

**Department of  
Education**

**Testimony of the New York City Department of Education  
on Exploring School Climate and the Discipline Code**

**Before the New York City Council  
Committees on Education, Public Safety and Subcommittee on Non Public Schools**

April 14, 2015

*Lois Herrera, Chief Executive Officer, Office of Safety and Youth Development*

Good afternoon Chairs Dromm, Gibson and Deutsch, and Members of the Education, Public Safety and Non Public Schools Committees. My name is Lois Herrera, Chief Executive Officer of DOE's Office of Safety and Youth Development (OSYD). Thank you for the opportunity to discuss the work DOE has undertaken to ensure that all of our schools maintain a safe and supportive learning environment, and to address Intro 719 and Intro 730.

At the outset, I want to thank the Speaker and Members of City Council for your leadership on these important issues. Over the years, DOE has worked very closely with the City Council on several school climate initiatives from Respect for All to, most recently, the Anti-Gun Violence Initiative.

Cultivating and maintaining a positive school culture and improving school safety are key elements of this Administration's efforts to raise student achievement. We have significantly increased preventive and conflict resolution programming and staff training. Last school year, we established the Office of Guidance and School Counseling, which provides professional development to school staff on promoting positive behavior and progressive discipline. In addition, by the end of this school year, we will have trained approximately 100 schools in conducting restorative circles, with one-third of these schools participating in more advanced training in restorative conferencing.

In collaboration with the City Council, we have been able to implement supports to schools under the Anti-Gun Violence Initiative. These include expanding restorative practices to an additional 20 to 25 middle and high schools, as well as implementing conflict resolution programming in 34 schools across 17 target police precincts. Additionally, we are providing algebra tutoring to students at the four high schools on the Thomas Jefferson Campus, and training to staff in collaborative problem solving, a de-escalation strategy focused on addressing behavioral challenges.

The DOE's Division of Specialized Instruction also provides support and expertise to schools that are engaged in Positive Behavioral Interventions and Supports, a research-based, school-wide behavioral system that teaches and models clear behavioral expectations for students.

We will continue to build the capacity of schools to implement social-emotional learning programs and work with our community-based organization partners to maintain and strengthen a positive school climate.



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DOE's strong partnership with the NYPD's School Safety Division has resulted in a dramatic reduction in crime in our schools, creating a safer environment for our students. Our work with the School Safety Division includes establishing safety protocols and procedures in schools, developing school safety and emergency preparedness plans, and providing training for school safety agents across many topics, such as: conflict resolution, crisis de-escalation, collaborative problem-solving, gang prevention, anti-bullying, and awareness of the misuse of prescription drugs.

As Vincent Schiraldi mentioned, as a result of recent policy changes, and our collaboration with the NYPD School Safety Division, we are seeing a decrease in the number of behavioral incidents and principal and superintendent suspensions this year as compared to the same period last year.

While we recognize that suspensions are a necessary option for seriously dangerous behavior, they are not the sole means by which we hold students accountable. We have taken significant steps to promote alternative interventions to address student behavior and reduce schools' over-reliance on suspensions.

Our Citywide Behavioral Expectations to Support Student Learning (the Discipline Code), which includes the Bill of Student Rights and Responsibilities, sets forth clear standards for student behavior. The Discipline Code provides a range of guidance interventions and possible disciplinary responses to be used to foster progressive discipline, accountability, and behavioral change. The Discipline Code is reviewed and updated each year in consultation with various stakeholders, including school leaders, teachers and other school-based staff, students, parents, and community members. The recently implemented revisions to the Discipline Code were part of an inter-agency collaboration on school climate reforms undertaken by this Administration.

In order to ensure appropriate disciplinary responses to insubordinate behavior, principals are now required to seek authorization from the CEO of the Office of Safety and Youth Development as the Chancellor's designee prior to invoking a principal's suspension for Defying or Disobeying Lawful Authority or A22/B21 in the revised Discipline Code. Now, a school must explain prior disciplinary, guidance, and intervention measures they have used to support the student, and why the behavior disrupts the educational process and/or poses a danger to the school community. The revised code also requires this authorization prior to invoking a principal's suspension for students in grade K-3. Principals are no longer able to invoke a suspension for students in grades K-3 under the infraction for minor altercation, or a superintendent suspension for minor altercation for students in grades 4-12.

We recently proposed a new Chancellor's Regulation addressing crisis de-escalation and contacting 911 for students experiencing behavioral crises. The regulation sets forth the policies and procedures to be followed when these situations occur. The regulation requires schools to make every effort, where possible, to safely de-escalate the behavior using strategies and interventions for addressing behavioral crises, and establishes the criteria for when 911 should be notified in these instances. It also sets forth the procedures to be followed once 911 has been contacted including the requirement that a report be filed in OORS, the online occurrence



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reporting system. Every school will be required to develop a Crisis De-Escalation plan as part of its annual Consolidated School and Youth Development plan and conduct an orientation for all school staff on the Crisis De-escalation plan and the requirements of the regulation.

In the upcoming school year, the DOE will increase the number of school staff who have been trained in Therapeutic Crisis Intervention for Schools (TCIS). The DOE has made enhancements to OORS to further refine the data captured when a school contacts 911 for emergency medical services or EMS responds.

I would like to turn to the proposed legislation.

Intro 719 requires the DOE to report the guidance counselor and school safety agent ratio for each school. Approximately 2,700 guidance counselors and 1,200 social workers currently work in NYC schools. Since the formation of the Office of Guidance and School Counseling, over 250 new guidance counselors have been hired throughout the system. In addition, we have established 128 community schools. These schools will provide students and families with a range of wraparound services, including additional counseling services. Pursuant to Local Law 56 of 2014, the guidance counselor to student ratio for each school can now be found on DOE's web site. The NYPD currently employs approximately five thousand School Safety Agents (SSAs). We are concerned that this bill requires the reporting of the number of SSAs assigned to each school, information that is not included in the NYPD's quarterly report to the City Council because disclosure could compromise the safety of our school communities, or could otherwise compromise law enforcement operations.

We support the Council's goal to increase transparency around student suspensions and behavioral incidents outlined in Intro 730. We would like to work with the Council to clarify specific reporting requirements, and ensure that they are consistent with DOE policy. Intro 730 requires DOE to report on the number of suspensions as well as the number of students suspended disaggregated by various categories. Given the scope of the reporting requirements and the level of disaggregation required by the proposed legislation as currently written, we are concerned that much of the data would have to be redacted in compliance with the Family Educational Records and Privacy Act, or FERPA. As you are aware, under FERPA, DOE is required to ensure that records containing student identifying information are not disclosed. Data can be considered student identifying information even if student names or identification numbers are not disclosed. We look forward to discussions with the Council to ensure the proposed legislation meets the twin goals of increased transparency and compliance with student privacy laws.

We will continue our efforts to ensure a safe and supportive school environment for all students that is conducive to learning and that will foster social-emotional growth and resiliency in our students. We have made great strides throughout the years but recognize that there is more work to do to support our students.

Thank you again. We look forward to our continued partnership with the Council on this important issue.



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**Statement of Vincent Schiraldi  
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Committee on Public Safety, Committee on Education  
and Subcommittee on Non-Public Schools  
April 14, 2015**

Good morning, Chair Vanessa Gibson, Chair Daniel Dromm, Chair Chaim Deutsch and members of the Committee on Public Safety, the Committee on Education and the Subcommittee on Non-public Schools. I am Vincent Schiraldi, Senior Advisor to the Mayor's Office of Criminal Justice and former Commissioner of Probation.

Thank you for the opportunity to testify today. The Mayor's Office of Criminal Justice advises the Mayor on public safety strategy and, together with partners inside and outside government, develops and implements policies aimed at achieving three main goals: reducing crime, reducing unnecessary arrests and incarceration and promoting fairness. In the realm of school climate policies, our office advises the Mayor on creating policies that ensure the safety of students and staff while reducing the likelihood that students will become involved in the criminal justice system.

Before discussing the school safety and climate reforms the Mayor announced in February, including the Leadership Team on School Climate and Discipline, I'd like to give some background data on the school safety and discipline that show substantial improvements in several areas over the past two plus years. The data show what this Administration wholeheartedly believes and continues to strive for – that we can have *both* safer schools *and* fewer arrests and suspensions.

From School Year 11-12 to SY 13-14 there has been a substantial 55% decline in arrests and 67% decline in summonses issued by NYPD's School Safety Division which Chief Brian Conroy runs. During those same two years, there was a 23% decline in student suspensions.

That favorable trend has continued this school year. DOE's data shows that suspensions have declined by another 11% from July 1, 2014 through April 2, 2015. Likewise, data from NYPD show that from July 1 through April 5<sup>th</sup>, arrests and summonses in schools are down an additional 19% and 12% respectively, when compared to the same time period last year.

But the reduction in suspensions, arrests and summonses is only half the equation. The programs and policies we are undertaking aim to make schools less punitive *and safer*, and we are constantly keeping an eye on school safety while carefully trying to improve school climate and reduce punitive student discipline. That's why it is encouraging to note that, from School Year 11/12 to School Year 13/14, overall reported crime in schools fell by 24% and major crimes fell by 20%. That encouraging trend has also continued this year, with a 7% decline in overall crime through April 5.

National research shows that when kids are suspended, it makes being held back in school, dropping out, and juvenile justice system contact all more likely, even controlling for individual student characteristics and school makeup. That's why we're proud that we have declines in suspensions, arrests, summonses and crime – because it means that more students are in school where they belong, rather than in a station house or juvenile detention.

In February, to build on this success, the Mayor announced a raft of School Climate reforms including **\$1.2 million** for restorative practices training; **\$2.4 million** to support educational planning and re-engagement for court-involved students; **\$1.5 million** to provide Therapeutic Crisis Intervention training to 1,500 staff members over the next 3 years in high-need schools; and **\$432,000** for a SAGA Innovations math tutoring program, for a grand total of **\$5.4 million** dedicated to school climate initiatives.

A major part of the Mayor's February announcement was the establishment of the Leadership Team on School Climate and Discipline. The mission of this task force is to recommend ways to further improve the climate for learning and enhance the well-being and safety of students and staff by using more effective methods of addressing disciplinary challenges than suspensions, arrests and summonses in the City's public schools. The Leadership Team is a collaborative effort involving multiple stakeholders – including representation from the City Council, city agencies, community members, unions, researchers, teachers, principals, students, parents and service providers – that will convene for a total of 12 months. The Leadership Team is co-chaired by Ursulina Ramirez, Chief of Staff of the DOE, and me.

To fulfill its mission, the Leadership Team will produce recommendations on strategies and funding required to:

- Improve the use of data to assess the effectiveness of current policy and practice, and spread promising positive discipline innovations system-wide;
- Increase access to mental health and other community-based supports for high-need students;
- Reduce the frequency and duration of suspensions and minimize arrests and referrals to the justice system for school-based disciplinary offenses;
- Reduce race, gender and disability disparities in student discipline; and
- Update the Memorandum of Understanding between NYPD and DOE to align the use of school security personnel and security measures with supportive school climate goals.

As I stated earlier, the Leadership Team was announced in February, but the idea of creating a multi-stakeholder task force to improve our school's climate had been a long time effort of many advocates. In June of last year, my office and the DOE and NYPD convened a large group of

advocates and students to discuss school climate reform recommendations. Advocates presented several recommendations, with their number one priority being the creation of the Leadership Team.

We carefully designed the structure and mission of this initiative in partnership with the advocacy community and in consultation with union representatives, principals, teachers, students and, of course, DOE and NYPD. The Leadership Team itself is comprised of a 30-person governing body that is charged with providing direction to the execution of the initiative's mission. In addition, five Working Groups, each led jointly by a government member and a non-governmental expert are currently working to produce policy recommendations that will later be reviewed by members of the Leadership Team. Technical assistance was generously supported by the Atlantic Philanthropies and we are hopeful that we'll receive support shortly from the Open Society Foundations.

Each Working Group is invested in developing recommendations to improve different aspects of student disciplinary policies.

- The School Climate Working Group is co-chaired by my co-panelist today, Lois Herrera, CEO of the Office of Safety and Youth Development and Kim Sweet, Executive Director of Advocates for Children. This group will produce recommendations to improve system-wide implementation of positive discipline strategies with a particular focus on high-priority schools.
- The Data and Research Working Group is co-chaired by Michele Sviridoff, Deputy Criminal Justice Coordinator at the Mayor's Office of Criminal Justice and Edward Fergus, Assistant Professor of Educational Leadership and Policy at New York University. This group has created a methodology for selecting high-priority schools –or schools that could benefit from additional supports. Additionally the group is creating a descriptive analysis of school climate data and will offer recommendations to improve data collection, quality and use.
- The Resource Integration Working Group is co-chaired by Gladys Carrion, Commissioner of ACS, and Nancy Ginsburg, Director of Adolescent Intervention and Diversion Team at the Legal Aid Society. This group will produce recommendations for improving educator access to community and citywide resources and services.
- The School Safety Working Group is co-chaired by Chief Brian Conroy, Commanding Officer of the School Safety Division of the NYPD and Kathleen DeCataldo, Executive Director of the NYS Permanent Judicial Commission on Justice for Children. This group is analyzing the effectiveness of current practices for improving school safety while continuing to reduce arrests and summonses. They will recommend training and other strategies to improve police-student relations and recommend updates to existing protocols for responding to non-emergency situations in schools, among other recommendations. The Legislative Counsel for City Council is a member of this working group as well as the Leadership Team.

- Lastly, the Principals' Working Group is co-chaired by Julie Zuckerman, principal of PS 513 Castle Bridge School in Washington Heights and Celeste Douglas-Wheeler, principal of MS 57 Ron Brown Academy in Bedford Stuyvesant. This is the only working group that has two governmental co-chairs. The Principals' Working Group will review and vet policy recommendations emerging from the other Working Groups and will produce its own recommendations to improve school climate assessment tools among other recommendations.

Each Working Group has met two times and will meet for a third time within the month. Meetings have been well attended and characterized by high degree of enthusiasm, candor and good will. Working Group co-chairs have expended considerable time preparing for and chairing meetings, with assistance from the Leadership Team's staff. Additionally, many Working Groups have formed multiple subcommittees that have met frequently to draft policy recommendations. At the request of principals, the last Principals Working Group meeting was 8 hours long! This high level of investment and commitment speaks volumes to the timeliness of this initiative and the concrete need that the Leadership Team is addressing. The Leadership Team will review a set of preliminary policy recommendations this spring and will release an update to the Mayor, Council, Chancellor, Police Commissioner, relevant agencies and the public in the summer. The task force will then continue to review progress and finalize priority topics for discussion during the next phase of the initiative—which will begin in the fall. In approximately December, the Leadership Team will produce its final policy recommendations.

As you can see we have made much progress, but there is still much to do. Principals and teachers in some schools feel like they do not have the resources necessary to implement positive behavioral strategies. Suspensions, arrests and summonses are often concentrated in a small number of schools. Moreover, racial, ethnic and special education disparities persist with regard to suspensions, arrests and summonses. The Leadership Team, working collaboratively with the DOE, NYPD and MOCJ, teachers, principals, students and community members, will continue to strive to improve the climate for learning and reduce the need for suspensions, arrests, and summonses in our schools. I am happy to answer any questions you may have.

**STATEMENT OF  
ASSISTANT CHIEF BRIAN J. CONROY  
COMMANDING OFFICER, SCHOOL SAFETY DIVISION  
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEES ON EDUCATION AND PUBLIC SAFETY AND  
SUBCOMMITTEE ON NON-PUBLIC SCHOOLS**

**APRIL 14, 2015**

Good afternoon, Committee Chairs and members of the Council. I am Assistant Chief Brian Conroy, Commanding Officer of the NYPD's School Safety Division. On behalf of Police Commissioner William J. Bratton, I would like to thank you for this opportunity to speak to you about public safety in New York City's schools.

It has been over sixteen years since the functions of the Board of Education's Division of School Safety were transferred to the Police Department, giving the Police Department the responsibility for managing school safety personnel and designating School Safety Agents, or SSAs, to be employees of the Police Department. Over the years, members of the Police Department have discussed with the Council the reasons for that change, and the level of crime that dangerously compromised the safety and security of the City's public schools at that time, to the ultimate detriment of the educational mission.

We note that there has been a 52% crime reduction in major crimes (654 vs. 1,368) over the last ten years, comparing the 2013/2014 school year to the 2003/2004 school year. That includes a 69% reduction in robberies and a 56% reduction in felony assaults. In other words, 205 fewer students were victims of a robbery and 218 fewer students were the victims of a serious assault during the last school year than had been victims during the school year ten years ago.

Today, I am pleased to be here to talk with you about the tremendous work that the School Safety Division has done in improving the safety of the school environment by reducing crime within our schools. The Department is also pleased to report on the very significant progress being made regarding school climate, and the substantial reduction in the number of students who are arrested or issued a summons by School Safety Division Personnel. Of course, as you have heard from my colleagues, improving school climate and reducing crime is not something that the School Safety Division does alone. We have several important partners who make it possible.

We begin with our partners in the Department of Education with whom we work very closely, on all issues related to school climate, school safety, and training. We also could not be as successful without our strong working relationships with school principals, the school administration, teachers, parents and most importantly the people we are there to protect -- our students. Over the last several years these partnerships have grown even

stronger, which I believe has significantly contributed to the improvement in school safety and school climate.

The numbers speak for themselves. Over the past three school years, 2011-12 through 2013-14, the School Safety Division has reduced arrests by 55% (398 vs. 891) and summonses by 67% (558 vs. 1,682). At the same time, major felony crime in schools has decreased by 20% (654 vs. 813). These trends continue during this current school year in which 54 fewer students were arrested by School Safety Division personnel through April 5, 2015 as compared to the same period last school year, for a 19% reduction (237 vs. 291). In addition, 50 fewer summonses were issued to students by School Safety Division Personnel through April 5, 2015 as compared to the same period last school year, for a 12% reduction (374 vs. 424). Similarly, crime continues to go down, with a 7% reduction comparing this school year to last school year (449 vs. 482).

We attribute much of our success to our enhanced training program for the 4,918 School Safety Agents and 138 Police Officers assigned to the School Safety Division. It is not a coincidence that school climate and school safety improved together as we revamped and enhanced our training. The training for our new School Safety Agent recruits has been increased from a 15-week training program at the Police Academy to a 17-week program. The comprehensive program includes training in the areas of Law, Police Science, Behavioral Science and Physical Education and Tactics, including the areas of bullying, the LGBT community, tactical communication, and defusing hostility. In order to assist in preparing SSAs for their special role as part of the school community, DOE personnel also participate in the training as instructors, and address specific areas such as Special Education, school administration, school governance, adolescent suicide, conflict resolution, bullying, child abuse, and substance abuse prevention. The additional two weeks has been dedicated to giving the School Safety Agents training on how better to work with school administration and students in areas of collaborative problem solving, conflict resolution, de-escalation techniques, and working with Special Needs students.

For the first time we went outside the Department to bring in experts in the fields of collaborative problem solving, and de-escalation and conflict resolution. Dr. Stuart Ablon, from Massachusetts General Hospital, is working with the School Safety Division, utilizing his "Think Kids Program." All Agents and Police Officers received an introductory, one-day training in this program in September, 2013. We have just initiated a new segment of this program, called Tier I, which was given to a total of 300 Agents and Police Officers last week. Tier I is a 2½-day training by Dr. Ablon on collaborative problem solving. The Agents are also getting a half-day training on restorative practices from the Department of Education.

The second major training initiative was conflict resolution training from Dr. Nicholas Long from the Life Space Crisis Intervention Institute. This is a very intense and interactive three-day training program that not only teaches Agents and Police Officers how to de-escalate conflicts but also asks both Agents and Police Officers to look at how they react to conflict.

**These trainings have been very positively received by both Agents and Police Officers. Both of the new training programs were implemented in a collaborative effort with the Department of Education.**

**Equally important to the successful work of the School Safety Division are our partnerships and strong working relationships with elected officials and with organizations and advisory groups from outside City government. One particularly effective partnership has been developed with the Bronx Parent Action Committee, a group of concerned parents who meet with us on a regular basis to discuss new ways to handle crime and disorder in schools and to improve school tone. They have participated in training School Safety Agents and continue to provide valuable feedback and counsel.**

**We want our Police Officers and School Safety Agents to be gatekeepers, to prevent unauthorized intruders and weapons from entering our schools. The need to keep weapons out of schools requires in some instances the use of magnetometers, which was begun in 1988 by the Board of Education's Division of School Safety. So far this school year, as of April 5<sup>th</sup>, we have recovered 1,036 weapons and dangerous instruments on school grounds, including 9 firearms, which represents an 11.6% increase in the number of weapons recovered over the same period last year.**

**We also want our personnel to work with school administrators to keep a young and vulnerable student population from leaving the school without adult supervision. Finally, we want School Safety personnel to work collaboratively with school principals to prevent students from being removed from school buildings for low-level offenses that can be handled within the school environment.**

**As you have heard, the School Safety Division is now also an integral part of the Mayor's Leadership Team. The leadership of the School Safety Division is working with representatives from other City agencies, advocacy groups, union leaders, and school principals to develop new ideas and make policy recommendations that will further improve the school environment and further enhance the positive role that our Police Officers and School Safety Agents have in creating a safe and productive learning environment.**

**Now that we have provided an overview of the work of the School Safety Division and its partners, we would like to offer our comments on Intros. 65 and 730.**

**At the outset, let me state the obvious. Nonpublic schools represent a vibrant part of the life of each precinct, and our precinct personnel maintain solid relationships with the leadership of all schools in their precincts, both public and nonpublic. The need to protect our most precious resource, our children, is never far from a local precinct commander's mind, and we are always eager and willing to have conversations with the Council and local community about ways you feel your local police force, from precinct commanders to beat cops, can better serve New Yorkers. The Department typically assigns, as needed, personnel to the routes commonly traveled by students to and from schools, whether public or nonpublic, both above and below ground, and assigns School Crossing Guards to both**

public and nonpublic schools, also as needed. Of course any school, like any other member of the community, may request a crime prevention survey from the Department to assist in improving the security of its premises, and may receive briefings or other assistance from Department experts on various topics of interest – handling a terrorist threat or an active shooter scenario, or efforts to combat prescription drug abuse, or the wide variety of opportunities for interaction and activities offered to young people by the Department.

If and when a problem arises in connection with a nonpublic school, the full resources of the Police Department are deployed appropriately to address it, whether it is a crime problem, a quality of life problem, or a threat. Last year, for example, at a large nonpublic school in Brooklyn, a homeless individual entered the premises and refused to leave; the police were called and promptly arrested the individual for Criminal Trespass in the 2<sup>nd</sup> degree. In another instance, an individual who was observed committing a traffic infraction refused to produce his license and registration and attempted to flee into a large nonpublic school. He was pursued and arrested immediately. In a tragic event involving a synagogue rather than a nonpublic school, a student was stabbed in the head by an individual who then threatened the responding police officers, one of whom fatally shot him.

Within that context, we would now like to discuss Intro. 65, which would require the assignment of at least one NYPD School Safety Agent to every nonpublic school at the school's request. While the intent behind the bill is understandable, the proposal raises several serious concerns for the Administration. The creation of legislation mandating a particular level of staffing undermines the normal budget process set forth in the City Charter, which determines how agency personnel budgets are established. That process is designed to address the changes in the City's needs and resources over time. We respectfully suggest that the annual budgeting process should continue to reflect the real-time development of the City's funding and staffing priorities, without the type of legislatively mandated staffing that could prevent the budget process from responding to current needs.

Further, City agencies possess broad flexibility under the City's laws in determining how to use their staffing resources in order to satisfy their missions. This is one of the most important ways the Mayor and agency heads are held accountable – that is, they are expected to deploy staffing resources effectively. We note that the Police Commissioner must balance many priorities to deal with both continuing and emerging security challenges. The Commissioner needs to be able to alter deployments rapidly to respond to those challenges, without going through the lawmaking process. If legislation requires that the Commissioner deploy particular staff to particular locations, and if this type of legislation serves as a model for other similar initiatives, the accountability and responsibility that are inherent in the jobs of both the Police Commissioner and the Mayor would be deeply compromised, potentially compromising public safety as well.

Intro. 65 would replace the expertise and judgment of the Police Commissioner and NYPD on where and what needs police protection on a given day with that of private, non-security experts. We agree with the spirit of the bill that non-public schools need and

deserve protection – we work hard to do that now and enjoy strong relationships with these institutions all over the city. We are open to talking about how to do it even better. But the Police need to retain prerogative and responsibility for how their forces are deployed to achieve the protection these institutions deserve.

The NYPD is also aware that Intro. 65 is not the only bill that the Council has introduced, related to security in nonpublic schools. Intro. 330, a bill introduced by Council Member Koo, takes a very different approach, one that focuses on physical security improvements. There are also legal and logistical questions surrounding that approach, but like Intro. 65, we are always willing to have conversations with you about the best way to protect New York's children.

With respect to Intro. 730, we understand the Council's intent to expand the amount and kinds of information to be reported by the Police Department on a quarterly basis, in order to gain greater insight into the Department's activities in public schools. As I hope we have communicated, we are highly focused on working in collaboration with all of our school safety partners, including the Council, and we welcome discussion of the bill in much greater detail at a staff level, in order to determine how we may provide more information in a practicable manner, consistent with the way we keep our records, and without compromising student privacy or safety.

Thank you for the opportunity to speak with you today, and we will be pleased to answer your questions.

# CATHOLIC COMMUNITY RELATIONS COUNCIL

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**Testimony before the New York City Council Committees on  
Public Safety, Education and Non Public Schools  
In Support of Intro. 65, the School Safety Agents Act  
Joseph Rosenberg, Executive Director  
Catholic Community Relations Council  
April 14, 2015**

Good afternoon, Committee Chairs Gibson, Dromm, Deutsch and members of the City Council Committees on Public Safety, Education and Non Public Schools. I am Joseph Rosenberg, the Director of the Catholic Community Relations Council (“CCRC”) representing the Archdiocese of New York and the Diocese of Brooklyn in New York City on local legislative and policy matters. I am pleased to be before you today to testify in support of Intro. 65.

I would like to thank Council Member Greenfield and the 46 Council members who are the sponsors of this very important legislative initiative. Current law provides for school safety agents to be assigned to public schools to ensure and enhance the safety of students in these facilities. This bill expands that requirement to include non public schools. If passed, Intro. 65 would specifically require the “New York City Police Department, upon the request of the authorities of a public or non public school, to assign no less than one school safety agent to such school”.

This legislation itself is only one short page, but, if passed, speaks volumes about the commitment and the absolute importance of providing security for ALL of New York City’s students.

The Catholic Schools of the Archdiocese of New York and the Diocese of Brooklyn provide quality education for over 80,000 students from pre-kindergarten to high school in our City. These schools are a major and consistent success story in the history of New York City with 99% of the senior class graduating every year.

The safety of our students is a priority. Each school ensures that their doors are locked during school hours and has safety plans in response to emergencies. These plans are in place throughout all the Catholic schools in New York City. Catholic schools, however, have fewer financial resources than public schools to invest in security measures leaving our students more vulnerable to acts of violence. In these uncertain times the additional degree of protection that would be provided by the passage of this legislation is essential and would be of tremendous assistance to the faculty and administrators of the Catholic Schools, but most importantly to our student body and their families. Who amongst us wants to wait for a compelling incident to realize what we should have done? We can do it now.

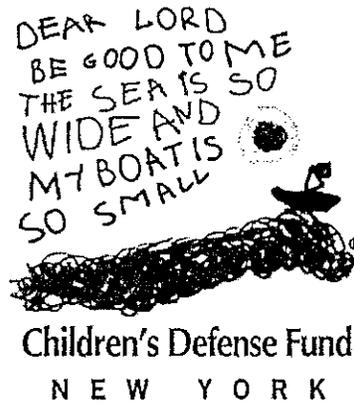
Public sector funding for essential non religious functions in Catholic schools has a long tradition in our City, especially when it comes to safety. New York City finances the hiring of nurses to protect the health of students in Catholic schools and provides bus transportation to ensure these students get to and from school safely.

The sponsors of this bill recognize that when it comes to safety, there should not and cannot be a preference or advantage provided for one population of students in our City over any other. Public schools in New York City already have safety agents in their buildings. Everyone in this Chamber understands that students in non public schools must have the same protection. Our children and families deserve nothing less.

Thank you

*Testimony of The Children's Defense Fund – New York*

*Before the*  
New York City Council Committees on Public Safety & Education



April 14, 2015

*Submitted by:*

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Good afternoon. My name is Dacia Read. I am the Senior Public Policy Associate at the Children's Defense Fund – New York. CDF-NY is grateful to Councilmember Gibson, Councilmember Dromm and the members of the Council Committees on Public Safety and Education for convening this hearing on school discipline, and providing an opportunity to submit testimony today.

The Children's Defense Fund's (CDF) Leave No Child Behind® mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities. CDF provides a strong, effective and independent voice for all the children of America who cannot vote, lobby or speak for themselves. We pay particular attention to the needs of poor children, children of color and those with disabilities. CDF-New York's unique approach to improving conditions for children combines research, public education, policy development, community organizing and statewide advocacy activities, making us an innovative leader for New York's children, particularly in the areas of health, education, early childhood and juvenile justice.

Through CDF's Cradle to Prison Pipeline® Campaign – a national initiative to stop the funneling of thousands of children, especially poor children and children of color down life paths that often lead to arrest, conviction and incarceration – CDF-NY works to replace punitive school discipline and safety policies in New York City schools with social and emotional supports that encourage a positive school climate and improve educational and social outcomes for youth. With our Bronx School Justice partners, we facilitate community workshops with school safety agents (SSAs) on the Cradle to Prison Pipeline and restorative practice to encourage SSA use of age-appropriate, youth development approaches in schools. We also currently serve on the School Safety Workgroup of the Mayor's School Climate and Discipline Taskforce, and participate in both the Dignity in Schools – New York Campaign and the Student Safety Coalition.

New York City is currently positioned to make great strides in the areas of school culture and discipline. Students, parents, advocates and City government are currently collaborating to explore and address a range of school discipline and safety issues through the Mayor's School Climate and Discipline Taskforce and inter-agency work groups focused on easing education transitions for students who return to City schools from suspension sites or juvenile placements. Even as the current Student Safety Act provides important data to inform this work, we are in need of additional data to develop needed solutions to school push out.

The Student Safety Act Amendments proposed in Int. 730 provide data to support imminent policy change and enhance outcomes for students across the City. CDF-NY respectfully requests that City Council seize the opportunity provided by Int. 730 to facilitate the public release of additional data on student discipline and safety. By limiting data redactions, making certain data available by school rather than by patrol borough, and providing additional data on schools' use of restraints and emergency medical services; the presence of metal detectors in schools; schools issuing multiple suspensions to individual students; school transfers after suspensions; and student interactions with NYPD officers other than SSAs, Int. 730 provides immediate opportunities for:

- the Administration and advocates to consider a fuller picture of students' interactions with law enforcement, including but not limited to SSAs, disaggregated by school and social demographics.
- the Bronx School Justice Work Group to target the provision of community workshops on youth-development approaches to agents in specific schools with high rates of restraint use and arrests;
- parents and advocates to ensure that the DOE follows through on the commitments it made in the settlement, *in T.H. et al. v. Farina, et. Al.* (13 Civ. 8777), to adopt guidance related to when school officials should call 911 for a child experiencing an emotional, behavioral or psychiatric event;
- the School Safety Division to consider which of the schools that currently use metal detectors may no longer need them, or could utilize a less intrusive practice to promote campus security;
- inter-agency work groups to support schools with students who repeatedly return from alternative learning centers or juvenile detention and placement;
- parents, students and advocates to better navigate school transfer requests after suspensions;

In a City where more than four student arrests are made in schools each day and 563 summonses are issued to students 16 and older in one school year, and where 61% of school arrests are of Black students and 43.7% of issued summonses are issued for subjective, youthful offenses like disorderly conduct that tend to be disproportionately issued to students of color, these and other immediate opportunities to stop New York City's cradle to prison pipeline must be seized immediately.<sup>1</sup>

The effects of racial disparities in school discipline are felt by society as a whole. Excluding students from school for disciplinary reasons is directly related to lower attendance rates and increased course failures, and can set students on a path of disengagement from school that will keep them from receiving a high school diploma.<sup>2</sup> As time spent learning in classrooms is one of the surest and most consistent indicators of academic achievement, alternatives to suspensions, arrests and summonses must be implemented to keep students in classrooms.<sup>3</sup> We are grateful to Councilmember Gibson and Councilmember Johnson for their leadership in introducing Int. 730, and urge members of the Council to support this important and *timely* piece of legislation.

Additionally, we urge members of the Council to support Int. 719, requiring reporting on the school-by-school ratio of school safety agents to school guidance counselors. Last September, CDF-NY submitted testimony<sup>4</sup> to the Council Committee on Education in relation to Int. 403-2014 regarding the critical role that school guidance counselors play not only in facilitating students' college and career readiness, but also in supporting school discipline and student re-integration into school after suspension. Through public data on school-by-school ratios of guidance counselors to school safety agents, further investigation can be done as to how DOE and School Safety Division staff are placed across City schools, and targeted recommendations for enhanced collaboration between the two can be developed.

CDF-NY is optimistic about our students' futures. We are grateful to the Administration, Department of Education and NYPD School Safety Division for their commitment to decreasing the issuance of suspensions, arrests and summonses in schools. However, more work must be done to eradicate the disproportionate impact of exclusionary discipline on students of color and students with disabilities. Through increased transparency, solution-oriented collaboration and the targeted provision of services and supports to our schools, we can and must improve outcomes for our students. Thank you for your support in these efforts, and thank you for your time today.

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<sup>1</sup> See NYCLU, "Student Safety Act Reporting on Arrests and Summonses: July 1, 2013 – July 30, 2014." Available at [http://www.nyclu.org/files/ssa\\_factsheet\\_2013-2014.pdf](http://www.nyclu.org/files/ssa_factsheet_2013-2014.pdf). See also NYCLU, "Student Safety Act Reporting on Suspensions: 2013-2014," Available at [http://www.nyclu.org/files/ssa\\_suspension\\_factsheet\\_2013-2014\\_edit.pdf](http://www.nyclu.org/files/ssa_suspension_factsheet_2013-2014_edit.pdf).

<sup>2</sup> Fabelo, T., Thompson, M.D., Plotkin, M., Carmichael, D., Marchbanks, M.P. III, & Booth E.A. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. New York, NY and College Station, TX: Council of State Governments Justice Center and Texas A&M University Public Policy Research Institute. Available at [http://www2.mysanantonio.com/PDFs/Breaking\\_Schools\\_Rules\\_embargo\\_final\\_report.pdf](http://www2.mysanantonio.com/PDFs/Breaking_Schools_Rules_embargo_final_report.pdf)

<sup>3</sup> Losen, D., Hewitt, D., & Toldson, I., (2014). *Eliminating excessive and unfair exclusionary discipline in schools: Policy recommendations for reducing disparities*. Bloomington, IN: The Equity Project at Indiana University. Available at <http://rtpcollaborative.indiana.edu/briefing-papers/>.

<sup>4</sup> <http://www.cdfny.org/research-library/documents/cdf-nys-testimony-2014-15.pdf>

Matthew Guldin's Testimony  
Student Safety Act Amendments  
Tuesday April 14, 2015

Good afternoon, Council members,

I am Matthew Guldin, former Dean of Students at East Side Community High School now serving as school climate coach at the Bronx Studio School for Writers and Artists (BSSWA). I am a member of Teachers Unite, a member organization of public school educators that works alongside students, parents and advocates in the Dignity in Schools – New York Campaign and the Student Safety Coalition.

I'm here today to address the need for more transparency in data around school climate and safety, particularly on the issue of multiple suspensions for students. Data reports from the DOE currently include the number of suspensions issued at each school, but tell us nothing about students who are suspended more than once. The proposed amendments to the Student Safety Act would include needed information about multiple suspensions at schools.

The Student Safety Coalition is asking for this change not to put schools 'on blast', but to get critical information from which the DOE, can effectively help schools deal with their challenges. It is hard work to create a safe, caring, accountable school community, and with more complete information, the city can better support the schools, students and families that need it most. And, if we don't offer help, we all know that the data shows that multiple suspensions in HS greatly increases a teenager's likelihood of dropping out of school, being on the street and ending up in jail.

I'll tell you about Junito – a sensitive and intelligent kid who was involved in gang related activity on the street which sometimes spilled into school in the form of 'defying authority', graffiti and fighting. Of course, we couldn't let these behaviors go unpunished and so Junito was suspended many times. We did offer counselling and family services through local CBOs, and one of my Asst. Deans even tried being his 'big brother', but our efforts, working alone, fell short. In the end, we didn't have the skills and resources to keep Junito in school and out of jail.

If the DOE had highlighted those schools with multiple suspensions, and again, not in a 'gotcha' sort of way, they would have been more equipped support us in our work to help Junito, perhaps giving us access to interagency services that we did not possess. Junito's road may have been altered.

Furthermore, it's not only the students whose needs will be addressed by such reporting. Some staff members in a school may be taking the 'easy way out' by pushing for the suspension of a child rather than engaging in the harder work of adequately addressing his/her needs. Having the information on multiple suspensions can lead us to finding out which schools or school personnel need support to develop a different approach to teen and pre-teen misbehavior.

Finally, having the multiple suspension info, may help us uncover where some of the ingrained racial prejudice in our system lies. We all know that 27% of our student population is African American and yet 54% of our suspensions are of African American young people. With the multiple suspension data on hand, we will be able to look at our schools' suspension data objectively and see where some of our system's structural racism may lie.

I thank you for listening and look forward to your questions.

Respectfully submitted,

Matthew Guldin, 4-14-15



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

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**Testimony to be Delivered to the New York City Council Committee on Public Safety, the Committee on Education, and the Sub-Committee on Non-Public Schools**

**Re: Int. Nos. 730 & 719**

**By Nick Sheehan, Advocates for Children of New York  
April 14, 2015**

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Thank you for the opportunity to testify today. My name is Nick Sheehan. I am a staff attorney and Skadden Fellow at Advocates for Children of New York (“AFC”) where I represent students caught in New York City’s School-to-Prison Pipeline. AFC plays a leadership role in the Dignity in Schools Campaign – New York, the Student Safety Coalition, and the Mayor’s School Climate Leadership Team. As a part of the Leadership Team, we are working closely with the New York City Police Department (“NYPD”) and Department of Education (“DOE”) to examine and reform school policing and discipline practices. The NYPD and DOE have been very willing and able partners in this work.

AFC supports the passage of both Introduction Number 730, amending the Student Safety Act, and Introduction Number 719, requiring the DOE to report on the ratio of School Safety Officers (“SSOs”) to Guidance Counselors in each school.

**Introduction Number 730 – Amending the Student Safety Act**

When the City Council passed the Student Safety Act in 2010, it was among the most comprehensive and progressive school discipline reporting laws in the



nation. However, four years of reporting by both the DOE and NYPD has revealed the Act's limitations. These limitations result in reports that fail to capture the entire picture of how the NYPD and DOE administer school policing and discipline.

Introduction 730 remedies these limitations.

My testimony focuses on two of the very significant gaps in the Act's current reporting requirements. First, the Act presently requires the NYPD to count and report only those summonses issued and arrests made by its School Safety Division ("SSD"). The Act does not require the NYPD to report on summonses issued or arrests made by regular patrol or precinct officers. As a result, there is an entire universe of school-based summonses and arrests that the Student Safety Act fails to capture. Introduction 730 addresses this gap by requiring the NYPD to report on school-based summonses and arrests made by any NYPD employee, whether they are a SSO, a uniformed task force officer assigned to the SSD, or a regular patrol or precinct officer. This change will provide a more complete and accurate picture of the NYPD's use of summonses and arrests in schools.

Second, at present, the DOE's annual reports under the Act are riddled with redactions that limit the data's usefulness. Though the DOE is required to report on important information such as which students are being suspended for what types of infractions and how long those suspensions last, these statistics cannot be calculated at the school-district or citywide level due to the heavy redactions in the DOE's reports. Citing laws intended to protect student privacy, the DOE refuses to disclose



counts of students in any reporting category where the count falls below ten. For example, if a school issues fewer than ten principal's suspensions, the DOE redacts the actual number and replaces it with a symbol. For such a school, it is therefore impossible to determine not only the total number of principal's suspensions issued but also the number of suspensions issued to discrete student populations, like students with disabilities or students of color.

The DOE has argued that, because the Act requires reporting at the individual school level, disclosing any number less than ten could allow someone to identify an individual student, and thus the report would violate the federal Family Educational Records Privacy Act ("FERPA"). Introduction 730 addresses the DOE's FERPA concerns while solving the over-redaction problem. As amended, the Act would require the DOE to aggregate each reporting category at the school district and citywide levels. Aggregating and reporting the data at these levels make it much less likely that any single category count will be less than ten, thereby avoiding redaction and resulting in more robust data reporting. Furthermore, aggregating the data in this way is one of several methods the U.S. Department of Education recommends to ensure that school districts comply with FERPA when releasing large amounts of student data.

Closing these gaps in the Student Safety Act will increase transparency around how the DOE and NYPD use suspensions, summonses, and arrests as school discipline and policing tools. The additional data these amendments will provide will



help the City identify with greater specificity those schools that rely too heavily on exclusionary discipline, summonses, and arrests, and those students in greatest need of interventions and supports. It will also help the City address the fact that students of color and students with disabilities are disproportionately subjected to these punishments, missing valuable time in school. Making this information public will empower parents, students, and advocates in the schools and districts that too frequently suspend and arrest students to demand that the NYPD and DOE reform their school policing and discipline practices and devote the resources necessary to build and sustain truly safe and positive school climates.

**Introduction Number 719 – Requiring the DOE to Report the School-by-School Ratio of School Safety Officers to Guidance Counselors**

AFC also supports passage of Intro. 719, which would require the DOE to report to the City Council the school-by-school ratio of SSOs to Guidance Counselors. In AFC's work on the Mayor's School Climate Leadership Team, educators and principals regularly remind us of the important role guidance counselors, social workers, and school psychologists could play in their schools. However, far too often schools lack a sufficient number of these key personnel to effectively serve their students, or lack full-time social workers or school psychologists entirely. AFC urges the Council to amend this bill to include the



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school-by-school ratio of SSOs-to-full time social workers and SSOs-to-full time school psychologists as well.

In addition, AFC urges the Council to amend Intro. 719 to include reporting of three other important ratios: the guidance counselor-to-student ratio, the full-time social worker-to-student ratio, and the full-time school psychologist-to-student ratio.

Thank you again for the opportunity to testify. I am happy to answer any questions you might have.



**NYCLU**

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**TESTIMONY OF THE NEW YORK CIVIL LIBERTIES UNION<sup>1</sup>**

**before**

**THE NEW YORK CITY COUNCIL**

**on**

**Intros No. 730, 719 and 65**

**April 14, 2015**

The New York Civil Liberties Union respectfully submits the following testimony in strong support of Intros 730 and 719, which will amend reports on school discipline and police department activity relating to schools. We respectfully oppose the passage of Intro 65, which will require the NYPD to provide school safety officers to private schools, including religious schools.

With more than 50,000 members and supporters and nine offices across the state, the New York Civil Liberties Union is the foremost defender of civil liberties and civil rights in New York. For nearly a decade, as part of our dedication to protecting the right to a quality education for all of New York's children, we have worked to better understand the impact of overly harsh school safety and disciplinary practices on New York City's students, including improving transparency and issuing a series of reports to educate policymakers and the public. We are dedicated to eliminating the school-to-prison pipeline in New York City, through representing individual students in discipline hearings, challenging school-based arrests, and, this year,

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<sup>1</sup>This testimony was written by Becca Cadoff, Lauren Frederico, and Johanna Miller. It was edited by Lauren Frederico, Johanna Miller and Ujala Sehgal.

working closely with NYPD, DOE, the Council, and the Mayor’s office to bring meaningful policy change to schools as part of the Mayor’s Leadership Task Force on School Climate.

Thanks to the leadership of Mayor de Blasio, a team of experts, advocates, parents, students, and policymakers is currently engaged in a top-to-bottom examination of all aspects of school safety and discipline policy—from data collection to training for school safety officers to ways to support principals in creating positive discipline programs. Recommendations from the Leadership Task Force on School Climate will be issued later this spring, and we are particularly thankful to Chief Brian Conroy and Assistant Commissioner Ramon Garcia of the School Safety Division, and Lois Herrera and Mark Rampersant of the DOE, for engaging so thoughtfully with advocates on these important issues.

The City Council has a key role to play in supporting the work of the Task Force: by amending the Student Safety Act to improve public reporting on student discipline, the Council can indicate its support for school climate improvement, and give the city an important tool to measure ongoing progress in the schools.

**I. Introduction**

***a. Emergence of Exclusionary Discipline and Policing in Schools***

In 1998, Mayor Rudolph Giuliani and the then-Board of Education entered into an agreement that transferred school safety responsibilities to the New York Police Department. With this transfer, Broken Windows policing philosophy entered NYC public schools. In practice, this has meant that students have been subjected to criminal punishments for minor infractions, such as writing on a desk, and the school safety division of the NYPD has grown

such that, standing alone, it is the fifth largest police force in the nation.<sup>2</sup>

However, suspending and arresting students for minor offenses, and issuing summonses to misbehaving teenagers do not make schools safer. In fact, these practices push New York City's most vulnerable students out of classrooms and into courtrooms and disciplinary programs, potentially depriving them of their right to an education. Indeed, exclusionary school discipline is directly linked to student failure: a single suspension in high school lowers the odds that a student will graduate in four years by 46 percent, and students who are arrested in school are at least twice as likely to drop out of high school as their peers.<sup>3</sup>

***b. The Student Safety Act of 2011***

Enacted by the City Council in 2011, the Student Safety Act (Local Law 6) represented a critical first step toward creating safer schools that treat all young people with dignity and respect. The law has provided policymakers and the public with invaluable access to data about student suspensions and the activities of the NYPD in schools, including data that showed New York City's children of color and students with disabilities were unfairly impacted. Today, the DOE and NYPD are exploring and investing in profound changes regarding the management of student behavior and school climate. It is no exaggeration to say that change came about because of the Student Safety Act.

***c. Trends in School Safety and Discipline***

Reporting under the SSA shows that suspensions and arrests in schools have declined since reporting began. Suspensions are down from over 73,000 in School Year (SY) 2010-2011

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<sup>2</sup> American Civil Liberties Union and New York Civil Liberties Union, "Criminalizing the Classroom: Over-Policing of New York City Schools" (2007); Annenberg Institute for School Reform, Make the Road New York, and New York Civil Liberties Union, "Safety with Dignity: Alternatives to the Over-Policing of Schools" (2009).

<sup>3</sup> Gary Sweeten, *Who Will Graduate: Disruption of High School Education by Arrest and Court Involvement*, 23 Just. Q. (2006) 462, 473-477. Available at <http://dx.doi.org/10.1080/07418820600985313>. Douglas Ready et al., *The Experiences of One New York City High School Cohort: Opportunities, Successes, and Challenges*, Education Funders Research Initiative, Oct. 8, 2013: 16. Available at <http://www.edfundersresearch.org/sites/edfundersresearch.com/files/EdFunders%20Paper%20232.pdf>.

to fewer than 55,000 in SY13-14, arrests dropped from 882 in SY11-12 to 393 in SY13-14, and summonses dropped from 1,666 in SY11-12 to 563 in SY13-14. The School Safety Division has added some content on conflict resolution, adolescent development, and de-escalation to its school safety officer training. The DOE has refined the Discipline Code to favor positive interventions before suspension, and eliminated suspension as a disciplinary option for several infractions.

However, racial and disability disparities in school discipline remain a persistent problem. Black and Latino students make up three-quarters of the student population, but represent almost 90 percent of students suspended from school and arrested by school safety officers. Additionally, only 12 percent of NYC public school students have individualized education plans (IEPs), yet students with IEPs make up around one-third of suspended students.<sup>4</sup>

And despite recent declines, exclusionary discipline still occurs with alarming frequency. For example, during SY13-14, there were 144 schools that issued at least 100 suspensions. Even more alarming, some smaller schools did not issue as many suspensions overall but issued almost as many suspensions as they had students enrolled.

We also see that students are subjected to very long suspensions, increasing their time away from school, and decreasing their chances of success. The average suspension length in NYC in 2010 was 25 days. This is 2.5 times longer than the maximum suspension length in many states, which cap suspensions at 10 days. It is promising that in SY13-14 the average length decreased and there were more short-term suspensions than long-term suspensions. However, even among short-term suspensions, twice as many students were suspended for the maximum time (5 school days) as the minimum time (1 school day). Most egregiously, there were more than 600 suspensions that lasted 30 school days (a full *six weeks* of school).

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<sup>4</sup> Between 2010 and 2014, 31- 36 percent of students suspended annually had IEPs.

Clearly, the Student Safety Act has been vital to shedding light on problems with school climate. However, the current law still has many gaps in reporting that need to be addressed – gaps that must be closed in order to present an accurate picture of school discipline practices citywide.

*d. Missing Pieces*

Despite the valuable information provided under the Student Safety Act, questions remain. The censorship of key data points under the SSA seriously limits the ability to fully understand fully discipline practices in New York City public schools.

*i. Redactions*

The DOE redacts any cell totaling up to nine suspensions, including zero, meaning that year after year, up to 85 percent of suspensions reported by category are redacted. For example, in SY13-14 (the most recent reporting year), almost 65% of suspensions reported by infraction were redacted, and all cells on suspensions lasting longer than 30 days were redacted. This means we have no way of knowing any information about the 600 suspensions that resulted in students missing six weeks of school, or any suspensions longer than that—including the students’ race, special education status, age, or what they were accused of doing.

While the NYCLU acknowledges and respects adherence to federal student privacy protections (indeed, the ACLU was integral in enacting the Family Educational Rights and Privacy Act in the 1970s), these redactions go far beyond what is required under the law. We urge the Council to require the DOE to report any cell totaling zero suspensions, as well as those totaling six through nine. Redacting cells with zero suspensions does not protect any student’s privacy; moreover it obscures what could be vital information about schools with the most successful positive discipline programs.

*ii. Citywide Totals*

In addition, the DOE must provide citywide totals for each reporting category, with no minimum cell size requirement. While individual schools may not meet the minimum cell size for disclosure of each infraction, it is unlikely that citywide totals for such a large population would fall below that threshold. Additionally, given that over one million students attend New York City public schools, the privacy risk inherent in such disclosure is minimal, even where the cell size does not exceed the established minimum.

The value of knowing citywide totals, however, is immense. For example, from the little information we do have about individual infractions, we know that insubordination and minor altercations (previously known as “horseplay”) result in a large proportion of all suspensions, but we don’t know how many. Likewise, understanding citywide totals for each race/ethnicity category and totals for students with and without IEPs is vital to understating the apparent disparities in suspensions. The redactions make it impossible for the public to access these most basic—and most relevant—pieces of information. Having a complete picture of infraction totals would allow policymakers and the public to make an even better-informed assessment about removing students from school for such minor misbehavior.

*iii. Missing NYPD Data*

Under the SSA, the NYPD only reports arrests and summonses by eight regions (each borough, with Brooklyn, Manhattan, and Queens each broken into two reporting areas), rather than by campus or by school, so little is known about the schools at which the majority of arrests and summonses occur. We know anecdotally that a handful of schools are responsible for the majority of student arrests, but there is no transparency about which schools those are, and whether the DOE and NYPD are getting them the resources and interventions they need.

*iv. Missing Requirements*

There are additional disciplinary tactics that are not reported at all under the 2011 law. For example, students can be removed from classrooms for disruptive behavior for up to five days (sometimes called *teacher removals*), and we know students are too often referred to emergency medical services (EMS) as a means to address disruptive behavior, particularly special needs students. We also know that the NYPD uses permanent and temporary metal detectors in many schools, and handcuffs are used on students as young as five years old. But none of these areas are captured by current law—though physical restraints and emergency transports are certainly some of the most traumatic disciplinary events a child could experience.

Additionally, the law only requires the NYPD to report on interactions between students and members of the School Safety Division, even though precinct-based police are often called into schools. There is literally no public understanding of the operations of uniformed NYPD officers in schools, including arrests, interrogations, or the use of handcuffs. Understanding all interactions between the NYPD and students is vital to improving school climate.

The amendments to the Student Safety Act captured in Intro 730 will address these and other gaps in current law, allowing us to recognize improvements in school discipline, and to better identify those areas where schools and young people need more support. We urge the Council to pass Intro 730, the much-needed amendments to the Student Safety Act, and to make the City a leader in reforming the school-to-prison-pipeline.

**II. Additional Reforms**

Data alone will not fix the problems associated with harsh discipline or police in schools, nor will it end discriminatory impact of discipline on certain groups of students. Access to data is a first step, but the Council must respond to data that indicates infringements on students' rights,

and reform the policies that drive them.

*a. Increase the Number of Social Workers and Guidance Counselors*

There are 1.5 times as many school safety officers as guidance counselors in New York City schools. This averages to about one guidance counselor for every 367 students, meaning that student support services are severely lacking (the national professional body for guidance counselors recommends a ratio of 50:1<sup>5</sup>). The staffing of New York City schools represents a misplaced use of funding and misguided ideas about how to create safe and supportive school climates. This allocation of resources also sends a harmful message to young people about the mission of our city's educational system and the expectations for their futures. Hiring enough social workers and guidance counselors to more fully staff schools could have a real impact on suspension rates citywide, and expanding access to school-based mental health services could decrease the need for EMS referrals. Intro 719, being considered today, is a step in the right direction.

*b. Fund Restorative Practices and Alternatives to Suspension*

The Council can also support positive behavioral interventions and restorative justice practices, such as conflict resolution guidance, and improved training in school buildings on de-escalation tactics through budgetary measures. Schools need uninterrupted funding assistance to hire personnel and obtain trainings that will reduce student disciplinary referrals.

**III. Intro 65**

The NYCLU opposes passage of Intro 65, which would make School Safety Officers available to private and religious schools upon request. Currently, the School Safety Division is an enormous police force (outnumbering guidance counselors by 50%), with an equally enormous budget, in a climate where budget dollars are scarce. The Division is working hard to

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<sup>5</sup> *Student-to-School-Counselor Ratio 2010-2011*, American School Counselor Association. Available at <https://www.schoolcounselor.org/asca/media/asca/home/Ratios10-11.pdf>.

improve training and supervision to further reduce the number of arrests in schools, and additional strain on its resources could set back this important work for New York's one million public school students. Further, the NYCLU is strongly opposed to the use of government funding and services to support religion, including religious schools. This is an inappropriate use of city resources, and skirts dangerously close to government sponsorship of religion, forbidden by the First Amendment to the U.S. Constitution.

#### **IV. Conclusion**

In its first incarnation, the Student Safety Act provided much-needed transparency on the discipline of New York City students. Data reported under the SSA have permitted the public, press, and policymakers to analyze exclusionary discipline as never before. We commend the Council for its leadership enacting this law.

However, the data show that schools are still disproportionately removing black students and students with special needs from classrooms for minor infractions, and the data still has many gaps. We thank the Council for its continued work to promote equal access to education and safe schools for all of NYC's students, and urge the Council to pass Intros 730 and 719 to further promote vital transparency around this area of education policy.

Reporting laws are powerful when they are enforced and monitored. Indeed, the Student Safety Act has focused the public's attention on the school to prison pipeline operating in our own city. Sunshine on school policy has helped us arrive at a turning point in school discipline—one where advocates, lawmakers, and DOE and NYPD leadership agree that there are better ways to make schools safe than exclusionary discipline. But we need continued transparency and policy leadership to cross the finish line.

We look forward to working with the DOE, NYPD, and the Council to ensure that all our

students are given a fair chance, and our educators are given the right tools to create safe, supportive schools.



Good afternoon. My name is Christine Rodriguez. I am a 17 year old senior at the Bushwick School for Social Justice and a youth leader at Make the Road New York as well as the Urban Youth Collaborative. Today we have come together to advocate for a stronger Student Safety Act so that we can have all the data we need to address school discipline practices across the city, especially the disparities.

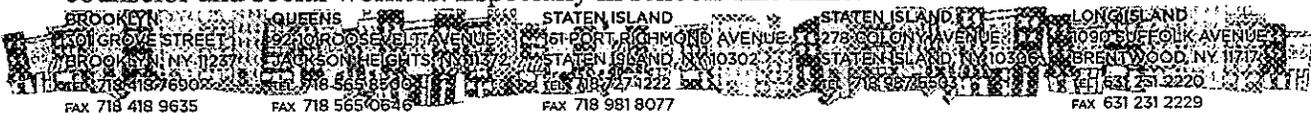
In 2011, we were able to pass the Student Safety Act – which for the first time made public what we already knew that too many Black and Latino youth were being pushed out of school through arrests and suspensions for minor behaviors the true impact of the school-to-prison pipeline on Black and Latino/a students won't be known until we know all of the data.

There are hundreds of students that have been arrested in school that is not currently captured in the data. We also do not have access to data showing when students are suspended multiple times and students as young as 5 years old are handcuffed inside school. These amendments will change that.

This date is important in making policy changes, so we deserve to see better and stronger data in order to see better and stronger policies to support students - like eliminating suspensions for defying authority - the number one reason students get suspended. There are already schools that are investing in restorative justice approaches that are refusing to suspend students for minor behavior like insubordination, right here in New York City. These schools have created a safe environment WHILE keeping students in school.

Speaking as a youth who has attended New York public schools my whole life, I want to say how important it is to hear directly from us - the students. We live the impact of these policies every day. We know what works and doesn't. Now that I am a part of the Mayoral Leadership Team on School Climate and Discipline, I am committed bringing solutions we know work to the table. Making these amendments to the Student Safety Act is another important step in the right direction, but we need to push ourselves to do more to stop pushing students out of school and investing in their future.

In New York City \$300 million dollars are being spent to police and criminalize students, while \$1 million dollars is invested on restorative justice. What does that tell us about how the city decides to invest in students and our education? More money is spent on police than guidance counselor and social workers. Especially in schools like mine.



Investing in Restorative Justice is investing in our NYC scholars in order to take a big step to ending the SCHOOL-TO-PRISON PIPELINE in our NYC schools. We must strengthen the Student Safety Act and invest in Restorative Justice today.

Onyx Walker

Student Safety Act testimonioy

Future of Tomorrow

4/14/2015

My name is Onyx Walker and I am a youth leader with Future of tomorrow and the Urban Youth Collaborative. I attend the Franklin K. Lane campus High School.

Here is my story. I had lost my metrocard during the last week of summer school. To get to school the next day I borrowed my friends metrocard who was finished with his regents that week. It was the last day of summer school and they were not issuing new metrocards. I had no money, but needed to get to, and from school. I went to school, picked up my belongings and headed home. When I got to the train station I swiped the metrocard and was stopped by a police officer. He asked me "How did I get onto the train?" I told him I swiped a school metrocard. He then asked to see the metrocard. He then asked "Why did I have this metrocard, Summer school is over?" I then said today was actually the last day of summer school and I had to return to school to retrieve my belongings. He then asked me for my information, I gave him my school ID. The officer then told me he could give me a ticket for using someone elses metrocard. He then returned my ID and waved his hand signaling for me to leave. Since today was the last day of summer school, and many students get on the same train daily, I was curious as to why he stopped me in the first place. I simply asked "Why did you stop me?" He responded "What?" I asked again, "Why did you stop me?" He then furiously told me now I deserve the ticket. He gave me the ticket because I asked him why was I being stopped. I then tried to get on the next train, but he and his partner blocked me from

getting on. They told me to leave the train station or I would be arrested next. I was kicked out of the train station in front of several other students.

This incident was embarrassing and insulting. Was this incident reported to my school, or to the Department of Education? Probably not. I simply tried to get home. Why are cops waiting for students outside of their schools to hand out summons and tickets. Hundreds of black and latino students are constantly policed in their communities, on their way to and from school, and sadly policed in their schools as well. In no way did I feel safe with this cop, and he only raised more concern with me ever feeling safe with the cops inside of my school. We currently only know how many students are arrested and given summons by Student Safety agents in schools. We need the data on all interactions with police and students in schools. We know that black and latino students are primarily affected from the school to prison pipeline. But we will never know the full impact without all the data.

Matthew Evans

SSA Hearing

4/14/2015

My name is Matthew Evans and I am youth leader with Future of tomorrow and the Urban Youth Collaborative. I attend the Franklin K lane campus. This june I will graduate and I will be attending SUNY Cobleskill college in the fall.

Everyday for the past four years, I've walked into my school and I was greeted with a line. When I finally get to the school doors I am face to face with several School Safety Agents and three metal detectors. I rarely heard good morning, and I was more likely to hear, "Remove your items from your pockets, take off your boots, and step to the side to get wand down." Not the best way to start your morning, especially when you're being slowed down on getting to your first period class. The metal detectors caused flare ups, items getting thrown away, and mix-ups of belongings when you are rushing hundreds of students through metal detectors. I got so use to removing my belt that sometimes I forgot to put it back on until the end of the day. School officers, metal detectors, scanning machines, these things are criminalizing innocent youth. Why does walking into school, feel like walking into rikers island??

I wish to see the day when students can enter my school without waiting in a line. I look forward to the day when students walking into my school see teachers, principals, or any staff person at the school door saying good morning, and wishing them a productive and

successful day. I want to see the day when students can keep their belts on, boots on, and the items in their pockets before going into school. Hopefully one day, the future students of my high school can get a well deserved education without being criminalized

I came to City Hall last month for a hearing. Me and my friends went through the metal detectors just like all of you today. We started taking off our belts, and my friend Onyx started removing his boots. The guards then said "Whoa, keep your shoes on and your belts, we are not the TSA" and the guards started to laugh. Of course they meant no harm, but little did they know, students at my school and other schools with hundreds of students have to take off our belts and boots daily to get our education.

We are over policed and criminalized in our schools, this doesn't make me feel any safer in school. We do not need more School Safety agents, we need guidance counselors, social workers, students success centers, and most importantly support. the power is in your hands to either support the school to prison pipeline or you can end school to prison pipeline , its your choice.

**TESTIMONY**

**The Council of the City of New York**

**Committee on Public Safety**

**Vanessa Gibson, Chair**

**Committee on Education**

**Daniel Dromm, Chair**

**Subcommittee on Non-Public Schools**

**Chaim M. Deutsch, Chair**

**Oversight: Exploring School Climate and School Discipline Codes**

**Int. 0065 - in relation to requiring the New York City Police Department to assign school safety agents to public and nonpublic schools, upon the request of such schools.**

**Int. 719 – in relation to requiring the Department of Education to report the school-by-school ratio of school safety officers to guidance counselors.**

**Int. 730 – in relation to reports on school discipline and police department activity relating to school**

**April 14, 2015**

**New York, New York**

**Submitted by  
The Legal Aid Society  
199 Water Street  
New York, NY 10038**

Good afternoon. I am Nancy Ginsburg, Director of the Legal Aid Society's Adolescent Intervention and Diversion Project in the Criminal Practice, a specialized unit dedicated to the representation of adolescents aged 13 to 18. who are prosecuted in the adult criminal courts. I present our testimony today with Cara Chambers, Director of the Kathryn A. McDonald Education Advocacy Project of the Juvenile Practice. We submit this testimony on behalf of the Legal Aid Society, and thank Chairpersons Gibson, Dromm and Deutsch and the Committees on Public Safety, Education, and the Subcommittee on Non-Public Schools for inviting our thoughts on the proposed amendments to the Student Safety Act. In today's testimony we address Introduction 719, requiring the Department of Education to report the school-by school ratio of school safety officers to guidance counselors and Introduction 730, in relation to reports on school discipline and police department activity relating to school.

We applaud the Council for bringing some transparency to school discipline in New York City through the passage of the School Safety Act. We are hopeful that we can work with the Committees to assess the data released in response to this important law in order to make the City's schools safer and more hospitable environments for learning for the students and staff alike. We appreciate your attention to this area of vital concern to our City's children and their families.

The Legal Aid Society is the nation's largest and oldest provider of legal services to low-income families and individuals. As you know, from offices in all five boroughs, the Society annually provides legal assistance to low-income families and individuals in some 300,000 legal matters involving civil, criminal and juvenile rights problems. Our Juvenile Rights Practice provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our Juvenile Rights staff represented more than 34,000 children, including approximately 4,000 who were charged in Family Court with juvenile delinquency. During the last year, our Criminal Practice handled nearly 220,000 cases for clients accused of criminal conduct. Many thousands of our clients with criminal cases in Criminal Court and Supreme Court are teenagers. In addition to representing these children each year in trial and appellate courts as well as school suspension hearings, we also pursue impact litigation and other law reform initiatives on behalf of our clients.

Our perspective comes from our daily contacts with children and their families, and also from our frequent interactions with the courts, social service providers, and City agencies including the New York Police Department, Department of Education, Department of Probation, and the Administration for Children's Services.

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

## Transparency in Government

Our position regarding the pending legislation is heavily influenced by the belief that government fulfills its oversight role most effectively when its activities are open and transparent to citizens. With visibility into government actions and spending, people are more likely to participate in the political process and hold government officials accountable for their actions. When citizens engage in the issues that affect them, they can help to ensure that power and public funds are used wisely and are representative of their interests.

## Progress is being made

The most recent reports of school suspensions and arrests are a testament to transparency in government practices. Despite years of public hearings and advocacy addressing the overuse of arrests and suspensions in schools, it was not until the City Council acted in passing the Student Safety Act, which required reporting about school suspensions by the Department of Education and arrests and summonses by the New York Police Department that we saw a correction in those practices. This singular legislative act effectuated substantial reform in school discipline practices.

Since the enactment of the Student Safety Act, the numbers of students suspended from and arrested in school have fallen significantly. The Department of Education should be commended for facilitating decreases in school suspensions, as should the NYPD for the decreases in school-based arrests and summonses issued in schools by School Safety Agents.

These trends are very encouraging, but there is more to be done. Both the DOE and the NYPD have engaged in important self-study about their roles in improving school culture. We note and applaud the increased training opportunities for educators, administrators, school safety agents and police officers assigned to schools. We applaud the heightened scrutiny applied to school discipline practices in schools throughout the City. Additionally, we are encouraged by the increased receptivity to discussions about improving school culture at the highest administrative levels of the involved city agencies, and in particular by the creation of the Mayoral Leadership Team on School Climate and Discipline.

It should be noted, however, that more can be done to ensure that the policy evaluation occurring at the central offices of the Department of Education makes its way into the schools. There remain issues of inappropriate classroom management, hostile interactions between school safety agents and students, and overuse of school exclusions without preliminary attempts to use non-exclusionary practices. We are cautiously optimistic that the DOE and NYPD will address these issues as the evaluation process continues. The Legal Aid Society looks forward to working with the DOE and the NYPD to continue the progress that has been achieved.

## Balancing safety and support in schools

The Legal Aid Society strongly supports creating a safe learning environment for the children of New York City, but it has been our experience that, in many schools, the actions of SSAs create the opposite of their intended effect by undermining the sense of safety among students and school staff. We recognize that some schools have histories of disruption and danger that need to be addressed. However, the addition of law enforcement officers should not be the primary or sole response to these issues.

By relying on SSAs rather than school guidance counselors, social workers, psychologists and teachers, we, as a City, are losing opportunities for teaching lessons of social interaction, conflict resolution and conflict de-escalation that are inherently part of every young person's social education. These skills were historically taught by educational staff. Instead, a security force trained in apprehension and delivery for courthouse punishment increasingly takes the lead role in responding to student behavior. This unit of agents is employed and trained by the NYPD and reports to the NYPD, rather than the DOE. There is insufficient coordination between the DOE and NYPD, despite language in the Memorandum of Understanding ("MOU") that suggests the two agencies coordinate to support the DOE's educational mission. Additionally, the language in the current MOU is far too vague to provide guidance on the ground.

We recommend that the Council obtain additional details concerning the school-based felony arrests for assault reported by the NYPD. In our experience representing students in these cases, incidents that end up being charged as assaults against the SSAs begin with a student talking back to school personnel or the officer, and the situation then escalates when the officer puts his or her hands on or tries to handcuff the student. A series of opportunities to de-escalate the incident are often missed. Almost all of the initial behavior could have and should have been addressed by school personnel and not law enforcement. The current culture encourages teachers and administrators to simply call on school security to address all conflicts, which results in punitive, rather than educational interventions.

Consistently, since the numbers have been reported, close to half of the summonses have been issued for disorderly conduct. In our cases, Legal Aid lawyers often see instances where the facts do not meet the legal definition of disorderly conduct. We see a danger that in the school environment, any act of disrespect can be criminalized into "disorderly conduct." Being disorderly in the vernacular--yelling, cursing, or fooling around--is not contemplated in the offense of disorderly conduct unless it is accompanied by a conscious intent to cause, or a reckless disregard that causes, public inconvenience, annoyance or alarm. For example, a student who speaks disrespectfully to a school safety agent without intending to cause or causing a disturbance in the school does not meet the legal standard for disorderly conduct.

This distinction raises another issue recently addressed in a case that was litigated by our office in Family Court in Brooklyn.<sup>1</sup> A student was arrested for resisting arrest, and the case was ultimately dismissed by the Judge. In this case, the school safety agents responded to a fight in the cafeteria of a high school. A student stood on a cafeteria table, yelled and cursed, and refused to step down from the table. The Judge noted that,

...the [Discipline] Code states that school officials are responsible for sharing the information contained in the Code with students, staff and parents...Thus it would be reasonable for a student who disobeys a school safety agent to expect school discipline which ranges from a reprimand by a teacher or a principal to a superintendent's suspension for up to 10 days, rather than an arrest...Although there is no requirement that a person in order to resist arrest must know the specific offense for which she is being arrested, where a juvenile's conduct: occurs in school; is subject to the school disciplinary code; and may not amount to an offense for which juveniles are subject to arrest, the circumstances are such as to create ambiguity whether an arrest is imminent.

Incidents such as talking back to an officer and minor school conflicts handled by the SSAs are oftentimes not addressed through counseling, mediation and the engagement of families, as they are for middle and upper class families. Instead, minor incidents are often blown far out of proportion--often with devastating consequences for children and their families. This dynamic creates a harsh and punitive environment which pervades many of the public schools, particularly those in the City's most under-served neighborhoods.

When teachers or school staff have oversight responsibility for school discipline, a dispute among children, a misunderstanding, or some minor misbehavior can be used as an opportunity to teach new behaviors or skills in conflict resolution. Instead, in the current environment, where law enforcement plays a significant role in school safety, minor disputes or misbehavior often result in school exclusion and harsh punishment in the court system instead of school-based counseling or mediation. An environment in which law enforcement interdiction is the norm creates profound obstacles for children seeking to obtain a quality public school education.

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

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<sup>1</sup> The Matter of Victoria W., 953 N.Y.S.2d 554, (Kings Co. Family Ct, 2012)

A student in school should not be subject to arrest for disorderly conduct. Teenagers are, by nature, sporadically disorderly and it is the job of adults to teach them skills to improve their behavior. Writing a summons or placing a student under arrest does not train a student to do anything, other than learn how to appear in court. Significantly, these court appearances require students to miss days of school, and the penalties are disconnected from the school community.

In addition to the enormous toll taken by arrests for behavior that should instead be addressed by guidance and other interventions, suspensions increase the amount of school a student will miss. It typically takes at least a week for the Department of Education to hold a superintendent's hearing when a student is suspended. In the meantime, the child is excluded from his regular school setting. Delinquency and criminal cases sometimes result in detention, at least temporarily. Every time a student 16 years old or older is arrested he or she spends 24 hours incarcerated prior to seeing a judge. These cases also require multiple court appearances, for which a student must miss school. Thus, even if a child is found not guilty after going through a school suspension hearing and a delinquency or criminal prosecution, s/he is often punished academically due to the disruption caused by the process of responding to the charges. The disruption of a young person's education, even for one or two weeks, can result in the loss of an entire semester's work and cause students to be held back in their grade. Students are rarely, if ever, provided with their homework and class work pending the outcome of a suspension hearing, despite the New York City Schools Chancellor's Regulations stating clearly that suspended students must not be penalized academically.<sup>2</sup>

Students should take responsibility for their misdeeds. Except for the most serious offenses, students should have to respond for their acts in their school community, not in a courtroom disconnected from that community. Efforts are being made, and should be intensified to use methods which have been shown to be effective in addressing student misbehavior, some of which include positive behavior intervention supports, restorative practices including in-kind restitution in the school, skill and competency building available in the school for students and staff, and relevant community service.

#### Amendment of the Chancellor's Regulations

New York State Education Law § 2801 incorporates the requirements of the federal No Child Left Behind law. It sets the minimum standards for school districts in the areas of school discipline and safety. Section 2801(2)(h) mandates that school districts shall implement "provisions setting forth the procedures by which local law enforcement agencies shall be notified of code violations which constitute a crime".

The issue of what constitutes a crime has been a recurring theme in City Council hearings. The DOE has taken the position before this body that the NYPD determines

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<sup>2</sup> Chancellor's regulation §A-443 III.B(1)(a).

when a crime has been committed. However, when prompted for clarification by members of the Council, that determination has turned out to be a much more subjective evaluation that fails to consider what constitutes normative child and adolescent behavior. It has been noted by many councilmembers that many actions of students in school technically qualify as crimes: a child pushing another is an attempted assault, a child grabbing a hat off another's head is a grand larceny, loudly cursing can be harassment. We could easily reclassify many of the minor, day-to-day behaviors of students in our schools as crimes. Unfortunately, this is what happens in many schools all over our city. One of the contributors to this dynamic is the way in which the Chancellor's regulation interprets the state mandate to report crimes.

Chancellor's regulation A-412(II)(A)(1)(a) addresses the requirements for law enforcement notification for school-related crimes. For crimes committed by students the sections provides:

In all cases where a school safety agent (SSA) or Department of Education employee (DOE) has been provided with information or an allegation that a school-related crime which poses a danger to students, staff, or the school community has been committed by a student, he/she shall immediately take the following steps: If the incident creates an immediate safety emergency, the SSA/DOE must immediately notify the police and then advise the principal/designee.

Because so many actions are interpreted as part of the vague "immediate safety emergency" language, this mandate reaches far beyond either State or federal requirements and should be reconsidered. Such vague language leads to a highly subjective imposition of zero tolerance approaches that have been roundly criticized. Evaluations of such policies in cities throughout the country show--as we have seen for so long in our city-- that they do not reduce crime and they unacceptably impact minority students and students classified with disabilities.

Int. 0730-2015: A Local Law to amend the administrative code of the city of New York, in relation to reports on school discipline and police department activity relating to schools.

The Legal Aid Society strongly supports the amendment of the administrative code to expand what information is reported about school discipline and police department activity in schools. This bill fills many significant gaps left in the original Student Safety Act. As we have seen, data fuels reform. Without adequate reporting about what happens in our schools, the city's ability to create effective policy is impaired.

One of the most important provisions of this bill requires reporting on school-based arrests and summonses by NYPD officers who are not members of the School Safety Division. Currently, the administrative code only requires reporting of arrests and summonses issued by the School Safety Division (SSD). However, we know from our own experience, reports from clients and their families, and school personnel, that often, precinct officers are called to handle situations in school. Currently, there is no mechanism for reporting these interactions.

We have concerns the number of arrests and summonses issued in schools by precinct officers are significantly higher than those issued by the SSD and have not seen similar declines since the passage of the Student Safety Act. The School Safety Division has engaged in impressive levels of introspection and corrective action to reduce the number of students arrested and issued summonses in our schools. School crime has not risen and, in fact, has decreased during this period, according to statistics provided by the NYPD. We are optimistic that by extending the reporting requirements to NYPD precinct officers who make arrests or issue summonses within schools, similar trends will follow. This information is critical to analyzing which schools or campuses need an infusion of support and which have significant problems that need to be addressed.

We have heard of instances where school personnel called the precinct to take action when SSD declined to make an arrest or issues a summons. We have also heard of cases where SSD called in the precinct when school personnel wanted to handle the incident without involvement of the court system. There is no way to begin to address these conflicts if there is no record of such action. The local precinct, the school safety officers and school personnel should be working collaboratively to achieve a safe environment in our schools. If there is no mechanism to monitor precinct officer activity in the schools, there can be no meaningful collaboration or oversight.

Another provision which Legal Aid strongly supports is the reporting of the data collected through the Administrative Code sections on the websites of the NYC DOE and NYPD. While it is helpful that the City Council have this information, it is critical that the public have the same access. Families who send their children to our schools should know how school discipline and policing occurs at their children's schools.

Legal Aid also supports the reporting of EMS referrals for students who allegedly engage in disruptive behaviors. The DOE has issued new guidance for schools in meeting the needs of students in emotional distress and will be promulgating new regulations reflecting these changes. Over the years, we have seen broad overuse of EMS calls where more appropriate responses could and should have been used. Usually, an ambulance is called to bring a student to a hospital and the hospital finds that the child's level of need is far below the standard for hospital admission. The schools often hope that the student will receive a mental health evaluation, but emergency rooms are not equipped to do such evaluations. In the end, the student returns to school the next day, with no services and a huge bill that the family usually cannot afford. The school and family are no better equipped to handle the student's needs.

Reporting these EMS calls will help the city identify areas of need. There are pockets of this city that are significantly underserved in the area of quality mental health care. Identification of the schools and geographic area in the most need will help craft appropriate responses. We applaud the reforms put into place by the DOE and hope that even more will follow. Crisis intervention skill building is an important first step, but we are hopeful that the City will aim to improve long term mental health care available to our City's students in order to avert crises in the schools.

We are encouraged by inclusion of language in the bill to report on students who are subjected to multiple suspensions. This information is particularly important to identify both where discipline practices should be reviewed and where the highest level of need exists in order to match those schools with necessary services. We sometimes see students who have been suspended many times who have unidentified special education or mental health needs, or whose needs have been identified but remain unmet. Some of these students require a different set of services or a therapeutic setting. These assessments can be difficult to do in the current school settings and identification of need will help the systems to identify how to develop appropriate responses.

The Legal Aid Society also supports the reporting of the use of mechanical restraints in our schools. We recently represented a student in a large high school where we were told that handcuffs were “regularly used to calm students down”. This reflects a fundamental failure to appropriately train the adults to mediate conflict and approach students in distress. Students and adults in schools must have a skill set where conflict and distress can be addressed without resorting to such extreme measures. If a student is under arrest, the use of handcuffs is authorized. We do recognize that the NYPD has established protocol to restrain emotionally disturbed persons, but that protocol was not developed to address the specific needs of children and adolescents in the school setting. We believe that reporting use of mechanical restraints will provide impetus to examine the practice of using restraints and could potentially lead to important reforms in this area.

Similarly, reporting on metal detectors can provide important information. Metal detectors were placed in some schools during a time where school crime was much higher. In our experience, metal detectors are often flashpoints of conflict, where lines of students who are trying to get to class on time are subjected to what can be airport level security, which is time consuming and in some schools, simply unnecessary. Knowledge of which schools have metal detectors can begin an important conversation with the schools and the communities about the necessity of and procedures related to scanning.

Lastly, the Legal Aid Society supports the reporting of complaints against department personnel in order to provide a level of independent review of trends of alleged improper behavior by law enforcement in our schools.

Int. 0719-2015: A Local Law to amend the New York City Charter, In relation to requiring the Department of Education to report the school-by-school ratio of school safety officers to guidance counselors.

The Legal Aid Society strongly supports the amendment of the New York City Charter to require the Department of Education to report the ratio of school safety officers to guidance counselors. We recommend that the ratio of school safety officers to social workers and school psychologists also be reported. Guidance counselors, social workers and school psychologists can play pivotal roles in crisis mediation and social-emotional skill building.

In most schools, there is just one guidance counselor, and a part time social worker and psychologist for hundreds of students. Because they are responsible for the special education evaluations and planning for students with special needs, most of their time is often allocated to these tasks, leaving little or no time to provide crisis intervention, therapeutic support, mental health referrals, conflict mediation, or conflict resolution skill building. This ratio cannot stand. It helps neither the students nor the adults in the schools. The time has come to right-size the support in our school system. The reporting of the available numbers of student support staff in each school will identify which schools are in the greatest need and will inform future budget and staffing decisions. In sum, we note that policies that the City agencies present as being set in stone do not necessarily have to be. Other jurisdictions are keeping schools safe and moving away from zero tolerance policies. Some schools in the City are successfully implementing restorative practices as a response to student misbehavior in lieu of suspension. These programs should be replicated throughout the City. Policies which give deference to the NYPD to address normative adolescent behavior should be reconsidered. School personnel should be allowed to have input and control over outcomes for their own students.

If New York City is truly committed to better outcomes for our youth, then significant change must continue to take place in our schools. Fewer suspensions and arrests for minor behavior and unnecessarily escalated minor behavior will contribute to improved school engagement, school environments and graduation rates. Thank you for the opportunity to speak about this important issue.

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Testimonio de Diana Zarumeno  
Make the Road New York  
4/14/15

## FOR THE RECORD

Buenas tardes, mi nombre es Diana Zarumeno soy un miembro de Se Hace Camino New York. Tengo tres hijos en edad pre-escolar. Estoy aquí muy preocupada porque yo no quiero que unos de mis hijos con una edad tan temprana como en edad de 5 años sea arrestado o puesto en una área restringida dentro de su escuela. Me he enterado que hay un alto porcentaje de jóvenes latino y afroamericano que están siendo arrestados. Me preocupa que estemos gastando tantos recursos en un sistema que no nos esta funcionando en NYC donde hay una via de la escuela a la prisión.

Como madre me encantaría poder entender lo que esta pasando mejor, para saber cuando mis hijos empiezan en la escuela. Los padres necesitamos saber y mirar estos datos.

Yo como Latina me sentiría desesperada en una situación así porque es como si me amarraran las manos y no poder hacer nada para salvar a mis hijos porque esto afectaría a mis hijos hasta llevarlo a un trauma donde ellos no quieran ir a la escuela, y abandonar los estudios.

Queremos que se invierta más en desarrollo para la juventud, ayude a los estudiantes como mejorar sus destrezas, queremos que se invierta en programa para mejorar la educación y dar paso a futuro profesionales. Ya se ha invertido mucho dinero en detector de metal, agente de policía escolar, en emergencias medica relacionada con disciplina y todavía los padres no sentimos que nuestros hijos están seguros durante horas escolares.

Queremos que se cambie la práctica de disciplina para el bienestar de nuestros hijos y la comunidad. El camino de la escuela a la prisión no es una solución es más acto discriminatoria que afecta a los latinos y afroamericanos esta práctica debe de terminar. Muchas gracias.

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Good afternoon, my name is Diana Zarumeno and I'm a member of Make the Road New York. I have three children, all pre-school age. I'm here very worried because I don't want my children to go to school and at a Young age be arrested or put in a restricted área instide of their school. I have found out about the high percentage of black and Latino youth who are being arrested. It makes me worried that we are spending so many resources on a system that does not work and that is creating a path from school to prison.

As a mother I need to understand what is going on better, to be able to know what to do when my children start school. Parents need to know and be able to see this information.

As a Latina I would feel desperate in a situation like this because it would be like being in handcuffs and not being able to save my children because something like this would affect them and even create trauma where they would not want to go school and abandon their studies.

We want investments in youth development, help for students to strengthen their skills, we want investment in programs to create future professionals. Too much money has been spent on metal detectors, police school agents, on medical emergencies that are connected to discipline and still the parents feel that our children are not safe during those school hours.

We need to change the discipline practices for the good of our kids and the community. The path from school to prison is not a solution it's a discriminatory act that affects Latinos and African Americans and should end. Thank you.

**TESTIMONY OF**

**DAVID TANENBAUM ON BEHALF OF**

**AGUDATH ISRAEL OF AMERICA**

**BEFORE THE NEW YORK CITY COUNCIL'S**

**COMMITTEE ON PUBLIC SAFETY**

**REGARDING THE INTRO 0065-2014**

**REQUIRING THE NYC POLICE DEPARTMENT**

**TO ASSIGN SCHOOL SAFETY AGENTS**

**TO PUBLIC AND NONPUBLIC SCHOOLS,**

**UPON THE REQUEST OF SUCH SCHOOLS**

**TUESDAY, APRIL 14, 2015**

My name is David Tanenbaum and I am here as a representative of Agudath Israel of America, a 93 year old national organization that advocates on behalf of the Orthodox Jewish Community across the country.

Locally, one of our primary areas of focus is to advocate for the needs and interests of the approximately 96,000 students that attend yeshiva elementary and secondary schools here in New York City. Agudath Israel, along with other organizations representing different faith groups, is a member of the Committee of New York City Religious and Independent School Officials; indeed, Rabbi David Zwiebel, our Executive Vice President, chairs that committee.

I am here this afternoon to offer our support for Intro 0065, a local law to amend the administrative code of the city of New York, in relation to requiring the NYC Police Department to assign, upon request, school safety agents to nonpublic schools.

The administrative code currently mandates school safety agents be assigned to every public school. We believe that it is the responsibility of the city to protect all students who attend nonpublic schools with the same level security and protection as it does for those who attend public schools. The safety of all our children should be our priority. There is no legal or constitutional basis for denying this protection to the close to 250,000 children, or almost 20%, of New York City students who attend nonpublic schools.

We recently conducted a representative sampling of Jewish schools in the city, asking them if they would be interested in having school safety agents assigned to them. The vast majority of respondents responded positively. There is a real need in today's dangerous world to enhance school security.

While we believe that all students in public and nonpublic schools should be protected, we in the Jewish community feel especially vulnerable. There have been several attacks on synagogues and Jewish schools around the world, and even here in our city. This bill is a first step in the right direction and we urge your support. Thank you for your attention.

## **INTRO 65 TESTIMONY**

Good afternoon. My name is Barry Spitzer and I am the District Manager of Community Board 12 in Brooklyn, which is home to more private schools than any other district in the city.

I am here today to testify in support of Intro 65. I would like to start off by thanking Council Member Vanessa Gibson, Chair of the Committee on Public Safety for bringing this important legislation to your committee for a hearing and also the Committee on Education and the Subcommittee on Non-Public Schools for being part of this hearing. Additionally, I would like to thank the 47 Council Members who co-sponsored this bill which helped bring this to the forefront and give it the attention that it deserves.

Most importantly, I would like to thank Councilman David Greenfield for introducing this bill. In his years as a Councilmember, Councilman Greenfield has introduced many important pieces of legislation but in my opinion, this is the most important one yet.

I started off by saying that I'm here to testify but it's more than that; I'm here to make a plea. I'm here for two reasons. The first is because - as I said before - I represent a district that has the largest concentration of private schools than anywhere else in the city. In my district alone, we have more children attending private schools than there are children attending public schools. Each morning there are approximately 300 school buses on the streets of my district dropping off thousands of children to these schools. Just to give you an idea, I took a sampling of just 5 institutions in my district. The Bobov, Satmar, Belz, Bais Yaakov and St. Athanasius institutions have a combined number of close to 15,000 children<sup>1</sup>. That's just 5 institutions which does not include the dozens and dozens of schools with hundreds of children attending each of them. The second reason - and perhaps more importantly - is because as a parent whose children attend these schools, I'm personally affected by this.

This is what keeps me up at night. When the NYPD gave our schools a presentation on an "Active Shooter" scenario, it became very clear to me that our schools are woefully unprepared in the event of an attack. There is an

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<sup>1</sup> Bobov 4,500 – Satmar 4,000 – Belz 3,000 – Bais Yakkov 2,000 – St. Athanasius 1,000

ever increasing threat of terrorism on which I don't need to elaborate – we all read the news. What scares me even more is the threat of what is called the “Lone Wolf” or a deranged individual scenario which I feel is even more dangerous because there is no intelligence or chatter preceding the attack and therefore is extremely unpredictable.

Public schools have Safety Agents, which dramatically adds to the safety of the children in those schools. Although it is not 100% foolproof, it still adds a measure of safety for the children. These Safety Agents are trained professionals who know how to act in the event of a crisis and they can serve as a deterrent for somebody with bad intentions. Children in private schools currently have no protection. Most of these schools do not have the finances to hire private security guards nor should they be forced to. Children in private schools should be afforded the same protection as children in public schools.

This is not a matter that is particular to any religion or race. Just a few months ago at our January meeting, our Board, which is comprised of Jewish, Catholic, Asian and Muslim members, unanimously adopted a resolution – a copy of which is attached to this testimony - calling on the Council to pass this bill and for the Mayor to sign it into law.

When this legislation was introduced I heard some talk that this will cost too much money for the city. I don't think that money should be an issue when we are talking about the safety of our children. Just ask the Sandy Hook community how much money they would have been willing to pay that what happened there shouldn't happen. The life of a child has no price.

Every parent who sends their child to school, whether public or private, has the expectation that their child will be safe. There is nothing more precious than the life of a child and the City should take responsibility for the safety of each and every child in this City regardless of the school they attend.

So as a father and a public servant my plea to you today is, please approve this bill.

Thank you for letting me speak here today and thank you for listening.



*THE CITY OF NEW YORK*  
*COMMUNITY BOARD 12*

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**Eric Adams**  
Borough President

**Yidel Perlstein**  
Chairperson

**Barry Spitzer**  
District Manager

Alan J. Dubrow, Chairman Emeritus

**RESOLUTION**

**WHEREAS**, Councilman David Greenfield has introduced a bill, Intro 65, to the New York City Council which would require the City to provide School Safety Agents to private schools that request them; and

**WHEREAS**, this bill already has the support from a super majority of the New York City Council, with 46 co-sponsors; and

**WHEREAS**, Community District 12 is home to more private schools than any other district in New York City; and

**WHEREAS**, there are as many as 743 non-public schools in New York City; and

**WHEREAS**, as many as 230,000 children attend those private schools; and

**WHEREAS**, as we watch the news from all around the world we have become increasingly concerned about the safety of those children; and

**WHEREAS**, in the last couple of years there have been numerous tragedies at schools resulting in the death of so many innocent children; and

**WHEREAS**, not having School Safety Agents at our schools leave our children vulnerable to attack from domestic criminals and terrorism; and

**WHEREAS**, the safety of our children is paramount to any other issue or concern; therefore,

**BE IT RESOLVED**, that Community Board 12 fully supports Councilman Greenfield's bill and strongly urges Councilmember Vanessa L. Gibson, Chairwoman of the Committee on Public Safety, to bring this bill before her committee for a hearing, Speaker Melissa Mark-Viverito to bring it to the floor for a vote and Mayor Bill de Blasio to sign it into law.



April 14, 2015

Luria Academy is located in Prospect Heights, Brooklyn. We have 160 students in preschool, elementary and middle school. We have over 30 staff working in our building. Our local students walk, scoot or bike to school and others come in carpools or on school buses. Safety is our number one priority and given the heightened security concerns these days in neighborhoods adjacent to ours, safety is our number one concern.

My name is Amanda Pogany and I am the Head of the school, and also a parent. My 3 and 6 year olds walk to school with me each morning and I deliver them into the hands of their kind and caring teachers who spend the day teaching them and caring for their safety and well being.

It is a huge burden on my shoulders to worry not only about our students but also our teachers, and all the parents that trust me with their most precious possessions each day.

Our school is extremely diverse and while affording the religious education we provide is a challenge it is also a priority. And keeping tuition affordable is our priority. All of our income goes directly to paying teachers salaries and to classroom materials. We do not have the funds to support a security guard, but all of us would feel much safer if we had an NYPD school safety agent. Passage of this bill will allow teachers and students to have security consistent with other NYC schools.

Thank you for your support of this important bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Amanda Pogany".

Amanda Pogany  
Head of School



Testimony for Public Hearing on Oversight: Exploring School Climate and School Discipline Codes

New York City Council

April 14<sup>th</sup>, 2015

Kate McDonough, Director of Organizing

Girls for Gender Equity

Good Afternoon New York City Council Members. My name is Kate McDonough, and I am Girls for Gender Equity's Director of Organizing. Girls for Gender Equity is an intergenerational organization committed to the physical, psychology, social, and economic development of girls and women. Through education, organizing, and physical fitness, GGE encourages communities to remove barriers and create opportunities for girls and women to live self-determined lives.

For the past year, our Sisters in Strength Youth Organizers, who are all high school aged young women of color, have been conducting their own research on discipline practices in school and calling attention to how racial and gender stereotypes about young women of color—particularly Black girls—cause them to be uniquely and unfairly disciplined. I am about to share a story from one of our organizers, Sharone a tenth grader at a New York City Public High school in East New York. The reason that I am here to tell it instead of her, is that Sharone cannot afford to lose any extra class time. Here is her story:

In school I have to go through metal detectors, so anything that disturbs or makes it go off is told to be taken off. There was a time I had my hair wrapped with bobby pins and it caused the machine to go off. I was told to remove the pins from my hair, but I refused. I was threatened by being told that my parent was going to be called, but I didn't care. The safety agents made it seem like I was doing something wrong or as if my hair being wrapped was dangerous.

After refusing to undo her hair, Sharone's mother was called and she missed her first period class. Furthermore, Sharone now feels that she can't show up as her full self at school without being penalized. This is not an isolated incident. Many of our Sisters in Strength youth organizers reported being punished simply for having their hair wrapped and being forced to choose between undoing their hair and getting to class on time. When schools are not required to report on the presence and use of metal detectors, we fail to make the important connections between harmful policies/practices and students' dropping grades or school attendance. Girls for Gender Equity fully supports the amendments to the Student Safety Act which would enable us to see where change is really needed within our school system—not just in the behavior of individual students, but in increasing positive adult supports and safety of their environments.

**Testimony Before The New York City Council Committees on Public Safety and  
Education and the Subcommittee on Non-Public Schools**

**April 14, 2015**

**LEGAL SERVICES NYC**

Tara Foster, Senior Staff Attorney  
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**Introduction**

Legal Services NYC is the largest non-profit provider of free civil legal services in New York City. We are dedicated to expanding the rights of low-income New Yorkers in areas such as housing, family, consumer, domestic violence, foreclosure, immigration, disability and education. With offices in all five boroughs, our work is designed to improve the lives of our diverse client populations through a holistic combination of individual legal advocacy and social work support, group action, policy work and community outreach.

Through our local offices, Legal Services NYC assists hundreds of families every year with disability and education matters. Over 80% of our student clients are children of color and/or immigrants, ranging in age from 3 to 21. Our Education and Disability advocates assist New York City public school students and their families in a range of areas including disability accommodations, special education, student discipline, transportation, school transfers and academic intervention issues. We also mentor and partner with students in various law-schools and law-school programs including the

Suspension Representation Project. We train and assist community-based organizations, pro bono attorneys and elected officials. We participate in a number of coalitions including the Dignity in Schools Campaign.

We thank the Council for organizing this important oversight hearing and for inviting us to participate and testify about several significant and related issues that impact School Climate and disproportionately affect low-income children of color and immigrants in the NYC public schools: 1) the overuse of exclusionary discipline; 2) the overuse of police in schools 3) the inappropriate and illegal use of emergency medical services and imposition of so-called psychiatric suspensions in situations that have no medical urgency, 4) the importance of positive behavioral supports and interventions and staff training and 5) the importance to our client communities of data collection and reporting as proposed by local laws Int. No. 730 and Int. No 719.

### **Scope of the Problem**

For well over a decade, Legal Services NYC Staff members have represented poor and marginalized students in disciplinary proceedings and appeals and brought attention to flaws in the student discipline process ranging from schools' inadequate investigation of alleged incidents to hearing officers' ignorance of the law, to the damaging loss of days, weeks and months of school for students accused of what often amounted to fairly minor infractions or no infraction at all. Despite documented instances of inadequate alternate instruction, difficulty gaining access to alternative education sites, academic struggles and failure upon returning to the suspending school,

zero tolerance practices in New York City Schools continued, despite reports indicating no actual evidence that the regular use of suspensions improves school safety.<sup>1</sup>

As school suspension rates continued to rise between 2000 and 2010, so too did school arrests and police involvement in schools.

Although the total number of reported school suspensions dropped beginning with the 2011-2012 school year, there was still a disproportionate number of students of color being suspended<sup>2</sup> and a disproportionate number of special needs students being suspended during the 2012-13 school year.<sup>3</sup> Indeed, though they made up only 12 percent of the student population, students with disabilities accounted for 34.1 percent of all suspensions, an increase for this population.<sup>4</sup>

Furthermore, Legal Services NYC began to receive increased numbers of calls from families reporting instances of inappropriate EMS practices involving the forced removal of public school children via ambulance, for non suicidal behavior issues and increased use of other inappropriate exclusionary tactics like forcing parents to keep their children home from school until they obtained unnecessary medical clearance letters. During the 2011-2012 school year, New York City public schools called EMS to remove children for purported disruptive behavior 3,676 times.

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<sup>1</sup> Zero Tolerance Task Force, Am. Psychological Ass'n, *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and R*; 2) the use of policy in Schools An Evidentiary Review and Recommendations, 63 Am. Psychologist 852, 859-6- (2008), available at <http://www.apa.org/pubs/info/reports/zero-tolerance.pdf>.

<sup>2</sup> N.Y.C. Dep't of Educ., 2012 and 2013 Annual Report on Suspension Under the Student Safety Act (2013) (hereinafter SSA Report).

<sup>3</sup> Id.

<sup>4</sup> Id., See also N.Y.C School Justice Partnership Task Force, *Keeping Kids in School and out of Court: Report and Recommendations 4* (2013) (hereinafter Task Force Report), available at <http://nycourts.gov/ip/justiceforchildren/PDF/NYC-SchoolJusticeTaskForceReportAndRecommendations.pdf>.

In our work with school-aged children and their families, we see day-to-day examples of the need for improved mental health services and positive behavioral supports and interventions in New York City Schools. We recognize that the City has begun to make headway toward improving policies and practices concerning childhood behavior and mental health issues in school and that these improvements will positively impact our client communities. However, there is clearly more that needs to be done in terms of staffing, training and understanding the tremendous needs of our children and youth.

The cost of misusing emergency medical services is high for the City, schools, children and families involved. Monetary costs may include hospital fees and ambulance transport fees<sup>5</sup>, expenses associated with school personnel dispatched to accompany children to the hospital, ACS expenses, lost wages, transportation costs and other expenses. In addition to the monetary costs, inappropriate EMSing and exclusion exacts a heavy toll in terms of the trauma inflicted on the children and families involved. This often causes or deepens a chasm of distrust between potentially at risk students and the school community, damages trust between emergency medical services responders and potentially at risk students, and adversely affects the education of the children involved due to disruption and lost instructional time.

Like the problems associated with misuse of restraint and oversubscription to zero tolerance practices such as suspension, the frequent and unnecessary resort to EMS and psychiatric or psychological clearance letters illustrates that many schools are ill

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<sup>5</sup> The following cost breakdown reflects the costs incurred by one of our clients when their daughter was sent to the ER by her middle school: Hospital ER charges: \$775.00 and EMS Ambulance Services: \$525.00 for a total of \$1300.00.

equipped to respond to disruptive students, lack resources to properly assess students who are presenting with disruptive behavior, lack training in de-escalation techniques and practices and lack familiarity with or connections to resources in the community to meet the mental health needs of students. All of these stigmatizing practices are prevalent in low-income communities and communities of color where so many children and their families already experience significant trauma on a daily basis.

**Solutions:**

**Proposed Legislation under Consideration**

The recent amendments to the Discipline Code and formation of Mayoral Leadership Teams working to synchronize the goals and resources of the DOE with key City agencies and stakeholders is a laudable gesture and important step in tackling the needs of public school students including the poor and underserved and improving school climate.

In order to further and more meaningfully address school climate issues such as school discipline policies, policing in schools, reliance on costly emergency medical services, support services and interventions, training and resource reallocation, it is necessary to have accurate, up to date and transparent reporting. The proposed amendments to Int. No. 730 will fill in important informational gaps regarding suspensions and other disciplinary and non-disciplinary removals. Only with data can policy makers quantify the depth and costs of current practices and craft appropriate public policy to address it. Information is a powerful tool, especially for poor and

marginalized communities. This law will help our clients to gain information and a voice.

With regard to Int. No. 719, accurate information about school by school ratios of safety officers to guidance counselors is of interest to our clients, many of whom are English language learners and children with special needs. Guidance counselor's wear many hats and play an important role in the lives of school-children. When properly trained and not overextended, they can assist in "helping students acquire resiliency, coping, decision-making, interpersonal and mediation skills" and in "facilitating social/emotional learning opportunities and restorative approaches to reduce disciplinary referrals and suspensions rates." <sup>6</sup>

Evidence based approaches have been shown to be effective in reducing disruptive student behaviors and these approaches include: positive behavior interventions and supports (PBIS); Safe Responsive Schools (SRS) and Restorative Practices.<sup>7</sup> To this end, the Council would also benefit from information regarding the ratio of school social workers as well as school guidance counselors in each public school. Social workers have a number of qualifications which position them well to collaborate with guidance counselors and often to deal directly with disabled students. Accordingly, data regarding the ratio of social workers to school safety officers might also prove instructive and useful in the ongoing discussion regarding school climate.

Finally, it is noteworthy that proposed legislation Int. No. 719 requires reporting from all public schools, including charter schools. As an advocacy organization which

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<sup>6</sup> <http://schools.nyc.gov/studentssupport/guidancecounseling>.

<sup>7</sup> Skiba, R., and Rausch, M. K., "School Disciplinary Systems: Alternatives to Suspension and Expulsion", Children's Needs III: Development, Prevention, and Intervention, (Bear & Minke, editors), National Association of School Psychologists, (2006).

also assists families with children attending charter schools, it is important to point out that many of the same school climate issues the DOE has struggled with concerning school discipline and expulsion have come to a head in the charter schools. We receive many calls from children who have received multiple suspensions but little in the way of due process or alternative instruction, let alone restorative justice options, meaningful PBIS or other supports and interventions. Poor and marginalized families with children in charter schools often want the same transparency and data local law Int. No. 730 proposes.

We thank the council for inviting us to comment on these important items of proposed legislation and issues surrounding school climate.

Respectfully submitted,

Tara Foster  
LSNYC/Queens Legal Services  
tfoster@qls.ls-nyc.org



Good Afternoon, My name is Jaritza Geigel, an organizer with Make the Road New York and the Urban Youth Collaborative. I was 16 years old when we started organizing to pass the Student Safety Act. That was 8 years ago. As young Black and Latino and Latina students, we were fighting for people to recognize we were being pushed out of school through suspensions, summonses, and arrests. In 2010, the City Council passed the Student Safety Act and in 2011, it was signed into law. It was important for us to get the data that proved we were being over policed and criminalized in our schools. Getting the data was a stepping stone in the right direction to create new policies and a system of accountability grounded in positive approaches to schools discipline.

We acknowledge that the City is going in the right direction, and that over the last year suspensions and arrests are down. As we continue to move in the right direction it's imperative that we pass the new amendments to the Student Safety Act, because we are still seeing major disparities – with Black and Latino students and students with disabilities impacted the most. We know there are still hundreds of students being arrested by police called into school and we are not seeing the data. We need to be able to see the full picture of what's happening inside our schools to make the changes we know need to happen.

The amendments to the Student Safety Act will also provide us with the presence and use of metal detectors in all schools, the number of students receiving multiple suspensions, the use of restraints on students, referrals to EMS by schools because of discipline/behavior issues, and incidents involving police and students. While getting access to this data, we will still maintain student privacy.

I have had to see and live the impact of these policies for years. For four years I spent my mornings waiting in line to go through a metal detector, safety agents yelling in my face. I have watched my classmate get punched in the face after being handcuffed while another agent held her in place. After graduating and returning to my community to organize young people from my old High School, I witness a young black man handcuffed with his pants at his ankles, tears rolling down his face after making him walk through the halls for other students to see as the cuffs left abrasions on his arms. I can only imagine the humiliation that he felt and the resentment at every adult who failed to see him. It was even more upsetting to look into the eyes of one of my youth leaders, who is a Afro Latino young man with an IEP, and have him tell me the fear, the anger he felt at being surrounded by agents and cops, handcuffed and forced into an ambulance to be sent to the hospital for a psych eval after a verbal incident with a student.

As you can see, after 8 years the stories haven't changed and the students who have been failed by the structural racism of policies and practices left in place haven't changed either. The system is failing our black and brown young men and women. It is failing our LGTBQ students and our students with special needs. We can't continue to criminalize black and brown youth behavior.

We have to have access to this data to truly understand the impact of the school-to-prison pipeline on Black, Latino, and LGBT youth in our schools if we want to create real change in our young people's lives and for New York City to lead the way in transforming our education system to support all students to succeed.



## Perla Ramos Speech

### Spanish

Mi nombre es Perla Ramos y soy una estudiante de Dewitt Clinton High-school en el Bronx y una líder en Sistas and Brothas United. Todos los días cuando voy a la escuela lo primero que veo son agentes de seguridad. Tengo que pasar por detectores de metales, hacer líneas largas, ser revisada como si fuese una criminal solamente para poder ir a mi clase a estudiar. Esto me hace sentir que no soy bienvenida a mi escuela y el ambiente es hostil y negativo. Quiero sentirme cómoda, como en familia no como si soy una criminal, o persona sospechosa desde que entro a mi escuela.

Hace unas semanas tuve una discusión con un agente de seguridad que resultó en una detención por 2 meses. Una amiga y yo íbamos caminando por el pasillo de la escuela cuando un agente de seguridad le quitó el teléfono a mi amiga y me agarró y no me dejaba ir. Yo me solté y seguí caminando. Después lo vi otra vez y me dijo que me le escape y cuando yo le respondí me ofendió. Me menciono a mi padre, yo le dije que no me mencione a mi papa porque él está muerto y él lo que hizo fue que se rio. Después tuvimos una discusión y ahí fue que castigaron con una detención. Me sentí muy mal porque hirió mi sentimientos y se burló sin yo haberle faltado el respeto. Tenemos que evaluar el papel que los agentes de seguridad tienen en nuestra escuela y mejorar para que otros estudiantes no sigan pasando por situaciones como la mía. Aunque en mi escuela las cosas están mejorando necesitamos la ayuda de ustedes y el Student Safety Act.

Es importante que mejoren el Student Safety Act para poder medir cuales son las condiciones de diferentes escuelas, entender el impacto de detectores de metales, esposas en las escuelas para poder hacer cambios que mejoren las escuelas. Estudiantes necesitan sentirse en familia y bienvenidos en la escuela y no es así. Conseguir información sobre cuantas escuelas tienen detectores de metales, cuantos estudiantes son esposados, cuales escuelas tienen los números más altos de arrestos no puede ayudar a cambiar el clima de la escuela y mejorarlo.

### English

My name is Perla Ramos and I am a student at Dewitt Clinton High-school in the Bronx and a leader at Sistas and Brothas United. Everyday when I go school the first thing I see is safety agents. I have to go through metal detectors, stand in long lines and be searched by security guards like I'm a criminal just so I can go to school and take classes. This makes me feel like I'm not welcomed at my school, the atmosphere is hostile and negative. I want to feel comfortable, like I'm part of a family not like a criminal or a suspicious character as soon as I go into the school.

A few weeks ago I had an argument with a safety agent that resulted in me getting two months of detention. A friend and I were walking down the hallway of our school when a student safety agent stopped us. He took my friends phone and grabbed my arm. When he let me go I walked away. Later that day I saw him again and he told me that I had ran away and he offended me. He started talking to me about my father, I told him not to talk to me about my father because my father has died, and all he did was laugh. I got upset and we had an argument and I was given detention. I felt really bad because he hurt my feelings and made fun of me when I didn't disrespect him. Things are getting better at my school now but there's more work to be done and we need your help and the help of the safety act to make things better.

It is important that we better the student safety act to see what's going on in different schools and understand the impact of metal detectors and handcuffs and to make changes that better schools. Students need to feel like a family and welcomed at this school. Getting information about how many schools have metal detectors, how many students are handcuffed, which schools have high numbers of arrests can help us change the school climate.

## **Carlos Suero Speech**

Good afternoon! My name is Carlos Suero, I am a student at Crotona International High-school in the Bronx and a youth leader at Sistas and Brothas United. At Crotona International I've seen conflicts that could be resolved with peer mediation and other restorative practices. Instead it ends up with students in handcuffs and even arrested. I know that treating students this way doesn't solve anything, and it guides students down a bad path. Getting the Student Safety Act amended so that we get information on handcuffing would really have an impact because it can show how many of us are impacted by the use of restraints and the need to change this policy.

This year we started the BCE Leadership Council, coordinated by Sistas and Brothas United. It brings together students from 3 schools at Grace Dodge: Crotona International, Bronx Academy for Software engineering and High-school for Technology and Energy to promote restorative justice to deal with conflict. We're having inter-school circles to talk about issues affecting students' lives like violence, bullying and other topics. We're also trying to strengthen the relationships between students and teachers with student/ teachers circles. I think these types of programs really have a positive impact in school culture and we need to put more resources into these kinds of programs. But I am concerned because we don't have resources for these kinds of programs but the City Council is considering a bill that would mean we have to put more money into school police officers. If the priority is to create a safe and supportive environment for students then we need to invest money in these programs and not more police in schools.

Having more detailed data in the Student Safety Act can really help show what schools need resources for positive supports to deal with conflicts like restorative justice. We need these amendments to the student safety act because we need our schools to be a safe and comfortable place for all students.

## **Oversight: Exploring School Climate and School Discipline Codes**

**Int. 0065** - in relation to requiring the New York City Police Department to assign school safety agents to public and nonpublic schools, upon the request of such schools.

**Int. 719** - in relation to requiring the Department of Education to report the school-by-school ratio of school safety officers to guidance counselors.

**Int. 730** - in relation to reports on school discipline and police department activity relating to school

Good afternoon Chair Person Daniel Dromm, and members of the education committee. I am Amber Decker New York City Public School Parent and Special needs advocate.

Thank you for the opportunity to discuss these proposed aspects of our NYC Public Schools Climates and School Discipline Codes

Int.730 -in relation to reports on school discipline and police activity

The following follow up needs to be implemented and a report created by the New York City DOE's Central office of School and Youth Development and cross checked by the NYC NYPD school safety executive office. .

New York City School Safety Plans are the foundations of the school climate. In this document the day to day operations of the nyc schools teachers, principals, staff members and students are outlined. From the time they arrive to the moment they leave. The dismissal policies, recess procedures, fire drills and various and other routines are described, created and finalized in this document. Individuals in the NYC DOE, NYPD School Safety Agents, FDNY staff and supervisors are listed in many school safety plans as active and responsible members in this document, holding accountable the well being and lives of our cities public school students and staff.

Chancellor's regulation A-414 titled Safety Plans states in Part II (G) that " The Office of School and Youth Development is available to provide ongoing technical assistance to the School Safety Committee in developing the Safety Plan and in addressing on going safety related issues" And in Chancellor's Regulation A-414 titled Safety Plans Part II (D) states: Principals must submit completed safety plans online for approval by the Safety Administrator from OSYD

Many of the schools' Safety Plans are not being followed due to the fact that most interactions with the central office of School and youth development are made either online or over the phone. The checks and balances do not correspond. It is one thing for something to look good on paper or "online" but in person is a whole different issue. When does anyone outside of the school community from central including assigned school safety agents check to make sure that the school is in compliance with the procedures outlined in the school safety plan policy? If only the central Office of School Youth and Development are privy to the plans, then should they not be directly responsible for making sure that they are being followed and implemented? There needs to be some kind of separate reporting to parents, advocates,NYPD executive offices and FDNY done here that ensures that schools are following their School Safety Plans.

The description of responsibilities of the Central Office of School Youth and Development in respect to school safety plans need to be better and clearly outlined in the Chancellors regulation A-414 titled Safety Plans.

This includes the responsibilities of NYC DOE's Borough Safety Directors that over see compliance mainly at the high school level, while our elementary and middle schools are left

without checks and balances in respect to school safety plan compliance.

The Chancellor's regulation A-414 titled Safety Plans also states in Part I (F) "that each Principal must insure that it's School Safety Committee holds at least one annual meeting which is open to all parents at that school"

The Chancellor's regulation A-414 has been in effect since 2010, that is at least five years, which is near when my son began school and I have never been invited to a annual school safety meeting and challenge the DOE NYC to share the number of annual school safety meetings which included all parents that have taken place at our cities public schools for the last two years.

I ask public school parents to ask themselves when was the last time your child's school invited you to an annual town hall school safety meeting?

**Int. 719** – in relation to requiring the Department of Education to report the school-by-school ratio of school safety officers to guidance counselors.

In respect to this proposal, I know that it would be more beneficial for schools to have more guidance counselors then NYPD school safety personal. The training and work load of today's NYC public school guidance counselor is massive which includes de-escalations, problem solving, guidance counseling, therapeutic services, help with middle school and high school process, incident reporting and much more. The guidance counselors in a NYC public schools wears many hats and that is why each public school with a population greater then 500 should have at least 3 guidance counselor positions.

**Int. 0065** - in relation to requiring the New York City Police Department to assign school safety agents to public and nonpublic schools, upon the request of such schools.

Obviously if a school is requesting more school safety agents in relation to traffic and dismissal/ arrival procedures the request should be honored immediately. However if the needs for such NYPD school safety individuals are due to lack of guidance counselors and support staff then the Principal of such a school should reconsider such a request and forward it to the NYC DOE central office of School and youth development.

As it is the lack of trained support staff who know deescalation techniques has lead to many students especially those with special needs being sent to emergency rooms or even arrested. This is a waste of resources and causes more harm to the students and staff involved.

Amber Decker

My name is Latrell Stone, I'm seventeen years old, I attend East Bronx Academy and I'm here today representing Youth ministries For Peace and Justice and the Urban Youth Collaborative. For the past 5 years in my school, I seen many students get suspended, especially for minor B-21 Infractions. This puts students on the Path to the School to Prison pipeline because the high rates of suspensions, dis-engages so many students from learning. This continues students on a destructive path where they are pushed out of schools and more likely to end up in prisons. Just a few weeks ago one of my fellow classmates was suspended for refusing to hand his phone over to the teacher. The teacher asked for the phone and the student refused to, but instead offered to put it back in his pocket. The teacher however kept pressuring the student to hand his phone over and after a few minutes, that student was suspended. So now many students hand in their phones in fear of getting suspended for something that is very little. There have been many times I wanted to stand up for my peers and say this whole discipline system is wrong but feared the risk of getting suspended for defying authority. Please, to the City Council, The Student Safety Act needs to be passed because we need to know how many students are being suspended multiple times so we can understand that it's not effective. East Bronx Academy has realized that suspensions aren't working and after having one of the highest suspension rates in the City my school is working on reducing suspensions. We won't know the impact of the school to prison pipeline on Black and Latino students until we know all of the data. The same students are being suspended over and over again. We don't need more school police and metal detectors, we need guidance counselors, social workers, and staff trained in restorative justice. We spend \$300 million dollars on policing us and only \$1 million dollars on Restorative Justice. That's \$300 per student for policies that end up pushing us out and \$1 per student for policies that would keep us in school. We should not be considering putting even more money into policing. We can end this pipeline now. Passing the Student Safety Act can change NYC public Schools and give students like me a better chance of getting into college and succeeding in life



**THE COALITION FOR ASIAN AMERICAN CHILDREN AND FAMILIES**

**The New York City Council Committee on Education  
Oversight Hearing: Exploring School Climate and School Discipline  
Codes**

**April 14, 2015**

**Testimony of Sarah Fajardo, Policy Coordinator  
The Coalition for Asian American Children and Families (CACF)**

Good afternoon. My name is Sarah Fajardo and I am the Education Policy Coordinator for the Coalition for Asian American Children and Families (CACF). I would like to thank Chair Dromm and Chair Gibson, and the Education Committee for holding this important oversight hearing exploring school climate and school discipline codes. CACF supports Introductions 719 and 730, and believes that, if adopted, they will promote greater transparency and accountability in our schools

For nearly 30 years, CACF has been the nation's only pan-Asian children's advocacy organization. We work to improve the health and well-being of Asian Pacific American (APA) children and families in New York City in the fields of education, health, and child welfare. CACF advocates on behalf of underserved Asian Pacific American families, especially immigrants struggling with poverty and with isolation due to limited English proficiency.

We commend the Department of Education for the recent changes to the school discipline code, particularly: implementing restorative justice practices in schools, increased oversight and accountability, the inclusion of language regarding bullying prevention in the Discipline Code, and the recognition of the discipline disparities that adversely affect students of color and special-education students. In addition to these changes, **we recommend that Introductions 719 and 730 be adopted** to help promote judicious distribution of safety-focused staff and guidance staff, and to promote transparency in connection with school disciplinary practices.

NYC APA students speak more than 40 different languages and dialects<sup>1</sup>, represent at least 23 ethnic groups<sup>2</sup>, and have an extremely diverse set of educational needs and outcomes. While 5% of APA students attend the top 3 specialized high schools in New York City, the majority struggle throughout their academic careers. These students find themselves isolated and marginalized, and lack the necessary support to navigate the education system. Due to stereotypes and a lack of public awareness about the range of APA needs, our students remain largely invisible and their needs are not considered in discussions on education reform initiatives. Consider these facts:

- 1 out of 5 APA high school students does not graduate on time or at all.
- 1 out of 5 English Language Learner students is APA.
- English Language Learner students and students with special education needs have the lowest graduation rates in the City.

Our education system's current approach to school safety has thus far created an unsafe environment for students and has not addressed the harassment and discrimination of students of color in New York City schools. Anti-immigrant sentiment continues to impact APA students, and there has been increased harassment and bias-based bullying of APA youth, especially of South Asian descent, in the years since 911. Many of our immigrant youth and students of color report feeling unsafe in school and unsupported

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<sup>1</sup> "Distinct Places, Shared Opportunity: A Neighborhood-based Analysis of Asian Americans in NYC." Asian Americans for Equality, Inc., February 2011. [http://www.nyc.gov/html/dc/downloads/pdf/asian\\_americans\\_for\\_equality\\_report.pdf](http://www.nyc.gov/html/dc/downloads/pdf/asian_americans_for_equality_report.pdf)

<sup>2</sup> Asian American Federation "NYC 2010 Tables." <http://www.aafny.org/publications.asp>

or not understood by school staff. City-wide survey findings mirror national statistics, which hold that 54% of Asian American students who reported bullying at school were bullied in the classroom itself.<sup>3</sup> School should not be an environment where our youth fear for their safety, it should be a nurturing environment where they are supported and encouraged to thrive. **As a member of the Dignity in Schools Campaign, CACF believes that adopting the proposed measures 719 and 730 addressed by this hearing today will help reduce the current inequitable approach to discipline and school safety. Accurately assessing the staff and disciplinary activity in our schools is the first step to finding ways to better support our students.**

Thank you again for holding this important hearing and for giving me the opportunity to testify.

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<sup>3</sup> “One Step Forward, Half a Step Back: A Status Report on Bias-Based Bullying of Asian American Students in New York City Schools.” Asian American Legal Defense and Education Fund, The Sikh Coalition: September 2013. [http://aaldef.org/2013\\_NYC\\_bullying\\_report.pdf](http://aaldef.org/2013_NYC_bullying_report.pdf)



**TESTIMONY OF:**

**Keren Farkas, Esq. – Director, Education Unit  
*BROOKLYN DEFENDER SERVICES***

**Presented before**

**The Council of the City of New York**

**Committee on Public Safety, Chairperson Vanessa L. Gibson**

**Committee on Education, Chairperson Daniel Dromm**

**Committee on Education, Subcommittee on Non-Public Schools**

**Chairperson Chaim M. Deutsch**

**Int. No. 730: A local Law to amend the administrative code of the city of New York, in relation to reports on school discipline and police department activity relating to schools**

**Int. No. 719: A Local Law to amend the New York City charter, in relation to requiring the Department of Education to report the school-by-school ratio of school safety officers to guidance counselors.**

**April 14, 2015**

My name is Keren Farkas and I am the Director of Brooklyn Defender Services' (BDS) Education Unit. I thank the New York City Council Committees on Public Safety and Education, and in particular, Chairs Vanessa L. Gibson and Daniel Dromm, for the opportunity to testify on this critical legislation.

BDS provides innovative, multi-disciplinary, and client-centered criminal, family and immigration defense to more than 45,000 indigent Brooklyn residents each year. To comprehensively support our clients, a traditionally underserved population, BDS offers supplemental legal and social services in several areas, including social work, housing, benefits, employment and education.

BDS' Education Unit provides legal representation and informal advocacy to our school-age clients. All of our clients are involved with the criminal justice or child welfare systems. A significant percentage is "over-age and under credited," and have been retained at least one grade. More than half of our clients are classified as students with disabilities. Nearly all of our clients report at least one school suspension, oftentimes between two and six. As a legal and social work team, we work to improve our clients' access to education. A significant portion of our advocacy relates to school discipline, special education, school reentry from incarceration and suspension, and enrollment in credit recovery and High School Equivalency programs.

**BDS supports Int. No. 730 and Int. No. 719, and urges the Council and Mayor Bill de Blasio to enact them. BDS further requests that Int. No. 719 be amended to include data on Licensed Clinical Social Workers (LCSW).**

BDS commends the City Council for its continued attention to policing and discipline practices in our city's schools and the transparency needed to create fair and thoughtful policies. Since 2011, the Student Safety Act has provided invaluable insight into school practices, revealing an overuse of punitive school discipline with disproportionate impact on students of color and students with disabilities. This oversight has already inspired positive changes. Over the past two years, School Safety Agents (SSA) data showed that school-based arrests and suspensions are declining. Confronted with the SSA data, city agencies, namely the DOE and NYPD, are also investing more resources in school climate reform. BDS is hopeful that the current proposals to strengthen the Student Safety Act and reveal staffing ratios between policing and guidance staff will further support the creation of safe and supportive schools.

As a member of the School Safety Coalition, BDS supports all proposed amendments to the Student Safety Act. The SSA data has offered an important view into school discipline and police practices, but if we want an accurate representation of our school's practices that is truly capable of informing effective and nondiscriminatory school safety and police practices, these additional disclosures are a vital step. For many of our clients, multiple interruptions in their education due to suspension and the tension associated with the law enforcement presence in their school, including metal detectors, present significant obstacles to school engagement. Knowing, for instance, which schools are suspending students multiple times, inappropriately relying on EMS, using metal detectors and restraints, or experiencing high rates of complaints against SSA will enable families, advocates and policy makers to identify the struggling schools and create responsive policies to support students.

The remainder of my testimony will briefly highlight two areas BDS would like to emphasize as the City Council considers today's proposals and future policies to support school climate reform.

#### 1. Expanding Behavioral Health Supports at Schools

BDS is encouraged by the proposed expansion of the SSA to include referrals to EMS. Misuse of EMS remains a significant problem for BDS' school age clients and this data will help stakeholders understand the practice and make responsive policies. With the upcoming Chancellor's guidance regarding de-escalation plans and investments in training, BDS hopes that

schools will be better equipped to respond to student misbehavior. To fully tackle this issue, we also hope the collected data can be used to expand a variety of school-based behavioral health supports.

When speaking with schools, teachers and guidance staff commonly report that they do not feel equipped to support students with challenging behaviors. The result can often include calls, or threats to call, EMS, as well as overuse of punitive discipline, and recommendations for inappropriate and overly restrictive special education settings. In a recent case, a 7 year-old client had been subject to two Superintendents suspension, one EMS call and one threat to call EMS this school year. That student will now be attending a state-approved private school with onsite and integrated behavioral health support staff. In another recent case, our 10-year-old client's school called EMS twice, and threatened to call EMS on several other occasions. In both examples, the schools lacked the appropriate behavioral health training and support staff to adequately support the students and school staff. Had school-based or school-linked mental health services been available, these students may have received support to remain in the community school, and the trauma, as well as the loss of instruction time, associated with suspension and EMS could have been prevented. Accordingly, we hope these efforts to support positive changes in school climate will include attention to the need for expanded school based mental health clinics, rapid response mobile crisis units, as well as training in trauma informed care.

## 2. Equipping Schools with the Resources to Support Positive Discipline and Address Complex Student Needs

BDS is pleased with the proposals that will make more information available about the staffing and practices of School Safety Agents. While some of BDS' school-age clients report positive relationships with SSA's, they also describe demeaning verbal and physical encounters. Just one month ago, a 17-year old client was physically assaulted by an SSA during lunch period. His school administration viewed the video footage and immediately granted a safety transfer.

We commend the introduction of Int. No. 713 and urge its passage. We believe the collected data will elucidate how our city apportions resources to support student safety and positive school culture. While we applaud the DOE and NYPD's effort to enhance crisis-intervention training for SSA's, we want to emphasize that we believe that school disciplinary matters should presumptively be handled by school staff. SSA's should not be the first-responders to adolescent misbehavior, but that seems to be the practice in many schools. There are too many instances where SSA's unnecessarily insert themselves in situations. Additionally, school staff can be too quick to call upon SSA's to intervene. Last fall, an 18-year old client with known mental health needs did not want to speak with a certain school administrator and started to walk away. Seven SSA's responded. A well-trained educator, guidance counselor or social worker could have more appropriately addressed and deescalated that situation. Another 18 year-old client from last fall had a disagreement with a librarian over whether she could search the website "Craigslis," which resulted in a "tug-of-war" over an internet cord. Three SSA's responded and escorted my client to the Assistant Principals' office. That student was never offered the opportunity to speak with a guidance counselor or a social worker regarding the miscommunication or her reentry following suspension. These examples demonstrate the failed opportunities for positive

interventions when schools rely on SSA's to monitor school discipline rather than trained guidance, social work or clinically trained staff.

Guidance counselors can serve a critical role supporting students and implementing guidance interventions, including restorative practices, as an alternative to punitive discipline. Clinically trained staff, particularly LCSW's and other school-based mental health clinicians, can serve an additional important role -- particularly working with youth who have experienced trauma, which is tragically very common amongst students in our highest-need schools. Beyond supporting individual students, guidance and social work staff can facilitate successful implementation of whole school reform and supporting all staff in the undertaking. To its great credit, last year, the Council passed Int. No. 403-A, requiring, among other things, data on social workers and guidance counselors in each school. We believe that the inclusion of LCSW's is critical in any effort to shift the school discipline model away from punitive measures and towards care and support. We therefore ask that Int. No. 719 be amended to include data on the ratios of SSA's to LCSW's. BDS is hopeful that all of the data collected can be used to help equip our schools with the necessary resources to implement positive discipline systems, and diminish excessive reliance on SSA's.

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/14/75

(PLEASE PRINT)

Name: JULIEN THOMPSON

Address: YMPJ

I represent: Dignity in Schools Campaign - NY

Address: 90 John St Rm 2081, NY, NY 10038

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 65 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: RICHARD ALTABE

Address: 637 Meehan Ave Far Rockaway

I represent: Yeshivat Shaar Torah

Address: 1202 Ave P Brooklyn

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 65

(PLEASE PRINT)

Name: RABBI DAVID NIEDERMAN

Address: 32 PENN ST BROOKLYN

I represent: U.S.O OF WILLIAMSBURG

Address: SAME

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Vincent Schiraldi - Senior Advisor,  
Address: Mayor's office of  
I represent: Criminal Justice  
Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 4/14/15

(PLEASE PRINT)  
Name: Asst. Chief Brian Conroy  
Address: CO, School Safety Division  
I represent: NYPD  
Address: 1 Police Plaza NYC

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 4/14

(PLEASE PRINT)  
Name: LOIS HERRERA  
Address: CEO, Office of Safety  
I represent: and Youth Development  
Address: DOT

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730/719 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 4/14/15

(PLEASE PRINT)

Name: Dacia Reed ("Day-sha")

Address: 118 E. 93<sup>rd</sup> St, Apt. PH, New York, NY 10028

I represent: Children's Defense Fund - NY

Address: 15 Maiden Lane, Suite 1200, NY, NY 10038

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 4/14/15

(PLEASE PRINT)

Name: daniella gotlib

Address: 585 4<sup>th</sup> St. Brooklyn NY 11215

I represent: Luria Academy

Address: 238 St Marks Ave Brooklyn NY 1

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Tara Foster

Address: \_\_\_\_\_

I represent: Queens Legal Services

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 715-730 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/14/15

(PLEASE PRINT)

Name: ZAKIYAH ANSARI

Address: 260 E 93RD ST.

I represent: Alliance for Quality Education

Address: 94 Central Avenue

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: SARAH FAJARDO

Address: \_\_\_\_\_

I represent: COALITION FOR ASIAN AMER. CHILDREN

Address: School discipline + FAMILIES  
transparency

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 65 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Allen Fagin

Address: 11 Broadway

I represent: Orthodox Union

Address: 11 Broadway

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 65 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/14/15

(PLEASE PRINT)

Name: Joy Jones

Address: 1498 East 58th St Brooklyn 11234

I represent: Ebenezer Preparatory School

Address: 5464 Kings Highway Brooklyn

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: AHMAD HAMID

Address: 131-43 131st St P.O. NY 11420

I represent: AL-NOOR SCHOOL

Address: 675-4th Av BK. NY 11232

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 723 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/14/2015

(PLEASE PRINT)

Name: Nick Petrie

Address: 301 Grove St, Brooklyn, NY

I represent: Make the Road NY

Address: 301 Grove St, Brooklyn, NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 2076 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Kate McDonough

Address: 30 3<sup>rd</sup> Ave. Brooklyn, NY 11217

I represent: Girls For Genders Equity

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 65

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Debbie Klugmann

Address: 1911-59 Bklyn, NY 11204

I represent: Geth Jacob of Boro Park

Address: 1371-46 St. Bklyn, N.Y. 11219

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: Apr. 14, 2015

(PLEASE PRINT)

Name: Steven Leich

Address: 425 East 86th Street, New York NY 10028

I represent: Solomon Schechter School of Manhattan

Address: 805 Columbus Avenue New York NY 10025

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 65 Res. No. \_\_\_\_\_

in favor  in opposition

Date: ~~4/14~~ 4/14

(PLEASE PRINT)

Name: Joseph Rosenberg

Address: 80 Maiden Lane

I represent: Catholic Community Relations Council

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/14/15

(PLEASE PRINT)

Name: Diana Zarumina

Address: \_\_\_\_\_

I represent: Make the Road, NY

Address: 1 John St

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ONYX WALKER

Address: \_\_\_\_\_

I represent: Future of tomorrow - Dignity in

Address: Urban Youth Collaborative Schools

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: LAITRELL STONEWELL

Address: \_\_\_\_\_

I represent: YOUTH MINISTRIES FOR PEACE & JUSTICE / Dignity

Address: URBAN YOUTH COLLABORATIVE in Schools

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 8/14

(PLEASE PRINT)

Name: MATTHEW EVANS

Address: \_\_\_\_\_

I represent: Future of Tomorrow / Dignity in

Address: URBAN YOUTH COLLABORATIVE Schools

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: CARLOS SUERLONE

Address: \_\_\_\_\_

I represent: SISTAS & BROTHERS UNITED Dignity in

Address: URBAN YOUTH COLLABORATIVE Schools

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/14

(PLEASE PRINT)

Name: PERLA CRYSTAL RAMOS

Address: \_\_\_\_\_

I represent: SISTAS & BROTHERS UNITED Dignity

Address: URBAN YOUTH COLLABORATIVE in Schools

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4-14-15

(PLEASE PRINT)

Name: Varitza Geigel

Address: \_\_\_\_\_

I represent: Urban Youth Collaborative Dignity

Address: Make the Road NY in Schools

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: CHRISTINE RODRIGUEZ

Address: \_\_\_\_\_

I represent: MAKE THE ROAD NEW YORK & Dignity

Address: URBAN YOUTH COLLABORATIVE in Schools

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730 Res. No. \_\_\_\_\_

in favor  in opposition

I will speak on the need for reporting on EMS removals by DOE. Date: 4/14/2015  
(PLEASE PRINT)

Name: Nelson Mar

Address: \_\_\_\_\_

I represent: Bronx Legal Services

Address: 349 E. 149th Street, Bronx NY 10451

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Tara Foster (Legal Services, NYC-Queens)

Address: 89-00 Stephen Boulevard, Jamaica NY

I represent: Legal Services NYC-Queens

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0065, 719, 730 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/17/15

(PLEASE PRINT)

Name: Amber Decker  
Address: 237 Flatbush Ave #133 NY  
Brooklyn, 11217  
I represent: NYC Public Schools Parent  
Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/14/15

(PLEASE PRINT)

Name: Vanessa Ramos  
Address: 131 East 83 St., NY NY 10028  
I represent: The Committee for Hispanic Children  
& Families  
Address: 110 William St., Ste. 1802, NY, NY 10038

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Kate McDonough  
Address: 30 3rd Ave Suite. 103 Brooky NY 11217  
I represent: Girls for Gender Equity  
Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 65 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JEFF LEB

Address: 130 EAST 59TH STREET, 5TH FLOOR

I represent: USA FEDERATION OF NEW YORK

Address: CARE AS ABOVE

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730, 719 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/14/15

(PLEASE PRINT)

Name: Nicholas Sheehan

Address: 151 W 30th St. 5th Floor NY NY 10001

I represent: Advocates For Children

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730, ~~719~~ 719 Res. No. \_\_\_\_\_

in favor  in opposition

Date: ~~7/14~~ 4/14

(PLEASE PRINT)

Name: Keren Farkas

Address: BOS<sup>th</sup> Livingston BK, NY

I represent: Families / Criminal & Family Court  
Involvement

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 65 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/14/15

(PLEASE PRINT)

Name: Stuart Klammer

Address: 1277 East 14th St Bklyn

I represent: Shulamith School of Bklyn

Address: above

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 730 Res. No. 719

in favor  in opposition

Date: 4/14/15

(PLEASE PRINT)

Name: Nancy Ginsburg & Cara Chambers

Address: 199 Water Street, NY NY 10038

I represent: The Legal Aid Society

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 65 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/14/15

(PLEASE PRINT)

Name: Barry Spitzer

Address: 1624 49th St. Brooklyn, NY 11204

I represent: Brooklyn Community Board 12

Address: 5910 13th Avenue, Brooklyn, NY 11219

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0065 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/14/15

(PLEASE PRINT)

Name: David Tanenbaum

Address: 137-58 71 Ave Kew Gardens Hills, NY

I represent: Agudath Israel of America

Address: 42 Broadway, New York, NY

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