



Legislation Details (With Text)

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**Title:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of education and the police department to provide information regarding school discipline and school safety agents to the city council.

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**Indexes:**

**Attachments:** 1. Int. No. 816 - 8/14/08, 2. Committee Report 11/10/09, 3. Hearing Transcript 11/10/09, 4. Hearing Testimony 11/10/09

Date	Ver.	Action By	Action	Result
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8/14/2008	*	City Council	Referred to Comm by Council	
8/14/2008	*	City Council	Referred to Comm by Council	
11/10/2009	*	Committee on Public Safety	Hearing Held by Committee	
11/10/2009	*	Committee on Public Safety	Amendment Proposed by Comm	
11/10/2009	*	Committee on Public Safety	Laid Over by Committee	
11/10/2009	*	Committee on Education	Hearing Held by Committee	
11/10/2009	*	Committee on Education	Amendment Proposed by Comm	
11/10/2009	*	Committee on Education	Laid Over by Committee	
11/10/2009	*	Committee on Juvenile Justice	Hearing Held by Committee	
11/10/2009	*	Committee on Juvenile Justice	Amendment Proposed by Comm	
11/10/2009	*	Committee on Juvenile Justice	Laid Over by Committee	
12/31/2009	A	City Council	Filed (End of Session)	

Proposed Int. No. 816-A

By Council Member Jackson, Mark-Viverito, Avella, Barron, Dickens, Eugene, Felder, Fidler, Foster, Garodnick, Gerson, Gonzalez, James, Koppell, Liu, Mendez, Sanders Jr., Vann, White Jr., Yassky, Mealy, Recchia Jr., Stewart, Dilan, Arroyo, Gennaro, Gioia, Ferreras, Lappin, Brewer, Gentile, Palma, Seabrook and Katz

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of education and the police department to provide information regarding school discipline and school safety agents to the

city council.

Be it enacted by the Council as follows:

Section 1. Chapter 20 of the New York city charter is amended by adding a new section 530, to read as follows:

§ 530. Education department report on student discipline. The department of education, or its successor, shall submit to the council on a quarterly basis, disaggregated by school, a report, based on data from the preceding quarter, on discipline of students in tabular form, including:

a. The total number of students, disaggregated by school, race/ethnicity, age, sex, gender identity and expression (if self-reported) and student status (whether the student is in general education, special education, English language learner, or resource room/related services):

1. subjected to a superintendent suspension;

2. subjected to a principal suspension;

3. subjected to an expulsion;

4. removed from a classroom by a teacher;

5. who have left whether due to (i) a transfer to another school, including the school to which such student was transferred, (ii) transfer to a disciplinary alternative school, or (iii) for some other reason;

6. discharged from school.

b. For each incident of a superintendent suspension, principal suspension, or expulsion, the date and infraction code, or codes, related to each incident of discipline and the duration of each suspension;

c. For each incident resulting in a student being removed from a classroom by a teacher, the date and a description of each incident that resulted in removal from the classroom and the duration of each removal;

d. For each incident in which a student has left or been discharged from a school, the date and discharge and transfer code related to each instance of the student leaving or being discharged.

§2. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-152 to read as follows:

§14-152. Complaints against school safety agents. a. Definitions. For the purposes of this section the following terms shall have the following meanings:

1. "School safety agent" shall mean a person employed by the department as a peace officer for the purpose of maintaining safety in New York city public schools.

2. “Complaint” shall mean an allegation, or allegations made by the same individual, against a school safety agent when the allegation or allegations concern misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, sex, sexual orientation, gender identity and expression and disability.

b. Report of complaints received against school safety agents. The department shall submit to the council on a quarterly basis a report, based on data from the preceding quarter, that shall include, at a minimum, the number of:

1. complaints against school safety agents received during the preceding quarter, disaggregated by school;

2. complaints against school safety agents, lodged directly with the department, disaggregated by complaints made by (i) students on behalf of themselves, (ii) a parent or guardian on behalf of a student, (iii) a department of education employee in his or her official capacity on behalf of a student, (iv) a parent or guardian on behalf of themselves, (v) a department of education employee on behalf of him or herself;

3. complaints referred to the department from 311 and all other sources disaggregated by complaints made by (i) students on behalf of themselves, (ii) a parent or guardian on behalf of a student, (iii) a department of education employee in his or her official capacity on behalf of a student, (iv) a parent or guardian on behalf of themselves, (v) a department of education employee on behalf of him or herself;

4. allegations made in each of the following categories: (i) excessive use of force, (ii) abuse of authority, (iii) discourtesy, (iv) use of offensive language, and (v) unreasonable confiscation of student property;

5. complaints made in each school district;

6. (i) open complaints at the end of such preceding quarter and (ii) the number of days each has been pending;

7. (i) complaints closed during such preceding quarter, (ii) the disposition of each closed complaint, and (iii) the number of days each closed complaint was open;

8. (i) complaints in which discipline was imposed, and (ii) the specific discipline imposed upon each school safety agent in each case; and

9. school safety agents that were the subject of more than one complaint and the disposition of each such complaint, disaggregated by school safety agent.

c. Report of activity in schools. The department shall submit to the council on a quarterly basis, a report based on data from the preceding quarter, disaggregated by school race/ethnicity, age, sex, gender identity and expression (if self-reported) and student status (whether the student is in general education, special education, English language learner, or resource room/related services):

1. the number of students arrested and/or summonsed;

2. in those cases where arrests or summonses were made: (i) the charges (including penal code section), and (ii) whether the charge was a felony, misdemeanor or violation;

3. a description of each non-criminal incident that took place during the quarter; and

4. the number of incidents, both criminal and non-criminal, that arose due to metal detector or magnetometer scanning;

d. Public education. 1. Within thirty days of the effective date of the local law that added this section, 311 operators shall inform any caller seeking to make a complaint against a school safety agent that complaints are to be lodged with the internal affairs bureau of the New York city police department, and, upon consent of the caller, shall immediately transfer any such call to the internal affairs bureau of the New York city police department.

2. The department and the department of education shall place on the first page of each of their websites text explaining that individuals may call 311 in order to make a complaint against a school safety agent.

3. Notices. A sign shall be displayed in at least one location in each department precinct and in each department of education school in which school safety agents are assigned, indicating that individuals can call 311 in order to make a complaint against a school safety agent.

§ 3. This local law shall take effect ninety days after its enactment into law.

OP  
8/25/09