

New York City Council Hearing on Police in Schools, October 10, 2007

Testimony from Elizabeth Sullivan, Education Program Director

National Economic and Social Rights Initiative (NESRI)

A member of the Student Safety Coalition

The National Economic and Social Rights Initiative (NESRI) works with advocates and organizers in New York City to promote the rights to education, dignity and student participation in schools. In March 2007, NESRI released the report *Deprived of Dignity Degrading Treatment and Abusive Discipline in New York City and Los Angeles Public Schools*. The report documents in-depth interviews with over 40 students, parents, and teachers from 20 New York City middle and high schools (primarily large high schools with over 2,500 students and middle schools with over 1,000 students, approximately one third attended Impact Schools.) It describes the hostile school environment created by the heavy presence of safety agents and police, the inappropriate involvement of safety agents and police officers in school disciplinary matters that should be dealt with by educational staff, and the abusive tactics often employed by police.

Students we interviewed had been harassed, handcuffed, patted down and in some cases arrested for shouting in hallways, being late to school, and talking back to safety personnel. These behaviors, while inappropriate, often reflect typical adolescent reactions, especially in the context of overcrowded and under-resourced schools where students face a criminalizing environment, and should be dealt with by school staff. Even when students are involved in fights or altercations, in most cases, these behaviors should NOT be treated as crimes. Children and adolescents have not fully developed behavioral and conflict resolution skills, and the role of the school should be to help students develop constructive ways of addressing conflict, not to criminalize and remove them from school. Students told us in interviews that without counseling or mediation services, suspensions, arrests and other punitive responses do nothing to address the problems that cause misbehavior.

We thank the City Council for calling this hearing and urge you to help ensure that there is greater oversight and accountability for the role that safety agents and police play in schools to ensure that children are no longer criminalized. We need more comprehensive data reporting on police and safety agent incidents and suspension rates so that we know how they are currently involved in discipline, and we need to more clearly define their role. Students and parents should also have effective complaint mechanisms for when safety personnel act inappropriately.

But, we also need to go further and shift the way we think about safety and discipline in schools altogether. Discipline should be a part of the educational goals of our schools and about ensuring the right to respect and dignity among students and adults. Basic human rights standards in the Convention on the Rights of the Child and other human rights treaties require that school policies must not violate the dignity of students, cause mental or physical humiliation or harm, or criminalize adolescent behavior. Instead school policies should be aimed at the full development of each child's abilities and potential, including the teaching of positive behavioral skills and conflict resolution. Above all, discipline and safety policies must not jeopardize the right to education.

In other cities around the country, like Chicago and Los Angeles, school districts have begun to embrace alternative disciplinary policies that guarantee students' right to education and dignity in school. Earlier this year, the Los Angeles Unified School District passed a new district policy for School-wide Positive Behavior Support aimed at moving discipline procedures away from a focus on punishment and towards early intervention and teaching positive behavioral skills. Under Positive Behavior Intervention and Support or PBIS, the goal is to decrease student suspensions and discipline actions by establishing a preventive system geared towards establishing a positive school climate. Behavioral expectations are defined and taught to students in the classroom, and staff are trained to acknowledge positive behavior, talk with students about the reasons for misbehavior, and identify positive solutions to misbehavior.

The Jefferson Parish school district in Louisiana adopted PBIS district-wide in 2005. A nationally recognized team of experts was hired to help the district develop and implement training for all staff. The district also agreed to provide more counseling, reduce the number of suspensions and expulsions, and create better data tracking systems for disciplinary responses. In Jefferson Parish, where implementation began in the 2006-2007 school year, advocates on the ground report that suspension and expulsions have gone down. There is also increased communication between the school system, the juvenile courts and education advocates who have carried out trainings with judges and law enforcement on the corrective action plans implemented by the school district.

The Chicago public school system has taken a different approach using restorative justice models for discipline. For several years, individual schools in Chicago have successfully used peer juries, classroom circles and family group conferencing to resolve problems and decide on restorative consequences for students who break rules. Rather than viewing misbehavior by students as an act against school authorities, restorative justice models define misbehavior as an act against the entire community. Accountability and discipline involve taking responsibility for one's behavior and repairing the harm to the community resulting from those behaviors. Over 40 schools in Chicago currently use the peer jury model, and in 2006, Chicago Public Schools adopted a new system-wide student code of conduct that includes "components of restorative justice, alternatives to out of school suspension, and additional measures aimed to ensure a safe and positive environment for students and school personnel."

Here in New York City, adult mediators and conflict resolution models are also being used successfully in individual schools. At Humanities Preparatory Academy in Manhattan, for example, restorative justice practices similar to those in Chicago are used to resolve disputes. Students who break school rules go before a Fairness Committee made up of students and staff to discuss the reasons behind the students' misbehavior, and what the consequences will be. Others testifying today will describe similar school programs. But we are behind other school districts in taking steps to implement these proactive solutions district-wide.

We ask you to urge Mayor Bloomberg and Chancellor Klein to work with the youth, teachers, administrators and parents who are calling for more guidance counselors, and peer and adult mediators trained to address the root problems inside our schools.