



Testimony of the NYC Department of Education
on Legislation Concerning School Safety
Before the NYC Council Committee on Education

February 18, 2021

Testimony of Deputy Chancellor LaShawn Robinson

Good morning, Chair Treyger, Chair Adams, and Members of the Education Committee here today. I am LaShawn Robinson, Deputy Chancellor for School Climate and Wellness at the NYC Department of Education (DOE). Joining me today from the DOE are Mark Rampersant and Kenyatte Reid and I'm also joined by Deputy Chief Obe and Michael Clarke from the New York Police Department. I know the Council is holding several hearings on public safety, and I want to thank you for the opportunity to discuss school safety and the proposed legislation as part of this important process.

Before I begin, I would like to acknowledge Speaker Johnson, Chair Treyger and the entire City Council. You have continued to provide strong support and attention to the DOE's critically important focus on nurturing the whole child while building safe, inclusive, and affirming school communities. We thank you for your continued leadership in this area.

Under this Administration, in strong partnership with the City Council, the DOE has reimagined our approach to safety in our school communities. Schools should be places where all students, families, and educators feel safe, welcome, and supported. That fundamental priority has never been more essential than throughout the COVID-19 pandemic and the history-making protests for racial justice.

As part of this commitment, we have focused our efforts on providing schools with the resources and tools they need to support students and educators in proactively fostering trusting relationships, strengthening student development of social and emotional skills, and responding restoratively to de-escalate difficult situations.

For example, in June 2019, we announced our Resilient Kids, Safer Schools plan. That was a major effort designed to expand key initiatives and programming, such as our centrally funded restorative justice programming, which is now featured in approximately 300 of our high schools and middle schools. Additional components of this initiative include:

- **Access to social-emotional learning support** for all elementary schools through a partnership with a national SEL program called Harmony.
- **Supporting educators and administrators** with expanded citywide training in building positive school cultures based on practices that teach emotional growth and problem solving.
- **Hiring School Response Clinicians**, or SRCs, who are social workers specially trained in crisis response and management who provide services for students in need of intermediate clinical counseling while also connecting students with long-term care if necessary. SRCs support approximately 300 middle and high schools.



The Resilient Kids, Safer Schools plan also included measures to reduce the use of punitive and exclusionary disciplinary measures, including changes to the Discipline Code, the NYPD-DOE Memorandum of Understanding, and the NYPD patrol guide. Among other things, these changes significantly limited interactions between schools and the police, including stricter guidelines on arrests in school, and limits on the length of suspensions.

Additionally, early in this Administration, the DOE issued 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 such situations occur. Under the regulation, schools are required to develop crisis intervention plans, which identify strategies and interventions for addressing students in crisis. The regulation also requires that every effort must be made, where possible, to safely de-escalate a situation, drawing on strategies and resources provided to schools. If a student poses an imminent and substantial risk of injury to themselves or others, and the situation cannot be safely addressed, the principal/designee must call 911. In addition to the change in policy, we increased the number of school staff who have been trained in Therapeutic Crisis Intervention for Schools (TCIS).

We are already seeing how these initiatives are creating more supportive climates in our schools. Last year, which was the first when many of these changes were in place, we saw a major drop in both the use and length of suspensions. Our report on suspensions covering the period of July 1, 2019 through December 31, 2019, shows a 19.8 percent decrease in the total number of suspensions compared to the same previous timeframe. Similarly, EMS transports for children with emotional and psychological conditions decreased 13.1 percent during that period.

Those decreases follow an improving year-over-year trend under this administration as a result of rapidly increased investments and new initiatives that give teachers and students the tools they need to foster trusting, caring relationships while directly addressing the root causes of problematic behavior. From SY2013-14 to SY2018-19, suspensions decreased by 39%.

The work of making our schools welcoming and supportive for all students is also making them safer. NYPD School Safety Data from January through March 2020 show a total decrease of interventions in schools by 8.3 percent compared to the same period in 2019. That includes arrests dropping by 33 percent, child in crisis interventions declining by 19.5 percent, and school summonses falling by 67.4 percent.

While we are very encouraged by the results so far, we know there is much more to do. We will continue to build on this work this year as we begin the transition of our School Safety Agents (SSAs) and School Safety Division from NYPD to DOE.

The transition of School Safety from the NYPD to the DOE is a natural next step in this important work, and we are approaching it with the same vision. Schools must be environments where children feel safe to be themselves and develop confidence by not being afraid to make mistakes and having opportunities to explore, understand, and engage as community members. Complete safety – or true safety – includes



physical, emotional, and psychological safety. The core of this transition is creating the intentional presence of trusting relationships, equity, affirmation, compassion, dignity, and respect.

We understand the significance and urgency of this work and share the goal of the June 2022 timeline for the transition to be completed. Fundamentally, a successful transition requires that the roles and responsibilities of every member of our school communities, including our SSAs, align with our shared vision for complete safety.

Although the transition will not be fully effectuated until the summer of 2022, work is already underway. We have created a School Safety Transition team, led by representatives from DOE, NYPD, and the Mayor’s Office. The transition team comprises four committees that are specifically focused on identifying and addressing major policy issues of the transition: operations, school safety personnel roles and responsibilities, data systems and transparency, and community engagement. The transition team will consult and welcome feedback while monitoring progress and implementation, hearing directly from students, families, and school community members.

These committees are in the early stages of their important work and are only just beginning the process of engaging with the fundamental and sensitive questions this transition and reimagining of school safety requires. Our committees need to be able to continue the work they are charged with and need latitude, flexibility, and discretion to consider their input. This is a complex process and we are committed to it being organic, thoughtful, and genuine. It should be driven by research, best practices, models of success, and community input—not predetermined outcomes. This process is not just about a transition from one city agency to the next; it is about developing a system and structure that will support and promote complete school safety. So while we will not have the answers to every question here today, the committees are focused on all aspects that will go into making this transition a successful one in the end.

More specifically:

- The **Operations Committee** is focused primarily on the logistics of the transition and making sure this body of work flows smoothly from one Department to the other. They will help us ensure that the transition happens without disruption to employee pay, benefits and other important considerations, while also identifying changes needed to budget, meet legal requirements, or contract for any shifts we may want to undertake regarding school policy.
- Our **Roles and Responsibilities Committee** is examining the role of school safety in schools and working to align that role with DOE’s vision of safe and supportive schools and complete safety. School Safety Agents, as fully integrated members of the school community, will be expected to understand their role and fulfill their responsibilities in a manner that promotes a positive, supportive, and safe school climate. School Safety Agents will receive through NYCDOE the necessary training in a number of practices and will adopt these techniques to holistically support students’ social and emotional well-being. To that end, School Safety Agents will be trained to

support child and youth development and community building. That training will begin during this school year.

- The **Data Committee** is working to ensure all necessary information and information systems are properly transferred to DOE so that we are prepared to report out all the information we need regarding school safety post transition. Transparency throughout this transition and going forward is essential to the work of school safety, and I know how important these values and quality data are to the Council in your oversight role.
- Crucially, we have created a **Community Engagement Committee** that is solely dedicated to creating outreach and feedback opportunities for families, students, educators, school safety agents, advocates, and others across our school communities to learn what those stakeholders want to see as part of this transition. That group began their outreach to various groups just last week, and we are continuing to work on community outreach events across the city. This transition is an opportunity for us to hear from those on the ground about school safety: What works, what doesn't work, what we can do better, what changes will better serve our children. The issues we want to hear about are wide ranging and connect to the priorities of the other committees: What should safety look and feel like in schools? What roles should SSAs play in the school community? What information do we need to look at to figure out what is working and what isn't?

We believe firmly that community voice, especially student voice, should play a significant role in shaping what school safety looks like in this transition. For this reason, we are remaining open minded about many key issues the transition team hopes to address, especially about the roles, responsibilities, and expectations for SSAs. With our vision of supportive school communities and complete safety as our guideposts, we are eager to hear from our school communities and come up with an approach to school safety that ensures everyone feels completely safe and supported.

Let me now turn directly to the proposed legislation under consideration today. As I mentioned, we are in the process of engaging with a lot of the issues and questions raised by these bills, so it would be premature to respond to specific provisions. With regard to Intro 2211, we are committed to the transfer of SSAs from NYPD to DOE, and we are on pace for this transfer to happen by June 2022. We need to make informed decisions and be confident that the system we develop ensures complete safety for our students and staff, positively impacts school climate, and carefully considers the livelihood of the more than 5,000 civil servants who serve as SSAs and are mostly women of color. Finally, I would also note that I understand that the Law Department is reviewing these bills, and defer to them with regard to any legal issues or concerns. We look forward to further discussions on this legislation.

With respect to Intro 2227 on the topic of principal evaluation and assignment of SSAs: We agree that input from principals in the evaluation process of SSAs is key to creating safety in schools because this is not a one-size-fits-all model. In addition, Intro 2226 on employment turnover data speaks directly to the work and goals of one of our committees – ensuring transparency, as well as our systems allow,



throughout this transition process and beyond. We look forward to working with the Council on both of these bills.

Thank you again for your time and attention to these important matters. Getting this transition right is critical to ensuring the success of our shared goal of creating safe and supportive schools for all students. We are continually appreciative of the Council's consistent and thoughtful advocacy on everything related to the safety and well-being of our students. Again, I invite you all to be part of the community outreach we will be doing over the next several months, and I look forward to all of us working together to building on the success we have been achieving in creating an approach to school safety that is best for our children.



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**STATEMENT OF DEPUTY CHIEF OLUFUNMILOLA F. OBE
COMMANDING OFFICER, SCHOOL SAFETY DIVISION
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL PUBLIC SAFETY COMMITTEE AND
EDUCATION COMMITTEE
THURSDAY, FEBRUARY 18, 2021**

Good morning Chair Treyger and members of the Council. I am Deputy Chief Olufunmilola Obe, Commanding Officer of the New York City Police Department's School Safety Division. In addition to my colleagues from the Department of Education, I am joined today by Michael Clarke, the Managing Attorney of the NYPD's Legislative Affairs Unit. On behalf of Police Commissioner Dermot Shea, I would like to thank you for this opportunity to discuss the ongoing transition of school safety agents.

In order for a student to meet their potential, it is essential that they are able to learn in a safe environment. Students cannot effectively learn if they are focused on traveling the halls safely rather than their math assignments or their art classes. This has been, at its core, the mission of the NYPD's School Safety Agents, our SSAs ("SSAs"). We aim to ensure that students are provided the freedom to learn by being free of fear in their schools. We will remain committed to this goal as we work with the Department of Education on transitioning the functions of school safety to them.

I also want to speak briefly about our dedicated School Safety Agents, our SSAs. These individuals, approximately 90% of whom are black and Hispanic and about 70% of whom are women, are consummate professionals. I am extremely proud to have spent the last few months working with these steadfast individuals. They routinely make the NYPD proud and I am confident that they will continue to serve this city, the schools, and the students with the highest levels of professionalism that we have come to expect of them. I do not believe that we would be experiencing the successes we have seen in reducing enforcement interactions in schools while also reducing crime without the strong relationships our school safety agents have developed with school principals, school administration, teachers, parents, and, most importantly, the students. The personal relationships formed with students and staff are important factors in preventing conflict and promoting a healthy learning environment. The over 5,000 SSAs have become beloved members of our school communities.

In order for SSAs to provide high quality service for the school students, we must provide them with high quality training. SSA recruits participate in a 17-week training program at the Police Academy. This comprehensive program includes training in the areas of Law, Police Science, Behavioral Science, Physical Education and Tactics, with a focus on topics such as bullying, the LGBTQ community, tactical communication and defusing hostility. In order to assist in preparing SSAs for their special role in the school community, DOE personnel participate in our training sessions 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. Training also focuses on how to better work with school administration and students in areas of collaborative problem solving, restorative practices, conflict resolution, de-escalation techniques, and working with special needs students. School Safety Agents receive further additional training throughout the year in such important areas as problem solving, mediating conflicts, and responses to emergency or dangerous conditions such as an Active Shooter incident.



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The NYPD and the Department of Education have made great progress on reducing the number of students who are arrested in schools. Pursuant to a memorandum of understanding between the NYPD and the DOE, the NYPD, including School Safety Agents, does not respond to non-criminal minor misconduct. These incidents are best handled by teachers and other school staff. Additionally, the NYPD agreed to utilize discretionary response and protocols, such as warnings, in lieu of arrest and summonses for many low-level criminal conduct.

We implemented Patrol Guide Procedure 215-17 which has aided in reducing the number of arrests in schools. Patrol Guide Procedure 215-17 introduces a layer of checks and balances within the police department to ensure that students are not being arrested inside of NYC DOE buildings unnecessarily. If an arrest must be made in a NYC DOE facility, the Department's policy on handcuffing students is strictly adhered to. These reforms were essential in reducing police actions in schools and allowing educators to do what they do best, educate.

The School Safety Division has enhanced relationships and developed greater trust with students, teachers, and staff by expanding its Neighborhood Policing Initiative to the City's schools. The goal of the Neighborhood Coordination Model for the School Safety Division is to further decrease crime and violence in our City's 1,800 schools by approaching each school as a neighborhood and involving students as community members. School Coordination Agents are tasked with solving a variety of issues as an alternative to the need for enforcement.

Additionally, it is noteworthy to mention that the one hundred thirteen (113) uniformed officers formerly assigned to the School Safety Division Uniformed Task Force who supplemented the security needs of our school system have been reassigned within the police department and the unit has been disbanded.

In the last full School Year, 2018-2019, school arrests decreased 28% in comparison to School Year 2016-2017. Additionally, there was an 11% reduction in the 7 major felony categories when comparing the same period. Prior to the school shutdown, we were on pace to have significantly fewer arrests than in School Year 2019-2020. Beginning last year, the NYPD has been engaged in conversations with the members of City Hall and the DOE regarding the transition of responsibility for school safety from the NYPD to the DOE. The School Safety Division has been working tirelessly to ensure that the NYPD meets the established deadlines for the transition of the SSAs.

I would now like to turn my attention to legislation being considered today. I would first like to discuss Introduction 2211-2021, which would require the transfer of school safety functions to the Department of Education and would prevent the NYPD from playing any role in the safety of schools. The NYPD is committed to working with the DOE on the expeditious transfer of SSAs to the Department of Education. The NYPD has fully engaged in the transition planning and discussions and is committed to a progressive and successful transition of responsibility. The language in this bill, however, is overly broad and would potentially prevent the NYPD from even so much as consulting with the Department of Education on School Safety Plans. Additionally, the Department opposes removing school safety agent's peace officer status. This status is important to help maintain safety in the schools. Removing this status could have a negative impact on the contractual labor agreements and benefits that SSA's currently have.

Next, I would like to discuss Introductions 2226-2021 and 2227-2021. Both bills require certain



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reports related to school safety. The Department has worked with the council on numerous reporting bills in the past and is committing to working on a reporting bill that provides the council with necessary information.

Finally, turning to Introduction 2188-2020, which would limit a school safety officer and the precinct officer's response to a student in crisis. The Department agrees that students in crisis should be treated with the utmost sensitivity, but the department has concerns regarding the rigid nature of the legislation's language that would delay the NYPD's response to life or death situations. Any legislation passed needs to take in account the safety of the children.

In closing, the Department takes the responsibility of providing a safe climate in every New York City public school very seriously. Even after the transition, the Police Department will continue to work in partnership with the DOE, parents, students, advocates, elected officials, and the community in furtherance of this goal and will remain committed to ensuring a safe environment for our students.

Thank you for the opportunity to speak with you today, and I am pleased to answer your questions.



WRITTEN TESTIMONY OF
THE UNITED FEDERATION OF TEACHERS

FOR THE NEW YORK CITY COUNCIL
COMMITTEE ON EDUCATION

REGARDING LOCAL LEGISLATION ON SCHOOL SAFETY AGENTS

FEBRUARY 18, 2020

The United Federation of Teachers (UFT), representing close to 200,000 working men and women in the City of New York would like thank Chair Mark Treyger and all members of the Committee on Education for holding a hearing on a legislative package of four introductions on school safety agents.

First, we'd like to state that we firmly believe that we must continuously strive to reduce the interactions our students have with law enforcement, and must actively work to instead provide students and staff members the adequate resources they need to appropriately de-escalate tense behavioral situations.

Our commitment is present in, for example, our Positive Learning Collaborative and United Community Schools programs. Through these programs we have brought in social workers, behavioral specialists, and counselors to dozens of schools across the five boroughs. However, we know that school climate challenges extend beyond the schools our programs serve and understand the need to better equip safety personnel in our schools.

As we seek to transition School Safety Agents from the NYPD to the DOE, we think it's important to consider an already overwhelmed DOE and create a system of checks and balances for the new system. Our proposal is for our city government to create a third-party entity comprised of key stakeholders that can receive and review complaints that arise from reported behavioral confrontations in schools during both the transition and once the new system is in place.

It's important that we not allow any one given agency, in this case the DOE, to hold itself accountable. Self-policing and self-accountability are never a best practice, especially when related to disciplinary infractions. With a third-party entity or board to review and resolve complaints, we can ensure a more just and fairer outcome to school disciplinary issues.

We look forward to working with the City Council and the administration as we seek to improve the climate in all schools. We are committed to our students, their safety, and their social, emotional, and academic growth.



Advocates for Children of New York

Protecting every child's right to learn

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

RE: Int. No. 2188-2020 - Police Department's Response to Students in Emotional Crisis in Public Schools and Int. No. 2211-2021 - Public School Safety and Security

February 18, 2021

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My name is Dawn Yuster, and I am the Director of Advocates for Children of New York's ("AFC's") School Justice Project. For nearly 50 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. We speak out for students whose needs are often overlooked, such as students with disabilities, students with mental health needs, students involved in the juvenile or criminal justice system, students from immigrant families, and students who are homeless or in foster care. AFC is a member of Dignity in Schools New York ("DSC-NY"), a coalition of youth, parents, educators, and advocates dedicated to shifting the culture of New York City schools away from punishment and exclusion and towards positive approaches to discipline and safety.

We are here today to testify in support of Int. No. 2188-2020 regulating the New York City Police Department's ("NYPD's") response to students in emotional crisis within public schools and are grateful to Council Member Ayala for leading the effort on this critical bill. We also testify to express concern about Int. No. 2211-2021 regulating the transfer of the School Safety Division from the NYPD to the Department of Education ("DOE").

Int. No 2188-2020

Earlier this year, many of us watched in horror and outrage video footage of a 9-year-old girl in Rochester who was brutally handcuffed and pepper sprayed by the police. The video made it patently clear that the officer's actions were extreme and unacceptable, traumatizing a young child, her family, and the entire community. While we would like to believe incidents like this are rare, would not happen to our children, and would not happen at school, NYPD data and AFC's experience working



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on the ground with families indicate that, each year, hundreds of students in emotional crisis are handcuffed by police in NYC public schools.

Over the past four school years, NYPD officers, including school safety agents and precinct officers, intervened in 12,050 incidents of students in emotional crisis who were removed from class and transported to the hospital when medically unnecessary. Nearly half of these incidents involved children between the ages of 4 and 12. Before schools closed last year due to COVID-19, the NYPD – and not clinically trained mental health professionals – had already intervened in more than 2,250 incidents involving students in emotional crisis, handcuffing some as young as 5 years old. Of the students handcuffed, 58% were Black although only 21% of NYC students are Black. In 2017, AFC released a data brief highlighting the significant racial disparities in police responses to students in emotional crisis in the 2016-2017 school year and calling for the City to realign its resources to reflect the critical need to appropriately support students in emotional crisis with trained mental health professionals and not treat them as criminals subject to law enforcement.¹ These responses to students in emotional crisis are traumatic for students and their school community and do not address students' underlying needs. No student in emotional crisis should face the police or be placed in handcuffs, and our policies and allocation of resources must reflect this imperative.

In addition, the COVID-19 pandemic has created and exacerbated social-emotional challenges for all members of the school community with trauma most acutely felt by young people. The Chancellor recently reported that the NYC youth suicide rate is rapidly doubling. Our students are facing incalculable hardship and need significant support to learn in nurturing environments free from the threat of law enforcement intervention.

Int. No 2188-2020 is an important step to ensuring that our young people in crisis are met with a trauma-informed and healing response, not with the threat of law enforcement and handcuffs. By regulating police response to students in emotional crisis; requiring documentation of steps used to de-escalate an incident before law enforcement is involved; emphasizing that trained clinical school staff must be the first responders to students in emotional crisis; and significantly limiting the use of handcuffs on students in emotional crisis, we hope this bill will drastically reduce law enforcement involvement when students are experiencing emotional crises.

¹ Advocates for Children of New York, *Children in Crisis: Police Response to Students in Emotional Distress* (Nov. 2017), https://www.advocatesforchildren.org/sites/default/files/library/children_in_crisis.pdf.



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While we strongly support Int. No 2188-2020, we have been calling on the City to shift funding from the NYPD to support for students and, therefore, want to be explicit that we are not advocating for additional funding to be allocated to train law enforcement officers to respond to students in emotional crisis, including the training specified in the bill. Instead, this City's limited resources must be invested in more support for students so that schools do not rely on law enforcement when a student is experiencing an emotional crisis. While the bill specifically provides that "on-site clinical school staff," and not law enforcement, must be the first responders to students in emotional crisis, many schools do not have access to clinically trained staff to support students, prevent crises, and respond when incidents and crises occur. NYPD school safety agents outnumber school social workers 5,400 to 1,500. In order to ensure this bill truly fulfills its promise to limit law enforcement intervention and handcuffing when a student is in emotional crisis, the City must invest sufficient resources to ensure that every school can effectively support students' social-emotional and behavioral needs with a trauma-informed approach, including by investing in staff trained and coached in providing direct services to students, such as social workers, behavior specialists, trauma-informed de-escalation staff, conflict resolution specialists, peacemakers, and school climate and restorative justice staff.

Int. No. 2211-2021

We have significant concerns regarding Int. No. 2211-2021 regulating public school safety and security. While AFC supports the bill's removal of all NYPD officers from schools and setting a specific deadline for the City to do so, this bill merely transfers officers from the NYPD to the Department of Education ("DOE"). Furthermore, the bill does not reflect the desire articulated by our community partners for a new vision of school safety that will keep all students safe and instead maintains the same personnel with similar job functions. We stand with Dignity in Schools – New York and other allies in calling for school safety to be transformed and not merely transferred to the DOE. The City must instead redesign the role of school safety officers and reallocate NYPD funding to resources and positions that support students directly. Students need schools where they face social workers, behavioral specialists, and restorative justice practitioners, instead of school safety officers, and where they receive mental health supports and services instead of handcuffs. Schools must be nurturing, inclusive learning environments for all students.

Thank you for the opportunity to speak with you. We look forward to working with you to move forward Int. No. 2188, reimagine the school safety role, and reallocate NYPD funding to invest in the critical mental health needs of our students. I would be happy to answer any questions you may have.



TESTIMONY OF:

Anna Arkin-Gallagher – Supervising Attorney and Policy Counsel, Education Practice

BROOKLYN DEFENDER SERVICES

Presented before the New York City Council

Committee on Education

Hearing on Schools and Public Safety

February 19, 2021

My name is Anna Arkin-Gallagher. I am a Supervising Attorney and Policy Counsel in the Education Practice at Brooklyn Defender Services (BDS). BDS provides innovative, multi-disciplinary, and client-centered criminal, family, and immigration defense, as well as civil legal services for over 30,000 people in Brooklyn every year. We thank the City Council Committee on Education and Chair Treyger for holding this important hearing on school safety.

BDS is fortunate to have the support of the City Council to supplement the services we provide as a public defender office in Brooklyn. Through specialized units of the office, we provide extensive wrap-around services that meet the needs of traditionally under-served clients in a comprehensive way. This includes helping young people and their families navigate the public education bureaucracy during and after contact with the criminal legal and family court systems.

BDS's Adolescent Representation Team works to eliminate contact and involvement within the criminal legal system for court-involved youth aged 21 and under. Our specialized attorneys, social workers, and youth advocates provide legal representation, advocacy, and social services in youth proceedings in Brooklyn's Criminal Court, Supreme Court and Family Court, collaborating across BDS's practices to provide comprehensive support on behalf of youth and guidance to their families. Our Education Unit delivers legal representation and informal advocacy to our school-age clients and to parents of children in New York City schools. Many of the people we serve are involved in the criminal legal system or in Family Court proceedings. In addition, a significant number of the students we work with qualify as "over-age and under-

credited” and have been retained at least one grade. More than half of the students we work with are classified as students with disabilities. As an interdisciplinary legal and social work team, we work to improve our clients’ access to education, and a significant portion of our advocacy relates to special education, school discipline, reentry, and alternative pathways to graduation.

Background

BDS commends the City Council for its continued attention to policing and discipline practices in our city’s schools. We believe that all our City’s schools – especially those that have historically presented with the highest rates of suspension, calls to EMS, and arrests – must implement reforms related to their handling of student misbehavior and treatment of students in emotional distress. These reforms can and should draw on restorative justice practices, collaborative problem-solving, and other innovations that facilitate holistic engagement with instances of conflict and misbehavior while minimizing schools’ reliance on the police. And they should be grounded in the recognition that children should never be placed in handcuffs or otherwise traumatized by their schools as a consequence of disciplinary issues.

BDS shares the Council’s desire to ensure that schools are safe places where all students have the ability to learn and grow. However, we strongly believe that police presence in schools – whether those officers fall under the purview of the NYPD or the DOE – often has the effect of undermining school safety and negatively affects school climate. School safety agents frequently escalate school conflicts, instead of deescalating situations and making the school environment safer for all. We believe that improving school climate will come not simply from moving school safety agents back under DOE control and continuing to pour money into punitive responses to student misbehavior, but rather by increasing funding, training and support for educators, restorative justice coordinators, and school-based mental health clinicians.

Int. No. 2188

We support Int. 2188 and the mandate both to limit the use of handcuffs and other restraints for students in emotional crisis, and to ensure that mental health staff are involved in decisions about how to respond to students experiencing emotional distress.

As a general matter, BDS believes that handcuffs and other mechanical restraints have no place in schools—students are children, and we have seen time and time again that handcuffs and other restraints are used disproportionately on children of color (and on Black students in particular).¹ Restraining students in handcuffs is traumatizing, and fails to address the root causes of a student’s emotional distress. Despite the negative effects the handcuffing students have in schools, the practice is nevertheless widespread. While most police interactions in schools do not result in the use of handcuffs or other restraints, recent data still show that in New York City

¹ Student Safety Act data shows that while over half of the children handcuffed by the NYPD in schools are Black, Black students represent just over 20% of New York City public school students. NYPD School Safety Data, <https://www1.nyc.gov/site/nypd/stats/reports-analysis/school-safety.page>. See also Advocates for Children of New York, *Children in Crisis: Police Response to Students in Emotional Distress* (Nov. 2017), https://www.advocatesforchildren.org/sites/default/files/library/children_in_crisis.pdf.

Schools over a thousand students are restrained each year.² Thus, while we would prefer that the bill contain an absolute prohibition on handcuffing students, we welcome that this bill attempts to limit the use of these interventions only to prevent “imminent serious physical injury,” and only for the duration of time that a student presents a risk of serious physical injury to themselves or others.

We also appreciate that this bill seeks to strengthen the role of clinical school staff or the school’s crisis intervention team, and mandates that staff “employ all possible de-escalation techniques” before contacting outside police officers to come to the school, and that police officers inquire about the use of these techniques if this do arrive.

We are encouraged that this bill attempts to ensure that children are transported to hospitals for mental health evaluations only when a “clinically trained mental health professional” believes that such transport is appropriate. Far too often we have seen students – some as young as five – transported to hospitals in ambulances during moments of intense emotional distress, including under circumstances in which there was no attempt made to deescalate the situation or consult with clinically trained staff. In one instance, a parent our office worked with received a call from her child’s school that her son – a first grader – had had an emotional outburst. The parent asked to talk to her child on the phone to calm him down, but school staff told her that he was too upset, and that he would instead be taken to the hospital. Two boroughs away when she received the call from the school, the parent raced to meet her young child at the hospital. When she arrived, he was calm – though understandably shaken by the experience – and after a brief evaluation was released from the hospital. In many cases, as in this one, once at the hospital, children are evaluated and promptly discharged. But the experience of being brought to a hospital, often without a parent, is traumatic for both students and their families, and can have long-lasting negative effects in how students experience school.

It is essential that school staff work to deescalate children in emotional crisis, and that school staff receive the training and support necessary to be able to do so effectively. When de-escalation fails, it is appropriate for clinically trained mental health professionals to be the people making determinations about whether hospital transport is truly necessary. This bill underscores the need for the City to ensure that all students attend schools with staff that are trained in crisis response and de-escalation, and who have the clinical knowledge to be able to respond to students in emotional distress. We know that many schools do not have these resources available. We are hopeful that this bill – along with the necessary investment in these supports – will limit law enforcement response to students in emotional crisis.

Though we support many aspects of this bill, we do have some concerns about the bill. First, the bill specifically assigns to the NYPD the responsibility of training police officers to respond to students in emotional crisis. We disagree that even more resources should be allocated to the NYPD for this training when the purpose of this bill is to limit the NYPD’s role in responding to students in emotional distress.

² NYCLU, *Student Safety Act Reporting* (2019), https://www.nyclu.org/sites/default/files/ssa_2019_full_year.pdf.

We are also concerned that the bill lacks any real measures for accountability. The bill includes a mechanism for reporting on the response to students in emotional crisis, and a reference to “quality assurance checks,” but it remains unclear what will happen if school staff or precinct officers fail to respond appropriately to students in emotional crisis, or if precinct officers use handcuffs or other restraints on students who are not at risk of causing serious physical injury to themselves or others. We recommend adding robust accountability measures to include appropriate discipline for officers who fail to follow the mandates of the bill.

Int. 2211-2021

Stationing police officers in schools has not been shown to make schools safer, and research has shown that police presence and metal detectors can in fact significantly decrease a student’s perception of safety at school.³ School policing often targets common adolescent behavior, bringing young people into the criminal legal system, and making them more susceptible to future contact with the system. Criminal cases can lead to orders of protection that may bar students from school buildings. And these cases bring with them several other collateral consequences that can serve to derail a student’s education or future employment prospects. Studies have shown that when students are arrested, they are less likely to graduate from high school, and have worse academic performance in school.⁴ And these outcomes are most acute for Black and Latinx students, who are more likely than white students to face harsh discipline and to have interactions with police at schools. In New York City, even as arrests in schools have fallen, during the 2019-20 school year, Black and Latinx students accounted for over 90% of school-based arrests, while representing just over two thirds of the DOE student population.⁵

Though it may seem on paper that moving school safety agents from the NYPD to the DOE takes the city a step closer to having police-free schools, we believe that the bill does not go far enough in reimagining what safe and supportive schools can look like. Our city’s schools must shift to a culture where school staff, not police officers or security personnel, take the lead in addressing and preventing student misbehavior, and do so in a nonpunitive way, that does not serve to further disconnect students from the schools they attend.

Other cities have begun the process of shrinking the size of school police forces and investing in other means of securing safe and supportive schools; New York should follow suit.⁶ Moving school safety agents back under DOE control, and changing the uniforms these officers wear, is insufficient to ensure that schools will not continue to take a punitive and law-enforcement-based approach to routine misbehavior. Int. 2211 does nothing to shrink the size of the school safety division. The budget for school safety agents, whether it falls under the NYPD or the

³ Nathan James & Gail McCallion, *School Resource Officers: Law Enforcement Officers in Schools*, CONGRESSIONAL RESEARCH SERVICE (June 26, 2013); Matthew T. Theriot & John G. Orme, *School Resource Officers and Students’ Feelings of Safety at School*, 14 YOUTH VIOLENCE & JUV. JUSTICE 130-146 (2016).

⁴ Jason P. Nance, *Students, Police, and the School-To-Prison Pipeline*, 93 WASH. U. L. REV. 919 (2016).

⁵ Madina Touré, *Report: Black, Latino Youths Still Getting Arrested at Disproportionate Rates in NYC*, POLITICO (July 13, 2020), <https://www.politico.com/states/new-york/city-hall/story/2020/07/13/report-black-latino-youths-still-getting-arrested-at-disproportionate-rates-in-nyc-1300084>.

⁶ Jill Cowan, Shawn Hubler & Kate Taylor, *Protesters Urged Defunding the Police, Schools in Big Cities are Doing It*, N.Y. TIMES (Feb. 17, 2021).

DOE, is enormous – nearly half a billion dollars – at a time when the DOE faces massive budget cuts in other areas.

Rather than continuing to invest hundreds of millions of dollars into school policing, the City Council should instead take this opportunity to invest in mental health and other supports for schools that will increase the health and well-being of New York City’s children and communities. The last year in New York City schools has been unlike any other. During the last year, many students have experienced profound trauma – they have lost close family members and friends, have had their families experience job losses and other financial insecurities, and have been disconnected from friends and other support networks. Many students have struggled to navigate remote coursework while lacking the critical technology needed to participate, and have found it difficult to attend school from home, where distractions abound. Most students have been out of school buildings for nearly a year; those attending in person have had to contend with buildings opening and closing.

When students return to school, the stress and trauma of the last twelve months may bring with them increased behavioral issues as students readjust to in-person learning. And so, whenever students return to school buildings in large numbers, it is essential that they are provided with the mental health supports to ensure their success in returning to school while processing the trauma of the last twelve months. We are especially concerned that without the broad and equitable delivery of mental health supports for returning students, many families will be at increased risk for investigation by the Administration for Children’s Services, which can be traumatic for families in its own way.

We are encouraged that the Mayor’s Office has put forth a preliminary proposal to support increased mental health services to students in the communities most affected by the COVID-19 pandemic. Careful program design and more funding, however, is needed to ensure that students have access to meaningful supports – not just surface-level interventions. We urge the City Council to expand financial investments to ensure our schools, and particularly our highest needs schools, have access to behavioral health consultants, on-site mental health clinicians, and mobile mental health response teams.

Clinically trained staff, including licensed clinical social workers, can play an important role, particularly working with youth who have experienced trauma, which is likely to be more acute in the midst of the COVID-19 pandemic. Guidance counselors can also serve a critical role supporting students and implementing guidance interventions as an alternative to punitive discipline. Restorative justice coordinators can help students and schools use restorative practices to address misconduct. Beyond supporting individual students, guidance and social work staff along with restorative justice coordinators can also facilitate successful implementation of whole-school reforms and support all staff in the undertaking.

We appreciate the work that the City Council – and particularly Chair Treyger – has done to secure additional social workers for New York City schools over the past several years, and urge the Council to continue to invest in appropriately trained and supervised guidance counselors, licensed social workers, and restorative justice coordinators.

Conclusion

Ultimately, it is critical that we make serious strides towards recognizing that traumatizing children through the use of restraints and law enforcement presence in schools does not further public safety or the health and well-being of New York City's children and communities. The City Council should take this opportunity to invest in solutions that do.

We thank you for the opportunity to submit testimony on this critically important topic. If you have any questions, please feel free to contact me at aarkingallagher@bds.org or (646) 971-2719.

Testimony of the New York Civil Liberties Union¹
Before
New York City Council Committee on Education
On
Introductions 2188, 2211, 2226, & 2227
Regarding Police in Schools
February 18, 2021

The New York Civil Liberties Union (“NYCLU”) respectfully submits the following testimony in opposition to Int. 2211 and in qualified support of Ints. 2188, 2226, and 2227.

I. INTRODUCTION

The NYCLU, the state affiliate of the American Civil Liberties Union, is a not-for-profit, non-partisan organization with nine offices across New York state and more than 210,000 members and supporters. The NYCLU’s mission is to defend and promote the fundamental principles, rights, and constitutional values embodied in the Bill of Rights of the U.S. Constitution and the Constitution of the State of New York. Protecting and expanding students’ rights is a core component of our mission, and through our Youth and Students’ Rights program the NYCLU advocates for positive school climate and equitable access to quality education for all students.

As a founding member of the Student Safety Coalition, the NYCLU partnered with students, parents, and advocates across the City to enact the Student Safety Act—a first-of-its-kind reporting law on student safety and discipline in schools. The Student Safety Act has given the public a rare view into the inner workings of schools and the NYPD, revealing a system of “school safety” that is both unsafe and harmful to many Black and Latinx students and students with disabilities. These students are arrested at alarmingly high rates relative to their enrollment and are subjected to higher frequency of handcuffing and police involvement in non-criminal situations.²

More recently, we served on Mayor de Blasio’s Leadership Team on School Climate and Discipline. We were among the first organizations to document the abuses of the NYPD’s roving metal detectors more than 12 years ago, and today we are engaged in active litigation to force transparency from the NYPD about metal detectors. We have worked with hundreds of young people subjected to heavy-handed criminal responses to misbehavior, physical force, intimidation and harassment. We have committed thousands of staff hours to trying to improve the school safety operations of the NYPD to reduce harm to kids. All of this work has culminated in our reaching the conclusion that police can play no responsible role in our education system. New York City schools must become police-free schools.

II. THE EVOLUTION OF THE SCHOOL SAFETY DIVISION

In 1998, then-Mayor Rudy Giuliani led a campaign to transfer responsibility for school safety away from the Board of Education to the New York Police Department. Skeptical parents and educators were promised that the school police force would not be enlarged (there were fewer than 2,000 officers at the time) and that the unarmed officers would not have the authority to make arrests. Despite evidence that showed school crime was on the decrease, Giuliani’s plan

¹ Contact: Johanna Miller, Education Policy Center Director, jmiller@nyclu.org

² NYCLU, Student Safety Act Reporting 2019. Available at https://www.nyclu.org/sites/default/files/ssa_2019_full_year.pdf.



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19th Floor
New York NY 10004
(212) 607-3300
nyclu.org

Donna Lieberman
Executive Director

Olivier Sylvain
President

came to fruition. His promises, however, lasted only as long as his administration: today more than 5,200 NYPD officers with full authority to arrest roam the hallways of New York City's schools. This comes at a cost to the education budget of a quarter of a billion dollars annually.

For years, SSOs have outnumbered counselors and social workers combined; standing alone, the School Safety Division would be among the top 10 largest law enforcement agencies in the country.³ During the pandemic, when kids need support more than ever, the number of officers at schools has actually *increased*, and uniformed NYPD members are being assigned to patrol free food pickup locations. Even as we provide something as basic as food to children, this police force is there to remind them that they're viewed as potential criminals.

There is a vast body of research demonstrating the significant harms of sending police into schools.⁴ There is, on the other hand, almost no clear evidence that police or police technology like metal detectors make kids safer.⁵

III. POLICE IN SCHOOLS LACK EFFECTIVE OVERSIGHT & ACCOUNTABILITY

Policing in NYC schools regularly involves enforcing low-level and non-criminal violations of school policies with little oversight or accountability. This is particularly true of NYPD officers who are not members of the School Safety Division, who are responsible for the three-quarters of arrests in schools.⁶ Many of these police interventions are for non-criminal disorderly conduct, non-criminal possession of small amounts of marijuana, students fighting, and issues that are not related to the safety of classrooms at all, such as the investigation of alleged crimes that happened outside of school.⁷ The City has made repeated reforms to the School Safety Division but has failed to effectively end the free reign of other police officers in schools.

Principals still exert little or no legal authority over SSOs in their schools. They often don't know day-to-day which officers will be in their building, due to staffing decisions made at the Borough Command level. School safety officers are not subject to investigative oversight by either the DOE or the CCRB. Principals cannot require them to attend school-wide trainings on

³ There are 4,348 full-time guidance counselors and social workers in NYC DOE schools. New York City DOE, Report on Guidance Counselors Pursuant to Local Law 56 of 2014, February 15, 2020, *available at* https://infohub.nyced.org/docs/default-source/default-document-library/guidancecounselorreportandsummaryfeb_2020.pdf There are approximately 5,200 school safety agents. *See also*, US Department of Justice, "Census of State and Local Law Enforcement Agencies, 2008," available at

<https://web.archive.org/web/20121010224733/http://bjs.ojp.usdoj.gov/content/pub/pdf/cslla08.pdf>.

⁴ *See, e.g.*, Joscha Legewie and Jeffrey Fagan, "Aggressive Policing and the Educational Performance of Minority Youth," *American Sociological Review*, 2019, available at <https://osf.io/preprints/socarxiv/rdchf/>; Emily K. Weisburst, "Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-term Education Outcomes," *Journal of Policy Analysis and Management*, 2019, available at <https://onlinelibrary.wiley.com/doi/abs/10.1002/pam.22116>. ACLU, "Cops And No Counselors," 2018, available at <https://www.aclu.org/report/cops-and-no-counselors>; Council on State Governments Justice Center, *Breaking Schools Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement*, 2011, available at <https://csgjusticecenter.org/youth/breaking-schools-rules-report/>.

⁵ *See, e.g.*, Kenneth Alonzo Anderson, "Policing and Middle School: An Evaluation of a Statewide School Resource Officer Policy," *Middle Grades Review*, 2018, available at <https://scholarworks.uvm.edu/mgreview/vol4/iss2/7/>; Schwartz et al, "The role of technology in improving K–12 school safety," 2016, as cited in the *Final Report of the Federal Commission on School Safety*, note 35, US DOE, 2018, available at <https://www2.ed.gov/documents/school-safety/school-safety-report.pdf>.

⁶ *See* NYCLU, *Student Safety Act Data, 2011-2017*, available at <https://www.nyclu.org/en/student-safety-act-data>.

⁷ *Id.*



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19th Floor
New York NY 10004
(212) 607-3300
nyclu.org

Donna Lieberman
Executive Director

Olivier Sylvain
President

topics like the Dignity for All Students Act, New York’s anti-bullying law. Educators typically find out just 24 hours ahead of time that the NYPD will be invading their school with “unannounced” metal detector scanning. Principals are told to keep the information secret under penalty of arrest, and are not told how many days the scanners will stay in place or given a transparent justification for why the decision was made. The NYPD completely disregards how this lack of communication damages trusted relationships with students, as the unannounced metal detectors are uniquely chaotic, abusive, and destructive to the educational environment.

The NYCLU has represented many children in New York City who have been harmed by police practices in school. In 2015, we settled a lawsuit against the City of New York on behalf of seven middle and high school students who were wrongfully arrested and/or physically abused by police in their schools. In that case, *BH v. City of New York*, we represented kids who were arrested or subjected to physical force for writing on a school desk, acting “boisterous” in the hallway, possessing a cell phone in school, misplacing a school lunch tray, and talking back.⁸ In a demonstration of just how difficult it is to achieve accountability in this area, that case took six years to litigate, with the resources of the NYCLU and a private law firm, and resulted in not one school safety officer being disciplined.



125 Broad Street
19th Floor
New York NY 10004
(212) 607-3300
nyclu.org

Donna Lieberman
Executive Director

Olivier Sylvain
President

IV. POLICE DISCRIMINATE AGAINST BLACK AND LATINX STUDENTS

NYPD activity in schools, as on NYC streets, is a driver of rampant racial discrimination. Young people of color are more often criminalized for minor infractions; Black and Latinx students are more likely to be subject to physical force, the use of handcuffs, criminal court summons, and police intervention in mental health matters. In 2018-19, nearly 100% of NYC students handcuffed during a “child in crisis” situation—a child in need of urgent mental health intervention—were Black or Latinx.⁹ This directly impacts the academic success rate for students of color, as it causes them to miss school, causes emotional & psychological damage, breaks down their relationships with educators, and severs ties to the school community.

Of the 100,000 students who walk through a metal detector each day on their way into school, more than 90% are young people of color. In 2018, the NYCLU documented¹⁰ an instance where unannounced metal detectors came to the Bayard Rustin Education Campus (BREC), allegedly because of reported violence in the Chelsea neighborhood. The students in the six schools at BREC are mostly Black and Latinx. But the predominantly white students at the NYC Lab School, literally across the street, were not subjected to such police tactics. Because the NYPD refuses to comply with a city law requiring reports about metal detectors, no one can assess its representations about the reasons for unannounced scanning or its effectiveness.¹¹

V. POLICE ACTIVITIES IN SCHOOL DISPROPORTIONATELY IMPACT STUDENTS WITH DISABILITIES

Federal law protects students with disabilities from discrimination in school. Both the Americans with Disabilities Act and the Individuals with Disabilities Education Act include important procedural protections to keep students from being pushed out of classrooms, ensure they are receiving proper supports, prohibit the use of abusive restraints and seclusion, and

⁸ *BH v. City of New York*, amended complaint, E.D.N.Y., Index No. CV 10-0210 (2010) (*available at https://www.nyclu.org/sites/default/files/Amended_Complaint.pdf*).

⁹ NYCLU, *Id.* at 6.

¹⁰ NYCLU and BREC, “What if New York City Swarmed Schools with Guidance Counselors?”, 2018, available at https://www.youtube.com/watch?v=smFcBFdlt8w&feature=emb_logo

¹¹ NYCLU, “NYCLU Sues NYPD for Data on Metal Detectors in NYC Schools,” 2020, available at <https://www.nyclu.org/en/press-releases/nyclu-sues-nypd-data-metal-detectors-nyc-schools>.

guarantee timely evaluations of their needs.¹² Yet, when it comes to the actions of police in NYC schools, these protections are routinely disregarded.

Police in schools have no legal access to information about students' disabilities or health needs, as these records are protected by federal privacy law.¹³ Yet they can and do use physical force and restraints against these students and can remove them from classrooms and supportive spaces. The NYPD refuses to maintain any records of arrests of students with disabilities (the DOE maintains no formal records of student arrests whatsoever), so we have no clear picture of the impact of police on students with disabilities. Other data sources, including suspension records and records of 911 calls for students in crisis, indicate that students with disabilities are more likely to have police interactions.¹⁴ The lack of transparency in this area is a grave danger to kids with disabilities.

VI. RECOMMENDATIONS

A. INT. 2211

It is our strong recommendation that the Council not advance Int. 2211, which mires schools in half-measures and enshrines the existence of a school police force—however limited—in local law. If it is the Council's belief, as it is ours, that there is no need for school safety officers to have arresting authority, we urge you to work with us towards police-free schools in New York, rather than maintaining a police force under another name.

For more than a decade, students, parents, and advocates have urged the City to spend less on school policing, and to shrink the mind-boggling size of the School Safety Division through attrition and reassignment. But the division has continued to grow, escaping even the hiring freeze that was promised in 2020. It is the City's prerogative to protect its municipal workers, but a job protection program that comes at the expense of the wellbeing of children is unconscionable.

New York City should not spend one education dollar on re-training school safety personnel, especially as many of those employees have no interest in working as part of an education team. Additionally, no SSOs with a substantiated complaint of use of force against a child should be permitted to continue working in schools.

If this bill were to pass, all its provisions would be at risk of being swallowed by the massive exception built in anyway; the language permits police to take any action they “reasonably [believe] to be necessary to address an imminent risk to public safety or property.” This language is too vague, allows for too much discretion, and inappropriately puts kids at risk for the sake of protecting *property*. With this exception, there is essentially no barrier to school employees calling the police at any time. As reflected in our model MOU, the only time police should be called to a school is when there is a “clear and present danger of serious physical injury to a student or other member of the school community.”¹⁵

B. INT. 2188

We are supportive of the aims of this bill because it is urgently needed to protect students from trauma and harm. Hundreds of kids each year—nearly 100% of them Black and Latinx-- are

¹² See, Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1415[k]; 8 NYCRR §§200-201.

¹³ Federal Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99.

¹⁴ NYCLU, *Id.* at 6.

¹⁵ NYCLU, “Recommendations for a Memorandum of Understanding Between Schools and Police,” 2019, available at <https://www.nyclu.org/en/publications/recommendations-memorandum-understanding-between-schools-and-police>.



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19th Floor
New York NY 10004
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Donna Lieberman
Executive Director

Olivier Sylvain
President

subjected to police tactics while experiencing a mental health crisis, and the city should do everything in its power to end this racist practice immediately. Nonetheless, we recommend amending the bill to remove the additional training requirements. We do not support additional training of school safety officers to fill gaps created by a lack of trained mental health professionals. The City would be better off to use those resources to hire the necessary professionals for those jobs.

For children with disabilities, the principal, in collaboration with the school's IEP Team, should develop an agreed upon response to instances when a child's behavior is a manifestation of their disability. Any police who are on the scene should defer to the IEP team and other trained professionals.

Additionally, we recommend this bill be strengthened by changing the language in section (b). Currently, that paragraph assumes police will be playing some role in situations where a child is in crisis: "When responding to a student in emotional crisis, school safety personnel shall...". We recommend changing this opening language to "school safety personnel shall not respond to a student in emotional crisis *unless...*" (emphasis added).

C. INTS. 2226 & 2227

In general, we are supportive of measures to increase accountability and oversight of the police department. Turnover and transfers among the school safety division are important pieces of information because we have reason to believe that problematic agents are transferred between schools rather than facing real accountability for their actions. We have been fighting for years to get deployment information about school safety officers.

We are, however, deeply skeptical of the likelihood of any reporting requirements being successful with regard to the NYPD. We have learned over decades of advocacy that the NYPD reports only that information it desires to report, and nothing more. No amount of city council legislation has forced the NYPD to report information it does not want the public to see.

With regard to DOE reporting requirements, we are more hopeful that this can be successful. Principal feedback on school safety officers is valuable information for parents and students and making it publicly accessible is a good mechanism for oversight (as opposed to requiring a report directly to the Council, which necessitates members of the public filing a FOIL to obtain the report).

VII. CONCLUSION

We urge the Council to invest in deep collaborative conversations with students, teachers and members of the advocacy community, as well as individual school safety officers, to reimagine school safety. In 2020, New Yorkers demanded major change to the City's overinvestment in police when they asked for a \$1 billion cut to the NYPD budget. The City has not delivered on that call for reinvestment. School safety is rightfully at the center of this conversation, but we will not accept a solution that fails to reclaim education dollars for the benefit of young people. Other cities across the U.S. and in New York are making real changes, divesting from police and investing in kids.¹⁶ We look forward to working with you to put New York at the forefront of progressive school safety policy.

¹⁶ *E.g.*, Los Angeles, Minneapolis, Seattle, Oakland, Denver, Rochester, NY and Portland, OR. *See*, Jill Cowan et al., "Protesters Urged Defunding the Police. Schools in Big Cities Are Doing It." The New York Times, February 17, 2021, available at <https://www.nytimes.com/2021/02/17/us/los-angeles-school-police.html>.



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19th Floor
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(212) 607-3300
nyclu.org

Donna Lieberman
Executive Director

Olivier Sylvain
President

STATEMENT OF ROSEMARY K. SCOTT, NYPD SCHOOL SAFETY AGENT

My name is Rosemary K. Scott, nee Colon. I have served proudly as a member of the NYPD School Safety Division for 20 years. This is my story. This is what NYPD School Safety does.

Three weeks out of the training academy, on September 11, 2001, I was on duty and responsible for securing an entire school building, its perimeter, and the frightened adults and children inside who didn't know what was going on. I was a rookie, but my training kicked in. And we kept everyone calm, and everyone got home safe. That's what School Safety is there for.

Of course, this wasn't the last emergency I've had to deal with in my career. Council members should know about a flash fire we faced at Francis Lewis High School, when I and fellow Agents evacuated hundreds of students within minutes, unharmed. That included students in wheelchairs and some handicapped kids brought out on agents' backs. That's what School Safety is there for.

And Council members should know about a time at Hunters Point High School, when the members of the basketball team lost a George Foreman grill they had used to cook burgers and franks at their fundraisers. We, the School Safety Agents went out and bought them a new one with our own funds. Sometimes that's what we're there for too,

I get the impression Council members think we frighten students and spend all our time arresting them. A force that's 70% female? Me? I'm a single parent, raising four children. And I'm a School Safety Agent. The truth is we serve as mentors and sometimes as older sisters or second parents to these kids, urging them to stay in school, to keep up with their studies, even helping them when they've lost cab fare or valuables. The best part of the job is when they come back and thank us. And NO to whoever on the City Council wrote that silly stuff, we DON'T carry weapons, or mace, or anything like it.

But we continue to prepare for those terrible emergencies. After Sandy Hook, we received extensive new training for mass shooter situations. Mothers of New York City school children deserve to know that we're prepared to face those situations. Yes, we're "the police." But sometimes children need police too. For the safety of our children, I urge the City Council to keep NYPD School Safety in the schools.

STATEMENT OF LESLIE PIERSON, NYPD SCHOOL SAFETY AGENT

My name is Leslie Pierson. I have been a School Safety Agent for 21 years. I oppose any plan to move School Safety back to DOE.

I see two issues here. First, Council members are involving School Safety in a debate which just doesn't fit our title. There were terrible incidents this past summer involving police shootings of unarmed black civilians. Something must be done. But this is not the story of NYPD School Safety. Our force looks just like the kids we patrol. There is no division between us. We live in the community. Agents are mostly women. We're completely unarmed. Arrests are very rare.

The second issue involves what I suspect is ignorance on the part of some City Council members about what can go on in New York City schools. Perhaps their kids' schools are peaceful, or their kids go to private schools. But New York schools can face problems. Bad people who don't belong in a school may try to get in. Someone needs to keep mobs of kids in order during emergencies. And some troubled kids cause harm to others and themselves. With weapons they bring to school that we detect at the door. Can we have a school system with no trained security? In this day and age? I don't think parents think so.

Soon the kids will be back in school. They're going to have a lot of energy and haven't been in social situations for a long time. Things will be hard enough. We have a system that they remember, and that works well to keep them safe. Don't play with their protection just because it's provided by someone called "police." Don't put slogans over reality.

STATEMENT OF QUIANN SIMPKINS, NYPD SCHOOL SAFETY AGENT

I address myself to the members of the City Council.

My name is Quiann Simpkins and I am an East Flatbush resident. I have been a resident my whole life. I have lived in the same house on Cortelyou Road for well over forty years. I attended P.S.181, I.S. 246, and Erasmus Hall High School.

During my educational career I witnessed some of the most brutal violent fights and assaults you can imagine. These terrible things didn't just happen to students, they happened to the staff as well. I saw security struggle to maintain order under the then Board of Education (It wasn't a pretty sight.)

I always wanted to see a change in that system. I am an educated African-American woman who had my heart set on becoming a NYPD Police officer, because I wanted to make a difference in the representation that my community sees on a daily basis. In 2006, while signing up for PD, I switched gears and joined the School Safety Division. I felt that I could make a difference by helping students feel safe, and that I could lighten the children's day by letting them see an officer who was representative of their community.

Crime in the schools has been down since training and day-to-day functions are being monitored by the NYPD. This is a dramatic success. But something strange is now happening. In this current climate of concern over injustices faced by our Black and Hispanic communities there is an outcry for "reform of policing." I for one am all for it, but what causes me pause is that all the focus and attention has somehow shifted from 39,000 predominately male NYPD Police officers, and all the focus and concern is placed on 5,000 Black, Hispanic, minority and mostly female members of the School Safety Division.

This assault on our title is based on wild mistruths, and the creation of a public impression that we intimidate students. People even lie and say we carry weapons. We do not now and never have carried weapons, and we hardly if ever effect an arrest. When that happens as of late it's usually of someone trespassing or assaulting a staff member. Agents shake their heads in amazement at the things said about us.

The blatant disrespect and defaming of our character is disheartening to us because the service we provide to 1 million school kids and the staff is crucial. Has the City Council or the DOE sent surveys to students and families asking how they feel about the presence and performance of School Safety Agents? The answer to that is no, because I'm a parent of NYC school children, and I believe that other parents feel as I do where it concerns the overall safety of our children. Agents are the people most parents look for when dropping their children off to school. DOE staff cannot conceivably be asked to conduct a lock down, shelter in, or evacuation drill effectively, let alone be responsible for the full security measures and safety of a building.

I call on the Council to reconsider your thoughts and actions, because the only people who will suffer grave harm in the end will be children and staff of the school community.

Organizing For Equity New York (OFENY) is here today to share our thoughts on the City Council's "Creating safe, welcoming schools" legislative plans. OFENY is a diverse organization of community members fighting systems of oppression that impacts the students of New York City. We strongly believe that all students across the five boroughs deserve access to an equitable education regardless of zip code. For generations, Black and Brown communities have been over policed, especially in black and brown public schools. In order to create a school environment that is conducive to learning, stops the over-policing of Black and brown student populations, and focuses on restorative practices, we propose that the DOE remove all School Safety Agents and replace them with restore justice practices.

We applaud the city taking a step towards de-militarizing our city's public schools system. We also believe that the devil is in the details, and it is crucial that the council is bold and visionary in the rollout of these legislations. We fully endorse the move to remove NYPD from schools by June 2022, however, we are concerned with the line that "school safety personnel would also be retrained..." Restorative Justice training is essential, however, we believe that training only works when the people being trained are invested in RJ philosophy. A new, reimagined school safety division should require all SSAs who truly want to be trained in RJ to reapply for a RJ Practitioner and Deescalation position that should be drastically different from the SSA position as they currently practice it. We do not believe that these positions must be filled by people with social work degrees, however, we do believe that RJ hires should show demonstrated commitment to restorative practices, anti-racism, and student mental health. Such hires could come out of the pool of former SSAs but they could also come from former paraprofessionals, guidance counselors, and other members of the community.

We firmly believe that an immediate hiring freeze on SSAs should be implemented and remove any SSA officer that has a complaint against them; do not replace them.

With regard to increasing transparency in SSA turnover, we would also like to see full transparency in complaints against SSAs. The repeal of 50A at the state level increased transparency for complaints against regular police officers, but that expanded transparency does not currently include SSAs. We believe that in order to develop trust and collaboration with communities, students and their families

should have access to records delineating all complaints against SSAs including the demographic of the young person/family filing the complaint, the nature of the complaint, whether or not the complaint was substantiated, and what consequences were enacted.



TESTIMONY OF LEGAL SERVICES NYC

City Council's Education Committee

Hearing on

Police Department's Response to Students in Emotional Crisis in Public Schools - Int. 2188-2020

Public School Safety and Security – Int. 2211-2021

Requiring Annual Reports on Employment Turnover of School Safety Agents and Other School Safety Personnel – Int. 2226-2021

Reporting on School Principal Evaluations of School Safety Agents – Int. 2227-2021

February 18, 2021

For more than 50 years, **Legal Services NYC (LSNYC)** has provided high-quality, innovative representation to low-income communities throughout New York City. Our mission is to fight poverty and fight for racial, social and economic justice for low-income New Yorkers. Through litigation, advocacy, education and outreach, LSNYC has advanced the interests of our clients and created systemic changes that strengthen and protect low-income communities. We work tirelessly to protect the rights of low-income veterans, immigrants, the LGBT community, people with disabilities and other vulnerable constituents.

Legal Services NYC attorneys and paralegals have been representing students on discipline issues across all five boroughs for many years. We have witnessed the terror and trauma that students have been exposed to due to inappropriate, racist and unjust interactions between the NYPD and children. It negatively affects the students' mental health, wastes limited resources that should be spent on educating students, and creates a pipeline of children to prison.

The United States and New York have a long and sad history of treating children as adults in criminal proceedings. Since 1973, the death penalty was imposed on 228 children. The US was virtually isolated in the world as one of the few nations that continued to carry out executions of juveniles, until such practice was found unconstitutional by the US Supreme Court in 2005.¹ New York was until recently one of only two states that automatically prosecuted 16 year olds as adults. This unjust practice unfairly punished youth and prevented them from receiving the services they needed to rehabilitate themselves and reintegrate into their communities.

Arresting children and denying them their right to education in order to punish them for “bad behavior” is wrong. It is our belief that schools are where children learn and grow, even from their mistakes. Legal Services NYC has represented many students who have had needless interactions with the police, including students who were handcuffed by the NYPD in school and in front of their fellow students and detained at police stations in the middle of the school day, to answer questions about non-violent offenses. We have had a student client taken out of school by NYPD while having an asthma attack, handcuffed to a gurney because he allegedly had not taken his hoodie down fast enough. We have represented students as young as six years old who

had childhood tantrums and older students in emotional crisis who were forced to interact with NYPD in their schools. It is of no benefit to anyone to have police involved when children in school need their parents and educators to deescalate them. The NYPD should not be involved when students are in emotional crisis. Legal Services NYC filed a federal lawsuit on needless calls to EMS in *TH, et al. v. Farina, NYC DOE, FDNY*, 13 CV 8777 settled in 2014, and the NYC DOE has protocols in place that should be followed when children have behavior issues.

Whether these situations get deescalated largely depends on how adults respond to the child who is experiencing an emotional crisis. Every adult in NYC public schools needs to have these tools because a child in any school can experience an emotional crisis at any time. What is clear is that individuals trained through the NYPD are trained to be law enforcement officers not mental health counselors and are not prepared to respond to an emotional crisis.

These negative police interactions are now imprinted not only on the students who were in unnecessary contact with the police, but also by all the students who witnessed these police tactics in school. We cannot let this continue in 2021. Stress affects students' academic achievement and social emotional health. Students are reeling from the killing of numerous Black people by the NYPD and other police forces around the country due to both systemic racist police tactics and the individual racist biases of members of law enforcement.ⁱⁱ Students have been reeling from the COVID 19 pandemic for almost a year, with lost family members and lost income, creating food insecurity and loss of homes. In this environment especially we cannot continue to traumatize our children.

For two decades students have been saying that police in schools make them feel like criminals and create a hostile school environment.ⁱⁱⁱ The constant police presence and metal detectors in our schools has been justified as a way to prevent violence, but no research supports the proposition that police and metal detectors in schools improve safety or create a drug free school. In fact, research shows that the presence of NYPD officers negatively affected test scores of Black male students. (ACLU) In the last 25 years we have mourned the death of one student in NYC public schools due to violence. Every life is invaluable, but that loss is not justification for having more police in schools than counselors and social workers.

Police in schools also waste precious limited education funds diverted to the NYPD instead of funding support services that help students socially/emotionally and academically. The zero tolerance discipline policy commenced in 1998 treated harmless and innocent Black, brown and disabled students like criminals.^{iv} With an annual budget of approximately 332 million dollars, and 7,000 officers, the NYC School Safety Division by itself is larger than most municipal law enforcement agencies in the United States.^v It is impossible to calculate how many children have become ensnared in the school to prison pipeline from this shameful, unnecessary and racist policy.

NYC has one of the most segregated school districts in the country. We need to ask why we live in a city where public schools serving predominately Black & brown students have more NYPD school safety agents and metal detectors than schools serving predominately white students. The majority of educators report that metal detectors "rarely" or "never" keep students safe, and educators in scanning schools report that School Safety Agents regularly harass and disrespect students during the scanning process.^{vi} It is clear that policing in schools is racialized in its implementation.^{vii}

In 2012 NYPD was making an average of four arrests a day of children in our schools, the majority of whom were students of color. 882 children were arrested, with an additional 1,666 summonses issued by police in schools. Children as young as 11 years old were arrested, with 20% of those who were arrested between the ages of 11 and 14. A majority of arrests focused on “horseplay.” What used to result in a walk to the principal’s office is now resulting in a walk in handcuffs to the local precinct. (ACLU Public Safety Review 9/1/12). In 2020, just before the pandemic, the number of students arrested and to whom summonses were issued had fallen to about half those numbers, but these reductions coincided with a large surge in “juvenile reports,” a procedure in which an internal file is kept at a police precinct after alleged student misconduct, which increased by 35% from the previous year. These “juvenile reports” often involve students being handcuffed and held for long detentions at police stations. A student’s trauma from unnecessary police involvement is not reduced by switching from arrests to juvenile reports. In addition, Black students still made up 55% of arrests, despite representing 26% of NYC public school students.

The City needs to make a greater investment in social emotional learning. We need a whole school approach that is centered on healing. LSNYC, along with community partners, parents and students, helped publish a Roadmap to Bring Healing Centered Schools to the Bronx, outlining how schools can transform themselves into centers of healing that will likely reduce students’ serious behavioral incidents and emotional crises. We encourage every member of the City Council to review the Roadmap and its recommendations.¹

Other cities around the country have already begun to eliminate the police presence in schools, and New York City is falling behind. Los Angeles, Oakland, and Austin have taken major steps toward creating police-free schools in the last several months.^{viii} The Schenectady City School District completely removed all school resource officers from their schools and used the funds to hire new social workers and community elders trained in conflict de-escalation, which led to a forty percent reduction in physical altercations in schools.^{ix}

Let 2021 be a time for students to go to school to learn and engage in academics, build self-esteem, and learn proper social behavior without being made to feel like criminals. Let them have the peace of mind and joy that would be found if these funds were instead used to invest in music, art, poetry, dance, theater and sports. Let’s give children a reason to look forward to going to school rather than dreading it.

Respectfully submitted,

Nancy Bedard, Esq.
Legal Services NYC
Education Rights Project
Contact: 718-237-5568
nbedard@lsnyc.org

¹ <https://www.legalservicesnyc.org/what-we-do/practice-areas-and-projects/access-to-education/community-roadmap-to-healing-centered-schools>.

ⁱ *Roper v. Simmons*, 543 U.S. 551 (2005)

ⁱⁱ <https://www.educationnext.org/new-research-shows-killings-by-police-hurt-grades-graduation-rates-nearby-black-hispanic-schoolchildren/>
https://www.nctsn.org/sites/default/files/resources//what_is_child_traumatic_stress.pdf

ⁱⁱⁱ https://www.nyclu.org/sites/default/files/publications/nyclu_pub_criminalizing_the_classroom.pdf

^{iv} CDF History of Police in NYC Schools Report: https://www.cdfny.org/wp-content/uploads/sites/3/2019/10/CDF-NY-Report-History-of-Policing-in-NYC-Public-Schools.pdf?_ga=2.19311039.666074925.1613752323-356918757.1613752323

^v https://www.ggenyc.org/wp-content/uploads/2020/06/Shrinking-Policing-in-the-Name-of-Public-Health_-GGE-Budget-Report-.pdf

^{vi} <https://dignityinschools.org/resources/teachers-talk- school-culture-safety-and-human-rights-3/>

^{vii} <https://www.wnyc.org/story/school-arrests-student-suspensions-race-new-york/>

^{viii} <https://www.ggenyc.org/the-schools-girls-deserve/police-free-schools-movement-map/>

^{ix} <https://www.legalservicesnyc.org/what-we-do/practice-areas-and-projects/access-to-education/community-roadmap-to-healing-centered-schools>. (p. 75-76)

Before the Education Committee's Hearing on School Policing Reforms

Thursday, February 18th, 2021

Written Testimony in Opposition of Intro 2211

The NYPD Does Not Belong in Schools

My name is Alaina Gostomski and I am an educator. I am working with Teachers Unite, an organization of NYC public school educators working to dismantle the school-to-prison pipeline. I could not attend the testimony in person today due to a teaching obligation. I am writing to urge councilmembers to reject Intro 2211—a bill that would codify the transfer of the NYPD's School Division to the DOE. School Safety Agents cultivate a carceral and punitive climate at school and divert necessary resources away from supportive measures that help students experiencing behavioral, social, or emotional challenges. The racism entrenched in the NYPD is reflected by their School Division. Black and Latinx students disproportionately represent around 90% of all youth arrests, court summons, and juvenile reports issued by school police.¹ Black students represent less than 30% of the student population but receive close to 60% of these arrests. Students need restorative justice over the current punitive measure taken by the NYPD's School Division. Implementing restorative justice practices in schools require funding, time, and above all else, it requires the absence of SSAs: the people who evoke fear, anger, and unease for many students.

Stop Punishing Vulnerable Students

As an elementary school teacher in the Bronx, my students would question why a police officer was walking the floor. The questions seemed curious and uneasy. Students wondered if the SSA's could arrest someone or if a dangerous person had entered the school. Their body language showed that they were worried and unsure about why an officer was there. These

¹ Information sourced by the Urban Youth Collaborative

students were protected by teachers and guidance counselors who would never allow an SSA to intervene in a conflict between elementary-aged children. Teachers and guidance counselors worked closely together to support our elementary students with challenges. We used Responsive Classroom techniques, like logical consequences and frequent private check-ins with students who struggle emotionally, behaviorally, or socially. These methods prioritize positive relationships between teacher and student and always keep the student's wellbeing at the forefront of every interaction, even after logical consequences are given. Unfortunately, many NYC students do not have access to a team of teachers, guidance counselors, and social workers available for support. Instead, students are often met with force or escalation from SSAs. When the measures taken for "safety" resemble criminalization and punishment, creating a sense of community and trust between our most vulnerable students and their school is nearly impossible. We have the data showing that students who consistently present with behavioral, emotional, and social challenges often overlap with students experiencing poverty, food and housing insecurity, abuse, or untreated mental health problems.² Our children and teens desperately need available guidance counselors, social workers, and restorative justice practices that aid in their growth and sense of community within a school. Our children and teens are suffering at the hands of a carceral system that only seek to punish them.

Solving the Problem

Currently, many children and teens are experiencing mental health problems related to the pandemic. It is vital, now more than ever, that NYC divest from NYPD's School Division and invest in robust restorative justice approaches and increase the number of guidance counselors and social workers in schools. These measures must be in place for when our students can safely attend school again. Without these measures, New York City's DOE will continue to fail our students. You must reject Intro 2211. Invest in our students.

² "Effects of Poverty, Hunger and Homelessness on Children and Youth" *American Psychological Association*. Children, Youth and Families, 2009, Accessed 16 February. 2021.

Testimony
New York City Council Committee on Education
February 19, 2021

Althea Eboh
Dean/Student Advocate/Teacher NYCDOE
alieboh@aol.com

My name is Althea Eboh. I have been working in New York City Schools for the last seventeen years. I am currently the Dean/Student Advocate at Chelsea CTE High School and prior to this, was a Dean/Teacher at George Washington Educational Campus in Washington Heights. I am also the mother of two Black sons who were educated in NYC Public Schools.

I am here to speak in opposition to Intro 2211, which will entrench policing in New York City schools and suck up hundreds of millions of dollars that should instead be invested in what will lead to true safety and wellbeing for our students: the hiring of counselors, social workers, nurses and school aides who prioritize the humanity of our youth and the implementation of restorative justice programming across DOE schools.

While I was at George Washington Education Campus students were met at the beginning of every day by School Safety Agents who ran the metal detectors. It was always clear that the SSAs' sole purpose was enforcement – getting students into the building with speed. They were definitely not there to make students feel good about heading into school. There was always shouting: “Take your belt off!” “Take your shoes off!” This is what shaped the beginning of our students' days.

Young people get into fights. It happens. At George Washington, the trend was: young people get upset, the SSAs come, the SSAs call NYPD officers and students end up in handcuffs. It would happen in the blink of the eye, before any of us even had a chance to check in with students and ask them what was going on.

This is not how you create a safe space for learning. This is how you dehumanize children and make them hate school.

Transferring SSAs from the NYPD to the DOE will not erase the verbal and physical harm they inflict on students. It will not change the overall harm done to young people by criminalizing them and calling it safety. Playing musical chairs with and retraining SSAs will not change the fact that it is an inherently racist and abusive police force.

At my current school, Chelsea CTE, things are different because our principal has made a clear investment in restorative justice programming. If an argument happens, students are given space to cool off and then we set up a circle process for them to discuss what happened and make agreements with one another.

These restorative justice practices are very successful in mediating conflicts, but our school still lacks the resources we need to fully support students. Our student population is largely Black and Latinx. Students deal everyday with the trauma of systemic racism and class inequity. Conflict most often arises when this trauma is triggered. Students need staff members who really know them and spaces they can go to talk before things get to a crisis level, but our social worker only comes to our school three days a week and our counselors are overwhelmed.

New York City is facing an economic crisis and Black and Brown young people and their families are being hit the hardest. Funds spend on retraining SSAs as proposed by 2211 will directly take away from money available for the staff and programming necessary to support our students to thrive.

Since the 1960s, when the DOE first introduced policing forces in our schools, NYC has been in the business of criminalizing Black and Brown students, jeopardizing their ability to learn, and taking away their dignity. Please do not continue this trend by passing intro 2211 and entrenching policing in schools. Instead, the City Council has the opportunity to make real, courageous change by completely removing SSAs from our schools and devoting related funding to ensuring we have the caring and supportive staff and restorative justice programming we need.

I walk in the school for my fifth period, and the officer tells me to wait, “what’re you here for”. What else could I be there for? But we had been there before, I had a different start time than other students, and because of that I had to announce my business at *my* school as if I were its enemy, or a stranger to its mission. This was the language of my school safety agents on a *good* day. The officers job was to keep the school safe, but that shouldn’t have confused their mission to protect the students over the school, for the building is nothing without its children.

In 2021, researchers found that, “Up to one-third of NYC public high school students experienced depression”

If the first thing I’m introduced to at *8am* in the morning is an officer treating me like a criminal, then every morning, I would associate that encounter with grief. And I did. It would take me everything to TRY and arrive with energy to last the 8-hour day. And it was. I’m sure those feelings aren’t strangers to anyone in this room. Why should we feed that energy with unprofessionalism, which does not give the safety our students need? Why would we provide more chaos at a situation that already has NYC students at risk?

Thank you for creating this bill that gives power back to the DOE, rather than the NYPD. However, we do not want this to be a mere change of supervisor; we need it to be a change of protection.

Allow me to offer a solution. According to a ‘report from the National Institute of Justice, just one school metal detector ranges from \$4-5,000’. That’s \$5,000 for each and every metal detector in a school. What if we could reroute that money into mental health training for these SSA officers. “But what if students bring in contraband? How will we keep the peace?” Did you know that the most common contraband found from metal detectors was pepper spray? It would seem as if students never had peace.

Metal detectors do not provide safety. Furthermore, they are not creating a sense of wellness for its students. If we were to provide mental health training to SSA officers, then they could talk to students, and understand our issues. That tier alone is already more than what metal detectors have done.

My name is Tony Singfield. I represent Ya-Ya Network’s mission in justice and creativity. We need you to help us in that fight by ensuring we have protectors in our schools, not enforcers.

Thank you for your time.

My name is Ashley Martinez, and I am a youth leader with Future Of Tomorrow and the Urban Youth Collaborative, here to oppose bill #T2021 - 7109. Transferring NYPD control of the School Safety Division to the DOE. I urge the City Council representatives to vote against this bill as it does not center the experiences of young people in our DOE schools. City Council should support bills that decriminalize young behavior and our educational institutions by removing policing from our schools.

When I first encountered police in my school I felt pressured, overwhelmed, and frightened. It was a total discomfort as I was not used to attending school with police officers and metal detectors. Having to go through metal detectors was always a chore, sometimes I would have to go through it multiple times, leaving me to feel like I was doing something illegal. In NYC public schools, there are more than 5,245 School Safety Agents, but 2952 guidance counselors, 1804 social workers, and 1434 school nurses. With more officers than mental health staff, how can we feel safe to speak up about our mental health? Instead of the transition we should be investing our SSD funds into the emotional and physical well-being of students. That is most important to students.

If the Department of Education plans to focus on increasing mental health support staff, then the DOE must recruit professionals for appropriate positions. Transferring SSAs to a different department will not erase the verbal and physical harm they inflict on students, and putting them in a different uniform will not undo the ingrained mentality & training of the position that results in racial bias in policing. City Council and the Mayor should invest in students, and not policing.

BILLY COUNCIL

FOR CITY COUNCIL

HARLEM DISTRICT 9

Protecting students in emotional crisis FEB 18 Int. 2188, Council Member Diana Ayala Good morning chair and esteemed Council-members, My name is Billy Council. I am a Harlem born and bred athlete, son, friend and entrepreneur. And, I am a community leader who is dedicated to the enrichment and growth of our youth.

Intro 2188, sponsored by my Harlem neighbor Council-member Ayala, reminds NYC that there is a difference between a child's emotional distress and criminal activity. There is a difference between a young person's mental crisis and engaging in criminal misconduct.

The Science Daily notes "researchers found that youth who were stopped more often by police officers were more likely to report emotional trauma." When youth are experiencing an episode of mental crisis or merely misbehaving, the use of constraints cannot be the primary option. This execution of the constraints, when unfortunately necessary, should never resemble a cop arresting an alleged criminal.

A child in distress should not feel arrested, when they are not harmful to themselves or others. Being arrested impacts adults traumatically. Our Black & Brown children are more likely to be arrested. Our Black and Brown children are more likely to be traumatized and stunted by the arrest. Our children are disrupted by a lack of resources and funding; this only pushes more children into the school to prison pipeline.

This bill is designed to help. I am going to support it. But I have questions & thoughts for the Committee on Education. Questions shared with Team Ayala, by the group of activists and politicians I am aligned with.

- Codify the response of NYPD:
 - What DOE staff personnel lead engagements
 - How the police are invited to participate in a situation
 - Determining rubric for police to lead, interact and, when possible, step back

Clear and understanding rules for mechanical restraints, police detainment, police removal and police arrests

Create a Mental Wellness Board to guide and/or review trainings

- Establish milestones and/or milestones for the DOE
- Request Semi-Annual reports from the DOE, School Safety Division and Department of Health and Mental Hygiene be forwarded to the Committee on Education

Codify the establishment a post-incident process to ensure the youth involved in infractions receive immediate, moderate and long-term aftercare.

Protecting our students and young is the mission of the village. Intro 2188 is a major move toward that end. It reduces police interaction while supporting the importance of law enforcement. It removes law enforcement from mishandling a situation, using bully tactics & intimidation on a child.

We, the Concerned Citizens of New York City, will support this bill. However, we do look forward to discussing the questions and concerns; with the understanding the listed questions may have answers. Thank you for the time and let's make history -- by making the right changes.

- Billy Council



**Testimony of Kaveri Sengupta, Education Policy Coordinator
Coalition for Asian American Children and Families (CACF)**

**Committee on Education Remote Hearing
February 18, 2021 at 10:00AM**

Introduction

Good morning. My name is Kaveri Sengupta, and I am the Education Policy Coordinator at the Coalition for Asian American Children and Families (CACF). Thank you, Chair Treyger and members of the Committee on Education for giving us this opportunity to testify.

Founded in 1986, CACF is the nation's only pan-Asian children and families' advocacy organization and leads the fight for improved and equitable policies, systems, funding, and services to support those in need. The Asian Pacific American (APA) population comprises over 15% of New York City, over 1.3 million people. Many in our diverse communities face high levels of poverty, overcrowding, uninsurance, and linguistic isolation. Yet, the needs of the APA community are consistently overlooked, misunderstood, and uncared for. We are constantly fighting the harmful impacts of the model minority myth, which prevents our needs from being recognized and understood. Our communities, as well as the organizations that serve the community, too often lack the resources to provide critical services to the most marginalized APAs. Working with over 70 member and partner organizations across the City to identify and speak out on the many common challenges our community faces, CACF is building a community too powerful to ignore.

We work with 70+ organizational members and partners serving the diverse Asian Pacific American, or APA, communities across New York City, and we ask the City Council today to hold our public education system accountable to our communities' needs. We demand an end to the presence of New York City Police Department officers in our schools. Our students have always needed safe, supportive learning environments where they can be free to make mistakes. NYPD presence has always severely limited schools' ability to sustain those environments.

Youth leaders in our student program, the Asian American Student Advocacy Project (ASAP), have shared their experiences on attending schools in shared school buildings and witnessing the clear contrasts between the numbers of school safety agents in their own schools and the schools they share a building with. They have discussed how obvious the racial disparity is, especially when it is happening right in front of them, and how the presence of so many school safety agents, metal detectors, and other tools of policing clearly showed them how some students are criminalized and others are not. This has always been, and continues to be,

completely unacceptable. It should be a common understanding that our school system has allowed the criminalization and traumatization of our students to continue for far too long.

Clearly, though, it is not a common understanding: we are appalled to know that the City and NYPD are considering hiring almost 475 school safety agents for \$20 million when the Mayor and Speaker committed to reducing the NYPD budget, and when we know that restorative justice, comprehensive mental health support, social-emotional learning, and culturally responsive practices are proven to give our students safe, supportive, and engaging learning environments, at any time, but especially during a pandemic. We must stop investing our limited resources in the wrong places, in places that have demonstrated time and time again that they are harmful to the very people we need to be adequately serving: our students.

School Safety in Light of Anti-Asian Sentiment, Hate, Violence, and Bullying

- Over 2,808 anti-Asian incident reports on COVID-19 have been collected by STOP AAPI HATE between March 19, 2020 and December 31, 2020 from 47 states and the District of Columbia ¹ 13.1 percent, the second largest percentage nationwide, of those who experienced anti-China rhetoric directed towards them were in New York State.²
- Youth under 20 years old comprise 13.6% of cases.³
- Chinese, Korean, Vietnamese, and Filipino Americans have been targeted.⁴
- More than 80 percent of 10- to 18-year-old Chinese Americans directly experienced or witnessed COVID-19-related discrimination or harassment either in person or online. Higher levels of Islamophobia have also been reported.⁵

Our city and the country at large has seen a spike in hate crimes and violence against Asian-Americans since the beginning of the COVID-19 pandemic, and recently, we have seen a heightened level of violence against elderly Asian-Americans. “Go back to your country, we don’t want you here, you created this virus” are a few of the racist comments Nathaniel, a youth leader in our student program, ASAP, lists as language he has heard during the pandemic. Another youth leader, Sophie, said: “I’m actually pretty fearful, to be honest, about how I might be treated if I were to set foot out of my house.”

¹https://seureservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2021/02/Press-Statement-re_-Bay-Area-Elderly-Incidents-2.9.2021-1.pdf

² Ibid.

³ Ibid.

⁴ Ibid.

⁵<https://www.srkd.org/research/addressing-inequities-education-considerations-asian-american-children-and-youth-era-covid>



Some in our community have called for more policing in response to anti-Asian violence. We do not align with these demands, and maintain that we must not follow suit with those reactionary within our communities, who have endorsed policing as a tactic to intimidate and disseminate fear. We cannot support seeking safety from an institution that has unequivocally harmed our fellow communities of color. Similarly, when incidents of anti-Asian bullying or harassment occur in school settings, we do not call for methods of policing to address these issues. We know that these practices only exacerbate damage, instead of fostering true repair and reconciliation.

Instead, for our students, the rise of anti-Asian sentiment has only underscored the need for comprehensive, culturally responsive mental health support, which are services that only guidance counselors, social workers, and other individuals specifically prepared to guide students through challenges can provide. DOE must hire more bilingual and culturally responsive guidance counselors, social workers, and mental health staff. We need supportive adults in school buildings who can work with students who have experienced trauma and can ensure that our young people are seen and their fears and challenges are acknowledged. We cannot continue cutting the budget as always, mistakenly deeming these roles unimportant or unnecessary, while our system continues to find funding to expand the numbers of school safety agents in our schools -- who, in their current form, do not help make schools more safe and supportive.

For our families and communities, DOE must explain and publicize how schools will support APA students in light of the rise in violence; for example, by having restorative justice covered in ethnic press outlets. DOE needs to prioritize community building, or risk exacerbating the lack of trust many of our community members have in the education system. Culturally responsive outreach on restorative methods of conflict resolution as well as the commitment to supporting APA students will be beneficial to building trust in our communities, and shifting perspectives on the best ways to address conflict.

As DOE continues to expand the community schools model, we reiterate our ask that they do so in harder to reach APA communities, and emphasize how imperative it is to expand partnerships with APA-led and serving CBOs beyond the current organizational partners, which are unable to cover all of the need. APA young people need to be seen by schools and their worries and struggles must be acknowledged in and out of the classroom, at all levels - from school-level staff to DOE leadership. Community schools with APA organizations can provide necessary services and ensure that our students are seen and heard.

Guidance counselors, social workers, mental health professionals, and other support staff are absolutely critical for our students' well-being in every way, academically, socially, emotionally, and mentally, and yet our schools continue to be woefully under-resourced. Our goal is to nurture

young minds, empower them to develop a love of learning, and ultimately to provide them with the tools they need to lead fulfilling lives after they leave the school system, in whatever manner they choose. These members of a school community foster healthy environments; school safety agents do not.

Data Disaggregation

We need DOE to collect and make transparent accurate data and disaggregation of data on suspension and discipline by ethnicity, gender, home language, ELL status, ability, and socioeconomic status, provide the ability to cross reference between categories, and analyze disparities in these data. For decades, policing in schools has disproportionately affected Black and Latinx students, who are subjected to disciplinary measures at higher rates than their peers, and we stand in solidarity with our fellow communities of color calling for a reimagining of school safety. We also know that students with disabilities are disciplined at much higher rates as well. Int. No. 2188 on prioritizing clinical staff when responding to students in emotional crisis and limiting the use of mechanical restraints is a critical step to ensuring that our students are met with a trauma-informed response.

At the same time, the disproportionality rates that we are aware of do not inherently prove that APA students, particularly considering intersectional identities, have not experienced challenges regarding discipline and suspension. Data from Washington show that for the 2013-2014 school year, Southeast Asian and Pacific Islander students were much more likely to be disciplined than their East Asian peers.⁶ These researchers conclude that Laotian, Cambodian, and students of other ethnic groups face great structural barriers to their education, but school officials do not notice these disparities and disregard their needs. We have no idea if similar trends are occurring in New York City schools, because our data lumps all APA students together. We continue to call for data disaggregation in our education system so that we can dispel the model minority myth, demonstrate how those from different ethnic or immigrant backgrounds that are overwhelmingly voiceless have disparate experiences that all deserve recognition and support, and finally stop treating our community as a monolith that can easily overcome any struggle in a school building.

Policing in Schools

Any decision to remove the NYPD from schools and reassign school safety to the Department of Education must be made with a full commitment to transforming school safety agents' roles

⁶ Bach Mai Dolly Nguyen, Pedro Noguera, Nathan Adkins, and Robert T. Teranishi "Ethnic Discipline Gap: Unseen Dimensions of Racial Disproportionality in School Discipline," *American Educational Research Journal*, 56, no. 5 (March 2019): 1-29, p. 16.
<https://mk0edsourc0y23p672y.kinstacdn.com/wp-content/uploads/2019/03/AAPIDiscipline.pdf>



and responsibilities, and ensuring that each and every agent is assessed on their fit for a new position that is completely removed from traditional policing, discipline, or any other activity that has contributed to the continuity of the school-to-prison pipeline. If the individual does not fit the new position, they must not be allowed to continue to work in schools. And, we reiterate, funding guidance counselors, social workers, and other individuals and resources directly supporting students should be prioritized. School safety must shift to fully embracing the DOE's definition of complete safety, meaning not simply the absence of harm, crime, or violence, but the presence of resources in service of well-being and wellness for every student and adult in the building. We recognize that the vast majority of school safety agents are women of color, and are concerned about collectively removing them from their positions. However, the actions, behavior, or spirit of policing have no place in our schools, and any steps made to alter school safety agents' jurisdiction can only be considered limited progress. To be clear, doing so is nowhere near enough. We must and will keep the system moving toward our end goal of truly re-envisioning school safety.

Conclusion

As we continue to live in a COVID world, in which existing disparities continue to grow, we must be sure to center all of our decisions on our most marginalized students and avoid neglecting those who may have previously been ignored. Our communities are consistently overlooked in the distribution of resources, which is harmful to us as well as other communities of color who are denied the same resources due to the perceived "success" of APAs. This pandemic has highlighted a myriad of holes in our City's safety net systems, and the City's response must address root problems in addition to immediate needs. Our community will continue to suffer every day we allow these flaws in the system to exist. As always, CACF will continue to be available as a resource and partner to address these concerns and look forward to working with you to better address our communities' needs.

Dear City Council,

My name is Dr. Laura J. Ceng (Malkiewich). I'm an educational researcher and lecturer at NYU and Columbia University. I am also planning to be a parent, thinking about whether or not and how to raise my children in New York City. I care deeply about public schools, and want to send my children to public schools but only if they are safe, equitable, and high quality. I'm writing today in support of Teachers Unite, an organization of NYC public school educators working to dismantle the school to prison pipeline.

I'm writing this testimony to urge councilmembers to reject Intro 2211--a bill that would codify the transfer of the NYPD's School Division to the DOE. This bill would have officers transferred from the NYPD to the DOE without further examination or qualification. This means that all of the issues that come with having police in our schools would remain, and the burden of paying for these officers would be on the DOE.

This bill would take up funds desperately needed by the DOE to improve quality education, and would instead use those funds to police students. Students are minors. They need loving, caring teachers who are invested in their educational wellbeing, not police officers. As a student I first went to a public school where there was no police. Like at all schools, sometimes kids would act up, or get into fights. These issues were handled by nurses, teachers, and trained school staff that could help identify the social, emotional, and physical issues students had and help the student heal from them. I then went to a public high school where there were police in schools, and the attitude my peers and me had totally changed. I felt attacked and unwanted at school. Every time I walked down the hallway, I was interrogated about what I was doing and why. I felt afraid and anxious. I didn't feel respected or like I was in a place to learn. I worked so desperately to get out of that school. This experience is why I want my children to go to public, and police free schools. It is both possible, and precedented. In suburban schools in high-income districts, there are not police officers. So why are we using DOE funds to fund police officers in NYC public schools, which serve a higher population of both low income and black and brown children?

We need to invest in school support systems that are focused on enriching and supporting children, not punishing them. SSAs are among the worst paid positions in schools. Instead of fighting to keep policing roles which have the affect of making students more anxious, more distrustful, and more likely to lash out at school, City Council should be investing in the creation of school positions that help students feel safe and like they belong, so that they can learn. Attempting to simply re-train one of the largest, and most historically racist, police departments in the country would be both expensive and ineffective. Instead, City Council should invest in positions like Restorative Justice Coordinators, Paraprofessionals, Youth Advocates, Community Outreach Coordinators, and Parent Coordinators, which require training in restorative justice and de-escalation. These positions also have the added benefit of providing job opportunities Black and Brown workers, where they can be paid well without needing a bachelor's degree.

As a lecturer and adjunct instructor at NYU and Columbia University, I spend my time teaching soon to be teachers about how children learn effectively. One of the things we talk about in my class is the history of policing in schools, and the way that the presence of police in schools hurts students' self esteem, self efficacy, and sense of belonging. All

of these psychological constructs are imperative for learning and performance. By keeping police out of schools, we not only aim to help children feel safer, we will also create a school environment that is more conducive to learning. This is the entire goal of public education, and it is best served in a police free environment.

Best,

Dr. Laura J. Ceng (Malkiewich)

TESTIMONY

The Council of the City of New York

Committee on Education

February 18, 2021

Prepared by: Susan Horwitz and Melinda Andra

We submit this testimony on behalf of The Legal Aid Society and thank Chair Treyger and the Committee on Education for inviting our thoughts on proposed bills Int. 2188-2020, T2021-7109, T2021-7110 and T2020-6693 relating to training and reporting requirements on the New York Police Department and the New York City Department of Education regarding school safety officers.

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and appellate courts, we also pursue impact litigation and other law reform initiatives on behalf of our clients.

Our perspective comes from our daily contacts with children, adolescents, and their families, and also from our frequent interactions with the courts, social service providers, and city agencies including the Department of Education (DOE) and the Administration for Children's Services (ACS).

The Legal Aid Society supports the City Council's efforts to provide effective oversight for the DOE and the New York City Police Department regarding policing in schools. We have seen through our contact with our clients and their families that the over policing of New York City's children leads to unnecessary arrests and the criminalization of minor student misbehaviors. This same approach has a disproportionate effect on students of color and English language learners, initiating the school to prison pipeline and exacerbating a racially biased criminal justice system. Thus, the removal of school safety personnel from the umbrella of law enforcement has been anxiously awaited and applauded by our attorneys, social workers and clients, as well as advocates throughout the City.

Int. 2188-2020 – Amendment of the Administrative Code in relation to the police department response to students in emotional crisis in public schools

The Legal Aid Society supports the proposed addition of §14-188 to the Administrative Code. We represent a significant number of children who experience emotional distress at school, often as a result of trauma they have suffered, and emotional and developmental challenges they face. We thank the City Council for addressing this important issue.

While the majority of school safety personnel and police officers working in or responding to calls from schools do not intend to traumatize children, their aggressive policing methods can do just that. The use of mechanical restraints is traumatizing for the children placed in them, and often for the children witnessing their use. Similarly, children who are unnecessarily and unwillingly transported to the hospital may be traumatized by this experience. We therefore support the amendment to the administrative code requiring the training of school safety personnel and precinct officers in how to recognize and respond to students in emotional crisis, some of whom are students with developmental disabilities. We hope the proposed training will result in improved outcomes for students and their communities.

While we support the proposed amendments to the Administrative Code, we are concerned about two components: 1) disclosures of information under FERPA and 2) the requirement of § 14-188(d)(2) that a clinically trained mental health professional make the determination that a student requires hospital transport for mental health evaluation.

Sections 14-188 (b)(2)(c) and 14-188(c)(2)(c) would require school safety personnel or school safety officer to inquire about whether the student's behavior is believed to be a result of factors such as disability or medical condition. This information could help de-escalate a situation. However, it is important to note that this information is protected by the Family Educational Rights and Privacy Act (FERPA). Generally, FERPA requires a school to obtain a signed and dated written consent before disclosing personally identifiable information from the student's education records. 34 CFR § 99.30.

There is an exception to FERPA which allows school officials to disclose personally identifiable information about a student, to appropriate parties in connection with an emergency, limited to the duration of that emergency, if knowledge of that information is necessary to protect the health or safety of the student or other individuals. See 34 CFR §§ 99.31(a)(10) and 99.36. Therefore, prior to disclosing information about a student's medical condition, mental impairment, developmental disability or serious functional limitations, the school staff must determine that there is an articulable and significant threat to the health or safety of the student or other individuals and that the school safety personnel or precinct officer needs the requested information from education records to protect the health or safety of the student or other individuals. 34 CFR § 99.36.

One of the many benefits of the transition of school safety from the NYPD to the DOE is that once school safety personnel are DOE employees, personally identifiable information about students can be disclosed in situations which fall short of being an emergency, but in which de-escalation techniques or mediation from school safety personnel may be helpful.

Regarding § 14-188(d)(2) we agree wholeheartedly that it would be ideal for determinations about whether a student requires hospital transport for mental health evaluation to be made by a clinically trained mental health professional. However, the unfortunate and disappointing reality is that most New York City public schools do not have a school based mental health clinic on site, and very few schools have clinically trained mental health professionals on the school's staff. Even if a public school does have such a staff member, that person may not be present in the building every day. However, the Chancellor's Regulations already outline an appropriate procedure for determining whether a student requires medical transport.

The existing Chancellor's Regulation A-411 establishes well thought out procedures for behavioral de-escalation and specifies that 911 should be called only when the student's behavior poses an immediate and substantial risk of serious injury to the student or others and the situation cannot be safely addressed by school staff, the school's crisis intervention team, a guidance counselor, staff at a school based mental health clinic or school based health center (if the school has one), or the Children's Mobile Crisis Team (if available in the borough). Chancellor's Regulation A-411 also outlines the school's responsibilities when 911 is contacted, including procedures for determining whether a student should be transported to the hospital for mental health evaluations. The

Chancellor's Regulation is clear that in no circumstance should 911 be called or employed as a disciplinary response or disciplinary measure due to a student's behavior, nor should 911 be used in lieu of de-escalation strategies.

Chancellor's Regulation A-411 further requires that if 911 is called, the principal or his/her designee must immediately contact the parent or guardian, and the parent must be given an opportunity to speak with the on-scene 911 responders and the student if it will not interfere with the proper discharge of 911 responders. If a parent requests that the child not be transported to the hospital, the on-scene 911 responders are to obtain relevant information and determine whether the parent's request may be honored in accordance with FDNY policies and procedures for Refusal of Medical Assistance. If the parent or guardian cannot be reached, then the on-scene 911 responders are to obtain relevant information and determine whether the student requires emergency medical treatment or transport. We agree that the 911 responders, in consultation with the parent or guardian if possible, should be the decision maker about whether a student requires medical transport consistent with FDNY policies and we ask that the proposed § 14-188(d)(2) be modified to be consistent with existing Chancellor's Regulations.

T2021-7109 – Amendment of the New York City charter and administrative code in relation to public school safety and security

We generally support T2021-7109 relating to proposed changes to Section 21-2002(b)(4) concerning school safety. Many of the proposed changes are necessary to transferring the oversight of school safety personnel from the NYPD to the DOE which we see as instrumental to diverting the school to prison pipeline. We do, however, have recommendations to improve this bill.

At the outset, we applaud efforts to provide increased training for school safety personnel and school administrators. Training in topics such as restorative justice, conflict mediation, de-escalation, and implicit bias is necessary to creating a positive and safe learning environment. Because a disproportionate number of incidents occurring at schools involve children with disabilities, we ask that the topic of "Understanding and working with students with disabilities" be added to the list of mandatory training topics that would be required by § 21-1002(b)(4).

In addition, the current Administrative Code § 14-121 requires that the NYPD report on the total number of individuals arrested or issued a criminal summons in a New York City public school or on school grounds by NYPD personnel and requires that the data specify the charges and whether the incident involved was a felony, misdemeanor or violation as well as information about whether the related incident was school related. The reporting requirements of § 21-1003, as currently proposed, would impose similar requirements on school safety personnel after the transition date. This requirement is problematic. As DOE staff who can neither arrest nor issue summonses, school safety personnel should not be making determinations about whether student misconduct is "criminal misconduct" (§21-1003(a)(1)) or "civil misconduct" (§21-1003(a)(1)) after the

transition date. Likewise, DOE staff should not be making determinations about whether student misconduct constitutes a felony, misdemeanor, or violation under §21-1003(b)(iv). Not only do DOE staff lack the expertise to make such determinations, but just as importantly, characterizing typical adolescent behaviors as "criminal" is simply not productive. We therefore recommend that the reporting requirements under this section be modified to remove the requirement that DOE employed school safety personnel characterize and report student conduct as either "civil" or "criminal" in nature, or that they classify incidents as violations, misdemeanors, or felonies.

We appreciate the opportunity to provide testimony and welcome any questions that City Council may have.

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Civil Practice
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February 18, 2021

Dear Council Members,

I'm a psychologist and part of a team that has been working in collaboration with NYC school leaders, teachers, staff, and parents for the past 15 years. I am an assistant professor of population health at NYU School of Medicine. These views are my own and do not necessarily represent the position of NYU.

I'm here today to urge you to reject Intro 2211. I stand with students, parents, community leaders and Teachers Unite in calling for divestment from policing and investment in restorative approaches to conflict and harm; in calling for funding to hire Black and brown New Yorkers into jobs that support young people's social, emotional, and mental health. As a white parent of white children, I am here to state my belief that school policing is an integral part of systems of oppression, and to share responsibility for transforming systems and building conditions so all of our children can thrive.

To support your decision, I offer some takeaways about the research evidence on school police officers. Here is the bottom line: what you have heard today from youth is absolutely borne out in study after study.

- Staffing schools with police has [substantial harmful consequences](#) and there is [no evidence](#) that this costly strategy prevents school shootings, as it is often framed.
- Research finds that officers in schools with more white students were primarily concerned about intruders or other external threats, whereas in schools with more students of color, [officers viewed the primary threat as students themselves](#).
- Stationing officers in schools is a set-up for Black and brown children, creating conditions for typical child behavior to be criminalized via arrest and juvenile court rather than addressed with developmentally appropriate consequences and supports. Rigorous research documents that increasing the presence of officers in middle and high schools [increases the use of exclusionary discipline](#), which disproportionately removes Black and brown children from classroom learning, and diminishes children's connection to teachers, well-being and [academic skills](#).
- Robust evidence substantiates alternative practices and policies that ensure safety *and* support children's learning and development.

I urge you to take a bold, courageous approach to reimagine school safety. You may be tempted to downplay the evidence, and call for more time to study this issue. But what if a policy has gained far more momentum than its evidence? Where does the burden of proof lie? At what point do task forces become stall tactics?

A handwritten signature in purple ink, appearing to read "Spring Dawson-McClure".

Spring Dawson-McClure, PhD

**Department of Population Health
Center for Early Childhood Health & Development (CEHD)**

227 East 30th Street, First Floor, New York, NY 10016 • Tel: 646-754-5192 • Fax: 646-501-2886

TESTIMONY

The Council of the City of New York

Committee on Education

February 18, 2021

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February 17, 2021

Dear City Council,

I am writing to oppose placing additional police officers in New York City Department of Education schools. Based on research that I have been doing for the past months in preparation for my 8th grade Social Justice Project, I believe that the presence of officers can make kids nervous and can distract them from their education. If you were to put more officers in schools, I believe that would have a harsher effect on the kids' learning, particularly kids of color.

Sincerely,

Samuel Vuvu



TESTIMONY OF ANDREW STA. ANA, ESQ., DIRECTOR OF LAW AND POLICY, DAY ONE

NEW YORK CITY COUNCIL, COMMITTEE ON EDUCATION, INT. 2211-2021 BY LEAD SPONSOR COUNCIL MEMBER COSTA G. CONSTANTINIDES ON THE ROLE OF SCHOOL SAFETY AGENTS AND THE NEW YORK CITY DEPARTMENT OF EDUCATION

Thank you, Council Members, for holding this hearing on the role of School Safety Agents in New York City Public Schools. Day One is the only New York-based organization committing its full resources to addressing dating violence among youth aged 24 and under. Through a combination of services that include abuse prevention education for K-12th graders, social services, legal advocacy, and leadership development, we work to create a world without dating violence. As Day One is an organization that works at the intersections of dating violence, sexual assault, consent, and healthy relationships education for students and youth, we offer valuable insight on this topic. Based on the experiences of the young people we serve and our own expertise, Day One supports INT. 2211-2021, which will reform the role of School Safety Agents and separate them from the NYPD beginning in June, 2022.

Our experience working with young people who have been harmed has made us acutely aware of young people's---including young survivors'---deeply complicated relationships with law enforcement. We are heavily driven by the concerns of survivors, some of whom want to engage with criminal legal systems but desire those systems to be responsive, helpful, and trauma-informed. Others want little or nothing to do with the criminal legal system for a variety of reasons, including lack of enforcement of protective orders, hesitation to have a partner arrested, or a history of oppressive or racist conduct by officers. It is difficult to overcome the entrenched, long-standing culture of law enforcement agencies.

The young clients with whom we partner want a broader range of remedies for harm they have experienced, which may or may not lie in a criminal justice response. As an organization, Day One regularly interacts with, and has relationships with, law enforcement entities operating as part of the criminal justice, social services, or education systems. We regularly engage with District Attorneys' offices, NYPD-related School Safety Agents, Child Protective Services, school administrators, and Domestic Violence Police Officers at precincts and the Family Justice Centers (FJCs). Our staff advocates for young survivors with these agencies and offers training to them on youth and dating violence. We are active and enmeshed within legal and social



services systems (attorneys are officers of the court, social workers are mandated reporters, and our trainers are approved trainers within schools and agencies).

We believe that separating SSAs from the NYPD will lead to safer interactions, more appropriate interventions, and a general improvement in academic environments. In addition, our experience with youth and NYC public schools have led us to identify more opportunities for improvements in the use of SSAs in DOE schools.

1. **We believe that accountability and assistance can take many forms.** While our organization continues to work with law enforcement systems for a variety of reasons -- and our funding and structure is tied to them -- Day One believes that resource allocation should not be heavily focused on a police-based response. Rather, we join the call that many others have made for funding alternative and community-driven responses to dating violence that do not exclusively rely on law enforcement. Investment in things like restorative justice programs, healthy relationships education programs, and adequate mental health services in schools can help prevent and address a myriad of harms that young people face. With improved accessibility and greater range of available resources, survivors of violence can gain tools to heal from trauma, identify warning signs, and gain safety and closure. In that spirit, we believe that INT. 2211-2021 can expand options to keep youth safe and move us toward investing resources that do not center the threat of criminalization, including de-escalation trainings, mediation, preventive programming, and mental health services.
2. **We support the proposal that all school-based professionals, particularly those who interact directly with youth, need training about youth development and dating violence among young people.** Day One has trained thousands of School Safety Agents and is available to continue this effort. Our expertise can be a valuable tool for raising awareness about the issues young people face, identifying the relief available, and helping professionals better interact with and assist young survivors. We are proud of the incremental progress we make through our trainings and our connection to individual officers, anti-violence organizations, and NYC agencies. Studies have shown that some officers who undergo training regarding gender-based violence are

more likely to use lethality factor screenings and practice trauma-informed interviewing. We therefore request that, in addition to training on Title IX and Trauma-Informed Care, School Safety Agents and school administrators be required to undergo training on the dynamics of teen dating violence and available remedies and resources.

3. **We implore the Department of Education, the NYPD, and other city agencies not to conflate sexual and dating violence among students with other forms of violence.**

We believe that understanding the dynamics of power and control in the context of youth development and relationships are critical. This understanding is critical in an environment where COVID has forced students into virtual classrooms, separated them from available resources, and increased the risk of technology-facilitated abuse. School Safety Agents and other officials respond to a number of issues, including weapons in schools, fist fights, and bullying. These are all serious issues, but the dynamics of dating abuse can require a more nuanced response. Responding to dating violence in the same way that one responds to a fist fight between acquaintances may empower the abuser, create additional danger for the survivor, and cause the survivor to refuse assistance. It is essential that all personnel be given the tools to properly conduct a primary aggressor analysis, identify signs of dating abuse, and interact with survivors in a trauma-informed manner.

4. **We believe that all public school students and their parents or guardians should be made aware of the new role of School Safety Agents and the mechanisms for reporting complaints against school safety personnel.**

Given the number of proposed changes to the role and responsibilities of School Safety Agents over the next two years, we believe that it is critical for students and their parents or guardians to know exactly what those changes are and when they will take effect. We suggest that letters, emails, and/or phone calls be sent to all parents and guardians at least fifteen (15) days prior to any proposed change taking effect. Students should also receive a copy of a letter informing them on the changes. All correspondence should be provided to students and their families in the language that is most accessible for them. Additionally, students



and their families should be given clear instruction on what circumstances warrant filing a complaint against school safety personnel and the mechanism for doing so.

Thank you for allowing us to speak to these issues. We would be honored to partner further with those of you who would like to examine this issue in greater detail. Thank you as always for prioritizing these issues and for your support of young survivors and of Day One.

**New York City Council
Education Committee Hearing
February 18, 2021**

**Testimony of Gregory Floyd
President, Teamsters Local 237**



***288.**

That's the number of major crimes in public schools, ranging from rape to grand larceny for 2019 to 2020.

***976.**

That's the number of other crimes for the same period ranging from assault to petit larceny.

***Some could say, WOW! that's an improvement from the previous year, in which the numbers were even higher.**

***I'd say, NO, this is no improvement.**

***It's just the result of the Mayor's "new math" on what constitutes a crime in our public schools.**

***And that's where the problem begins:**

***This Administration has changed the definition of crime in public schools, so fewer incidents are reported, thereby giving the public a false picture of how really dangerous many schools are.**

***Parents, beware!**

***Your children are not safe.**

***And, they will be even less safe with the City Council's proposed legislation.**

***This legislation is filled with misinformation.**

***For example: School Safety Agents DO NOT carry weapons.**

***On just the first day of school in 2018,
School Safety Agents confiscated:
9 knives
4 box cutters
3 razors
broke up a hair-pick stabbing
and evacuated two schools that
received bomb threats.**

***That was only Day 1.**

***In fact, between 2018 and 2019,
2,701 weapons were confiscated
by School Safety Agents.**

***We have all read the headlines:**

“8-Year-Old Brings Loaded 380 Caliber Gun Into Classroom at PS 91”

“11-Year-Old 5th Grader Brings Loaded Semi-Automatic Into PS 40”

“14-Year-Old Has Loaded Smith and Wesson In Backpack”

“16-Year-Old Student Brings Loaded 22-Caliber Gun into John Adams High School”

***And, how could we ever forget the bullying that led to a fatal stabbing of a 15-year-old student at the Urban Assembly for Wildlife Management?**

This was a tragedy that left one life lost.

and another, ruined.

30 parents immediately requested a transfer of their children.

And with only 55% of the students, and 19% of the teachers saying they felt safe there, the school closed down.

***Over the years, School Safety Agents have been both hero and victim in countless ways.**

But to name just a few:

***They led students to safety from a terrorist attack at Stuyvesant High School in lower Manhattan.**

***They saved a student from a vicious stabbing attack by four rival gang members outside of PS 35.**

***It was a School Safety Agent whose quick response to an Amber Alert saved a Staten Island youngster from being kidnapped.**

***School Safety Agents are the mentors of the Explorer Program, for local students who are interested in careers in law enforcement.**

***And School Safety Agents are also the driving force behind so many community outreach programs, where they give their own time and often their own money for so many worthy causes, like:**

-Free Back-to-School backpacks filled with notebooks and pencils.

-Toy for Tots collections at Christmas time.

- Providing turkey dinners for homeless families, knowing that 1 in 10 students live in shelters.**
- With breast cancer being highest among Black women, wearing pink throughout October for Breast Cancer Awareness Month.**
- Providing free Prom gowns and make-up advice for High School Seniors.**

School Safety Agents do these things, and so much more.

***But School Safety Agents have also been the victims of physical and verbal attacks by both students and parents. Some Agents were left with broken arms, broken fingers, a torn eye socket and other assorted bruises.**

***My concern here today is two-fold:**

-For the 5,038 School Safety Agents, 70% of whom are women, mostly Black and Latinas, many single-parents from the local community whose livelihood is in jeopardy,

-AND for the 1million school children whose lives are in DANGER.

***I cannot understand the logic!**

***With so much chaos in the world...**

***At a time when racism and social injustice have reached a boiling point in our own country....**

***At a time when so many of our government leaders, our healthcare professionals, and even our next door neighbors, have failed us, disappointed us, misled us, betrayed us.**

***Why do some people think the solution lies in a knee-jerk, politically correct reaction that ultimately harms the very population they want to protect?**

***School Safety Agents are NOT a part of a supposed “pipeline to prison”.**

***It’s quite the opposite.**

***They don't help to create criminals, they help to protect children from them.**

***They wear a uniform as a beacon; a sign of authority to let students know who to run to in a time of need, and for the potential troublemakers, who to fear.**

***Legislation to take School Safety Agents out of public schools is wrong.**

***It is phony.**

***It does not do what is needed.**

***I urge all Council Members to talk to parents...talk to the students, talk to the teachers, and spend some time in a public school.**

***What you'll find is that learning cannot take place if you don't feel safe.**

***All parents throughout our City want one thing: They need to know that when they drop off little Johnny or Janie at the beginning of the school day, that they return home the same way they started the day----safely.**

***And I ask parents: If an active shooter were to enter your child's school...who is on the scene to protect them?**

***Removing School Safety Agents from a child's safety net encourages criminal behavior. With no one watching, it will embolden troublemakers.**

And that could cost lives.

Your child's life.

***I urge the City Council to reconsider the proposed legislation.**

***This issue begs us to confront reality and decide what we really care about.**

***Parkland**

***Sandy Hook**

***They're not some far-away,
made up places!**

***Those tragedies could easily happen here.**

***And if there's an active shooter at one of our schools and a child gets killed, what to do you tell the parents?**

***Do you say, we didn't want the school to look like a prison?**

***And what do you do?**

***I know the answer.**

***That's because, each time there were school shootings, our phones were flooded with frantic calls from elected officials, including calls from some of you.**

***Everyone wants to know:**

“Are our schools really safe?”

“Are our school children well protected?”

***I know the answer.**

***Think about it. Do you?**

***So, save everyone the grief.**

***School Safety Agents make a difference.**

***Thank you.**

From: HOUSE, VERNON <VERNON.HOUSE@nypd.org>

Sent: Thursday, February 18, 2021 3:51 PM

To: Office of Correspondence Services <OfficeofCorrespondenceServices@council.nyc.ny.us>

Subject: School Safety in NYC Public Schools

The majority of points made against a “police presence” in schools are derived from incidents involving police officers and other law enforcement entities (sheriffs, deputies, et. al) not unarmed entities like the NYPDs School Safety Division. I am a 39 year veteran who began under the Dept. of Education, was part of the transition team when the merger was effected and served as a Police Academy Instructor and curriculum developer for approximately 16 years. School Safety is not now nor were we ever directed to make arresting students a priority, however upon statistical evidence being presented years ago that student arrests had indeed gone up to what were considered unacceptable levels and which bordered on areas of frivolity; a new edict that focused on more Administrative involvement for lesser incidents and a concerted effort to lessen arrests (especially summonsable offenses) was outlined and implemented. Subjects like Conflict Resolution and ant-Bullying strategies were begun and taught by both the NYPD and the Dept of Education.

The men and women of the School Safety Division have served honorably and without malice aforethought have made every effort to hold a place of comfort and support to the children that attend NYC’s public schools. During the COVID-19 crisis we have continued to honor our pledge to be of service to the City of New York and as ambassadors to the Mayors office placed ourselves in the “line of fire” as we risked our own health while giving out masks and sanitizer to the general public at NYC’s subways, playgrounds and public parks.

Please take into account the implied hypocrisy of accusing a force comprised mostly of men and women of color of intentionally introducing our “own” children into the American criminal justice system. And lastly consider all of the good things that we have done and will continue to do as we move forward toward a new school year and hopefully a brighter future for us all!

Respectfully submitted,

Vernon House

Supervisor of School Security

NYPD Police Academy

School Safety Training Unit

Cell: 917-319-1251

Email: Vernon.House@NYPD.org

Good Morning,

My name is Jennifer Finn. I am a teacher at PS 142, and a member of Teachers Unite, an organization of NYC public school educators working to dismantle the school to prison pipeline.

I am writing to you today to urge councilmembers to reject Intro 2211--a bill that would codify the transfer of the NYPD's School Division to the DOE.

Black and Latinx students in New York City have consistently represented around 90% of all youth arrests, court summons, and juvenile reports issued by school police. Black students in particular face disproportionate treatment, representing less than 30% of the student population but receiving close to 60% of arrests (credit: UYC). Students, teachers, parents, and community leaders from across New York City have come together to demand #PoliceFreeSchools. We're calling for NYC public schools to divest from policing and practices of student control and invest in quality education that respects the dignity of all students and pursues restorative approaches to conflict and harm.

As an elementary school teacher, I have seen SSAs used as tools to control children in crisis - tools that are not restorative or transformative at all. And when I reflect back on these moments, I only wish those children had received the caring and dignified treatment of staff properly trained in the restorative de-escalation tactics, opposed to the cold treatment of policing and control, followed by trips in an ambulance.

We, as a society are not safe in schools that are entrenched in policing. Our students need healing centered schools, where funding is directed towards responsive, trauma informed practices, social workers, and counselors. Our students are demanding police free schools, and to squash that possibility is abhorrent. That is why I am writing to you today to urge councilmembers to reject Intro 2211.

Thank You.

Sincerely,

Jennifer Finn

Hi my name is Jasmilet Ortiz I'm a part of the YAYA network action committee. I'm a 12th grader at Gotham professional arts academy. One of the more fortunate schools that doesn't have to go through the terrors of metal detectors. A school that's predominantly black and latino students with no metal detectors wow that's a shocker. I say that because 91,114 new york city high school students go through metal detectors every morning 48% black students and 38% hispanics students. I wonder if you guys actually stop and think how those students might feel. Saying metal detectors are for our 'safety' is it really? Or are you guys threatened by the color of our skin. We come to school to learn not to be investigated or feel criminalized. While reading this bill I didn't see anything about metal detectors. I read that NYPD agents will no longer be working in DOE schools. If you really think about it metal detectors are still a part of policing. Maybe that didn't run through your mind. We don't feel safe having to go through metal detectors. Metal detectors cause students to be late to class missing out important information in their early morning classes. Is our education even important? If it was important then metal detectors would be out of New york city public schools. I didn't know that metal detectors were a part of education. It just teaches us about systematic racism. Only 14% of white students go through metal detectors. This isn't a safety issue, it's a race issue. When coming into a school building students want to feel welcomed not feel as if they are walking into prison. Another thing the cost of metal detectors aren't cheap. They take away most of the school's funds. With that being said the money spent on metal detectors could be used to hire social workers and guidance counselors, something New york city schools actually need.

Thank you for your time

Good afternoon My names jennifer hadlock. I live in el barrio. And i have two biracial teens. One graduated during covid and one is still at merrow high. I am asking for real Police free schools. Vote no on 2211 - where is the sponsor?

I have visited many schools and as a white woman I am not always stopped and have never been made to go through a metal detector.

My son with autism at age 14 went to his elementary school to pick up his little sister. The new women of color ssa treated him as a threat. He was 14 but almost 6 feet tall with no id yet. He was in tears by the treatment.

My daughter has struggled in high school and has skipped class and had other challenges. If there were restorative justice or more social workers and guidance counselors who were not having to only be focused on emergencies she may not have suffered as much as she did.. Luckily my daughter is in counseling and has teachers who called when she is not there. We are able to have time to follow up. So many other students are not able to have these supports.

During the high school choosing process so many brilliant students were not supported in looking at their options and parents did not have time or the where with all to take time to go to visit schools. What if guidance counselors had time to do this Rj justice coordinators-only 19 in the system. What are we doing?

Assuming we need police to handle anything in the school is an outrage. Just the idea that school rules are in a patrol guide is disgusting and not the direction we should be going.

This repeated statement and use of the fact that 70% of SSAs are women mostly women of color assumes they want to be doing the work as police-not true. Many want the job because it has same schedule as their child's school. Give these women the option of applying for other positions in the school with a non punitive relationship with the students would be welcome.

Also this means 30% of the ssas are not women of color which is 1500 folks.

We have all been in this white supremacist racist sexist soup. We all need to undo our learning. Even if a ssa is black or latina the training and uniform and culture of nypd is NOT what should be in the school. Just moving someone to doe still in same former position does not solve this. Eliminate those positions. People need to apply for rj positions and parent coordinators and student support.

The union of corrections uses same argument for maintaining prisons and we can see that is a problem, so we should know it is here as well.

We need to hear the students - "A transition that puts SSA's under the DOE is a transition that does not put youth first."

From: Raul Martinez, Supervisor of School Security, NYPD, Brooklyn North Command
raulpm2@gmail.com

In regards to Proposal T2021-7109, have you and the City Council have done a thorough research into what it is that the School Safety Division does?

Reading this "proposed" bill, it tells me that you have failed to do so! The mere mention that your 'Proposal' states " SSAs no longer...carry weapons" show that you and the Council are VERY misinformed about School Safety. This statement is harmful and damaging to the image of that School Safety Agents. Since the inception of School Safety under the Department of Education, through the NYPD and now, School Safety has never been armed with any type of weapon!

During my time as a School Safety Agent, I have witnessed the extensive efforts by NYPD and the DOE in regards to training us in not only emergency situations but also to evaluate and help in de escalation tactics in regards to student altercations and students with mental health crisis'. We are constantly being trained and reminded in these situations that your "proposal" is stating. . If you and the Council would have done your research, then you would see that School Safety, NYPD and DOE have been doing this and revising these trainings. During the 2018 and 2019, School Safety, along with DOE were part of a training initiative that was focused on the mental health of students, how to deescalate and what steps to take in regards to restorative justice. You and the City Council are too late in this.

After reading this bill, it also shows that you're informed of the MANY criminal acts that occur not only on school grounds, but to students on their way to school. During my time as a School Safety Agent, I have responded not only to vicious assaults, but also sexual assaults, robberies, burglaries, gang violence, drug possessions and drug sales, weapons possessions, shootings, stabbings, missing Special Needs Students, bomb threats, fires, criminal trespassing, assaults on Teachers, assaults on School Safety Agents, Custodial Issues, Cyber bullying, Cyber threats to Schools, Hate Crimes. The list of issues that we as School Safety Agents deal with is long and extensive, but your "proposed " bill is willing to dismantle the work that we have done under the NYPD a leadership and guidance. You fail to realize that School Principals, Teachers and Dean's are not equipped to deal with these issues, and quite frankly, DO NOT want to handle.

In today's hearing, I heard students, current and former, speak about feeling like criminals when entering a School due to scanning. What these students know, is that many of their fellow students do not come to school with good intentions! They know that many of the fellow peers are in gangs, commit crimes going to school and going home from school, but since they are being manipulated by the media and the Council, they won't admit to this. They know that School Safety has prevented MANY WEAPONS from entering the school! But since they are being manipulated, they won't admit that because they are being fed a storyline that shackles them into a fallen mentality, that EVERYONE IN LAW ENFORCEMENT IS AGAINST YOU BECAUSE YOUR BLACK OR BROWN! This storyline is really the source of these kids' mental

anguish! They are constantly being beaten with this story and drilled to believe it even though the faces were the badge or uniform LOOKS JUST LIKE THEM!

After reading your "proposed" bill, it also fails to recognize the good that many School Safety Agents have done to try and improve the School Community relationship between law enforcement, DOE Staff and the students. The majority of School Safety Agents are African-American and Latin-American. We reflect the communities were assigned to and do our BEST to represent law enforcement in a good light, trying to dispel the distrust, but also we are not blind to the issues within. There are Agents that start peer mentorship programs with students, Dance Clubs, the NYPD Explorer Program, the Youth Police Academy, which is a Summer Camp that is for free, and run by Police and School Safety, Coaches to team sports, etc. Last year, School Safety implemented the Neighborhood Coordinating Agent Program, a program that mimicked the NYPD Neighborhood Coordinating Officer, to be a bridge between Law Enforcement and the community. These are just examples of the good that School Safety has been doing, but you and the City Council are late in realizing this and with this Bill, you are just showing that you and your Colleagues are of a knee jerk reaction to this summer's protest. And though these protests were done with a purpose for change, a complete dismantling and removing the little authority that School Safety has is not the solution to a perceived problem, that is that School Safety Agents are an issue to students' education.

Now, are there people that are not fit for this job? Yes, just like any job, there are people that never should have been allowed to work for School Safety or NYPD, but this proposal is not the answer. I do agree that there should be more social workers and guidance counselors inside of schools, but that can only be done with a complete overhaul of the Department of Education. There is enough money in the DOE budget (which the DOE has two separate budgets), money that can be used from the Mental Health Budget run by First Lady De' Blasio that can accomplish that, since this is apparently a mental health issue.

Before you and your Colleagues make a vote, please do the proper research on what we as School Safety have done! Come to the source, not just hand picked areas like the Upper Westside and Chelsea.

City Council Education Committee Hearing - 18 February 2021 - Mam Fatou Statement



Testimony for Mam Fatou Dukuray

Snapshot of the item below:

City Council Public Safety Committee Hearing – 18 February 2021

Testimony by Mam Fatou, a youth organizer of The Brotherhood/Sister Sol

My name is Mam Fatou Dukuray and I am a youth organizer of The Brotherhood/Sister Sol.

It is upsetting that we still have to attend hearings to demand police-free schools and you still only offer additional training and reporting. We who care about the wellness of marginalized students in NYC do not believe in this superficial transfer of School Safety Agents from the NYPD to the DOE.

To address issues worsened by COVID-19, we have to find money to create meaningful shifts in our education system and, instead, create pathways to student success. This will require police-free schools. Failure to divest from school police and invest in student success will mean that our city continues to fail us youth. These bills fail us; they do not do enough to ensure that our schools are police-free. We need to remove all police presence – whether under the DOE or NYPD – and shift those funds to actually offer mental health support for all young people.

New York City has more school safety agents (SSAs) than any other school district in the U.S. and the School Safety Division is bigger than most police departments in the United States. At the same time, none of the schools I have attend have the resources for mental health support. In my current school, every teacher has the role of advisor but we have no guidance counselors or therapists and I have not had any support to prepare for college either. In school, not only do I feel like I'm being spied on but I feel criminalized as if the SSAs are just waiting for me to make one mistake to get us in big trouble. Additionally, a lot of my peers and I have had other negative interactions with SSAs. The presence of police in our schools comes at the cost of having actual student support staff. This, paired with the disproportionate and negative impact policing has on students who are low-income, Black, and Latinx, means that we are more likely to be the subject of exclusionary discipline and police response at school than their white peers. More reports

will not make this any more evident; this is not an issue of lack of research, this is an issue of lack of political will.

Everyone in the City Council, however, has the power to meaningfully shift funds from the police and reinvest in our communities but this requires radical action. To meet the demands of the people who took to the streets *and* the organizers now in this room, you have to divest from policing and policing culture. None of these bills presented today do that.

We must end the criminalization of youth and students of color while deconstructing the school-to-prison pipeline and we must do this now. Join us or be a part of the problem.

For more information regarding our campaign, please contact Dr. Marsha Jean-Charles (mjc@brotherhood-sistersol.org, 212.283.7044).



**TESTIMONY OF MELISSA CLARKE, MSW
YOUTH JUSTICE AND CHILD WELFARE POLICY ASSOCIATE
CHILDREN'S DEFENSE FUND-NY**

Submitted to the New York City Council

Committee on Education

February 18th, 2021

The Children's Defense Fund-NY would like to thank Committee Chair Treyger and members of the Committee on Education for holding this important oversight hearing on the ways in which police interact with our students and the safety and security of our public schools.

At Children's Defense Fund-NY, our mission is to ensure every child receives a healthy start, fair start, safe start, and moral start in life so that they are able to achieve a successful passage into adulthood with the help of caring families and communities. We provide a strong, effective, and independent voice for all children who cannot vote, lobby, or speak for themselves. Our unique approach to improving conditions for children combines research, public education, policy development, community organizing and advocacy activities, making us an innovative leader for New York's children, particularly in the areas of health, education, early childhood, child welfare, and youth justice.

As a member of Dignity in Schools Campaign-NY (DSC-NY), the Solutions not Suspensions coalition, and the NYC Youth coalition, and through our Beat the Odds program, we work with students and other advocates to create an equitable education system for all New York City youth. We envision a system where our young people can thrive, free of criminalization, harmful discipline practices, and police. Now, more than ever in the recent history of our City, is a critical time for students and families.

Policing in Schools

Currently, New York City's school safety division is the fifth largest police force in the country, larger than Washington D.C., Detroit, Boston, and Las Vegas.ⁱ The presence of police in our schools has disproportionately impacted students who are low-income, Black, Latinx, and students with disabilities. According to recent New York City Student Safety Act 1st Quarter 2020 reporting, despite a 20% decrease in NYPD interactions with students, Black students still accounted for nearly two-thirds (61.7%) of school-based arrests.ⁱⁱ Black and Latinx students are

more likely to be subjected to exclusionary discipline and police response in comparison to their white peers. This is just one aspect of the school-to-prison pipeline, where some students are pushed out of school and into the juvenile or criminal justice system.

For these reasons, we have joined with our allies and partners in the call for police-free schools. Creating a school system where the voices of the youth, their families, and the surrounding community are uplifted and heard is our goal. When we say police-free schools, we are calling for the removal of policing infrastructure and culture; and a reinvestment in initiatives promoting restorative justice, conflict resolution, and social and emotional learning.

The Proposed Legislation

We appreciate that members of the City Council are taking the necessary steps to change policing in our New York City Schools.

It is imperative to the social and emotional development of our young people that we remove police from situations where students are experiencing emotional crisis. We stand with our allies in DSC-NY and lift up our shared budget demands, which call for the full funding of supportive positions which exist currently under the Department of Education: Paraprofessionals; Restorative Justice Coordinators; and Parent Coordinators.

In addition, fund should also be repurposed to establish a new support staff role a Community Resource Specialist. An individual who would serve as a liaison between schools and external community-based services and programs. The individual performing this role could serve multiple schools within a shared campus or schools within a specific geographic zone.

Until this is possible, we believe that the reforms set forth in Int 2188-2020 are a step in the right direction: de-centering police from crisis response and protecting students from police practices that traumatize children.

Int 2188-2020

We support Int 2188-2020 because it recognizes that school safety personnel should not be responding to students in emotional crisis. The bill calls for on-site clinical school staff to respond to students displaying behavior that “exceeds the student’s ability to cope and self-regulate.” The bill forces the City Council to recognize, however, that many schools do not have such on-site staff. Indeed, the current ratio for clinical support staff to students in New York City schools 1:327.ⁱⁱⁱ We hope that this legislation will move the City closer to making the necessary investments in student support staff (including on-site clinical staff like counselors and social workers) so that schools can comply with the purpose of the bill. Until then, school safety agents will remain the first-responders when many students are in crisis.

Int 2211-2021

We support Int 2211-2021 but believe that it is necessary to define the term “imminent risk” as narrowly as possible to avoid mis-interpretation and excessive law enforcement engagement in schools. The legislation should also be amended to include language that defines school mental health professionals (social workers, counselors, psychologist) re-training school safety personnel and add language that specifically states that these trainings must be culturally responsive, and trauma informed.

Int 2226-2021 and 2227-2021

We support Int 2226-2021 and 2227-2021 because they will increase reporting of critical information concerning the supervision of school safety agents (SSAs), their employment, turnover and transfers within our schools. We believe that the ongoing role of the City Council and this Committee will be essential to ensure accountability and action where necessary, once the Department complies with the data reporting set forth in the bills. We hope that Chair Treyger and other members of this Committee will meet with advocates to discuss the reporting and interpret it, and to discuss the need for future Oversight hearings and other action, if required.

Thank you for your leadership and for your consideration of this testimony.

If you have any questions concerning this testimony, please contact Melissa C. Clarke, Youth Justice and Child Welfare Policy Associate, at mcclarke@childrensdefense.org.

ⁱ NYCLU, A Look at School Safety: School to Prison Pipeline. <https://www.nyclu.org/en/look-school-safety>

ⁱⁱ Children’s Defense Fund NY, New York City Student Safety Act 1st Quarter 2020 Reporting, available at: https://www.cdfny.org/wp-content/uploads/sites/3/2020/08/FINAL-Q1-2020-Student-Safety-Act-Data-Fact-Sheet-8.2020-1.pdf?_ga=2.184785769.1919377681.1613396831-1799046064.1608140922

ⁱⁱⁱ NYC Department of Education, Report on Guidance Counselors Pursuant to Local Law 56 of 2014, 2020,

https://infohub.nyced.org/docs/default-source/default-document-library/guidancecounselorreportandsummaryfeb_2020.pdf

I have taught in Title 1 public high schools in NYC for nearly ten years. From day one, it has been clearly evident that students' critical emotional needs are generally not met and their ability to learn and thrive at school and beyond is directly impacted. Three out of the four schools I've worked at throughout my career had one or two counselors to serve the entire student body, 300 students or more. As a teacher, I have learned how to provide social-emotional support in the classroom, how to be sensitive to the traumas students inevitably bring with them. But what I can do isn't sufficient and it's not fair to me or my students. I am fortunate to currently work at a school with a robust counseling department, six full time counselors serve our students. The difference I feel in the classroom is striking. Students are more receptive, less distracted and if someone is facing a pressing issue, there is usually a counselor available right then and there.

Funding counselors and other support staff stabilizes and enriches the learning environment. Funding school safety officers does not.

Naomi Sharlin

Good day,

The proposed bill to transfer NYPD School Safety over to the DOE in my opinion is a terrible idea that will only hurt the school community. The responsibility of keeping our children safe should remain with the NYPD. School Safety under NYPD leadership has done a tremendous job in keeping students safe by bringing down crime, seizing numerous amounts of weapons and illegal drugs. I do believe School Safety can be reformed by providing additional training in dealing with troubled youth with the lightest touch. But this needs additional funding. Again, removing NYPD School Safety will only hurt schools in disadvantaged communities.

I've been a School Safety Agent for nine years and I truly love my job in keeping our children safe and also guiding them on the right path. I have two children of my own in the public school system and I have peace of mind knowing they're safe with School Safety in the building. I've seen first-hand School Safety Agents are there to help students. No Agent wakes up and hopes to hurt or arrest anyone in the school community. Many of these children are dealing with tremendous hardships in their lives. Some live in shelters while others live in abusive homes. Some students rely heavily on meals provided in their schools. Those children need our support and safety.

Unfortunately, some students have ill intentions towards their peers. Those students must understand there are consequences for their actions. Gang activity, drugs, and violent behavior are too common in our schools. Schools are a haven but they can't be achieved on their own.

I've witnessed firsthand the violence and chaos that occurs in and out of schools. I've seen some administrators and counselors afraid of some students and immediately call a support agent. Some schools don't even utilize their de-escalation team and are quick to criticize School Safety when necessary force and restraints have to be applied.

Many of the incidents that occur can be resolved by the administration and no police action is necessary. DOE has no idea how to keep safety and order. NYPD has proven to be the experts in providing safety. In conclusion, public safety is paramount for a society to function and prosper. I believe the safety of our school community is in great hands with the NYPD.

<https://youtu.be/NG2Oecq1kpA>

<https://youtu.be/eyiJ8dY5yK0>

<https://youtu.be/wkX8B9a0KuQ>

<https://youtu.be/HPfQ38EINh0>

<https://www.google.com/amp/s/ny.chalkbeat.org/platform/amp/2019/9/12/21108820/mom-warned-bronx-wildlife-school-her-son-had-a-knife-two-years-before-fatal-stabbing-now-nyc-might-f>

<https://www.google.com/amp/s/www.nytimes.com/2017/09/27/nyregion/high-school-stabbing-bronx.amp.html>

<https://www.google.com/amp/s/www.nbcnewyork.com/news/local/fight-bronx-career-and-college-prep-high-school-mother-nyc/478586/%3famp>

<https://www.google.com/amp/s/www.nydailynews.com/new-york/education/crime-nyc-public-schools-nypd-data-shows-article-1.3851995%3foutputType=amp>

To: City Council, Committee on Education

I am writing as a concerned employee of the New York City Department of Education. I reflect on the last few months and wonder how members on the committee on education can justify the introduction of a bill that would transfer over 5,000 school police to the DOE after millions of people and students saw police officers in the city of New York forcefully and violently abuse protestors for exercising their first amendment rights against police brutality and racial injustice. Protestors who loudly marched along the streets of NYC full of passion and activism -- some of the protestors being educators and students.

Over the years, policing in schools perpetuates the well-established school-to-prison pipeline that compromises access to education and opportunity. Black and Brown students are disproportionately targeted by policing in schools and other punitive discipline practices. This cannot stand. I currently work at several schools as a school psychologist and have to walk into the building everyday where the first people I see are police officers and scanners. What precedent does that set for students when they are attending school to learn? The schools have no hot water, neither a library, and school budgets continue to get cut like it did last year. Where is the bill that would allow more funding so that students can have hot water in their bathrooms, where staff can have adequate resources, where students can access a library at their school and improve their reading comprehension skills?

There is no evidence that supports the need for police in schools.

Since working as a school psychologist in both the public and charter school settings in NYC I noticed that there is an ocean between the school safety officer job description and what is being practiced in schools. School safety officers are to ensure the safety of students, faculty and school building visitors. However, zero tolerance policies accompanied with the inadequate training of the school safety officers' have led to an increase and escalation of student incidents whenever school safety officers are involved. Their lack of knowledge in dealing with students with disabilities, as well as their lack of knowledge on child hood trauma and child development are not lost on me. While children are sent to school to learn, school safety officers are trained as police officers via police academy training to enforce local and state laws as well as conduct criminal investigations but are sent to schools under the guise of providing safety.

I am demanding that investments be made that will help Black and Brown students learn, grow and thrive. More policing is not the solution to an already oppressive and racist educational system, especially when you consider the history of policing in America. Policing in America has a lineage as slave bounty hunters. I am calling for more funding to hire both Black and Brown New Yorkers into jobs that support young student's social and emotional wellbeing and mental health (i.e. school psychologists, counselors, restorative justice practices, culturally competent positive behavior supports, less punitive discipline practices, etc.)

I am calling for NYC public schools to divest from policing and practices of student control and invest in quality education that respect the dignity of all students and pursues restorative approaches to conflict and harm.

February 18, 2021

Committee on Education

Re: 2188-2020, 2211-2021, 2226-2021 & 2227-2021

Dear Councilmember Treyger and the Education Committee:

My name is Nuala O'Doherty-Naranjo. I would just like to provide a report from the ground.

I am a proud mother of 5 and grandmother of 2 all future, current or public-school graduates. I believe we have great local public schools here in Queens which is my area of knowledge. I have been mother, PTA president, SLT members and now a CEC member for District 30. I have been in and out of our great local public schools for almost 15 years. I am in and out of our local schools constantly.

Most importantly, I must reiterate Councilmember Treyger's point that the chief educator in the building, THE PRINCIPAL, must be in charge of hiring, firing and managing all employees in the building including the SSAs. Everyone in the building must report to the principal.

Secondly, we must recognize the positive impact many SSAs have in our schools. For example, in one school I work with, the SSA runs the school. When you walk in the SSA knows what is going on for the day, who is out, what special programs are going on and where the principals and assistant principals are. While many SSA have informally become adult confidants for students and they are often a helpful adult in the building they should not be "security guards". I am not against the individuals, but about how the role is being defined by the bureaucracy.

Thirdly, for too long many SSA have been school receptionists. While school receptionist is an important job, for too long the SSA has been the face of the school for the public. This is shameful. A uniformed person in a blue NYPD uniform should NOT be the first person families see. A parent coordinator or similar person must be the first face we see upon entering our schools. In an

immigrant community like mine in Queens, the BLUE NYPD uniform causes a concern rather than a comfort. Removing the NYPD “logo” in itself would be a benefit, but it is not enough.

As a member of District 30, most of my experience is pre-K to 8th grade. In fact, in Queens, in most of our schools, the largest safety issues are in fact traffic safety issues, but the SSA are normally not permitted to exit the school to deal with the biggest safety issue...the traffic outside the school.

I echo the calls for the need of positive, diverse role models in schools, but they should not be in an NYPD uniform. We all know that we need counselors, social workers and positive rolemodels. We can do so much better.

Thank you for your time and attention.

Sincerely,

Nuala

Nuala O’Doherty-Naranjo

NualaODohertyCEC@gmail.com

646-210-4495

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Nuala O’Doherty

CEC 30

28-11 Queens Plaza North, Room 520

LIC, NY 11101

718-391-8380

646-210-4495 cell

CEC30@schools.nyc.gov

www.CEC30.org



**Testimony of Smitha Varghese from the Alliance for Quality Education
to the New York City Council Education Committee on the
Proposed Bills Regarding the Public School's School Safety Division
February 18th 2021**

Good afternoon. My name is Smitha Varghese. I'm the New York City Campaign Coordinator for the Alliance for Quality Education. The Alliance for Quality Education (AQE) is a coalition mobilizing communities across the state to keep New York true to its promise of ensuring a high-quality public education for all students regardless of zip code. AQE is also a member of the Dignity in Schools Coalition. The coalition's main mission is to challenge the systemic problem of pushout in our nation's schools and works to dismantle the school-to-prison pipeline.

We appreciate the opportunity to testify on the bills being proposed by the New York City Council's Education Committee around the School Safety Division. Since the start of 2020, the nation has encountered multiple crises that have prompted many to action. Alongside the global COVID-19 pandemic, the people witnessed the unrelenting murder of Black people by law enforcement, and have since examined even more subtle acts of racism that Black and Brown people experience on a daily basis. These stark realities of racial injustice have far-reaching impacts on our public schools and are symptoms of past and present institutional and structural racism in public education.

To cut straight to the point, New Yorkers like myself and members of the organizations that make up DSC who have attended the NYC public school system from Kindergarten to CUNY are calling for the full removal of police from our schools. This demand was made clear during the Council's 2020 budget session, during which hundreds of people slept at City Hall overnight to protest the NYPD's bloated budget of \$6 billion and demanded the funds be reinvested into our communities. Instead, the Council, which prides itself in being staunchly progressive, decided to deliver empty promises by reducing the NYPD's budget by \$1 billion only to shift the resources meant to police our students to the DOE and other agencies.

Int 2211 by Councilmember Constantinides does not fall in line with our clear demand to remove police from public schools. Instead, it would solidify the Council's poor NYPD to DOE transfer decision from last year by mandating the Mayor, police commissioner, and DOE Chancellor "finalize a plan to implement the transfer of all school safety or security functions from the

NYPD to the DOE.”¹ This bill does nothing to address what the city truly needs: a secure plan to transition police out of schools. It is fundamentally in opposition to the idea so many New Yorkers support: police free schools. This bill commits to “*transfer*” resources when, in reality, there’s a detrimental need to *transform* the ways in which our Black and Brown youth are being engaged within our schools. **AQE rejects Int 2211 that would solidify a transfer plan and we call on members of the New York City Council Education Committee to vote no.**

Int 2188 by Councilmember Ayala does a better job in addressing our concerns of over-policing our youth. We support the spirit of the bill since there are positive aspects like limiting the Police Department’s interaction with young people experiencing emotional crises. We also support the language around limiting the use of mechanical restraints, such as handcuffs, on children in emotional crises. However, the bill calls for additional training for Police and School Safety Agents, which AQE and DSC do not support; specifically, we believe that no new funds should go towards the NYPD for more trainings that do not solve the issue of police in schools. This bill mandates that clinical and support staff should be the primary support for young people in crisis, however, there is not significant funding to support this mandate. We believe that money should be invested in DOE positions that care for and support young people in their most vulnerable moments, rather than throwing money at more trainings for cops. **AQE supports Int 2188 with our suggested provisions.**

As mentioned earlier, we support parts of one of the bills (Int 2188), however, none of these bills address the main and underlying problem: police in schools. The New York City Council must be bold and introduce progressive bills that will head on tackle the school to prison pipeline. Anything less will mean the Council will continue its complacency in criminalizing our Black and Brown youth and maintaining the systemic structures born from white supremacy.

¹ NYC Council Education Committee Hearing:
<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=837461&GUID=73306FCA-290A-47FA-86F6-F1E571273A7F&Options=info%7C&Search=>

Written Testimony

Councilmembers and staff, thank you for taking the time to read this testimony. My name is Caitlin Delphin and I'm a special education teacher at a high school teacher in Bensonhurst, Brooklyn and member of Teachers Unite. I am submitting written testimony, to support my in person testimony in opposition to Intro No 2211. We need action to reduce policing in schools and to fund more teachers, counselors, social workers, and restorative justice professionals, rather than spending more money to retraining current SSAs.

We've seen school districts across the country, including LAUSD, reduce school policing. We are not in uncharted territory. Since the rise of policing in New York City schools, black and brown students as well as students with disabilities have been disproportionately impacted.

I work in a small school that is unusual within the DOE in a few ways. We are part of the NY State Performance Standards Consortium so our students' graduation requirements are based on papers and presentations rather than testing. Because we are not beholden to Regents exams we are able to create our own curriculum and have spent years developing culturally responsive classrooms and curriculum. We are also a restorative justice school, with almost all staff and many students trained in basic restorative practices. About 8 years ago, we decided as a school to adopt a restorative justice approach because we saw that suspensions were particularly affecting black male students. Although the school is far from perfect, through these efforts we've seen a significant drop in suspensions and increase in safety and more equitable educational outcomes. For example, it's been years since we've had a fight at the school. I've heard my students say things like "I tell my friends this school is so boring because there's never any fights."

We've been able to maintain this level of safety within the school in large part because students are empowered to lead restorative justice initiatives including relationship building, mediations, and circles facilitation through the Peer Mentor, Peer Mediator, and Justice League programs at the school. Additionally we've made an effort to train all staff in RJ practices and continue restorative practices trainings during staff led professional developments. We've done all of this without funding for a Restorative Justice coordinator or other devoted RJ positions as well as in direct contradiction to SSAs and the culture of policing present in the DOE. The students, teachers, and staff at my school are not exceptional, this can work anywhere, but it won't without funding and support.

Despite all of the hard and successful work that our students, teachers, and staff put in to keep ourselves safe, students and families at my school are still subject to scanning each day, surveillance through many cameras, and a culture of policing. As long as this systemic scanning, surveillance, and policing exists and is funded within the DOE, no matter how hard we work at the school level, and how successful we are at keeping our students safe and focused on education, our students will never be free from this oppression.

When we eventually return to in person learning, the vast majority of my students will have been out of the building for over a year. They will not be welcomed by additional counselors or social workers to help them with the traumas of having to care for sick family members, or feeling the weight of the family's finances is on their shoulders as a teenager, or social isolation. They will not be welcomed by more teachers to help refocus students who've had to be more involved in younger siblings' schoolwork than their own or still don't have access to adequate technology. No, instead they'll be greeted by metal detectors and uniformed SSAs reminding them exactly how society values their education. Until we are talking about eliminating policing and fully funding education within our schools, we are not having the right conversation.

**New York City Council
Committee on Education**

**Hearing on Package of Bills Addressing School Safety
February 18, 2021**

**Written Testimony of The Bronx Defenders
By Crystal Baker-Burr**

Chairperson Treyger and Committee Members, my name is Crystal Baker-Burr and I am the Education Attorney at The Bronx Defenders (“BxD”).¹ Thank you for the opportunity to testify today.

INTRODUCTION

Children should not be handcuffed, ever. If a New York City parent handcuffed their child as a form of discipline when they had a behavioral issue, they would almost assuredly be dragged into family court on child neglect or abuse charges. New York City police officers, however, regularly engage in this shocking and harmful conduct, leaving lasting physical and emotional scars. The practice is unacceptable. Handcuffing should not be a tool in the toolbox for addressing emotional crises in classrooms.

At BxD, we represent young people accused of crimes. Many of our clients have been pushed out of school or have low attendance because of the practices used by NYPD school safety

¹ The Bronx Defenders is a public defender non-profit that is radically transforming how low-income people in the Bronx are represented in the legal system, and, in doing so, is transforming the system itself. Our staff of over 350 includes interdisciplinary teams made up of criminal, civil, immigration, and family defense attorneys, as well as social workers, benefits specialists, legal advocates, parent advocates, investigators, and team administrators, who collaborate to provide holistic advocacy to address the causes and consequences of legal system involvement. Through this integrated team-based structure, we have pioneered a groundbreaking, nationally-recognized model of representation called holistic defense that achieves better outcomes for our clients. Each year, we defend more than 20,000 low-income Bronx residents in criminal, civil, child welfare, and immigration cases, and reach thousands more through our community intake, youth mentoring, and outreach programs. Through impact litigation, policy advocacy, and community organizing, we push for systemic reform at the local, state, and national level. We take what we learn from the clients and communities that we serve and launch innovative initiatives designed to bring about real and lasting change.

agents and local precinct officers. Kids do not want to go to jail, so when their schools look, feel, and act like jails, many of them simply stop going altogether. Unfortunately, that’s how many students end up with a Bronx Defender by their side.

In our Adolescent Defense Practice (“ADP”), we see students funneled through the school-to-prison pipeline—students that have been mistreated, denied free and appropriate public education (“FAPE”), and pushed out of school. In our Family Defense Practice (“FDP”), we see parents grappling with their children’s mistreatment in school at the beginning of the pipeline. Many of our parent clients come to us with horror stories of their children being sent from school directly to Lincoln Hospital for emergency psychiatric evaluations for behaviors that do not rise to the level of a child in crisis, like throwing a pencil in class, or hiding under a desk.

We support Intro. 2188 because it addresses these grave harms to children and because it will take these practices out of the NYPD toolbox. Students in an emotional crisis should be met with de-escalation techniques, rather than the dangerous and harmful practices used by many school safety agents and school administrators. Specifically, we are concerned that:

- School safety agents and administrators disproportionately use mechanical and velcro restraints on Black and Latinx students, particularly in the Bronx;
- The practice of sending students to local hospital emergency rooms by ambulance (“EMSing”) is widely misused; and
- The use of physical restraints and other inappropriate responses to students in crisis contributes to Black and Latinx children being pushed out of school and into the school-to-prison pipeline.

New York City’s children deserve better.

A. School safety agents and administrators disproportionately use mechanical and velcro restraints on Black and Latinx students, particularly in the Bronx

During the 2019-2020 school year, metal and velcro handcuffs were used 379 times on students. Close to 60% of the students subjected to this traumatic treatment—219 of the 379 instances—were Black.² Far too many of these students enter the criminal and juvenile legal systems because school safety agents and administrators mishandle critical moments when students are in emotional crisis. Our clients in ADP are children, but many of them have been treated like adults (or far worse) in their own middle schools and high schools. Our clients have been handcuffed for hours in their school administrator’s offices, interrogated by school safety

² DeRosa, Christine, “NYPD Disproportionately Restrains Students Of Color During School Crises, New York City Agency Data Shows,” Youth Today (<https://youthtoday.org/2021/01/nypd-disproportionately-restrains-students-of-color-during-school-crises-new-york-city-agency-data-shows/#>)

agents, and searched without being given Miranda rights or having their parents notified. When our clients—many of whom have IEPs and specific behavior intervention plans—experience emotional crises, instead of being met with social workers who are skilled in de-escalation techniques, they are met with police interventions that do more harm than good.

During the 2019-2020 school year, five of the top nine schools with the highest rate of handcuff and restraint usage were in the Bronx. The JM Rapport School in the Bronx, was the school with the most frequent use of restraints (metal handcuffs and velcro restraints). Indeed, JM Rapport utilized restraints more than it used formal school suspension procedures.³ JM Rapport is a District 75 High School, where a large portion of students have a disability classification of emotional disturbance, and all students have IEPs. As a specialized school that serves students with disabilities, JM Rapport should be teaching students coping skills and giving students tools and techniques to self-regulate and de-escalate when they are becoming dysregulated or triggered. Instead, JM Rapport has made harmful practices such as metal and velcro restraints the norm: in the 2019-2020 school year, JM Rapport made up close to 11% of the total number of incidents in which restraints were used across all the schools in the city. JM Rapport is also a very segregated school, serving a student population that is 94% Black and Latinx. Its reflexive use of punishment and carceral interventions pushes far too many students into the juvenile and criminal legal systems, after not receiving the appropriate special education services or supports they need to deal with triggering events or impulsivity.

B. The practice of sending students to local hospital emergency rooms by ambulance (“EMSing”) is widely misused

Parents come to us with horror stories about school safety agents intimidating their kindergarten and elementary-aged students. The experiences of many of our parent clients reveal that schools are often more likely to call the Administration for Children’s Services or the police when Black and Latinx children are in emotional crises than they are to initiate special education evaluations or modify the supports that students receive through their IEPs. At BxD, we have seen clients whose children as young as six or seven were transported to emergency rooms by ambulance, or “EMSed,” for regular childlike behavior, such as yelling at a teacher or refusing to go to class. The impact of EMSing students that are not a threat to the safety of themselves or others is huge. Taking students out of the school environment by force teaches them that they do not belong, that there is something wrong with them. Taking students out of the classroom and sending them to a hospital with strangers does nothing to teach the student the skills they need to better manage their behavior, or to gain the skills necessary to stay in class and self-regulate. EMSing tactics overwhelm an already overtaxed hospital system. Students transported to hospitals from

³ DeRosa, Christine, “NYPD Disproportionately Restrains Students Of Color During School Crises, New York City Agency Data Shows,” Youth Today (<https://youthtoday.org/2021/01/nypd-disproportionately-restrains-students-of-color-during-school-crises-new-york-city-agency-data-shows/#>)

school are routinely sent away without evaluations or any treatment, as treatment and evaluations are not necessary. EMSing also breaks down the relationship between parent and school, as parents lose trust in the school administration to safeguard and educate their children.

C. The use of physical restraints and other inappropriate responses to students in crisis contributes to Black and Latinx children being pushed out of school and into the school-to-prison pipeline

New York City sends a disproportionate number of Black and Latinx students to jail. Black and Latinx children in crisis and in need of support routinely receive the exact opposite—harsh and arbitrary punishment without compassion or understanding. Black children represented 63.3% of all admissions to New York City’s juvenile detention facilities in 2020, and youth of color together accounted for over 90% of all admissions.⁴ The connection between school and NYPD practices and the disproportionate representation of students of color in the criminal and juvenile legal systems cannot be ignored, and cannot be accepted.

CONCLUSION

We support Intro. 2188 because it will chip away at some of these harmful and discriminatory practices, and makes schools and educators focus on better and more direct and healing-focused practices. But we must go farther: we must remove policing from schools altogether.

⁴ New York City Administration for Children's Services, Detention Demographic Data, Fiscal Year 2020 (<https://www1.nyc.gov/assets/acs/pdf/data-analysis/2020/DetentionDemographicReportFY20.pdf>)

2/19/21

Dear City Council Members,

My name is Dominick Repole and I am currently a teacher at the Urban Assembly School of Emergency Management in downtown Manhattan. I am writing this letter in opposition to Intro 2211 that would codify the transfer of the NYPD's School Division to the Department of Education. The issue with policing of schools will not change by transferring these police officers to the DOE. The problem is that there are already too many police officers in our schools. As a teacher, what schools need are more mental health professionals, school support staff and access to extracurriculars that empower and inspire students.

Currently in my school, there are 256 students enrolled. Of that 256, over 90% of students are Black or Hispanic. Although the student population is relatively small, it would be common to see at least 4-5 police officers on our floor throughout the day. Meanwhile, our school only has 1 social worker that works with students who need counseling and mental health support. Now with the pandemic, the number of students who will need counseling and mental health support will be compounded due to the trauma they faced. As a city, we need to prioritize the mental health of our city's children and not over policing Black and Brown students.

Thinking ahead to when high school's reopen, the city's priority should be on making schools safe and welcoming for all students, especially to Black and Brown children who historically have not always felt safe or welcome in NYC schools. Having police in schools does not allow all students to feel safe and welcome in school. Instead, the city should focus on extracurricular activities that are meant to inspire and uplift students through a variety of outlets. This will allow students to engage with activities that they have been missing over the past year but will also create an environment that will foster trusting relationships with staff and students in the building. Relationship building is a cornerstone of providing a safe and welcoming environment for students. Over policing of schools prevents this environment from being fully realized.

In conclusion, having police in schools does not equal safer schools. In fact, for a lot of students that makes schools feel less safe. Instead, the city should prioritize mental health resources and programs that uplift our youth instead of inserting more police in hallways.

From,

Dominick Repole
Social Studies/Special Education Teacher
Urban Assembly School of Emergency Management

To whom it may concern,

My name Tazin Azad, and I am the mother of three NYC public school students. I am writing in reference to Int 2211 and Int 2188, and that these bills are not nearly close to what we the community envision as progress towards police-free schools. Our movement is belittled by a bill proposed on a basis that the people have never approved of to begin with and so can not bear the foundations of an educational policy that truly center and support our youth. Furthermore, another bill that hopes to equip cops with one more training does not address or remedy the inequities which create the vacuum for cops to exist in places of learning in the first place! These bills are not enough

The biggest offense Int 2211 has made is that it maintains the SSA as a remnant of NYPD and an apparatus for enforcement. Re-allocating just a fraction of the budget the communities have demanded not only meaningful but not sustainable. It is a guarantee that a public school student will walk past a SSA as they enter a school building but not a counselor or nurse. It is a guarantee that NYC public school students will walk past a security desk when going to learn, but might not have a chance to sit at a desk in their classroom that is fully resourced, learning a curriculum that represents them or being taught by teachers that look and sound like them. Our children instead learn that they are a potential hazard to themselves, and they require domineering adults to police them. They learn that instead of restorative justice practices, social-emotional well-being. This bill does not remedy any of those injustices. Int 2188 is a little more proactive in addressing some of the issues but still is unable to grasp the full scope of structural change needed.

The impact of the SSA presence also falls on the parent communities as well. Imagine being a non-english speaking mom with a stroller approaching the school entrance with the lunch bag of your child who has forgotten to take with him as he entered the building. Imagine struggling to communicate to agents that your child needs this food because he adheres to dietary restrictions. Now imagine being told "You gotta speak English Mom! I don't understand you! Who's the child's teacher?" Imagine panicking and not recalling the teacher's name and so being turned away by being told "Well there's cafeteria food." I don't have to imagine! I saw it happen to others and to myself. I was stopped at the entrance of a school adorned with metal detectors by an outstretched hand of a security agent, as I attempted to drop off a supplementary high school application with one hand and clutching a toddler with the other. I was stopped from walking on to the stage where my Community Education Council, of which I am an elected member, was hosting NYC DOE Chancellor. I was asked, "Do you belong here?" Now I'm not sure what about my appearance created the need for that question or reaction. Perhaps my stature made me look too small, or the child by my side made me appear unprofessional or maybe the hijab around my brown face seemed a little crooked. Regardless, I, like the mom mentioned above, did what we were meant to do: we absorbed these aggressions and moved on. I must say those agents did what the system meant for them to do as well: to disenfranchise, even at the cost of long-lasting implications both visible and invisible.

As a Muslim South Asian immigrant, checkpoints, surveillance, and law enforcement procedures are part of the invisible social contract we sign on to operate in this city. We've borne fear, intimidation discrimination in the hopes that our children would not have to. But every day we are reminded that the injustice is being perpetuated when NYC allows even our three-year-olds to encounter law enforcement whenever they choose to attend school. We know how we dress, the language we speak, the way we look can provoke micro and macro aggression towards us and our children because that is why the SSA are there for. Enough! It is high time that people in power truly exhibit their intention to break the cradle to prison pipeline that has entrapped and ravaged Black and Brown communities and restore dignity to every one of us. It is time to stop the daily indignation of policing children in the places meant to cultivate their minds. It is time for them to recognize what it means to support the whole child and come to the floor with profound clarity in a form of meaningful legislation. It is time to defund NYPD in schools and fund education, wellbeing, and community.

In conclusion, I implore councilmembers to vote **NO on Int 2211** and **only to approve Int 2188 with the amendments proposed by organizations such as AQE**. I thank you for your time and consideration and the opportunity to share my testimony.

Tazin Azad

Without staff dedicated to addressing the emotional needs of students, school cultures are punitive, harmful and stressful. When high caseloads overwhelm the staff we do have, it impacts effectiveness. Social workers, school counselors, health/advisory teachers, crisis paras and restorative justice coordinators as a team can be more effective with an impact that is longer lasting than school safety agents alone. Are we policing our schools out of fear? Are we reacting to occasional incidents and harming all students ? We need developmentally appropriate responses to disruption, harm, and other behaviors. We need teams to assess te root causes of repeated behaviors. We also need to target instruction for kids with low literacy who are acting out in classes, refuse to work with a para in a class and are humiliated and frustrated in mainstream classes where they will never get the attention and instruction they need. Policing these kids whose needs have remained unmet for years doesnt help. It also creates a negative environment for everyone. Give us the staff we need for prevention, attention, service and instruction.

[this teacher preferred to remain anonymous due to the sensitive nature of their story. The students' name has been changed for the same reason.]

I am an ICT teacher. In my third-year teaching, and my first year at my current school, I had a first grader named Jose. Jose was a sweet younger-aged first grader. He loved drawing pictures and knowing that he was noticed. He especially loved being celebrated by his class and sitting with his peers. When he was in small group, he had a smile of pure joy on his face and would move his gaze across his friends.

Jose also had developmental delays that made processing difficult and Jose could become frustrated when he struggled to convey his ideas and understand the other children. Jose' IEP was for a more restrictive environment than an ICT classroom, but in order to keep all her children in one school, Jose' mom opted out of his services. One day, Jose was having an emotional crisis. He was having a tough time engaging with words and I was having a tough time connecting with him where he was in that moment. He began throwing materials and chairs, yelling and spitting, and running around the classroom. My co-teacher took the class for a bathroom break while I reached out to the school support team. I didn't know what to do as it seemed that maybe Jose just needed the space to express himself. When we reached out for support, I didn't realize that our one school social-worker was out for the day and our behavior specialist had left sick. No one with crisis training was available. My principal came in and attempted to calm Jose, but unfortunately was issuing harsh warnings and reminders about the rules, rather than meeting Jose where he was. This only further agitated him. Jose was removed from the room and taken to the "meditation room." I found out then that my principal had contacted the school NYPD to intervene. Two large, male officers arrived. I watched them carry Jose, kicking and screaming, out of the meditation room. I didn't see where they went or what happened next as I had to go back with my class at that point. After that day, if Jose was having a tough time, my principal would taunt him along the lines of, "should we get la policia?" and Jose would immediately stop and lose all the light in his eyes. He was petrified. He recounted dreams to me of being taken away by "la policia."

Jose was 5 years old. He was traumatized by his direct experience with "la policia". My decision to seek support that day, the failure of a system that provides insufficient staffing for student support roles, and inadequate training of school staff on emotional crisis response led to a traumatizing and spirit-robbing experience for Jose.

NYC must move forward to ensure proper training and resources for school emotional support staff and protect students from the trauma and long-term harms caused by police interventions in schools.

When children are in emotional crisis, why are school safety agents involved at all? This would never be the desire of the parent, and using mechanical restraints on a child is cruel and unusual treatment. This practice should be stopped, and social workers and counselors should be called in to help with the child's mental health, versus restraining and punishing a child for an emotional crisis.

You know the statistics. I don't need to tell you how school safety agents, let's get real, police officers, in our schools are not good for anyone. Why are they really there? I was so embarrassed when I invited a guest speaker to speak at my school and upon entering he had to empty his pockets, remove his jacket and belt and have his body traced with a metal detector wand held by a police officer. He then signed in at the desk where a police officer signed him in. This really got me thinking about what it is like as a student to go through this everyday. That was only 10 minutes and 20 feet into the school. Imagine entering your school, beginning your day like that and then continue to be surveilled by the police all day. Why are we anticipating that these student will commit crimes and will need a police officer to intervene? Why aren't we anticipating that these students will act out because growing up and learning how to manage your emotions is difficult and be prepared to de-escalate, guide and hold them accountable. We are missing out on "teachable moments" when we intervene with a police officer and not a counselor. Get the police officers out of school, bring them back as student advocates, without police uniforms, who de-escalate, guide and refer students to the appropriate resources. Please give us our schools back. Remove police and use that money to give us more counselors. My students don't feel safer because of police officers in schools and I do not feel safer either. This is the only job where I have metal detectors and surveillance by police officers. Please change this.

Before high school, I experienced both the disregarded school system of the uptown neighborhood and our community's wildest dreams for our children all in one school. Coming from a more disregarded elementary school before, this elementary and middle school was one of the safest places I had been in as a kid. What made this school so distinct that because it was a school in our own neighborhood, it's disregarded and financially unprioritized, so the resources weren't the best but the school made it their mission to keep us safe, and the way they did that was not through policing, not through unnecessary disciplinary, but by building community. They made it their mission to build family within their staff and students and that's ultimately what made us all feel so safe, it made us feel like we belonged, like we were a priority and not a fear, it made us feel like we were part of something and not forced against it. But of course, it is a disregarded school in the uptown area so it did have a police presence to it, while it was not an extreme police presence, there was still one nevertheless. But this presence did not seem authoritative nor intimidating than most because the security guards were part of the community built by the schools. I remember have some of my friends and I go to the security guards after school to tell jokes and talk about our day. They were there but it was as if they were there to prioritize what safety meant to us, and it was creating that community. So while this school was a disregarded uptown community school, what made it different from what I had previously experienced was that there was power in community and we as students had a say into how to build it, and that's ultimately the first step of creating safety: building community with the people you are trying to protect.

I am a middle school teacher who has taught in the Bronx and in Harlem. I am also a white person who grew up in the public school system. I have seen firsthand the tale of two cities that exists when it comes to policing in our schools. As a white person, the police were practically invisible as I went through nurturing school environments. As a teacher, I have witnessed metal detectors, verbal abuse, and physical apprehensions of Black and brown students. I believe we must find a way to both address public safety in all schools and create loving school environments. We can do both by reforming the role of school safety agents. I believe reform is a dangerous word. Under the current proposal it seems there is the potential for SSAs to simply go under the jurisdiction of the DOE with a vague mandate to practice restorative justice. We should have each SSA reapply for their role to ensure they are committed to restorative practices and interested in not serving as an officer but a practitioner of those practices. I believe that those who wish to be police officers should continue to pursue a career with the NYPD. With the vacancies that arise we can recruit guidance counselors, paraprofessionals, and other members of the community to serve in the new role of SSAs. We can create safer and more loving schools but we must have the will to completely undo the current system rather than repackage it and call it a day.

I worked as a high school special education teacher in the South Bronx for 6 years and I firmly believe that the presence of police officers does more harm than good for our young people. I say this as someone who suffered a concussion after an emotionally distraught special needs student threw a desk at his classmate. My school building had cops, but they couldn't create a safe environment for me and my students. What creates safety is mental health care and fully funded special education staff, not officers in uniforms. Once, a student hid my backpack as a lighthearted teenage prank. When SSAs heard that I was looking for my backpack, they urged me to call my bank and cancel my credit cards immediately because they were positive that the student was stealing my money. Through my relationships with students, I was able to find my backpack and explain to the student why the prank was actually harmful (I had medicine in my backpack that I needed). The student quickly apologized and we never had an issue again. Had I enlisted the SSAs' support, that playful, jokester student would have been characterized as a thief. Even when SSAs are not acting physically violent, their NYPD training informs their mindsets. Thus, it is essential that we not transfer SSAs to the DOE, but rather completely change the position. Black and Brown officers are also impacted by the white supremacist institution in which they've trained, so it we cannot simply rebrand them as DOE employees. Community members who wish to work as restorative justice practitioners should need to apply as new, and must demonstrate a commitment to anti-racism. Otherwise, we risk simply employing the same racist disciplinary tactics under new branding.

I grew up in New York City, and am very aware of the different ways school safety agents are used depending on how the students look. I grew up in the Bronx, but went to an elite private school on the Upper West side. In my school we did not have any school safety agents, we were not made to feel like we were criminals. There was no act a student could do that an adult in that school could not handle. However when I went back home to the Bronx that was not the reality for the children who went to the school down the street from my home. I continuously see articles in the news on how students are subject to unacceptable treatment, due to their "behavior", and all I can ask myself is when did that that school safety officer stop looking at our students like children? This legislation will reform school safety in a meaningful way that will result in children feeling safer, protect their emotional safety, and preserve their humanity.



**Girls for Gender Equity Testimony to the City Council
February 18, 2021 Hearing of the Committee on Education
Delivered by: Quadira Coles**

Good afternoon Chair Treyger and members and staff of the Committee on Education. My name is Quadira Coles and I am the Policy Manager at Girls for Gender Equity.

GGE is an intergenerational organization based in Brooklyn, that challenges structural forces, including racism, sexism, gender-based violence, transphobia, homophobia, and economic inequity, which constrict the freedom, full expression, and rights of transgender and cisgender girls and young women of color, and gender non-conforming youth of color. We do this work through direct service, advocacy, and culture change. GGE has been a leader in the conversation around ending gender-based violence, including sexual harassment and sexual abuse, for close to two decades.

We are offering testimony today to talk about restoring safety and dignity in our schools for returning students. We remain consistent in our demand that the Council prioritize police-free schools and invest in students' education with services, programs and support that address the inequities that were laid bare by the pandemic and transition to remote learning. The emotional and mental well-being of students, school climate and a healing-driven transition should be the city's primary priorities. Over the past year, students have lost access to their school buildings, many have lost family and friends and many lost employment opportunities and took on new responsibilities in caretaking as families tried their best to navigate the pandemic. These experiences will shape how students show up in their new educational settings now and in the future.

The proposed legislation by the Council further entrenches policing in schools instead of meeting the needs of school communities. This culture of surveillance and criminalization pushes students out of schools and forces them into carceral systems. You all have the opportunity through the budget negotiation process to eradicate violence at the hands of law enforcement and reinvest the money once spent on policing to transform our schools in a direction of healing and support.

We strongly oppose Introduction 2211, which codifies the School Safety Division within the Department of Education with the retention of 5,250 (former) policing staff. This piece of legislation also maintains discretion to any NYPD employee who "reasonably" believes action to be necessary to address an imminent risk to public safety or property. Our police-free schools demand includes the total end of police access to school buildings. Intro. 2211 does nothing to acknowledge schools' need for resources, or otherwise resolve to invest to support schools in ways that set police-free schools up for success.

We are grappling with a long legacy of school-police violence. Proposing that agents in the division under the DOE do not have to wear uniforms or materials of the NYPD is nothing more than a symbolic gesture rather than an attempt to address the legacy of school policing. Refusing to dismantle the division means that school police complicity in policing culture will continue to mean an interruption of young people's education.

By blanket transferring with "periodic training" we are leaving a huge gap for young people to suffer in the meantime while we all wait for the culture of policing to "shift." Outsourcing conflict to "school safety personnel" is not a remedy to conflict; it is not the transformative investment that we are demanding in order to meet the needs of school communities. Intro 2211 potentially commits an unknowable or unspecified mass of funding to training former police on abstract matters (like "equity" or how to "honor the dignity and humanity of students") instead of investing in a whole-school approach to accountability and restorative justice, including ways that students can hold adults accountable, as well as ways that adults within buildings can hold each other accountable at all levels of the power. You cannot train into people to honor the humanity and dignity of students.

On Introduction 2188-2020 sponsored by Councilmember Ayala, we fundamentally do not believe police should be interacting with young people, and that includes young people in crisis. Moreover, this bill proposes to reroute responses away from police and to school staff, and in many schools those school staff just do not exist. We demand funding and investments in school staff that are there to care for and support young people. Lastly, we do not support new or continued spending on training for school police. This bill must reject that recommendation.

On Introduction 2226-2021 we ask that reporting differentiate between retention and turnover – identifying the number of positions added during the reporting period as well. On Introduction 2227-2021 we ask for the inclusion of procedures developed by the DOE and NYPD pursuant to section IV. 33 of the memorandum of understanding (MOU) for principals to report misconduct by public safety personnel and uniformed members of the NYPD. Further, a description of cases where principals were not satisfied with the performance of public school safety personnel, pursuant to section IV.32 of the MOU, and the number of requests for a change in public school safety personnel or uniformed officers assigned to the school, and a description of the outcome of the request. This bill, as is, excludes the sections of the MOU that address principal complaints of school police misconduct, or dissatisfaction with police performance, that communities have long lifted up as in need of immediate attention.

Our demand is to disband the school policing division, not transfer. This "transition" will require an opaque and potentially boundless financial commitment that could otherwise go to building something that more closely mirrors what we need, rather than what is convenient or the lowest possible lift. These bills are skewed towards the priorities of law enforcement instead of new, big, sustained investments in the whole school community. If the Mayor and City Council close the "COVID Achievement Gap" and make sure that students and staff are supported next year, the focus should be on supporting pathways to young people's leadership, employment, and resources in their schools and communities – not policing.

Thank you for the opportunity to testify.