



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 Public Safety, the Committee on Education, and the Sub-Committee on Non-Public Schools

Re: Int. Nos. 730 & 719

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

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

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

Introduction Number 730 – Amending the Student Safety Act

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



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

Introduction 730 remedies these limitations.

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

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



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

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

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



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

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

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



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

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

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