8 discussions with the Council's staff, we learned
9 that there was some confusion when individuals
10 seeking to make a complaint against an SSA called
11 the City's general service and complaint number,
12 3-1-1. We appreciated receiving this information
13 and we solved the problem by working with the
14 Department of Information Technology and
15 Telecommunications to ensure that every such
16 complaint is referred to the Internal Affairs
17 Bureau, which is again the proper entity within
18 the Police Department to receive it. But we must
19 strongly disagree with what seems to be a premise
20 underlying Intro 816-A, that the public must be
21 further educated as to how to make a complaint
22 against a school safety agent. We have seen no
23 actual evidence that a public education campaign
24 to this effect is necessary. Instead, we have
25

1 witnessed a highly publicized effort by the New
2 York Civil Liberties Union over the last several
3 years to encourage complaints against schools
4 based NYPD personnel. This effort which continues
5 unabated, even included an offer of cash prizes,
6 topping out at \$1,000 in a 2006 contest entitled,
7 "Who Runs Your School, the Principal or the
8 Police?" During the 2008 calendar year, there
9 were 1,159 complaints of misconduct or other types
10 of incidents involving school safety agents.
11 However, the use of this overall number is
12 misleading if one intends to focus on what we
13 think of as of the types of complaints handled by
14 the Civilian Complaint Review Board. Of the total
15 number of incidents involving school safety
16 agents, 174, or 15 percent, actually allege
17 unnecessary force, abuse of authority,
18 discourtesy, or offensive language. This is also
19 known as FADO. The rest reflected a variety of
20 misconduct allegations or personal situations
21 which might be found among the employees of any
22 large entity, whether public or private, and which
23 are not contemplated by the bill. We would also
24 note that our thorough internal investigation
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1 process resolves every complaint on the merits and
2 in an timely manner, including findings of
3 substantiation at a rate higher than those reached
4 in CCRB cases. When the Council has requested
5 information in its oversight capacity regarding
6 the investigation of complaints against SSAs, we
7 have provided it, and will continue to respond to
8 such requests for information to the degree
9 practicable. Further, the steps envisioned by the
10 bill, to prominently advertise in schools and on
11 our websites, the ability to call 3-1-1 to make a
12 complaint against SSAs, can be seen as an
13 invitation to drive a wedge between school safety
14 agents and the rest of the school community. This
15 type of campaign invites students who may be the
16 subjects of necessary action by SSAs to make
17 retaliatory complaints in a manner that can serve
18 to chill the very actions that are necessary to
19 keep the school safe and orderly. Unlike the
20 usually transitory encounters between police
21 officers and those who file complaints against
22 them, students and SSAs coexist in a close
23 environment on a day-to-day basis where there is a
24 real risk that students could misuse the complaint
25

1 process in order to affect the ongoing performance
2 of the SSA in their school. We suggest that there
3 is nothing to be gained by further publicizing a
4 telephone number, 3-1-1, which is already firmly
5 in the public consciousness as the way to make
6 complaints about City employees and services,
7 while there is much to be lost in the relationship
8 between school safety agents and the rest of the
9 school community. With respect to the language of
10 the bill itself, the public education component
11 would require 3-1-1 operators to transfer the call
12 to the Internal Affairs Bureau upon consent of the
13 caller. However, the 3-1-1 system is not designed
14 to function in this manner. When a caller to 3-1-
15 1 seeks to make a complaint against a school
16 safety agent, or any other civilian employee of
17 the NYPD, the 3-1-1 operator records the complaint
18 and forwards it to IAB through an electronic data
19 transfer. In emergency situations, the 3-1-1
20 operator will immediately transfer the call to 9-
21 1-1. Of course, the caller always has the option
22 of calling IAB's action desk directly in order to
23 make a complaint. In addition, some of the
24 specific data points regarding complaints, which
25

1 would be required by Intro 816-A, are not
2 currently collected and would require new record
3 keeping system. For example, segregating
4 complaints by school district and tabulating the
5 number of days a complaint has been pending.
6 Perhaps most problematic, the requirement that the
7 Council receive a report regarding each school
8 safety agent, individually identified, receiving
9 more than one complaint, would likely result in
10 that information being shared throughout the
11 school community; notwithstanding whether the
12 subject complaints were substantiated or
13 unfounded. This provision in particular goes
14 beyond what we believe is a fair understanding of
15 the Council's oversight role. In order to gage
16 the practical impact of these portions of the bill
17 directed to school safety agents, we note the
18 tremendous increase in CCRB complaints which
19 occurred after 311 was mobilized to accept. This
20 increase in complaints was however accompanied by
21 a large decrease in the number of complaints going
22 to full investigation or substantive conclusion.
23 In the analogous situation presented by Intro 816-
24 A, we believe that the bill's combination of
25

1 recordkeeping requirements and solicitation of
2 complaints would result in a dramatic increase in
3 complaints filed, each of which would have to be
4 investigated. The bill would also demand an
5 increase in the personnel and other resources
6 needed to fulfill its information sharing function
7 requiring a redesign of our internal databases in
8 order to collect and maintain the required
9 information in the format desired. The overall
10 effect of the bill would be to consume the
11 resources that would otherwise be devoted to
12 fighting crime and maintaining order in the
13 schools. At a time when it is a challenge to
14 maintain our core mission in the face of fiscal
15 constraints and a depleted workforce, it would be
16 counterproductive to impose new recordkeeping
17 burdens on our agency. We have similar concerns
18 regarding the second major portion of the bill
19 affecting the Police Department, requiring a
20 quarterly report of selected activity in schools.
21 There is already posted on the DOE's website
22 school-by-school reporting of the number of major
23 crimes, other crimes and non-criminal incidents.
24 The bill would require reporting of information,
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1 which is not centrally collected, which we suggest
2 would not serve a demonstrated need, and could
3 violate the provisions, the privacy provisions of
4 the Family Court Act. For example, because the
5 numbers of students arrested and/or summoned is so
6 small, providing demographic data and student
7 status in each case could serve to specifically
8 identify the student involved. In addition,
9 requiring the Police Department to report on
10 student status is not practicable, since this data
11 is not relevant to the police action taken, and
12 would not be reflected in our reports. The bill
13 also seeks a report on the number of incidents
14 that arose due to metal detector or magnetometer
15 scanning, which implies that there is something
16 inherently problematic in the use of scanning.
17 The use of scanning equipment in schools was begun
18 in 1988 by the Board of Education's Division of
19 School Safety. The program has been significantly
20 expanded and improved since the NYPD undertook
21 this responsibility, encompassing full time
22 scanning, part time scanning, and unannounced
23 scanning. There are, at a minimum, two lines for
24 scanning, one for male students, one for female
25

1 students, with a school safety agent of the same
2 gender managing the process, and conducting
3 handheld magnetometer screening as necessary. The
4 use of scanning routinely results in the discovery
5 and seizure of hundreds of dangerous weapons each
6 year, primarily bladed instruments, as well as the
7 recovery of other weapons in the immediate
8 vicinity of the school, which have been discarded
9 there during scanning days. While we acknowledge
10 that scanning can be inconvenient and may result
11 in some delay to the start of the school day, we
12 firmly believe that scanning in general, and
13 especially unannounced scanning, is an invaluable
14 tool for the protection of students and school
15 personnel alike. For example, according to
16 published reports, in 1996, there were 126 guns
17 recovered from the City's public school students.
18 During the last school year, there were six, and
19 so far this year we've recovered two guns in the
20 City's schools. In closing, we would like to
21 share with you our estimate of the fiscal impact
22 of Intro 816-A. Were the bill to be enacted, it
23 would require the addition of more than 100 member
24 of the Police Department to handle the anticipated
25

1
2 increase in complaint receipt and investigation,
3 and to fulfill the record keeping
4 responsibilities. In addition, it would take away
5 from their duties, the fulltime equivalent of 102
6 school safety agents, for the purpose of
7 participating in the investigative process. At a
8 time when the City's resources are under severe
9 strain, we suggest that enactment of Intro 816-A
10 as written would compromise our ability to
11 maintain safety and security in the City's public
12 schools. We have and will continue to provide
13 information to the Council, which it seeks in its
14 oversight role. And we welcome a continuation of
15 the dialogue we have had regarding the language of
16 Intro 816-A. We will also continue our strong
17 partnership with the Department of Education to
18 build upon the gains we've made in ensuring the
19 best possible education for our children, in the
20 safest possible environment. Thank you, and we
21 would be pleased to answer any questions that you
22 may have.

23 CHAIRPERSON JACKSON: Thank you,
24 Assistant Chief James Secreto, and let me turn to
25 our Speaker, Christine Quinn for comments.

1
2 SPEAKER QUINN: Thank you. Thank
3 you. Thank you.

4 SERGEANT-AT-ARMS: [off mic] Quiet,
5 please.

6 SPEAKER QUINN: And thank you
7 everyone who is here to either testify or answer
8 question, there's a lot of hats if you turn around
9 and look at the piano there, it's kind of a funny
10 picture. Thank you, Chairperson Jackson and
11 Chairperson Vallone for giving me this opportunity
12 to make an opening statement. I just want to say
13 I've been here for some of the testimony, I'm
14 going to step out and come back later on,
15 particularly to listen to some of the students'
16 testimony. So, I apologize for jumping in and
17 out. I'm happy to be able to take part in the
18 different parts of today's hearings, because the
19 issues that are part of today's legislation are
20 ones that my staff has been working on for quite
21 some time. I want to thank the Council Members
22 who've been working with us on this, particularly
23 Chairperson Vallone, and in--really, really want
24 to thank Council Member Jackson, he and his staff
25 have been working very hard with us on this. I

1
2 also want to thank the Department of Education and
3 the Police Department for the time they have given
4 us, as well as the many advocates and students in
5 the room today, all of your feedback--all of your
6 feedback and suggestions have helped us ask the
7 right questions, move this issue forward, and also
8 get us to the place of this hearing today. I also
9 want to thank Chairperson Gonzalez, the Chair of
10 our Juvenile Justice Committee, this is an issue
11 that intersects a number of different committees,
12 and I want to thank her and her staff for their
13 work as well. As all of us have been involved in
14 looking at the issue of school safety, a very
15 positive thing has become very clear: that there
16 are a lot of people who care very deeply about
17 keeping our schools, our students, and our
18 teachers safe, so that everyone involved in our
19 school has the opportunity to do their very best.
20 The NYPD and the Department of Education should be
21 commended for bringing the level of crimes in our
22 schools to historic lows. We're lucky to have
23 people who are taking this issue seriously.
24 Teachers and principals and the other staff in our
25 schools also deserve tremendous credit for making

1 this partnership with the Police Department work.
2 We're very lucky to have advocates who are doing
3 everything they can to improve our educational
4 process. And we are even more lucky to have
5 students who are incredibly committed to their own
6 school communities who have stepped forward to
7 tell their own stories, and stories at times which
8 I know have been difficult for them to tell.
9 That's why I look forward to coming back and
10 hearing from the students later on today. So the
11 question isn't whether we have the commitment on
12 all levels to create safe, quality schools. The
13 question is are we doing everything we can to be
14 responsive to the needs of parents and students
15 that depend on us to be able to access education.
16 You know, over and over, in a lot of different
17 areas, the biggest complaint that my colleagues
18 and I, and I know Chairs Gonzalez, Vallone and
19 Jackson would back this up, the biggest complaint
20 we hear from parents and students is the lack of
21 transparency. And all due respect, Assistant
22 Chief, some of the statements you made underscore
23 that need for transparency. You said the 3-1-1
24 problem has been solved, how do we know that? You

1 said that your complaints within IAB are handled
2 in a timely fashion. You later on went to say,
3 but to keep the records that would tell us how
4 long, is too burdensome on the Department. We
5 can't simultaneously know as a City that things
6 are happening quickly and efficiently, but as a
7 government, be unable to keep the records and make
8 them accessible, so the public knows that, and
9 doesn't have to take our collective word as
10 government for it. The public tells us they need
11 this kind of information to be more accessible.
12 You don't have to look around for a lot of
13 examples. My staff and I have heard it over and
14 over again. My staff's looked at the website for
15 various agencies involved in school safety. And
16 we've found that information is frequently
17 incomplete, and provided in a non-uniform manner,
18 which can cause confusion. And when the public is
19 confused about public safety, that creates the
20 very wedge we are afraid to create. Uniformity in
21 this type of information is critical to
22 understanding how we keep everyone safe. Some
23 information can be found on New York State sites,
24 and some if available on DOE and other City sites.
25

1
2 Again, a lack of consistency. Some information is
3 available for certain years but not for other
4 years. These gaps and inconsistencies are exactly
5 what we are working to try to fix through this
6 hearing and ultimately through legislation. Now,
7 today what we're talking about is how can we
8 improve the school safety situation, and also how
9 can we give the best information to those inside
10 and outside of the system? I just want to say, I
11 believe the vast majority of school safety agents
12 are doing a terrific job. That's why I'm not
13 afraid to have the information be publicly
14 accessible, because I believe it will stand up to
15 the scrutiny of anyone in the City, and we'll be
16 able to identify those few folks, which is true in
17 any and every industry, who have lost their way and
18 need guidance, assistance, or maybe, you know,
19 more significant actions than that. Today, in our
20 efforts, our bill is focused on providing more
21 information, and clearer information, in three
22 areas: discipline in schools, crime in schools
23 and complaints about school safety agents. Let me
24 say a word about this again. I want to be clear,
25 'cause I just said that the vast majority of

1 school safety agents are dedicated professionals
2 working with the only goal of protecting our
3 children and our teachers. At the same time, I
4 believe that just as accurate and detailed
5 reporting about crime and discipline in our
6 schools will be a valuable tool for the City, so
7 will public information about the number of
8 complaints against school safety agents. We've
9 heard it time and again, if you don't monitor it,
10 if you don't measure it, you can't manage it.
11 That underscores the efforts here today. All of
12 these components together will provide us with a
13 clearer picture of safety and discipline in our
14 schools. We can use this ultimately to identify
15 and solve any problems that may occur. Let me
16 just end with two points. One, Assistant Chief,
17 and I'm sorry I won't be able to stay for all of
18 your questioning, you did mention a fiscal impact
19 of 100 police officers. I know this is going to
20 shock you, we think that's extremely high. So we
21 would like to see--and in the meetings we've had
22 with police, your Department has certainly said
23 you thought it would be a large number of
24 officers. We have not to-date been provided with

1 the exact economic analysis and crosstabs to work,
2 and hours that led you to the 100 number. So we
3 would like in writing and then a follow up in a
4 meeting, to get all of that information, so we can
5 go through it with you. If we're wrong, we're
6 wrong, but go through it with you and see how we
7 think perhaps it fleshes out differently than your
8 number. So, I'll look forward to getting that?
9 Great, thank you very much. Let me also say,
10 these are significant issues we're working on, and
11 important issues, and the Department of Education
12 and the Police Department are right to raise
13 specific concerns that we not have unintended
14 consequences. So we look forward, under the
15 leadership of Chairs Gonzalez, Vallone and
16 Jackson, to working with everyone who has concerns
17 about this issue, to get to a piece of legislation
18 that isn't just right in concept, but is right in
19 every cross of a t and dot of the i, to make sure
20 we can move forward in a system that is fair to
21 everyone who is impacted by school safety; which
22 is really everyone in the City of New York, but
23 first and foremost children, the parents, and the
24 staff in our schools. Let me say we are, have a

1
2 lot of folks at today's hearing, which is a great
3 thing. There's still about 100 people who don't
4 have a place to sit. We apologize for that. We
5 have opened the Committee Room, which is to my
6 left, there are seats in there. We're working on
7 getting, you know, TV screens, etc., so you can
8 also see the hearing. But we are going to have to
9 ask folks, if you don't have a seat, to go into
10 the Committee Room, because we don't want the Fire
11 Department to come in and shut us down, 'cause
12 that would just be embarrassing with so many high
13 ranking police officers here. So, thank you for
14 allowing me the opening statement, and thank you
15 my colleagues.

16 CHAIRPERSON JACKSON: Thank you,
17 Speaker Christine Quinn. We've been joined by our
18 colleagues [applause] we've been joined by our
19 colleagues Vincent Gentile of Brooklyn, Domenic
20 Recchia of Brooklyn, and Dan Garodnick of
21 Manhattan. Ladies and gents that are currently
22 here, if you have an empty seat that's next to
23 you, and either your coat or your bags are on
24 there, can you please remove that so that
25 individuals that want to attend can attend the

1 hearings. We would like to be able to have
2 everyone witness the ceremonies rather than listen
3 to the testimony. So, Sergeant-of-Arms, where
4 there's an open seat, if there are people waiting,
5 please escort those individuals to that open seat.
6 Okay? With that--with that, let me just ask a
7 couple of questions, and it depends on up to
8 either NYPD or DOE who wants to respond to the
9 question. I'll leave that to either one or both
10 of you. Since the last hearing, which was, I
11 believe in October of 2007, we have learned that
12 the original 1998 memorandum of understanding,
13 commonly termed MOU, was extended in 2003. My
14 question is, is that MOU still in effect today,
15 and does it currently govern the relationship
16 between the Department of Education and the New
17 York City Police Department?

18 MICHAEL BEST: The answer to that
19 is yes.

20 CHAIRPERSON JACKSON: Okay. And
21 when does this MOU expire, if at all?

22 MICHAEL BEST: It was extended
23 without an expiration date, so until and unless
24 the Mayor of the City and the Schools Chancellor
25

1
2 agree that it's not going to be in effect anymore,
3 it remains in effect.

4 CHAIRPERSON JACKSON: Okay. Now,
5 did the extended MOU alter any of the terms of the
6 previous MOU?

7 MICHAEL BEST: Not really. Other
8 than extending it, it extended on basically the
9 same terms, it was a very, it's a very brief
10 document, which we can provide to the Committee is
11 need be, extending the MOU.

12 CHAIRPERSON JACKSON: Okay. Now--
13 was the MOU extended based on an evaluation by a
14 joint committee comprised, designees of the Mayor
15 and the Chancellor, because I believe that's what
16 was referred to in the original 1998 MOU. And if
17 so, who was part of that joint committee that made
18 recommendations or did a review of, as per the
19 original MOU?

20 MICHAEL BEST: Well, Chairman, I
21 believe the MOU, the decision to extend the MOU
22 was made by the Mayor and the Schools Chancellor
23 who signed the extension. I believe that in the,
24 in the years before Mayor Bloomberg took office,
25 there were in fact evaluations done by a joint

1
2 committee, and that the joint committee had
3 representations as outlined in the MOU,
4 representatives I believe of the Mayor's office of
5 the Criminal Justice Coordinator's office, the
6 Board of Education, in the pre-marital control
7 days, and I believe the Police Department, at
8 least attended those meetings, but I don't recall
9 exactly. It was, you know, it was extended at the
10 very--very close to the beginning of the Mayor's
11 term. And so I believe that it was done after,
12 after I knew reports had come out back then, and a
13 decision was made that in fact it made sense to
14 extend the MOU.

15 CHAIRPERSON JACKSON: Was that done
16 in consultation with the City Council? Or any
17 other body outside of the Department of Education
18 and NYPD?

19 MICHAEL BEST: I don't believe that
20 there was consultation with the Council at the
21 time that decision was made, no.

22 CHAIRPERSON JACKSON: Now it's my
23 under--

24 MICHAEL BEST: But to be, but to be
25 fair, I'm not entirely sure of that. I don't know

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2 if discussions were had with the Council about it
3 happening, so I don't want to misrepresent the
4 extent of my knowledge on that.

5 CHAIRPERSON JACKSON: Now, I
6 believe we received a copy of this--we received, I
7 believe, a copy of the letter of agreement from
8 the New York Civil Liberties Union, that was
9 signed by Michael Bloomberg, Mayor; Joe Klein,
10 Chancellor; and approved as to the form by Acting
11 Corporate Counsel, I guess Freeland [phonetic],
12 I believe the name was, signature appears. And
13 it's agreed to as of 1/22/03, January, and it says
14 there that the memorandum may be amended or
15 terminated hereafter by written agreement of the
16 undersigned parties. So, in essence, the Mayor
17 and the Chancellor would have to agree to amend or
18 terminate the agreement.

19 MICHAEL BEST: That is what it
20 says, yes, Chairman.

21 CHAIRPERSON JACKSON: Now,
22 hereafter, I mean, this was dated January 2003 and
23 the Mayor took office January, I think, 2nd, or
24 whenever the first day of January 2002 was, that's
25 about a year after he took, became the Mayor of

1
2 the City of New York. Now, subsequent to this
3 amendment, were there any review of the MOU or
4 review of the, of the policies and procedures by
5 any committee whatsoever, and making
6 recommendations for amendments and/or changes to
7 the MOU of 1998? Because basically the January
8 22nd 2003 is just basically a paragraph.

9 MICHAEL BEST: Well, there are
10 regular meetings among, of a School Safety
11 Committee, which includes the Department of
12 Education, the Police Department and the Mayor's
13 Office of the Criminal Justice Coordinator, that
14 regularly reviews the data that, regarding school
15 safety, that is published, the level of, you know,
16 the incidents in the schools. There was a lot of
17 discussion of things like the impact schools back
18 when that was going on. And, you know, there are
19 a number of things that get done. So, it's,
20 there's a fairly regular meeting of a Committee of
21 interagency personnel who deal with this issue.

22 CHAIRPERSON JACKSON: Now, does
23 that committee, did that committee come out of the
24 1998 memorandum of understanding, or is that a
25 separate committee not related to this MOU?

2 MICHAEL BEST: I would say it comes
3 out of the, the 1998 memorandum of understanding,
4 which established the idea of a committee, and
5 that has continued throughout the Bloomberg
6 Administration.

7 CHAIRPERSON JACKSON: And is, what
8 is the name of the committee, if you don't mind?

9 MICHAEL BEST: I think it's
10 referred to as the School Safety Committee.

11 CHAIRPERSON JACKSON: Okay, so,
12 make an assumption that's a citywide School Safety
13 Committee?

14 MICHAEL BEST: I--

15 CHAIRPERSON JACKSON: For DOE? I
16 mean--

17 MICHAEL BEST: Forgive me,
18 Chairman, I'm--

19 CHAIRPERSON JACKSON: Because there
20 are School Safety Committees at every--

21 MICHAEL BEST: Oh, right.

22 CHAIRPERSON JACKSON: --location in
23 every school.

24 MICHAEL BEST: It's a very
25 different, it's a different thing than the, than

1 the local school safety committee at a school.
2 This is a school, just, it's a committee of
3 representatives of the Department of Education,
4 the Police Department and the Mayor's Office of
5 the Criminal Justice Coordinator, which talk about
6 systemic issues related to the, to school safety,
7 including sometimes individual schools and issues
8 there, and sometimes issues across the entire
9 system, or districts, or parts of the system.

11 CHAIRPERSON JACKSON: And do you
12 know how often does that committee meet? Are
13 there minutes of the meeting? Are there
14 announcement of the meeting? And, you know, I'm
15 trying to determine, you know--

16 MICHAEL BEST: It's, I believe that
17 on a--it roughly meets every couple of weeks. It
18 is not a public body, in the sense of, you know,
19 the, say the Council or the, or a, or the City
20 Planning Commission, or a, a body that would be
21 covered by the Public Officers Law and the Open
22 Meetings Law. It's an internal committee that's
23 contemplated by the MOU to discuss matters
24 pertaining to school safety. And that's what it
25 does. So it's not a, it's not a, it doesn't meet

1
2 in a public forum, as the Council does, for
3 instance.

4 CHAIRPERSON JACKSON: Are there
5 formal agendas of the meeting? Are there minutes
6 recorded? I'm trying to understand this
7 committee, the makeup of it, you described, that
8 it, and I would like to, if you don't mind, to
9 please present to, to this committee meeting, the
10 names of the individuals that are members of it.
11 Because is it, for example, is it the same
12 individuals? Or it's whoever is assigned at that
13 particular moment. Is there any continuity of the
14 individuals so that there is understanding about
15 what's being discussed? Are there minutes? Are
16 there agendas? What are the results of those
17 particular meetings? So forth and so on. In
18 essence, I want to know, and I think everybody
19 wants to know, when do they meet? Are there
20 announcements of it? Are there results that come
21 out of there that are implemented by NYPD or DOE?
22 That type of transparency.

23 ELAYNA KONSTAN: As a member of
24 that committee, I can talk a little bit about the,
25 about the consistency of the members who are on

1 that committee. We do meet every two weeks, we
2 have agendas, it is an internal meeting, as Mike
3 Best indicated. So there aren't public
4 announcements about this meeting. At the end of
5 each year, there is an internal annual report from
6 this committee, which is used to then, just talk
7 about publicly the information of, about school
8 safety, and data that comes out annually. So, it
9 is a regular meeting, the members of the committee
10 are consistent, and we can certainly get that, who
11 is on that committee to you.

12
13 CHAIRPERSON JACKSON: How many
14 people are on the committee? Three? Four?

15 ELAYNA KONSTAN: Oh, no, it's--I
16 don't have the exact number--

17 CHAIRPERSON JACKSON:
18 Approximately.

19 ELAYNA KONSTAN: I'm trying to go
20 around the table, it could be around, ten, twelve,
21 fifteen people.

22 CHAIRPERSON JACKSON: And you said
23 you meet every two weeks.

24 ELAYNA KONSTAN: We meet every two
25 weeks, barring holidays.

1
2 CHAIRPERSON JACKSON: Is there a
3 specific day of the week? Is it a Tuesday or
4 Wednesday, is it at 8:00 o'clock in the morning?

5 ELAYNA KONSTAN: We usually try to
6 make them Monday, we try to make them Mondays,
7 it's usually around 10:00 or 11:00. If there's a
8 holiday, we try to make up that time. We think
9 that that consistency is important, so that we
10 continue to look at crime data trends, and look
11 at, at how we can collectively support school who
12 may have, who may be showing different patterns.

13 CHAIRPERSON JACKSON: And on an
14 average, how long do the meetings last? I mean,
15 not 15 minutes.

16 ELAYNA KONSTAN: About an hour-and-
17 a-half to two hours.

18 CHAIRPERSON JACKSON: Okay. Okay.
19 Okay. And is CSA the Council of Supervisors and
20 Administrators, or United Federation of Teachers,
21 or DC37, any of the schools' unions involved?
22 What about the local 237 of the Teamsters, are
23 they involved in these meetings? Or is it all
24 management aspects of DOE and NYPD?

25 ELAYNA KONSTAN: These are the

1 agencies that Mr. Best mentioned, the DOE,
2 management, NYPD, NYPD School Safety Division, the
3 Mayor's Office of Criminal Justice Coordinator. I
4 can speak for the DOE in terms of other meetings
5 that we hold with the UFT and the CSA regarding
6 school safety issues. And those occur on a
7 monthly basis. But those are separate from those
8 meetings you just, this School Safety Committee
9 meeting, we just referred to.
10

11 CHAIRPERSON JACKSON: And you said
12 that those meetings, either with the, you meet
13 with the unions on about a monthly basis, did you
14 say?

15 ELAYNA KONSTAN: Speaking for the
16 DOE, yes, we do.

17 CHAIRPERSON JACKSON: And is that a
18 collective meeting with the various unions, or is
19 it individualized union meetings?

20 ELAYNA KONSTAN: It's individual.

21 CHAIRPERSON JACKSON: And that's an
22 ongoing or as per request of either party?

23 ELAYNA KONSTAN: We try to make it
24 every month.

25 CHAIRPERSON JACKSON: Okay. And

1
2 one of the things in the MOU of 1998 basically
3 says that, that the 1988 memo grants that the
4 joint committee the authority to resolve disputes
5 between the principal and NYPD personnel regarding
6 school safety matters. Is that addressed at all
7 by, at any aspect of this particular body?

8 JAMES SECRETO: Yeah, Chief Secreto
9 here.

10 CHAIRPERSON JACKSON: Sure, Chief.

11 JAMES SECRETO: We, we do touch on
12 that, but they're not, the principals' union is
13 not in attendance at that meeting. But I do
14 personally meet with the CSA board once a month.
15 And that--going back to the, the hearings of two
16 years ago, that's really something that came out
17 of those hearings. We forged a relationship in
18 the aftermath of the Council hearings, and we've
19 been meeting once a month since that last set of
20 hearings.

21 CHAIRPERSON JACKSON: And that once
22 a month meeting, is that a normal scheduled
23 meeting, and like do you meet on a certain--?

24 JAMES SECRETO: Well, it's
25 flexible, if, you know, if--I believe we're

1 meeting Thursday. But, you know, we usually meet
2 at least once a month, and we've also taken our
3 show on the road, so to speak. We've gone to
4 different boroughs, addressing various districts
5 of principals to kind of answer any concerns that
6 they've had. And if there is a complaint against
7 an agent, we've also described a mechanism that
8 they have to make that complaint, and we've been
9 very responsive to addressing those concerns.
10

11 CHAIRPERSON JACKSON: Based on the
12 my questioning or this particular matter,
13 regarding the MOU of 1998 and the subsequent
14 amendment, does NYPD and/or Department of
15 Education feel that the MOU, knowing that the
16 contents talks specifically about certain things,
17 should be updated to actually reflect the reality
18 that we're existing in today, or do you feel that
19 this memorandum of understanding is suffice as
20 it's so written. Because quite frankly, when I
21 look at an MOU, I would assume that it's, it's--
22 the implementation of it is being followed as per
23 the written agreement. So, I'd like to hear both
24 comments, or someone to comment on that.

25 MICHAEL BEST: Well, I think that

1 we believe the MOU has served the City well, both,
2 and the students of the City well. And that it's,
3 we don't really see a great need at this point to
4 change it. The relationship in our view, based on
5 the statistics that both Ms. Konstan and Chief
6 Secreto have spoken about, demonstrate, we think,
7 a great level of success in reducing criminal
8 incidents in the school, and the schools are far
9 safer now as a result of the partnership we have
10 with the, with the Police Department, so that we
11 think that the, the way it's been working under
12 the MOU has actually been quite good.

14 CHAIRPERSON JACKSON: Okay, but you
15 know, Counsel Best that the MOU refers to a joint
16 committee.

17 MICHAEL BEST: Yes.

18 CHAIRPERSON JACKSON: Is there
19 practically, in reality, a joint committee?

20 MICHAEL BEST: I believe that, yes,
21 the joint committee, the School Safety Committee
22 that Ms. Konstan and I were, and the Chief were
23 talking about a few minutes ago, fulfills that
24 need.

25 CHAIRPERSON JACKSON: Is the,

1 fulfills the need of the joint committee.

2 MICHAEL BEST: That's correct.

3 CHAIRPERSON JACKSON: Let me turn
4 to our, my colleague who's co-chairing this
5 meeting, Peter Vallone, Jr., for some questions.

6 CHAIRPERSON VALLONE: I'm only
7 going to ask two or three, in deference to our
8 colleagues. We've been joined by Jessica Lappin,
9 Dan Garodnick, Comptroller-elect Liu, and some
10 others will be coming in and out. We passed a law
11 in 2005--first of all let me commend you all for
12 the job you guys have been doing in our schools.
13 As I said, I had two daughters that went,
14 kindergarten to eighth grade, was never in fear
15 for their safety at all, thanks to the work that
16 all of you do. But as always, we can do better,
17 and that's what this hearing's about. So, we
18 passed a law in 2005, which reads, "The Department
19 of Education shall make available to the public
20 reports about criminal and seriously disruptive
21 behavior in schools. They shall include an
22 annual, in this annual report, the information for
23 each school, including the total amount of major
24 felony crime by category, the total amount of
25

1
2 other crime, and the total amount of non-criminal
3 incidents. DOE shall make this report available
4 on its website, and on the school report cards for
5 each school that it operates. The report shall be
6 available on paper form at all schools and all
7 district and regional offices, provided to the
8 public on request." How has the DOE been
9 complying with that law that we passed here in
10 2005?

11 ELAYNA KONSTAN: So we do make
12 public on our website, the criminal incidents that
13 happen in our schools, but it's by building,
14 because the way in which the data we receive from
15 NPYD is by building. So, if a school is the only
16 school in that building, that school's crime data
17 would be representative of that school. But if a
18 school, if it's a campus, and there is more than
19 one school on that building--

20 CHAIRPERSON VALLONE: That's fine,
21 that's fine. Move on, though, so it's school or
22 building, which the law contemplates, continue.

23 ELAYNA KONSTAN: Right.

24 CHAIRPERSON VALLONE: Well, let me,
25 let me stop there. On the website, when it did

1
2 exist, you did not break it down by any of these
3 categories, it was total amount of crime by school
4 or building. In fact, today when we searched, it
5 did not exist, there was no link from the DOE
6 website to this information. So, number one, it
7 didn't provide the information that the law
8 requests, and number two it no longer exists, so
9 please address that.

10 ELAYNA KONSTAN: I'm sorry you
11 couldn't find the link, I have the link here for
12 you, which I can share now, or share with you
13 later.

14 CHAIRPERSON VALLONE: Is it on the
15 DOE website?

16 ELAYNA KONSTAN: Yeah, yeah. It
17 is.

18 CHAIRPERSON VALLONE: Well, my well
19 trained staff couldn't find it, so--

20 ELAYNA KONSTAN: So, so I'll give
21 this to you later or say it now?

22 CHAIRPERSON VALLONE: No, let me,
23 let me hear it now, thanks.

24 ELAYNA KONSTAN: Okay, so it's
25 <http://schools.nyc.gov/ourschools/schoolsafety.htm>.

1 I'll also share with you after.

2 CHAIRPERSON VALLONE: Would you
3 actually know where that is on the website?

4 ELAYNA KONSTAN: Somebody gave that
5 to me. [laughs]

6 CHAIRPERSON VALLONE: Okay, right.

7 ELAYNA KONSTAN: So that I could
8 cite it here for you.

9 CHAIRPERSON VALLONE: Alright. How
10 do you get from the home page to "ourschools"?

11 ELAYNA KONSTAN: I'll have to get
12 that to you, 'cause I don't have that off the top
13 of my head.

14 CHAIRPERSON VALLONE: Okay, well,
15 if it does exist, it's very, very difficult to
16 find. So other than putting that information, not
17 broken down as required by law, on the website,
18 which is very difficult to find, how else have you
19 been complying with the law that exists?

20 ELAYNA KONSTAN: We also, in
21 addition to publicizing school crime, we also send
22 to the New York State's State Education Department
23 every year the violence and disruptive incidents,
24 which Chair, which Speaker Quinn mentioned. That
25

2 is on the SED website, and that is by school buil-
3 -that is by school, not by school building, so
4 that's by school, because that involves the
5 incident data not crime data, so that is also
6 public on the SED website. We also put statistics
7 about our suspensions on our annual school report
8 card, and there's lost of other data about
9 schools, in terms of their quality review and
10 their progress report that's also on our website.

11 CHAIRPERSON VALLONE: Have you put
12 down anywhere the information required by this law
13 in one location? Does it exist on your website?
14 Well, no. Does it exist on the school report
15 card? Does it exist on, in paper form somewhere
16 that the public can request it, as required by
17 this law?

18 ELAYNA KONSTAN: I hear the
19 concern, and perhaps we could work with the
20 Council on figuring out ways to make those links
21 more accessible and to link to other places to
22 make it easier for the public to find it.

23 CHAIRPERSON VALLONE: Okay. That
24 is important, because this law also requires
25 reporting, and if we pass it and don't get

1 compliance, we haven't really made much progress,
2 so that's why I'm harping on that. Plus this is a
3 very good law we passed, and it was for parents.
4 Before we passed the law, you could get
5 information regarding the racial breakdown of who
6 eats what lunches at the schools, as a parent, but
7 not the amount of crime in school, and still it's
8 very, very difficult to find. And that's an
9 important, that's important information for
10 parents to have. The Police Department, you
11 brought up some legitimate concerns. We would
12 love to have heard them before today, but they
13 were legitimate regarding manpower, which always,
14 it always takes manpower when it comes to giving
15 us more information. However, much of the
16 information that we're requesting is already
17 compiled by, in the report that you give to the
18 State, or that the DOE gives to the State, but
19 they get that information from you. So, does your
20 manpower estimate take that into consideration?
21 Why would it take so much more effort to get that
22 information to us, when most of it is already
23 given to the State?

24
25 MICHAEL BEST: I think we didn't

1
2 make a distinction between the information that
3 we're providing regarding crime in the schools
4 and, and what is contemplated underneath the Intro
5 today. The Intro today, as we, as Chief Secreto
6 brought up in the, in the, his opening remarks,
7 really calls into, or does--demands the creation
8 of what is essentially an analog to the Civilian
9 Complaint Review Board, inside the New York City
10 Police Department's existing information systems.
11 So, I would like to just draw the distinction
12 between the crime data, which is one element,
13 which we do share regularly, frequently, and
14 consistently with our colleagues in the DOE, and
15 the information that's in 816-A. 816-A really
16 drives down to a, a degree of specificity on CCRB
17 type complaints--the force, abuse of authority,
18 discourtesy and offensive language complaints.
19 Back in 1993, when the CCRB was divested from the
20 New York City Police Department and created its
21 own entity, they took those reporting systems with
22 them, and it's not the way we currently capture
23 the information in our recording systems.

24 CHAIRPERSON VALLONE: I have not
25 doubt about that. And we've had problems with

1 that before, the fact that you don't capture the
2 information as well as we think you should. The
3 information you give to Albany, while it may be
4 just crimes, the complaint reports, or the reports
5 that are filled out on each one of these crimes,
6 contain most of the information that we're looking
7 for. But it's not captured anywhere, just sits on
8 that report some place. So yes, you do have to go
9 through it manually now, and get that information
10 to us. But that's not the way it should be. It's
11 the same situation we came up against with my
12 crime in parks bill. You guys still have to go
13 through all the complaint reports manually to see
14 what crime occurred in a park, because it doesn't
15 get captured anywhere. So, once again we have to
16 recommend that you, you know, the best police
17 department in the world, with the best technology,
18 Comstat, real time crime center, please do a
19 better job of capturing this information so it
20 won't take this much manpower to get us the
21 information we need to do oversight. Last
22 question, 'cause I mean, I have a thousand more,
23 but I do want to get to everyone else who's been
24 waiting, and plus there are a lot of people who
25

1
2 need to testify. You mentioned a few times in DOE
3 testimony that you wanted to give out disciplinary
4 action information, in fact you have a pilot
5 program on it by district. And we understand your
6 privacy concerns. That won't do much good for the
7 parents, and how do you, how do you analyze, how
8 do you compare the privacy concerns with this,
9 when--in relation to what you give to the State?
10 You give the State information broken down by
11 school. And in fact, you provided information on
12 crimes by school on the website at one point, and
13 maybe you still do. But you want to give this
14 information out by district, not by school. Why
15 do you have a concern about this and not about the
16 criminal information, when it comes to privacy
17 concerns?

18 MICHAEL BEST: The State, I don't
19 believe the State information, Chairman Vallone,
20 includes demographic information that would allow
21 identification of individual students. And the
22 concern we have, and we want to work with all
23 three Committees on this, as we have been working
24 with the Committees to try to come up with
25 language that will work. But we're making the

1 suggestion because we're very concerned about the
2 way that the federal government has changed the
3 Family and Educational Rights and Privacy Act,
4 Records Privacy Act, or FERPA. They enacted at
5 the end of last, the end of '08, new regulations
6 which expanded the privacy, the way that they
7 consider, considered information to be
8 identifiable, in such a way that if somebody in
9 the school community could identify based on the--
10 even if there's no name, or number, the
11 demographic and other information from data, or
12 even from separate data streams, could figure out
13 who individual kids are, their view is, and
14 they've put it into binding federal regulations,
15 that the, we're prohibited, school districts are
16 prohibited from disclosing it. And so we have to
17 be very careful about trying to come up with a way
18 to provide the Committees and also the, the public
19 the information that we agree would be a good idea
20 to disclose, with balancing what the federal
21 government is now mandating for us in terms of
22 privacy protections. So, we're, we want to work
23 with the, with all three Committees to do this,
24 and we've been trying to do so, and we will

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continue to, but it's a serious concern for us.

CHAIRPERSON VALLONE: I understand you're trying to comply with the law, that the information you give to the State, though, is very specific, sometimes there's one crime with a gun in a certain school, so it's not all that difficult to determine who that person is, regarding privacy rights. But we'll work through that with you, because again the information is not just for us to do oversight, that's important, but it's for parents like myself to get that information and make informed judgments on what schools to send their kids to, and what problems exist in the schools that their kids actually are going to. So let me now, let me now turn to co-chair Sara Gonzalez for some questions.

CHAIRPERSON GONZALEZ: --to--Oh.

[background noise]

CHAIRPERSON VALLONE: John Liu, Comptroller-elect, you can ask some questions.

COUNCIL MEMBER LIU: Thank you, Mr. Chairman, thank you, Council Member Gonzalez. And I want to thank our officials from the NYPD and Department of Education for joining us today at

1 this important hearing. It's been a long time
2 coming and I think over the years we have seen
3 more concern about what's happening with our
4 schools, inside our schools. I do appreciate the
5 NYPD's testimony today, the statistics clearly are
6 compelling and there's not question that the NYPD
7 has been doing a fine job, as is expected of New
8 York's finest. The question that I have, though,
9 is not that, not whether the NYPD has been doing a
10 good job, with officer, with uniformed officers as
11 well as school security agents. Obviously,
12 whenever you elevate, significantly elevate the
13 police presence anywhere, the crime statistics
14 will go down. I don't think that's rocket
15 science, I think we understand that that's
16 expected. The question that I have, and this has
17 come up in previous hearings, is who's in charge
18 inside the school? Is it the Department of
19 Education or is it the NYPD? The last time we
20 held a hearing here, it was unclear, there was no
21 clear answer from the Administration. So I would
22 pose this question to Ms. Konstan and perhaps Mr.
23 Best, if you'd like to chime in, on, you know,
24 who's in charge when an incident occurs inside a
25

1
2 school, that necessitates the actions of SSAs or
3 the local police being called in. And I
4 understand that at some point, the control passes
5 from the Department of Education to the NYPD.
6 Could you just quickly explain exactly who's in
7 control at what point and when it changes?

8 CHAIRPERSON VALLONE: And you don't
9 qualify for the \$1,000 cash award for answering
10 the question, just--[laughter]

11 ELAYNA KONSTAN: I think as Chief
12 Secreto talked about in his testimony in October,
13 and he said this eloquently, the principal is the
14 CEO of his or her school. The principal is in
15 charge. And when there is a crime, under penal
16 law, we need to, as you said, pass that over to
17 School Safety, because then the police need to
18 take over, because a crime has been committed.
19 But the principal is clearly in charge of his or
20 her school.

21 COUNCIL MEMBER LIU: Well, who--
22 remember there was that incident where the
23 principal got arrested. And obviously there was a
24 question as to whether in fact a crime had been
25 committed. So, I mean, I think, I mean, with all

1
2 due respect I'm not getting any more clarity than
3 the last time we held this hearing, which is that
4 it's still unclear. I mean, at some point,
5 somebody, there may be suspicion, but a crime has
6 not actually, or nobody has necessarily been
7 charged with a crime. And in fact the crime
8 hasn't been occurred, hasn't been determined to
9 actually have occurred until there's a judicial
10 process or an adjudicating process that takes
11 place. So, I--it doesn't, you know, maybe I'm
12 being naïve, Mr. Chairman, but it doesn't help me
13 to hear that when a crime occurs, then that's when
14 the police take over. Do you mean when a
15 suspected crime has occurred, and who makes that
16 determination that, that a crime may have
17 happened, that there is suspicion of a crime? Is
18 that the SSA? Could that be a teacher? Could
19 that be the principal? A student? I mean, you
20 know--

21 JAMES SECRETO: Okay, Councilman
22 Liu, I'm going to try and answer your question.
23 As I stated again two years ago, that principal is
24 in charge of the school. And when it comes to
25 issues of education--

1
2 COUNCIL MEMBER LIU: If the
3 principal's in charge, how could the principal get
4 arrested?

5 JAMES SECRETO: Well--[applause]

6 COUNCIL MEMBER LIU: I mean, I
7 don't understand that.

8 CHAIRPERSON JACKSON: Ladies--I got
9 it, I have it. Ladies and gents, please, we want
10 to be able to hear questions and answers and we're
11 going to ask people not to applaud or boo because
12 this is not a win/loss situation. We're trying to
13 come and bring about transparency and
14 accountability with all parties working together.
15 So I'm going to ask you to keep, keep your
16 applause to yourself at the moment. Thank you.

17 COUNCIL MEMBER LIU: Thank you, Mr.
18 Chairman.

19 JAMES SECRETO: Okay, with that not
20 withstanding, when there is issues of crime and
21 safety, that's the Police Department. Now we have
22 procedures in our patrol guide that also address
23 whether, when there's a conflict, as to whether or
24 not it is a crime, whether it's not a crime.
25 We're, our agents, our police officers, are

1 trained in the powers of arrest, probable cause.
2
3 When there's probable cause to, to believe that a
4 crime has been committed, the Police Department
5 makes that call. There's also a procedure that if
6 there is a dispute with the school administration,
7 as to whether or not this is a, in fact a crime,
8 the procedure calls for us to call the sergeant,
9 the patrol sergeant, or in our case the school
10 sergeant would be equally responsible to come, and
11 make that determination. The sergeant will make
12 the determination if this is in fact a crime or
13 not, if the probable cause does exist. And then
14 if there's still any kind of dispute on behalf of
15 DOE, then they are to consult with their legal
16 people. But the Police Department is charged with
17 making that decision.

18 COUNCIL MEMBER LIU: So, the Police
19 Department itself, the local precinct commander,
20 or the commander of the division, makes the
21 determination that a suspected crime has occurred,
22 and at that point the police take over.

23 JAMES SECRETO: It's not even a
24 precinct command, it's the patrol sergeant will
25 come to the scene--

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COUNCIL MEMBER LIU: Okay.

JAMES SECRETO: --verify the arrest. If the patrol sergeant says that this is a crime, then it's a crime, and then there's another avenue that the DOE can take in our procedures, and that's to consult with their legal.

COUNCIL MEMBER LIU: Okay. But, you know, Chief, I mean, obviously police action takes place well before that. And, you know, I think, I think the problem here is, and we tried as best as we can through this proposed legislation, to make remedies legislatively, but also to really, you know, implore upon, impress upon you, the reality that's happening in our schools. I think, I don't think people are here in such large numbers because this is a non-issues, it's a very real issue. It's a very real issue that can't simply be discarded by throwing out what I think is a little bit of an absurd budget impact. And I'm very happy that Speaker Quinn has asked for that detailed analysis as to what the impact on the budget would be. But the fact of the matter is it's a very real problem

1 that we have. And when the Department of
2 Education testifies that safe and orderly
3 environments are a necessary precondition for
4 effective teaching and learning, I think the
5 ambiguity with respect to enforcement actions
6 taking place inside the schools, it's leading to
7 an environment that is not necessarily safe and
8 orderly where all the kids are feeling safe, and
9 that they are in a true learning environment. I
10 think some of the presence, the police presence in
11 the schools, have an adverse impact on the
12 students as well as the teachers. And, you know,
13 I think it's, in many cases, the SSAs get caught
14 in the middle, because they have a, they have
15 directives from upstairs, they've got to deal with
16 some students which, who are disorderly, and need
17 to be controlled; but there are lots of students
18 who are minding their own business, or you know,
19 in a formative stage of their lives where they're
20 not posing any danger to other people, and yet
21 they are being arrested in some cases, or actions
22 or words are being said against these students,
23 that take away from the learning environment
24 inside a school. So, you know, I think I have a
25

1
2 limited amount of time, 'cause we've got a lot of
3 people testifying, but the issue is very real and
4 I would ask the NYPD to really, you know, for the-
5 -as a first step, you could really clarify exactly
6 what is supposed to happen inside a school, who's
7 responsible. Because even based on your
8 testimony, you know, I got to say, it's still not
9 clear to me exactly what happens when a school,
10 when a student is walking in a hallway or in on a
11 staircase or in the cafeteria, and at what point,
12 you know, who's going to have the final say if
13 something happens. With that, I'll yield the
14 floor to Mr. Chairman.

15 CHAIRPERSON VALLONE: Thank you.

16 COUNCIL MEMBER LIU: But I think
17 this is a very real issue.

18 CHAIRPERSON VALLONE: Thank you,
19 Council Member Liu, we'll go to Chair Gonzalez.

20 CHAIRPERSON GONZALEZ: Thank you.
21 What is the number of students that have been
22 arrested due to an incident that occurred in a
23 school that have been detained at a DJJ facility?

24 JAMES SECRETO: Yeah, Councilwoman
25 Gonzalez, I, again, I have the arrest numbers, but

1 we do not have that number that's detained by DJJ.
2 And also, that arrest number includes people, all
3 our arrests by school safety agents and the
4 uniform taskforce, but it does not extract whether
5 those are students, or other, and whether they're
6 inside the school or outside the school.
7

8 CHAIRPERSON GONZALEZ: Is there a
9 possibility that we could get those numbers in
10 respect to which ones did go to DJJ?

11 MICHAEL BEST: The ones that
12 actually are remanded to DJJ would--would not be
13 able to come directly from the Police Department.
14 That would, that would likely have to come from
15 some, from some method that DJJ might be able to,
16 may be able to compile. But the, the--what Chief
17 Secreto was alluding to in terms of the arrest
18 numbers, the way that they're currently captured,
19 is all the arrests that are made inside the
20 schools. So, it could be in the numbers that we
21 have today, that you'll see intruders in the
22 schools that were arrested, or, or not just
23 conflicts on student-on-student, but student-on-
24 teacher. And that's some of the complications
25 that I think through further dialogue with the

1
2 Council staff, we'd be able to clarify in our
3 proceeding along with the bill.

4 CHAIRPERSON GONZALEZ: Thank you.
5 Do we have number, did you say?

6 JAMES SECRETO: Yes. This year, we
7 have 178 arrests, and that's 37 felonies, 136
8 misdemeanors, five violations. That's a total of
9 178, that includes school safety agents and the
10 uniformed taskforce, and 193 criminal court
11 summonses. And like two of those arrests I know
12 were a robbery, and it occurred away from the
13 school, so that's why I say in those numbers are
14 incidents that happened away from the school, they
15 don't just include school numbers, inside the
16 school numbers.

17 CHAIRPERSON GONZALEZ: Okay, I'm
18 really curious, I'd like for us to follow up with
19 numbers to DJJ, if that's--How we get them, we'll
20 have to figure it out. Thank you.

21 JAMES SECRETO: Okay.

22 CHAIRPERSON GONZALEZ: Parents and
23 advocates are concerned that many incidents are
24 being categorized as crimes, and that students re
25 being arrested for behavior that had they occurred

1
2 outside the school would be resolved with either a
3 summons or a desk appearance ticket. Is there a
4 difference in arrest policies for incidents that
5 occur in schools as opposed to incidents that
6 occur outside the schools?

7 JAMES SECRETO: No, that's not the
8 case. If you have, you know, crime, we view the
9 elements of a crime. If it's an assault or an
10 attempted assault, on the corner of 125th Street,
11 that doesn't change whether it's, you know, inside
12 a school or not, it's the same level of proof and
13 probable cause is that barometer for making an
14 arrest.

15 CHAIRPERSON GONZALEZ: Okay, thank
16 you. In 2/06 and 2/07, the Mayor's Management
17 Report's that NYPD reported there were 28
18 different indicators specific to incidents
19 relating to school safety, in a supplement
20 section, including robbery, assault, burglary,
21 etc. Furthermore, there were indicators
22 demonstrating what schools these incidents had
23 taken place, in high schools, middle schools,
24 elementary schools, and special education schools.
25 Since the 2/07 instrument that was put out, this

1 data has not been reported. Would you state or
2 understand why or explain to me what happened?
3

4 MICHAEL BEST: It's my
5 understanding that the Mayor's Office of
6 Operations, who is the publisher of that
7 particular report, my office does provide the
8 Mayor's Office with that information, to compile
9 and produce it. That the, the decision was made
10 to eliminate the supplementary indicators
11 altogether. If you'd notice, the Mayor's
12 management report no longer publishes the
13 supplementary indicator tables at all, for any of
14 the agencies. And that was done at the same time
15 that there was a, an introduction of the citywide
16 performance reporting website, CPR as it's
17 referred to, on nyc.gov, and it was released by
18 the Mayor's office. So it was a paring down of
19 the, of the expansive amount of supplemental data,
20 with the inclusion now, or the production of the
21 citywide performance reporting indicators. We are
22 in discussions with the Mayor's office to resolve
23 the issues that have been raised with respect to
24 those 28 indicators.

25 CHAIRPERSON GONZALEZ: But will

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there be something forthcoming?

MICHAEL BEST: I believe there will be some degree, some more information that's going to be released in a forthcoming - -

CHAIRPERSON GONZALEZ: Okay, well I certainly would, would be interested to get that. And also in respect to DJJ, I also would like to revisit that. Thank you. Thank you, Chair.

CHAIRPERSON VALLONE: Thank you. We've been joined by Council Member Gennaro. The last question before I let this panel go, you spent a good deal of time arguing against a portion of the bill that advertises the ability to make complaints by 3-1-1. I understand the concerns. However, there are still many, many people don't know how to make a complaint against a school safety agent. So, what have you been doing to let people know, short of what we, what this bill mandates, maybe, perhaps there is some middle ground. What, what additional steps will you be taking and what have you been doing to let parents know how to actually make complaints, and students?

JAMES SECRETO: Yeah, on the, on

1
2 the local level, we, as I stated before, we have
3 been meeting with the CSA, Mr. Ernie Logan and his
4 staff, his board, and we've been going out to the
5 different boroughs, various boroughs, and
6 articulating the various ways that we can make,
7 that someone can make a complaint against an
8 agent. We've also talked to the UFT, we meet with
9 the UFT as well. And again, we've told them how
10 they can make a complaint against an agent. But
11 it's our position that if we put a giant poster
12 inside a school, that it will encourage kids to
13 make complaints where--whereas there may not be a
14 complaint, and just inviting the kids to make a
15 complaint. And that's our fear.

16 CHAIRPERSON VALLONE: Okay, we've
17 been joined by Public Advocate Elect Bill de
18 Blasio, and we are going to go to Chair Jackson to
19 end this round of questioning.

20 CHAIRPERSON JACKSON: Thank you.
21 Assistant Chief, you had indicated that, I
22 believe, in the procedures in the patrol book, if
23 there is a dispute as to whether or not a crime
24 has occurred, and that if there, if there's an
25 issue, the sergeant is, I guess, called. Are

1 there sergeants stationed or assigned to schools?

2 And in this situation, as far as a possible

3 conflict, what does the patrol book state?

4 Because it seems as though that you alluded to the

5 procedure in there that a sergeant is called, so

6 forth and so on. Can you walk us through what the

7 procedure is? And can we have a copy of that

8 procedure?

9

10 JAMES SECRETO: Certainly. And the

11 procedure I'm referring to is patrol guide

12 procedure number 215-13.

13 CHAIRPERSON JACKSON: 215-13?

14 JAMES SECRETO: Yes.

15 CHAIRPERSON JACKSON: Okay, go

16 ahead, sir.

17 JAMES SECRETO: Right. And

18 basically what it calls for is if you have an

19 arrest situation, you remove the student to a

20 semi-private location, if that's possible.

21 CHAIRPERSON JACKSON: A semi what?

22 JAMES SECRETO: A semi-private

23 location--

24 CHAIRPERSON JACKSON: Okay.

25 JAMES SECRETO: --for example the

1 principal's office, school security office.

2 CHAIRPERSON JACKSON: Mhm.

3 JAMES SECRETO: That's, you know,
4 when there's not a, you know, an urgent situation.
5 Okay? Inform a student of the authority and
6 cause, unless physical resistance or flight or
7 other factors render this procedure impractical.
8 And then inform school personnel of the decision
9 to effect an arrest. And again, this is, this is
10 when there is, when there's not a situation that
11 you must cuff a child, which is probably the large
12 percentage of our incidents is where an arrest is
13 immediate. I, these situations are where there's
14 some type of investigation, going to be some type
15 of dialogue. And there also is a note--

16 CHAIRPERSON JACKSON: And the
17 individual that, that they contact, the school
18 safety agent, or the police officer, the contact
19 the principal to let them know that they're going
20 to be effecting an arrest?

21 JAMES SECRETO: Yes. The principal
22 or their designee. Now, I've been in schools
23 personally--

24 CHAIRPERSON JACKSON: Yeah.

1
2 JAMES SECRETO: --when arrests have
3 taken place.

4 CHAIRPERSON JACKSON: Go ahead.

5 JAMES SECRETO: And I'm with the
6 principal, and she's not getting notified, but her
7 designee is, her AP of security is being told
8 about the arrest.

9 CHAIRPERSON JACKSON: Because
10 that's, that's the designee.

11 JAMES SECRETO: That's the
12 designee.

13 CHAIRPERSON JACKSON: Okay, go
14 ahead.

15 JAMES SECRETO: So, the system does
16 work. And there's a note here and it says, it
17 says "Whether probable cause to arrest exists will
18 be determined by the Police Department." And it
19 says, "While the desires of school personnel" and
20 it's in parenthesis "(principals, teachers, school
21 safety) may be considered by the uniform member of
22 the service" that's the police officer "in
23 determining whether an arrest is warranted, the
24 views of school personnel are not controlling."
25 They can have a say, they can have a say, they can

1 have dialogue, but their views is not--

2 CHAIRPERSON JACKSON: So from a
3 practical point of view, in implementing the
4 policy, the procedure, assuming that the police
5 officer assigned to a school determines that an
6 arrest of a student is warranted, not an immediate
7 situation, let's say possession of a gun where
8 they would, I assume, automatically handcuff a
9 student, if a gun was found, would that be
10 appropriate to say?

11 JAMES SECRETO: Yes, yes.

12 CHAIRPERSON JACKSON: Okay. So,
13 assuming that it's not that situation, and the
14 police officer contacts the designated individual,
15 the assistant principal or the principal, and
16 there is a dispute on whether or not arrests
17 should be, should go forward, and that principal
18 calls the sergeant, I think you had said that if
19 there is a dispute, that the sergeant will be
20 called. Who would call that sergeant?

21 JAMES SECRETO: Well, that, that
22 agent or that police officer would call the
23 sergeant.

24 CHAIRPERSON JACKSON: At the--let's
25

1
2 assume that at the request of the principal. So
3 then--

4 JAMES SECRETO: Right.

5 CHAIRPERSON JACKSON: --they would
6 implement a call to the sergeant, is that correct?

7 JAMES SECRETO: Yes, yes.

8 CHAIRPERSON JACKSON: And either,
9 in some schools, I believe, depending on the
10 number of school safety agents, you may have a
11 sergeant on site, is--I'm talking about--

12 JAMES SECRETO: A level three-

13 CHAIRPERSON JACKSON: --you're
14 talking about a sergeant of NYPD?

15 JAMES SECRETO: Yes. This is
16 referring to a NYPD sergeant.

17 CHAIRPERSON JACKSON: Okay. Now,
18 going back earlier in your statements, you refer
19 to civilian staff. Are uniform school safety
20 agents referred to as civilians?

21 JAMES SECRETO: Yes, they are
22 considered uniformed civilians.

23 CHAIRPERSON JACKSON: Okay,
24 uniform--because it's my understanding that, that
25 the school safety agents, they wear a uniform,

1
2 that they have authority to write a summons, they
3 have authority to make arrests. Am I right or
4 wrong?

5 JAMES SECRETO: They, they--peace
6 officers, they can make arrests, but they can't
7 write summonses.

8 CHAIRPERSON JACKSON: Okay, they
9 can make arrests. But then they're considered
10 civilian, even though they're in uniform and they
11 can make arrests, they're considered civilians.

12 JAMES SECRETO: Civilian members of
13 the Police Department.

14 CHAIRPERSON JACKSON: That's,
15 that's sort of--for me, as a layperson, that's
16 not--someone in NYPD, that's--that doesn't--I
17 don't see that as civilians. If in fact they're
18 in uniform, if in fact they're employees of NYPD,
19 if in fact they can effectuate arrests and they're
20 peace officers, I don't see how they can be
21 civilians.

22 JAMES SECRETO: Well, I mean, I
23 think the main thing that makes them civilian
24 members of the Police Department is they're not,
25 they're not armed. And that's pretty much the

1 distinction.

2
3 CHAIRPERSON JACKSON: Okay. Now,
4 you had, I believe, in page two of your testimony,
5 you said the survey revealed--

6 JACK DONOHUE: Council Member, I'd
7 just like to add one thing that--

8 CHAIRPERSON JACKSON: Sure, go
9 ahead, just identify yourself.

10 JACK DONOHUE: Deputy Chief
11 Donohue.

12 CHAIRPERSON JACKSON: Go ahead.

13 JACK DONOHUE: There is a
14 distinction that's accounted for in the penal law,
15 and I know it is a, it's a distinction that
16 sometimes outside the police department is
17 difficult to distinguish. But peace officers are
18 different, definitionally, than police officers.
19 So, so while yes there's a nuance in the law,
20 there is a, there's a real distinction between the
21 powers of a police officer and the powers of a
22 peace officer. Police officers are essentially on
23 duty all the time and always have the powers of
24 arrest; peace officers only when they're so
25 working. And there's a number of other things

1 that flow from it, but there is a real
2
3 distinction, so--

4 CHAIRPERSON JACKSON: And that's in
5 the penal law.

6 JACK DONOHUE: That is in the penal
7 law.

8 CHAIRPERSON JACKSON: Okay. On
9 page two of your testimony, Assistant Chief, you
10 refer to the survey revealed that 76 percent of
11 the students and 92 percent of teachers feel safe
12 in their school. Now, this survey was done by
13 whom and when?

14 JACK DONOHUE: The survey was
15 conducted by the Department of Education. It is a
16 wholly administered Department of Education
17 survey. The Police Department had no input in the
18 design of it, the collection, the compilation, the
19 analysis, none of it. It was, it was done
20 exclusively, paid for in whole, by the Department
21 of Ed.

22 CHAIRPERSON JACKSON: Then let me
23 hear from DOE. [laughter]

24 ELAYNA KONSTAN: And it's called
25 the Learning Environment Survey.

2 CHAIRPERSON JACKSON: Uh-huh.

3 ELAYNA KONSTAN: That we actually
4 do survey annually teachers, students and parents,
5 on a whole host of things. There's an aspect of
6 the survey, and the date of that Chief Secreto
7 mentioned, comes from the part about climate and
8 respect, or safety and respect, I think it's
9 called. But the survey, surveys parents,
10 teachers, and students on a whole host of things.
11 Not just, you know, climate and respect.

12 CHAIRPERSON JACKSON: And the, the
13 statistics that were referred to by the Assistant
14 Chief in his testimony, came from the survey that
15 was taken when? I mean, was that a survey, you
16 said this survey is done very year.

17 ELAYNA KONSTAN: Yeah, that--

18 CHAIRPERSON JACKSON: So was it
19 taken from the 2008 survey? The 2009--?

20 JACK DONOHUE: It was the most
21 recent survey.

22 CHAIRPERSON JACKSON: Okay.

23 JACK DONOHUE: It was the most
24 recent survey that was available online. The only
25 reason I had distanced ourselves from the

2 collection and analysis of it is to show that it
3 was truly not a Department endeavor.

4 CHAIRPERSON JACKSON: Okay. And I
5 can understand.

6 JACK DONOHUE: Not to, not to
7 disparage what my colleagues--

8 CHAIRPERSON JACKSON: No, no, I
9 understand, I can understand that. So, when was
10 that last survey--

11 ELAYNA KONSTAN: None taken. It
12 was last year, as Chief Donohue mentioned, and
13 there will be a new survey, I don't have the exact
14 date of when it's going to come out, but will be
15 this school year as well.

16 CHAIRPERSON JACKSON: Okay. Now
17 that survey, and the results of that survey, where
18 are they at as far as availability?

19 ELAYNA KONSTAN: So, they're, here
20 it's pretty easy to find this one. When you go to
21 a school's, when you go to the DOE homepage, and
22 you look up statistics, and you look up that
23 particular school, you will be able to find the
24 results of the learning environment survey, the
25 progress report, and the quality review of that

2 particular school.

3 CHAIRPERSON JACKSON: But what
4 about the statistics, these were citywide
5 statistics. Where was that ascertained from?

6 JACK DONOHUE: They were taken
7 directly off the, the DOE's website, from, from
8 the survey itself.

9 CHAIRPERSON JACKSON: Okay, so--

10 JACK DONOHUE: So, it is available
11 online.

12 CHAIRPERSON JACKSON: Okay, so in
13 essence, that's what, I'm trying to understand
14 whether or not--So, in essence, the Department of
15 Education has, has added all those figures up and
16 come to an analysis of X percentage. Is that
17 correct?

18 ELAYNA KONSTAN: Yes.

19 CHAIRPERSON JACKSON: Okay. Can
20 you please share with us the actual survey and
21 the, all the data or, that you have posted on your
22 website, can you share with staff, if you don't
23 mind?

24 ELAYNA KONSTAN: Absolutely.
25 Absolutely.

2 CHAIRPERSON JACKSON: Okay, now, it
3 refers to, so, it refers to 76 percent of the
4 students feel safe. What about the 24 percent
5 that don't feel safe? Do you have any information
6 specifically? Is that coming from high school
7 students? Intermediate school students?
8 Elementary school students? Or where are you at,
9 where are you getting the information from?

10 ELAYNA KONSTAN: For students, it's
11 secondary students, so it's middle and high school
12 students, not elementary school students. So, and
13 you're right, we are concerned about the 24
14 percent that don't feel that, but this is
15 specifically come from student information, that's
16 what we collect. And over the course of the years
17 that we've been collecting these data, and
18 specifically on safety and respect, the numbers
19 have gone up slightly. Not enough where we want
20 them to be, but they have gone up.

21 CHAIRPERSON JACKSON: And the
22 survey, who filled out that survey? How many
23 people were involved in the survey?

24 ELAYNA KONSTAN: I could get you
25 that information, I don't have that off the top of

1 my head.

2 CHAIRPERSON JACKSON: Okay.

3 ELAYNA KONSTAN: But that's
4 information that we do publicize publicly.

5 CHAIRPERSON JACKSON: You mean, as
6 to how many people participated in the survey, and
7 what have you?

8 ELAYNA KONSTAN: I think there's
9 information on how the percentage has gone up from
10 year to year, but let me not misspeak and get all
11 that specific information to you.

12 CHAIRPERSON JACKSON: Okay, in
13 essence I was trying to determine, for example we
14 have 1.1 million students and parents and what
15 have you, was the survey 50,000? 100,000? Or
16 500,000? In order to come up with the citywide
17 statistics.

18 ELAYNA KONSTAN: I don't have that,
19 those numbers for you. I do know that the numbers
20 of surveys completed have increased, but I'd like
21 to get that more specific information to you.

22 CHAIRPERSON JACKSON: Okay. I want
23 to ask a couple of questions specifically about
24 the bill. [pause] Okay, now, specifically about
25

1
2 the bill, if the date of the incident was left
3 out, would the Department of Education or NYPD
4 still have any concerns regarding the Family
5 Educational Rights and Privacy Act?

6 MICHAEL BEST: Yes, we--we would
7 still be concerned, Mr. Chairman. We--you know,
8 we've been trying to work with Council staff on
9 this, and we're going to continue to do so,
10 because I think we can get to a place that's going
11 to be, that we feel, you know, our obligations
12 under federal law are met, and the, and the needs
13 of the Council and the public are met. But we
14 would still be concerned. There are a number, you
15 know, some of the specific commentary in the Code
16 of Federal Regulations that the United States
17 Department of Education put out when they revised
18 their regulations, refers to demographic data--
19 age, race, ethnicity, all sorts of things--and
20 depending on what the combinations are, and what
21 the numbers are overall, you know, there are
22 concerns that individual students could be
23 identified. It's a little difficult in the
24 abstract without kind of going through all of it
25 at once to talk about one, you know, one specific

2 piece of information being the key, because it's
3 really a combination of different pieces of
4 information. And we are committed to working with
5 the Council to try to resolve this issue.

6 CHAIRPERSON JACKSON: We appreciate
7 that. With respect to imposition of discipline on
8 the students, do you have the numbers of
9 expulsions, suspensions, transfers and discharge,
10 I assume all of that information is maintained, so
11 that you can analyze, you know, what the situation
12 is, and the grade of it, as far as severity, so
13 forth and so on. Is that correct?

14 ELAYNA KONSTAN: As I indicated in
15 the testimony, we do have that information. When
16 I testified here in January of 2008, we talked
17 about that.

18 CHAIRPERSON JACKSON: And what
19 hearing was that in January 2008?

20 ELAYNA KONSTAN: The suspension
21 hearing, I'm not sure exactly what it was called.
22 But we testified and you asked us to look at that,
23 to say "Why aren't you looking at suspensions by
24 these various demographics?" and so we built a
25 system, as a result, to do that, and we are able

1
2 to capture that very information, or at least some
3 of it. I also indicated there's some information
4 like the involuntary transfers, involuntary
5 transfers, we have that information. Those
6 numbers are quite small, but we can certainly find
7 ways how we can release that information while
8 still protecting families' and students' rights.
9 So there's lots of information that's in the bill,
10 that we can provide, and I think as we work
11 together on this, and figure out the way, the best
12 way to do this, so that we can comply as well as
13 protect the rights of students.

14 CHAIRPERSON JACKSON: Is that
15 information, as far as the expulsions,
16 suspensions, transfers and discharges, either at
17 the high school or intermediate level, I would
18 assume that those were, the majority of those had
19 taken place. I make an assumption that you don't
20 have too many expulsions and suspensions and
21 transfer at the elementary school level. But is
22 that information shared with the State of New
23 York's State Education Department, so that, and
24 for their information?

25 ELAYNA KONSTAN: They collect data

2 in a very different way than you're asking, under
3 this, this bill. It's very different. It's based
4 on their NCLB, violent and disruptive incident
5 reporting. They categorize data very differently,
6 and incidents very differently, so we comply that
7 way. That's now how this bill is repor--

8 CHAIRPERSON JACKSON: But I mean,
9 you're, but you're giving them those statistics,
10 though.

11 ELAYNA KONSTAN: We're giving them
12 some of those statistics, but it's not by
13 demographics.

14 CHAIRPERSON JACKSON: And what
15 about, we've heard from representatives at the
16 Independent Budget Office, that in order to comply
17 with various reporting requirements under the new
18 School Governance Law, the Department of Education
19 is currently working out an agreement with IBO, so
20 that the IBO can classify information and be in
21 compliance with the Family Education Right and
22 Privacy Act.

23 MICHAEL BEST: We are in
24 discussions with the IBO about just that. We
25 haven't concluded an agreement with them yet, but

1 we're optimistic that we should be able to do
2 that.

3
4 CHAIRPERSON JACKSON: Well, we look
5 forward to getting the information, in order to
6 analyze it to determine, you know, the issues and
7 concerns and to look at whether or not we're
8 mainly dealing with, at the high school level and
9 intermediate school level, whether or not some of
10 the students in fact that may be identified are
11 students that are over age in certain
12 environments, as far as grades are concerned, and
13 also whether or not, you know, there are a high
14 incident of students that are being identified
15 and/or statistically being put forward, are black,
16 Latino or Asian, or that are children with special
17 needs. And as, I think that either DOE or NYP had
18 indicated in their testimony, it appears as though
19 that, that the majority of the students that are
20 arrested, or an indication that, that blacks and
21 Latinos are more, being singled out,
22 comparatively. So, I believe that was in
23 someone's testimony, if I'm not mistaken, is that
24 correct?

25 JACK DONOHUE: It was not in the

2 NYPD's testimony, we didn't - -

3 CHAIRPERSON JACKSON: It was not in
4 your testimony. Okay. Alright, well I'll find
5 it, but I want to thank you for coming in and
6 answering our questions. Staff will be following
7 up with both NYPD and DOE with more specific
8 questions in order to get your specific answers,
9 regarding this very important subject. What I'm
10 going to ask in order, I'm going to ask if DOE and
11 NYPD officials would stay to listen to testimony
12 of advocates and students and what have you,
13 rather than just leave. I'm going to ask if
14 that's possible. I want to thank you very much
15 for coming in.

16 MICHAEL BEST: Thank you.

17 CHAIRPERSON JACKSON: And, yeah.
18 And next we're going to hear from Gregory Floyd,
19 the President of Local 237 of the Teamsters Union.
20 The people upstairs, if you want to come
21 downstairs, you're welcome to do that, or you
22 could stay upstairs if you like, it's up to you.
23 Okay? [pause] Now we're going to ask, if you
24 don't mind, the officials from NYPD and DOE, after
25 you gather yourself, can you please take the

2 conversations outside, so that we can continue
3 with our hearing. [pause] Anyone wishing to stay
4 to hear the testimony of other witnesses, please
5 come forward and have a seat. Other individuals
6 that are leaving or talking in the back, I ask you
7 to please take your conversations outside of the
8 chambers. Thank you.

9 SERGEANT-AT-ARMS: [off mic] Quiet,
10 please.

11 CHAIRPERSON JACKSON: Yeah, ladies
12 and gents in the chambers, can we please have
13 quiet so we can hear from Gregory Floyd, the
14 President of Local 237 of the Teamsters Union.
15 President Floyd, please identify yourself and your
16 position and you may begin your testimony.

17 GREGORY FLOYD: Gregory Floyd,
18 President, Local 237, Teamsters, representing the
19 school safety agents. Good afternoon, my name is
20 Gregory Floyd, I'm President, Local 237, and
21 representing 5,000 school safety agents employed
22 by New York City. I thank you, Chairman, and the
23 Committee for this opportunity to speak before you
24 today. The Committee is considering legislation
25 Intro 816-A concerning student discipline in

2 public schools. Most of the changes to the design
3 to upgrade the collection and publication of
4 statistics on student discipline. This is
5 valuable information for public and Local 237
6 supports this type of statistic reporting. Local
7 237 is also pleased the Council no longer is
8 considering proposal to have school safety agents
9 under the Civilian Complaint Review Board. This
10 union has consistently argued that the nature of
11 our officers' work and their close ties to the
12 communities from which student population come,
13 made by the CCRB proposal inappropriate. However,
14 Local 237 is concerned about 816-A unfairly
15 singling out school safety agents as wrongdoers.
16 The legislation does not show any evidence that
17 students and parents are prevented from filing
18 complaints, yet this bill would mandate the DOE
19 display on its website and in all school
20 facilities, ads explaining how to file charges
21 against school safety agents. While complaint
22 procedures are available against other school
23 personnel, as well as teachers, administrators, no
24 other group except school safety agents are
25 singled out for solicitation of charges. This is

1 not right. Local 237 submits that singling out
2 school safety agents is not only unfair, but it
3 ignores the public approval of our members' work.
4 The annual DOE survey shows that 74 percent of
5 students believe that school safety agents has
6 created a safe and respectful learning
7 environment; 95 percent of parents polled said
8 that they felt school safety agents had made
9 schools safer; and 88 percent believe school
10 discipline was fairly imposed. And I heard you
11 mention earlier and asked the DOE to provide you
12 with the survey, and who participated. Local 237
13 is concerned that the proposed legislation is the
14 result of a campaign generated by the New York
15 City Civil Liberties Union and other groups.
16 NYCLU is a reputable organization with a long,
17 credible history; however, its recent claims of
18 school safety agents' misconduct are exaggerated
19 and misleading. As far as I'm aware, none of the
20 evidence offered by the New York Civil Liberties
21 Union has withstood investigation. Unfortunately,
22 New York Civil Liberties Union has tried to stir
23 up controversy, it has distributed leaflets in
24 schools arguing students, encouraging students to
25

2 complain of harassment by school safety agents.
3 It has sponsored essay contests on subject of
4 students concerns over policing with prizes up to
5 \$1,000. New York Civil Liberties Union is
6 exploiting these young minds by inviting
7 complaints about and disrespect for school safety
8 agents. The most outrageous aspect of New York
9 Civil Liberties Union criticism has been a
10 suggestion that school safety agents are
11 insensitive to concerns of student population with
12 large concentration of minority group members. In
13 fact, our school safety agents force is over 90
14 percent African-American and Latino. 75 percent
15 are female, including a large number of public
16 school parents. Any suggestion that this force is
17 unsympathetic to youngsters they protect is simply
18 ridiculous. In sum, Local 237 supports the
19 increase of public reporting of statistics on
20 student discipline. We welcome legitimate
21 scrutiny of school safety issues; however, we draw
22 the line on differential treatment that suggests
23 our school safety agents are more likely to do
24 wrong than any other group within the schools, or
25 anywhere else in the City government. Neither

2 evidence nor reason suggests this to be true.

3 CHAIRPERSON JACKSON: Well, thank
4 you for coming in representing the school safety
5 agents in which you represent, as its president.
6 We've been joined by our colleague from Brooklyn,
7 Eric Martin Dilan. President Floyd, let me ask
8 you a couple of questions, if I may. So, in
9 listening to your testimony, obviously you don't
10 have a problem as a president of Local 237 of the
11 Teamsters as far as gathering statistics that
12 will, that will bring to light whatever
13 information the statistics are, in order to
14 improve the safety and security of the school
15 environment.

16 GREGORY FLOYD: That's correct.

17 CHAIRPERSON JACKSON: Okay. And as
18 far as the school safety agents, I believe in the
19 testimony of the Assistant Chief Secreto, he
20 indicated currently there are 5,249 school safety
21 agents in the New York City school system. Do you
22 happen to know, and if you don't it's fine, how is
23 the number of school safety agents assigned to a,
24 to school? In essence, how are determined the
25 numbers, if at all?

2 GREGORY FLOYD: That's determined
3 by the New York City Police Department, and that's
4 determined by the size of the building, the
5 population of students, the crime, the incidents,
6 etc.

7 CHAIRPERSON JACKSON: Okay. And--
8 Would you happen to know, because this, I've been
9 told that, that at our last hearing, the NYPD
10 testified that school safety agents have a high
11 attrition rate. And do you know whether or not
12 that attrition rate has gone down overall? Or has
13 increased? And if it has increased, what has been
14 the main reason for that?

15 GREGORY FLOYD: The attrition rate
16 has remained the same. The reason for the high
17 rate of attrition, which is a 50 percent turnover
18 in five years, the reason for that is one salary
19 to the nature of the job, because a lot of school
20 safety agents are injured. So, with that, coupled
21 with, and I hear this from them all the time, they
22 say, "We're not respected." Let me give you a for
23 instance. Last year, there was a hostage
24 situation, not a--well, almost a hostage
25 situation. There was a robbery that was committed

1
2 around the schools, and the gunman ran inside the
3 school, and hid in the bathroom. The school
4 safety agents went inside the school and evacuated
5 all the children out of the schools. Now, there
6 was a caption that appeared in the Daily News,
7 "School Safety Agents Running Into the Schools."
8 The next day a reader who was a police officer,
9 retired, decided to write a joke, and the joke
10 said, "If it was not for the caption, I would've
11 thought that they were going to a opening of a
12 Dunkin' Donuts."

13 CHAIRPERSON JACKSON: Huh.

14 GREGORY FLOYD: A lot of the school
15 safety agents were a bit overweight to say the
16 least, and they were ridiculed after doing a good
17 job. Yeah, in the Daily News. So, they really
18 feel disrespected. And when they did a good job
19 by evacuating the school where no one was hurt and
20 the children were safe, and the police were able
21 to go in and get the gunman hiding by himself in
22 the bathroom, they were ridiculed.

23 CHAIRPERSON JACKSON: Now, as you
24 know, you were here since the beginning in my
25 opening statement, I had indicated that the last

2 hearing we held on this particular matter was in
3 October 2007.

4 GREGORY FLOYD: Yes.

5 CHAIRPERSON JACKSON: Since that
6 time, what changes have taken place in order to, I
7 guess, improve transparency and statistics to the
8 best of your knowledge a president of Local 237,
9 with respects to NYPD and DOE, and/or
10 communication with you because they, I think the
11 Assistant Chief indicated that he's meeting with
12 you monthly, meaning meeting--

13 GREGORY FLOYD: He said the UFT and
14 the CSA.

15 CHAIRPERSON JACKSON: Aren't they--

16 GREGORY FLOYD: He had monthly
17 meetings with them.

18 CHAIRPERSON JACKSON: Aren't they
19 meeting with DC, Local 237, you as the President,
20 on a monthly basis?

21 GREGORY FLOYD: We don't have
22 monthly meetings, we have meetings as needed.

23 CHAIRPERSON JACKSON: As needed.

24 GREGORY FLOYD: As needed, yes.

25 CHAIRPERSON JACKSON: So, and that

2 is sufficient for you?

3 GREGORY FLOYD: That's sufficient
4 for us, yes.

5 CHAIRPERSON JACKSON: Okay. What
6 improvements have occurred as far as communication
7 and transparency and statistics in your opinion,
8 since the last time we held our hearing in October
9 2007?

10 GREGORY FLOYD: Well, just the
11 transparency and the statistics remain the same,
12 we're at the same point. We know just as much
13 about injuries and incidents as you know. We read
14 the papers and we find out incidents. There is no
15 reporting mechanism that we get, we don't get
16 inside information. So when we come to the
17 hearings, we're hearing it sometimes for the first
18 time that you're hearing it. I heard the, two
19 years ago there were 126 firearms taken, weapons
20 taken, I head that here. And then I heard the
21 number six last year, and this year I heard the
22 number two. We don't have those statistics.

23 CHAIRPERSON JACKSON: They don't
24 share that with you?

25 GREGORY FLOYD: They don't share

2 that with us.

3 CHAIRPERSON JACKSON: As the
4 president of--

5 GREGORY FLOYD: No.

6 CHAIRPERSON JACKSON: You represent
7 all of the 500 and 200 and something safety
8 agents.

9 GREGORY FLOYD: All of the 5,000
10 school safety agents.

11 CHAIRPERSON JACKSON: That are
12 peace officers.

13 GREGORY FLOYD: Yes.

14 CHAIRPERSON JACKSON: And you don't
15 get that type of information from the NYPD?

16 GREGORY FLOYD: I don't get that
17 information, no.

18 CHAIRPERSON JACKSON: Okay. Now,
19 you had indicated that there's a 50 percent
20 turnover attrition rate of school safety agents
21 within five years. And I believe if, correct me
22 if I'm wrong, you had indicated that when a school
23 safety agent is injured on the job, and even
24 though this hearing is not about injury, but I
25 wanted to just try to verify something. That like

2 a police officer could go out on disability, you
3 don't have disability? You have to use your sick
4 leave?

5 GREGORY FLOYD: We have to use our
6 sick leave and then compensation or a grant is
7 granted after the sick leave is exhausted or, or
8 vacation time, and vacation time is exhausted.
9 And then the school safety agents have to wait for
10 a compensation hearing from the New York State
11 Department of Compensation, and the judge has to
12 give them a ruling, and this is usually a year,
13 year-and-a-half later, and the store, I mean,
14 their time is then restored back to them,
15 meanwhile they go for two years without their sick
16 leave time, if they have to use it, at that time.
17 So--

18 CHAIRPERSON JACKSON: Which is, I
19 think you had indicated, and correct me if I'm
20 wrong, which is totally different from NYPD.

21 GREGORY FLOYD: It's totally
22 different, yes.

23 CHAIRPERSON JACKSON: Even though
24 you're, are you employed, your members are
25 employed by the New York City Police Department or

1 Department of Education?

2
3 GREGORY FLOYD: Our members are
4 employed by the New York City Police Department;
5 however, we have different contracts, and it's a
6 different title. So, our contract and title does
7 not call for unlimited sick leave, and we don't
8 have compensation given to us as readily as the
9 Police Department where they have unlimited sick,
10 and they could just stay out until they heal their
11 injuries.

12 CHAIRPERSON JACKSON: Now, now with
13 respect to training, because training was an
14 aspect that was focusing on, in our last hearing,
15 October 2007, it was also mentioned I believe by
16 NYPD in their testimony, has the training, I
17 believe they said it's a 14 week training program.
18 Is that correct?

19 GREGORY FLOYD: That's correct.

20 CHAIRPERSON JACKSON: And has that
21 changed in any manner shape and form, as far as
22 the length of it, the quality of it, since our
23 last hearing in October 2007 to now?

24 GREGORY FLOYD: The length, I don't
25 believe has changed. Quality, we have different

1
2 instructors, the program's still the same.

3 CHAIRPERSON JACKSON: So basically
4 it's the same.

5 GREGORY FLOYD: It's the same, yes.

6 CHAIRPERSON JACKSON: Okay. [off
7 mic] Any more questions? Peter? [on mic] Peter
8 Vallone, Jr.

9 COUNCIL MEMBER VALLONE: Thank you,
10 thank you for testifying.

11 GREGORY FLOYD: Thank you.

12 COUNCIL MEMBER VALLONE: I just
13 want to assure you, it's not our intent,
14 legislatively, to single you out or, in any way,
15 or blame you in any way. I mean, you may have a
16 right to be wary of the intent of others, but not
17 us.

18 GREGORY FLOYD: Yes, thank you.

19 COUNCIL MEMBER VALLONE: So, we
20 want to work with you from today on to make sure
21 that we can craft something here that doesn't
22 single you out, and that you and your members can
23 live with. And usually, we've found that the more
24 transparency there is, the more proof there is out
25 there that you're doing your job, you and your

2 members. And it doesn't allow for the, for the
3 false accusations that flying out.

4 GREGORY FLOYD: Yes. And we agree
5 with that, and more transparency, the more we find
6 out if the school safety agents are doing their
7 job, which we believe they are doing, and maybe
8 they could start getting some of the recognition
9 that they deserve.

10 COUNCIL MEMBER VALLONE: Exactly.
11 Do you have any suggestions now, as to changes you
12 would like to see happen here? Or do you want to
13 work with us down the road?

14 GREGORY FLOYD: I will work with
15 you in the future, I would like to sit down and
16 work with everyone here.

17 COUNCIL MEMBER VALLONE: Yeah.
18 Sara, do you have anything? Questions, anybody?
19 No, thank you.

20 GREGORY FLOYD: Thank you.

21 COUNCIL MEMBER VALLONE: We'll look
22 forward to working with you.

23 GREGORY FLOYD: Okay.

24 [pause]

25 CHAIRPERSON JACKSON: So, and next

1
2 we're going to hear from Edward Josey, I believe,
3 for SI--I don't know who he represents.

4 FEMALE VOICE: [off mic] Staten
5 Island NAACP.

6 CHAIRPERSON JACKSON: Staten Island
7 NAACP. And Uri Ofer and Donna Lieberman, the New
8 York Civil Liberties Union. And Brian Lebronski,
9 Lebrowski. And Liz Sullivan, from NESRI, Nesri.
10 And Holly Thomas from the NAACP Legal Defense and
11 Education Fund, Inc. Please come forward.

12 Sergeant-of-Arms, please have appropriate seating
13 for everyone. [pause, background noise] At 4:00
14 p.m., we are expecting a panel of students to be
15 available for testimony. At the time, our
16 Speaker, Christine Quinn will also be here.

17 [pause, background noise] Who is first? Okay.
18 Any manner, who would like to go first? Just
19 identify yourself and the position that you're in
20 with whoever, what other organization you're with.

21 HOLLY THOMAS: Sure, I'll start.
22 Good afternoon, Committee Chairs and members of
23 the Council. My name is Holly Thomas, and I am
24 Assistant Counsel at the NAACP Legal Defense and
25 Educational Fund here in New York. LDF was

1
2 founded in 1940 to assist African-Americans in
3 securing their constitutional and statutory
4 rights, as well as to provide legal services to
5 persons suffering injustice due to racial
6 discrimination. And we're very pleased to be here
7 this afternoon to support the passage of the
8 Student Safety Act. The increasing number of
9 suspensions, expulsions and arrests of public
10 school students is an issue of extreme concern to
11 LDF because all three are overly used and
12 disproportionately applied to students of color,
13 and therefore have a negative impact upon the
14 education opportunities afforded to those
15 children, and in particular to African-American
16 and Latino youth. For example, nationwide
17 statistics show that in 2004, out of a total
18 public school population of about 49 million
19 children, there were over three million
20 suspensions and over 100,000 expulsions. That
21 same year, although African-American students
22 represented just--

23 CHAIRPERSON JACKSON: Hello. I'm
24 sorry, can you--

25 HOLLY THOMAS: Sorry, go ahead.

2 SERGEANT-AT-ARMS: Quiet, please.

3 CHAIRPERSON JACKSON: Hold on just
4 a second. Did you submit testimony in writing?

5 HOLLY THOMAS: I did.

6 CHAIRPERSON JACKSON: Sergeant-of-
7 Arms, can I have her testimony, please? NAACP?

8 HOLLY THOMAS: Yes.

9 CHAIRPERSON JACKSON: Sergeant-of-
10 Arms.

11 HOLLY THOMAS: It's the NAACP Legal
12 Defense Fund. [pause] There it is.

13 CHAIRPERSON JACKSON: Thank you,
14 yeah. [pause] Just one second, okay?

15 HOLLY THOMAS: Okay.

16 [pause]

17 CHAIRPERSON JACKSON: Okay, please,
18 please continue, I'm sorry.

19 HOLLY THOMAS: Thank you. Thank
20 you, so I was saying, in 2004, although African-
21 American students represented just 17 percent of
22 public school students, those students accounted
23 for 37 percent of school suspensions and 35
24 percent of school expulsions nationwide. And I
25 want to add that statistics also show that Latino

1 children are 1.5 times as likely to be suspended
2 and twice as likely to be expelled as their white
3 peers. These figures are alarming because the
4 consequences of even short term suspensions and
5 expulsions can be long lasting. Children who are
6 removed from class through suspensions and
7 expulsions are more likely to fail their classes
8 because of missed assignments, more likely to be
9 retained in grade, to drop out of school, to
10 engage in criminal behavior, and eventually to
11 become involved in the juvenile and criminal
12 justice systems. Indeed, African-American youth
13 represent 40 percent of those in juvenile
14 correctional facilities, and data show that
15 incarcerated youth are also very likely to have
16 been previously suspended or expelled from school.
17 LDF believes that the Student Safety Act presents
18 an important opportunity for New York City to
19 become a national leader in the effort to better
20 understand the impacts of school discipline and
21 policing practices on a local level. The act is
22 particularly important because it requires this
23 data about school suspensions, expulsions and
24 arrests to be disaggregated by race and ethnicity,
25

2 sex, gender identity and a student's status in
3 general, special English language learner or
4 resource room classes. We believe that this will
5 allow school administrators, students, families,
6 advocates and this Council to examine the impact
7 of discipline practices upon specific groups of
8 students, and will provide a foundation to craft
9 policies and procedures that better serve all of
10 the City's students. LDF urges the members of
11 this Council to pass the Student Safety Act.
12 Thank you very much.

13 CHAIRPERSON JACKSON: Thank you.

14 Next, please.

15 CHAIRPERSON VALLONE: Okay, the
16 clock, we're putting the clock on. Try to stay as
17 close to three minutes as you can. I've looked at
18 some of the testimony, and most of it is. NYCLU
19 has nine single spaced pages, so start some
20 summing up. But who's next?

21 DONNA LIEBERMAN: I am. Timing is
22 perfect. I'm not going to speak from the
23 testimony. Education--I'm Donna Lieberman,
24 Executive Director of the NYCLU. Education is one
25 of the most important functions of city

1 government, and our students are entitled to safe,
2 nurturing environments in schools, free from crime
3 and bullying by their peers, and they're entitled
4 to be treated with respect and dignity by those
5 charged with their education and safety. Since
6 the transfer of school safety to the Police
7 Department in '98, we've seen an infusion of more
8 than 5,000 police into our schools, especially
9 those schools with the highest numbers of black
10 and Latino students. There are more police in our
11 schools by a lot than guidance counselors. The
12 chain of command in our schools is both unclear
13 and harmful. There's supposedly a memorandum in
14 effect that allocates responsibilities between the
15 Police Department and DOE; it doesn't make clear
16 that principals are in charge of their schools,
17 and it's in a memorandum that was kept so secret
18 that despite the questioning that was very
19 interesting to hear before, the Deputy Chancellor
20 who testified at the last hearing the Council held
21 didn't even know that it existed. The reality is
22 that in some schools, police have the final word
23 on school discipline, and discipline is in the
24 hands of school safety agents, with inadequate
25

1 guidance, or proper supervision, and little
2 training in child development. That's not attack
3 on the agents, that's an attack on the system,
4 that's a criticism of the system. And principals,
5 supposedly empowered under the Bloomberg
6 Administration, sometimes willingly and sometimes
7 not, are stripped of authority over a key aspect
8 of education, discipline, and therefore cannot be
9 said to be in charge of their schools. The
10 resulting confusion is harmful to the educational
11 environment and an invitation to abuse. I'll skip
12 the stuff I have to say about metal detectors, but
13 we all know that they're flashpoints for
14 confrontation and there's never been an analysis
15 of their efficacy in helping protect safety and
16 their imposition on student privacy. As recently
17 as a month ago, and as recently as this afternoon,
18 the Commissioner was going around town and his
19 supporter--others in the Police Department were
20 going around town accusing the New York Civil
21 Liberties Union of offering to pay kids \$500,
22 \$1000 for stories about police abuse in school.
23 Well, let me set the record straight. The NYCLU
24 isn't paying anyone to make up stories. We do
25

1 get, however, a lot of complaints. But the City
2 of New York is indeed paying dearly for wrongdoing
3 that comes from a lack of oversight and
4 accountability. The City just agreed to pay out
5 over \$50,000 because an officer known in school as
6 "Robocop" physically abused Stephen Cruz and left
7 him bleeding on the floor of the school bathroom.
8 We know the impact of these policies is most
9 devastating on students of color. Those are the
10 anecdotal reports we get, that's what we can piece
11 together from the information we're able to
12 extract from the DOE, and that's where we see the
13 highest concentration of police and police
14 approaches to discipline. And we know that under
15 the combination of zero tolerance discipline and
16 over policing, it's the students of color and
17 students with disabilities who are most likely to
18 be pushed out of school and into the criminal and
19 juvenile justice system, a phenomenon we call the
20 "school-to-prison pipeline." For nearly a decade,
21 the now \$214 million school police program has
22 operated with little to no oversight. There's no
23 meaningful accountability for abuse, there's
24 little to no statistical information available to
25

1
2 parents, the Police Department and DOE routinely
3 ignore, deny and procrastinate in responding to
4 information requests on school safety. The Civil
5 Liberties Union has seven requests that are, for
6 information, that are overdue, or on appeal to the
7 Police Department, and five with the DOE. The DOE
8 doesn't even bother to collect critical
9 information on student/police interactions in
10 school. And whatever information goes out to the
11 public is neatly packaged and spun by the DOE and
12 the NYPD to suit their agenda and not to provide
13 real transparency and real information in a timely
14 fashion to parents. It is remarkable in a school
15 system that prides itself on being so data driven
16 that there is virtually nothing available, and
17 even when they're required by law to provide it,
18 they don't provide the information. The time for
19 transparency, oversight and accountability about
20 school safety and discipline is long past due.
21 The Student Safety Act won't solve all the
22 problems with school safety and discipline, not by
23 a long shot. Most notably it doesn't provide for
24 meaningful accountability for abuse. But it will
25 assure that this Council and the public, the

1
2 parents, can get the info necessary that, to gage
3 what's working and what isn't. I'm almost done.
4 It will require regular detailed reporting, school
5 by school, with breakdown by age, race, ethnicity,
6 about suspensions, discharges, transfers, arrests,
7 summons, and non-criminal incidents, metal
8 detector and--metal detectors and complaints of
9 abuse in their disposition. A majority of this
10 Council has supported this legislation for over a
11 year now. It's time to get off the fence, bite
12 the political bullet and stand up for the
13 education and safety of our children. Thank you
14 for having this hearing, and it's time to pass the
15 Student Safety Act now.

16 CHAIRPERSON JACKSON: Thank you.
17 Next, please. Press the button again to start
18 again.

19 EDWARD JOSEY: Hello, can you hear
20 me?

21 CHAIRPERSON JACKSON: Yes.

22 EDWARD JOSEY: Thank you. Okay, my
23 name's Ed Josey, I'm the President of Staten
24 Island Branch NAACP, and I will read a few words
25 here. As President of the Staten Island Branch of

1 the NAACP, our branch is often involved in school
2 issues. One of the most disturbing aspects of the
3 educational system is the strong presence of
4 school safety officers. The school safety
5 officers are nothing more than police officers.
6 Many of the problems our African-American students
7 encounter are due to the image for safety
8 officers. The officers are part of the culture of
9 the New York City Police Department. Without
10 going into deep discussion, the Rand Report
11 represents nothing more than racial profiling.
12 Some years ago when the idea of Police Department
13 taking over the school safety took root, the NAACP
14 and many groups were against the NYPD coming into
15 the schools for the very same reason we are here
16 today. The schools are meant to be a institution
17 of learning within the educational setting. A
18 close look at the institution will give you the
19 impression that the schools, that the systems is
20 not truly living up to its mission, because so
21 many of our African-American and Latino students
22 are falling by the wayside and are populating the
23 pipeline to prison. The NYDOE is failing to
24 provide a huge number our youth with a foundation
25

1
2 for success. I have been, or I have seen or heard
3 of African-American and Latino boys involved with
4 the police safety school. I will give you some
5 prime example. One case on Staten Island last
6 term involved a high school boy being strip
7 searched for drugs and alcohol, when there was
8 none found. On January 23, 2009, a boy was
9 dragged by his neck by the assistant principal and
10 questioned about drugs and alcohol. On December
11 12, the same principal asked the boy was he
12 homosexual. The school safety became involved,
13 along with the assistant principal, the door was
14 open in the room, and the boy told to lift his
15 shirt up, pull his pants down and remove his
16 shoes. The boy was patted down, his breath was
17 smelled for alcohol, they checked the school bag,
18 they ripped the lining of his coat jacket. After
19 a while, the school safety officer said the boy
20 was clean. At no time during this process was the
21 boy's mother called. Upon hearing of the
22 incident, the mother was without doubt mad,
23 feeling her boy's safety, fearing for her boy's
24 safety, the mother kept the boy home and the
25 schoolwork was sent to him. The mother asked for

1 a temporary transfer to another school or get the
2 boy home schooling, and the request was denied.
3 The principal told the mother that she was going
4 to call the agency for child service if the boy
5 didn't come back to school. The mother was
6 charged with mistreating her son and neglect. At
7 this time, May 2009, the mother called NAACP and I
8 asked for a detailed letter about the problem.
9 After getting the letter from the mother, she
10 asked me to go to the school with her. Upon
11 learning of the NAACP coming to the school, we
12 were denied entrance at the door. I then called
13 the school district parent advocate of the issue.
14 She came to the school, but we were still denied
15 entrance. I bring this out because, first of all,
16 the boy was offended, he was strip searched, he
17 should not have been strip searched, he was in
18 public, his self esteem was destroyed, his mother
19 got charges against the child welfare put against
20 her, the NAACP was upset, and the school refused
21 to really hear the issue, mainly because the
22 school safety did not handle this thing correctly.
23 Now, there are a lot of cases where the school
24 safety is not doing what they should do, and the
25

2 most important thing is they are setting these
3 kids up for the pipeline to prison. So the NAACP
4 is in support of this bill being passed. Thank
5 you.

6 CHAIRPERSON JACKSON: Thank you.

7 Did you submit any written testimony?

8 EDWARD JOSEY: I have this I'll
9 give you right now.

10 CHAIRPERSON JACKSON: Okay,
11 Sergeant, please. Okay. Next, please.

12 BRIAN LOMBROSKI: Good afternoon,
13 Committee Chairs and Members of the Council, my
14 name is Brian Lombrowski, and I'm here today to
15 support the passage of the Student Safety Act. My
16 testimony today is intended to provide a youth
17 advocate's perspective on the devastating trend of
18 punishing, criminalizing and incarcerating youth.
19 In both my capacity with the Community Alliance
20 for the Ethical Treatment of Youth, as well as in
21 my capacity as a youth involvement specialist for
22 special needs youth in New York City, and for
23 countless stories of inappropriate action taken in
24 the name of keeping young people safe. Students
25 who have been suspended once are more likely to

1 drop out of school due to the shame, stigma and
2 the ostracism that results in this punishment. In
3 addition to that, once students drop out of
4 school, they are more likely to be incarcerated
5 later in life, most likely due to the lack of
6 employment opportunities or career path guidance
7 that schools can provide. And these are merely
8 the outward effects of policing in schools. This
9 has little of the internal effects of using police
10 tactics on school age children. In addition to
11 their bodies, the minds of young people are still
12 developing as well. They are much more vulnerable
13 to trauma and incidence of severe stress. Let's
14 not forget that there are students with special
15 needs that attend New York City schools, some of
16 whom who have been the victims of overly harsh
17 policing tactics. Could their disruptive behavior
18 have been caused by their disability? Could there
19 have been alternatives to handcuffs or
20 interrogations or spending multiple nights in a
21 detention center? Many school based arrests
22 continue to be for non-violent behavior, such as
23 disorderly conduct or disruptive behavior, acts
24 which if committed by an adult would not be
25

1 considered crimes. You have to ask yourself, how
2 many middle school playgrounds are free from
3 disorderly conduct? Or how many elementary school
4 students have never been disruptive? Do these
5 kids belong in jail? And let's not forget their
6 classmates who witness the arrest of a friend or
7 classmate. These are the things that must be
8 considered if we are to make the claim that
9 schools are to be safe for all students. Safety
10 must include safety from mental or emotional
11 trauma, as well as physical trauma. The Student
12 Safety Act will provide City Council with the data
13 it needs to adequately assess the impact that over
14 policing has on public school students, and from
15 that data we can begin to create lasting solutions
16 and alternatives. The time is now for New York
17 City to become part of the solution. We hope that
18 by passing the Student Safety Act, the Council
19 will lead the effort in confronting these
20 problems, and reversing the adverse effects of the
21 criminalization of our schools. And I guess I
22 would, I would just like to add that piece about
23 trauma, and particularly the young people that our
24 City serves that are special needs youth. The
25

2 incidents where, at the metal detectors, where
3 the, where the SSA officers response to a student
4 that might not have a disability, might not
5 necessarily be appropriate where you have a young
6 person who does have a disability, and ensuring
7 that whatever train--you know, that there's
8 specific training around that area as well. Thank
9 you.

10 CHAIRPERSON JACKSON: Thank you.

11 Brian, are you here representing yourself, or
12 you're representing an organization?

13 BRIAN LOMBROSKI: Myself.

14 CHAIRPERSON JACKSON: Okay, thank
15 you. Next, please?

16 LIZ SULLIVAN: Good afternoon. My
17 name is Liz Sullivan, I'm the Education Program
18 Director at NESRE, the National Economic and
19 Social Rights Initiative. NESRE works with
20 advocates and organizers in New York City and
21 around the country to promote the human rights to
22 quality education and dignity for all young
23 people. We urge the City Council to pass the
24 Student Safety Act, as an essential step in
25 promoting greater accountability over school

1 discipline and safety policies, and ensuring the
2 fundamental human rights of New York City
3 schoolchildren. National research analyzed by the
4 American Psychological Association shows that
5 disciplined policies which rely on harsh and
6 excessive suspensions and removals undermine
7 students' education, ignore the underlying reasons
8 for disruption and conflict, and increase the
9 likelihood of dropout and incarceration. The
10 overuse of police and school safety agents creates
11 prison like environments and leads to police
12 intervention and arrests for behavior that used to
13 be dealt with by educators. Fundamental human
14 rights standards recognized in the convention on
15 the rights of the child and other human rights
16 treaties, require that school discipline policies
17 must not violate the dignity of students, cause
18 mental or physical humiliation or harm, or
19 criminalize adolescent behavior. Instead, school
20 policies should be aimed at the full development
21 of each child's abilities and potential, including
22 the teaching of positive behavior skills and
23 conflict resolution. The Student Safety Act is
24 necessary for both monitoring the impact of
25

1 suspensions and police intervention on students'
2 right to education, and for moving the New York
3 City school system to adopt more positive
4 approaches to discipline and safety. In other
5 cities, like Chicago, Los Angeles, and Denver,
6 school districts have begun to embrace alternative
7 disciplinary policies, such as school wide
8 positive behavior supports and restorative
9 practices. More information about these are
10 included in my written testimony. These
11 approaches are aimed at moving discipline
12 procedures away from a focus on punishment and
13 towards prevention, early intervention and
14 constructive approaches to wrongdoing.
15 Researchers have found that schools implementing
16 these approaches show reductions of up to 50
17 percent in suspensions and arrests, along with
18 improvements in academic achievement and teacher
19 satisfaction with school climate. But in order
20 for schools to determine what alternatives will be
21 most effective, and what supports are necessary,
22 we must have data about what students are being
23 suspended and arrested for, and when different
24 school staff or personnel are getting involved.
25

1 This is essential for determining what
2 professional development is needed, what school
3 wide strategies should be used. The public
4 availability of this data is also essential for
5 insuring the fundamental human rights of students,
6 parents, and educators, to participate in shaping,
7 implementing and monitoring positive discipline
8 policies. We urge the City Council to pass the
9 Student Safety Act, to better ensure the human
10 rights to education, dignity and participation for
11 all young people. Thank you.
12

13 CHAIRPERSON JACKSON: Thank you.

14 Let me turn to our colleague, Peter Vallone, Jr.

15 CHAIRPERSON VALLONE: I just have
16 one question. Ms. Lieberman, we all know people
17 drop out of school for all reasons, different
18 reasons, and wind up in prison. But when it comes
19 to discipline by the school, let me read you the
20 testimony of the DOE and you can tell me if you
21 disagree with it, or these numbers are incorrect.
22 "Our policy on student discharge is very clear, we
23 make every effort to reengage students, regardless
24 of the context. Students are not discharged as a
25 result of disciplinary action except in the

1 rarest, most egregious cases, resulting in only
2 two expulsions over the past three school years."
3 So, is there something wrong with those figures,
4 or is that the school-to-prison pipeline you were
5 just discussing?
6

7 DONNA LIEBERMAN: The only people
8 who have the data is the DOE. But, but there's a
9 question as to how do they define expulsion, there
10 are questions about, well, you know, people leave
11 school when they feel like it's inhospitable. We
12 know for example that Stephen Biko [phonetic] was
13 afraid to go back to school after he was beat up
14 by a school safety agent, in Tilden High School.
15 And he struggled long and--he was suspended for a
16 week, and then he had to jump through hoops and
17 get the assistance of the NYCLU in order to switch
18 schools to some place that he was comfortable in.
19 We know that the young woman at Bronx Guild High
20 School, who was arrested in a, after having cursed
21 out a school safety officer, in an incident where
22 her principal and an aide were also arrested,
23 because they tried to stop the arrest; ended up
24 out of school for over six months. That's not
25 recorded as an expulsion, but she never went back

1
2 to school, to Bronx Guild after that, and it took
3 her six months to find a new school. So, I think
4 that while I have no basis to challenge the data
5 that the DOE has, 'cause we don't have access to
6 the raw information, we also have no basis to say
7 that excessive policing and excessive use of
8 suspensions and expulsions doesn't drive kids out
9 of school. In fact, the data nationally says that
10 kids who have been suspended, kids who have been
11 expelled, kids who have been arrested and sent to
12 jail, in fact do face a higher risk of dropping
13 out of school. And when you face a higher risk of
14 dropping out of school, or being pushed out, which
15 is more likely the situation, then the likelihood
16 of ending up in jail later in life is far greater,
17 as well.

18 RUDY OFOR: [off mic] Can I add
19 real quick? [on mic] Alright, let me just add a
20 few statistics.

21 CHAIRPERSON JACKSON: You have to
22 identify yourself, please.

23 RUDY OFOR: Rudy Ofor [phonetic],
24 the New York Civil Liberties Union. New York
25 State has a constitutional right under the State

1 constitution to an education. So therefore, what
2 other states define as expulsion is not defined as
3 expulsion in New York State because of that
4 constitutional right. In other states, when you
5 are expelled for a couple of months, when you are
6 suspended for a couple of months, that is actually
7 technically counted as an expulsion. In New York
8 State, that is not counted as an expulsion.

9 Here's what we do know: about 22 percent of
10 students who begin the ninth grade do not
11 graduate, and they do not get counted as dropouts,
12 or as graduates. We have no idea what happens
13 with these 22 percent of students. Some of them
14 are legitimate, in the sense of they moved out of
15 New York City, so therefore they didn't graduate.
16 But there's a lot of anecdotal information to
17 suggest that thousands of students just drop out
18 of the system and no one knows what happens with
19 them, and they don't get counted as dropouts.

20
21 CHAIRPERSON VALLONE: Okay, I don't
22 doubt that, but we still have evidence of two
23 expulsions over three years. Okay? Any other
24 questions?

25 CHAIRPERSON JACKSON: Yeah, I have

1 a couple of questions. Now, you may have been
2 here, when I say "you," panel members, at the end,
3 or at the conclusion of my questioning regarding
4 the NYPD and the Department of Education where I
5 said I believe one of the testimonies referred to
6 that blacks and Latino had a higher proportionate
7 of actions taken against them. And in fact, I
8 looked at, I think it was the Department of
9 Education--the Department of Education's
10 testimony, I'm sorry, let me just find this here
11 for you. And I think that the NAACP Legal and
12 Education Defense Fund, you had stated that in
13 your testimony. Were those national statistics,
14 based on--do you have anything relating to New
15 York City that is more specific?

17 HOLLY THOMAS: I don't have with me
18 statistics on New York City, on the suspensions
19 and expulsions of black and Latino students in New
20 York City, the statistics I gave you were national
21 statistics. And as I said in my testimony, the
22 reason why LDF supports the passage of this Act is
23 so that there are readily available statistics for
24 the public on those suspensions and expulsions of
25 students across all kinds of groups in New York

1 City that we can review and the City Council can
2 review.
3

4 CHAIRPERSON JACKSON: Okay, and I
5 was referring to the Department of Education's
6 testimony on page three, where it reads, "Given
7 this delicate balance, we propose some adjustment
8 to reporting requirements within the school safety
9 bill" so forth and so on. But it also says in the
10 next paragraph, "As you likely know, education
11 scholars have found that in school districts of
12 all types and sizes nationwide, low income
13 students, students of color and students with
14 greatest academic needs are disproportionately
15 punished for involvement in incidents." Do, did
16 y'all find that, any one of you, in any study or
17 research that you have done? In essence, because
18 the NYPD said no, they did not say that at all in
19 their testimony, and I know I heard it somewhere,
20 and I heard it in the Department of Education's
21 testimony, which referred to students of color,
22 meaning black, Latino or Asian.

23 DONNA LIEBERMAN: Well, what we do
24 know is, and we published this I think in our
25 report, "Safety With Dignity" that the schools

1 with the permanent metal detectors have the
2 highest number of police, have the highest number
3 of incidents, and the highest number of black and
4 Latino children. And so if--we can provide you
5 with the specific source of the information, I
6 don't have that with us today.

8 CHAIRPERSON JACKSON: Yeah, if you
9 would provide that, we appreciate it. But let me,
10 let me ask for clarification. Now, I--I clearly
11 heard from the NYPD and from Greg Floyd, the
12 President of 237, referring to that the NAA--New
13 York Civil Liberties Union, is exploiting these
14 young minds, and I'm quoting, "By inviting
15 complaints about, and disrespect for school safety
16 agents," and that it, "it has sponsored essay
17 contests on the subjects of students concerns over
18 school policing with prizes up to \$1,000." Is
19 this true? Is it not true? Please, share some
20 light on this subject.

21 DONNA LIEBERMAN: Well, but--

22 CHAIRPERSON JACKSON: Transparency
23 and clarity.

24 DONNA LIEBERMAN: Thanks for
25 asking. The New York Civil Liberties Union has

1
2 annually sponsored a student expression contest
3 about issues of civil liberties that affect young
4 people.

5 CHAIRPERSON JACKSON: And when you
6 say "annually," for how long?

7 DONNA LIEBERMAN: For about four or
8 five years, I'm not sure exactly how long.

9 CHAIRPERSON JACKSON: About four or
10 five years.

11 DONNA LIEBERMAN: Yes, it's a
12 student expression contest, and we advertise it by
13 sending out notices to community groups we work
14 with, to teachers, the--what's David Bloomfield's
15 group called? The--Citywide Council on High
16 Schools, connected us with some history
17 functionaries in the DOE, and they sent out the
18 information about it. So, we don't say, "Hey,
19 kids, go make up a story about school safety
20 agents, and we'll pay you for it." We run a
21 contest. I'd be shocked if other entities around
22 town don't run contests for students to hone their
23 expressive skills or show off what they've
24 learned, and get a first prize or a second prize
25 or a third prize. So, I know that the Police

2 Department wants to portray us as buying stories.
3 But let me tell you, we haven't bought the story
4 of a single person, and in fact--but the City is
5 paying for the wrongdoing, as I said before,
6 because there are lawsuits pending, Stephen Cruz's
7 lawsuit was just settled for over \$50,000. That's
8 the City paying for the wrongdoing, not the NYCLU
9 paying students to make up stories.

10 CHAIRPERSON JACKSON: Now, I have
11 in my hand the announcement about the contest,
12 which was--"Entries must be submitted by June 16,
13 2006," where it says, "Who runs the school?
14 Principal--" ba-ba-ba. And so, question, you said
15 about four years, so I assume that there's
16 different topics every year?

17 DONNA LIEBERMAN: That's right.

18 CHAIRPERSON JACKSON: What, what
19 topics were, if you know, of previous contests?

20 DONNA LIEBERMAN: Well, let me tell
21 you that, what, you know, every year the Civil
22 Liberties Union holds a concert, it's called
23 "Broadway Stands Up for Freedom"--

24 CHAIRPERSON JACKSON: Okay.

25 DONNA LIEBERMAN: --at which some

1 of the leading lights of Broadway come and do
2 their thing, and we have some Tony award winning
3 actors read some of the winning entries. And
4 among the winning entries that have been read have
5 been entries, I remember the recent concert
6 involved an entry about an immigrant student's
7 experience in school or on the streets as an
8 immigrant. The challenges faced by transgender
9 youth have been topics. The challenges faced, and
10 the discrimination faced, by lesbian and gay youth
11 in our schools have been topics. So, this is
12 hardly an invitation to trash the school safety
13 agents, this is an invitation to talk about life
14 in school and to talk about life generally, from a
15 civil liberties point of view. And it's got, you
16 know, I got to say, don't they have anything
17 better to use against the Civil Liberties Union?
18 And, you know, now we have the settlement of
19 lawsuits, and there will be more. And by the way,
20 there have been suspension cases arising out of
21 the abuse by school safety agents, that have been
22 overturned. And I think that's an indicator that,
23 you know, school safety agents aren't always
24 right. And I want to add, that the NYCLU in our
25

1
2 firsts report published about three years ago,
3 called criminalizing the classroom, devoted and
4 entire page to a description of a school that did
5 a great job, and the head of school safety in that
6 job, in that school, Julia Richman Educational
7 Complex, that did a great job in protecting the
8 kids, respecting the kids, working with the
9 educators, in a school that once had metal
10 detectors, once had 100 kids a year, if that many,
11 graduating out of a student body of 4,000, and
12 without metal detectors, and with a school that
13 respected the kids and didn't engage in searching
14 them every time they went to school, and worked
15 closely with the educators, they graduate 70-80-90
16 percent of their students--I didn't, I'm not, I
17 don't even remember the exact numbers--they have
18 80-90 percent daily attendance rates, and it
19 works. So you don't need metal detectors, you
20 don't need 30-40-50 school safety agents on hand
21 to make a school work, and the Police Department
22 and the DOE should be looking at schools like this
23 that we profiled in our report, "Safety With
24 Dignity" and figuring out, and asking the
25 question, "How do these guys do it? How can you

2 do it without this massive police presence?"

3 That's the question we felt obligated to answer,
4 and the DOE has an obligation, the Police
5 Department has an obligation to ask and answer
6 those questions, as well. [applause]

7 CHAIRPERSON JACKSON: Thank you.
8 Please, ladies and gents. Okay, so, I guess
9 you've answered, 'cause I was going to ask you
10 whether or not the New York Civil Liberties Union
11 was soliciting complaints specifically against
12 school safety agents, and your answer to that was
13 no you're not.

14 DONNA LIEBERMAN: But let me be
15 clear--

16 CHAIRPERSON JACKSON: Is the answer
17 no?

18 DONNA LIEBERMAN: We, our, we're
19 not looking for tall tales, we are looking for
20 information from students and parents about what's
21 going on in the schools. And when we have tried
22 to go into the schools, we have been kicked out,
23 even when we had permission from the school
24 authorities. So, you know, I'm not going to say
25 we don't want information, we do want people to

2 come to the Civil Liberties Union with complaints
3 when they have been wronged, when they have been
4 wronged about what happens with school safety in
5 the schools, when they have been wronged with what
6 happens with the Police Department on the streets.
7 I am not embarrassed about that in the slightest.
8 That is our job, and we hope that people will come
9 to us when they have been wronged by the system--

10 CHAIRPERSON JACKSON: Thank you.

11 DONNA LIEBERMAN: --so that we can
12 defend their civil liberties.

13 CHAIRPERSON JACKSON: Of the panel
14 that's up there, how many of the panelists are
15 members of the School Safety Coalition? Would you
16 raise your hand. Just the three. Okay. Well,
17 let me thank you all for coming in, we appreciate
18 your testimony. Next we're going to hear from
19 Michael Mulgrew, the President of the United
20 Federation of Teachers. [pause, background noise]
21 Michael, would you please identify yourself and
22 the other individuals with you and the position
23 that you hold?

24 MICHAEL MULGREW: My name is
25 Michael Mulgrew, I am the President of the United

1 Federation of Teachers. Next to me on my left is
2 Sterling Robeson, Vice President and Liaison to
3 the Safety Department of the United Federation of
4 Teachers, and next to him is Ms. Linda Vila-
5 Passione, the Director of the Safety and Health
6 Department of the United Federation of Teachers.
7 I'm here today in a very, very frustrated state of
8 mind. Once again we are doing safety hearings at
9 the City Council. This has been a subject that we
10 have constantly, constantly struggled with over
11 the years. My role before I was President of the
12 United Federation of Teachers was the Vice
13 President who redesigned the Safety Department of
14 the United Federation of Teachers. I want to be
15 clear about the bill that's here before the City
16 Council. In terms of any sort of information, we
17 believe and we support any transparency that will
18 lead to an open and honest conversation about the
19 safety situations inside of every school in New
20 York City. It has been very, very difficult for
21 us to watch schools being labeled persistently
22 dangerous or schools being told that we're being
23 told that schools are safe based solely on New
24 York Police Department data. New York Police
25

1 Department data involves criminality, it does not
2 involve issues that actually lead to a safe school
3 environment. So we are asking the City Council to
4 take this very seriously and somehow in this
5 legislation, I know it is outside of the purview
6 of the City Council, you can ask for reporting
7 data, but we need to make sure that every school
8 has a functioning, collaborative, safety plan in
9 place, because I am here to tell you they do not.
10 And what happens is, when schools do not have
11 this, then we get the situations which we are
12 hearing about here today. Safety agents are not
13 the agents of discipline and should not be the
14 agents of discipline. Their job in the school is
15 not to dispense discipline, that is the job of the
16 school. But in too many schools, they become the
17 agents of discipline because there is no real plan
18 in place. The school evaluation process does not
19 deal with school safety. The learning environment
20 survey every year consistently shows that many
21 students, over 20 percent every year, feel that
22 their schools are not place--are not schools that
23 are safe. That is unacceptable. But once again,
24 we always go back to the NYPD data only. So, the
25

1 use of all of the data, all of the data about any
2 sort of incident going on in the school can help
3 us have a real conversation at the school level.
4 When I see a school that has no incidents
5 whatsoever, a high school with no incidents
6 whatsoever for five years, I know they're not
7 reporting. And I then know that there are
8 children are being put in harm's way, who could be
9 in schools that are not good places for them to go
10 every day, but the reason that we can't fix this
11 is because we cannot have an honest conversation
12 about what is actually going on inside of that
13 school. And that's what we need to solve for
14 here, that's the frustration of what we feel at
15 the, at my union, because we can't have this
16 conversation. It's a gaming system. If you
17 report NYP data, NYPD data, you'll end up on a
18 persistently dangerous list. School that lands up
19 on a persistently dangerous list, they stop
20 reporting, and lo and behold, they're then a safe
21 school. That is not school safety. We don't deal
22 with the issues of incidents. 85 percent of the
23 school evaluation is based solely on a
24 standardized test score. There is nothing that
25

1 enforces a school to have an active,
2 collaborative, safety team and safety plan in
3 place. And that's what needs to be done. At the
4 high school level, the students need to be part of
5 this process. They cannot be left out.

6
7 CHAIRPERSON VALLONE: What do you
8 mean by safety plan? What would be--

9 MICHAEL MULGREW: It is required
10 under law, under the SAVE legislation, that each
11 school submit a safety plan. At this point,
12 schools submit the safety plan, but at, in far too
13 many cases, it is paper compliance. It is not an
14 active plan. We know the culture and tone inside
15 of the building are what really makes a
16 difference. When you walk into a building, you'll
17 know if it's safe. And it's not just about safe
18 in terms of what the public thinks about it, it
19 needs to be a safe place where students feel
20 welcome, where they want to go every day, and
21 which will actively help participate, students
22 participate in learning. Because if not, they're
23 walking into a building where they have many more
24 struggles and many more things to worry about
25 besides learning, and those are the things we need

1 to help fight. And that's what we're helping,
2 hoping for, and we are telling you that we will
3 help and engage with anyone with this process,
4 with NYPD, with the Department of Ed, with any
5 advocacy group, student advocacy group, because we
6 know that there is just too much gaming going on
7 with this subject inside of the schools. So
8 that's what we're here to ask the City Council
9 today. We support anything that purports to have
10 transparency and openness. We need to be able to
11 have that honesty. But let me be clear: once we
12 start reporting any sort of incidents that are
13 happening in the school, you will see a drop in
14 incidents, because they won't want to report them
15 if they think that's going to be an issue at that
16 school level.

18 CHAIRPERSON VALLONE: What do we do
19 about that? I mean, I've seen it happen
20 personally both ways. I've seen a school in my
21 district that I went to visit and it had graffiti
22 on the walls and people pushing and shoving, and
23 helped get rid of the principal, put a new
24 principal in, cleaned the place right up, it's one
25 of the best schools in the district now, and I've

1
2 seen people come to me and say that, you know,
3 they had 100 suspensions one year, and then they
4 were told by the principal, because of what you
5 just said, not to make any more suspensions, and
6 the next year zero. Obviously, there wasn't, the
7 kids didn't get that much better in one year,
8 there was some sort of policy involved. What can
9 we do about it?

10 MICHAEL MULGREW: What we can do
11 about it is, if we know a school's having issues,
12 we do have ways to fix these things. But the
13 problem is right now, when you're first
14 identified, it's considered a negative. And our
15 issue is, you can't fix a problem unless you know
16 about it. We do have ways to fix these things.
17 We have, these two people next to me have done
18 interventions in hundreds of schools around the
19 City. They go in with a team. The Department of
20 Ed actually has, we had, we have protocols in
21 place to go in and help a school really start to
22 work this issue, but you can only do this when you
23 can identify it, which is the frustration. And
24 when you don't have it done well, then you'll end
25 up with school safety agents being the agents of

1 discipline, and then you have horrendous
2 situations where it becomes a policing situation
3 inside of the schools, rather than the school
4 being a learning environment, which nobody, nobody
5 wants.
6

7 CHAIRPERSON VALLONE: Give me an
8 example of what you mean by "agent of discipline,"
9 as opposed to law enforcement.

10 MICHAEL MULGREW: There's a--school
11 safety agents are there to make sure that there is
12 nothing of mass chaos or confusion going on in the
13 school. If a student is disruptive inside of a
14 classroom, and the school has a real safety plan,
15 there's a way for them to remove them without
16 using a safety agent. But in too many places,
17 what they'll do is wait till the situation's
18 getting out of control, they bring in a safety
19 agent, and the next thing you know a student's
20 getting arrested when nobody wants a student being
21 arrested. You should not be arrested for, you
22 know, having a bad day in school. Let's be clear.
23 You shouldn't be.

24 CHAIRPERSON VALLONE: What is your
25 experience with that, when it comes to, I mean,

1 we've--John Liu, Robert Jackson, we all discussed
2 the confusion as to who's in charge. And let's
3 say a kid's having a bad day, shoves another kid,
4 could technically be a crime.
5

6 MICHAEL MULGREW: Yep.

7 CHAIRPERSON VALLONE: School safety
8 officer says, "Yes," principal says, "No,"
9 apparently it's not the school safety officer's
10 decision, they bring down the sergeant-in-charge,
11 but he still says, you know, he thinks this is a
12 crime. What, or maybe he doesn't, what does, do
13 you work together? What's your opinion?

14 MICHAEL MULGREW: Yeah, you know,
15 this is, and you can't, this willy-nilly, maybe
16 they're in charge, maybe they're not, the
17 principal's in charge, the school safety agent's
18 in charge, if it becomes criminality. It doesn't
19 work for us. This is one of those situations
20 where we got to sit down, say what the protocol
21 is, follow the protocol, and that's it. But one
22 student pushing another, technically, if you did
23 it in the middle of the street, people would say
24 it's a criminal act. In school, I think we should
25 be able to handle this without arresting a

2 student, because nobody wants that. It's just
3 ridiculous. [applause]

4 CHAIRPERSON VALLONE: One last
5 follow up, I mean, I agree completely, but that's
6 not what you see in your experience? I mean, I
7 would assume--

8 MICHAEL MULGREW: No.

9 CHAIRPERSON VALLONE: --the police
10 are looking to arrest somebody who shoved somebody
11 else around?

12 MICHAEL MULGREW: No, the police--
13 Look, the school safety agents, by and large, if
14 this is done correctly, they follow their role of
15 being someone that makes sure that the school is a
16 safe environment. Discipline should be left to
17 the school and the school personnel, not the NYPD
18 people inside of the building. That's how it
19 should work. And you can, we have schools where
20 this does work, because there's a real plan and
21 everyone understands how it works.

22 CHAIRPERSON VALLONE: Well, and
23 discipline is supposed to be your purview, crime
24 is supposed to be there's.

25 MICHAEL MULGREW: Right.

2 CHAIRPERSON VALLONE: The problem
3 arises when who defines when the crime occurs.
4 But I don't want to belabor this, or we'll go to--

5 MICHAEL MULGREW: Yeah, that's--

6 CHAIRPERSON VALLONE: Right.

7 MICHAEL MULGREW: --that seems to
8 be the argument at all times, and if we could
9 clarify this situation, because once, if you have
10 one student pushing another, the school should
11 have the protocols in place where both students
12 are removed at that point, into a room or into a
13 process that the school handles, and NYPD is not
14 part of. When you bring them in there, their
15 thing is, is it criminal. That's the line that we
16 can't, we have to keep that wall up. I believe
17 it's in the school's interest. I don't know how
18 your high school experience was, but if I got
19 arrested for pushing a kid, I wouldn't be sitting
20 here today. I mean, let's be clear. [laughter]

21 CHAIRPERSON JACKSON: Well, you
22 know, there's altercations all the time in
23 schools, and in fact, what we've indicated is
24 there needs to be a more proactive approach
25 towards problem resolution, mediation, all of the

1
2 positive things to promote communication and
3 dialogue, rather than to go to violence. My
4 question to you and I guess appropriate to your
5 staff is, we have approximately 1,500 schools, or
6 buildings within the Department of Education. And
7 they, my understanding, there's supposed to be a
8 school safety committee in every building.

9 MICHAEL MULGREW: Yes.

10 CHAIRPERSON JACKSON: In your
11 opinion, as union leaders, what percentage in your
12 opinion, is it 100 percent that that is active?
13 Or is it only on paper? Or in your opinion is it
14 50 percent on paper, and not really active as far
15 as moving towards a safety plan or safety
16 committee for the school?

17 MICHAEL MULGREW: In terms of the
18 level of effectiveness, I would say a fully
19 functioning, working, school safety committee, I
20 would say that the number is probably very low,
21 below the 50 percent mark. Because when we say,
22 "fully functioning," we're talking about a
23 committee that's engaged on a monthly basis that
24 does PD in the beginning of the year, both with
25 the staff and with all of the students, so

2 everyone understands what the practices are and
3 what they're supposed to be, that engage not only
4 the teachers but the entire staff, that the school
5 safety agents are part of, so they understand how
6 this works.

7 CHAIRPERSON JACKSON: And are
8 parents association leaders part of that also?

9 MICHAEL MULGREW: Yes, they are.

10 CHAIRPERSON JACKSON: Ah. So, in
11 essence, that's supposed to happen in the
12 beginning of the school year to set the tone, and
13 to set the policies and procedures so everyone is
14 pretty clear.

15 MICHAEL MULGREW: Yep. And that is
16 one of the, every year we file hundreds of
17 grievances because those meetings and that
18 training does not take place.

19 CHAIRPERSON JACKSON: Now, now in
20 the, the Department of Education official that was
21 here earlier, Michael Best, General Counsel, and
22 Elayna Konstan, the Chief Executive Officer,
23 indicated that they hold monthly meetings, is that
24 what she said, right? Monthly meetings with--
25 'cause I asked whether or not the United

2 Federation of Teachers, the Council of Supervisors
3 and Administrators, DC 37, and Local 237 of the
4 Teamsters, all of these unions are involved in the
5 educational system. And I'd asked whether or not
6 they are part of this school safety committee at
7 the highest level. And they indicated, no, that
8 was only the management of DOE and NYPD. But they
9 indicated that they have monthly meetings--

10 FEMALE VOICE: [off mic] Every two
11 weeks.

12 CHAIRPERSON JACKSON: Oh. Is that
13 true? And if so, are you discussing the school
14 safety issues?

15 MICHAEL MULGREW: We, we have
16 monthly meetings with both of those agencies
17 because our contract requires it. And all we do
18 at those meetings is discuss school safety. And
19 it is, that is where a lot of the frustration
20 about different things come out, especially about
21 what you've already pointed out, a lot of what's
22 going on is paper compliance.

23 CHAIRPERSON JACKSON: What can we
24 do, what can we do--

25 MICHAEL MULGREW: Look, until we

1
2 make this, at this point, as long as this is not
3 part of each individual school's evaluation
4 process, in terms of what I'm saying is, a
5 meaningful part of a school's individual
6 evaluation process, then people will continue to
7 play games with this whole system. You have to be
8 able to say, if I'm a parent, I want to know,
9 really, what the situation is in that school. I
10 continually tell parents, "Listen, that progress
11 report is nice, but you need to go to the building
12 to find out what's going on. You need to walk the
13 halls, you need to see what's going on." And
14 until we make safety, culture and tone really part
15 of this process--

16 CHAIRPERSON JACKSON: Right.

17 MICHAEL MULGREW: --then we have an
18 issue that's not going to go away.

19 CHAIRPERSON JACKSON: In your
20 opinion, if school personnel, either a teacher
21 telling another, let's say, school aide, or an
22 assistant principal or a dean, or a principal, is
23 communicating to staff, at any level, you know,
24 "Let's keep the reporting of incidents down,
25 because it's going to make our school look bad,"

2 is that a violation of policy, procedures, or what
3 should happen in that situation?

4 MICHAEL MULGREW: Anyone who is
5 telling people not to report incidents, that is a
6 violation of the SAVE legislation.

7 CHAIRPERSON JACKSON: Of the what
8 le--

9 MICHAEL MULGREW: SAVE.

10 CHAIRPERSON JACKSON: SAVE, I'm
11 sorry, S-A-V-E?

12 MICHAEL MULGREW: Yes.

13 CHAIRPERSON JACKSON: What, I'm
14 sorry, what's the acronym, SAVE, S-A-V-E. I'm
15 sorry.

16 MICHAEL MULGREW: Safe Schools
17 Against Violence in Education.

18 CHAIRPERSON JACKSON: Safe Schools
19 Against Violence in Education.

20 MICHAEL MULGREW: Yes.

21 CHAIRPERSON JACKSON: And based on,
22 in your opinion, based on statistics and what have
23 you and so forth, that may have been reported one
24 year, and not reported another year, where a
25 school, as you indicated, may have zero incidents,

1 basically they're not reporting at all.

2
3 MICHAEL MULGREW: That would be my
4 opinion at this point, that they are not reporting
5 at all.

6 CHAIRPERSON JACKSON: Well, let me
7 thank you and your leaders for coming in and
8 giving testimony on behalf of the United
9 Federation of Teachers.

10 MICHAEL MULGREW: Thank you very
11 much.

12 CHAIRPERSON JACKSON: Thank you.
13 [pause, background noise] Next we're going to
14 hear from Stephen Cruz; Carlos Cruz; Jeffrey
15 Rothman, Esq., I believe; Minerva Morales,
16 Coalition for Educational Justice; Dr. Shirley
17 Smith, former parent education advocate; and
18 Monica Harris, Parents/Students. Please come
19 forward. [pause, background noise] Stephen Cruz,
20 please identify yourself and your relationship,
21 and you may begin your testimony. If you have
22 written testimony, please give it to the Sergeant-
23 of-Arms, and we ask you if you can summarize your
24 written testimony. And so you may begin.

25 STEPHEN CRUZ: I only have one

1 testimony.

2
3 CHAIRPERSON JACKSON: Okay, just
4 pull up a mic and you can begin.

5 STEPHEN CRUZ: My name is Stephen
6 Cruz, and I'm a senior at Robert F. Kennedy High
7 School in Queens. I have attended RFK since the
8 fifth grade and I've always loved my school. I
9 have been on the baseball and bowling teams and
10 next year I'm planning on going to college. I
11 never thought that I would have trouble with the
12 police. Last year I was injured by a school
13 safety agent at my school. For no fault for my
14 own, the agent kicked open the door of the
15 bathroom stall I was in and the door hit me in my
16 head. I was bleeding and I was in a lot of pain.

17 CHAIRPERSON JACKSON: I'm sorry,
18 Stephen, can you just go a little slower, I'm
19 trying to understand what you're saying, and
20 you're reading a little too fast.

21 STEPHEN CRUZ: Aight. The agent
22 told me to get over it and left me alone in the
23 bathroom. A friend of mine helped me to the
24 principal's office and I was able to call my
25 parents. After that I started to feel like school

1
2 wasn't the safe and friendly place where I had
3 grown up. Even my principal, who I was very close
4 with, said that there was nothing he could do. I
5 felt frightened, alienated and lonely at my own
6 school, and I worried that I might have another
7 incident with the same school safety agent. The
8 school safety agent has now been transferred to a
9 middle school where I hope he is not continuing to
10 act recklessly and put even younger students in
11 danger. I believe all of this could've been
12 avoided if school safety agents were trained to
13 respect students' rights and their privacy, and if
14 they were better supervised. Not only did the
15 agent disregard my privacy in the restroom, but he
16 disregarded my health and safety when he refused
17 to assist me after I was clearly injured. My
18 family and I had to bring a federal civil rights
19 lawsuit to get some justice from this incident.
20 Although the student has--although the suit has
21 recently been settled for \$55,000, I hope no other
22 students will have to go through the, through what
23 I have. Please pass the Student Safety Act.

24 CHAIRPERSON JACKSON: Thank you.

25 Next, please. [applause] Please hold your

1
2 applause. [pause, background noise] Next,
3 please.

4 CARLOS CRUZ: Yes. First I would
5 like to thank the members of the City Council, the
6 New York Civil Liberties Union, and all Committee
7 Members for giving me the opportunity to testify
8 on behalf of the Student Safety Act. My name is
9 Carlos Cruz, and I am Stephen Cruz's dad. Our
10 family lives in Flushing, Queens. I would like to
11 talk about my experience as a parent dealing with
12 the system set up by the NYPD and the Department
13 of Education that is supposed to keep our children
14 safe. A system which instead of increasing safety
15 puts our kids in harm's way by allowing both
16 agencies to pass the buck and not take
17 responsibility for the actions by the school
18 safety agents. My son Stephen attends Robert F.
19 Kennedy High School, a school which we have
20 nothing but high praise for the teaching staff and
21 the administration. On the day my son was abused,
22 injured and neglected by a school safety agent, I
23 spoke to my son's principal, and he told me there
24 was nothing he could do because the agent was not
25 a school employee. Representatives from the

1 precinct refused to talk to us. We had scheduled
2 meetings to speak with them, and on both occasions
3 they called us and told us they could not show up.
4 There was no one willing to do anything right for
5 my son. There was no one to be held accountable
6 for, there was no accountability. The one person
7 I was able to turn to was a coworker, her name is
8 Ms. Lauren Morse, who is a community organizer for
9 the Parent Action Committee and New Settlement
10 Apartments. She put me in contact with NYCLU,
11 which led me to becoming involved with the
12 campaign to pass the Student Safety Act. My
13 family and I even had to retain the services of an
14 attorney, Mr. Jeff Rothman, to file a federal
15 civil rights lawsuit to get some justice and
16 accountability in this matter. I would like to
17 thank Mr. Rothman for all he has done for my
18 family. The case was recently settled for
19 \$55,000. I know that if that Act had been in
20 place when Stephen's incident happened,
21 information about the incident would have
22 automatically been made public. Most importantly,
23 the complaint filed against the school safety
24 agent would have been reported to the City
25

1 Council. As a result of our complaint, the agent
2 was removed from my son's school; however, we did
3 find out later that he was transferred to a middle
4 school. The response by the NYPD to this abuse
5 was to assign him to work with even younger
6 children. The Student Safety Act would not change
7 the relationship of the Department of Education
8 and the New York Police Department, but I hope the
9 City Council will investigate the lack of
10 accountability that puts students at risk. As a
11 parent and a taxpayer, I expect my son's school to
12 protect not only his but every child's health and
13 safety. Every person in our school system should
14 be working together to make our schools a good
15 healthy and safe place for our children to learn.
16 I hope you will all do the right thing and pass
17 this Act. Thank you.

18 CHAIRPERSON JACKSON: Thank you.

19 Next.

20 JEFFREY ROTHMAN: Shall I proceed?

21 CHAIRPERSON JACKSON: Sure, go
22 ahead, please, sir.

23 JEFFREY ROTHMAN: Good afternoon,
24 my name is Jeffrey Rothman, and I'm a civil rights
25

1 attorney practicing here in New York City. It has
2 been my distinct honor and pleasure to represent
3 Stephen Cruz, a truly stellar young man, and his
4 family in their attempt to secure some justice for
5 the abuse Stephen suffered from a school safety
6 agent who was supposed to have been there to
7 protect him, and in their attempt as well to help
8 create an environment of safety and security
9 within which he and other New York City school
10 students can learn and grow. It's our hope that
11 this lawsuit, and the \$55,500 settlement which was
12 recently reached with the City of New York, serves
13 to move the NYPD towards greater accountability
14 and transparency and concerns school safety
15 agents, and their conduct, thank you, and their
16 conduct towards our public school students. There
17 are approximately 5,000 school safety agents in
18 the New York City public schools, and it should go
19 without saying that it is an intolerable
20 situation, where students' rights are routinely
21 violated by SSAs, who are often poorly trained and
22 supervised, and who neither understand nor respect
23 basic Fourth and Fifth Amendment protections that
24 apply to students. Indeed, in Stephen's case he
25

1 was not even given the right to privacy and bodily
2 integrity while using the restroom. Even in a
3 bathroom stall, the school safety agent felt the
4 ability to kick open the door with impunity, and
5 to mock the bloody wound that he had caused to
6 Stephen's head. Unfortunately, the only recourse
7 for the Cruz family to take to obtain some
8 information and sense of redress from this
9 incident was through litigation. When the NYCLU
10 and I filed a complaint with the NYPD's Internal
11 Affairs Bureau over the incident, that quickly
12 revealed itself to be a futile endeavor. The
13 Internal Affairs Bureau detectives were aggressive
14 and were not well-suited to the sensitive handling
15 of the complaints of a teenager. Stephen's father
16 Carlos could not get any explanation out of either
17 the school's principal or the NYPD as to why his
18 son had been injured by a school safety agent in
19 the middle of the school day. As an attorney, I
20 am concerned about the erosion of young people's
21 rights. We are teaching students that their
22 rights don't matter and will not be respected,
23 precisely the wrong, demoralizing message to be
24 instilled in what we are training to be the
25

1
2 leaders of the new generation. The Student Safety
3 Act will shine a light, will help to shine a
4 light, on these violations of the law by school
5 safety agents, by allowing us to see whether
6 disciplinary actions and police interactions
7 affect students in a discriminatory manner, and
8 will give the Council for the first time access to
9 data on interactions that occur as a result of
10 metal detector scanning of students. I
11 respectfully urge your passage of the School
12 Safety Act. Thank you very much for your
13 attention.

14 CHAIRPERSON JACKSON: Well, thank
15 you, thank you, Stephen, your father, and your
16 attorney for coming in and giving testimony on
17 this very important subject. I'm going to ask
18 this panel if you could please step aside, and
19 then we'll call you back a little later, the rest
20 of you. We have a panel of youth that are coming
21 up to give testimony, and our Speaker is here, we
22 wanted to give her the opportunity to hear from
23 the youth. So we'll call you back after these
24 panels, okay? Thank you very much.

25 MALE VOICE: You'll forgive me,

2 Chairman, if I leave and don't come back.

3 CHAIRPERSON JACKSON: Sure.

4 MALE VOICE: Thank you.

5 CHAIRPERSON JACKSON: Thank you.

6 The panel of youth is Yashira [applause] Yashira,
7 pronounce your last name as Sadonis, I believe,
8 from Urban Youth Collaborative; Leesha, Leesha
9 Harbigan, from the Urban Youth Collaborative; and
10 Manny de la Cruz; and A.J.; and Jody. Can please
11 come forward?

12 SPEAKER QUINN: Chairperson

13 Jackson, I just wanted to make an announcement
14 that the Police Department has left two sergeants
15 behind, they're in the Committee Room, a Sergeant
16 O'Brian and a Sergeant Lopez, from the School
17 Safety Investigation Unit, in case there are any
18 individual students or advocates or anyone else
19 who wants to make a report relevant to a
20 particular incident or school safety officer. So
21 again, Sergeant O'Brian and Lopez are in the
22 Committee Room, which is to our left.

23 CHAIRPERSON JACKSON: Right, thank
24 you. Yashira? Okay. Just please identify
25 yourself, what school or organization you belong

1
2 to, and you may begin your testimony. Just speak
3 directly into the mic. Press, okay, press it
4 again, go ahead.

5 LEESHA HARBIGAN: My name is Leesha
6 Harbigan, and I'm 15 years old. I'm A member of
7 DRUM, Desis Rising Up & Moving, and the UYC, Urban
8 Youth Collaborative. As a Hillcrest High School
9 Student, it is not easy. On a daily basis,
10 students like myself have to go through scanning,
11 every time we enter the school building, we have
12 to take our belts off, and everything else on us
13 that we have on us that is metal, like prisoners
14 who have committed a serious crime. I'm here to
15 testify to inform you what is going on in our
16 school, and show why the Student Safety Act is
17 important. One thing that school safety--

18 CHAIRPERSON JACKSON: So, so these
19 are all students that are students in high school
20 or junior high school that just stood up? You're
21 part of the Urban Youth Collaborative? Okay.
22 Very good, okay.

23 LEESHA HARBIGAN: One thing that
24 school safety agents do is push students with
25 severe force, and when being confronted about it,

1 they seem that they don't care. A few weeks ago,
2 I saw a safety agent with her hand on a student.
3 When the student told her not to touch him because
4 his parents don't hit him, she said, "That's the
5 reason why you kids are so disrespectful, you need
6 to get your ass kicked." As a result, the student
7 was suspended. In a lot of these situations,
8 interaction with school safety agents usually
9 leads to suspension. The Student Safety Act will
10 let the public know who is getting suspended and
11 for what reasons. It will also let students know
12 that there is a way that they can report incidents
13 like these. School safety agents affect our
14 academics and learning. In the beginning of
15 January I was a minute or two late for school. A
16 school safety agent picks me up and wrote my name
17 and information down; instead of allowing me to go
18 to class, she drove me around Jamaica Avenue. I
19 had a quiz that day, and that prohibited me from
20 taking the test, hence failing it. This was not
21 my only experience. Even today, this is still an
22 issue. Last week I was required to teach a class
23 as a project. After the class ended, I stayed
24 behind to wrap up, and on my way to my next class
25

1 I ended up in the sweep room. The sweep room is
2 where students go when they are late to class, and
3 you end up missing your next class, and you do
4 nothing in the room. If you're there more than
5 two to three times in a week, you may be
6 suspended. If the Student Safety Act were passed,
7 the reasons why students are being suspended would
8 be clear. This will make police behaviors at
9 school clear, and will create a way to hold them
10 accountable. It will let students know that they
11 are able to report incidents. School safety
12 agents should not come between students and their
13 academics and learning. This will empower
14 students not to take any form of abuses from any
15 school safety agents. This is why you should pass
16 the Student Safety Act. [applause]

18 CHAIRPERSON JACKSON: Okay. I'm
19 going to ask that if--it's not, I don't think it's
20 necessary, even though you may want to, stand
21 every time, because basically you're all here for
22 this particular reason, so I don't think it's
23 necessary to convince us that you're here, we can
24 see you, loud and clear.

25 SPEAKER QUINN: And it's also

2 actually a little hard to hear what the witness is
3 saying, when you're standing up and sitting down,
4 so we're missing words of the testimony. So--

5 CHAIRPERSON JACKSON: Okay.

6 Alright, so next, please, if you don't mind,
7 identify yourself, what school, and you may begin.

8 ROBERT MOORE: Hello, my name is
9 Robert Moore, I'm 17, and a senior at the Bushwick
10 School for Social Justice. I'm a youth leader
11 with Make the Road New York, as well as the Urban
12 Youth Collaborative. I am here today to speak
13 about the Student Safety Act. Every morning I am
14 subjected to feeling like a criminal when I walk
15 through the metal detectors and get scanned. I
16 walk in each morning to school safety agents
17 glaring at me and making nasty comments to
18 students as they arrive, instead of saying "Hello"
19 and "Good morning." Already, this makes me feel
20 like turning around and going home. I step into
21 line, where I spend at least 15 to 20 minutes,
22 waiting to go through scanning. I have to take
23 off my chain, my belt, my keys and sometimes even
24 my shoes to go through the great arch that'll tell
25 me if I have to get wanded. This process makes me

1
2 feel like I don't even belong in the space, that
3 I'm not really welcome there. It's like I've
4 already done something wrong, when all I'm trying
5 to do is learn. School safety agents continue to
6 abuse their authority and harass students, when we
7 all want, when all we want to do is get an
8 education. I go to a school each day and receive
9 an education so I may continue to college, and
10 pursue my dreams. But how am I expected to do
11 this in this type of environment? The rights and
12 safety of students must be protected, and the
13 school safety agents must be held accountable if
14 they abuse their power. So I'm here to ask the
15 members of City Council to support the Student
16 Safety Act. The bill will require the Department
17 of Education and New York City Police Department
18 to release quarterly reports to City Council
19 Members, and the public, about expulsions,
20 detentions, suspensions and arrests made based on
21 race, gender, age and student status. This will
22 provide the data we need to see what's really
23 going on inside our schools and help us find ways
24 to educate, not criminalize students. Students
25 are being arrested and suspended in school far

1 more than before, and usually for minor
2 misconduct. In my school, I see students getting
3 suspended for the smallest thing, like getting
4 picked up in hallways sweeps when late to class.
5 I also have seen students handcuffed and arrested
6 for incidents that could have been dealt with
7 differently. No one is even taking the time to
8 talk about the issue, and instead are quick to put
9 students back on the street, shut out of their
10 education. When students are suspended they are
11 three times more likely to drop out.
12 Superintendent suspensions in New York City went
13 up 76 percent from 2000 to 2005, and these
14 students are mostly low income black and Latino
15 youth. These policies are pushing students out of
16 school into the street, and more likely into
17 prison. Some of the panelists who spoke earlier
18 today expressed the concern that we are somehow
19 singling out school safety agents for special
20 attention, when we ask that a complain mechanism
21 against them be publicized widely to students. I
22 go to a school in a low income community of color,
23 I'm singled out for special attention at a metal
24 detector every day when I enter my building. Our
25

1
2 problem is not that the--is not with the school
3 safety agents who are doing a good job, it is with
4 the school safety agents who are not doing a good
5 job. Students like me must interact intensely
6 with representatives of the NYPD agents who can
7 discipline us and even arrest us if they wish.
8 This is pretty intense monitoring of our
9 activities. What kind of message does the City
10 send students like me if they police us so
11 carefully, but are reluctant to inform us about
12 how to enforce our rights? Students deserve to go
13 to a school and an environment free of hostility.
14 But supporting the Student Safety Act, you are
15 saying that you support the right to youths'
16 education in a safe, secure learning environment.
17 It is time to invest in our future. This Act is
18 the first and necessary step to stopping the
19 criminalization of New York City's youth. We need
20 to see change in our schools now. Thank you.

21 [applause]

22 ADAMA WENDT: Good afternoon, my
23 name is Adama Wendt [phonetic] and I attend Youth
24 Adult Borough Center on Wilson Campus in The
25 Bronx. Ever since eighth grade, I've always been

1 excited about my high school experience. Little
2 did I know there would not be much to celebrate.
3 Every morning I am reminded constantly about the
4 society I am growing up in. I never thought that
5 a place I was supposed to feel safe in would make
6 me not want to come most of the time. Wilson is
7 the first school that I have attended with metal
8 detectors. Every day while getting dressed, I
9 debate on what not to do to my hair or wear, not
10 because I am scared of what people will say, but
11 because I have to consider how late it will make
12 me to class, because I have to take off almost
13 everything to walk through metal detectors--
14 meaning my hairpins, bracelets, belts, rings, etc.
15 As if that is not already a drag, I am constantly
16 harassed by school safety agents who go out of
17 their way to make comments to me and other females
18 I attend school with, about what we have on and
19 how appealing we are to them. Statement such as,
20 "Those glasses are sexy, I'd like to see you in
21 just those," or a statement that was made to my
22 friend regarding her breast size, and then she was
23 asked for her number. Without the School Safety
24 Act and students being uninformed on their rights,

1 this is happening and going on unnoticed by
2 teachers and principals too much. It has gotten
3 so bad that most of the time, females think these
4 remarks are cute or funny and ignore them on a
5 daily basis. Even though YABC is a night program,
6 and most of the students there are 18 or older
7 with children, there is no reason why an adult,
8 usually 20 to 40 years of age, are making
9 inappropriate remarks. On another note, within
10 Wilson there are many different high schools,
11 including a middle school, and although some
12 students may appear older, most are not, and are
13 usually in the 7th or 8th grade. These students
14 should never have to experience not being able to
15 go to a school safety agent for help because they
16 are afraid or scared to talk to them because of
17 previous events. This is too much. I've been
18 hearing these stories from my sisters and their
19 friends even before I got into high school. When
20 will you notice this is hurting us? How can you
21 possibly allow the NYPD, the same people who work
22 with criminals, to train safety agents coming into
23 our schools? What does that say about how you
24 feel about us? What are your plans for us,
25

1 because I cannot put my finger on it. I question
2 many nights as I lay in my bed, how can you say
3 that children are the future when you are trying
4 to destroy ours before we can build it? Thank
5 you. [applause]

7 CHASTITY SERRIANO: My name is
8 Chastity Serriano [phonetic], I'm 16 years old,
9 and a Youth Leader at Make the Road New York,
10 Urban Youth Collaborative. I am a senior at
11 Bushwick School for Social Justice. A few years
12 ago, I had a verbal argument with another female
13 in my grade. A school safety agent took me into
14 the main office and handcuffed me to a chair and
15 told me to shut up and relax. They released me
16 before my mom got to the school and tried to
17 pretend as if nothing every happened. I was
18 suspended for five days. This made me feel
19 embarrassed and humiliated in front of all my
20 peers. They portrayed me as an animal. This
21 could have been dealt with in a calmer and
22 reasonable way. When I reflect on the situation,
23 it frustrates me that at 12 years old, handcuffing
24 me to a chair was school safety agent solution to
25 the problem. If our schools had people trained in

1 conflict mediation, this would have never
2 happened. When I came back from suspension, I was
3 behind in all my classes. I am a senior now, and
4 I know that this is still happening in public
5 schools throughout New York City. Every day I go
6 to school and I face being harassed, pushed,
7 shoved, yelled at, disrespected and illegally
8 searched. I always had the impression that
9 schools are supposed to be a safe environment,
10 where I can receive an education, but the reality
11 is that instead of school being a safe place where
12 students are supported, they're suspended and
13 arrested for minor incidents. I thought the
14 school safety agents are supposed to keep me safe,
15 but all they implement is fear. I want to go to
16 school where I won't be afraid of the police, but
17 of the math test that I have to take second
18 period. When passed, the School, the Student
19 Safety Act, will be the first step in creating a
20 safe and respectful learning environment. When
21 incidents occur in our school, instead of
22 arresting or suspending us, we need more programs
23 like conflict and mediation counselors, and we
24 need a voice in determining school safety agent
25

1 policies. Some of the panelists who testified
2 earlier today would have believed the advocacy
3 groups like NYCLU have created a bunch of noise
4 around this Act, and that there is no real
5 problem. They're wrong. Students have been
6 involved in every step of this process. We are
7 the ones who saw a need for this Act. And Speaker
8 Quinn and Council Member Jackson, now we have been
9 involved in every step of the process from
10 reviewing this legislation, to agreeing to
11 modifications, to pushing our local elected
12 officials to support it. Make no mistake, the
13 push for the legislation is led by low income
14 students of color. The advocates who have spoken
15 here today work with us on our behalf, but we also
16 speak for ourselves. We are here because this
17 affects our everyday lives. We are here because
18 we live these, we live around these issues, and we
19 speak about it. It is not an advocacy game for
20 us, and we owe it to our younger brothers and
21 sisters to make a change. We are here on behalf
22 of New York City public school students, to say
23 that we have waited too long. City Council
24 Members must pass the Act. Educate, don't
25

1
2 incarcerate. [applause]

3 MIGUEL RODRIGUEZ: Hello, my name
4 is Miguel Rodriguez, I am 18 years old, and I am
5 an organizer at the Yaya Network, as well as a
6 Youth Leader at Sisters and Brothers United, one
7 of the founding organizations of the Urban Youth
8 Collaborative. And I'm a proud graduate of New
9 Explorers High School for Film Humanities. But I
10 spent my four years of my life in my school
11 feeling like a prisoner, constantly watching
12 student safety officers abuse and harass students,
13 something that happens in The Bronx and across the
14 City almost every day. Why do these things happen
15 to our young people? Especially in a place of
16 learning. This is unacceptable. The youth go to
17 school to learn, not to be harassed by student
18 safety officers who are originally put there to
19 provide a safe environment for the youth. There
20 needs to be an adequate system to help hold
21 accountable the student safety officers for their
22 actions. Our students need to feel safe. Things
23 like this need to be dealt with, and Members of
24 the City Council, we are calling on you to help
25 the youth across the City to help the youth in

2 this room, by passing the Student Safety Act.
3 These 6,000 student safety cards--these 6,000
4 cards represent hundreds of youth, hundreds of
5 teachers, hundreds of students around the City, as
6 well as student safety officers themselves, who
7 have signed this, all saying one thing--

8 SPEAKER QUINN: You guys, just do
9 us a favor, give the cards to the Sergeant-at-
10 Arms, so we can make 'em part--

11 MIGUEL RODRIGUEZ: We are not able
12 to give you the cards, we can make copies and then
13 give them to you.

14 SPEAKER QUINN: Okay.

15 CHAIRPERSON JACKSON: Just take a
16 look at one pile while, and then we--

17 SPEAKER QUINN: Just give it to the
18 Sergeant, hon, okay.

19 CHAIRPERSON JACKSON: Let me look
20 at one pile.

21 SPEAKER QUINN: We'll give 'em
22 back, and then if you'd--

23 MIGUEL RODRIGUEZ: And they all
24 say--

25 SPEAKER QUINN: Just wait, if you

2 can at some point make copies, that would be
3 great.

4 MIGUEL RODRIGUEZ: Okay.

5 SPEAKER QUINN: If you can't, you
6 know, that's cool, too.

7 MIGUEL RODRIGUEZ: And they, and
8 they all say, as a New York City resident, I join-
9 -

10 SPEAKER QUINN: And next time
11 bigger print for the older people wouldn't be very
12 much [laughter] a problem either.

13 MIGUEL RODRIGUEZ: I joined the--
14 they all say that they joined the Urban Youth
15 Collaborative, in support of the Student Safety
16 Act. And let me just make this clear that student
17 safety officers themselves have signed this piece
18 of, this piece right here, student safety officers
19 themselves and during outreach, have signed this
20 themselves, in saying that they support the
21 passing of the Student Safety Act. Thank you.

22 [applause]

23 CHAIRPERSON JACKSON: Alright.
24 I'm--young people, students, I'm going to ask you
25 to hold your applause. In the hearing process, we

1 don't want you to applaud, we don't want you to
2 boo, either.
3

4 MIGUEL RODRIGUEZ: Thank you, sir.

5 CHAIRPERSON JACKSON: So, we
6 basically are giving you a little flexibility, but
7 we, we don't encourage applause and boos and what
8 have you. But let me just, let me just say,
9 before I turn it over to the Speaker, I'm reading
10 this card, and it says, "Dear City Council Member
11 Peter Vallone, Jr., Robert Jackson and City
12 Council Speaker Christine Quinn: Students go to
13 school to learn and to prepare for college.
14 Students deserve to learn in a safe environment,
15 and to be treated with dignity and respect.
16 Students deserve a way to demand redress when
17 faced with misconduct, mistreatment or abuse by
18 school safety agents. As a New York City
19 resident, I join Desis Rise Up & Moving, commonly
20 known as DRUM, and the Urban Youth Collaborative,
21 in support of the Student Safety Act. The Act
22 would give students and parents a way to hold
23 school safety agents accountable for their
24 actions, expand the jurisdiction of the Civilian
25 Complaint Review Board to include school safety,

1
2 and requiring the Department of Education to make
3 public data re student arrests, expulsions and
4 interactions with safety agents, so that students
5 and communities can know what is going on in the
6 schools. We urge you, one, sign the Student
7 Safety Act; two, hold hearings on this Act so that
8 it can be voted on immediately." And has a
9 signature, name, address, zip code, and indicating
10 whether you're a student, parent or community
11 member. Now how many cards do you have, about?

12 MIGUEL RODRIGUEZ: Over 6,000
13 cards.

14 CHAIRPERSON JACKSON: Okay. Very
15 good. Let us turn to our Speaker, Christine
16 Quinn, for some questions and comments. Speaker
17 Quinn.

18 SPEAKER QUINN: Thank you. And
19 thank you to the panel that was before you guys
20 that allowed us to break in when I came back up
21 here. So, if those folks are still here, thank
22 you for that, as well. I appreciate it, and I'm
23 sorry I couldn't stay for all of the testimony
24 today. A couple of different questions, and it's
25 to everybody, so whoever wants to answer, give me

1
2 a sense of, you know, overall, do you think that
3 the school safety agents generally are trying to
4 do a good job, and there's a couple of folks that
5 are problematic? And therefore, since there's no
6 way to deal with that clearly, then it is a
7 problem. Or do you more generally feel that all
8 of the school safety agents in your schools, you
9 know, are a problem? And again, anybody, you can
10 go ahead first, if you want to. Go ahead. Just
11 restate your name when you start, 'cause we're
12 taping, so we can identify who it is.

13 ROBERT MOORE: Hello, my name is
14 Robert Moore, I'm with Make the Road and the Urban
15 Youth Collaborative. And this Act is just to
16 provide transparency so that we know what's going
17 on inside our schools, and we can clearly see what
18 needs to happen and what needs to change.

19 SPEAKER QUINN: So it isn't, and I
20 didn't hear you guys say this in your testimony,
21 so I just want to offer the opportunity to make
22 that really clear for the record, 'cause I think
23 there might be some folks who say the real goal
24 here is to get school safety agents out of schools
25 altogether. And that's not what I believe is the

1
2 case, so I just want to make sure that you folks
3 aren't misunderstood. The cases that you just
4 want a clear way to know how to report and then
5 for everybody to be able to analyze what's going
6 on. Is that a fair summary?

7 ROBERT MOORE: Yes, that is.

8 SPEAKER QUINN: Okay. Does anybody
9 else want to add anything on that? This isn't a
10 question, Robert, but if it's okay, if I can just
11 make a comment. I just want to thank the young
12 people who have been part of this process. We've
13 had a number of meetings together. In that
14 meeting, I just have to say, and I hope this
15 doesn't sound condescending, 'cause I don't want
16 it to, the young people I met with conducted
17 themselves, you all conducted yourself, and you
18 were one of them in that meeting, Robert,
19 incredibly professionally, better than a lot of
20 advocates, better than a lot of lobbyists who get
21 paid a lot of money to come in and see me. You
22 were incredibly thoughtful, very reasonable, I had
23 some concerns about the original version, you let
24 me be heard, I think I let you be heard, and we
25 were able to and are engaged in a cooperative,

1 forward moving process. And I hope that some
2 adults who come, sometimes come in to deal with me
3 and my colleagues, take note of the behavior of
4 the young people that we're working with. You've
5 had your voice be clear, been respectful, but
6 allowed us to do the same and we've been able to
7 make progress, and we will continue to make
8 progress. So I just wanted to thank you very much
9 for being such good advocates and such respectful
10 partners with us in the process.
11

12 CHAIRPERSON JACKSON: Good. I have
13 a question, I believe the third individual, what's
14 your name, young lady, please.

15 ADAMA WENDT: Adama Wendt.

16 CHAIRPERSON JACKSON: Adamo? Okay.

17 ADAMA WENDT: Yes, Adama, yes.

18 CHAIRPERSON JACKSON: Adama, I'm
19 sorry. You had said in your testimony that the
20 school safety agents had made inappropriate
21 comments to you and to some of your other
22 students, and some in a sexual nature, too, as
23 like they want to see you naked with those glasses
24 on, and what have you, and talking about breast
25 size. Do you--now, mind you, they had, when I say

2 "they," the Department of Education, NYPD
3 testified, that I think about 75 percent of the
4 school safety agents are women. So, I make the
5 assumption, and correct me if I'm wrong, these
6 comments are coming from male safety agents?

7 ADAMA WENDT: In the majority--is
8 this--the majority of the time, from what I see,
9 usually the females are downstairs and the males
10 are around the school. So, we basically deal with
11 just the males; the female usually they do the
12 scanning and stuff.

13 CHAIRPERSON JACKSON: The scanning,
14 downstairs where the, where the girls are coming
15 in?

16 ADAMA WENDT: Yeah.

17 CHAIRPERSON JACKSON: Is that
18 correct?

19 ADAMA WENDT: Yes.

20 CHAIRPERSON JACKSON: Hm. And have
21 students in your opinion, and this is the Walton
22 Campus that you're making reference to.

23 ADAMA WENDT: Yes.

24 CHAIRPERSON JACKSON: That's where
25 you said you go to school. Do you, have y'all

2 reported these, what you, what I would call
3 inappropriate comments, to the principal,
4 teachers, or other individuals in charge?

5 ADAMA WENDT: Like I said in my
6 testimony, it's a shame that sometimes the girls
7 do think it's funny, and they don't know, and most
8 of the students don't know where to go to report
9 it.

10 CHAIRPERSON JACKSON: Uh-huh.

11 ADAMA WENDT: So, they just usually
12 ignore it and, because they have to deal with
13 these safety officers on a day-to-day basis, so
14 they don't want to make it, they don't want to
15 make--

16 CHAIRPERSON JACKSON: They don't
17 want to make trouble.

18 ADAMA WENDT: --their learning
19 experience uncomfortable for them.

20 CHAIRPERSON JACKSON: Hm. And your
21 reference to these comments, was that this year or
22 last year or the year before?

23 ADAMA WENDT: It's this year, I
24 just started going to Walton in March.

25 CHAIRPERSON JACKSON: I'm sorry,

1 say that again.

2 ADAMA WENDT: It's, it was this
3 year.

4 CHAIRPERSON JACKSON: Okay. Okay.
5 And as far as I've heard comments from several
6 students testifying, that when you have to go
7 through the metal detectors, just like we have a
8 metal detector here at City Hall, and when I go
9 in, I have two Blackberries, and I have--So I put
10 that in my coat pocket right away, and I had, you
11 see I have my button and my pin, and sometimes
12 this goes off depending on the sensitivity of the
13 machine. So what I normally do is I put that,
14 along with my, my wallet, which has, you know, my
15 ID and everything, I put it in my jacket pocket
16 and send everything through, because I know,
17 basically, what I have to do in order to speed my
18 way through there. But you had indicated that, at
19 least I've heard this from several students, you
20 got to take off your belt, your hairpins, and
21 every earring, everything?

22 ADAMA WENDT: Your belt, and - -
23 they scan boots, you have to hold on to the table,
24 sometimes students have to take off their boots.
25

2 You have to take off rings and you can't do
3 certain hairstyles that have pins. They, it's
4 ridiculous--

5 CHAIRPERSON JACKSON: You mean, are
6 the, are the metal detectors that sensitive? They
7 are that sensitive.

8 ADAMA WENDT: It's, it's not, I
9 don't know, per se, if it's the metal detectors,
10 it's just the school safety agents.

11 CHAIRPERSON JACKSON: So you don't
12 know if it's the, if it's the machine, or the
13 agents are telling you, you have to take
14 everything off.

15 ADAMA WENDT: They tell us that
16 before we walk in, that we have to take off
17 everything, anything that we think would go off.

18 CHAIRPERSON JACKSON: That you
19 think would go of. Okay. And so where, where a
20 student walks through, and the machine goes off,
21 then they do what?

22 ADAMA WENDT: They make you,
23 sometimes you walk through again, or they make
24 you, if you keep, if you go off again, you have to
25 come in and they wand you.

2 CHAIRPERSON JACKSON: They wand
3 you.

4 ADAMA WENDT: And sometimes you
5 have to wait, if there's no female available, you
6 have to wait for a female to come down, and wand
7 you if you are a female.

8 CHAIRPERSON JACKSON: And how long
9 could that take on average, on the average.

10 ADAMA WENDT: Ten minutes, five
11 minutes.

12 CHAIRPERSON JACKSON: On average,
13 ten minutes?

14 ADAMA WENDT: Ten minutes for--

15 CHAIRPERSON JACKSON: No, I'm
16 talking about average, now, I'm, I would think a
17 minute or two, not five or ten minutes.

18 ADAMA WENDT: Not at all, not if
19 they were females, they could be all the way down
20 the hall, they could be on the last floor in the
21 school building, wherever they are at.

22 CHAIRPERSON JACKSON: Okay, so in
23 that situation where you may have to wait--

24 ADAMA WENDT: You wait for class,
25 and even after that--

2 CHAIRPERSON JACKSON: But I mean
3 would you then say, "Listen, let me just take off
4 my boots and put them through the machine," and go
5 through again so you can hurry up and get to
6 class, is that an option that you can do?

7 ADAMA WENDT: No, you just, you
8 wait, 'cause obviously, if you went through the
9 machine two times, I mean, like, it makes no sense
10 for you to go through again.

11 CHASTITY SORIANO: My name--

12 CHAIRPERSON JACKSON: Just identify
13 yourself, please.

14 CHASTITY SORIANO: Chastity
15 Soriano. I've been--

16 CHAIRPERSON JACKSON: And what
17 campus, school do you attend?

18 CHASTITY SORIANO: Bushwick School
19 for Social Justice.

20 CHAIRPERSON JACKSON: Okay, go
21 ahead.

22 CHASTITY SORIANO: In Brooklyn. I
23 was once taken to the bathroom, and because I
24 rang, I had bobby pins in my hair--

25 CHAIRPERSON JACKSON: Okay.

2 CHASTITY SORIANO: And because I
3 rang, they took me to the bathroom, and it was a
4 male that escorted me to the bathroom.

5 CHAIRPERSON JACKSON: Okay.

6 CHASTITY SORIANO: And three safety
7 agent females were in the bathroom.

8 CHAIRPERSON JACKSON: Okay.

9 CHASTITY SORIANO: And they closed
10 the door, and they told all the females that were
11 in the bathroom to exit. They told, they pulled
12 out a smaller wand, from the one that they keep
13 outside, it was smaller. They told me to lift up
14 the wire on my bra, and they pushed the wand
15 against me, to make sure that I didn't have
16 anything, they said they had to--

17 CHAIRPERSON JACKSON: Like, like a
18 razor or something like that.

19 CHASTITY SORIANO: Razor, cell
20 phones, iPods, anything. So, and, the comment
21 that the safety agent did make to me was, "We just
22 have to do this for your safety."

23 CHAIRPERSON JACKSON: Mm. In
24 essence because the, sometimes the metal on the
25 bra support will send the machine off, is that

2 correct?

3 CHASTITY SORIANO: Right, right.

4 CHAIRPERSON JACKSON: So, but in
5 essence you're saying that the way they, the way
6 they moved forward in making sure that you didn't
7 have any contraband or cell phone and stuff like
8 that, you felt was inappropriate? Not done with
9 sensitivity, or what?

10 CHASTITY SORIANO: It was not done
11 with sensitivity, and it wasn't appropriate, and
12 it was a violation of my privacy. I was
13 embarrassed, all my, I was walking in with a group
14 of friends. I was embarrassed to be taken to the
15 bathroom alone with three female safety agents.

16 CHAIRPERSON JACKSON: And then let
17 me ask you that, from a proactive point of view,
18 proactive point of view, what would have been
19 appropriate, if you have an opinion, because, you
20 know, I'm old enough to be your father, okay.
21 And, and just from what your explanation, what you
22 just gave, if in fact a safety agent felt, you
23 know, because contraband sometimes can come in
24 situations like that, would it be appropriate to
25 say, just, to you know, pull your bra out so if

1
2 anything, let's say a cell phone or if a razor
3 would fall out, would that be appropriate? What
4 would be appropriate way to do that? If you have
5 an opinion? If you have an opinion, you don't
6 have to, I mean.

7 CHASTITY SORIANO: I feel like, it
8 shouldn't have been taken that way. I mean, like,
9 there's a whole bunch of different ways. They
10 didn't even give me the option of calling my
11 house. I felt very uncomfortable. I was a
12 freshman in high school, it was very uncomfortable
13 for me. Coming in as a freshman, I didn't, like I
14 don't know this stuff, like I don't, I've never
15 been through this situation before, so they didn't
16 even give me the option of having my house called.
17 Like I would've like to call my mom to make sure,
18 "Ma, is, can I do this, is this okay?" They
19 didn't even give me that option. So.

20 CHAIRPERSON JACKSON: Okay. Well,
21 let me, let me thank you for all coming in, as a
22 panel. Let me turn to our colleague, Peter
23 Vallone, Jr., the Chair of the Public Safety
24 Committee.

25 CHAIRPERSON VALLONE: Yeah, I'm

1
2 gong to be very quick, you guys are so impressive.
3 I do have a daughter your age, and if a school
4 safety officer said that to her, the least of his
5 problems would be getting reported and losing his
6 job. So, let me recommend to you that as the
7 Speaker said, there are two sergeants here. There
8 are two sergeants here, ready and willing to take
9 complaints, they're in that, still in that room?

10 SPEAKER QUINN: I think so, yeah.

11 CHAIRPERSON VALLONE: Yeah, they're
12 in that room, so I would recommend that you go
13 turn this guy in, and anyone else that you know of
14 that acted so completely inappropriately. But
15 also remember that there are, you know, there are
16 lots of good school safety agents, just as there
17 are some bad ones, just as there are bad cops, bad
18 teachers, bad council members, they're all over
19 the place. You're going to deal with them, and
20 then the best thing you can do, as you said, is
21 shine some, shine some light on people so that we
22 can find out who the bad ones are, and get rid of
23 'em. But don't lose faith in the entire system, I
24 mean, these guys, they're most, most of 'em trying
25 to do, trying to do the right thing. And we got

1
2 to make sure we all work together to rid of the
3 ones who aren't, especially that guy. Not you,
4 the one that you--[laughter] the guy you spoke
5 about. So, I just want to thank you all for
6 coming down here, it's really helpful. And Sara
7 Gonzalez, our co--by the way, you all wrote these
8 letters to Chair Jackson, myself and the Speaker
9 for a hearing, got your hearing. So, you see how
10 these things work, sometimes things work the way
11 they are supposed to. So, so, your voices were
12 heard, and thanks for that, too.

13 CHAIRPERSON GONZALEZ: Yeah, I just
14 want to go back a little to the incident that
15 happened with you. Are you afraid to report it?

16 FEMALE VOICE: [off mic] Who are
17 you talking about?

18 CHAIRPERSON GONZALEZ: This--what's
19 your name again?

20 CHASTITY SORIANO: Chastity
21 Soriano.

22 CHAIRPERSON GONZALEZ: Chastity.
23 Are you afraid?

24 CHASTITY SORIANO: Which incident,
25 the one--

2 CHAIRPERSON GONZALEZ: The one
3 with, you know, that you said that they, they put
4 the wand--

5 CHASTITY SORIANO: I was, I was a
6 freshman, I was extremely afraid at the time to
7 report it. Now, I've gained so much confidence
8 that I would report it now. At the time--

9 CHAIRPERSON GONZALEZ: Okay, so you
10 don't have concerns about reporting at this point.

11 CHASTITY SORIANO: No.

12 SPEAKER QUINN: [off mic] She did
13 then.

14 CHAIRPERSON GONZALEZ: You did
15 then.

16 CHASTITY SORIANO: Yes, but there's
17 still kids that are coming into high school that
18 are afraid to report it, and there's kids that are
19 even older than me, that are still afraid to
20 report it, and are skeptical about what are the
21 consequences might be. Will the student safety
22 agent still be in the school to harass us? And to
23 pinpoint us out?

24 CHAIRPERSON GONZALEZ: Exactly.
25 Okay, well we heard you, and I thank you, you have

2 a lot of courage, and what you're doing here today
3 is significant for the future. So I thank you.
4 And I'm Sara M. Gonzalez, so you can write to me,
5 too. [laughter]

6 MIGUEL RODRIGUEZ: I just want to
7 make a quick statement that--

8 SPEAKER QUINN: [off mic] Say your
9 name, please.

10 MIGUEL RODRIGUEZ: Oh, it's Miguel
11 Rodriguez, from the Urban Youth Collaborative.
12 And I'll, most of these incidents that happen,
13 mostly, practically all of them, a lot of the
14 times it doesn't get reported because of being
15 afraid of what the student safety officer does.
16 And sometimes, the student safety officer may
17 assume some type of authority that is above the
18 principal, so you can't , you have the fear of not
19 even reporting to the dean or the principal.

20 SPEAKER QUINN: Miguel, just
21 explain a little bit, or elaborate, when you say
22 people don't report 'cause they're afraid. Tell
23 me a little bit, what are they afraid, what are
24 you afraid of? Are you afraid that--just tell me
25 what you're afraid of.

1
2 MIGUEL RODRIGUEZ: Well, in my
3 case, me and my best friend, our tenth grade year,
4 my best friend was tripped by a student safety
5 officer and he fell down, he fell down a couple
6 stairs. He got a couple, a couple bumps and
7 bruises. So I said, you know, we had a good
8 relationship with our principal, we said, "Let's
9 go to Mr. Mooney's office right now." We're on
10 our way to the office, and the student safety
11 officer knowing that we were on our way, sort of
12 blocked the door and asked us, where are we going,
13 in an intimidating voice. And that to us is like,
14 "Okay, we have a student safety officer who is,
15 presume as he looking like a police officer," to
16 us, and it's like, we feel threatened to be in an
17 environment of learning where we have to be, you
18 now, we can't even step foot in our principal's
19 office without a student safety officer saying,
20 "What are you doing?" Assuming that we're going
21 to report them, or tell on them. And what happens
22 if we do? I fear when I leave school every day
23 that they're outside. Supposedly, you know,
24 protect--they protect the environment around, but
25 what happens if they see a student that they think

2 might've reported them? Do I have to, do I
3 deserve to get dirty looks every day because of
4 that? Or even worse, I might even be beaten up.
5 In some cases, students are beaten up to the point
6 where they've got sent to the hospital.

7 SPEAKER QUINN: Thank you.

8 MIGUEL RODRIGUEZ: You're welcome.

9 CHAIRPERSON JACKSON: And thank you
10 all for coming in.

11 SPEAKER QUINN: Go ahead, honey,
12 you want to--

13 ROBERT MOORE: This was just going
14 to Peter Vallone's comment, we do commend those
15 good safety agents, but we're asking for the
16 transparency so that we can understand what's
17 really happening in our schools, and what we need
18 to do to change it.

19 SPEAKER QUINN: So, and look, I
20 think you're absolutely right, and one of the
21 challenges is, if you have a bad school safety
22 agent in a school, then there's the potential that
23 every student is going to assume that every other
24 school safety officer is the same as that one bad
25 person, if the only school safety agent they ever

1 interacted with was the bad school safety agent.
2 So transparency, I agree with you, but I also
3 think it can work in favor of the good agents out
4 there, because it can be shown that if there are,
5 you know, ten in a school and nine of them have
6 never gotten a report against them, well that's
7 pretty significant, it underscores the one that's
8 the problem, but really speaks volumes about the
9 nine. Thanks you guys very much. Take care.

11 MALE VOICE: [off mic] Thank you.

12 CHAIRPERSON JACKSON: Thank you.

13 ADAMA WENDT: One more comment.

14 Another reason why students fear retaliation, a
15 student from DRUM, I can't remember if it was, it
16 was last year, yeah, he was harassed by an SSA,
17 and was criminalized, as well as his friends and
18 family, and when he reported an incident between,
19 and he reported incidents between him and himself,
20 yeah, and--

21 SPEAKER QUINN: Okay, thanks, guys.

22 Thank you.

23 CHAIRPERSON JACKSON: Thank you.

24 Our next panel is Emily Hensy, Youth Ministries
25 for Peace and Justice, Ysidis and Fatima, these

1 are youth--No, we understand that, these are the
2 youth panels. So, please youth, come forward.
3 Any other youth that are scheduled to testify, you
4 need to fill out a slip at the front, the
5 Sergeant-of-Arms. Are there three youths that I
6 called? Please come forward and have a seat. Is
7 there anyone else on this panel? No? Okay.
8 Anyone that's coming up needs to fill out a slip,
9 please, Sergeant-of-Arms. If you haven't filled
10 out a slip, you have to fill out a slip, please.
11 Sergeant, please give them a slip and you can have
12 a seat, but fill it out, please. Okay, Emily.
13 Emily? Is Emily here? No, okay. Ysidis? Okay,
14 please identify yourself, and what school or group
15 you belong to, and begin your testimony. And if
16 you have written testimony, please give it to the
17 Sergeant-at-Arms.

18
19 Good afternoon, my name is Ysidis
20 [phonetic] Santana, I am 17 years old, and I
21 attend Marble Hill High School for International
22 Studies. I am a Youth Leader at Sisters and
23 Brothers United. Education is supposed to be
24 free, but student safety agents, it make teens
25 feel like school is a prison. Just last week, I

1 and a student safety agent got into an altercation
2 because student traffic through the metal
3 detectors was accumulating. The student safety
4 agent got, was frustrated at the traffic that was
5 accumulating and just left her position, leaving
6 more than 50 students on the line waiting to go
7 through the metal detectors, making us rush to
8 class and still be late. Student safety agents
9 are also constantly bothering students in the
10 hallways, making us even more late to class. In
11 my school, student safety officers harass students
12 by telling them that they are not walking fast
13 enough to class, and stopping them for random
14 searches, because they re not walking fast enough
15 to class. This is something that should not
16 happen in a place of learning. These are just a
17 few of the many issues I have encountered with
18 student safety agents through my high school
19 years. Members of City Council, how many of you
20 can say you've been through this in your high
21 school years? Passing the Student Safety Act,
22 passing the Student Safety Act will hold student
23 safety agents accountable for their actions,
24 especially in the case where they themselves are
25

1
2 purposely making students late to class. I
3 believe as a student, the Student Safety Act
4 should be passed, so that the behavior should not
5 interrupt our learning process.

6 CHAIRPERSON JACKSON: Thank you.
7 Next, please, just identify yourself, what grade
8 or how old you are, what school, what organization
9 you belong to, and you may begin your testimony.

10 MANNY DE LA CRUZ: Alright, so hi,
11 my name's Manny de la Cruz, I am 16 years old.
12 I'm a member of, I'm a Core Leader of Sisters and
13 Brothers United, and also part of the Urban Youth
14 Collaborative. I attend the Urban Assembly School
15 for Applied Math and Science, which is a middle
16 school and high school in The Bronx. So,
17 fortunately, my school does not have metal
18 detectors, but we do have SSAs there that, every
19 morning we walk in and they give us a very
20 disgusted look on their faces. They have very
21 disgusted look on their faces as you walk in,
22 which kind of puts us in a very awkward position,
23 considering we're going there to learn, and to
24 find, discover new things, and not be harassed.
25 But, the school has a very dedicated

1 administration and staff, that have been there
2 with us through thick and thin. But whenever the
3 SSAs find themselves seeing an altercation, and
4 when an altercation arises up in the school, they
5 think that it's their chance to go ahead, take
6 action, in the best way that they find fit. Not
7 too long ago last year, during, towards the end of
8 the school year, there was a student, a 13 year
9 old student in the 8th grade, who was, she was
10 having, she was going back and forth at it with
11 the dean at our school. And they were just
12 arguing, a bit of yelling, actually, and an SSA
13 came running in from outside, 'cause she overheard
14 this. Her first reaction was to go ahead,
15 unprovoked, grab the 13 year old girl by the
16 throat, push her up against a wall, and then
17 threat--choking her, threat, which is a threat to
18 her life, and also threatening to put her in
19 handcuffs if she tried to do anything. And then
20 when the dean tried to go ahead and stop the SSA
21 from attacking her, she then, the SSA then decided
22 to go ahead and threaten him by saying that she'd
23 put him in handcuffs if he tried to interfere. On
24 top of--this has happened too often in our school.
25

1
2 Whenever an altercation arises, the SSAs have a
3 reputation for thinking that they have superiority
4 over, and to be the disciplinarians in our school,
5 and that's not the case. They're there to keep us
6 safe, and to make sure that nothing happens inside
7 the school. But to go ahead and put your hands on
8 a student like that, it's unacceptable in any
9 circumstance at all. So, I urge you all to go
10 ahead and pass the Student Safety Act, because
11 things like this should not be happening. This
12 student actually left the school because she was
13 afraid that if she tried to report this, the SSA
14 would go ahead and try to do something to her.
15 Whether it be that she got attacked outside of
16 school, inside of school, or whatever the case may
17 have been, she decided to go ahead, up and leave
18 out of the school because she thought she was
19 unsafe. Thank you.

20 CHAIRPERSON JACKSON: Thank you.

21 Next, please.

22 ARCADIO JAVIER GUERRERO: Hello.

23 Good afternoon, my name is Arcadio [phonetic]
24 Javier Guerrero. I am 17 years old and I am a
25 junior at the Urban Assembly School for Applied

1 Math and Science.

2
3 CHAIRPERSON JACKSON: Where is that
4 located at?

5 ARCADIO JAVIER GUERRERO: That's
6 located in Bathgate in Claremont.

7 CHAIRPERSON JACKSON: In The Bronx.

8 ARCADIO JAVIER GUERRERO: Yes.

9 CHAIRPERSON JACKSON: Okay, go
10 ahead.

11 ARCADIO JAVIER GUERRERO: I'm also
12 a Youth Leader at Sisters and Brothers United and
13 I am also a part of the Urban Youth Collaborative.
14 I'm somewhat new to it, but I've been there for a
15 few times before. There was this one time, I was
16 standing outside, and it was very chilly outside,
17 and I noticed I had forgotten my sweater. So, I
18 attempted to go back in the school to get my
19 sweater, because it was very, it was like around
20 40 degrees. And--

21 CHAIRPERSON JACKSON: Push your mic
22 down a little bit.

23 ARCADIO JAVIER GUERRERO: Like
24 that?

25 CHAIRPERSON JACKSON: Yeah.

ARCADIO JAVIER GUERRERO: Alright.

As I walked inside the school, I was stopped by a school safety agent, and she asked me where was I going, and I simply replied, "I'm going to get my sweater." And she told me I couldn't enter the building, and that I had to leave. As I beseechingly asked her, again and again, if I can go inside and get my sweater, she started yelling at me, telling me no I couldn't. And my principal, Mr. Ogilvie, happened to pass by and heard what was going, overheard what was going on, and he stopped to investigate. I explained to Mr. Ogilvie the situation, and he spoke to the school safety agent and what shockingly surprised me was that he had no say in what was going on. And he couldn't do anything about it. And, you know, this is why there needs to be a stronger system of accountability, and the only way that it's possible is if the Student Safety Act is passed.

CHAIRPERSON JACKSON: Okay, next, please. I have questions, and I'll, and when we finish, I'll come back to questions. Is there anyone else that's testifying?

JODY GOPAUL: Hi, my name is Jody

2 Gopaul [phonetic], I'm a senior and DeWitt Clinton
3 High School, and I'm also a Youth Leader at
4 Sisters and Brothers United, and this is my
5 statement. "Take off everything right now! Take
6 off all your jewelry, all the metal, all that's in
7 your hands!"

8 CHAIRPERSON JACKSON: 'Scuze me,
9 'scuze me. 'Scuze me, I'm sorry, young lady, I'm
10 sorry, this is hearing testimony; as far as a skit
11 is concerned, this hearing is not, this is not the
12 appropriate forum for a skit. So if you want to
13 describe what you're doing, that's one thing, but
14 a skit is not appropriate in the hearing process.
15 So, I'm going to ask you to refrain from doing
16 that if you don't mind. You can give testimony,
17 but--

18 JODY GOPAUL: Well--

19 CHAIRPERSON JACKSON: Would you
20 have a seat, if you don't mind, could you share a
21 seat with her, and so you can give testimony? And
22 if you also, you want to sit down and give
23 testimony as to describe what they tell you to do,
24 that's appropriate. Okay? So just identify
25 yourself, if you don't mind.

2 JODY GOPAUL: Okay, my name is Jody
3 Gopaul, I'm a senior at DeWitt Clinton High
4 School, and I'm also a Youth Leader at Sisters and
5 Brothers United.

6 CHAIRPERSON JACKSON: Okay.

7 JODY GOPAUL: And the point of our
8 skit was to show the struggle that we have to go
9 through when we go through metal detectors in the
10 morning, and how the safety officers like rush us,
11 but yet it still makes us late to class. So--

12 CHAIRPERSON JACKSON: Okay. Is it
13 possible you can describe that, and even the words
14 that which you were going to describe, if you can
15 please describe that, just sit down and identify
16 yourself, and then you can, you can tell us how
17 they communicate to you, in your opinion. I'll be
18 glad to listen to that testimony. Okay? You
19 don't mind giving the seat up? Thank you. Just
20 identify yourself for the record, and you may
21 begin your testimony, in describing how they talk
22 to you, in your opinion.

23 NICKI HAMILTON: Well, basically--

24 CHAIRPERSON JACKSON: First
25 identify yourself, if you don't mind.

2 NICKI HAMILTON: I know, I was
3 going to do that. Thank you.

4 CHAIRPERSON JACKSON: Okay.

5 NICKI HAMILTON: My name is Nicki
6 Hamilton, and I'm a Youth Leader at SBU, Sisters
7 and Brother United. And basically, I was, in this
8 role, I was playing the police officer because the
9 police officer, what they do, they don't act
10 nicely, they yell in the morning, to tell 'em to
11 take off, you know, they jewelry and stuff, and
12 basically that's what I was trying to show you.

13 CHAIRPERSON JACKSON: And is that
14 the, in the school you attend, how does the school
15 safety officers, agents, speak to you in the
16 morning? Go ahead.

17 NICKI HAMILTON: Well, basically--

18 CHAIRPERSON JACKSON: Now you can
19 role play.

20 NICKI HAMILTON: I just graduated
21 from the Leadership Institute.

22 CHAIRPERSON JACKSON: Now you can
23 role play.

24 NICKI HAMILTON: And, and I don't
25 attend a high school that, you know, that happens

2 at.

3 CHAIRPERSON JACKSON: Okay.

4 NICKI HAMILTON: I'm in college
5 right now. But I'm here to fight for my students,
6 'cause I don't think it's right for police
7 officers to be harassing them, so that's what I'm
8 here for.

9 CHAIRPERSON JACKSON: Okay, okay.

10 And I'll, I'll have questions to ask you, but I'm
11 going to allow other panel members, 'cause I would
12 ask you the questions, "Well, how do you know
13 that's occurring? Have you witnessed that
14 yourself? Were you the one that was the receiver
15 of the way the school safety agents were
16 communicating, like you were going to role play?"
17 Those are appropriate questions to determine if in
18 fact you have, in essence, an offer of proof that
19 this is occurring. Not that we don't believe you,
20 but if you're, if you're communicating to us what
21 other people tell you, then you're only
22 communicating what someone else told you, and that
23 would be considered hearsay, as far as evidence.
24 But if you know from your personal experience,
25 then you can talk about that. Do you know what I

1
2 mean? And that's what I was asking you, whether
3 or not you've experienced that yourself.

4 NICKI HAMILTON: Yeah, I do have
5 one experience, basically. It was in Clinton, I
6 was going over there, you know, to get my guys and
7 stuff, from Clinton, 'cause you, they wanted to
8 fight and stuff, and then they had me go through
9 these metal detectors. And I had a belt and I had
10 change on and stuff, and my earrings, stuff like
11 that, and instead of asking me nicely, they just
12 yelled. "Oh, take your stuff off," stuff like
13 that. They just abused me like I was a criminal.
14 All I was doing was going to pick up my guys and
15 stuff.

16 CHAIRPERSON JACKSON: Okay. Okay,
17 I'm sorry, is there other, in the youth, have you
18 testified yet? Okay, just identify yourself and
19 you may begin your testimony. If you don't mind.
20 Go ahead, please.

21 YOSHIRA CIVIDANES: Good evening,
22 my name is Yoshira Cividanes [phonetic], and I'm
23 16 years old. I'm a junior at Community School
24 for Social Justice, located in The Bronx. I'm
25 also part of the youth led organization called

1 Sisters and Brother United, located in the
2 northwest Bronx. I personally have never been
3 assaulted by a school safety agent, nor do I have
4 metal detectors in my school, but I do have
5 friends and family members that attend high
6 schools that are packed with metal detectors. We
7 used to go to school to learn, not to feel like
8 criminals. What the Department of Education needs
9 to do is build a stronger system of
10 accountability. Right now the system stands at
11 this: if there is an incident and a student wants
12 to file a complaint, they have to go to the New
13 York Police Department and then the complaint
14 follows through to Internal Affairs. But students
15 are scared, and yet frustrated about approaching
16 an NYPD official to file a complaint. School
17 safety agents know how difficult the process is to
18 file a complaint, so they abuse their authority,
19 knowing that there won't be any consequences for
20 their actions. Principals aren't even allowed to
21 get involved with breaking up a fight, they could
22 get arrested. So this is why the youth come here
23 today, to let it be known that it is strongly
24 important for the Student Safety Act to be passed
25

2 through legislation, that way students are able to
3 obtain information regarding how many expulsions
4 have occurred, how many students have been
5 arrested, so on and so forth. We as a student
6 body want to know what the School Safety Agents
7 are doing inside of our schools. All my angry
8 fellow students that have gone or currently
9 experience these unjust acts are telling you about
10 their own personal issues, showing you that this
11 is not a joke, and more of an urgent concern.
12 Thank you.

13 CHAIRPERSON JACKSON: Thank you.

14 Next, please.

15 FATIMA: Good afternoon, ladies and
16 gentleman, my name is Fatima, I am a leader at
17 Sisters and Brother United, and I am a senior at
18 DeWitt Clinton High School, located in The Bronx.
19 DeWitt Clinton is known as one of the largest
20 schools in the City that is not broken down into
21 different schools. It is populated with over
22 4,000 students. We have only one entrance, four
23 metal detectors, and with lots of student safety
24 agents. With more than 100 students trying to get
25 to class, we are constantly being taunt and

1
2 verbally harassed by student safety agents. I
3 have gone through times where I'm forced to take
4 off my shoes, my belt, my jackets, and sometimes
5 my headscarf. The question is, why are cops so
6 lazy to the point that they're making us strip us
7 of our clothes? Recently, I recall a time when I
8 came into school with these gold bangles. I went
9 through the metal detector, and an agent had told
10 me to take off my bangles. I put them on top of
11 the scanners and I got yelled at. So I put the
12 bangles inside the machine. Only two out of the
13 four bangles came out of the machine. I asked the
14 agent to look in the machine to see if it was, if
15 it was stuck. She started some commotion. She
16 specifically said she was not going to help me
17 because she didn't care. I went to her supervisor
18 and told him what happened. And when the
19 supervisor and I got back, she took out my
20 bangles. Now, that agent is the same one giving
21 me dirty looks and saying things under her breath.
22 If the Student Safety Act is passed, I will feel
23 more comfortable coming to school, secure about
24 myself and my belongings, and not be afraid to
25 face that same agent. Thank you.

1
2 CHAIRPERSON JACKSON: Has every
3 student testified already? Okay, let me ask a
4 couple questions, if you don't mind. Now, you're
5 saying that, and I'm, this is a question I guess
6 to ask to all of you. Do they require, do they
7 tell you to take off your shoes and your belt and
8 everything? Or is it only because, and I'm trying
9 to find out, is the metal detector so sensitive
10 where you must take off your belt? For example,
11 let me give you an example. At City Hall, you
12 may have heard me testify earlier, when I come
13 into City Hall, I take off my jacket, I have my
14 Blackberry here, I take that and I put it in my
15 pocket, my other Blackberry in my other pants
16 pocket, I put it in my jacket pocket. My wallet,
17 which has basically metal, because as a member of
18 the City Council I have a badge, I put that in my
19 pocket, also. I take off my jacket, because I
20 know that these are the metals that I have. And I
21 send it through that way. And I do that in
22 advance, and sometimes the machine is sensitive
23 than other times, where I may be able to get
24 through with my pens on, if I just go like this,
25 and I can get through. But in order to be safe

1 and secure, I just do what I just explained. Is
2 it necessary for you to take off your shoes, and
3 your belt? Because my belt, I don't take off here
4 at City Hall. And I don't take off my shoes. And
5 so, do they require that every time, or are they
6 only doing that because some belts and some shoes,
7 I guess, depending on the size of the buckle and
8 what have you, may go off? Help me out to
9 understand. If you can, anyone.

11 FATIMA: Okay, my name is Fatima,
12 and like, for instance, like, say some people wear
13 Timberland boots.

14 CHAIRPERSON JACKSON: Okay.

15 FATIMA: Those, those boots are
16 automatically, you're supposed to take those off.

17 CHAIRPERSON JACKSON: Automatically
18 why? Because they have metal in there, or what?

19 FATIMA: I honestly don't know,
20 'cause I don't own Tims, but whereas, like I can
21 hear, I always hear the agents saying, "Oh, take
22 off your shoes, take off your belt, take off any
23 boots," like just random stuff. And also like
24 there's some shoes that ring, 'cause they have
25 metal, but sometimes there are shoes that have

1 metal, and they don't ring. So it's like we don't
2 know, but there are times when we just have to
3 take them off.
4

5 CHAIRPERSON JACKSON: Are they
6 requiring everyone to take off, or just some?

7 FATIMA: Yes, everyone.

8 CHAIRPERSON JACKSON: Everyone.

9 FATIMA: Yes.

10 CHAIRPERSON JACKSON: Okay, so when
11 you take it off, and you take all that off, you go
12 through the metal detector, right, and you clear.
13 Where do you put all of that stuff back on?

14 FATIMA: Well, in my school, in
15 Clinton, we're not, like where the scanning is,
16 we're not allowed to stay in there and put on our
17 stuff. We're, we're kicked out of the scanning
18 area, we're supposed to go out to the, to the
19 lunch room, and put them back on.

20 CHAIRPERSON JACKSON: How far is
21 the lunch room from the scanning machine?

22 FATIMA: It's pretty far.

23 CHAIRPERSON JACKSON: So, in
24 essence, you're walking with what?

25 FATIMA: I'm, well what--

2 CHAIRPERSON JACKSON: So, you put
3 your shoes on, but you don't tie them up, is that
4 what you do?

5 FATIMA: Okay, I have, I wear
6 boots-

7 CHAIRPERSON JACKSON: Okay.

8 FATIMA: They're nice, fancy ones,
9 or whatever, and then like with me, I don't, I
10 can't zip them up there, so I have to walk
11 barefoot with my socks, all the way to the
12 lunchroom, and then that's when I can fix, fix up.

13 CHAIRPERSON JACKSON: And the
14 lunchroom may be, is it 20 feet away, 50, 100 feet
15 away? How far is it? No, how far?

16 FATIMA: I think 20 feet.

17 CHAIRPERSON JACKSON: Oh, 20 feet.

18 FATIMA: 50 feet.

19 CHAIRPERSON JACKSON: Okay.

20 FATIMA: I'm not sure.

21 CHAIRPERSON JACKSON: Any other
22 experience as far as different schools, as far as
23 the metal detectors are concerned?

24 YSIDIS SANTANA: My name is Ysidis
25 Santana, I attend Marble Hill High School for

1 International Studies, which is inside Kennedy
2 Campus.
3

4 CHAIRPERSON JACKSON: Okay.

5 YSIDIS SANTANA: When we go inside,
6 we have to go through the metal detectors, we
7 have, they automatically tell us we have to take
8 off our shoe--either we, most of the time, during
9 winter, when it's, people wear more boots, we have
10 to take off our shoes and put them through the
11 machine, take off our belts, our coats. Mindful,
12 our metal detectors are, we pass the doors, and
13 the metal detectors are right there, so we're not
14 even clearly inside the building when we have to
15 take, remove our coats and remove sweaters, our
16 belts, and everything they tell us, to go through
17 the machine, which they rush us through. And then
18 we just have, in my school, we don't have the
19 cafeteria right there, we just have the, the table
20 where everything passes through, where we are
21 rushed to pick up, and then we have to just walk
22 with our stuff and go through the closest place
23 where we can stop would be the escalators, which
24 is like almost close to the other side of the
25 school, to put our stuff on, as we go up the

1
2 escalators to class. So, they rush, we don't even
3 have time to stop, we have to pick up everything
4 and sometimes when you have to go back through,
5 even if you have like a belt, which is not strong
6 enough to go through the, some flags that they
7 have on the metal, on the machines, you have to
8 have somebody probably put their bag, too, so that
9 you're belt can go through, which you have to wait
10 for that, too, and then it pick it up. And then
11 you have to grab everything and go.

12 CHAIRPERSON JACKSON: So they don't
13 have the little bins you put your stuff in?

14 YSIDIS SANTANA: Yeah, but
15 sometimes, being as they're plastic, and fragile,
16 they don't go through.

17 CHAIRPERSON JACKSON: Absolutely, I
18 mean, do they have bins for you to put your stuff
19 in?

20 YSIDIS SANTANA: They're these
21 small bins, but they're plastic, and they have
22 these little wipes that are right in front of the
23 machine, that, being as how those wipes are
24 heavier than the little plastic cases, they don't
25 go through. So you need something heavier that

2 will push the bins to go through.

3 CHAIRPERSON JACKSON: Okay. Well,
4 let me thank you all for coming in, representing
5 yourself and your organizations, and your fellow
6 students. We appreciate your testimony. Thank
7 you. Thank you. Okay, Dr. Shirley Smith--this is
8 the panel that, that we asked to step aside for
9 the youth--Minerva Morales, and Monica Harris,
10 please come forward again, if you're still here.
11 Is Minerva Morales here? Okay, Minerva, please
12 come forward again. And Monica Harris, are you
13 here? Okay, so, Dr. Smith, so we'll go forward.
14 Please identify yourself and you may begin your
15 testimony.

16 SHIRLEY SMITH: Thank you,
17 Councilman. Good afternoon, my name is Dr.
18 Shirley H. Smith, and as a former New York City
19 public school parent, an education advocate, a
20 former member of the Community Education Council
21 to Manhattan, and a Community Board Two member
22 presently, I am intimately involved with the New
23 York City educational system. I am a lifelong
24 education advocate, and I am here today to support
25 the passage of the Student Safety Act. The

1 relationship between the New York Cit Police
2 Department and the Department of Education that is
3 supposed to keep our children safe, is deeply
4 flawed. Instead of increasing safety, this system
5 creates horrible situations and detrimental
6 consequences for students. As a parent, education
7 advocate, community activist and taxpayer, I
8 expect the New York City public schools to protect
9 the health and safety of all students. Every
10 person in the school should be working together to
11 create a nurturing and intellectually stimulating
12 environment. One step toward solving the current
13 problem is passing the Student Safety Act.

14 Through transparency of data concerning school
15 safety incidents, we will be able to clearly see
16 for the first time, how our discipline policies
17 and police practices affect the lives and academic
18 potential of young people. The Act will require
19 the Department of Education and the New York
20 Police Department to report quarterly data on the
21 number of students who have been subjected to such
22 disciplinary procedures, or police interactions,
23 as suspensions, classroom removals, expulsions and
24 arrest. This data is currently not reported, and
25

1 much of it is not even tracked by the agencies.
2 The need for transparency is urgent. Students
3 cannot wait to have their rights respected, or
4 their potential nurtured. Please don't wait when
5 you can act now to give New York City's children a
6 fair shot at education. I thank the Council for
7 holding this hearing, and I ask that you please
8 pass the School Safety Act.
9

10 CHAIRPERSON JACKSON: Thank you.

11 Next, please, just identify yourself.

12 MINERVA MORALES: [off mic] Good
13 afternoon, my name is--[on mic] Good afternoon, my
14 name is Minerva Morales, I am a New York City
15 public school parent and a member of New York City
16 Coalition of Educational Justice. I am here today
17 to support the passage of the Student Safety Act.
18 Right now, schools are relying on safety agents to
19 handle discipline issues that normally used to be
20 handled by school administrators, such as being
21 late to school, in the hallway without a pass,
22 dress code violations, and other infractions.
23 Because of this and more, more students are being
24 arrested and criminalized for non-criminal
25 offenses, because there is no system or

2 transparency of accountability. School safety
3 agents are free to do whatever they want to do in
4 schools, even more so than cops on the streets.
5 The over policy had created a police state in our
6 schools that are preventing many students from
7 going to class, getting to class on time, and even
8 graduating, and doing more to push students out of
9 school than in keeping them safe. We have a
10 unique opportunity to address these issues and
11 begins with the Safety School Act, by having a
12 reporting requirements, we will see clearly how
13 our discipline policies and polices practice are
14 affecting their lives, and academic possibilities
15 of young people and by making this available to
16 advocates. You would allow them to use these
17 resources to be better serve young, their family
18 needs. We are in an educational crisis as parents
19 to collaborate and organize the negative effects
20 of our policy that with children and families
21 every day. The need for transparency is urgent
22 need. That's why legislation like the Student
23 Safety Act cannot wait another year to pass. We
24 need change now for students who are still in
25 school for students are being suspended as we

1 speak, for students who are still sitting in a
2 jail cell for actions that could have been
3 addressed through counseling, mediation or other
4 alternatives to policy. Our children are our
5 first priority, and when we place them in the City
6 hands each day we hope you will treat them as
7 precious individuals as they are. Please don't
8 wait when you can act now to give all students the
9 best education possible. Thank you. I have here
10 the testimony of my son, Kirsten [phonetic], he
11 just turned ten years old.

13 CHAIRPERSON JACKSON: Okay.

14 KIRSTEN REYES: Hi, my name is
15 Kirsten Reyes. I'm in, I'm in--I'm in school,
16 PS306 in The Bronx. I am in fifth grade, but last
17 year in fourth grade, I did not feel very good so
18 I headed to the nurse, but the security guard
19 grabbed me and pulled me from one side to the
20 school to the other, and threw me on the chair. I
21 felt very embarrassed and hoped that it didn't
22 happen. But they placed her in a different
23 school. Wherever she is, I hope she's not doing
24 any damage to any of the kids. Thank you.

25 CHAIRPERSON JACKSON: Well, let me

2 thank you all for coming in [applause] ladies,
3 gents, please. Let me thank you all for come and
4 giving testimony. I have a question, Minerva
5 Morales, you indicated you were giving testimony
6 as an individual or as the representative for the
7 Coalition for Educational Justice.

8 MINERVA MORALES: As a
9 representative, yeah.

10 CHAIRPERSON JACKSON: Okay, now, do
11 you have personal experience of safety officers
12 yourself, or this is just, you're reading
13 testimony that was prepared for you?

14 MINERVA MORALES: Well, I do,
15 because I've been on this already for a year
16 trying to get a lot of information because of what
17 happened with my son, but I am in an organization
18 that they're--that I know a little bit about this.

19 CHAIRPERSON JACKSON: Now, this is
20 your son, here.

21 MINERVA MORALES: Yes.

22 CHAIRPERSON JACKSON: Okay. And
23 you're saying that your son was saying, or you
24 were saying, that the school safety agent that
25 your son described, what happened to him, was

2 transferred to another school, as a--was it as a
3 result of that action?

4 MINERVA MORALES: Yes, that's
5 correct, I believe so.

6 CHAIRPERSON JACKSON: Okay. And--
7 Okay. Alright, well thank you all for coming in,
8 we appreciate it.

9 MINERVA MORALES: Thank you.

10 CHAIRPERSON JACKSON: Okay. The
11 next panel is Tammy Greer Brown from the NAACP
12 Education Committee, Staten Island; Brian Favors,
13 from Bushwick Community High School--is Brian here
14 from Bushwick? No? And William Gesino from
15 Progress High School. And you're the principal,
16 is that correct, William? Yeah, you were at the
17 press conference. Please come forward. Tammy
18 Greer Brown, just identify yourself and your
19 position, and you may begin your testimony.

20 TAMMY GREER BROWN: Hi, I'm--

21 CHAIRPERSON JACKSON: Good--

22 TAMMY GREER BROWN: I'm actually
23 not here to, as the NAACP, I'm actually here as an
24 independent parent, who happens to an education
25 chair.

2 CHAIRPERSON JACKSON: Okay,
3 alright, so let me just say, as a parent.

4 TAMMY GREER BROWN: As a parent.

5 CHAIRPERSON JACKSON: Okay.

6 TAMMY GREER BROWN: Okay. And I
7 wish more parents were here to testify.

8 CHAIRPERSON JACKSON: Okay.

9 TAMMY GREER BROWN: My name is
10 Tammy Greer Brown. I'm from Staten Island, New
11 York. I have a son, eleven year old son, who's in
12 public school. And I want to thank you for
13 allowing me to be able to speak about this, 'cause
14 this is something that's dear to my heart. Over
15 the past years, it has become an acceptable and
16 tolerated norm to view civil rights violations as
17 a customary practice on Staten Island. By no
18 means have I become numb to the civil crisis
19 currently confronting our children of color in
20 public schools, nor have I bought into the notion
21 that these sentiments have become more palatable
22 and digestible over time. What I do know is the
23 time is now for change in our public schools, and
24 we need everyone's support to ensure that it
25 occurs on Staten Island. In spite of our enormous

1
2 commitment to, and dedication to our children, we
3 Staten Islanders are still faced with some of the
4 most appalling discriminatory practices that are
5 subtly permeating the fabric of what is good and
6 decent in the psyche of our public school
7 children. I stand before you today to solicit
8 your ear as we move into a new era of awakening on
9 Staten Island. On Wednesday, May 26th, I received
10 a call from the school that my son engaged with
11 three other friends in an action called "kufe"
12 which is a playful, non-malicious, affectionate
13 exchange of head tapping between friends, and in
14 our day we called it, "Oops, upside your head."
15 Deemed as horseplay, my son and two of his friends
16 received a principal suspension. Although I
17 adamantly believe if you break the rules, there
18 should be consequences; however, what followed was
19 beyond belief. Not only did my son and his
20 friends receive a one-day principal suspension,
21 they were each forced to sign a document which I
22 have a copy of, without the parents' knowledge,
23 called "The PRAL [phonetic] Performance Reentry
24 Program" that is similar to reentry programs of
25 prisoners being reintegrated into a community in

1 which they live. The language that was in this
2 document included an admission of guilt of a crime
3 that was committed, whether it was actual or
4 perceived, evidence of rehabilitation that the
5 offender had to go through, probationary sheet
6 for--enforceable for ten to 15 days for a one day
7 suspension, written contract with the school, the
8 parent and the student, which I didn't get
9 knowledge of until after my son was forced to sign
10 this document. Although I wrote an appeal to the
11 Chancellor in late June, and to have this document
12 removed from my son's records permanently, as of
13 today, I have yet to receive a response from Mr.
14 Klein, thereby standing before you today I give
15 you my statement. The harshness and the severity
16 for generational/cultural behaviors, and just
17 typical boy things, deemed as a violation of
18 discipline codes outlined in the Chancellor's
19 regulation, indicate that New York City DOE and
20 NYPD are pushing thousands of students of color
21 closer to the school of--close to the school to
22 prison pipeline for the minutest infraction,
23 whether intangible or tangible. There are many
24 parents and student of color in Staten Island who
25

1
2 consistently complain about the severe and unfair
3 discipline consequences for minor infractions,
4 particularly on a high school level in Staten
5 Island.

6 CHAIRPERSON VALLONE: Can you
7 finish up, please?

8 TAMMY GREEN BROWN: Yes.

9 CHAIRPERSON VALLONE: And keep it
10 quiet in the back, please. Shhh.

11 TAMMY GREEN BROWN: Infractions
12 such as arriving late to class, dropping a pencil
13 on the floor, or just sitting inappropriate in a
14 class have been control tactics that have scared
15 our children of color not to say anything for fear
16 of retaliation to them, or their siblings that are
17 coming behind them. As a parent of a young,
18 spirited, eleven year old African-American, I as
19 his mother am dedicated to making sure he does not
20 end up in that prison, that school to prison
21 pipeline, and I have been chastised for it. I
22 have been ridiculed for it. And my son has been
23 targeted for it. And therefore, I implore you to
24 please pass 816-A so we can finally do something
25 about the school safety codes, not just with the

2 school safeties--

3 CHAIRPERSON VALLONE: Okay.

4 TAMMY GREEN BROWN: --but also
5 disciplinary actions.

6 CHAIRPERSON VALLONE: Thanks,
7 thanks. Let's keep to three minutes, and thank
8 you. If you show me a copy of that thing, he
9 sounded like--if I could take a look at it,
10 Sergeant, maybe, where are you? Nick, when you
11 get a chance, just pick up the document that she
12 has for us. Okay, you can, thanks.

13 BRIAN FAVORS: Good evening. My
14 name is Brian Favors and I'm a teacher at Bushwick
15 Community High School, and also Director of Sanco
16 [phonetic] for Community Empowerment, which is a
17 nonprofit organization, in Brooklyn, New York.
18 And first of all I just want to say that I'm
19 blessed to be here, and I think I bring a special
20 perspective as an educator, and also someone who
21 has worked for the past seven years in a school
22 that doesn't have metal detectors. The population
23 that we serve is an altern--we, I'm at an
24 alternative school that serves 17 to 21 year olds,
25 who have been unsuccessful in their previous

1 institutions. So we have, I mean, we have
2 students who are coming from some of the roughest
3 high schools in the City, some of the "roughest
4 kids" who have histories of violence, some have
5 come straight from Riker's. And I'm proud to say
6 that we have had one fight in seven years. Many
7 of the students, many of my students, some of whom
8 are here today, have been at our school for two-
9 three years, and have never seen a fight. And
10 we're very intentional and very clear as to why
11 that is. And I just want to talk to you a little
12 bit about metal detectors. First of all, when you
13 have metal detectors, when every day our young
14 people are forced, and particularly our young
15 black and brown youth are forced to walk through
16 metal detectors, that sends a very, very, very
17 powerful statement to them. And we, you know, I
18 mean, and it's very clear you treat people like
19 animals, and that's how they act. When you treat
20 people like you respect them, like you love them,
21 like you value them, you bring that out of them.
22 Many of my students, and if I was to ask to raise
23 your hand, just to the males in the room right
24 now, you would see the black and brown males not
25

1 only in schools that they went to, but even in the
2 street on a day-to-day basis, are dehumanized, on
3 a regular basis, on a day-to-day basis, my
4 students are told all the time to stand up against
5 a car and they're stopped and they're searched, so
6 much so many of 'em don't even know that their
7 rights are being violated. They have become
8 desensitized to it. Okay, things that never
9 happen in other communities, with people who don't
10 look like them. So, you know, one of the things
11 that I just want to talk about, and I have a lot
12 of say, but I'm going to try to kind of wrap it
13 up. Basic social bonding theory says that when
14 you create an environment that young people feel
15 like they are a part of, that they are loved, they
16 will value it; when they don't feel respected, you
17 are actually breeding, breeding violence and
18 criminal behavior. And one of the things I want
19 to talk about, some of the things that we have in
20 place, we are very intentional about countering
21 some of the violence that these young people
22 experience in the community, okay? First of all,
23 when they come into our school, from the
24 beginning, we have an orientation and we talk to
25

1 them about why we don't have metal detectors in
2 the school. We talk to them about the violence
3 that, the violence in the communities that they've
4 come from, and we get them to buy into it. And we
5 don't only do it, we have alumni come back, we
6 have a whole group of students who are writing
7 raps, and inviting them into a family atmosphere,
8 and speaking to their integrity. Okay, not only
9 that, when you come to school, not only are you
10 learning to pass regents and learning to, you
11 know, to meet those basic standards, but within
12 our curriculum, we are teaching them about the
13 violence and how to break the cycle of that. And
14 one of the, you know, one of the things that I'm
15 most proud of, I'm almost finished, one of the
16 things I'm most proud of, a lot of these
17 individuals, these young people that you see in
18 the crowd, are people who are, were affiliated in
19 gangs, are people who were violent on the street,
20 but once they get in education that is culturally
21 relevant, given to them by teachers who are
22 culturally competent, we see that they end up
23 being not only productive, they end up being the
24 leaders who can organize thousands of young people
25

1
2 to do some of the same things that have, you know,
3 that have enabled us to move forward in society.
4 So, I just want to say that it's very important,
5 instead of spending money to continue to police
6 them, which we know doesn't have a positive
7 impact. Let's choose those resources to look at
8 some of the schools that are working, so that we
9 can do staff developments, so that we can create
10 educational environments that are going to not
11 only stop violence, but get young people to know
12 who they are break that cycle that it's in their
13 community.

14 CHAIRPERSON VALLONE: Let me, let
15 me, you have to end it, 'cause we got to keep
16 three minutes each. But let me just first of all
17 commend you for being the only person to discuss
18 why there are no metal detectors at the school
19 you're at.

20 BRIAN FAVORS: Right.

21 CHAIRPERSON VALLONE: They're not,
22 they're put at the schools that have a high crime
23 rate. No one has mentioned that. I don't want
24 'em, everyone who came in here today walked
25 through one, I walked through one. I don't want

1
2 to go through a metal detector either, I don't
3 feel like an animal going through it, and no
4 student should be taught that they're treated like
5 animals because of metal detectors, they're there
6 for a reason. I don't like 'em, I don't like the
7 one outside, makes me late. It was put there
8 after a murder occurred in this room, not because
9 we're treated like animals, it was for our safety.
10 I don't agree with it, but I don't feel like I'm
11 treated like an animal, number one.

12 BRIAN FAVORS: I'd like to speak to
13 that, too.

14 CHAIRPERSON VALLONE: Very quickly.
15 But I want to commend you for mentioning why your
16 school does not have metal detectors. I don't
17 like 'em as much as you guys don't like 'em,
18 they're not there to treat people like animals,
19 they're there because probably the parents asked
20 for 'em to keep their kids safe. Something that
21 has not been mentioned all day long. I just have
22 to, you know, let's put another side to this here,
23 so kids only hear one side of the story.

24 BRIAN FAVORS: Right, and I just
25 want to say, as you walked through the metal

2 detector, and even myself, I didn't feel the
3 degradation that a lot of my young people do, but
4 if you were searched on the way to school, as it
5 was, on your own block, and then you had to go
6 through a metal detector, in the building that's
7 supposed to love you and educate you, it would be
8 a different, it would be a different situation.

9 CHAIRPERSON VALLONE: Yes, that's
10 not what we're talking about.

11 BRIAN FAVORS: Let us not pretend
12 that when we partner with the NYPD, you're talking
13 about an organization that has historically and
14 currently has an abusive relationship--

15 CHAIRPERSON VALLONE: Alright,
16 that's enough.

17 BRIAN FAVORS: --with black and
18 brown individuals in our community.

19 CHAIRPERSON VALLONE: That's,
20 that's wrong, but let's debate that another day,
21 and not at this hearing.

22 BRIAN FAVORS: Okay. Alright.

23 CHAIRPERSON VALLONE: Sir, go.

24 WILLIAM JUSINO: My name is William
25 Jusino, I'm principal of Progress High School in

1 Bushwick, Brooklyn. I'm here to support the
2 passage of the Student Safety Act. I've been an
3 educator in the New York City school system for
4 over 28 years, 14 as the founding principal of
5 Progress High School. Progress High School is one
6 of three schools that replaced the former Eastern
7 District High School at that location. Our
8 schools were established in 1996, and have been
9 there since. I'd like to just paint the picture
10 for you, metal detectors in 19--before our
11 arrival; metal detectors; large numbers of school
12 safety agents monitoring those metal detectors,
13 and assigned to that task; NYPD squad cars
14 outside; ambulances outside; local businesses in
15 fear. And while we think what resources wasted on
16 over policing, and not making those funds
17 available to the schools, was something we wanted
18 to stand up against, we have been doing that since
19 our arrival. We are proud to say that there's
20 been a transformation at that location
21 academically as well as within its educational
22 climate. The transformation occurred because of a
23 partnership that focused in on collaborate and
24 thoughtful dedication to a school community, not
25

1 by implementing harsh disciplinary policies. Our
2 incident rates, suspension rates, and scholarships
3 are all above average. Incident rates are lower
4 than ever before. We expand all of our community
5 members to look at safe and successful schools by
6 participating in professional development by
7 participating in shared decision making, we
8 involve our students on a daily basis, our parents
9 and our entire school community. We ask our
10 students to follow rules, we also expect that
11 they'll take ownership over those rules because
12 they helped to shape them. We use alternative
13 disciplinary measures such as conflict resolution
14 and peer mediation. Funding for those types of
15 programs are vital. Training students in conflict
16 resolution allows them to contribute a unique
17 skill to their school, communities and homes. One
18 of our greatest accomplishments that Progress High
19 School recognizes our routine communication
20 between all members of the school community,
21 including our school safety agents, and the
22 officers assigned to our school. It's important
23 that roles are clarified and we do that on a daily
24 basis. When an incident occurs, we act swiftly,
25

1 cohesively and in the best interests of our
2 students. We have a strong partnership with the
3 Office of School and Youth Development. As many
4 of you know, that's the entity that's responsible
5 for conducting comprehensive assessments at our
6 school--I'm sure that Elayna Konstan and her staff
7 testified earlier today. We've learned a lot
8 through those assessments. There are a lot of
9 positive outcomes that have come as a result of
10 those assessments. We continue to use those
11 assessments and the results of those assessments
12 to inform our practice on a daily basis. I
13 strongly believe that the Student Safety Act will
14 help educators and advocates understand the root
15 of the problems that may exist with regard to
16 school safety and provide us with a springboard
17 for creating solutions. There's been some
18 conversation here about offices being in charge,
19 school safety agents being in charge in their
20 schools. Principals are in charge of their
21 schools, and principals must assert their
22 influence, must assert their authority, and not
23 acquiesce that authority to any other entity.
24 When you have a principal that's in charge of
25

1
2 their school, and you have a community supporting
3 that principal--the school community and school
4 safety agents, NYPD offices, and an informed
5 faculty--then students will be better served.
6 It's important that principals lead, it's
7 important that principals sign on to the Act, and
8 I'm proud to be here today representing the
9 members of our school community. Thank you.

10 CHAIRPERSON JACKSON: Well, let me
11 thank you all for coming in and giving testimony.
12 I guess I just have a question, because it seems
13 as though that both you as a leader of that
14 school, and you as a leader of a CBO, and as an
15 educator, I guess you're both, the environment to
16 which your students come from are the same type of
17 environments. Your school is located in Brooklyn.

18 WILLIAM JUSINO: That's correct.

19 CHAIRPERSON JACKSON: And yours in
20 Brooklyn, also?

21 BRIAN FAVORS: Bushwick, Brooklyn.

22 CHAIRPERSON JACKSON: Bush--And
23 when I listen to the news, a lot of the incidents
24 as far as gun violence is in central Brooklyn. I
25 mean, that's, that's a given.

2 BRIAN FAVORS: Right, it's a war
3 zone.

4 CHAIRPERSON JACKSON: We know. So,
5 but you talked about, both of you talk about
6 positive experiences in peer mediation and stuff
7 like that, very proactive stuff. And
8 communicating to students and to parents and to
9 faculty and everyone, you know, to let's get away
10 from the type of metal detectors and move towards
11 a family, community, communicating appropriately,
12 with students and what have you, and so forth.
13 And I mean, how many students are in your school?
14 I'm sorry, just identify yourself again, because
15 you said that there had been one fight--

16 BRIAN FAVORS: In seven years.

17 CHAIRPERSON JACKSON: --in seven
18 years.

19 BRIAN FAVORS: Yes.

20 CHAIRPERSON JACKSON: And that's,
21 in my opinion, that's kind of rare. Do you only
22 have ten students in your school?

23 BRIAN FAVORS: No, we have 400, and
24 we have new students we, we're an alternative high
25 school.

2 CHAIRPERSON JACKSON: Okay.

3 BRIAN FAVORS: So we get new
4 students every few months.

5 CHAIRPERSON JACKSON: Like you
6 said, you get--

7 BRIAN FAVORS: New students, so we
8 got to go--

9 CHAIRPERSON JACKSON: --that have
10 not made it in the traditional high schools.

11 BRIAN FAVORS: Right, right. So,
12 every few months, we're having to bring in a new
13 crop and get them to buy into the culture, so the
14 culture's got to be strong.

15 CHAIRPERSON JACKSON: And how many,
16 how many's--I mean, what's the message? How do
17 you do that quickly, if you don't mind?

18 BRIAN FAVORS: I mean, we hit it
19 direct, and I could, you know, make a long story
20 short, Malcolm X said "Knowledge of self is
21 violence prevention," so when the kids are
22 learning about themselves, and they feel like the
23 teachers genuinely love them, the students love
24 our school, because--

25 CHAIRPERSON JACKSON: Right.

2 BRIAN FAVORS: --for the first
3 time, they're learning about their heritage and
4 culture.

5 CHAIRPERSON JACKSON: Uh-huh.

6 BRIAN FAVORS: And that's something
7 that's missing from the schools. They feel
8 respected. And we could go on and on and on, but
9 there's a whole body of research from Gloria - - I
10 could give a whole list of this is stuff that's
11 documented and researched.

12 CHAIRPERSON JACKSON: But you must
13 have run into some students that say, you know,
14 forget all this nonsense, you know, and just act
15 out.

16 BRIAN FAVORS: If--in my class, and
17 my students will vouch for it, if I get students
18 who are, who bring that spirit to the classroom--

19 CHAIRPERSON JACKSON: Right.

20 BRIAN FAVORS: --I don't even have
21 to police it, they will police it, because this is
22 their family. The same way if you went into their
23 home--

24 CHAIRPERSON JACKSON: Right.

25 BRIAN FAVORS: --and disrespected

1
2 their house, they wouldn't allow it. And that's
3 very possible, it's very possible.

4 CHAIRPERSON JACKSON: Okay. Now,
5 and you're saying you've been an educator for 28
6 years, and the Principal of Promise Academy for
7 14, and you had metal--

8 WILLIAM JUSINO: Progress.

9 CHAIRPERSON JACKSON: Progress, I'm
10 sorry.

11 WILLIAM JUSINO: Progress High
12 School.

13 CHAIRPERSON JACKSON: You had metal
14 detectors, you don't have metal detectors now. I
15 would assume you still have incidents there. Do
16 you, do you allocate more money towards peer
17 mediation, you know, proactive things? I mean,
18 what?

19 WILLIAM JUSINO: Now there isn't
20 any more money to allocate. As a matter of fact,
21 I was hoping that we would hear--

22 CHAIRPERSON JACKSON: [laughs]

23 WILLIAM JUSINO: --that there would
24 be more money coming our way for those kinds of
25 programs. No, we involve an entire school

2 community. And I think, I think the resources are
3 best spent and preserved when, at the
4 identification and recruitment of teachers.
5 That's your largest labor pool in any given
6 school. In our school we have 65 teachers. It's
7 important that you hire them one at a time and you
8 find people who have the kind of heart and
9 sensitivity to work with your population.

10 CHAIRPERSON JACKSON: How many
11 students in your school?

12 WILLIAM JUSINO: Over 1,000.

13 CHAIRPERSON JACKSON: And non-
14 selective? I mean, do you--

15 WILLIAM JUSINO: Non-selective,
16 it's--

17 CHAIRPERSON JACKSON: Non-
18 selective.

19 WILLIAM JUSINO: That's correct.

20 CHAIRPERSON JACKSON: And you have
21 safety, school safety agents like any other
22 school.

23 WILLIAM JUSINO: That's correct.

24 CHAIRPERSON JACKSON: Same as your
25 school, too?

2 BRIAN FAVORS: We don't have many,
3 we have, we have a security guard who's been there
4 for a long time, who is everyone's grandmother. A
5 whole different relationship, very non-
6 threatening. Sometimes when she's on break, we
7 have other ones that come in, but for the most
8 part, our students know one security officer.

9 CHAIRPERSON JACKSON: One safety
10 officer, not security, right, right.

11 BRIAN FAVORS: Yes. Yeah, safety
12 officer, I'm sorry.

13 CHAIRPERSON JACKSON: Okay, how
14 many do you have?

15 WILLIAM JUSINO: 13.

16 CHAIRPERSON JACKSON: Okay. Okay.
17 Well, let me thank you all for coming in, we
18 appreciate your testimony. Our last panel of
19 legal people, Nancy Ginsberg [applause], thank
20 you. Nancy, from the Legal Aid Society; and Tara
21 Foster, Esq., from Queens Legal Services; and
22 Nelson Marr, Esq., Legal Services NYC, Bronx; and
23 Nidrados Sheehan, Advocates for Children. Please
24 come forward. Is there anyone that did not
25 testify that was not, was not given the

1
2 opportunity to testify? Okay. The last legal
3 panel, please come forward, and Nancy Ginsberg, or
4 Gins--Quiet, please, ladies and gents. Thank you.

5 NANCY ROSENBLOOM: Good evening.

6 CHAIRPERSON JACKSON: Good evening.

7 NANCY ROSENBLOOM: I'm actually
8 Nancy Rosenbloom.

9 CHAIRPERSON JACKSON: Oh.

10 NANCY ROSENBLOOM: A colleague of
11 Nancy Ginsberg, from the Legal Aid Society.

12 CHAIRPERSON JACKSON: Okay, you're
13 Nancy Rosenbloom?

14 NANCY ROSENBLOOM: Yes.

15 CHAIRPERSON JACKSON: Okay, one
16 second please. Young people, please. We have one
17 panel left, in the back. Shhh, quiet, please.

18 SERGEANT-AT-ARMS: Quiet, please.

19 CHAIRPERSON JACKSON: Thank you.
20 Alright, Rosen--go ahead, Nancy.

21 NANCY ROSENBLOOM: Thank you, sir.
22 From the Legal Aid Society, representing our
23 criminal defense practice and our juvenile rights
24 practice. We are the people who represent
25 children when they're charged with crimes, many of

1
2 them when they're charged with doing things that
3 really don't seem like crimes, that involve school
4 safety agents. We've submitted our written
5 testimony, which is more extensive, and I'd like
6 to just give you a few highlights. We do thank
7 all of the Chairpersons and the Committees for
8 this, this hearing, for hearing the young people
9 especially; and for the many concerned members of
10 the Council, as well as the Speaker, for your
11 support of the School Safety Act. This will
12 really bring long awaited transparency to the
13 policing and discipline issues in our schools.
14 Our biggest concerns, based on the clients we
15 represent, who are as young as ten and all the way
16 up through 16, for the children charged with
17 juvenile offenses, are that students are
18 unnecessarily suspended and arrested for minor
19 offenses, for normative teenage behavior; that
20 school suspensions and arrests disproportionately
21 impact children of color, which we've heard a fair
22 amount about today; and that students with special
23 educational needs are targeted for discipline and
24 arrest often because of behaviors that are part of
25 their disabilities. I'd like to just give a few

1 examples of actual clients whom we've represented
2 in the past year, and what has happened to them.
3 And we had a comment earlier, from someone who
4 said, who made a general accusation that nothing
5 the NYCLU and others have brought here has been
6 substantiated. We represent children in court
7 whose cases, delinquency cases, have been
8 dismissed by judges, because they found the
9 testimony of school safety agents to be not
10 credible. We have videotape evidence, we have
11 audiotape evidence, we have live testimony, and we
12 have judges repeatedly dismissing cases like this.
13 One of our cases in Brooklyn recently involved a
14 twelve year old girl, twelve, in a public school,
15 who was suspended and arrested. We took the case
16 to trial, she was charged with juvenile
17 delinquency. A very large school safety agent
18 claimed that this little girl, a very small twelve
19 year old, had started a fight. The judge heard
20 the testimony, saw the videotape involving the
21 school safety agent being the initial aggressor,
22 and dismissed the case. We represented a teenage
23 boy in family court who is actually our client on
24 a child protective case; his parent had been
25

1 charged with neglect. He was involved in a school
2 suspension hearing. He was charged with allegedly
3 assaulting an SSA, a school safety agent, and
4 refusing to show ID. The videotape, which
5 captured that incident, showed something very
6 different. The tape showed several school safety
7 agents pushing our client into a corner, hitting
8 our client, and one of the school safety agents
9 laughing. Our client was injured as a result of
10 this beating. The Department of Ed suspension
11 hearing officer dismissed the suspensions charges.
12 There was also a family court juvenile delinquency
13 case in which our client was prosecuted, which was
14 also dismissed. Our client had to miss school
15 while the charges were pending, as well.

17 CHAIRPERSON VALLONE: Can you
18 finish up, please.

19 NANCY ROSENBLOOM: We have--I will
20 give one more example. We recently, at
21 arraignment, represented a teenager who was
22 arrested at 2:45 p.m. by a school safety agent,
23 just after school ended, for standing outside his
24 own school, and not leaving when directed to do
25 so. He spent more than 24 hours incarcerated for

2 something that does not even qualify as a crime.
3 We urge you to pass this Act, it is long needed.
4 Thank you.

5 CHAIRPERSON JACKSON: Thank you.
6 Is that all of those cited in your testimony,
7 written?

8 NANCY ROSENBLOOM: Yes, they are,
9 and more, as well.

10 CHAIRPERSON JACKSON: Okay, thank
11 you. Next, please, identify yourself and your
12 position, and you may begin your testimony.

13 TARA FOSTER: Yes, good evening.
14 My name is Tara Foster, and I'm an attorney in the
15 Education Rights Project at Queens Legal Services,
16 which is part of Legal Services, New York City.
17 On behalf of my organization, as a parent of two
18 New York City public school children, I support
19 the Student Safety Act. In New York City each
20 year, many, many students are suspended, thousands
21 of students are suspended, and many are arrested.

22 CHAIRPERSON JACKSON: Push your mic
23 down towards your mouth, please. Thank you.

24 TARA FOSTER: As advocates for low
25 income students, parents and families across the

1 City, Legal Services of New York City knows
2 firsthand that these actions have serious negative
3 consequences on the educational progress of some
4 of our most vulnerable students. And the public
5 really deserves to know whether the costs outweigh
6 the benefits. That's why it's so important that
7 you pass the Student Safety Act, which would
8 require the New York City Police Department and
9 the Department of Education to report very basic
10 information to the City Council about what's going
11 on in our schools. And you all have heard
12 extensive testimony for that, about that. We've
13 had a big trend moving away from preventive
14 supports in schools, and school guidance
15 counselors, and have moved more into a process
16 where we have larger police presence. And in many
17 cases that I've heard, this really hasn't
18 increased our safety and security. And in many
19 respects, it's really damaged fragile
20 relationships that we have been children, youth
21 and the adults that are charged with educating and
22 protecting them. My organization hears stories
23 frequently about students who are taunted, harmed,
24 many of the stories that you've heard from youth
25

1 that have been here earlier tonight. So, I'm
2 going to just jump to an example of a case that I
3 had. Similar to my colleagues, I do not do any
4 work in family court or the criminal justice
5 system, but I do see students who are arrested and
6 represent them in discipline proceedings. And I
7 also represent many students with disabilities
8 with special education needs in other areas of
9 education. I represented a student recently who
10 was suspended for purportedly punching a school
11 safety agent. She had student witnesses who
12 viewed the incident, the students maintained that
13 the SSA became verbally, physically aggressive
14 toward the student, pushing her up against a wall,
15 grabbing the accused by the hair, dragging her and
16 punching her in the head. Student witnesses also
17 reported that the same agent had stomped on a
18 student's cell phone as he attempted to videotape
19 the incident. The accused student was taken into
20 the precinct and was subjected to a school
21 suspension, as well. That was ultimately
22 dismissed after a full fact finding hearing on the
23 merits. You know, the family was very grateful,
24 obviously, that the suspension was dismissed, but
25

1
2 to date we are unaware of any punishment or even
3 training given to the safety agent. And this was
4 a case where the hearing officer took the unusual
5 step, and this never happens, the unusual step of
6 actually informing the Department of Education
7 that they had to conduct an investigation. I see
8 that I'm out of time. I have prepared comments
9 with other examples, and other things, comments
10 that I'd like to say, but I want to just urge you
11 to pass this Act. And in closing, in order to
12 evaluate and improve the current system, we need
13 transparency and accountability, so that we all,
14 can all sit down and talk. And the Student Safety
15 Act is a good starting place for that. Thank you.

16 CHAIRPERSON VALLONE: I mean,
17 thanks for cutting it short, but you realize, we
18 completely understand there are bad school safety
19 officers, and you can give us example after
20 example, it's not, I mean, not all that helpful,
21 we know they're out there, we know you represent
22 kids, and--against bad ones all the time, I have
23 'em in my district. Just so you know we know
24 they're out there, and we know there are examples,
25 we appreciate you telling us and supporting the

1 Act, but we'll read about 'em, but we are very
2 well aware that these, these things are going on,
3 that's why we're here today.

4 TARA FOSTER: Thank you.

5 NELSON MARR: Well, I guess that
6 steals my thunder. [laughs] I was going to talk
7 about a couple of other cases, as well. My name
8 is Nelson Marr. I'm an attorney at Legal Services
9 NYC, Bronx, I'm an education attorney, education
10 law specialist. Been working in The Bronx for
11 over ten years now representing students in a
12 variety of special education matters, and
13 discipline related matters. We've seen example
14 after example, and I could probably go through the
15 two, you know, that I mentioned in great detail in
16 my testimony, and also the four that I mentioned
17 very briefly in my testimony. But I think it
18 really does highlight, you know, the need for
19 greater accountability. That the School, the
20 Student Safety Act is necessary regardless of what
21 the costs may be at this point. And you know, to
22 be honest with you, if it's 102 school safety
23 agents, I really don't think that that's a lot.
24 [laughs] You know, to try to diminish the number
25

1 of cases that all of us have seen. In addition, I
2 think, you know, it's worthwhile for me to take a
3 few moments to try to address some of the
4 Department of Education's statements earlier
5 today. I think, I think that, you know, there,
6 there is a downward trend in the numbers. You
7 know, I suspect because, you know, I've been
8 dealing with a couple of schools up in The Bronx,
9 there actually have been concerted efforts to try
10 to, you know, minimize reporting of incidents.
11 But on the same token, we also see that there's a
12 lot of informal suspensions, you know. I have a
13 document here in my hand, where a parent received,
14 informing them to keep their child home, until
15 they got a psychiatric evaluation. This happened
16 this year in The Bronx. And we do see these
17 various types of informal suspensions and
18 expulsions going on. And it does happen to
19 children with disabilities more often than not.
20 In fact, I do have a copy of a study that was done
21 internally, by the Department of Education, where
22 they analyze, in The Bronx, the number of
23 suspensions that was going on in the 2007 academic
24 year. And over half of those students who were
25

1
2 being suspended either had an IAP or were awaiting
3 evaluation for, to see if they qualified for
4 disability services. So there is a huge need to
5 get this data, and I was struck by the one class
6 of students that Elayna Konstan did not mention
7 when she said, you know, "There's already data
8 being given," and that's data on students with
9 disabilities who--We do need that data set, ever
10 more so, given, you know, the experiences of the--

11 CHAIRPERSON VALLONE: You know,
12 that's something we hadn't thought about, even if
13 we get the information on suspensions, there's
14 even a way around that, that's interesting.

15 NELSON MARR: Yeah.

16 CHAIRPERSON VALLONE: With these
17 informal suspensions.

18 NELSON MARR: I mean, I'll cede my
19 time because I think, you know, there may be some
20 questions that you might have, I'll pass the mic
21 over to my esteemed colleague, Chris Tan.

22 CHRIS TAN: Hi, my name is Chris
23 Tan, Nick Sheehan had to leave early. But we both
24 work at the same project, the Juvenile Justice
25 Project, at Advocates for Children. I also wanted

1 to speak on a similar issue, about students with
2 disabilities who are often arrested, or at least
3 suspended, for behavior that is related to their
4 disability. It happens way too often, and we do
5 also experience many cases where that is
6 happening. We have many students who maybe they,
7 they already have been classified or listed in
8 their IAPs as having oppositional defiant
9 disorder, or bipolar disorder. Different kinds of
10 psychiatric or psychological conditions, which are
11 very related to behavior that comes out in certain
12 situations that they end up getting arrested for,
13 or suspended without any examination about the
14 relation of the behavior to their disability. And
15 it's a big concern, and it--and the statistics
16 nationally show that African-American students
17 with disabilities are three times more likely to
18 receive short term suspensions and more than four
19 times as likely to end up in correctional
20 facilities. We think these rates are probably
21 similar in New York City, but without the
22 systematic data, it's difficult to identify where
23 this is a problem, or to work with concerned
24 parties to devise effective solutions. One thing
25

1 that the Department of Education mentioned before,
2 also, is that there are only a couple of students
3 who are expelled a year. We think that's
4 manifestly misrepresenting what is really going
5 on. We, Advocates for Children, has filed a
6 number of lawsuits over the last several years,
7 about students being informally pushed out of
8 school. And there's so many different ways that
9 can happen. We have students who, instead of
10 being formally expelled, are given a class
11 schedule where they're only allowed to come to
12 school for one period a day, or three periods a
13 day. Obviously, you can't earn enough credits to
14 be promoted to the next grade; basically you're
15 just being encouraged to not come to school any
16 more. We have students who are told that they're
17 too old to go to school, when they're only 16 or
18 17, or they don't have enough credits, because
19 they're overage for their grade, and they should
20 just go to a GED program, or for any other reason
21 they're just basically told they're not welcome at
22 their school any more. So, there are a number of
23 ways that students are pushed out, if the school
24 feels that there is a behavior issue, and they
25

1 don't want to deal with it in an appropriate
2 manner. So I just feel that it's important to
3 note that just saying that the school, that the
4 school system may only have two official
5 expulsions per year, does not in any way reflect
6 what, how many students are really being pushed
7 out by the schools all across the City every year.
8 The other comments I was going to make have mostly
9 been already addressed, but it is definitely a
10 major concern in general for us that students of
11 color, with disabilities, are being suspended and
12 arrested for behavior related to those
13 disabilities, and we urge the passage of the
14 Student Safety Act in part because of the data it
15 will provide on these issues, and it will help us
16 address these problems more appropriately. Thank
17 you.
18

19 CHAIRPERSON JACKSON: Well, you
20 referred to Elayna Konstan's testimony, and on
21 page five it, and I'll read it, and obviously
22 based on your testimony, but for the other
23 panelists who are involved in legal process, she
24 says here, ba-ba-ba, "Students are, students are
25 not discharged as a result of disciplinary action

2 except in the rarest, most egregious cases
3 resulting in only two expulsions over the past
4 three school years." Based on what you said, I--
5 you disagree with that. Advocates for Children.

6 CHRIS TAN: If you have a student
7 who's given a report, given a class schedule where
8 they're only allowed to come to school for two
9 period a day, they're not officially discharged.
10 But how are they going to earn the credits to make
11 it to the next grade, or have any hope of really
12 succeeding in their education?

13 CHAIRPERSON JACKSON: So what
14 happens is they just stop coming.

15 CHRIS TAN: That's what happens,
16 yes.

17 CHAIRPERSON JACKSON: Basically.

18 CHRIS TAN: That's just one
19 example.

20 CHAIRPERSON JACKSON: Anybody else
21 disagree with this statement?

22 CHRIS TAN: We have other students
23 who are suspended repeatedly in the same year--

24 CHAIRPERSON JACKSON: Right.

25 CHRIS TAN: --for behavior related

2 to the disability, but there is not an examination
3 made over whether that behavior is, should be
4 addressed in a different way.

5 CHAIRPERSON JACKSON: Because of
6 that student's disability.

7 CHRIS TAN: Exactly.

8 NELSON MARR: Well, I think it's
9 important to recognize that that is semantics,
10 because there is actually a formal process to
11 expel a student from the New York City public
12 school system. And yes, it probably, there, it's
13 only been utilized probably twice last year. I
14 can believe that.

15 CHAIRPERSON JACKSON: It says two
16 expulsions in the past three years.

17 NELSON MARR: I can believe that.
18 That that's probably the case, but as, you know,
19 Chris Tan was mentioning, that there's a lot of
20 these informal expulsions going on.

21 CHAIRPERSON JACKSON: Okay.

22 NELSON MARR: Where, like for
23 instance, my client, he got suspended when he was
24 15. That set him down on a spiral where
25 eventually now he's, he's you know, doing part

2 time work, didn't finish his high school, you
3 know--

4 CHAIRPERSON JACKSON: Okay.

5 NELSON MARR: --career, and his
6 prospects are limited.

7 TARA FOSTER: Could I just add that
8 when you're suspended to a long term suspension
9 site for a year, most cities, you know, unlike New
10 York City, would consider that an expulsion. So,
11 just the term that we use for expulsion, and we
12 could supply you information--

13 CHAIRPERSON JACKSON: I think that
14 someone else testified to that, respect--what's
15 his name, Uri, he testified that other states
16 classify what is expulsions, and we don't. Okay.

17 NANCY ROSENBLOOM: We would
18 certainly agree with what's been said here, from
19 the perspective Legal Aid. I also wanted to
20 address just one thing that the Department of
21 Education said before about the Federal Education
22 Rights and Privacy Act. Ms. Konstan and her
23 lawyer, Mr. Best, said that it would be difficult
24 to report data by school rather than by district,
25 because they assert that the Federal Education

1
2 Rights and Privacy Act would prohibit that. That
3 is not correct, we would be happy to provide more
4 information or an analysis of that law. In fact,
5 the Federal No Child Left Behind Act already
6 requires the Department of Ed, and they do this,
7 to report data disaggregated by school to the
8 State. They do that already, and there is nothing
9 preventing them. The only thing FERPA prevents is
10 disclosing information that would individually
11 identify a particular student.

12 CHAIRPERSON JACKSON: Okay.

13 CHAIRPERSON VALLONE: Can you
14 provide that information to us? It doesn't have
15 to be right now, but we're working on that issue
16 with the Administration. Thank you all.

17 CHAIRPERSON JACKSON: Yes.

18 NANCY ROSENBLOOM: Absolutely.

19 CHAIRPERSON VALLONE: For coming
20 down, we have one more panel.

21 CHAIRPERSON JACKSON: Thank you.
22 Last panel of students, and we're out of here,
23 Scarlet Spence, the Urban Assembly School for
24 Performing Arts; Stephanie Hernandez, Franklin K.
25 Lane High School; Elizabeth Reynoso, Brooklyn Lab;

1
2 and Jerome Jones from Franklin K. Lane; and Kalina
3 Gonzalez, Franklin K. Lane. Please come forward
4 and just identify yourself and you begin your
5 testimony.

6 SCARLET SPENCE: My name is Scarlet
7 Spence, I go to the Urban Assembly School for
8 Performing Arts, and I'm currently a sophomore.
9 My school has about 300 kids in it, and it's
10 located in Harlem, on 129th and Amsterdam. My
11 school we do have permanent metal detectors, and
12 we do have to put up with harsh discipline
13 policies and outrageous criminal, security guards.
14 And sometimes the security guards, they make fun
15 of the students. And they just call them names
16 and they talk about--if they have a bad headache,
17 they talk about their hair, and stuff like that.
18 And I remember this one time when I was going
19 through the scanner, 'cause I had a lot of
20 diamonds under, under my shirt, the security
21 guard, she told me to go back through, and I told
22 her, "I have diamonds on my shirt," and she said,
23 "I don't care." When I went back through, I
24 beeped again. She told me to empty out my
25 pockets, and take off all my jewelry, which I

1 already did. She made me go back through again.
2 I was still beeping and she made me take off my
3 sneakers, and go back through again. And then
4 after I took off my sneakers, they sent me to get
5 wanded. And as I was getting wanded, she, they
6 pressed the wand, they pressed it hard against my
7 arms, and then when it went against my chest, it
8 rang a lot. So then she told me to life up my
9 shirt. And then, when she saw the diamonds was
10 there, that I already told her. And then she made
11 me shake my chest, and then just to see if
12 anything would fall out, and nothing fell out.
13 And then she scanned the rest of my body, and then
14 after that she made me walk through the scanner
15 again. And then she let me go. And there was
16 another incident where the security guards was
17 making fun of another student about her glasses,
18 because she had on these big pair of glasses and
19 they was making fun of her. And she took it the
20 wrong way. And she was offended. And they got
21 into a argument, and then the dean came over. And
22 then the dean, she started to yell at the student,
23 as if she was her age. She was in and like face-
24 to-face with her, yelling at her, as if she was
25

1
2 going to fight her. And the student was the one
3 who got put in handcuffs. Kids in my school, they
4 get suspended for things like being upstairs
5 during lunch; people get suspended for walking out
6 the classroom without a pass; and sometimes kids
7 get suspended for just being in the wrong place at
8 the wrong time, even if it's not that serious.

9 CHAIRPERSON JACKSON: Thank you.

10 Next, please, Stephanie Hernandez, Franklin K.
11 Lane.

12 STEPHANIE HERNANDEZ: Hello, my
13 name is Stephanie Hernandez, and I go to Franklin
14 K. Lane. And I have metal detectors in my school.
15 And I kind of want to discuss, earlier somebody
16 said about the bras and, you know, I find it kind
17 of hard that you ask if it would be okay for us to
18 lift up our bra or for you to see--You know, that
19 they do this in Riker's Island? They do this with
20 prisoners. Why, why do we have to go through
21 that? I didn't do anything wrong, for me to lift
22 up my bra. So, there have been times where
23 security guards push around students. Is it
24 alright for them to touch me? They're not my
25 parents. Why are they allowed to touch me? And I

1
2 don't think it's right that we get handcuffed over
3 small things. We're not criminals, I didn't steal
4 anything, I didn't kill anybody. So, yeah.

5 [laughs] That's what I have to say.

6 CHAIRPERSON JACKSON: Thank you.

7 Next, Elizabeth Reynoso, Brooklyn Lab School.

8 ELIZABETH REYNOSO: Good evening,
9 my name's Elizabeth Reynoso. I'm a freshman at
10 Brooklyn Lab, I'm 14 years old. The metal
11 detector seemed to be a big issue when it comes to
12 going to class. I live six blocks from school,
13 and I still come like 15 minutes late from class,
14 due to the cause that I have repeatedly go through
15 the metal detectors because of my earrings, my
16 hairstyle, or just because they, or just because
17 of my shoes. My, I've actually like had my socks
18 dirty before, which kind of like put me in a bad
19 mood, like it's raining, and I have to take my
20 shoes off, walk on that muddy carpet, and have my
21 socks dirty. I don't want to walk around with
22 like soaky, like soaky feet. So, I go to class
23 late, too, because like I have to keep going in,
24 and they're not sure what it is. Like, okay, two
25 times, okay, but then the third time, that's when

1
2 they make you go through, get scanned. I have to
3 get scanned, sometimes it doesn't work, so, so I
4 don't know, like they just make you go through
5 again. So, why make you go through all that many
6 times when you know that you got scanned, it's
7 your shoes, but they want to keep going. Like I'm
8 coming late to class, and I live six blocks from
9 school, and I come to class like 15 minutes late.
10 That's bad for my academic and like, I want to be
11 early to class. Like this, like, I get in trouble
12 for coming late to class, too, like, and I'm
13 telling 'em it's the security, it's the alarms.
14 Like, it like, it bothers me that I come late to
15 class all the time.

16 CHAIRPERSON JACKSON: Thank you.

17 ELIZABETH REYNOSO: Welcome.

18 CHAIRPERSON JACKSON: Next, Jerome
19 Jones, Franklin K. Lane High School.

20 JEROME JONES: Hi, my name is
21 Jerome Jones, and I'm a proud graduate of Franklin
22 K. Lane High School. And I sometimes wonder how I
23 survived my four years of high school. I was a
24 victim of abuse by security guards, and at times
25 I've been pushed against the walls, for simple

1 stuff like just walking in the hallway going to my
2 next class, and just laughing at a joke my friend
3 made, or just talking about some discussion that
4 we had in class. I was even spoken to very
5 rudely, and a lot of comments regarding to me very
6 rudely that I wasn't, that I don't like. I felt
7 that in school I never had a voice, like I never
8 had one to go complain to, because if I said
9 something to a teacher or principal, like my
10 comments or whatever I said was just disregarded
11 and they never cared. And I felt like everything
12 I said in school fell on deaf ears. This is why I
13 feel that the Student Safety Act should be passed,
14 because I believe, although now I'm a graduate and
15 I look back in my past years, I think the students
16 should have a voice, in order to reason or say,
17 "Well, you know, this is what happened," not just
18 a incident happened and they get handcuffed to a
19 chair, or they get pushed to a wall, or they get
20 slapped around by a security guard, it's still not
21 fair. Thank you.

22
23 CHAIRPERSON JACKSON: Thank you.

24 Kalina Gonzalez, Franklin K. Lane.

25 KALINA GONZALEZ: Yes, hi, my name

1 is Kalina Gonzalez, and I'm a part of the FOT,
2 Future of Tomorrow, who is a part of the UYC. I
3 am also from Franklin K. Lane. When I was about
4 six, in sixth grade, I was like eleven, and I used
5 to go to, I think it's Elizabeth Blackwell, 210.
6 And we didn't have metal detectors, we just had
7 like once in a while, they used to come around.
8 And there was one time where my friend had a
9 little argument, a disagreement with another
10 friend, and they were arguing not so loud, but it
11 was in the lunchroom, and it's a really big
12 lunchroom with 400 kids, and everyone's yelling.
13 And for some reason, the dean kind of saw us like
14 all disagreeing. He came rushing from like the
15 door, rushing in to the middle of the lunchroom,
16 grabbed the girl, struck her all the way across
17 the room, with her neck and grabbed her, pushed
18 her up on the wall, and started cursing her,
19 verbally abusing her, and just screaming at her
20 while the girl's like, like not saying a word,
21 trying to, you know, shove the, the dean and the
22 officers off of her. And once she was down, she
23 was nervous and she was angry because of that, so
24 she tries to fight back. And the dean just turned
25

1 her around, and cuffed her. And ever since then,
2 I haven't seen the girl, and I saw her just a
3 couple of days ago. And now, she doesn't go to
4 school. She, after she got suspended, she doesn't
5 go to school, she doesn't want to go to school,
6 and I feel that if that would've had happened, and
7 if the deans would've had took it another way,
8 that girl could've had a better life, and had a,
9 you know, thought of it differently. And instead
10 now she can't trust school and she doesn't want to
11 be in school. I also had a experience with
12 myself. I was in school and every day in school,
13 you know, we have metal detectors now in Lane.
14 And I mean, I go into the school and I, I take off
15 my boots, my hair and everything. I live not so
16 far away from the school. And I come in every day
17 at 9:00 o'clock to my class, and school starts at
18 7:50. And I don't understand why. And the
19 teachers ask me, my mother complains, asking me
20 "Why? Why?" And I tell her, it's not my fault, I
21 come and I try, and I come early, and it's just
22 this long line, and I have to take off my boots, I
23 have to walk upstairs, 'cause they don't let me
24 put on my boots in front of them, they yell at me
25

1
2 and tell me, "No, you can't put it here, you have
3 to walk up." I have to walk up two flights of
4 stairs, and when I even try on back of the
5 staircase to try to put on my shoes, they yell at
6 me, they're like, "Go to class." So I try to, I
7 put my shoes into the classroom, I'm always late,
8 and I try to be early. I'm sorry. Well,
9 basically that's all that I, all that I know. I
10 think that the bill should be passed, because
11 students should have a right to an education.
12 And, yes.

13 CHAIRPERSON JACKSON: Let me thank
14 you all for coming in. I do have a question as
15 far as the, at Urban Academy, which is 129th Street
16 and Amsterdam Avenue, and that's in my
17 Councilmatic District. I clearly got the
18 impression from your testimony, that the school
19 safety agents are making fun of students, and
20 that's a continuous basis, that's not an isolated
21 situation. Am I wrong in that?

22 SCARLET SPENCE: No, there's
23 actually been fights where people have been
24 arrested for getting into fights with security
25 guards.

2 CHAIRPERSON JACKSON: Because why?
3 Because they've made fun of them?

4 SCARLET SPENCE: Because--because
5 they make fun of them, and have attitude, and that
6 just--

7 CHAIRPERSON JACKSON: And has, have
8 - - I'm sorry, go ahead.

9 SCARLET SPENCE: 'Cause they, they
10 make fun of students and they have nasty
11 attitudes, or some of - -

12 CHAIRPERSON JACKSON: And have
13 y'all reported that to your appropriate
14 principals?

15 SCARLET SPENCE: The principal,
16 she's aware of it, and the dean, every--

17 CHAIRPERSON JACKSON: Okay.

18 SCARLET SPENCE: --every staff
19 member's aware of it.

20 CHAIRPERSON JACKSON: Well, I will
21 be communicating that to the, to the head of
22 security myself, based on the testimony that
23 you've given. Yeah. And also, the sergeants, are
24 the sergeants still here, Nick? Yeah. I would
25 like for you to go talk to the sergeants about

1 that, please. That's very important, because if
2 in fact--there's no reason for us to disbelieve
3 you. We, there's an assumption that everyone
4 that's testifying is telling the truth. And if in
5 that that is happening, I asked you is that an
6 isolated incident, or that's the norm? It, you
7 clearly expressed to me that that is normal, what
8 they do, and that should not be happening. So, I
9 would like for you to go and communicate that to
10 the sergeants, because that should not be
11 happening, if it isn't happening. And then, also,
12 finally, you said you used, you're a graduate of
13 Franklin K. Lane, you're in college now, I make
14 the assumption, or out of school.

15 JEROME JONES: Yes.

16 CHAIRPERSON JACKSON: How long have
17 you been out of school?

18 JEROME JONES: I recently graduated
19 in August.

20 CHAIRPERSON JACKSON: In August, so
21 okay, so just recently. And the situation which
22 you testified happened, I assume, last year, is
23 that correct?

24 JEROME JONES: Yes.
25

2 CHAIRPERSON JACKSON: Okay. And as
3 far as walking with your shoes, you had, people
4 have testified that you can't put the stuff on
5 right away, you got to walk all the day down--how
6 far do you have to walk before you can put on your
7 boots?

8 KALINA GONZALEZ: I have to walk
9 two flights of stairs. So, I, basically it's
10 like, one flight, then you have to go up another
11 flight, and then--

12 CHAIRPERSON JACKSON: Before you
13 can even stop to put your shoes on?

14 KALINA GONZALEZ: Yes. Yes, sir.
15 And then I try to, to stop, and they yell at me
16 to, to go to my class, so I have to go to my class
17 and actually on my shoes.

18 CHAIRPERSON JACKSON: And I can
19 understand, not yelling, I can understand them
20 telling you to go to your class, I can understand
21 that.

22 KALINA GONZALEZ: Mhm.

23 CHAIRPERSON JACKSON: But to have
24 to walk up two flights of stairs before you can
25 put on your shoes I think is not appropriate. I

1
2 mean, as a parent, that's not appropriate in my
3 opinion. Now, but also I say that if you know it
4 takes you five, 15-20 minutes to get through a
5 metal detector, I wish you can go through in one
6 minute. Sometimes as Peter said, he's the Chair
7 of the Public Safety, the line is outside also,
8 where we have to go through, because one of our
9 colleagues was killed right in here, as a result
10 of someone came in here with a gun. And then, and
11 now everyone has to go through a metal detector.
12 And appropriately so. But so I guess, if you know
13 that you, young lady, you're 14 you said, and you
14 only live a couple blocks. Shouldn't that give
15 you the message that you need to come maybe 20
16 minutes earlier so you can get through the metal
17 detector?

18 KALINA GONZALEZ: Well, it starts
19 at 9:00, 9:12, and I leave my house at like, like
20 8:45, and I wake up at 7:30, that I think that's
21 enough time.

22 CHAIRPERSON JACKSON: Okay, but if
23 you know sometimes that, not sometimes, it's going
24 to take you that much longer, just like if I
25 notice the train is always late and I got to

2 report to work, I got to leave a little earlier.

3 Don't you agree or disagree with that?

4 KALINA GONZALEZ: Yeah.

5 CHAIRPERSON JACKSON: Okay.

6 STEPHANIE HERNANDEZ: Can I say
7 something?

8 CHAIRPERSON JACKSON: Sure you can.

9 STEPHANIE HERNANDEZ: Okay. Well,
10 I know you say that we should leave earlier, but
11 there's a lot of kids and every day it's
12 different. Either like sometimes things can
13 happen, you know, in school that holds us back and
14 makes the line bigger. So, that wouldn't really,
15 like, assure us that we're going to get to class
16 on time, just because we leave 20 minutes earlier.

17 CHAIRPERSON JACKSON: Well, no, I
18 understand that, but if, like, if in fact we're
19 going to work, and there's always a train delay, I
20 have to factor in the train delay in getting to
21 work on time. And the same thing I guess with
22 students, knowing that there are metal detectors,
23 you have to factor that in as part, to make sure
24 you get to school on time. And I'm not saying
25 that's always the case, because sometimes lines

1 will be longer than others, but I just think that
2 we have to make adjustments. And also, we need to
3 address the situations where school safety agents
4 overall, and not just isolated, are making fun of
5 students. That's clearly inappropriate.
6

7 STEPHANIE HERNANDEZ: Yeah.

8 CHAIRPERSON JACKSON: And having to
9 walk up two flights of stairs before you can stop
10 to put your stuff on, is inappropriate also, in my
11 opinion. And I wrote those comments down. So.

12 KALINA GONZALEZ: Can I say
13 something real quick? I live also six blocks
14 away, and I actually wake up at 7:00 o'clock,
15 before I got to school.

16 CHAIRPERSON VALLONE: You're going
17 to be, you're going to be late tomorrow if we keep
18 asking you questions, too, by the way, so let's
19 let the girls go, everybody go home to do their
20 homework and get up early tomorrow and go to
21 school on time tomorrow.

22 KALINA GONZALEZ: It's Veteran's
23 Day tomorrow, so--

24 CHAIRPERSON JACKSON: Well let me
25 thank--now, no school tomorrow, Peter! Veteran's

1 Day. [laughter] We want to thank you all for
2 coming in and giving testimony. And it'd be
3 appropriate, especially with the Urban Youth
4 Collaborative, and also with the fact that you
5 have to walk up two flights of stairs, that should
6 not be happening, in my opinion. And may
7 hopefully, as a result of the testimony today,
8 NYPD will be communicating with DOE, and we will
9 also on some of the things in which all of the
10 students raise. So let me thank you all for
11 coming in and giving testimony. I'm sorry, last
12 comment.

14 SCARLET SPENCE: I also represent--

15 CHAIRPERSON JACKSON: And Peter
16 wants to go home, too. [laughter]

17 SCARLET SPENCE: I'm also
18 representing Youth Ministries of Peace and
19 Justice, and here's some testimonies for students
20 who couldn't be here today, but they wanted their
21 voice to be heard.

22 CHAIRPERSON JACKSON: Sergeant,
23 could you please the take the testimony. Thank
24 you very much, young people, thank you. Now,
25 Peter Vallone, Jr., it's now 6:30. Any final

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comments?

CHAIRPERSON VALLONE: Close it out.

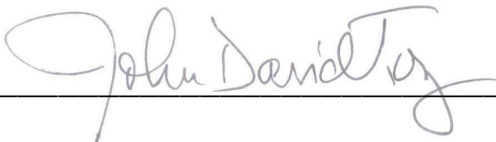
CHAIRPERSON JACKSON: [off mic]

Let's go home.

CHAIRPERSON VALLONE: This meeting
is adjourned. [gavel] [laughter]

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  _____

Date November 19, 2009