



Legislation Text

File #: Res 0360-2006, **Version:** A

Proposed Res. No. 360-A

Resolution calling upon the New York State Legislature to amend the education law, in relation to the use and possession of cellular telephones by students.

By Council Members James, Barron, Comrie, Fidler, Palma, Weprin, Foster and de Blasio

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 April 2006, Mayor Bloomberg announced a school safety initiative that involves school safety officers with mobile scanners searching 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, While DOE’s cellular phone policy has been in place for almost two decades, many public schools have had a “don’t ask, don’t tell” policy with regard to students’ possession of cellular phones; and

Whereas, The recent increase in cellular phone confiscation 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 guardians use cellular phones to contact their children while their children are traveling to and from school and after-school programs; and

Whereas, Despite these concerns, 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, While many parents, guardians, advocates and policymakers agree that cellular phones can be disruptive and should remain off and out-of-sight during school hours, they believe the safety benefits of a child having a cellular phone outweighs any potential disturbances such phones may cause; and

Whereas, As a result of DOE's unwillingness to amend the current cellular phone policy, legislation has been introduced in the New York State Legislature that would address the current situation; and

Whereas, Assembly Bill 11425, sponsored by Assemblywoman Nolan, would allow a student to carry a cellular phone into a school facility, but would prohibit a student from using such phone during regular school hours, except in the case of an emergency; and

Whereas, Similarly, Senate Bill 8128, sponsored by Senator Duane, would also allow a student to carry a cellular phone into a school facility, and would prohibit a student from using such phone, including text messaging and camera use, during regular school hours, except in the case of an emergency; and

Whereas, Both pieces of legislation recognize the fact that cellular phones have become a widespread and useful tool in facilitating communication between students and their parents or guardians; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the education law, in relation to the use and possession of cellular telephones by students.

JC
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6/13/06, 10:40am