



Legislation Text

File #: Res 0342-2006, **Version:** *

Res. No. 342

Resolution calling on the Department of Education (“DOE”) to place a moratorium on the confiscation of students’ cellular phones during random searches of middle and high schools, to immediately convene public hearings in every community school district to discuss its policy banning cellular phones in public schools and to develop, in consultation with all interested parties, an alternative policy governing the presence of cellular phones on school property.

By Council Members James, Brewer, Avella, Fidler, Foster, Liu, Weprin, White Jr., Gerson, de Blasio and The Public Advocate (Ms. Gotbaum)

Whereas, Sections V(D-G) of Chancellor’s Regulation A-412 and the New York City Department of Education’s (“DOE”) Citywide Standards of Discipline and Intervention Measures (the “Discipline Code”) prohibit students from possessing cellular phones on school property and allow school personnel to confiscate such devices; and

Whereas, In most schools, the DOE has had a “don’t ask, don’t tell” policy with regard to students’ possession of cellular phones; and

Whereas, Pursuant to a school safety initiative announced by Mayor Bloomberg in April of 2006, school safety officers with mobile scanners have begun to search middle and high school students at unannounced locations upon their arrival at school; and

Whereas, As a result of such random searches, there has been a recent increase in the confiscation of students’ cellular phones in these schools, which has led to heightened scrutiny of DOE’s cellular phone policy; and

Whereas, In many cases, it has taken several days for students to retrieve their cellular phones; and

Whereas, The DOE is exceeding its authority by effectively prohibiting students from carrying and using cellular phones to and from schools; and

Whereas, The DOE's cellular phone policy has provoked a strong reaction from parents and legal guardians of students in the public school system, who feel that the policy does not take their concerns about their children's safety into consideration; and

Whereas, Many parents and legal guardians use cellular phones to contact their children while their children are traveling to and from school, and when they need to deal with any immediate changes in schedules or events; and

Whereas, Despite these concerns, the DOE has indicated that a ban on cellular phones is necessary because cellular phones have been used for improper purposes and are disruptive in the classroom; and

Whereas, Interested stakeholders have offered suggestions for revising the current policy that take into account the DOE's concerns, as well as the concerns of parents, guardians and students; and

Whereas, For example, in a resolution dated May 1, 2006, the Executive Board of the United Federation of Teachers called on the DOE to allow students to bring cellular phones to school, but to allow each school develop and enforce a policy prohibiting cellular phone use in school buildings; and

Whereas, Critics of the DOE's absolute ban on cellular phones have pointed out that in other major cities, such as Boston, school authorities have revised their policies to allow students to bring cellular phones to school so that students may use them before and after school; and

Whereas, Such policies reflect a recognition of the fact that cellular phone usage has become widespread and is a useful tool in facilitating communication between students and their parents or guardians; and

Whereas, Members of the New York City public school community have expressed anger over what they perceive as the DOE's unwillingness to accept this new reality; and

Whereas, Members of the New York City public school community, including parents, guardians and students, have asked that they be given the opportunity to discuss the DOE's cellular phone policy in a public forum; and

Whereas, Pursuant to section 2801(3) of the New York State Education Law, the Chancellor is required to develop the Discipline Code “in collaboration with student, teacher, administrator, and parent organizations”; and

Whereas, Section 2801(5)(a) of the New York State Education Law requires the Chancellor to “annually review and update the district’s codes [*sic*] of conduct if necessary, taking into consideration the effectiveness of code provisions and the fairness and consistency of its administration”; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to place a moratorium on the confiscation of students’ cellular phones during random searches of middle and high schools, to immediately convene public hearings in every community school district to discuss its policy banning cellular phones in public schools and to develop, in consultation with all interested parties, an alternative policy governing the presence of cellular phones on school property.

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