

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION
COMMITTEE ON PUBLIC SAFETY
COMMITTEE ON JUVENILE JUSTICE

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December 16, 2010
Start: 1:40 pm
Recess: 3:40 pm

HELD AT: Committee Room
250 Broadway, 14th Floor

B E F O R E:
ROBERT JACKSON
PETER F. VALLONE, JR.
SARA M. GONZALEZ
Chairpersons

COUNCIL MEMBERS:
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Peter F. Vallone, Jr.
Sara M. Gonzalez
Charles Barron
Lewis A. Fidler
Helen D. Foster
Daniel R. Garodnick
G. Oliver Koppell
Jessica S. Lappin
James Vacca
Albert Vann
Fernando Cabrera
Margaret S. Chin
Daniel Dromm

A P P E A R A N C E S

COUNCIL MEMBERS:

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Mark S. Weprin
Vincent M. Ignizio
Eric A. Ulrich
David G. Greenfield
James Sanders, Jr.
Helen D. Foster
Vincent J. Gentile
Daniel J. Halloran III
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A P P E A R A N C E S (CONTINUED)

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Assistant Chief Thomas Chan
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Robert Moore
Youth Leader
Make the Road New York/Urban Youth Collaborative

Jorel Moore
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Future of Tomorrow/Urban Youth Collaborative

Nilesh Vishwasrao
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2 CHAIRPERSON JACKSON: Good
3 afternoon everyone and welcome to this joint
4 committee hearing of the Committee on Education,
5 Committee on Public Safety and Committee on
6 Juvenile Justice. We are here today to hear Intro
7 442, a Local Law to amend the Administrative Code
8 of the City of New York in relation to reports on
9 school discipline and Police Department activity
10 relating to schools.

11 Let me introduce the members of the
12 various committees that are here this afternoon.
13 From our left is Dan Halloran of Queens, my co-
14 chair Peter Vallone, Jr., of Queens. To my right
15 is Council Member Sara Gonzalez of Brooklyn,
16 another co-chair and Vincent Ignizio from Staten
17 Island down there and Jessica Lappin of Manhattan.
18 Also, to our left arriving is Margaret Chin of
19 Manhattan and Eric Ulrich from Queens, sitting in
20 the back to my right.

21 Good afternoon and welcome to
22 today's hearing on Intro 442 by the Education,
23 Public Safety and Juvenile Justice Committees.
24 This is a bill that I sponsored that would amend
25 the Administrative Code of the City of New York in

2 order to increase transparency with respect to
3 school discipline and Police Department activity
4 in schools.

5 I just want to make a few opening
6 remarks and then we'll move on to opening
7 statements from our colleagues Peter Vallone, Jr.,
8 the chair of the Public Safety Committee and Sara
9 Gonzalez, the chair of the Juvenile Justice
10 Committee. Also, we've been joined behind us
11 right now, moving into place, is Council Member Al
12 Vann, the Majority Leader Whip of the City
13 Council. He's from Brooklyn.

14 Intro 442 would require the
15 Department of Education and the Police Department
16 to provide information to the City Council
17 regarding school discipline and activity by school
18 safety agents and other police personnel.

19 The bill would require four main
20 things. First, it will require an annual report
21 from the Department of Education to the City
22 Council on the number of principals and
23 superintendents at each school. The report would
24 break down the data by students' race, ethnicity,
25 age, gender, special education or English language

2 learner status, disciplinary code infraction and
3 length of suspension.

4 Second, it would require the
5 Chancellor to submit twice a year, a citywide
6 report on student suspensions to the City Council
7 showing the total number of superintendents and
8 principal suspensions in each month.

9 Third, the bill would require the
10 NYPD to make a quarterly report to the City
11 Council on the number of individuals arrested and
12 issued summonses in schools as well as the number
13 and type of non-criminal incidents in schools by
14 patrol borough.

15 Finally, the bill would raise the
16 awareness of the process by making complaints
17 against school safety agents by requiring 311
18 operators to inform all of the callers seeking to
19 make a complaint against a school safety agent
20 that their complaints will be transferred to the
21 NYPD Internal Affairs Bureau.

22 Everyone is concerned about school
23 safety in schools for students and staff alike.
24 Since the NYPD assumed primary control of school
25 safety and security in 1998, the Administration

1
2 has reported decreases in total crimes committed
3 in schools. However, there are still too many
4 situations reported by students, parents and
5 advocates in which students feel harassed or
6 threatened at school. Often by the very people
7 who are supposed to protect them.

8 Too often, typical adolescent
9 behavior becomes criminalized when it occurs
10 inside a school. Even young students have been
11 arrested for minor infractions, such as writing on
12 their desk, in one case. Today's paper contained
13 an account of a high school student, who was
14 accused of writing on the bathroom, being thrown
15 to the floor and handcuffed by a school safety
16 agent. The charges against the student were later
17 dismissed, but he was so traumatized, he had to
18 transfer schools and still suffers from anxiety
19 attacks.

20 With incidents like this in mind,
21 it is incumbent upon us to ensure that school
22 environments are conducive to teaching and
23 learning rather than feeling like a prison. As
24 I've said at prior hearings on school safety, I'm
25 concerned that an aggressive and strictly punitive

2 approach towards school safety causes tension and
3 conflict in schools and has a negative impact on
4 the learning environment and subsequently on
5 student achievement.

6 I'm still concerned that we're not
7 using enough proactive strategies like conflict
8 resolution and mediation programs and other
9 methods of teaching students how to resolve
10 disputes non-violently to prevent violence from
11 occurring in schools in the first place.

12 I still believe that we need
13 policies that are balanced between disciplining
14 students and protecting and nurturing them to
15 ensure that all New York City public
16 schoolchildren attend schools with the safe and
17 supportive learning environment to which they are
18 entitled.

19 I also believe that this bill is a
20 necessary first step to creating that safe and
21 supportive learning environment for all students
22 since it will provide some transparency around
23 student safety and discipline that is sorely
24 lacking at this moment.

25 Today, we would like to get

2 feedback on Intro 442, a bill that has been in
3 discussions and development for what seems like a
4 very long time.

5 Everyone who wishes to testify
6 today must fill out a witness slip which is
7 located at the desk of the sergeant-at-arms when
8 you enter the door. Please indicate on the
9 witness slip whether you are here to testify in
10 favor or in opposition to Intro 442. I would like
11 to point out, however, that we will not be voting
12 on the bill today.

13 To allow as many individuals to
14 testify as possible, testimony will be limited to
15 three minutes per person. Also, because we have
16 members from three committees here today and two
17 agencies to question, I ask my colleagues to limit
18 their question and answers to no more than five
19 minutes total.

20 Now, I'd like to turn over the
21 floor to our co-chair, Peter Vallone, Jr., the
22 chair of the Public Safety Committee, for his
23 opening remarks. Council Member Peter Vallone,
24 Jr.?

25 CHAIRPERSON VALLONE: Thank you,

2 Council Member Jackson and thank you for being the
3 driving force behind this for so long now. It's
4 been a long road. We're here and it's obviously
5 important to a lot of people because it's a packed
6 room. A lot of Council Members, press, people
7 testifying, people from the public.

8 As Public Safety Chair, and more
9 importantly, as the father of two young girls who
10 spent over eight years in the public school
11 system, there's nothing more important to me than
12 the safety of our kids. I've sponsored bills
13 putting cameras into our schools. I sponsored the
14 first crime in schools act, which for the first
15 time put information about crime in schools on the
16 web. Before that bill in 2005, you could get the
17 school lunch on the web but not the crime in the
18 schools on the web, and now you can.

19 We've had so many hearings on
20 school safety topics. One of our most recent was
21 about who's in charge in an incident in a school.
22 I wish I could tell you we've resolved that issue,
23 but I'm still as confused as ever on that issue.
24 We are continuing to work on that. But that's not
25 what today's hearing is about.

2 Today, we're discussing the Crime
3 in Schools Act. In brief, what this bill would
4 do, is number one, require the NYPD to report
5 additional information regarding the people who
6 are arrested and summonsed in the schools. And
7 number two, and perhaps most importantly, because
8 we've never had this before, give us information
9 on suspensions from the schools: who is being
10 suspended and why. That's information we need to
11 do our job, our oversight job, and we're finally
12 going to get it.

13 I want to thank you guys at the
14 table for working with us for all these years now
15 to come to a compromise bill that we can all move
16 forward with and make our kids even safer.

17 I want to caution our Council
18 Members, as Robert Jackson did, to stay on topic
19 first of all. This is not about what happens in
20 the school when a crime occurs. This is about
21 this act. We will have other hearings on other
22 topics. Also, please, don't turn this into a
23 discussion about some incident that happened in
24 your district. I'm sure everyone at the table is
25 more than willing to meet with you on any district

2 issues. For the people testifying, please stay on
3 topic, because we'd like to get to everybody.

4 So thank you all, again, for all
5 the help you've been to get this passed. Crime in
6 schools has gone down tremendously since '01. I
7 believe violent crime is down 25 percent and non-
8 violent is down 44 percent. Everybody can take
9 credit for that: our teachers, our students, our
10 parents and our Police Department, all more so
11 than the people up here. We have an oversight job
12 to do and we're going to get to than now. So let
13 me introduce our third co-chair, Sara Gonzalez.

14 CHAIRPERSON GONZALEZ: Thank you.
15 Thank you, Council Member Vallone and Jackson.
16 I'm Sara Gonzalez and I'm the chair of the
17 Juvenile Justice Committee. I would also like to
18 welcome all of you here today. I will keep my
19 remarks short; as I understand we have many
20 witnesses to get to.

21 The issue of school safety is
22 linked to juvenile justice. Unfortunately, some
23 of the city's students are or have been involved
24 in the juvenile justice system. Some of those are
25 introduced into the system as a result of

2 something that occurred at school. Additionally,
3 increases in the use of discipline for minor
4 infractions may cause already struggling students
5 to get even further behind and become more
6 detached from school. This increases the
7 likelihood that a child will drop out of school
8 and engage in delinquent behavior.

9 There is no question that everyone
10 benefits from safer schools. However, minority
11 and low income students are disproportionately
12 affected by the criminalization of school
13 discipline. Research shows that students of color
14 are most likely to receive higher penalties for
15 minor infractions and are disproportionately
16 targeted for punishment.

17 The bill we are hearing today will
18 provide more information to the public regarding
19 school discipline, which will enable us to
20 evaluate how we're doing and make better decisions
21 about this issue as a whole. I am deeply
22 concerned about the way that safety and discipline
23 are handled in our city schools. I think more
24 information and transparency will benefit parents
25 and children. So I look forward to the hearing

2 and hearing from all of you on the panel. Thank
3 you.

4 CHAIRPERSON JACKSON: Thank you,
5 Council Member. We've been joined by additional
6 Council Members from the various committees.
7 Daniel Dromm, he's over to the left in the back,
8 from Queens. Helen Diane Foster, where's Helen
9 Diane Foster? Over there, from the Bronx; Mark
10 Weprin from Queens and where's Oliver Koppell?

11 COUNCIL MEMBER KOPPELL: Here, Mr.
12 Chair.

13 CHAIRPERSON JACKSON: Over here,
14 from the Borough of the Bronx. With that, I would
15 like to turn the hearing over to the first group
16 of witnesses from the Department of Education and
17 the New York City Police Department. I'm going to
18 ask those that are present, or whoever the lead
19 person is for each agency to just introduce
20 yourself and your position with the agency or
21 department. Then, whoever is going to go first,
22 you may begin your testimony.

23 ELAYNA KONSTAN: Good afternoon.
24 Hi, I'm Elayna Konstan. I'm the CEO of the Office
25 of School and Youth Development.

2 ASST. CHIEF THOMAS CHAN: Assistant
3 Chief Thomas Chan, Commanding Officer of School
4 Safety Division. With me today is Captain John
5 Breslin from the Office of Management Analysis and
6 Planning. On my left is the Deputy Chief Vincent
7 Coogan, the Executive Officer of School Safety
8 Division. Thank you.

9 JUDY NATHAN: I'm Judy Nathan. I'm
10 the First Deputy Counsel in the Office of Legal
11 Services.

12 CHAIRPERSON JACKSON: You may begin
13 your testimony. We've been joined by Lew Fidler.
14 Lew Fidler there is from Brooklyn. Anyone else?
15 James Sanders, Jr., where is James Sanders, Jr.,
16 from the Borough of Queens. Any others? You may
17 begin your testimony please. I apologize for the
18 cramped space. As you know, we're out of City
19 Hall and so we have to just make do with what we
20 have. I'm sorry about that.

21 ELAYNA KONSTAN: Good afternoon,
22 Chair Jackson, Chair Gonzalez, Chair Vallone and
23 members of the Education, Juvenile Justice and
24 Public Safety Committees.

25 My name is Elayna Konstan and I am

2 the Chief Executive Officer of the Office of
3 School and Youth Development at the New York City
4 Department of Education. As Judy mentioned, I am
5 joined today by Judy Nathan, First Deputy Counsel
6 of the Department's Office of Legal Services.

7 Thank you for the opportunity to
8 appear before you today in support of Intro 442,
9 commonly known as the School Safety Bill, and to
10 discuss safety in our schools.

11 I would like to begin by thanking
12 the Speaker, the Chairs and members of all the
13 Committees here today for your commitment and
14 leadership on this issue and for working with the
15 Department to arrive at a bill that provides
16 responsible updates on school safety data, while
17 also respecting student privacy as outlined in the
18 Family and Educational Records Privacy Act, also
19 known as FERPA.

20 I would also like to thank Speaker
21 Quinn and the City Council for their generous
22 support of Respect for All, RFA, which provides
23 ongoing teacher and staff professional development
24 around building student respect for diversity.
25 Thanks to your generosity, in September we

2 launched the RFA high school curriculum training
3 and dissemination. This year's Respect for All
4 Week will be February 14-18, and again we look
5 forward to your participation in our schools.

6 I come before you today as an
7 educator with 37 years of service in the New York
8 City public schools as a special education
9 teacher, a district supervisor of clinical
10 services, a Director of Instruction, and a Deputy
11 Superintendent. I am a graduate of New York City
12 public schools, my alma mater is Taft. And my son
13 attended the City's public schools as well. From
14 both personal and professional experience, I know
15 that a welcoming, safe and orderly school
16 environment is critical for effective teaching and
17 learning. This is why the department has made
18 school safety a priority.

19 As you are aware, the New York City
20 Police Department tracks crimes and violations of
21 the Penal Law in our schools. The DOE tracks
22 violations of our Discipline Code, which includes
23 infractions that may also be Penal Law violations,
24 as well as less serious disciplinary infractions.
25 These range from lower level infractions, such as

2 cutting classes or school or disrupting the
3 educational process, to the most serious or
4 violent behaviors such as threatening to use or
5 using force against others.

6 As my colleagues in NYPD will tell
7 you, and as you've also mentioned, school crime
8 has decreased dramatically over the course of this
9 Administration. We also continue to see a
10 significant decrease in the number of the most
11 serious level of DOE disciplinary infractions.
12 From 2006-2007 to 2009-2010 our schools
13 experienced a 27.7 percent decrease in the most
14 serious incidents, known as Level 5 infractions.
15 This school year, we continue to see the same
16 trend, with a decrease of nearly 8 percent in the
17 most serious and violent incidents.

18 The concentrated efforts of our
19 outstanding educators and school leaders working
20 with their school communities, our strong and
21 successful partnership with NYPD, developmentally
22 appropriate guidance support, and positive and
23 progressive discipline have contributed to these
24 improvements in school safety.

25 Most remarkably, the decrease in

2 serious incidents occurred with an overall
3 increase in reporting in the last four years by 28
4 percent. School staff are now reporting and
5 recording more behavioral instances and incidents
6 they witness among students. This enables us to
7 identify those students in need of support at the
8 onset of inappropriate behavior so we can provide
9 appropriate interventions that foster pro-social
10 growth and development. We believe such early
11 interventions have played a significant part in
12 the consistent and steady decline we have seen in
13 the most serious incidents.

14 Our approach to creating safe and
15 supportive schools is founded on the belief that
16 safety is the responsibility of the entire school
17 community. The Citywide Standards of Intervention
18 and Discipline Measures, commonly known as the
19 Discipline Code or the Code, has two simultaneous
20 goals: holding students accountable for their
21 behavior and using an incident as an opportunity
22 for support and growth.

23 Each year as part of our annual
24 review of the Discipline Code, we seek input from
25 students, parents, staff and other stakeholders,

2 including advocacy groups, and we revise the Code
3 based on that feedback. This year, we made
4 significant changes to put much more emphasis on
5 prevention and reflect the Department's commitment
6 to fostering pro-social student behavior and
7 positive discipline.

8 We amended the code to give
9 principals greater flexibility in addressing
10 student behavior by increasing the range of
11 disciplinary responses for some infractions. We
12 also expanded the options for guidance
13 interventions and changed the name of the Code,
14 putting intervention before discipline to stress
15 the importance of student support services.

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

20 We are deeply committed to
21 providing all students and teachers with a safe
22 and supportive school climate and culture in which
23 to learn and grow, and we are equally committed to
24 addressing the academic and social-emotional needs
25 of students who exhibit these challenging

2 behaviors. The proposed legislation provides
3 another opportunity to share critical information
4 about school safety with the Council, as we focus
5 on these twin goals. We look forward to our
6 continued partnership and the City Council's
7 ongoing support.

8 Thank you for your time, and I'd be
9 pleased to answer your questions.

10 CHAIRPERSON JACKSON: Well, thank
11 you, Ms. Konstan. Before we hear from Assistant
12 Chief Thomas Chan, I'd like to introduce other
13 colleagues that have joined us. We have, over to
14 the left in the back, is Jimmy Vacca of the Bronx
15 and Debi Rose of Staten Island has just walked in.
16 Assistant Chief, you may begin.

17 ASST. CHIEF THOMAS CHAN: Good
18 afternoon, Committee Chairs and members of the
19 Council. I am Assistant Chief Thomas Chan, the
20 Commanding Officer of the NYPD's School Safety
21 Division. I am here with Captain John Breslin of
22 the Office of Management Analysis and Planning.
23 On behalf of Police Commissioner Raymond W. Kelly,
24 we would like to thank you for this opportunity to
25 provide comments regarding the bill before you

2 today, Intro 442.

3 Intro 442 is the result of a long
4 process during which the City Council and the
5 Administration conducted extensive discussion of
6 the Police Department's role in the public
7 schools. We all agree that our goal is to provide
8 the highest level of safety and security for the
9 students and school personnel, in a manner which
10 respects and supports the school community. Our
11 experience over the last 12 years bears out the
12 fulfillment of that goal every day.

13 From the 2000-2001 school year to
14 the 2009-2010 school year, total crime in the
15 schools decreased by 33 percent. Since the 2000-
16 2001 school year, violent crime in schools
17 decreased by 39 percent, and the seven major index
18 felonies decreased by 47 percent. Further, non-
19 crime incidents, such as harassment, disorderly
20 conduct and trespassing, which can also seriously
21 disrupt the tone of a school, dropped by 58
22 percent, and possession of weapons and dangerous
23 instruments dropped 64 percent.

24 A further example of the successful
25 efforts being made comes from our "Impact for

2 Schools" program. This program has consistently
3 helped our more challenging schools experience
4 remarkable, lasting gains in reducing violence and
5 disruption. Through December 5, 2010, the total
6 crime in the schools currently participating in
7 the program is down by 24 percent, compared to the
8 same period last year, with violent crime down 35
9 percent over the same period.

10 Every part of the school community
11 has contributed to increasing the safety of our
12 schools: students, parents, teachers, principals,
13 Department of Education administrative staff, and
14 School Safety Division personnel, most especially,
15 our School Safety Agents. The strong partnership
16 that exists both at the administrative level and
17 at the local level, in each school, is vitally
18 important to maintaining these improvements.

19 We believe that Intro 442 sets
20 forth a reasonable mechanism for providing to the
21 Council information about police activity in the
22 schools, without unfairly selecting one distinct
23 category of city employee, School Safety Agents,
24 for treatment and oversight unlike that directed
25 to any of the City's other civilian employees.

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

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

22 Thank you and we will be pleased to
23 answer any questions that you may have.

24 CHAIRPERSON JACKSON: Thank you,
25 Assistant Chief, I appreciate your testimony.

2 We've been joined by our colleague from Brooklyn.
3 Where's David Greenfield? He's over to our left,
4 standing up.

5 So with that, we're going to turn
6 to our colleagues. The first person that's going
7 to ask questions is our Co-chair Peter Vallone,
8 Jr., of the Public Safety Committee, followed by
9 Council Member Halloran.

10 CHAIRPERSON VALLONE: You know
11 what, there are three chairs up here, and if we
12 asked all of our questions, our Council Members
13 would have to be here all afternoon waiting. So
14 we're going to defer our questions to get to the
15 Council Members. We're going to start off with
16 Council Member Dan Halloran.

17 COUNCIL MEMBER HALLORAN: Thank
18 you, Mr. Chairman. I'm surprised.

19 CHAIRPERSON VALLONE: You thought
20 you had about 45 more minutes.

21 COUNCIL MEMBER HALLORAN: I thought
22 I was good. Chief, I'd like to actually start
23 with you if it's possible. I understand I will
24 keep this to about a five-minute session.
25 Yesterday, there was a hearing with regards to an

2 increase in violence amongst juveniles in jails in
3 the City of New York. One of the questions that
4 was raised is why there has been this significant
5 uptick. Do you see, in the data that you have
6 currently, any particular correlation to gang
7 activity in the schools that should be tracked and
8 reported separately in your statistical analyses?
9 Do you intend, when you begin developing your
10 database for the information you will provide to
11 this body, that you will be able to break down the
12 type of data to give us information about gang
13 affiliation and its related activities in the
14 schools?

15 ASST. CHIEF THOMAS CHAN:

16 Currently, again, you mentioned that there is an
17 increase in prison?

18 COUNCIL MEMBER HALLORAN: In jail.

19 ASST. CHIEF THOMAS CHAN: In jail
20 systems. We've seen a decrease in the activity
21 and also the crimes that are currently occurring
22 in our schools. We do have a separate Gang
23 Intelligence Division and also a Gang Unit which
24 monitors gang activity throughout the city itself.
25 Specifically, the School Safety Division and

2 persons assigned to those units do proactive work
3 and they go out to the schools to conduct
4 programs, socio dramas where we try to prevent the
5 kids from joining gangs and being involved in
6 gangs. This is a proactive effort of the Police
7 Department.

8 Specifically, data on gangs and the
9 numbers, I don't currently have those figures
10 here, but we do confer with the Gang Unit when we
11 do have incidents occurring in the school system.
12 Quite often, our officers will respond, our School
13 Safety Patrol Officers and also the Gang
14 Intelligence Unit will respond there and give us
15 information and also brief the Department of
16 Education on how to deal with these issues.

17 COUNCIL MEMBER HALLORAN: Chief, I
18 appreciate your efforts. I know the NYPD is
19 working very hard. I guess my question sort of
20 revolves around the notion of whether we're
21 tracking this information in a manner that's
22 actually going to yield a benefit to us. By that
23 I mean, you say you don't have it. Do you not
24 have it here? Is it not collected?

25 What I would like to know is, for

2 example, of the number of violent felonies and
3 assaults in the schools, what percentage of them
4 are committed by members identified as gang
5 members as oppose to other students in the
6 schools? What percentage of theft can be
7 attributed to gangs as opposed to individual
8 students who have no such affiliation? Are you
9 tracking this kind of information? If you are, is
10 it available to us? If it's not, will that be
11 part of the information you will track and supply
12 to this body after Intro 442 goes through?

13 ASST. CHIEF THOMAS CHAN:

14 Currently, that information is not broken out in
15 terms of the actual incidents. That will not be
16 in the information that's going to be provided to
17 the Council. That information, if it is gang-
18 related, is currently indicated on our criminal
19 incident reports. Again, we will notify the Gang
20 Division. We get information and feedback from
21 whether it be Sergeant Rivera or Sergeant Bryant
22 from the Gang Unit itself. That information is
23 not broken out.

24 COUNCIL MEMBER HALLORAN: Mr.

25 Chairman, I would suggest that we make a friendly

2 amendment to include that kind of breakout
3 information. The testimony of the Department of
4 Corrections yesterday clearly indicated a need for
5 that type of information for them to understand
6 how to correlate their data and to improve
7 performance, to improve safety.

8 I find it incredible that the
9 Department of Corrections was here yesterday
10 testifying, talking about the increase in violence
11 amongst juveniles in their jail system and yet we
12 have an apparent decrease in the schools. It begs
13 the question: is there any difference in the
14 reporting method now?

15 Are we screening criminal behavior,
16 much as CUNY did in 2009 and were caught by a
17 state audit, where they were downplaying the
18 levels and the numbers of incidents of violent
19 crime? The state found, when it did its audit of
20 the CUNY system that they were underreporting by
21 something like 600 percent.

22 So, I hope that that is not
23 something that's going on in the data that you're
24 providing to us now, because it seems to fly in
25 the face of the testimony we heard yesterday from

2 the Department of Corrections indicating a
3 significant uptick in juvenile criminal behavior.

4 CHAIRPERSON VALLONE: Thank you,
5 Council Member Halloran. I think one of the other
6 things we discussed yesterday was the fact that
7 violence in jails is being attributed to more
8 violent criminals being in the jails and yet
9 violent crime is somehow down. So yeah, there
10 might be a problem with statistics someplace.
11 Council Member Ulrich?

12 COUNCIL MEMBER ULRICH: Thank you,
13 Mr. Chair. Thank you, Madame Chair also, for
14 graciously co-hosting this very important hearing.
15 My question for the Chief is regarding the number
16 of School Safety Agents currently assigned in the
17 city and also the criteria that the department
18 uses to assign those individual agents to each
19 school. I'm just curious if you can shed some
20 light in that area. Then I have one follow-up
21 question for the department.

22 ASST. CHIEF THOMAS CHAN: The
23 number of personnel and these figures are
24 effective as of December 5th. The total number of
25 School Safety Agents in the New York City Police

2 Department, we have 5,129. That is actually above
3 our authorized headcount of 4,945. We do have
4 individuals who are currently in the Police
5 Academy, recruits, and we also have individuals
6 who are on medical or military extended leave, so
7 they are not available. But we are on par with
8 that headcount number of 4,945.

9 COUNCIL MEMBER ULRICH: The second
10 part of my question was what criteria does the
11 NYPD use to determine how many agents are assigned
12 to an individual school?

13 ASST. CHIEF THOMAS CHAN: In terms
14 of how we deploy the School Safety Agents to the
15 schools, we look at the type of facility we're
16 dealing with. We have elementary schools, middle
17 schools and high schools. On average, a minimum
18 of one school safety agent is assigned to an
19 elementary school. In middle schools, a minimum
20 of one supervisor and three to eight School Safety
21 Agents are assigned. With high schools, we have a
22 minimum of one supervisor and between 8 to 20
23 school safety agents being assigned.

24 The factors that we look at in
25 terms of deciding how many people are assigned to

2 that school include a review of the incident data.
3 We look at the school population including the
4 percentage of students enrolled in special
5 education, empowerment and suspension sites.
6 Areas if the school is utilizing magnetometers.
7 The physical plant of the school: the size, the
8 layout, number of entrances to the school itself.
9 We look at the tone and also the climate of the
10 school.

11 Again, the New York City Police
12 Department, we make an effort to keep the span of
13 control a ratio of one supervisor to every eight
14 School Safety Agents. The members of the
15 executive staff in the School Safety Division, we
16 have a personnel review board consisting of School
17 Safety Division executives. We convene on a
18 regular basis and we take a look at the staffing
19 plans. We certainly respond to the specific needs
20 of the Department of Education and principals to
21 adjust the school safety coverage at that
22 location.

23 COUNCIL MEMBER ULRICH: How does a
24 principal go about getting additional School
25 Safety Agents? You mention that they have a

2 minimum of one supervisor and eight in the high
3 schools. I won't get into district-specific
4 information here, but there is a school in my
5 district, a high school that only has six.

6 I spoke to the principal this
7 morning. She only has six School Safety Agents
8 and there is increased activity taking place there
9 and there are 3,000 students in the building. Six
10 School Safety Agents for 3,000 young adults is
11 certainly not enough coverage. How do I go back
12 to that principal or other principals, and my
13 colleagues as well, and try to get them additional
14 School Safety Agents?

15 ASST. CHIEF THOMAS CHAN: The
16 principals, quite often they will contact directly
17 to the Department of Education, Elayna Konstan's
18 office, and request additional School Safety
19 Agents. We confer with the Department of
20 Education on these matters. Our personnel review
21 board will take a look at that and then we make a
22 determination if we have the available manpower or
23 persons to place at the school.

24 COUNCIL MEMBER ULRICH: I'll be
25 happy to follow up afterwards. Thank you, Mr.

2 Chairman.

3 CHAIRPERSON VALLONE: Thank you.

4 Again, we have a little bit of latitude as to
5 questions in general, but we'll try to stick to
6 the topics at hand. Speaking about that let me
7 jump in with one question to the DOE. Some of the
8 information that you're providing involves
9 suspensions which we'd love to analyze. Can you
10 just give us a little bit of a breakdown about
11 suspensions in general? There are two types:
12 principal and superintendents, the different
13 disciplinary codes and what we'll be looking at
14 when we see this.

15 ELAYNA KONSTAN: There are two
16 types of suspensions. There's a principal
17 suspension which can be only up to five days of
18 suspension. Then there is the more serious
19 superintendent suspension for the more serious
20 acts. Those can be six to ten days or 30, 60, 90
21 days or 30 to 90 days, or a one-year suspension
22 which is very rare in our system.

23 The discipline code, when you look
24 at it, gives range of disciplinary responses. So
25 for example, a Level 1 there cannot be any kind of

2 suspension. Levels 3-4 can be a possibility but
3 doesn't have to be a principal or a superintendent
4 suspension. A Level 5 requires a superintendent
5 suspension. That's kind of briefly.

6 When you look at the code, and
7 again, there were many changes this year, you'll
8 see how it correlates with the kind of infraction
9 and the ranges of possible disciplinary responses.

10 CHAIRPERSON VALLONE: Are these
11 suspensions monitored? At the individual schools,
12 monitored by you? Because one of the hearings we
13 had in the past, the DOE came in and touted fewer
14 suspensions and then some of the teachers' groups
15 came in and said yes, there were fewer suspensions
16 in our school, like we had 100 last year and zero
17 this year, because we were told we couldn't
18 suspend. So who's monitoring that to make sure
19 something like that doesn't happen?

20 ELAYNA KONSTAN: My office does
21 look at the data. We have a Director of
22 Suspension that works directly for me at the
23 central level. At the borough levels, there are
24 Directors of Suspension, so they also monitor it.
25 When we see patterns that are red flags for us or

2 concerning, we actually work directly with the
3 network and cluster structure to see what's
4 happening. Perhaps going and doing additional
5 training with school personnel in terms of how to
6 appropriately enter it into the data system or
7 what is the ladder referral, how do you use the
8 ladder referral? So we do a lot of work on that
9 as well.

10 CHAIRPERSON VALLONE: How many
11 times a year would you have to go to a school to
12 investigate a red flag or do some sort of
13 retraining?

14 ELAYNA KONSTAN: I don't have that
15 number in my head because it's not just my office
16 but there are the folks who are in the boroughs as
17 well as the network structure. So there are 60
18 different networks. So they are always in the
19 schools working with the schools. They are
20 looking at that as well. I mean, guessing a
21 number, I don't have that, but there's constant
22 look, constant training, constant support so that
23 we're doing this correctly, respectfully and
24 responsibly.

25 CHAIRPERSON VALLONE: I'll come

2 back later. Council Member Sanders.

3 COUNCIL MEMBER SANDERS: Thank you,
4 Mr. Mayor--Mr. Chair. Mr. Mayor, hmm. Well,
5 stranger things have happened. I want to start a
6 thank you to all of my chairs here. I want to
7 start with just a question. It's a rare day when
8 the Council requests any type of reporting from
9 the NYPD that is not immediately challenged as
10 something terrible will happen. Does the NYPD
11 have a problem with Intro 442 and what is the
12 problem if there is one?

13 ASST. CHIEF THOMAS CHAN: The
14 Police Department has no problem with Intro 442.
15 We don't anticipate any problems.

16 COUNCIL MEMBER SANDERS: That rare
17 day has happened. I think we're on a roll. My
18 last question is: is the NYPD open to allowing the
19 DOE to do the first intervention and mediation
20 training? Not simply to the students but why not
21 allow DOE to do the training with the NYPD?

22 ASST. CHIEF THOMAS CHAN: We have
23 actually worked collaboratively with the
24 Department of Education on these issues. Having
25 viewed some of the City Council hearings, we were

2 concerned about the effort between the DOE and the
3 New York City Police Department.

4 Even now, we've taken a look at
5 certain programs where we can work with the DOE,
6 going into various impact schools where the
7 administrators and also the School Safety Division
8 personnel have an opportunity to inform the
9 students basically what is their mission, the
10 specific duties of a police officer there, the
11 specific duties of a School Safety Agent. The
12 administrator also in turn, who is present, will
13 inform them of their disciplinary process. Then
14 finally, we want to touch base to also inform the
15 students of some of their responsibilities on how
16 they can work with the Police Department and the
17 Department of Education to make their schools a
18 safer environment to be at and also a good
19 learning process.

20 I think this is a good step forward
21 in that area. But we also have various programs
22 through the community affairs, the gang programs,
23 the Community Outreach Unit within the School
24 Safety Division that does socio dramas. We've
25 done 33 of them this school year. We've given 104

2 presentations to them. So we are constantly
3 reaching out to the students out there to let them
4 know that we care about them and we certainly do
5 not want them to run into problems in school.

6 COUNCIL MEMBER SANDERS: Thank you
7 very much, Mr. Chair. Chair Vallone, you would
8 make a fine mayor, sir.

9 CHAIRPERSON VALLONE: Thank you,
10 Deputy Mayor Sanders.

11 [Laughter]

12 COUNCIL MEMBER SANDERS: You know
13 what this is going to do, it's going to ruin your...

14 CHAIRPERSON VALLONE: All right. I
15 don't know where this is going. Let me give
16 credit to Robert Jackson because Council Member
17 Sanders mentioned that the Police Department
18 doesn't have a problem with this. That's only
19 because of a lot of hard work on the part of the
20 Robert Jackson and the Police Department coming
21 together on this bill.

22 We always are seeking a lot of
23 information because we have an oversight job to
24 do. But it's the Police Department's job to
25 actually get all that information together, and we

2 all know about the strain on their resources
3 already. So it's always an effort to come up with
4 a compromise. That's what Robert Jackson and the
5 people involved from the beginning on this bill,
6 together with the Police Department and the
7 Administration did. Council Member Greenfield?

8 COUNCIL MEMBER GREENFIELD: Thank
9 you, Mr. Chairman. Thank you to the DOE and to
10 the NYPD for your testimony today. Thank you,
11 Chief, and congratulations. Obviously those are
12 some pretty impressive numbers in terms of the
13 overall reduction of crime in public schools.

14 I just have a couple of quick
15 questions. Can you tell us a little bit more
16 about the training that these officers receive?
17 There have been sporadic complaints in terms of
18 some interaction from the children with both the
19 agents and the officers. So, do they get any
20 specialized training in terms of dealing with
21 schoolchildren?

22 ASST. CHIEF THOMAS CHAN:
23 Absolutely. Upon the graduation, the School
24 Safety Agents and police officers working out in
25 the field, we continue to have training for them

2 at a command level, which is ongoing. Sometimes
3 they're called the roll call training. This is
4 done by our School Safety Division training
5 supervisors.

6 We also have in-service training,
7 which enhances the performance and the knowledge
8 of the school safety personnel, uniformed,
9 civilian and includes the following areas. They
10 do receive additional training in sensitivity
11 training, special education training, diversity
12 training, professional development, conflict
13 resolution, peer mediation.

14 We also target an area: tactical
15 communication. During my tenure as School Safety
16 Commanding Officer, we've put approximately 1,697
17 School Safety Agents through that tactical
18 communication course, which has helped them
19 diffuse situations with students, how to de-
20 escalate them.

21 We also had additional training.
22 So that's the in-service training. Of August
23 2010, this year, our in-service training was
24 transferred over to the Police Academy. So
25 currently, the Police Academy is in charge of the

2 in-service training and also the recruit training.
3 The recruits who are in the academy, they have a
4 14-week training session and they have an
5 extensive curriculum that goes through a gamut of
6 subjects, from arrest activity, dealing with
7 individuals. We get special speakers from the
8 Department of Education who tell us what their
9 rules and regulations are. We also have specific
10 areas, and if you would like me to go through and
11 reference topics for the school itself.

12 COUNCIL MEMBER GREENFIELD: That's
13 good for now. Thank you, Chief. Just to follow-
14 up, is this training mandatory for every School
15 Safety Agent and police officer that works in a
16 public school?

17 ASST. CHIEF THOMAS CHAN: Yes, it
18 is. Currently, since it was assigned to the
19 Police Academy, they are utilizing a computer
20 system that will then document and also give us an
21 historical documentation of when and who attended
22 which class so that we can keep track of it.

23 COUNCIL MEMBER GREENFIELD: Let me
24 ask you this question. I have no question in my
25 mind that the rest of the Police Department, 99.9

2 percent of the all the police officers and the
3 agents who are working in the schools are
4 terrific. But, of course, occasionally there are
5 complaints. I know that the NYCLU filed a lawsuit
6 not that long ago about some of those complaints.
7 I'm wondering, what is the process for an
8 individual or a child who has a complaint and
9 feels like they're one of the rare students who
10 was mistreated, what are they to do? Is that a
11 clear process? Do they have the knowledge of what
12 their recourse is? Can you tell us a little bit
13 more about that?

14 ASST. CHIEF THOMAS CHAN:

15 Absolutely. The most common route for a complaint
16 to be lodged is going to be through the Internal
17 Affairs Bureau. But the means to reach the
18 Internal Affairs Bureau can be done through the
19 CCRB facility, be done at any Department of
20 Education facility, through the Special
21 Commissioner of Investigation, at any NYPD
22 facility, through 911, most commonly through 311,
23 by letter, email or fax to any of these government
24 agencies. Ultimately, the complaints will be
25 funneled over to the Internal Affairs Bureau.

2 They in turn will then farm out the
3 investigations.

4 COUNCIL MEMBER GREENFIELD: Got it.
5 Just a related question, how many schools in New
6 York have metal detectors?

7 ASST. CHIEF THOMAS CHAN:
8 Currently, we have 88 schools that utilize the
9 scanning process.

10 COUNCIL MEMBER GREENFIELD: What's
11 the criteria that you decide to put a metal
12 detector in a school?

13 ASST. CHIEF THOMAS CHAN: These
14 schools, the scanning process is requested by the
15 principal. The school scanning process started
16 back in 1988 or 1989, under the Board of
17 Education. There are 88 schools with the
18 permanent magnetometer scanning equipment and 79
19 of them have it at full time.

20 We also conduct unannounced
21 scanning. The handheld metal detectors are used
22 as a secondary measure when there's a positive
23 result for a metal object. Principals can opt out
24 of this particular program to discontinue scanning
25 by submitting a formal request, along with the

2 superintendent's written request to the School
3 Safety Division. We will then discuss the matter
4 with the Department of Education.

5 COUNCIL MEMBER GREENFIELD: So the
6 way you choose the schools is by the principals'
7 making the request? Is there some other sort of
8 data or because there's a certain level of
9 violation in the school? I'm just curious as to
10 what the standard is on how you decide which
11 school gets a metal detector versus which school
12 doesn't.

13 ASST. CHIEF THOMAS CHAN:
14 Absolutely. We certainly do look at the
15 statistics in terms of the violence, the number of
16 incidents that are occurring at the school. We
17 sit down and discuss this with the Department of
18 Education. It's a relatively extensive process to
19 make a determination to institute scanning.

20 COUNCIL MEMBER GREENFIELD: Final
21 question: currently, the airports are using a new
22 technology, which is a full body scanner. Are
23 there any plans for the NYPD to institute a
24 similar scanner in our public schools?

25 ASST. CHIEF THOMAS CHAN: Not at

2 this time, no.

3 COUNCIL MEMBER GREENFIELD: Okay,
4 thank you very much.

5 CHAIRPERSON JACKSON: Thank you,
6 Council Member. We'll turn to our co-chair,
7 Council Member Sara Gonzalez, the chair of the
8 Juvenile Justice Committee.

9 CHAIRPERSON GONZALEZ: Thank you,
10 Chair. I want to thank the Police Department and
11 the Chief and the Department of Education that's
12 here today. I just want to go back a little bit
13 to the training piece. In respect to training,
14 you did state Chief that you do collaborate with
15 Education in respect to training. I think that's
16 really significant. I think that's the way to go.

17 But I want to ask you, is there any
18 possibility, and this could be a question for
19 either the Department of Education or the Police
20 Department or both. Is there any possibility that
21 you're open to a volunteer recruiting program,
22 sort of the way the Mayor has the volunteer where
23 people call the Mayor's hotline or whatever it is
24 or email if they want to be a volunteer, to sort
25 of recruit viable professional people because in

2 this economy we can't really pay people.

3 So we have staff already in the
4 schools, rather than bring in people we have to
5 pay, we could bring in volunteers specifically
6 that are either clinical. Because, if you could
7 identify problems before they get to the issue of
8 a police officer being involved or a security
9 officer being involved, I think that would help.
10 I mean this is just a thought, a possibility, in
11 these tight economic times, maybe a volunteer
12 program to recruit viable professional people who
13 are retired and are interested in assisting. I
14 think that's one way to go.

15 The other thing I wanted to say was
16 in respect to remediation, conflict resolution and
17 also diffusing, the training is done by the
18 Department of Education, or you bring other
19 sources in to train your security?

20 ASST. CHIEF THOMAS CHAN: We do
21 invite the Department of Education as speakers and
22 also part of our training process to our recruits
23 and also in-service training.

24 CHAIRPERSON GONZALEZ: I say this
25 because I believe that our Police Department is so

2 essential and needs to police. So if we could
3 really go to our resources, our educators, then
4 that would be the way to go in respect to
5 training. I think it's important because they're
6 there in the school, and in order to identify a
7 problem, and I'll give you like a quick scenario.

8 Sometimes somebody wants to get
9 into a fight, a young person in a school and they
10 begin to talk about it early on in the day. If
11 people are taught and trained to sort of observe
12 and whatever, they can observe this and stop it
13 before it escalates. I've seen this done in some
14 of the schools that I'm at. I think when you have
15 people around, whether they're the teachers, the
16 principal themselves that walk around, whatever,
17 they can see these things, and it stops before it
18 gets to that place.

19 So all I'm saying is it's a way to
20 go. Conflict resolution and mediation, I know Red
21 Hook Justice Center works with us in my district.
22 So usually there's a problem already, but maybe
23 that could be a resource in these times. So I
24 hope that you'll be open because we really need
25 our police to police. In the interest of juvenile

2 justice and not having any more children detained,
3 I hope that we can keep it within the school, take
4 care of it and continue to educate our children.
5 Thank you.

6 CHAIRPERSON JACKSON: Thank you,
7 Council Member. We've been joined by Council
8 Member Charles Barron of Brooklyn. When Michael
9 Best, I believe he's the general counsel of the
10 Department of Education, testified at our last
11 hearing, I believe he said that a committee of
12 representatives from the Department of Education
13 and New York Police Department and the Mayor's
14 office and the Criminal Justice Coordinator, met
15 every two weeks to discuss safety in schools. Do
16 these meetings still occur? If so, what has the
17 committee accomplished since our last hearing, if
18 someone can summarize that.

19 ELAYNA KONSTAN: I can start. Yes,
20 these meetings occur. They occur every two weeks,
21 usually on a Monday. They're about two hours
22 long. There are representatives from NYPD, NYPD
23 School Safety Division, from the Mayor's Office,
24 from the Criminal Justice Coordinator's office and
25 from the DOE.

2 At these meetings, we review lots
3 of data to see how we're doing. We look at
4 schools that may see an uptick for the past two
5 weeks so that we can talk together on how to
6 intervene collectively to use some of the
7 approaches that Chair Gonzalez mentioned in terms
8 of de-escalation and conflict resolution. And
9 also to talk about what additional supports we
10 need for schools that may be on the impact list,
11 schools that may be on the state's persistently
12 dangerous list or schools that perhaps should both
13 come off the list or schools that are maybe
14 creeping up so that we can intervene early so they
15 aren't.

16 So this happens regularly, every
17 two weeks. They've been fruitful meetings.

18 CHAIRPERSON JACKSON: So it's a
19 constant refocusing of where you are, like a
20 photography, constantly refocusing on your
21 subject.

22 ELAYNA KONSTAN: Absolutely.

23 CHAIRPERSON JACKSON: Any other
24 questions of anyone? Well, we'd like to thank the
25 representatives of the Department of Education and

2 NYPD for coming this afternoon and giving
3 testimony and answering questions on the bill in
4 front of us, Intro 442.

5 ELAYNA KONSTAN: Thank you.

6 ASST. CHIEF THOMAS CHAN: Thank
7 you.

8 CHAIRPERSON JACKSON: Thank you
9 very much. Good afternoon. Next, we're going to
10 hear from Sterling Roberson from the United
11 Federation of Teachers.

12 You may have seen that there many
13 members in the beginning. There are several
14 hearings that are going on and different meetings.
15 So members will be coming and going on this
16 particular bill.

17 We've been joined by Jumaane
18 Williams from the largest borough of Brooklyn, New
19 York. Thank you very much.

20 Mr. Roberson?

21 STERLING ROBERSON: Yes.

22 CHAIRPERSON JACKSON: Please
23 identify yourself and what position you are with
24 the United Federation of Teachers, and you may
25 begin your testimony.

2 STERLING ROBERSON: Good afternoon,
3 Chairman Jackson, Chairman Gonzalez, and Chairman
4 Vallone. My name is Sterling Roberson and I'm the
5 Vice President for Career and Technical Education
6 for the United Federation of Teachers. I want to
7 thank you for the opportunity to share our views
8 at the UFT on school safety and our support for
9 the proposed amendments to the School Safety Act
10 governing our New York City public schools.

11 The officers and members of the
12 UFT, first and foremost, believe that school
13 safety is a fundamental right and it ranks as one
14 of our highest priorities. We know this because
15 we've invested a lot of resources in ensuring that
16 we place representatives in terms of school safety
17 as well as health and safety throughout all of the
18 five boroughs and citywide. So, having said that,
19 we're also committed in terms of our
20 collaborations with the New York City Department
21 of Education, as well as NYPD, and Local 237 with
22 respect to ensuring that we have a safe learning
23 environment and a safe working environment for
24 students, faculty as well as staff.

25 In our view, as it relates to the

2 transparency, the amendments on the School Safety
3 Act, Intro 442, is an important step in the right
4 direction. We are pleased that the amendment
5 includes a comprehensive data collection system
6 because we believe that that is very important,
7 and the analysis and reporting is something that
8 not only allows us to gather data, but it also
9 respects and protects the privacy of students.

10 Now, one thing that we know is that
11 parents, communities and the public at large
12 deserve full disclosure on how discipline is
13 handled in schools. It elevates transparency on
14 discipline issues and the Department of Education
15 as well as NYFD are required not only to collect
16 it but also to disaggregate the data so that
17 there's full disclosure as it relates to what's
18 going on, as well as the race, gender. So we
19 believe that this is very important as we move in
20 the right direction.

21 But more importantly, it actually
22 keeps everyone honest when you have the data. It
23 also alleviates the idea that sometimes what
24 happens is that we have a tendency of preconceived
25 assumptions run rampant when there's no real data

2 that is given out. So I think that this helps
3 towards that end.

4 One of the things that we believe
5 is that the transparency here is just the
6 beginning. We have the opportunity with this bill
7 to actually have greater transparency. But not
8 only that, it also strengthens the collaboration
9 between the safety personnel in schools, and it
10 also allows the stakeholders. It helps the
11 stakeholders execute safety policies in schools as
12 well as their protocols.

13 Now, one of the things that we know
14 is that in each school there's a requirement for
15 them to have safety committees that meet on a
16 regular basis. Those safety committees ought to
17 meet monthly. We hope that this will encourage
18 those committees to actually meet and stakeholders
19 in the school, which is educators, school safety,
20 custodians, dieticians, everyone in the school
21 community would actually take those meetings very
22 seriously and talk about the data within each one
23 of their schools so that they can actually move
24 towards making sure that their school has a safe
25 learning environment for students.

2 Even though the amendment talks
3 about the focus on the discipline side, one of the
4 things that we believe is that we need to analyze
5 the data to talk about what we know we need, and
6 that is the resources that are going to help move
7 schools in the right direction.

8 I think that becomes very
9 important, because when we think about some of the
10 support tools, the school-based support teams, in
11 the past there used to be the conflict resolution
12 teams. Schools had them. Throughout the boroughs
13 you had peer mediation, you had conflict
14 resolution programs. I believe in the mid 80s and
15 late 80s there was a huge complement.

16 In the Department of Education we
17 almost thought that that was going to be something
18 for the future. But unfortunately, when we think
19 about it today, many of those programs are not
20 readily available to our schools and to our kids.

21 In addition to that, we also had
22 substance abuse counselors, we had violence
23 prevention programs like substance abuse and
24 violence prevention programs like SPARK. We had
25 substance abuse prevention programs which they

2 called SAPIS workers in our schools. That was a
3 tremendous support for at-risk youngsters, and
4 provided them with effective on-hand counseling.
5 We believe that these approaches to help students
6 identify underlying issues and increased self-
7 esteem and ultimately it promotes trust and
8 problem solving and it helps with resources at the
9 school level.

10 Unfortunately, in 2010, we've seen
11 an evolution that many of these services with the
12 trained professionals, we spend more time, let me
13 just say this, in intervention than we do at
14 prevention. That's because many of those programs
15 no longer exist. What we've seen is a reduction
16 in the guidance counselors assigned to schools.
17 Those who remain with high caseloads, that they do
18 less time in the counseling area to be able to
19 guide kids and more in the roles of
20 disciplinarians and dealing with suspensions. So
21 we need to look at that again. We want to make
22 sure that we have effective counseling in our
23 schools.

24 One thing that we know also is that
25 the dynamics and personnel function of the school-

2 based teams has dramatically shifted from
3 comprehensive prevention programs and
4 interventions to more of stopgap measures where
5 services are not really readily available.

6 A case in point is that when you
7 have an incident that happens in the school, what
8 usually happens now, instead of those resources
9 actually being there already in the school as a
10 wrap-around services, we spend more time in
11 response.

12 So a lot of the interventions are
13 there, but what ends up happening is that you can
14 be bogged down with so many interventions, but yet
15 we need to really look at it when we talk about
16 data, how do we target resources where resources
17 need to be. I think that we can't stress that
18 point enough.

19 One of the things that happens when
20 we do that, when these programs are aligned and
21 they are a priority, one of the things that we
22 know is that it's going to reduce the numbers.
23 From the standpoint of the UFT, our members have
24 reported more. I know we talk about in terms of
25 numbers, but in terms of just the overall, the

2 violent crimes obviously, as said in terms of the
3 testimony, may be down, but the overall incidents,
4 meaning from a discipline code 1 and 2 and the
5 quality of life issues, when you have services,
6 you'd be able to reduce those things.

7 So one of the things that we want
8 to do is encourage support of this bill. We want
9 to continue our advocacy not just as it relates to
10 the data reporting, but also use that data to
11 ensure that resources are targeted to where it
12 needs to be.

13 CHAIRPERSON JACKSON: Well first,
14 let me thank you, Mr. Vice President for
15 commenting on behalf of your union, giving
16 testimony in support of Intro 442. Obviously, the
17 proof is going to be once we get the statistics,
18 once we analyze them to see the transparency that
19 everyone is looking at to make sure the statistics
20 are correct, accountability.

21 As you may have heard, when I asked
22 about the committee that's meeting every two
23 weeks, it's a constant refocusing about what we're
24 doing and how we're doing it and more in line with
25 intervention services and support and not so much

2 as far as sort of like a heavy-handed situation.
3 Obviously, from a holistic point of view, our
4 children have to understand that they are living
5 in an environment where there are laws, rules and
6 regulations.

7 STERLING ROBERSON: True.

8 CHAIRPERSON JACKSON: So while we
9 expect all the school staff and quite frankly I
10 also expect students to behave in a manner in
11 which they understand that there are rules and
12 regulations. If in fact those rules and
13 regulations are punitive, they need to address
14 those as per the coalition that brought about the
15 School Safety Act in order to change and institute
16 laws that are more proactive in benefiting all
17 parties involved.

18 So let me thank you for coming in.
19 Let me turn to one of our colleagues. But before
20 I do that, let me say that Charles Barron is here,
21 Vincent Gentile is sitting next to him and
22 Fernando Cabrera from the Bronx is here and
23 Jumaane Williams from Brooklyn was here. He
24 probably stepped out and he'll come back. Council
25 Member Charles Barron?

2 COUNCIL MEMBER BARRON: Thank you
3 very much, Mr. Chairs. Too bad I missed the
4 police, because I'm definitely against police
5 being in the schools. One of the things that we
6 have to really look at and I'm hoping the UFT can
7 look at this: the discipline problems in our
8 schools and the behavioral problems in our schools
9 there's not a police solution to it. There he is,
10 could he come back? Never mind.

11 CHAIRPERSON VALLONE: Maybe you
12 should be here on time the next time.

13 COUNCIL MEMBER BARRON: I had other
14 hearings. But anyway, on the real side, a very
15 serious side, I just don't think that we should
16 turn our schools into police containment centers.
17 That a child that would act up, and I've seen this
18 in some of the schools in my district that
19 normally the principal would take care of it,
20 they're not allowed to because the police officer
21 is taking care of it. So this child, instead of
22 getting a principal suspension or some kind of a
23 superintendent suspension or some kind of other
24 discipline, they have to go to the police
25 department. They're in the criminal justice

2 system and they're dealing with the police.

3 We had a school in our district
4 where they said too many children were roaming the
5 halls so they brought police in. Well in that
6 same school, they had a swimming pool and for \$4
7 million they could have renovated the swimming
8 pool and maybe they would have swam around the
9 pool instead of the hallways.

10 We have schools that don't have
11 adequate sports facilities, arts programs, music
12 programs, things that will take that energy and
13 creativity that students have and put it into
14 something productive and constructive. There's a
15 \$2 billion a year School Construction Authority
16 budget, \$11 billion five-year capital plan, and
17 yet we don't want to invest in those kinds of
18 things so we bring in police.

19 CHAIRPERSON VALLONE: Council
20 Member, your question.

21 COUNCIL MEMBER BARRON: I can talk.
22 I don't have to ask a question. I can make a
23 statement.

24 CHAIRPERSON VALLONE: You know
25 what, you're going to leave after you make your

2 statement and we're going to be here until the
3 end.

4 COUNCIL MEMBER BARRON: I can do
5 whatever I want to do as an elected City Council
6 Member from my district.

7 CHAIRPERSON VALLONE: No, you can't
8 actually.

9 COUNCIL MEMBER BARRON: Yes, I can.

10 CHAIRPERSON VALLONE: Finish up.

11 COUNCIL MEMBER BARRON: Watch me.
12 Yes, I can. You know, you're used to ordering
13 people around. You've been around the police so
14 much you're starting to act like them.

15 CHAIRPERSON JACKSON: Council
16 Members.

17 COUNCIL MEMBER BARRON: Well tell
18 him to not interrupt me.

19 CHAIRPERSON VALLONE: You hang
20 around thugs so much you're starting to act--

21 CHAIRPERSON JACKSON: [interposing]
22 Council Members.

23 COUNCIL MEMBER BARRON: Tell him
24 not to interrupt me. People can make speeches.
25 We don't have to just ask questions. I want to

2 make a point.

3 CHAIRPERSON VALLONE: Make a
4 speech.

5 COUNCIL MEMBER BARRON: I'm not
6 finished.

7 CHAIRPERSON JACKSON: Council
8 Members, wait please.

9 COUNCIL MEMBER BARRON: Well tell
10 him not to interrupt me.

11 CHAIRPERSON JACKSON: No, no, both
12 of you.

13 COUNCIL MEMBER BARRON: It isn't
14 both of us, I didn't interrupt him.

15 CHAIRPERSON JACKSON: Excuse me,
16 please stop. Let me just say to everyone that I
17 expect everyone to communicate in the appropriate
18 manner. Council Member Barron, we have
19 communicated in the beginning that we wanted
20 people to stay focused on the questions concerning
21 Intro 442. So if you don't mind, if you could--

22 COUNCIL MEMBER BARRON:
23 [interposing] It's related, Mr. Chair.

24 CHAIRPERSON JACKSON: Okay.

25 COUNCIL MEMBER BARRON: It's

2 related, because this is a softball resolution to
3 just get some information and report it to people.
4 That's not a difficult one. Everybody can be
5 onboard with that. So I don't think when we have
6 people here and we have major issues about what's
7 going on in our schools with police that we're
8 going to sit here and only talk about whether we
9 should give up information. That's not a
10 difficult one. All of us are onboard with that.

11 I think these are serious questions
12 as the teachers union that need to address in our
13 school whether we should continue this kind of
14 policing in our school. I don't care what they
15 report to us, whether this is the best method for
16 dealing with our children, because I'm telling
17 you, they're turning our schools into a police
18 state. Even when they do get information like
19 that, it's information that we've got to do
20 something about.

21 So my question for you is getting
22 the information is one thing, but having some
23 other kinds of resolutions for dealing with
24 discipline and dealing with violence in the
25 school, other than police containment, is another

2 thing. Do you have any thoughts on that? Pardon
3 my colleague for being rude. He gets that way
4 sometimes.

5 CHAIRPERSON VALLONE: Just around
6 you.

7 COUNCIL MEMBER BARRON: Drink his
8 coffee.

9 STERLING ROBERSON: Well, you know,
10 in terms of discipline in schools and the
11 advocacy, I mean when we think about what goes on
12 in schools, I mean the UFT lobbied for years for
13 the Safe Schools and Violence in Education Act
14 which was passed in November of 2000.

15 Within that act it was required
16 that a discipline code be generated. There should
17 have been universal training on that code. It
18 requires that safety committees meet and have a
19 really comprehensive plan where they can actually
20 analyze data within their school buildings. Now
21 that principals have full autonomy of their own
22 budgets, to really look at various resources that
23 needs to be targeted in specific areas.

24 In addition to that, as Elayna
25 Konstan from the Department of Education Office of

2 School and Youth Development, they're charged with
3 providing the external services in support for
4 those schools so that discipline isn't sort of
5 dished off from one agency or the other. The
6 reason why you have a safety committee that meets
7 on a monthly basis is so that all of the
8 stakeholders from the Police Department, as I
9 said, from the guidance, from the dieticians, so
10 everyone in the school community as well as the
11 parent coordinators and PTA presidents should be
12 involved in that discussion.

13 Then, when issues arise, they can
14 then meet as necessary--

15 COUNCIL MEMBER BARRON:

16 [interposing] And deal with it.

17 STERLING ROBERSON: --to be able to
18 deal with those issues so that it's--

19 COUNCIL MEMBER BARRON:

20 [interposing] Let me ask you, if a principal is
21 dealing with a student where the student pushed
22 another student and the police might want to take
23 them out and the principal says no, I got this,
24 who has the authority? Who has the final word?

25 STERLING ROBERSON: I think that in

2 past hearings that that conclusion has been going
3 back and forth depending on the nature of the
4 incident, whether it's deemed as an incident or
5 it's deemed as a crime. I'm not going to sit here
6 and try to ultimately answer that question when
7 agencies are still trying to figure that out.

8 COUNCIL MEMBER BARRON: What is the
9 UFT's position on police in the schools?

10 STERLING ROBERSON: Well, in terms
11 of our position as it relates to discipline in the
12 schools--

13 COUNCIL MEMBER BARRON:
14 [interposing] No, police in the schools.

15 STERLING ROBERSON: Well, in terms
16 of the police in the school, I think one of the
17 things is our position is that school safety as
18 well as administrators as well as teachers have
19 roles and responsibilities in schools.
20 Understanding that role and understanding where
21 the lines are drawn as it relates to when
22 incidents happen in a school has to be clearly
23 defined. So it's not where it's so ambiguous that
24 interventions happen or discipline is passed onto
25 others.

2 One of the things that we've done,
3 overall at the UFT, we've lobbied for a removal
4 process for those few students that may be
5 disruptive and impacting education--

6 COUNCIL MEMBER BARRON:

7 [interposing] But, you know, the principal always
8 had, even before this legislation, the principal
9 always have an option to call the police. I mean
10 that was always there. They could always call the
11 police if they think a real crime was committed in
12 school and they needed police intervention. They
13 can always call the police. That was always
14 there. But I know that's what this hearing is not
15 about, but they could always call the police. But
16 having them present in the building, I don't get
17 that. I don't get that and I don't agree with it.
18 But this is not the hearing for that, right?

19 CHAIRPERSON JACKSON: Right.

20 COUNCIL MEMBER BARRON: So don't
21 answer that question, this is not the hearing for
22 that.

23 CHAIRPERSON JACKSON: Thank you,
24 Council Member.

25 COUNCIL MEMBER BARRON: But think

2 about it.

3 CHAIRPERSON JACKSON: Thank you,
4 Council Member Barron. Let me thank you on behalf
5 of your union, coming in and giving testimony and
6 answering questions. We appreciate the
7 opportunity.

8 STERLING ROBERSON: Thank you.

9 CHAIRPERSON JACKSON: Next, we're
10 going to hear from Mark Ro Beyersdorf from the
11 Asian American Legal Defense and Education Fund;
12 Nancy Ginsburg from The Legal Aid Society; Nelson
13 Mar from Legal Services New York City Bronx,
14 Alexander Artz from the Legal Services New York
15 City Bronx. I think they're one in the same,
16 right? I would hope so. Donna Lieberman and Udi
17 Ofer from the New York Civil Liberties Union.

18 One, two, three, four, five, six.
19 That's a lot of people up there that go to a
20 table. We have received testimony for the record
21 from CSA, the Council of Supervisors and
22 Administrators, a memorandum in support of Intro
23 442.

24 I would assume that the Legal
25 Services for the Bronx, we're not separating the

2 testimony. That's just one of you and not two of
3 you?

4 MALE VOICE: [off mic] We're
5 splitting our time.

6 CHAIRPERSON JACKSON: Very good, I
7 appreciate that. Are we ready to begin? So we're
8 going to start with Mark Ro Beyersdorf from the
9 Asian American Legal Defense and Education Fund.
10 Introduce yourself and say what your position is.
11 I ask everyone, we're on the clock of three
12 minutes. I'm going to ask you to summarize your
13 testimony rather than reading it. If you've
14 submitted it, then it will be part of the record.
15 Mark?

16 MARK RO BEYERSDORF: Sure. My name
17 is Mark Ro Beyersdorf. I'm on the staff of the
18 Educational Equity and Youth Rights Project at
19 AALDEF, the Asian American Legal Defense and
20 Education Fund.

21 AALDEF is a national organization
22 that works to protect the civil rights of Asian
23 Americans and locally we work extensively on
24 issues impacting Asian American students in the
25 New York City public schools, including school

2 dropout policies, English language learner
3 programs and racial harassment.

4 Contrary to the model minority myth
5 of uniform Asian American student achievement,
6 many low income and immigrant Asian American
7 students are falling through the cracks in our
8 school system. AALDEF has represented and advised
9 a number of public school students subjected to
10 heavy-handed discipline procedures through the
11 city.

12 One client, an Indian born Muslim
13 honors student from Queens was suspended for five
14 days after saying he was afraid of a terrorist
15 attack. After AALDEF intervened, the suspension
16 was erased from his permanent record.

17 Another client, a Brooklyn middle
18 schooler was referred for police investigation
19 after saying he was willing to die for his
20 country, even though he was an American born
21 citizen of the United States. AALDEF also
22 represented him and his family in a complaint to
23 the Civilian Complaint Review Board.

24 Those of us who work with students
25 of color, low income students, immigrant students,

2 LGBT students and other marginalized youth have
3 long heard students talk about heavy-handed
4 policing and disciplinary measures in schools of
5 students being suspended or arrested for
6 infractions as minor as chewing gum or wearing a
7 baseball cap.

8 The Student Safety Act will bring
9 transparency to excessive disciplinary measures in
10 our schools. It'll put numbers to anecdotes we
11 have been hearing for years by providing
12 comprehensive data about the use of suspensions
13 and arrests in schools. AALDEF is happy to
14 strongly support the act.

15 When students are suspended or
16 expelled for minor infractions under questionable
17 circumstances, it severely disrupts their basic
18 right to an education. The Student Safety Act
19 will show us who is being suspended and arrested
20 for what reasons and provide a starting point for
21 youth and advocates to work in partnership with
22 the Department of Education to address trends in
23 excessive policing and disciplinary measures and
24 protect our students' basic rights. Thank you.

25 CHAIRPERSON JACKSON: Thank you.

2 Next, we hear from Nancy Ginsburg from The Legal
3 Aid Society.

4 NANCY GINSBURG: Good afternoon.
5 My name is Nancy Ginsburg. I'm the Director of
6 The Legal Aid Society's Adolescent Intervention
7 and Diversion Practice in the criminal practice.
8 We're a specialized unit dedicated to representing
9 teenagers who are prosecuted in the adult court
10 system.

11 I have given this testimony many
12 times and I'm not really going to give it again.
13 I've submitted our written testimony. I'd like to
14 address some of the issues that came up earlier.

15 Obviously, we are very much in
16 support of this bill. We'd like to thank the
17 chairs and Speaker Quinn for working so hard to
18 make this bill into law.

19 We would encourage the Council,
20 once the data is received, to assess the data very
21 carefully. This is not just a police issue, it's
22 also a DOE issue. When assessing the data, we
23 would ask that you look very carefully at the
24 response of the DOE in discipline because we have
25 seen over and over that often the discipline

2 response is school exclusion.

3 When the DOE is consistently asking
4 for very long suspensions for these kids for
5 relatively minor, normative teenage behavior, and
6 when the Department of Education regularly asks
7 for 90 days suspension, that's essentially half a
8 school year. Those are 90 school days. They are
9 repeatedly asking for those types of suspensions
10 which is leading to school exclusion, primarily of
11 low income minority students who are already at
12 extreme risk of dropping out. To exclude a child
13 from school for that period of time seriously
14 increases the likelihood that they will drop out.

15 We would also ask that when you get
16 this data you look at the type of police
17 intervention and for what they intervene. We
18 believe that will be very important to your making
19 future policy and analyzing how the departments
20 are responding to children.

21 I would join in Mr. Roberson's plea
22 that preventive services be put back in the
23 school. Many of the children who attend public
24 school in our city have many problems, many have
25 been involved in the Child Protective system.

2 Many have mental health issues, serious mental
3 health issues. Many are children who come from
4 families who have been wracked by drugs and
5 substance abuse and they need a response that is
6 just not a punitive disciplinary response.

7 The only way to address those
8 issues, in reality, is to provide them with actual
9 services that will address those issues and will
10 simply not tell them that they can't be in the
11 school or that they are essentially bad kids.

12 So I would ask you to review our
13 testimony. But I would ask you please, when
14 reviewing the data that is received from this law,
15 that you take all those considerations in hand.
16 Thank you.

17 CHAIRPERSON JACKSON: Thank you.
18 Alexander Artz and Nelson Mar from Legal Services
19 NYC in the Bronx, and you're splitting your time.
20 Press the button in back.

21 NELSON MAR: Thank you. Good
22 afternoon, Honorable members of the New York City
23 Council. My name is Nelson Mar and I'm a senior
24 staff attorney and the education law specialist at
25 Legal Services NYC - Bronx. As you know, Legal

2 Services NYC - Bronx is the governmentally funded
3 provider of free civil legal services to low
4 income residents of the Bronx.

5 As such, I want to limit our
6 testimony today, because much like Ms. Ginsburg
7 we've testified a number of times before about the
8 proposed legislation. We're going to restrict our
9 discussion to the client population that we serve,
10 which are low income, predominately at-risk
11 students who are involved in the special education
12 system.

13 These students face tremendous
14 hurdles, as it is already, towards graduation and
15 towards a successful life after graduation that
16 severe discipline policies only provide an
17 additional hurdle and one that really shouldn't be
18 there.

19 We support the proposed legislation
20 and we hope that this data will help increase the
21 transparency and help decrease some of these
22 hurdles that our clients face.

23 I'm going to give the rest of my
24 time to my colleague, Alexander Artz, where he'll
25 talk about some specific incidents that we've seen

2 in our office.

3 ALEXANDER ARTZ: My name is
4 Alexander Artz. I'm another one of the attorneys
5 in the Education Law Unit at Legal Services NYC -
6 Bronx.

7 One of my primary responsibilities
8 as an education law attorney is to represent low
9 income families when their children are facing
10 long-term suspensions from school. Over the past
11 three years, I've represented more than 75
12 families, including representation at each of the
13 five different suspension hearing offices around
14 the city.

15 If you visit the waiting room in
16 any of these hearing offices, you will come away
17 realizing that there need to be changes in the way
18 the disciplinary incidents are handled in our
19 schools. Any day that you visit, you will see a
20 room crowded with families awaiting hearings.
21 Nearly all of the students facing suspension are
22 students of color. Six and seven-year-old
23 elementary school students are awaiting long-term
24 suspension nearly ever time that I visit a hearing
25 office. Even though children are facing up to a

2 year-long suspension from their regular education,
3 hardly any families have representation.

4 Now, in one of my recent cases, a
5 12-year-old boy in seventh grade was attacked by
6 several other students during dismissal. A School
7 Safety Officer intervened, bringing my client back
8 into the lobby while allowing the attackers to go
9 home. Very disturbing video surveillance of the
10 incident showed that the School Safety Officer
11 forcefully pushed my client into a chair and then
12 aggressively attempted to force him to come
13 upstairs with her.

14 The hearing officer who heard my
15 client's suspension case could not understand why,
16 in her words, a child who was already injured as a
17 result of an attack was dragged into an elevator
18 outside the view of the camera, up to the main
19 office where he was thrown against the wall and to
20 the floor and then arrested. It's incidents like
21 these which I urge you need to be stopped and the
22 Student Safety Act is part of that.

23 If suspensions and arrests should
24 ever take place in our schools, they should be
25 last resorts. Currently, that is not the reality.

2 The Student Safety Act is crucial for identifying
3 disciplinary trends and practices that may or may
4 not be effective. It will allow us all to work
5 towards a more constructive system of discipline
6 that effects genuine safety in our schools. Thank
7 you.

8 CHAIRPERSON JACKSON: Thank you.
9 Next, Udi Ofer from the New York Civil Liberties
10 Union.

11 UDI OFER: Thank you, Council
12 Member Jackson. My name is Udi Ofer and I speak
13 today on behalf of the New York Civil Liberties
14 Union and its 48,000 members.

15 You have our written testimony
16 before you. I will summarize it. We thank
17 Speaker Quinn, Council Member Jackson, Council
18 Member Vallone and the other members of these
19 three committees for holding this hearing today
20 and for holding past hearings on this very
21 important issue.

22 The New York Civil Liberties Union
23 strongly supports the Student Safety Act. The act
24 will provide the City Council regular access to
25 data that is vital to monitoring the fairness and

2 efficacy of the city's school safety and
3 discipline systems. It will shed much needed
4 light in how policing and suspensions are
5 affecting children and will provide policymakers
6 like yourself and educators the information they
7 need to craft better school safety policies.

8 The reality is that this bill, if
9 it became law, would be one of the most
10 comprehensive school safety reporting laws in the
11 country. It will answer basic questions, such as:
12 how many kids are getting arrested and suspended
13 in our schools, what are they getting arrested or
14 suspended for, when did the arrest or suspension
15 take place? For example, do arrests and
16 suspensions increase during testing time? Most
17 importantly, who are the kids who are getting
18 suspended and arrested? Do they have special
19 needs? Do they have IEPs? Do they come from
20 certain backgrounds and certain neighborhoods?

21 Safety is, of course, a vital
22 component of a successful school environment. But
23 equally as vital is the right of a child, even a
24 child who misbehaves, to be secure in their
25 schools and to be treated with dignity and

2 respect.

3 In many ways, the Student Safety
4 Act is a natural outgrowth of where we are right
5 now in our school discipline and safety systems.
6 No matter where you stand on the issue of whether
7 the police should be in the schools or not, that
8 is not an issue that is being addressed by this
9 act, but rather what the act will allow is for
10 more informed conversation about how we can deal
11 with these bigger questions.

12 But no matter where you stand on
13 the broader issue, there are certain facts. The
14 reality is that in 1998 when school safety was
15 transferred to the NYPD, there were 3,200 police
16 personnel in the schools. Today, there are 5,200
17 police personnel, which represents a very
18 significant increase in the number of police
19 personnel in the schools. By the way, in
20 comparison there are only 3,200 guidance
21 counselors in the schools compared to 5,200 police
22 personnel.

23 In addition, the school safety
24 budget has increased dramatically. This is
25 particularly significant at a time when the rest

2 of the education budget is being slashed. Just in
3 the past four years, the amount of money spent by
4 the Department of Education on school safety has
5 increased from \$204 million to \$295 million. That
6 is a 44 percent increase in four years and a \$91
7 million increase.

8 But again, regardless of where you
9 stand on this issue, the Student Safety Act will
10 simply allow for more informed conversation. Let
11 me just end really quickly by saying what we hope
12 the City Council will continue doing after passing
13 the Student Safety Act. We share the concerns
14 raised by Council Member Vallone, Council Member
15 Jackson and Speaker Quinn about the need to begin
16 addressing the more fundamental questions of who's
17 in charge of school safety and discipline in our
18 schools.

19 We need to revisit the Memorandum
20 of Understanding that was entered into in 1998 by
21 the NYPD and the city. We need to make sure that
22 all stakeholders are in the room when that MOU is
23 revisited. We hope that it will be revisited and
24 re-crafted in such a way that will increase the
25 graduation rate in the schools and lower the

2 achievement gap. Because the reality is that once
3 we improve our school safety and discipline
4 system, it will have a direct impact on improving
5 our graduation rates and decreasing the achievement
6 gap in New York City. Thank you.

7 CHAIRPERSON JACKSON: Let me thank
8 all of you for coming and giving testimony. Are
9 there any questions for this panel? Thank you
10 very much. Continuing refocusing on what we're
11 doing and how we're doing it. I appreciate it
12 very much.

13 Our next panel is Christina Change
14 from the Manhattan Borough President Scott
15 Stringer's office. Is Christina here? Come on,
16 Christina. After Christina, we'll hear from
17 Marianne Hunkin, Jaime Koppel, Elizabeth Sullivan
18 and William McDonald. After the Borough
19 President's representative. Thank you.

20 CHRISTINA CHANG: Good afternoon.
21 My name is Christina Chang and I'm here
22 representing the Manhattan Borough President Scott
23 Stringer.

24 School safety is a critical issue,
25 and I commend Public Safety Committee Chairman

2 Peter Vallone, Jr., Council Member Jackson and all
3 the other members of the Council for hosting us
4 here today and initiating this important
5 discussion. I'd also like to applaud the New York
6 Civil Liberties Union for the leadership they have
7 shown on this issue.

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

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

18 Like we tell our students every
19 day, knowledge is power. This bill will give us
20 the knowledge we need to better safeguard our
21 students, our teachers and our principals, and to
22 do it in a way that respects the rights and
23 dignity of all involved.

24 I look forward to working with all
25 of you to create a better, safer school system for

2 all of our 1.1 million students. I thank you for
3 allowing me the opportunity to express my support
4 today.

5 Again, my name is Christina Chang
6 and I'm here representing Manhattan Borough
7 President Scott Stringer. Thank you.

8 CHAIRPERSON JACKSON: Well, Ms.
9 Chang, let me thank you for coming in and
10 representing our Borough President Scott Stringer.
11 I'm happy to know that the Borough President of
12 Manhattan is paying attention to this particular
13 matter. This is a matter that's not only
14 important for the Borough of Manhattan but the
15 entire City of New York.

16 Express to Scott Stringer that to
17 my knowledge he is the only Borough President
18 that's giving testimony here today.

19 CHRISTINA CHANG: I will take that
20 back to him. Thank you.

21 CHAIRPERSON JACKSON: Thank you.
22 Next, we'll hear from, as I indicated earlier:
23 Marianna Hunkin from the Advocates for Children in
24 New York City; Jaime Koppel from the Children's
25 Defense Fund New York; Elizabeth Sullivan from

2 NESRA, the National Economic and Social Rights
3 Initiative; and William McDonald from the
4 community and parents.

5 So the first individual I
6 introduced, please introduce yourself and you may
7 begin your testimony.

8 MARIANNE HUNKIN: Good afternoon.
9 Thank you for the opportunity to testify in
10 support of Intro 442, the Student Safety Act. My
11 name is Marianne Hunkin. I'm the Project
12 Coordinator of the Juvenile Justice Project at
13 Advocates for Children.

14 The experiences of AFC and other
15 members of the Student Safety Coalition who work
16 with New York City's youth provides strong
17 anecdotal evidence that students of color are much
18 more likely to be suspended from school and that
19 students of color who also have disabilities are
20 even more vulnerable.

21 Nationally, African American
22 students with disabilities are three times more
23 likely to be suspended than their white peers. We
24 suspect that New York City demonstrates similar
25 figures, but without systemic data, it is

2 difficult to identify problems with disciplinary
3 procedures or work to develop solutions.

4 AFC often represents students with
5 disabilities who have been arrested at school.
6 The stories of their arrests are shockingly
7 similar. A relatively minor disruptive behavior
8 is responded to inappropriately by an SSA,
9 resulting in an escalation of behaviors and
10 tension, leading to an unfortunate incident and an
11 arrest.

12 For example, David, a 12-year-old
13 student who I represent, was arrested at school.
14 David is diagnosed with ADHD and his special
15 education program states that he exhibits
16 difficulties with self-regulation and anger
17 management, which often result in disruptive
18 behaviors.

19 One day he became extremely
20 frustrated at school and emptied the contents of a
21 garbage can and tossed them around the classroom.
22 When the assistant principal asked David to clean
23 the room, he protested and several SSAs intervened
24 and threatened David with arrest. David was
25 arrested for exhibiting behaviors that are

2 manifestations of his disability, despite the fact
3 that his social and emotional needs are clearly
4 identified and documented in his IEP.

5 In addition to a referral to the
6 juvenile justice system, students who are arrested
7 are usually suspended and often up to one year.
8 All students suffer from extended time away from
9 the classroom, but for students with disabilities,
10 it is all the more troublesome. They're already
11 facing considerable difficulties with their
12 schoolwork and long-term suspensions increase the
13 likelihood that they will become disengaged in
14 school and can be the final push out of school.

15 In addition to suspensions,
16 students are often removed from their classrooms
17 for disruptive behaviors and excluded from
18 learning, sometimes for several days or weeks.
19 Parents are not always notified about classroom
20 removals. This informal method of punishments
21 denies students from their access to their
22 education and can result in a significant loss in
23 time in learning.

24 Schools are not currently required
25 to report these disciplinary actions and this is

2 something that Advocates for Children really feel
3 strongly that is missing from the current bill,
4 the Student Safety Act. We're hoping that in the
5 future that's something that we can think about
6 recording and using for the future. Thank you.

7 CHAIRPERSON JACKSON: Thank you for
8 coming in and representing Advocates for Children.
9 Next, we're going to hear from Jaime Koppel.

10 JAIME T. KOPPEL: Thank you. Good
11 afternoon, Chairs Jackson, Gonzalez and Vallone.
12 We certainly thank you for the opportunity to be
13 here with you today and the other members of the
14 Council as well. My name is Jaime Koppel and I am
15 the Senior Program Associate at the Children's
16 Defense Fund New York office.

17 The Children's Defense Fund, as a
18 part of our ongoing advocacy efforts, launched the
19 Cradle to Prison Pipeline campaign, which is a
20 national call to action to stop funneling
21 thousands of children, especially poor children
22 and children of color down life paths that often
23 lead to arrests, conviction, incarceration and
24 even death. Unfortunately, New York City schools
25 all too often serve as a way station on these

1 children's journeys.

2 In far too many schools, police
3 officers outnumber guidance counselors,
4 suspensions and expulsions have skyrocketed and
5 12-year-old students are arrested for actions as
6 simple as writing "I love my friends" on my desk.

7 At the moment, one of the major
8 obstacles we face in having constructive
9 conversations about the negative impact of zero
10 tolerance policies in New York City schools is the
11 public's inability to access meaningful
12 disaggregated data about the use of suspensions
13 and arrests in schools. So CDF New York is very
14 encouraged by the City Council's efforts to pass
15 this bill. We thank you for your leadership.

16 With over 1 million children
17 enrolled, New York City is the United States'
18 largest school district. Beginning in '98, as we
19 all know, the New York Police Department was given
20 control of school safety. Since then, the number
21 of police officers in schools and the related
22 school safety budget has grown exponentially to
23 almost \$300 million in this fiscal year, even as
24 the number of guidance counselors and social
25

2 workers has decreased. In 2008-09, there were
3 5,200 School Safety Agents in our schools but only
4 3,100 guidance counselors and 1,400 social
5 workers.

6 School Safety Agents, who are
7 primarily trained by the NYPD and who do receive
8 limited supplemental training from the NYC
9 Department of Education are not trained to play
10 the role of guidance counselors or social workers.
11 They're trained as police officers. It is,
12 therefore, no surprise in recent years that
13 interpretations of the New York City School
14 Discipline Code have led to record numbers of
15 suspensions, the first step towards being funneled
16 along that cradle to prison pipeline.

17 We've seen an increase since 2006
18 of more than 40 percent to more than 72,000
19 suspensions each school year. So at the same time
20 as we are investing hundreds of millions of
21 dollars in keeping our children safe in schools,
22 we are pushing thousands of these children out of
23 our schools and into this pipeline to prison.

24 So from whichever perspective one
25 comes, we are not making prudent or smart

2 investments in our children or our future.
3 Positive alternatives to zero tolerance do exist
4 and they're being used with great success in other
5 municipalities and school districts around the
6 country. I encourage you to learn more about
7 them. We would be happy to engage in that
8 conversation with you.

9 In conclusion, I want to stress
10 that we are so pleased that the Student Safety Act
11 will hopefully pass in this coming week. What a
12 wonderful Christmas gift for all of us. However,
13 we also encourage ongoing discussion regarding the
14 role of police officers in our city schools.

15 After this bill is passed, we also
16 encourage all of you on the City Council to
17 carefully consider whether the data requested and
18 received on arrests and citations in schools
19 disaggregated only by patrol borough will provide
20 sufficient information to support actions that
21 reduce the number of the arrests and citations of
22 students for minor offenses in our schools.

23 So in closing, I'm grateful to all
24 of you. We thank you for your tremendous efforts.

25 CHAIRPERSON JACKSON: Thank you.

2 Elizabeth Sullivan.

3 ELIZABETH SULLIVAN: My name is
4 Elizabeth Sullivan. I am the Education Program
5 Director at NESRI, the National Economic and
6 Social Rights Initiative. Thank you all so much
7 for having us here today.

8 We urge the City Council to pass
9 Intro 442, the Student Safety Act as an essential
10 first step in promoting greater accountability,
11 transparency and oversight of discipline and
12 safety policies in New York City schools.

13 Currently, discipline policies over-rely on harsh
14 and excessive suspensions and removals that
15 undermine students' right to education, fail to
16 address the underlying reasons and causes of
17 disruption and conflict in schools and increase
18 the likelihood of dropout and incarceration. The
19 over-use of police and safety agents lead to
20 police intervention and arrest for behavior that
21 used to be dealt with by educators.

22 Fundamental human rights standards
23 recognized in the convention on the rights of the
24 child and other human rights documents require
25 that school policies must not violate the dignity

2 of the child but instead should be aimed at the
3 full development of each child's potential,
4 including discipline policies through the teaching
5 of positive behavior skills and conflict
6 resolution.

7 The Student Safety Act is necessary
8 for both monitoring the use and impact of
9 suspensions and police interventions on students,
10 but also for helping New York City schools to move
11 towards implementing more positive preventive
12 approaches. In other cities around the country,
13 system-wide policies have been created to promote
14 approaches like school-wide positive behavior
15 supports and restorative practices.

16 Research has shown that these
17 approaches which move away from punishment and
18 towards prevention and early intervention have led
19 to reductions of up to 50 percent in suspensions
20 and arrests, along with improvements in academic
21 achievement and overall school climate.

22 In order for schools to identify
23 how best to utilize and implement these positive
24 practices, we need the data that shows us when and
25 how suspensions and arrests are being used so that

2 we can learn how to take better approaches to
3 discipline. We need to know what types of things
4 students are being suspended and arrested for. We
5 need to know where there are disproportionate
6 impacts on students of color and students with
7 disabilities, so that positive interventions can
8 be tailored to meet the needs of these students.

9 This data is essential for schools
10 and communities to move for change in New York
11 City schools to create more positive supportive
12 school climates. I urge the City Council to pass
13 the bill. Thank you for your work on this.

14 CHAIRPERSON JACKSON: Thank you.
15 William McDonald?

16 WILLIAM MCDONALD: Thank you, Mr.
17 Jackson. It's a pleasure to be before you again.
18 I'd like to thank the Education Committee, the
19 Public Safety Committee and the Juvenile Justice
20 Committee for giving me this good feeling that I
21 have today. I serve as chair of the NAACP
22 Metropolitan Council Education Committee. I serve
23 as parliamentarian to the Chancellor's Parent
24 Advisory Council and I am a member of CEC 29.

25 One of the things that I want to

2 state today is that in order for our students to
3 strive, in this new millennium that we're living
4 in, they've got to have a good education. The
5 buildings to which they attend to get this
6 education must be fair and they must be safe to
7 all. We don't believe that that is so.

8 Today, we are told that school
9 crime has decreased dramatically but we know that
10 arrests have also increased. We want to know
11 about staff on staff incidents and staff on
12 student incidents, not just student on student.
13 We want full transparency as to what's going on in
14 the school system.

15 The primary purpose for our support
16 for this bill is the safety and security and
17 support of all who engage in education of our 1.1
18 million school children. On behalf of the
19 parents, students, and community, we urge the New
20 York City Council to pass this bill. On behalf of
21 all of the organizations that I represent, the
22 parents and the community, I wish you all a happy
23 holiday and I thank you for your time.

24 CHAIRPERSON JACKSON: Thank all of
25 you for being a part of this coalition to move

2 this bill forward to where we are today. As you
3 know, the Education Committee is scheduled to vote
4 this out on Monday, December 20th. It is
5 scheduled to be voted out by the full Council that
6 afternoon. Just thank you for everything you've
7 done in order to move this along.

8 Next, we're going to hear from
9 students if they here: Robert Moore from the Urban
10 Youth Collaborative and Jorel Moore. Are they
11 both here? Are there any other students here?
12 Come on up. Welcome. Just come on up, introduce
13 yourselves and you may begin your testimony. So
14 we have Robert Moore from the Urban Youth
15 Collaborative. Is this Sorel Moore?

16 JOREL MOORE: Jorel.

17 CHAIRPERSON JACKSON: And the other
18 individual?

19 NILESH VISHWASRAO: Nilesh.

20 CHAIRPERSON JACKSON: We're just
21 going to ask you to fill out a slip. Robert, you
22 can begin if you want.

23 ROBERT MOORE: Hi, my name is
24 Robert Moore. I'm 18 years old and a Youth Leader
25 with the Urban Youth Collaborative and Make the

2 Road New York.

3 Last June, I just graduated from
4 high school. Currently, I'm a freshman at the
5 Borough of Manhattan Community College.

6 CHAIRPERSON JACKSON:

7 Congratulations.

8 ROBERT MOORE: Since I was a tenth
9 grader in high school, I have worked with other
10 students at Make the Road New York and the Urban
11 Youth Collaborative, working on the Student Safety
12 Act. I and the other students here are grateful
13 to Council Members Robert Jackson, Peter Vallone,
14 and Melissa Mark-Viverito for helping to get us to
15 the point of having this hearing today. We are
16 also very grateful to Speaker Quinn for doing
17 everything she could to get this hearing scheduled
18 today, and to get the bill passed this year.

19 There are very good reasons that
20 all of us have worked so hard to get the Student
21 Safety Act passed. This act is our first stepping
22 stone in creating school safety policies that
23 treat youth with the respect that we deserve. The
24 act will require regular reporting of data on
25 school discipline and police activity in schools.

2 When we have this data, it will open a door to
3 real discussions about whether students in our
4 city, especially students in low-income
5 communities of color, are being kept safe by
6 current policies or being treated unfairly by
7 them.

8 I think everyone in our city would
9 agree that we want our schools to be safe,
10 nurturing and respectful places for all students.
11 Having information on who gets disciplined, for
12 what reasons, and how they get disciplined will
13 only help us move further in that direction.

14 No student should risk suspension
15 for minor things like carrying a cell phone or
16 being late to class. No student should be put in
17 handcuffs because they are having a bad day and
18 talked back to a teacher. I and many of my
19 classmates have seen things like this happen.

20 I agree that schools need rules to
21 keep students safe. They also need to have
22 appropriate and supportive responses for issues
23 that we come up with students every day. Many
24 black and brown youth from low-income communities
25 have plenty of challenges already. We shouldn't

2 be criminalized for behavior that other students
3 get confronted or counseled for.

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

9 CHAIRPERSON JACKSON: Thank you,
10 Robert, for all you've done to move this along.
11 Next is Jorel Moore with the Urban Youth
12 Collaborative.

13 JOREL MOORE: Hello, my name is
14 Jorel Moore. I'm 17 years old and a senior at
15 Franklin K. Lane High School. I'm here on behalf
16 of my organization, Future of Tomorrow, and the
17 Urban Youth Collaborative.

18 First of all, I would like to thank
19 the City Council supporting the Student Safety
20 Act. It's clear that they care about students and
21 you care about our safety. You understand that
22 this is an important first step towards creating
23 safer and dignified schools, and we hope to
24 continue to work with you in the future.

25 We began this effort nearly four

2 years ago because students were concerned that a
3 lack of transparency in our schools' public safety
4 system was allowing for unnecessary disciplinary
5 actions and other serious mistakes that disrupted
6 learning and interfered with the education of
7 students like me in neighborhoods like mine.

8 Now, after countless meetings,
9 public mobilizations, and the collection of
10 thousands of student signatures supporting the
11 act, we will have that transparency we need to
12 support students.

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

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

8 When the Council passes the Safety
9 Act on Monday, we will be victorious. And we
10 still have our voices; and with those voices we
11 will have power. Don't be mistaken: we will
12 continue to use those voices. Thank you.

13 CHAIRPERSON JACKSON: Thank you on
14 behalf of all of the other students that you
15 represent in coming out and moving this bill
16 forward. Before we take our last witness, which
17 is a student also, I want to take this moment to
18 first thank everyone involved from the advocates
19 and all of the staff of the advocates; for all of
20 the hundreds of students that were involved; from
21 all of the attorneys; the Department of Education;
22 NYPD; Oona Peterson, the counsel to the Public
23 Safety Committee; and Sal Arrona, the policy
24 analyst; and Aysha Schomberg, our counsel; with
25 Jan Atwell and Joan Povolny and Lisette Camilo and

2 William; all of the people involved in bringing us
3 here today.

4 As I said at the press conference,
5 I'm a vehicle that's being used to move this
6 forward. While I clearly support the goal and
7 objectives, I was not the impetus behind it, you
8 were, the students and the coalition. So I
9 acknowledge that. I'm happy that we're here
10 today. Obviously, it has taken a long time. But
11 you know one thing, we're here.

12 When the bill is signed into law by
13 Mayor Bloomberg, hopefully all of you will be
14 there. As you know, from a symbolic point of
15 view, Mayor Bloomberg signs them with multiple
16 pens. So hopefully you will have a pen in your
17 hand that will indicate that you've been involved
18 in moving forward, as Udi said, one of the most
19 comprehensive bills in the country that is going
20 to be turned into law.

21 Of course, we've been joined by our
22 colleague, Lew Fidler of Brooklyn. Last but not
23 least we're going to hear from Nilesh Vishwasrao,
24 a member of DRUM Desis Rise Up and Moving.

25 NILESH VISHWASRAO: Desis Rising Up

2 and Moving.

3 CHAIRPERSON JACKSON: Desis. Just
4 pull the mike over and introduce yourself. I want
5 to hear you pronounce your name to see whether or
6 not I've done a pretty good job.

7 NILESH VISHWASRAO: You did a
8 fairly good job.

9 CHAIRPERSON JACKSON: Okay, that's
10 good. I accept it.

11 NILESH VISHWASRAO: My name is
12 Nilesh Vishwasrao. I'm a member of DRUM-Desis
13 Rising Up and Moving and the Urban Youth
14 Collaborative. DRUM represents over 900 low-
15 income South Asian youth and families working to
16 improve our education system as well as fight for
17 immigrant rights.

18 I used to be a senior at Flushing
19 High School, but I was pushed out of school due to
20 excessive discipline policies. Now I'm working on
21 my GED and I hope to earn it by January 2012.

22 The consequences of suspensions are
23 even higher for undocumented youth, because once
24 you are in the system it's easy for Department of
25 Homeland Security find out about your immigration

2 status. These types of harsh discipline policies
3 are adding to fear that already exist in the
4 immigrant communities. By passing the Student
5 Safety Act, we will finally know the impacts of
6 current school disciplinary and safety policies
7 and take one big step forward in creating a safe
8 and respectful learning environment for all
9 students.

10 We will continue to work as the
11 youth of New York City to ensure our voices
12 continue to be heard. There is no better time
13 then at the hearing of the passage of the Student
14 Safety Act than for students in this city to
15 propose positive way of handling disciplinary
16 problems.

17 School systems across the country
18 are using proven methods of school-based
19 discipline called Positive Behavior Interventions
20 and Supports, PBIS, and Restorative Justice
21 Practices. These programs utilize behavioral
22 guidance, mentorship, counseling, and other non-
23 punitive practices which is a better way to create
24 a positive learning environment in school. It has
25 shown great success where used and we are excited

2 to see more programs like these in New York City.

3 This is an important day for the
4 Council, the advocates, and especially the
5 students and I am proud to be part of it. Thank
6 you to the Council for your support of this
7 important bill.

8 CHAIRPERSON JACKSON: As I said,
9 obviously you were represented by many advocates
10 in the field and mostly all adults, but as student
11 leaders, obviously you're leaders in your right.
12 Robert, I've seen you many times leading a group.
13 Now you're in college and I'm sure you're going to
14 do fine, along with all the other youth leaders.

15 Obviously, by being around
16 individuals that are attorney at law that are
17 professionals in their field advocating for what
18 they believe is right on behalf of our youth and
19 our children in the City of New York. Obviously,
20 you have Peter Vallone, Jr., who has two children
21 in the system himself and Sara Gonzalez and
22 myself. I don't have any girls in the system
23 anymore, but I do have nieces and nephews. I had
24 three daughters myself and as a kid growing up--

25 CHAIRPERSON GONZALEZ:

2 [interposing] I have a granddaughter.

3 CHAIRPERSON JACKSON: And a
4 granddaughter Council Member Gonzalez has in the
5 system. I just hope, as you and others have said,
6 that when we get the statistics, we will analyze
7 that and hopefully on a continuous basis trying to
8 refocus about the statistics and what we're doing
9 in order to make a better, safer environment for
10 all people: for the students, for the staff and
11 everyone. Hopefully, we'll reduce the number of
12 arrests, reduce the number of summonses, and
13 reduce the number of altercations that may occur
14 so that we can all be safe and happy.

15 As I say to my staff sometimes, I
16 want them to come to work and enjoy their time at
17 work and not to be harassed or hassled by me or
18 supervision. You know, because everyone has their
19 own issues at home. So hopefully when you come to
20 work, you can enjoy yourself. Then you can go
21 home and deal with all the other issues that
22 everyone has to deal with. Ideally, that's how
23 school should be where you come and learn and have
24 fun with your professors and your staff and with
25 the students and get a good education. Clearly,

2 as I've said before, education is the key to
3 uplift all children in order for us to succeed.

4 So let me thank you on behalf of my
5 self and my colleagues. Let me turn to Peter
6 Vallone, Jr., if he wants to have parting words,
7 and then Sara Gonzalez and we'll close out the
8 hearing.

9 CHAIRPERSON VALLONE: You spoke for
10 all of us.

11 CHAIRPERSON JACKSON: Thank you.
12 Sara, do you have anything? Well, thank you all
13 for coming. Students, thank you very much for
14 participating. You are the ones that drive us.
15 So with that, this hearing on Intro 442 by the
16 joint committees on Public Safety, Juvenile
17 Justice and Education is hereby adjourned.

18 CHAIRPERSON VALLONE: Thank you,
19 everyone.

C E R T I F I C A T E

I, Donna Hintze 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 Donna Hintze

Date January 4, 2011