



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

**Testimony of Manhattan Borough President
Scott M. Stringer**

Before the New York City Council Committee on Public Safety

On a local law to amend the administrative code of the city of New York, in relation to reports on school discipline and police department activity relating to schools
December 16, 2010

School safety is a critical issue, and I commend Public Safety Committee Chairman Peter Vallone, Jr. for hosting us here today and initiating this important discussion. I'd also like to applaud the New York Civil Liberties Union for the leadership they have shown on this issue.

Like every one else in this room, I believe that school safety is a fundamental building block, and that every child deserves to learn in an environment that is both supportive and safe.

But I also believe that for too long, we have lacked the details needed to accurately assess the full school-safety picture – how many students are suspended each year, how many are arrested, and for what?

Like we tell our students every day, knowledge is power. And this bill will give us the knowledge we need to better safeguard our students, our teachers and our principals -- and to do it in a way that respects the rights and dignity of all involved.

I look forward to working with all of you to create a better, safer school system for all of our 1.1 million students, and I thank you for allowing me the opportunity to express my support today.

**Testimony
of**

**Sterling Roberson, Vice President
United Federation of Teachers**

before

**The New York City Council
Education Committee
Juvenile Justice Committee
Public Safety Committee**

on

The School Safety Act

December 16, 2010

Good afternoon, Chairman Jackson, Chairman Gonzalez, Chairman Vallone and distinguished members of the Education, Juvenile Justice and Public Safety Committees. I am Sterling Roberson, Vice President of Career & Technical Education at the United Federation of Teachers (UFT). I want to thank you for the opportunity to share our views on school safety and our support for the proposed amendments to the School Safety Act governing New York City public schools.

The officers and members of the UFT believe school safety is a fundamental right and it ranks among our union's highest priorities. It is the reason we invest resources and dedicate health and safety staff in every borough and throughout school communities citywide. We underscore our commitment by working closely with our colleagues at the Department of Education (DOE), the New York Police Department (NYPD) and Local 237, the School Safety Agents, to provide a safe learning and working environment for all students, faculty and staff.

In our view, as it relates to transparency, the amendments to the School Safety Act, Intro Number 442, are an important step in the right direction. We are especially pleased that the amendments require comprehensive data collection, analysis and reporting and that the measure respects and protects student confidentiality.

Parents, school communities and the public at large deserve full disclosure on how discipline is handled at the school level. It elevates transparency on school discipline issues when the DOE and the NYPD are required to not only collect but also disaggregate the data by school and by the outlined sub-categories, including: race; gender; and special education status, among others. Equally important, enforcement of these stipulations may reveal whether patterns are developing that require special intervention or demonstrate clear successes which then could be replicated throughout the system.

And frankly, more transparency keeps everyone honest on safety and discipline, because we know that often there's a tendency for emotions and preconceived assumptions to run rampant in place of the facts.

We believe enhancing the reporting requirements provides the necessary additional scrutiny to better understand where discipline problems are developing a critical mass and where we can provide greater support and resources to students who are at risk. Moreover, shining a light on the process and the demographic information will likewise uncover any existing systemic flaws and institutional deficiencies or discrimination that may be influencing unsafe conditions.

As I mentioned previously, these amendments to the School Safety Act are a good first step; but greater transparency is just the beginning. We have the opportunity to strengthen collaboration with key stakeholders in setting and executing school safety policies and protocols. Everyone must take ownership of the important role he or she plays in ensuring school safety. All schools should have a functioning school safety committee, a comprehensive school safety plan with educator, parental, student and community buy-in reinforced with support from law enforcement.

Further, these amendments focus on the discipline side of the safety equation. Our schools also need increased support and resources on the program and prevention side. There was a time when school-based support teams managed a full complement of programs and interventions that were helping students cope with difficulties both at home and at school that were influencing students' poor choices and discipline problems. These teams included teachers, administrators, guidance counselors, social workers, psychologists, special education and education evaluators who approached school safety from a holistic view with a focus on prevention.

For instance, we had active peer mediation, gang prevention and conflict resolution programs that were helping to make schools safe from harassment and bullying. Substance abuse and violence prevention programs like SPARK and skilled Substance Abuse Prevention and Intervention Specialists (SAPIS) from the city's Office of School and Youth Development were tremendous supports to at-risk young people and provided effective hands-on counseling. These kinds of approaches to school safety help students identify underlying issues, increase self esteem, promote trust and problem solving and link students and families in need with resources at the school level and in the community.

Under the current administration, we've seen an evolution from more school-based wrap around services with trained professionals who specialize in these interventions to a band-aid approach where efforts rise after an incident or a crisis. Most schools no longer have education evaluators and special education supervisors have been virtually eliminated. We've seen reductions in the number of guidance counselors assigned to schools and those who remain have burgeoning student caseloads and are charged beyond their counseling role to perform as deans, disciplinarians and suspension adjudicators. How can a counselor shift back to a guidance role once a student has returned from suspension? Where's the trust in the relationship? This process undermines the counseling effectiveness and is overly skewed toward discipline.

Effectively, the dynamics and personnel functions of the school based teams have dramatically shifted from comprehensive prevention and intervention to reactionary stop gap remedies where services are splintered. We believe that at least in part, the more holistic approach to school safety has diminished due to the unrelenting emphasis on test prep by the DOE. Certainly, the struggling national economy has wreaked havoc on local education, public service and law enforcement budgets; but we all recognize that the DOE's program funding is determined by its priorities. From our experience working in the schools, if specific programs and staff are not aligned with a certified accountability measure or don't support standardized testing, they're not a high priority. Given the reduction in prevention and intervention services at the school level, it's no surprise that we've seen the rise in incidents of school violence and bullying.

Students cannot learn and educators cannot teach where disciplinary problems reign and unsafe conditions proliferate. We can all agree that creating safe school environments where students can concentrate on mastering the curriculum and advancing critical thinking, leadership and socialization skills is crucial for moving education forward. So, the UFT encourages the Education, Public Safety and Juvenile Justice Committees to support this bill with its amendments to the School Safety Act, and to continue to advocate for more far-reaching preventative safety measures. Thank you.

Statement of
Nelson Mar, Esq.
Education Law Specialist
Senior Staff Attorney

And

Alexander Artz, Esq.
Staff Attorney

Legal Services NYC - Bronx
579 Courtlandt Avenue
Bronx, NY 10451

Before the
City Council of the City of New York
Committees of Education, Juvenile Justice and Public Safety
December 16, 2010

Proposed Intro. No. 442

Good afternoon Honorable Members of the New York City Council. My name is Nelson Mar and I am a senior staff attorney and the education law specialist at Legal Services NYC – Bronx.

Legal Services NYC – Bronx as many of you know is the governmentally funded provider of free civil legal services to low income residents of the Bronx. Our office represents thousands of clients each year on a broad range of civil legal matters including housing, government benefits (e.g. public assistance and Social Security Disability benefits), consumer matters, foreclosures, domestic violence, elder law and education.

I would like to thank the Chairs of the Education, Juvenile Justice, and Public Safety Committees for inviting us here today and giving our office the opportunity to appear before you regarding this important bill, Intro. 442 or as many of us refer to it as the Student Safety Act.

I am joined here today by my colleague Alexander Artz, who is also a staff attorney in our education law unit. I will give some introductory remarks and Mr. Artz will follow with some testimony about his recent experiences that compel us to ask that the City Council support Intro. 442.

Our education law unit represents some of the most vulnerable and at risk students in New York City's public schools. Our office is one of only a handful of legal service agencies that provides direct representation to students who are facing disciplinary actions in New York City. Although we serve students who residents of the Bronx, many of them attend schools throughout the 5 boroughs. Many of our clients are struggling to succeed academically and many have been identified as needing special education services. The issue of discipline poses additionally challenges for our clients and for some insurmountable hurdles to achieving their right to a public education.

Today we would like to offer our support for the proposed bill, Intro. 442. It is vital that there be more transparency and collection of data regarding the discipline process in the public schools. Without reliable data, and data that is disaggregated, parents, educators, advocates and policy makers will not have a full picture of how well or not well the discipline process is working in the public schools. It is our firm belief the disclosure of discipline data will assist in developing a more targeted and positive approach to discipline in the New York City public schools.

In addition, Intro. 442 proposes to provide greater resources for parents and students who may be aggrieved by misconduct on the part of a School Safety Officer. Given our past and recent experiences with misconduct by School Safety Agents, this aspect of the bill is very important. Many parents and students feel disenfranchised when dealing with misconduct by School Safety Agents. They often feel there is nothing they can do about either verbal abuse, intimidation or inappropriate comments by School Safety Agents. Additional checks and balances, such as the ones Intro. 442 will provide, will engender greater trust and collaboration between parents and students with the School Safety Division.

One of my primary responsibilities as an education law attorney at Legal Services NYC-Bronx is to represent low-income families in hearings when their children are facing long-term suspensions from school. Over the past three years, I have represented more than 75 families, including representation at each of the five hearing offices located around the city.

Visit the waiting room at any of these hearing offices, and you will come away realizing there need to be changes in how disciplinary incidents are handled in our schools. Any day you visit, you will see a room crowded with families awaiting hearings. Nearly all of the students facing suspension are students of color. Six- and seven-year-old elementary school students are awaiting long-term suspension nearly every time I go to the hearing office. And even though their children are facing up to a year-long suspension from their regular education, hardly any families have representation.

In the 2009 school year, there were more than 72,000 suspensions in the New York City schools. That is more than 400 students suspended per day. An alarming number of my clients are facing not only a long-term suspension, but also a criminal or delinquency case in court. Largely, these are not criminals carrying weapons or selling drugs. These are middle school students still learning how to respond to conflict appropriately. These are kids who talked back to a teacher, or brought a cell phone to school, or were out of uniform. Many, many are students in special education who need guidance and support, not exclusion.

In one of my recent cases, a 12-year-old boy in seventh grade was attacked by several other students during dismissal. A School Safety Officer intervened, bringing my client back into the lobby while allowing the attackers to go home. Video surveillance showed that the School Safety Officer forcefully pushed my client into a chair and then aggressively attempted to force him to come upstairs with her. The hearing officer who heard my client's suspension case could not understand, in her words, why "a child who was already injured as a result of an attack, was dragged into the elevator, outside the view of the camera, up to the main office where he was thrown against the wall and to the floor, and then arrested."

If suspensions and arrests should ever take place in our schools, they should be last resorts, reserved for the most seriously endangering behaviors, after guidance interventions have been employed. That is not the current reality. The Student Safety Act is crucial for identifying disciplinary trends and practices that may or may not be effective. It will allow us to work toward a more constructive system of discipline that effects genuine safety in our schools.

TESTIMONY

The Council of the City of New York

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

Int. 0442-2010: A Local Law to amend the administrative code of the city of New York, in relation to reports on school discipline and police department activity relating to schools.

December 16, 2010
New York, New York

Submitted by
The Legal Aid Society
Juvenile Rights Practice &
Criminal Practice
199 Water Street
New York, NY 10038

Good afternoon. I am Nancy Ginsburg, director of the Legal Aid Society's Adolescent Intervention and Diversion Project in the Criminal Practice, a specialized unit dedicated to the representation of adolescents aged 13 to 18 who are prosecuted in the adult criminal courts. I submit this testimony on behalf of the Legal Aid Society, and thank Speaker Quinn and Chairpersons Jackson, Vallone and Gonzalez as well as the Committees on Education, Public Safety and Juvenile Justice for inviting our thoughts on the proposed bill to which I will refer with the shorthand "The School Safety Act". We applaud the Council for proposing this bill to bring transparency to the issue of safety in New York City's schools. We look forward to working with the Committees assessing the data that this important law will make available in order to make the City's schools safer and more hospitable environments for learning for the students and staff alike. We appreciate your attention to this area of vital concern to our City's children and their families.

The Legal Aid Society is the nation's largest and oldest provider of legal services to low-income families and individuals. Legal Aid's Juvenile Rights Practice provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our staff represented more than 30,000 children, including approximately 4,000 who were charged in Family Court with juvenile delinquency. During the last year, the Society's Criminal Practice handled more than 230,000 cases for clients accused of criminal conduct, often wrongfully. Our perspective comes from our daily contacts with children and their families, and also from our frequent interactions with the courts, social service providers, City agencies including the New York Police Department, Department of Education,

Department of Juvenile Justice, and Department of Probation as well as the Administration for Children's Services. In addition to representing many thousands of children each year in trial and appellate courts as well as school suspension hearings, we also pursue impact litigation and other law reform initiatives on behalf of our clients.

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

Today we commend the many concerned members of the Council as well as Speaker Quinn for your support of the School Safety Act. This piece of legislation will bring long-awaited transparency to the policing and discipline issues in New York City schools. Since the effective transfer of the traditional school function of mediating disputes and conflicts from school personnel to the Police Department and central school officials who do not have daily contact and knowledge of the individual students little information about these practices have been available to policy-makers and the public.

The School Safety Act will provide actual data on the specific charges for which students are arrested and face school exclusion, the racial breakdown of students excluded from school through suspensions and arrests, the overall effect of discipline on students identified with special education needs, and it will provide a mechanism to lodge a complaint against abusive school safety agent activity. The information collected through the mandate of the School Safety Act will provide valuable insight into policing practices in schools and school

discipline outcomes. This data is critical to formulating meaningful policy to create a safe and supportive school environment for New York City's students.

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

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

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

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

The Effect of Police in our Schools

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

Several studies of the Impact School program concluded that the schools in which the most police officers were placed had higher enrollments even as City high schools, overall, saw less crowded conditions. These Impact schools

also have higher percentages of low-income and African-American students, lower than average spending for direct services per student, more students over-age for their grade, higher rates of suspensions, higher rates of reported police incidents and lower rates of attendance.¹

We recognize and applaud the efforts of the New York City Department of Education in creating more small schools to alleviate these issues, including crime, of the larger schools. However, those students who are left behind in the large high schools should be entitled to receive equivalent educational services in environments which foster learning. Students in large high schools should not be forced to endure a setting that feels like a police state.

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

We, as a City, are losing opportunities for teaching lessons of social interaction, conflict resolution and conflict de-escalation that are inherently part of every young person's social education. These skills were historically taught by educational staff who have effectively abdicated that role. Now, a security force trained in apprehension and delivery for courthouse punishment is in charge of

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

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

school discipline. This unit of agents is employed and trained by the NYPD and reports to the NYPD. Despite suggestive language in the MOU, there appears to be little to no coordination at the individual school level with the educational organization in which the agents are housed.

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

Students are often suspended and arrested for minor offenses

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

If teachers or school staff had oversight responsibility for school discipline, a dispute among children, a misunderstanding, or some minor misbehavior could be used as an opportunity to teach new behaviors or skills in conflict resolution.

Instead, in the current environment where law enforcement controls school safety, minor disputes or misbehavior most often result in school exclusion and harsh punishment in the court system instead of school-based counseling or mediation. An environment in which law enforcement interdiction is the norm creates profound obstacles for children seeking to obtain a quality public school education.

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

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

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

It typically takes at least a week for the Department of Education to hold a superintendent's hearing. In the meantime, the child is excluded from his regular school setting. Delinquency and criminal cases sometimes result in detention, at least temporarily. They also require multiple court appearances, for which a child must miss school. Thus, even if a child is found not guilty after going through a school suspension hearing and a delinquency or criminal prosecution, s/he is often punished academically during the process of responding to the charges. The disruption of a young person's education, even for one or two weeks, can result in the loss of an entire semester's work and cause students to be held back in their grade. Students are rarely, if ever, provided with their homework and class work pending the outcome of a suspension hearing, for example, despite the New York City Schools Chancellor's Regulations stating clearly that suspended students must not be penalized academically.³ Under the City's current school safety model, the consequences for students who are suspended and prosecuted as adults or juveniles also feature the loss of opportunity to take required exams and standardized tests, and, for some, being required to attend summer school or repeat the entire year instead of being promoted to the next grade. It is well known that students who are over age for their grade are more likely to end up dropping out of school without attaining a diploma.

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

Moreover, most or all of the suspension sites do not have labs required to obtain credit for high school science classes, nor do they offer the specialized supports and services that students with disabilities require. Rather than helping these students to progress academically while addressing the behavioral issues that led to the suspension, DOE practice frustrates students who are academically motivated and further alienates those who are not.

School suspensions disproportionately impact children of color

We have found that the vast majority of students who are impacted by the harsh punishment of suspension in New York City are children of color. Emerging professional opinion and qualitative findings suggest that the disproportionate discipline of students of color may be due to lack of teacher preparation in classroom management or cultural competence. Although there is less data available, students with disabilities, especially those with emotional and behavioral disorders, also appear to be suspended and expelled at rates disproportionate to their representation in the population.⁴

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

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

broader, unacceptable environment which has arisen in too many of the schools in New York City:

- Legal Aid represented a teenage boy in Family Court. He is our client because he is the subject of a child protective case and we then represented him at the school suspension hearing. He was charged with allegedly assaulting a school safety agent and refusing to show identification. However, the videotape which captured the incident showed something very different. The tape showed several school safety agents pushing our client into a corner outside the view of the camera. The camera did capture images of our client being hit by the SSAs and of one SSA laughing after the incident. Our client suffered injuries as a result of this incident. The DOE suspension hearing officer dismissed the school suspension charges. The Family Court case was also dismissed. Nevertheless, he missed school while the suspension was pending and to attend his court dates.
- We have represented other teenagers whose cases have actually gone to trial and Family Court judges have found the testimony of the School Safety Agents to be not credible. In these cases, the SSAs were also the initial aggressors and then blamed the students and set off a series of events which led to the exclusion from school and prosecution of the students.
- We represented a 16-year-old who was suspended for assaulting an SSA. He was charged in criminal court with felony assault. An investigation turned up witnesses who supported our client's version of events that the SSA was the initial aggressor. The incident began when our client had, in fun, thrown a piece of food at his friend sitting next to him. He was approached by a SSA in the cafeteria who told him to stop. The SSA and our client exchanged words and the SSA hit our client in the head. Our client stood up and the SSA grabbed the student's chest, pushed him against the wall and then threw a punch. Our client swung back and the SSA fell and then pressed charges. Both the suspension and the criminal court case were dismissed. The student, who had no previous history of disciplinary incidents and is on track to graduate high school, missed nine days of school pending the suspension hearing which never took place and approximately three more days to attend court.
- Lastly, we represented a teenager who was arrested by a SSA at 2:45 p.m., just after school ended, for standing outside his own school and not dispersing when directed to do so. He spent more than 24 hours incarcerated for an event that does not even qualify as a crime.

Legal Aid has represented other clients who have similar experiences. We know that the Council members will hear additional stories today from other concerned citizens and some of the students themselves who have been

victimized by SSAs and the policies and practices of the current school safety program. *What bears highlighting in the examples we include in this testimony is that students are being approached for no reason or the behaviors for which children are confronted--being late to class, talking back, not showing ID--are all common among schoolchildren and are by no means violent or immediately dangerous behaviors.* In the examples, SSAs reacted with unacceptable aggression and without empathy in situations that, with properly trained school personnel, could have been resolved productively without the use of physical force and without resulting in the extreme punishments of suspension and prosecution.

We join with the community of parents, students, teachers and advocates in urging the City Council to require transparency and accountability from our schools and from the police regarding school safety. We thank you for your work in this area and strongly urge you to pass the School Safety Act.

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

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

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



ADVOCATES FOR CHILDREN
Helping children succeed in school

Advocates for Children of New York, Inc.
151 West 30th Street, 5th Floor
New York, NY 10001
Phone: (212) 947-9779
Fax: (212) 947-9790
www.advocatesforchildren.org

**Testimony to be delivered to the
New York City Council Education Committee**

Re: Intro No 442 – The Student Safety Act

**By Marianne Hunkin, Advocates for Children of New York
December 16, 2010**

Board of Directors

Amie Levitt, President
Barriet Chan King, Secretary
Larry Ford, Treasurer
Paul Becker
Frances Bivens
Lauren Hammer Breslow
Kevin J. Curmin
Jessica Davis
Robin L. French
Eric Grossman
Roderick Jenkins
Jeffrey E. LaGueux
Maura K. Monaghan
Mala Thakur
Ysa Vanible

Executive Director
Kim Sweet

Deputy Director
Matthew Lenaghan

Good afternoon. Thank you for the opportunity to testify in support of Intro 442 – The Student Safety Act. My name is Marianne Hunkin, and I am the Project Coordinator of the Juvenile Justice Project at Advocates for Children of New York (AFC).

For almost 40 years, Advocates for Children has been speaking out for the most vulnerable children in this city's school system -- children living in poverty, children with disabilities, children learning English, children involved in the foster care or juvenile justice systems, and children who are homeless. We work with several thousand parents a year, helping them to get what their children need from a school system that is often under-resourced and overwhelmed.

As a member of the Student Safety Coalition, AFC supports the Student Safety Act because it is a common sense approach to creating transparency and accountability in school safety.


The experiences of AFC and other members of the SSC who work with youth in NYC provide strong anecdotal evidence that students of color are much more likely to be suspended from school, and that students of color who also have disabilities are even more vulnerable. Nationally, African-American students with disabilities are three times more likely to be suspended than their white peers. We suspect that NYC demonstrates

A similar figures, but without systematic data, it is difficult to identify problems with disciplinary procedures, or work to develop solutions.

AFC often represents students with disabilities who have been arrested at school. The stories of their arrests are shockingly similar: a relatively minor disruptive behavior is responded to inappropriately by an SSA, resulting in an escalation of behaviors and tension, leading to an unfortunate incident and arrest. For example, David, a 12 year old special education student who has been diagnosed with ADHD was arrested at school. David's special education program states that "he exhibits difficulties with self-regulation and anger management", which often result in "disruptive behavior". After becoming frustrated on day at school, David overturned a garbage can and tossed its contents around a classroom. The assistant principal asked David to clean the room before going to lunch. When he protested, several SSAs intervened and threatened David with arrest. David was arrested for exhibiting behaviors that are manifestations of his disability, despite the fact that his social and emotional needs are clearly identified and documented in his IEP.

In addition to a referral to the juvenile justice system, students who are arrested are usually suspended, and often for up to a year. All students suffer from extended time away from the classroom, but for students with disabilities, the impact is all the more troubling. For students already facing considerable difficulties with their education, long-term suspensions increase the likelihood that they will become disengaged from school and can be the final push out of school.

In addition to suspensions, students are often removed from their classrooms for disruptive behaviors and excluded from learning, sometimes for several days or



weeks. Parents are not always notified of classroom removals, and students are not given an opportunity to appeal the school's decision. This informal method of punishment denies students access to education and can result in a significant loss of time in learning, but schools are not currently required to report these disciplinary actions. The absence of reporting on these incidents means we cannot monitor the impact of these harmful policies and practices. AFC regrets that classroom removals have not been included in the Student Safety Act, especially since in those situations, students and parents are not afforded their due process rights.

The School Safety Act requires the NYPD and DOE to break down disciplinary incidents by race/ethnicity, age, sex, and special education status of students involved. The inclusion of special education status as a reportable characteristic will help shine a light on a population of students that is too often overlooked and provide us with long-sought information on the relationship between disability, discipline and arrest in New York City's schools. It is AFC's hope that the NYPD and DOE will use the data generated from the requirements of this Act to re-examine their approach to school discipline generally, and to the discipline of students with disabilities in particular.

Thank for your time.

Testimony at City Council Hearing on the Student Safety Act

Liz Sullivan, Human Right to Education Program Director

National Economic and Social Rights Initiative (NESRI)

Thursday, December 16, 2010

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

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

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

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

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

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

But in order for schools to determine what alternatives will be most effective and what supports are necessary, we must have data about what students are being suspended and arrested for, and

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

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

when different school staff or police personnel are getting involved. The public availability of this data is also essential for ensuring the fundamental human rights of students, parents and educators to participate in shaping, implementing and monitoring these policies.

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

Best Practices in School-wide Approaches to Discipline:

Restorative Practices

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

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

What the Data Shows

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

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

Positive Behavior Supports

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

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

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

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

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

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

What the Data Shows

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

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

Reports Available On-Line:

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

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

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

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

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



LA UNIÓN HACE LA FUERZA
THE COMING TOGETHER OF
LATIN AMERICAN INTEGRATION CENTER
AND MAKE THE ROAD BY WALKING



Testimony of Robert Moore, Youth Leader, Make the Road New York
in support of the passage of the Student Safety Act, Int. No. 442

Hello. My name is Robert Moore. I am 18 years old and a Youth Leader with Make the Road New York and the Urban Youth Collaborative.

Last June, I graduated from high school. I now attend the Borough of Manhattan Community College. Since I was a tenth grader in public high school, I have worked with other students at Make the Road New York and the Urban Youth Collaborative to pass the Student Safety Act. I and the other students here are grateful to Councilmembers Robert Jackson, Peter Vallone, and Melissa Mark Viverito for helping to get us to the point of having this hearing today. We are also very grateful to Speaker Quinn for doing everything she could to get this hearing scheduled today, and to get the bill passed this year.

There are very good reasons that all of us have worked so hard to get the Student Safety Act passed. This Act is our first stepping stone in creating school safety policies that treat youth with the respect that we deserve. The act will require regular reporting of data on school discipline and police activity in schools. When we have this data, it will open the door to real discussions about whether students in our city, especially students in low-income communities of color, are being kept safe by current policies or being unfairly targeted by them.

I think everyone in our city would agree that we want our schools to be safe, nurturing and respectful places for all students. Having information on who gets disciplined, for what reasons, and how they get disciplined, will only help us move further in that direction. No student should risk suspension for minor things like carrying a cell phone or being late to class. No student should be put in handcuffs because they are having a bad day and talked back to a teacher. I and many of my classmates have seen things like this happen. I agree that schools need rules to keep students safe. They also need to have appropriate and supportive responses for issues that come up with students every day. Many black and brown youth from low-income communities have plenty of challenges already. We shouldn't be criminalized for behavior that other students get comforted or counseled for.

I look forward to seeing the Student Safety Act passed this year, and to continuing to work with the city and with other youth to make sure that all students have a chance to succeed. Thank You.

301 GROVE STREET
BROOKLYN, NY 11237
TEL 718 418 7690
FAX 718 418 9635

92-10 ROOSEVELT AVENUE
ELMHURST, NY 11372
TEL 718 565 8500
FAX 718 565 0646

479 PORT RICHMOND AVENUE
STATEN ISLAND, NY 10302
TEL 718 727-1222
FAX 718 981 8077



**Testimony of Nilesh Vishwasrao, Youth Leader, Desis Rising Up & Moving & the
Urban Youth Collaborative**

in support of the Student Safety Act, Int. No. 442

My name is Nilesh Vishwasrao, I am a member of DRUM- Desis rising up and moving. DRUM represents over 900 low-income South Asian youth and families working to improve our education system as well as fight for immigrant rights. I used to be a senior at Flushing High School. I have been pushed out of school due to excessive discipline policies. I am working on my GED and hope to earn it in January 2012.

The consequences of suspensions are even higher for undocumented youth, because once you are in the system it is easy for Department of Homeland Security find out about your immigration status. These types of harsh discipline policies are adding to fear that already exist in the immigrant communities. By passing the Student Safety Act, we will finally know the impacts of current school disciplinary and safety policies and take one big step forward in creating a safe and respectful learning environment for all students.

We will continue to work as the youth of NYC to ensure our voices continue to be heard. There is no better time then at the hearing of the passage of the Student Safety Act than for students in this city to propose positive way of handling disciplinary problems. School systems across the country are using proven methods of school-based discipline called Positive Behavior Interventions and Supports (PBIS) and Restorative Justice practices. These programs utilize behavioral guidance, mentorship, counseling, and other non-punitive practices which is a better way to create a positive learning environment in school. It has shown great success where used and we are excited to see more programs like these in New York City.

This is an important day for the Council, the advocates, and ESPECIALLY the students, and I am proud to be part of it. Thank you to the Council for your support of this important bill.

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

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

DECEMBER 16, 2010

Good afternoon, Committee Chairs and members of the Council. I am Assistant Chief Thomas Chan, the Commanding Officer of the NYPD's School Safety Division, and I am here with Captain John Breslin of the Office of Management Analysis and Planning. On behalf of Police Commissioner Raymond Kelly, we would like to thank you for this opportunity to provide our comments regarding the bill before you today, Intro. 442.

Intro. 442 is the result of a long process during which the City Council and the Administration conducted extensive discussion of the Police Department's role in our public schools. We all agree that our goal is to provide the highest level of safety and security for students and school personnel, in a manner which respects and supports the school community. Our experience over the last twelve years bears out the fulfillment of that goal every day.

From the 2000/2001 school year to the 2009/2010 school year, total crime in the schools decreased by 33%. Since the 2000/2001 school year, violent crime in schools decreased by 39%, and the seven major index felonies decreased by 47%. Further, non-criminal incidents, such as harassment, disorderly conduct and trespassing, which can also seriously disrupt the tone of a school, dropped 58%, and possession of weapons and dangerous instruments dropped 64%. A further example of the successful efforts being made comes from our "Impact for Schools" program. This program has consistently helped our more challenging schools experience remarkable, lasting gains in reducing violence and disruption. Through December 5, 2010, total crime in the schools currently participating in the program is down 24% compared to the same period last year, with violent crime down 35% over the same period.

Every part of the school community has contributed to increasing the safety of our schools – students, parents, teachers, principals, DOE administrative staff, and School Safety Division personnel, most especially, our School Safety Agents. The strong partnership that exists both at the administrative level and at the local level, in each school, is vitally important to maintaining these improvements. We believe that Intro. 442 sets forth a reasonable mechanism for providing to the Council information about police activity in schools, without unfairly selecting one distinct category of City employee, School Safety Agents, for treatment and oversight unlike that directed to any of the City's other civilian employees.

We of course acknowledge the Council's continuing interest in the levels and dispositions of complaints of force, abuse of authority, discourtesy, or offensive language which are filed against School Safety Agents, and will continue to provide this information as requested by the Council, to the degree practicable.

We would like to note, as we have in the past, that increased reporting responsibilities consume Police Department resources that would otherwise be devoted to carrying out our core missions of fighting crime and maintaining order. We are therefore appreciative of the collaboration which has resulted in a bill which reflects the manner in which our data is maintained, so as to minimize the amount of Police Department time and resources necessary to organize, compile, and verify the data we will need to produce.

Thank you, and we will be pleased to answer any questions you may have.



**Testimony of the New York City Department of Education
on Int. No. 442**

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

December 16, 2010

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

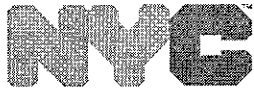
Good afternoon Chair Jackson, Chair Gonzalez, Chair Vallone, and members of the Education, Juvenile Justice, and Public Safety committees. My name is Elayna Konstan, and I am the Chief Executive Officer of the Office of School and Youth Development at the New York City Department of Education (DOE). I am joined today by Judy Nathan, First Deputy Counsel in the Department's Office of Legal Services. Thank you for the opportunity to appear before you today in support of Intro. 442, commonly known as the School Safety Bill, and to discuss safety in our schools.

I would like to begin by thanking the Speaker, the Chairs and members of all the Committees here today for your commitment and leadership on this issue and for working with the Department to arrive at a bill that provides responsible updates on school safety data, while also respecting student privacy as outlined in the Family and Educational Records Privacy Act. I would also like to thank Speaker Quinn and the City Council for their generous support of Respect For All (RFA), which provides ongoing teacher and staff professional development around building student respect for diversity. Thanks to your generosity, in September we launched the RFA high school curriculum training and dissemination. This year's Respect For All Week will be February 14-18, and again we look forward to your participation in your local schools.

I come before you as an educator with 37 years of service in New York City public schools as a special education teacher, a district supervisor of clinical services, a Director of Instruction, and a Deputy Superintendent. I am a graduate of New York City public schools, and my son attended the City's public schools as well. From both personal and professional experience, I know that a welcoming, safe and orderly school environment is critical for effective teaching and learning. This is why the Department has made school safety a priority.

As you are aware, the New York City Police Department (NYPD) tracks crimes and violations of the Penal Law in our schools. The DOE tracks violations of our Discipline Code, which includes infractions that may also be Penal Law violations, as well as less serious disciplinary infractions. These range from lower level infractions, such as cutting classes or school or disrupting the educational process, to the most serious or violent behaviors such as threatening to use or using force against others.

As my colleagues in NYPD will tell you, school crime has decreased dramatically over the



**Department of
Education**

course of this Administration. We also continue to see a significant decrease in the number of the most serious level of DOE disciplinary infractions. From 2006-2007 to 2009-2010 our schools experienced a 27.7% decrease in the most serious incidents, known as Level 5 infractions. This school year, we continue to see the same trend, with a decrease of nearly 8% in the most serious and violent incidents. The concentrated efforts of our outstanding educators and school leaders working with their school communities, our strong and successful partnership with NYPD, developmentally appropriate guidance support, and positive and progressive discipline have contributed to these improvements in school safety.

Most remarkably, the decrease in serious incidents occurred concurrently with an overall 28% increase in reporting in the last four years. School staff are now recording and reporting more behavioral incidents they witness among students. This enables us to identify those students in need of support at the onset of inappropriate behavior so we can provide appropriate interventions that foster pro-social growth and development. We believe such early interventions have played a significant part in the consistent and steady decline we have seen in the most serious incidents.

Our approach to creating safe and supportive schools is founded on the belief that safety is the responsibility of the entire school community. The Citywide Standards of Intervention and Discipline Measures, commonly called the Discipline Code, has two simultaneous goals – holding students accountable for their behavior and using an incident as an opportunity for support and growth.

Each year as part of our annual review of the Discipline Code, we seek input from students, parents, staff and other stakeholders, including advocacy groups, and we revise the Code based on that feedback. This year, we made significant changes to put more emphasis on prevention and reflect the Department's commitment to fostering pro-social student behavior and positive discipline. We amended the code to give principals greater flexibility in addressing student behavior by increasing the range of disciplinary responses for some infractions. We also expanded the options for guidance interventions and changed the name of the Code, putting "intervention" before "discipline" to stress the importance of student support services.

Our efforts to foster positive climate, culture and progressive discipline are working. Our most serious and violent incidents in schools are down.

We are deeply committed to providing all students and teachers with a safe and supportive school climate and culture in which to learn and grow, and we are equally committed to addressing the academic and social-emotional needs of students who exhibit challenging behaviors. The proposed legislation provides another opportunity to share critical information about school safety with the Council, as we focus on these twin goals. We look forward to our continued partnership and the City Council's ongoing support.

Thank you for your time, and I would be pleased to answer your questions.

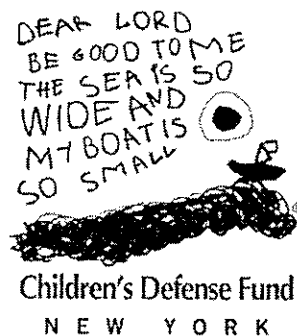
Testimony of the Children's Defense Fund – New York

Jaime Tackett Koppel
Senior Program Associate

At the Hearing on
Intro 442 (Student Safety Act)

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

December 16, 2010



15 Maiden Lane, Suite 1200
New York, NY 10038
(212) 697-2323
www.cdfny.org

Good afternoon. My name is Jaime Koppel and I am the Senior Program Associate at the Children's Defense Fund – New York.

The Children's Defense Fund (CDF) Leave No Child Behind® mission is to ensure every child a *Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start* in life and successful passage to adulthood with the help of caring families and communities. CDF provides a strong, effective voice for all the children of America who cannot vote, lobby or speak for themselves. CDF educates the nation about the needs of children and encourages preventive investments before they get sick, into trouble, drop out of school or suffer family breakdown. As part of our advocacy efforts, we launched the CDF Cradle to Prison Pipeline® Campaign, a national call to action to stop the funneling of thousands of children, especially poor children and children of color, down life paths that often lead to arrest, conviction, incarceration and even death. Unfortunately, New York's schools all too often serve as way stations on our children's journeys through the cradle-to-prison pipeline. In far too many schools, police officers outnumber guidance counselors, suspensions and expulsions have skyrocketed and 12-year-old students are arrested for actions as simple as writing "I love my friends" on a desk.¹

At the moment, one of the major obstacles we face in having constructive conversations about the negative impact of zero tolerance policies and overly aggressive policing in New York City's schools is the public's inability to access meaningful, disaggregated data about the use of suspensions and arrests in schools. Therefore, CDF-NY is very encouraged by the City Council's efforts to pass the Student Safety Act this year. Thank you to Speaker Quinn and the City Council's leadership for supporting this important legislation.

The Student Safety Act will ensure that the NYC Department of Education (DOE) and the New York Police Department (NYPD) regularly report data on suspensions and arrests in schools. In particular, the Student Safety Act stipulates that the New York City Schools Chancellor must provide an annual report on school discipline broken out by individual schools and including data disaggregated by race/ethnicity, gender, grade level, age, whether the student receives special education services and/or is an English language learner, what the disciplinary code infraction was and for how long a student was suspended. The NYPD must provide quarterly reports on summons, arrests and non-criminal incident activity in each of the nine patrol boroughs in New York City, disaggregated by race/ethnicity, age, gender, whether the student is receiving special education services or is an English Language Learner whenever possible. Equipped with this information, we will all be better positioned to consider what changes are needed in individual schools in order to ensure that the students in those schools are given every opportunity to succeed.

Background on School Safety in New York City

With over one million children enrolled, New York City is the United States' largest school district. Beginning in 1998, the New York Police Department (NYPD) was given control of school

¹ Monahan, Rachel (February 4, 2010). *Queens girl Alexa Gonzalez hauled out of school in handcuffs after getting caught doodling on desk*. NY Daily News. Retrieved 10/13/10 from http://www.nydailynews.com/ny_local/education/2010/02/05/2010-02-05_cuffed_for_doodling_on_a_desk.html

safety in New York City schools. Since then the number of police officers in schools and the related school safety budget has grown exponentially to almost \$300 million dollars in this fiscal year even as the number of guidance counselors and social workers has decreased. In 2008-2009, there were 5,200 school safety agents in our schools but only 3,152 guidance counselors and 1,400 social workers. School safety agents, who are primarily trained by the NYPD and who receive very limited supplemental training from the NYC DOE, are not trained to play the role of guidance counselors or social workers. They are trained as police officers. It is therefore no surprise that in recent years, excessive policing and interpretations of the New York City School Discipline Code have led to record numbers of suspensions – the first step toward being pushed out of school and into the juvenile justice and/or criminal justice systems. Since 2006, NYC school suspensions have increased by more than 40% - to more than 72,000 suspensions a year.² Data on arrests in schools has not been made publicly available. Therefore, at the same time that we are investing hundreds of million dollars in keeping our children safe in schools, we are pushing thousands of these same children out of our schools and into the pipeline to prison.

Changing the Status Quo

Positive alternatives to these punitive punishments exist and are being used with great success in many places. These positive alternatives include Positive Behavior Interventions and Supports (PBIS) and Restorative Practices. After being listed as one of Pennsylvania's "Persistently Dangerous Schools" six years consecutively, West Philadelphia High School implemented restorative practices. They saw a 50 percent drop in suspensions and a 52 percent decrease in violent acts during the 2007-2008 school year. Closer to home, the New York Civil Liberties Union (NYCLU) published a report in Summer 2009 entitled "Safety with Dignity" that showcased the efforts of several schools in New York City. None of these high schools have metal detectors. Rather, they utilize positive alternatives to excessive discipline, including conflict resolution, counseling, and student participation in rule setting. Their graduation rates exceed the city's average.³

Conclusion

Ultimately, in order to divert our children away from the pipeline to prison and towards academic and social success, we must eliminate zero tolerance approaches to school discipline. The American Psychological Association has shown that zero-tolerance suspensions and expulsions do little to prevent misbehavior. Instead, these punitive actions are linked to the increased likelihood of future behavior problems, academic difficulties and dropping out of school altogether.⁴ Every year, approximately 1.3 million children in the United States of America leave school without a degree. Unsurprisingly, these students are three times more likely to be incarcerated than their peers who are still in school.⁵ The options available to the children and youth who are pushed out of our schools each day – unemployment and incarceration – are

² Monahan, Rachel (July 6, 2010). Schoolkids' suspensions through the roof: Expert says 40% rise is 'major crisis' in discipline. *NY Daily News*. Retrieved October 11, 2010 from http://www.nydailynews.com/ny_local/education/2010/07/06/2010-07-06_schoolkids_suspensions_thru_the_roof_expert_says_40_rise_major_crisis_in_discipl.html

³ Safety with Dignity

⁴ Skiba, above n5

⁵ Alliance for Excellent Education (2009). The High Cost of High School Dropout. <http://www.all4ed.org/files/HighCost.pdf>

unacceptable, especially when positive alternatives to zero tolerance do exist and have been proven effective at keeping children safe and in school.

Increasing transparency and accountability around school discipline practices is an important first step in creating more just and fair schools for our children. Knowing if a school is suspending and expelling many more students than peer schools, or if certain groups of students are being intentionally or unintentionally targeted or affected in a particular school, is important in considering what positive supports and interventions are needed to improve that school's climate. The Student Safety Act is therefore an important first step in the right direction. Making detailed data on arrests and suspensions public will allow us to identify schools that need help and will ensure that we are working towards creating ever more positive school cultures in which all children are treated with dignity and respect, and can learn in safe and nurturing environments.

We do think this is an important first step. However, we also encourage ongoing discussion regarding the role of police officers in our City's schools. Further, after this bill is passed, we encourage the City Council to carefully consider whether the data received on arrests and citations in schools, disaggregated only by borough patrol unit, provides sufficient information to support actions that will reduce the number of arrests and citations of students for minor offenses.

In closing, we are grateful to Speaker Quinn, the cosponsors of this bill, and to the other members of City Council who support the Student Safety Act's passage.

Thank you.



**Testimony of Jorel Moore, Youth Leader, Future of Tomorrow
& the Urban Youth Collaborative**

in support of the passage of the Student Safety Act, Int. No. 442

Hello, my name is Jorel Moore. I'm 17 years old & I am a senior at Franklin K. Lane High School in Brooklyn. I'm a youth leader with Future of Tomorrow, and the Urban Youth Collaborative.

First of all, I would like to thank Speaker Quinn and the city council for supporting the Student Safety Act. It's clear that they care about students and they care about our safety. They understand that this is an important first step towards creating safer and dignified schools, and we hope to continue to work with them in the future.

We began this effort nearly four years ago because students were concerned that a lack of transparency in our schools' public safety system was allowing for unnecessary disciplinary action and other serious mistakes that disrupted learning and interfered with the education of students like me in neighborhoods like mine.

Now, after countless meetings, public mobilizations, and the collection of thousands of student signatures supporting the Act, I've grown a little taller and we will have the transparency we need to protect students.

As a student I feel proud of myself, for my fellow students, and for New York City that something like this has happened. I feel proud that any adult who bullies students at school, when they're supposed to keep them safe, will no longer have anywhere to hide. Getting this bill passed is a victory for good students everywhere who are wrongly mistreated. They can no longer unfairly treat us like criminals in our own schools and get away with it, because we will finally have the information we need to better understand how safety policies are practiced in our schools.

The Urban Youth Collaborative is committed to working on campaigns that improve school safety through approaches that de-escalate conflicts and get at the root of the problem, and we look forward to continuing to work with the City Council on that.

When the Council passes the Safety Act on Monday, we will be victorious. And we still have our voices; and with them we have power. Don't be mistaken: we will continue to use them.

Thank you.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nilesh Vishwasrao

Address: 37-10 79 street

I represent: Drum-Desis rising up & moving

Address: 72-18 Roosevelt Ave

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Assistant Chief Thomas Chan

Address: 42 Broadway

I represent: NY Dept of Consumer Affairs

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 442 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sue Hume

Address: New York City

I represent: Urban Youth Collaborative

Address: Manhattan (230 Broadway)

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 447 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mark Ben Beyondent

Address: New York City

I represent: Assoc. Against Local Police Abuse

Address: Manhattan

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 442 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Robert Moore

Address: New York City

I represent: Urban Youth Collaborative

Address: Manhattan (230 Broadway)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nancy Gunsburg

Address: 49 Thomas St

I represent: Lesbian Aid Society

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 447 Res. No. _____

in favor in opposition

Date: 12/16/10

(PLEASE PRINT)

Name: DONNA LIEBERMAN & UDI OFER

Address: 125 BROAD ST., 19TH FL., NY 10004

I represent: NYCLU

Address: SAME AS ABOVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: William McDonald

Address: 183-11 145 AVE

I represent: The Community and Parents

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CAPT JOHN BRESLIN

Address: _____

I represent: NYPD OMAP

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

Name: Def Chief Vincent Coonan (PLEASE PRINT)

Address: _____

I represent: NYPD SSI

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

Name: Assistant Chief Thomas Chan (PLEASE PRINT)

Address: _____

I represent: NYPD SSI

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 442 Res. No. _____

in favor in opposition

Date: 12/16/10

Name: JAIME T. KOPPEL (PLEASE PRINT)

Address: 15 Maiden Ln, Suite 1200 NY NY 10038

I represent: Children's Defense Fund - NY

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

Name: ELAYNA KONSTAN (PLEASE PRINT) CEO, Office of School

Address: _____ and Youth Development

I represent: DOE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

Name: JUDY NATHAN (PLEASE PRINT) FIRST DEPUTY COUNSEL

Address: _____

I represent: DOE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 442 Res. No. _____

in favor in opposition

Date: _____

Name: ELIZABETH SULLIVAN (PLEASE PRINT)

Address: 90 JOHN ST, SUITE 308

I represent: NESRI (NATIONAL ECONOMIC AND SOCIAL RIGHTS INITIATIVE)

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 442 Res. No. _____

in favor in opposition

Date: 12/16/10

(PLEASE PRINT)

Name: Alexander Artz

Address: 579 Courtlandt Ave. Bronx, NY 10451

I represent: Legal Services NYC - Bronx

Address: See above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 442 Res. No. _____

in favor in opposition

Date: 12/16/2010

(PLEASE PRINT)

Name: Nelson Mar

Address: _____

I represent: Legal Services NYC - Bronx

Address: 579 Courtlandt Ave., Bronx NY 10451

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: _____

Address: _____

I represent: _____

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Marianne Hunkin
Address: 151 West 30th St., 5th Floor NY, NY 10034
I represent: Advocates for children of NY
Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Christina Chang
Address: _____
I represent: Manhattan Borough President Scott Stringer
Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: B Sterling Roberson

Address: UFT

I represent: UFT

Address: 52 Broadway

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CAPTAIN JOHN BRESLIN

Address: _____

I represent: NYPD

Address: _____

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