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The Crackdown on New York City Students

by Liz Sullivan

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Last month, a 5-year-old kindergarten student in a Queens public school threw a temper tantrum. After being taken to the school office, he shoved some things off his principal's desk. In response, a school safety agent [handcuffed the child](#), and school officials sent him to a psychiatric ward for evaluation - even after a babysitter arrived on the scene asking to take the boy home.

The incident made the front page of the Daily News, and Schools Chancellor Joel Klein expressed concern about it. Unfortunately, though, it was not an isolated occurrence. Instead the incident at the Queens school represented an extension of the even more abusive discipline used in middle and high schools across New York City.

A heavy police presence and discipline policies that rely on punitive zero-tolerance approaches, are denying students their fundamental human rights to a quality education and to be treated with dignity.

Police in the Hallways

The New York Police Department employs and supervises more than 5,000 school safety agents. An additional 200 armed police officers patrol New York City schools. This massive presence would make the city police department's school safety division the fifth largest police force in the country - larger than the police forces of Washington DC, Detroit, Boston or Las Vegas. This uniformed force creates a prison-like environment and results in police getting involved in school disciplinary matters that used to be dealt with by a visit to the principal's office.

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Interviews with students documented in reports by the [National Economic and Social Rights Initiative](#), the [New York Civil Liberties Union](#) and other organizations reveal that students are harassed, handcuffed, patted down and in some cases arrested for shouting in hallways, being late to school, and talking back to teachers and safety personnel. This kind of misconduct, while inappropriate, is fairly typical adolescent behavior that should be dealt with by educational staff. Even being involved in a fight, does not make a student a criminal. Safety agents can play an important role in schools, but they need better training and clear guidelines for how and when to intervene. [Analysis of data](#) from the Department of Education by the NYCLU found that police are increasingly involved in non-criminal incidents in school. During the 2004-2005 academic year, 77 percent of police incidents in schools with permanent metal detectors (those the Department of Education deems dangerous) were for non-criminal incidents, compared to only 6 percent for major crimes.

Harsh and Unequal Punishment

The use of suspensions in schools is also increasing. Between 2000 and 2005, the number of [superintendent suspensions](#) (involving more serious conduct and lasting for six days to as much as a year) [rose](#) by more than 76 percent, from 8,567 a year to 15,090. Students can get suspended for up to 90 days for "engaging in intimidating" behavior or "threatening" a student or staff member, and as many as 10 days for "being insubordinate." The definitions of these infractions are quite vague and punishment can be applied unevenly, with devastating consequences for the academic development of children.

Under these vague standards, African American and Latino students are suspended at disproportionate rates. For example, in 2004, African American students made up 33 percent of the enrollment in New York City schools, but accounted for 52 percent of out-of-school suspensions, according to [data](#) from the U.S. Office of Civil Rights.

Without question, police presence and school suspensions are distributed unequally, disproportionately targeting students of color from poor communities. About 82 percent of students in schools with permanent metal detectors are African American or Latino, compared to the average of 71 percent citywide, according to data analyzed by the civil liberties union. These same schools with permanent metal detectors and heavy police presence are also some of the most overcrowded and resource-starved schools in New York City. For example, schools with permanent metal detectors are 18 percent over capacity, compared with the citywide average of 6 percent.

Disrupted Learning

Police incidents and suspensions have a devastating impact on a student's education. Students [told](#) interviewers from the National Economic and Social Rights Initiative that a suspension of even one week is "a lot of class time" to miss. Being forced from school for two weeks or more resulted in students falling behind, missing tests they were not allowed to make up, and even failing classes, leading to summer school or repeating a semester.

Not surprisingly, this contributes to the dropout rate. The [National Center for Education Statistics](#) found that 31 percent of students who had been suspended three or more times before the spring of their sophomore year dropped out of school. Only 6 percent of students who had never been suspended left school without a high school diploma.

Looking at the Alternatives

To address these destructive policies, New York City schools first need to improve monitoring and accountability for school safety agents, police and suspension policies. A coalition of organizations in New York City has called for the City Council to adopt the [Student Safety Act](#). This measure would create mechanisms for students to file complaints against school safety agents and would require the education department and the police to report to the City Council about police incidents and suspensions, including providing breakdowns by race. The [coalition](#) includes Advocates for Children, the Correctional Association, Make the Road New York, National Economic and Social Rights Initiative, the New York Civil Liberties Union, Teachers Unite, the Urban Youth Collaborative and the Children's Defense Fund - New York.

Beyond this, there needs to be a fundamental shift in the way schools deal with discipline and safety. Discipline should be a part of the educational mission of our schools and focus on conflict resolution, positive behavioral skills and providing students with mediation, counseling and support.

The [Convention on the Rights of the Child](#), the most widely ratified human rights treaty in the world, states that school systems must "ensure that school discipline is administered in a manner consistent with the child's human dignity." Used by school systems in countries around the world, the convention states that school policies must not violate the dignity of students, cause mental or physical humiliation or harm, or criminalize adolescent behavior. Instead, "the education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential." The New York City Council in 1989 embraced these principles when it passed a resolution (Resolution 1891) supporting the Convention on the Rights of the Child and acknowledging that children have the

right to "education and the right to develop in a safe environment free from discrimination."

Research and best practices from school districts around the country support this approach. For example, a growing number of school districts have implemented [Positive Behavior Intervention and Support](#) or PBIS. It aims to prevent conflict and behavior problems, along with student suspensions and other extreme punishment, by making sure students understand what is expected of them and helping students meet those expectations. This approach provides assistance for students with chronic behavior problems and seeks to involve families and the community.

In Illinois, over 150 school districts have adopted some type of PBIS. One [study](#) found that in 12 Chicago public schools implementing it, the percent of students who received six or more disciplinary referrals fell by more than half over three years, from 6 percent to 2 percent.

In February 2007, the Los Angeles Unified School District, the second largest district in the country after New York City, passed a new policy to implement School-wide Positive Behavior Support, its version of PBIS. Policy makers at the federal level also have begun to take notice. Last September, Senators Barack Obama and Richard Durbin and Representative Phil Hare, all of Illinois, introduced the [Positive Behavior for Effective Schools Act](#), which would allow school districts to use federal funds for Positive Behavior Intervention and Support and other preventive approaches to discipline.

New York City, though, has so far remained on the sidelines. It is time for the people who run the nation's largest public school system to acknowledge the devastating impact their punitive and sometimes draconian policies are having on our children and implement positive and preventive discipline that will create nurturing environments and keep students in school.

Liz Sullivan is Human Right to Education Program Director for the [National Economic and Social Rights Initiative](#).

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