

School Safety in New York City

Policy, Practice, and Programs from 2002 to 2013

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Innovations in NYC Health & Human Services Policy:
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This brief describes changes in school safety policy, practice, and programs in New York City during Mayor Michael Bloomberg's administration (January 1, 2002 – December 31, 2013).¹ Over this time, the city has seen a large decline in school crime (a 46 percent drop), and, in recent years, has started to see a decline in school suspensions. These trends have taken place amidst the backdrop of a growing partnership between the New York Police Department (NYPD) and the Department of Education (DOE). These agencies have launched an array of initiatives designed to improve school safety, particularly in schools with high concentrations of reported crime.

The next mayoral administration faces a number of challenges and opportunities in advancing a school safety agenda. At a basic level, this means ensuring that schools remain safe places to learn and recent school safety gains are maintained. At the same time, there is an opportunity for the city to further reduce the need for school suspensions and arrests by expanding the range of positive and proactive interventions for misbehavior. The city also has the opportunity to develop a rigorous research and evaluation strategy that would allow it to determine which initiatives are working and where improvements are necessary, and to make the case for those school safety policies that are worthy of continued support.

Context

One of the primary issues affecting students' academic achievement, behavior, and success is school safety. Both exposure to and perceptions of danger in schools and surrounding neighborhoods are linked to the ability of young people to fulfill their potential in the school setting. Studies have shown a clear connection between school environmental characteristics and student academic performance.

The New York City Department of Education (DOE) is the largest school system in the United States, educating more than 1.1 million students in over 1,700 different schools. The New York Police Department (NYPD) Division of School Safety is also the largest in the country, employing about 5,000 school safety agents (SSAs) as well as about 200 uniformed police officers for school safety.

In the 1990s, crime rates were high in New York City and school crime was rampant. In the 1992-1993 school year, the schools reported a 16 percent increase in crime and violent incidents from the previous year, with two students and one principal killed in schools. This change was preceded by a 29 percent increase in incidents and three homicides in the 1991-1992 school year. In total, reports of school crime rose by 61 percent between 1989 and 1993. While there was little debate that crime at schools was a problem, there was considerable confusion regarding the extent of the problem. Widespread reports of inadequate data and underreporting by schools led to an atmosphere where many did not believe that school crime data could be trusted. The teacher's union maintained its own reporting system and there was little collaboration between the NYPD and the schools in terms of data tracking and reporting.

At the time, efforts were made by the Board of Education to reduce school crime through the increased use of magnetometers in high schools (starting with 20 in the late 1980s and increasing to 41 by the mid-1990s) and the use of school safety agent teams in middle schools with high crime rates.

In the 1996-1997 school year, the Board of Education's incident reporting process was revised, requesting independent reports from principals, teachers, and safety officers to a central command, which cross-checked reports. The data indicate another increase in school crime in the 1996-1997 year (after a slight drop in the two previous years). Widespread media reports about crime and abuse perpetrated by

school safety agents further contributed to an atmosphere of distrust and fed public concern over school safety policy.

In response to these issues, Mayor Rudolph Giuliani's administration formed a commission to investigate the Board of Education's Division of School Safety. The commission held hearings, interviewed over two hundred individuals, and obtained and reviewed relevant documents. The commission declared that each school was like "a ship at sea," with the principal at the helm and the school separated from the community that surrounds it. At the time, principals managed school safety agents in their buildings and were disconnected from the Board of Education. The commission held that the resulting lack of coordination was unacceptable. The commission also listed numerous problems with the management of school safety and with the roles of school safety agents. They included a lack of accurate and reliable data; consistent underreporting of school crime; and a lack of clear definitions of safety agent roles.

The commission concluded that crime in schools could only be reduced through a coordinated and integrated approach managed by law enforcement professionals. In response, the Board of Education developed a Memorandum of Understanding (MOU) with the Mayor's Office. The MOU effectively transferred the Division of School Safety to the NYPD in late 1998, affording the NYPD professional oversight over the school safety agents, who became civilian NYPD employees. The New York City Charter was amended to require reporting of crimes by school employees to the NYPD.

Another important event in the recent history of school safety policy in NYC occurred in 2002. Known as "mayoral control," primary authority for the New York City public school system was shifted from the Board of Education to the Mayor in 2002. The Board of Education was abolished and replaced with a new city agency, the Department of Education (DOE). The 1998 MOU between the Mayor's Office and the Board of Education was transferred to the DOE and was subsequently renewed in 2003.

Policy Response

Mayor Michael Bloomberg's administration has been marked by numerous policy changes in the realm of school safety. They include:

- Expanded partnership between the Department of Education and the Police Department;
- The Impact Schools Initiative;
- A more progressive response to discipline and dramatic changes to the Discipline Code;
- The Respect for All Initiative;
- Expanded school safety technologies, including video surveillance.

Each of these efforts is described in greater detail below. Several additional policy changes are described in Appendix A, including the Student Safety Act. Relevant state and federal laws and policies are also described in Appendix B.

Expanded Partnership between the Department of Education and the Police Department

In the fall of 2003, then Deputy Mayor Dennis Walcott and Criminal Justice Coordinator John Feinblatt convened and chaired a joint working group in response to the recent increase in major and violent school-based crime. Since then, the Mayor's Office has hosted bi-weekly meetings of a joint NYPD-DOE working group to tackle the problem of crime in schools, including several of the initiatives and efforts discussed here. Moreover, the Department of Education and the Police Department have increasingly worked together on school safety. The DOE Chancellor's Regulation A-412 describes the role of school administrators, school safety agents, the NYPD, and the DOE regarding security and incidents in schools. The NYPD also provides training and guidelines on the roles and responsibilities of school safety agents. As unarmed civilians, school

safety agents have the status of a New York State peace officer, giving them the power to make warrantless arrests.

Over the last decade, through regular coordination and biweekly meetings with the Criminal Justice Coordinator's Office, the partnership between the DOE and NYPD has grown significantly. Today, senior staff from both agencies communicate on a regular, sometimes daily, basis. All of those interviewed for this brief perceived the current level of communication and coordination between the two agencies positively and believed that this coordination should continue to develop and grow to ensure a safe learning environment in schools. Many of the policy changes outlined below are a direct result of this high level of collaboration.

The Impact Schools Initiative

The Impact Schools Initiative, originally known as the School Safety Initiative, was officially announced by the Mayor's Office, the DOE, and the NYPD in December 2003.² The Initiative was modeled on the NYPD's ongoing Operation Impact, which uses neighborhood crime data to target policing activity (otherwise known as "hot-spot policing"). Similarly, the Impact Schools Initiative uses incident and crime data from the NYPD and the DOE to target schools with the largest concentrations of crime, particularly violent crimes. During the 2010-2011 school year, 72 percent of schools had no violent crime³ and another 13 percent had only one violent crime, an indication that serious crime is concentrated in a limited number of schools.⁴ All impact schools are reviewed at biweekly meetings between NYPD and DOE, and the list is renewed on an annual or bi-annual basis.

When a school is designated as an Impact School, a comprehensive assessment is completed by both the DOE and the NYPD. The assessment, based on the *Best Practices Standards for Creating and Sustaining a Supportive School*,⁵ covers all aspects of student safety, including:

- **School Culture:** includes culture and climate, bullying, classroom environment, student engagement, student life, and Respect for All (described below).
- **Safety Protocols and Procedures:** includes the school's physical environment, security, emergency preparedness, entry and exit procedures, hall passing procedures, and cafeteria/library/office procedures.
- **Guidance Services and Student Support:** Includes the school's guidance program, counseling, support for students returning from suspension, attendance program, crisis intervention team, health support services, suspension practices, and student expectations of support.

"Educators aren't police officers; police officers aren't educators. But they are all adults and have an obligation for safety in our schools."
~ NYPD Assistant Chief John Donohue, in describing how the two agencies have learned from each other.

After the assessment, each Impact School receives additional school safety agents and a task force of uniformed NYPD officers is assigned to the school. The DOE also provides additional resources and training as appropriate, assisting the school in implementing best practices, focusing on positive interventions and youth development, and working with staff to address gaps in safety, discipline, and/or student engagement.

Since the establishment of the Impact Schools Initiative, incidents have been substantially reduced, according to NYPD and the Criminal Justice Coordinator's office. Initially in 2004, 16 schools were identified as Impact schools, with one of the schools having over 60 violent crimes in the previous school year. Total criminal incidents at the original 16 impact schools fell 40 percent, major crime fell 41 percent, and violent crime fell 49 percent after their first full year on Impact compared to the prior school year (2004-2005 compared to 2003-2004).⁶

In fiscal year 2012-2013, there were ten impact schools. Comparing their respective baseline years (2009 through 2011) to the 2012-2013 school year, these schools experienced a 52 percent average drop in major crime⁷ and a 57 percent drop⁷ in violent crime. Three schools experienced more than 70 percent drop in major crime and six schools experienced more than 70 percent drop in violent crime. In the 2012-2013 school year

alone, total criminal incidents in these impact schools fell 35 percent and major crime fell 24 percent, compared to the prior school year. Misdemeanor assault dropped 56 percent.⁸

Over time, data suggests that schools that were transitioned out of the Impact Schools Initiative continued to sustain crime reductions. Transition decisions are made on a case-by-case basis, when individual schools demonstrate solid improvements in all of the original assessment categories, including both the establishment of strong leadership and more orderly school environments. At the 27 schools that transitioned out since 2004, major crime dropped 81% and violent crime dropped 79% in the 2012-2013 school year compared to the baseline year for each school.

The apparent magnitude of many of these reported trends is sizable; however, a rigorous evaluation comparing trends in otherwise comparable Impact and non-impact schools has not been performed.

A More Progressive Discipline Code

The New York City Department of Education Discipline Code⁹ consists of five levels, each encompassing progressively more serious misbehavior and allowing for a wider range of possible responses. (Level One is for noncompliant/uncooperative behavior and Level Five is for seriously violent or dangerous behavior.) According to New York State Law, the Discipline Code must be revised on an annual basis, with a public comment period.

Major changes to the Discipline Code took place by 2003. The Code went from a seven-page document in 2001 to a 27-page comprehensive document in 2003, which for the first time included the Student Bill of Rights and Responsibilities and linked different infractions to different disciplinary options. An additional linkage, to guidance interventions, was introduced in 2006. The Code recommends the use of less severe disciplinary responses and guidance interventions whenever possible. However, there is no requirement for administrators to follow specific interventions or sanctions in response to particular infractions. This provides principals with decision-making flexibility and allows them to choose from a variety of guidance interventions or disciplinary options based on the situation. The Code is designed to list numerous recommended practices at each level rather than to mandate specific responses to specific behaviors and is not a formal graduated response protocol.

Over the last few years, the Discipline Code has become more progressive, reflecting a philosophy that views discipline as a “teachable moment.” Unlike the Discipline Code of 2001, the current Code includes a range of positive interventions, including guidance interventions, restorative practices, counseling, mediation, conflict resolution, community service, and referrals to community-based organizations, including health organizations and outside counselors. Some of the recommended guidance interventions are parent outreach, guidance conferences, intervention by counseling staff, mentoring programs, referrals to external programs, development of individual behavior contracts, and short-term behavioral progress reports. Restorative approaches, first introduced in the 2010 version of the Code, include circle processes,¹⁰ collaborative negotiation,¹¹ and peer mediation. Based on interviews conducted for this brief, the advocacy community has welcomed these alternatives.

Recently, reducing the need for suspensions has become a particular priority of the DOE in collaboration with Mayor Bloomberg’s Young Men’s Initiative¹². Suspensions are one of the possible disciplinary responses available at all five infraction levels for students in grades six through twelve and at infraction levels three through five for younger students. Currently, a principal’s suspension can last for one to five days “when a student’s behavior presents a clear and present danger of physical injury to the student, other students or school personnel, or prevents the orderly operation of classes or other school activities.”¹³ A superintendent’s suspension may last more than five days. (The typical time periods for a superintendent’s suspension are six to 10 days; 30 to 90 days with an automatic review after 30 or 60 days; and a one-year suspension with or without the possibility of early reinstatement.) Chancellor’s Regulation A-443 establishes the due process

rights for both types of suspensions. Any suspensions for over five days are reviewed by the Chief Executive Officer of Safety and Youth Development at the Department of Education.

The Discipline Code revisions over the last 10 years have sought to advance the use of progressive disciplinary approaches and guidance interventions and to limit the use of suspensions, including both principal and superintendent suspensions. For example, in 2012, the Code was revised so that students could no longer be suspended for one-time, low-level infractions such as lateness for school, talking back to teachers, or carrying prohibited items like a cell phone. Suspension challenges are further discussed in the Challenges section below.

It is important to note that the Discipline Code has never included any language about arrest or criminal prosecution. Most of the incidents addressed by the Discipline Code do not involve crimes. The number of incidents addressed through the Code vastly outnumbers the number of criminal and non-criminal incidents addressed by the NYPD School Safety Division. In 2012-2013, the DOE reported over 53,000 suspensions alone while the School Safety Division recorded a total of 7,765 incidents (3,325 criminal and 4,350 non-criminal) and 579 arrests. There is a clear distinction between the incidents that lead to disciplinary actions taken by schools and those that can lead to arrests and summonses issued by the NYPD School Safety Division. Some incidents are responded to by *both* the schools and the school safety agents.

The Respect for All Initiative

In the aftermath of September 11, 2001, the DOE initiated a citywide effort to promote respect for diversity and to combat harassment, discrimination, and bullying. This effort culminated in the Respect for All initiative, which was formally launched in 2007 to promote a community of inclusion throughout New York City schools. In 2008, Chancellor's Regulation A-832 began requiring all schools to identify at least one staff member to serve as the school's trained Respect for All liaison and to create an annual Respect for All plan, outlining initiatives the school will implement throughout the school year to prevent and address bullying and bias-based behavior. In collaboration with community partners, the DOE developed lesson plans for middle and high school students linking Respect for All to the Discipline Code and the Student Bill of Rights. In addition, an annual Respect for All week was established, where schools have the opportunity to highlight and build upon ongoing diversity programs. The annual Respect for All Awards are distributed that week to recognize schools that have excelled in fostering positive student relationships.

The DOE also worked on developing best practice guidelines to address harassment and bullying. Staff training materials and a guidance document titled, *Implementing Respect For All: A Guide to Promoting Safe and Inclusive School Environments for All Students and Compliance with the Dignity Act*, were disseminated to all schools in the 2012-2013 school year.

In addition, in collaboration with community partners, the DOE implemented two-day professional development training institutes to address bias-related behavior and bullying. Attended by teams of staff members from participating schools, the institutes were open to high school teachers in 2010 and elementary and middle school teachers starting in 2011. The Gay, Lesbian and Straight Education Network (GLSEN) conducted a one-year evaluation of the New York City Department of Education's Respect for All training program for secondary school educators.¹⁴ The evaluation involved surveys with over 800 educators who participated in the training at three time points: before the training, six weeks after, and six months after the training. The participants were also compared to educators who had not yet completed the training. The findings indicated that there were numerous areas where the trained educators were more knowledgeable than the "comparison" educators in prevention and intervention related to bullying and bias, with a particular focus on LGBTQ students. The report suggested that the training be expanded to other educators and administrators within New York City schools.

The Respect for All webpage on the DOE website provides numerous resources and links for parents and students regarding bullying, cyber bullying, diversity, and anti-bias information and efforts. The

webpage also provides links to curricula, professional development opportunities, training materials, information on targeted initiatives, and current research. Through Respect for All, schools have access to numerous evidence-based curricula related to bullying, bias, harassment, and peer violence, including teen dating violence.

In addition, in late 2010, the DOE released a six-lesson research-based curriculum for middle schools that emphasized gender roles, healthy relationships, consequences of dating violence and sexual harassment, and state laws around both dating violence and sexual harassment. Some schools have implemented the curriculum, and all schools have the option of using it.¹⁵ The National Institute of Justice funded an evaluation of the curriculum (known as “Shifting Boundaries”), which involved a randomized control trial with over 30 middle schools and over 2,500 students. Quantitative surveys were implemented at baseline, immediately after the intervention, and six months post-intervention, covering knowledge, attitudes, peer and dating partner violence, and sexual harassment. The findings indicated that students’ knowledge about laws and consequences of dating violence and sexual harassment increased and that a combination of classroom-based curricular interventions and school building-based informational/publicity interventions were effective.¹⁶

Expanded School Safety Technologies

The DOE and NYPD have used various technologies to assist in maintaining school safety, including magnetometers, unannounced scans, video surveillance, and Velcro restraints.

Metal detectors and unannounced scans. Since the 1980s, magnetometers (metal detectors) have been used in schools, initially by the Board of Education and currently by the NYPD. The most recent data available indicate that there are about 78 permanent magnetometers throughout New York City schools and eight random scanning sites. Permanent magnetometers include both magnetometers placed at a school that students must pass through every day as well as magnetometers that are hidden and only used occasionally. During the 2012-2013 school year, a total of 487 weapons were recovered from scanning.

In 2006, the Mayor announced a new initiative that would bring mobile scanners to middle and high schools to ensure that dangerous weapons are not brought into schools. This initiative, commonly referred to as the unannounced scans initiative, enabled the NYPD School Safety Division to travel unannounced to any middle or high school across the city to scan for weapons. A set of strict procedures were developed to ensure the appropriate implementation of unannounced scans. These procedures include notifying parents of the new policy (and potential for unannounced scans) by letters sent from each individual school; informing principals of any unannounced scan one day in advance; requiring the principal or an assistant principal to be present during the scanning; and advising schools to discuss unannounced scanning in advance with their staff and to develop plans for entry/exit, staff roles and responsibilities, and confiscation measures on the days when the scans take place. The NYPD reported a 5 percent increase in weapons confiscated at schools since 2006.¹⁷

Separate and apart from the unannounced scans initiative, random scanning can be requested by the DOE or NYPD at individual schools based upon incidents involving weapons. This involves targeting certain high priority schools that do not have permanent magnetometers for random scanning.

Video surveillance. Currently, video surveillance in New York City schools has three primary objectives: 1) as a general deterrent for students, visitors, staff, or intruders; 2) as a tool for ongoing monitoring of school buildings (since administrators and staff are required to monitor halls and the school); and 3) as a means to review archives and investigate alleged incidents.¹⁸

Prior to Mayor Bloomberg’s administration, cameras were often set up by individual schools, through the PTA, or through alumni, without any coordination or established standards. In the first few years of Mayor Bloomberg’s administration, studies were done to determine the most effective and affordable ways to get

video surveillance into schools. After testing in two pilot sites beginning in 2003, the DOE launched their first large scale installations of video surveillance in 2005.¹⁹

In 2004, the City Council passed a law (signed by the Mayor) to increase the installation of cameras by the DOE in conjunction with the NYPD (Local Law of 2004, Council Int. No. 0150-2004). While the final version of the law did not mandate the installation of video surveillance, it required the DOE to assess all schools by the end of 2006 and to create priority levels for the installation of video surveillance, based on the level of violence in schools by the end of 2006. The DOE completed the assessment and designated a priority level of high, medium, or low to every school in the city. The city then focused on high priority schools and, by 2009, the vast majority of high priority schools had video surveillance in their buildings.

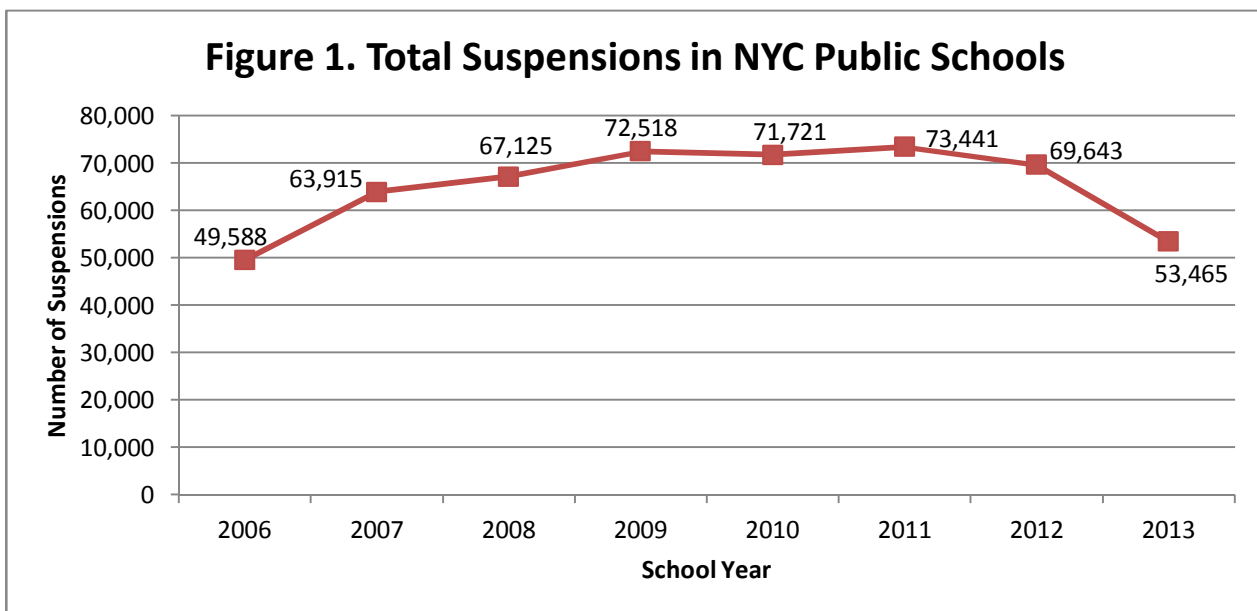
Presently, the Internet Protocol Digital Video Surveillance (IPDVS) is managed by the Office of Safety and Youth Development at the Department of Education in collaboration with the Division of Instructional and Information Technology.²⁰ According to the last official figure on October 15, 2013, there are currently over 21,000 cameras online throughout New York City public schools, in over 480 buildings (about 40 percent of all school buildings citywide) serving over 820 schools (about half of all schools).

Challenges

There have been, and continue to be, numerous challenges associated with ensuring safe and productive learning environments throughout the city.

Suspensions. Over the last 40 years, the suspension rate has more than doubled in the United States.²¹ The nationwide increase has been attributed in part to mandatory discipline laws that are intended to address violent crime and guns and other incidents in schools.

In May 2013, the New York City School Justice Partnership Task Force, headed by former Chief Judge Judith Kaye and involving senior staff at DOE and other stakeholders, published a report drawing attention to an increase in suspensions in New York City since 2006.²² Specifically, Figure 1 shows a 40 percent increase in suspensions between school year 2006 and school year 2012, followed by a drop in 2013 (49,588 suspensions in 2006 to 53,465 suspensions in 2013)²³. The most recently documented change was a 23 percent decline in suspensions from the 2011-2012 to the 2012-2013 school years, driven largely by a decline in both principal and superintendent suspensions. Most schools do not suspend at a high rate and most suspensions are

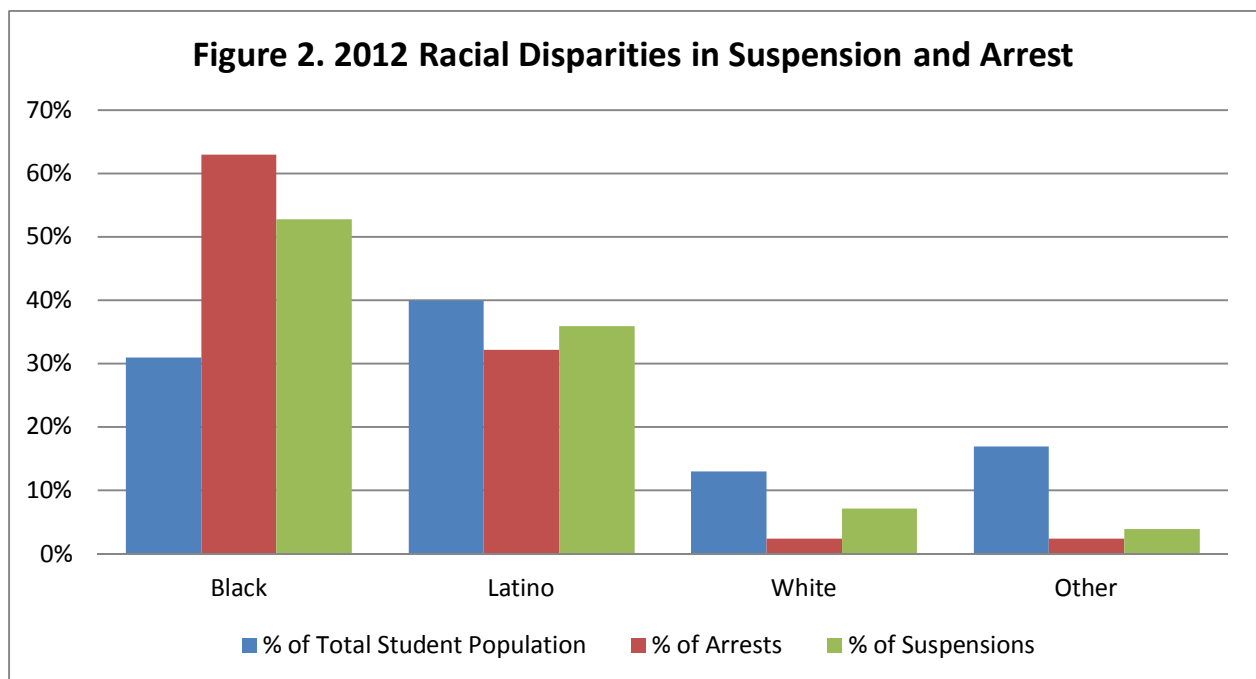


concentrated in a small subset of schools; however, most suspensions are principal’s suspensions, given for lower level infractions of the Discipline Code.²⁴

Suspensions have been linked to school disengagement, school failure, dropout, delinquency, and criminal behavior. Research has shown that suspension significantly increases the likelihood of juvenile justice system involvement.²⁵ In addition, there is little evidence that the regular use of suspensions helps to improve school safety.²⁶ Some research suggests that increased use of suspensions makes schools less safe, worsens the school environment, and leads to worse outcomes in academic achievement.²⁷

While some progress has been made in the last two years to reduce suspensions and the need for suspensions, this issue remains a challenge for the DOE and other stakeholders.

Racial Disparities. Students of color are more likely to be suspended or arrested in New York City schools. In the 2012 school year, black students were four times more likely to be suspended than white students, and they accounted for over 60 percent of school arrests. Figure 2 depicts 2012 data on the proportion of the total New York City school population by race, as well as the proportion of arrests and suspensions by race. Data on racial disparities in criminal justice sanctions, specifically arrest and summonses, may simply reflect disparities in the prevalence of school crime by race. School safety policies and initiatives may not be able to address the underlying issues that lead to disparities in crime by race. Further research is needed on the relationship between student behavior, student characteristics, discipline, and criminal justice response in New York City; however, national research has shown no evidence for a link between race and higher rates of misbehavior.²⁸



In response to this challenge, Mayor Bloomberg articulated a commitment to close the achievement gaps and reduce disparities experienced by people of color in New York City, particularly young men. Launched in August 2011 by the Mayor’s Office, the Young Men’s Initiative (YMI) is a cross-agency effort to support new programs and policies designed to address disparities between young black and Latino men and their peers across numerous outcomes related to education, health, employment and the criminal justice system.

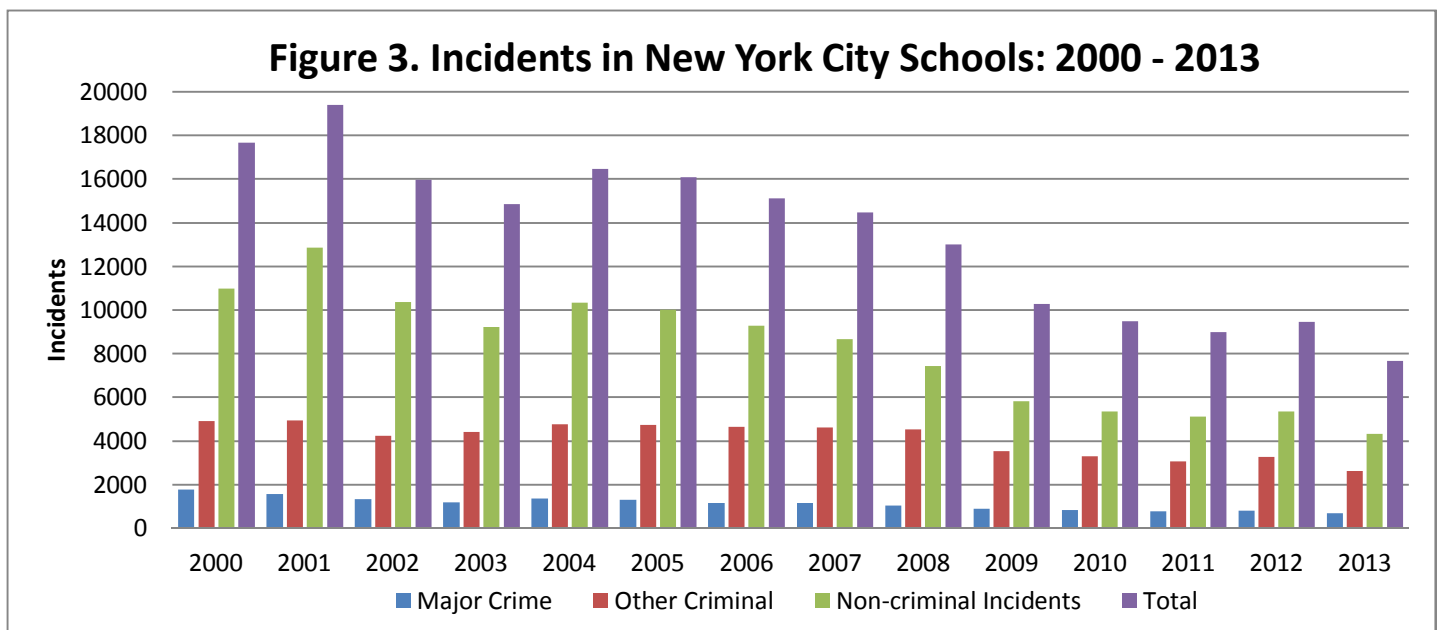
School safety agents. The role of school safety agents continues to be the subject of public and media scrutiny. Under Mayor Bloomberg, the NYPD has sought to increase professionalism among the school safety agents, including the issuance of a civil service exam, rigorous standards, and improved tracking of complaints against agents. In recent years, the Department of Education has partnered more closely with the NYPD for the training of school safety agents. In the past two years, this close collaboration led to the development of a

comprehensive training on a variety of new strategies, including de-escalation and collaborative problem solving. The DOE conducted a “train the trainers” training over four days and then co-facilitated the training for three days with the newly trained trainers. A refresher course is also offered to school safety agents who have already received this training. Based on interviews conducted for this brief, both agencies have received positive feedback from school safety agents about its usefulness.

Results

New York City has seen significant reductions in school crime, particularly serious crime, over the last ten years. As displayed in Figure 3,²⁹ total incidents fell from a high in year 2001 of 19,397 to only 7,675 incidents in 2013 and major crime fell from 1,575 incidents in 2001 to a low in 2013 of 699 incidents. In other words, since 2001, total incidents fell 60 percent, major crime has declined 56 percent, and total crime fell 49 percent. The school crime decline is even greater than citywide declines in crime, including violent crime. In addition, according to the 2013 Mayor’s Management Report, major felony crime in the City’s public schools decreased 14 percent during the most recent fiscal year.

Arrests and summonses continue to represent a small fraction of total incidents. For example, in 2012, there were 882 arrests (about 9 percent of all incidents) and 1,666 summonses (about 17 percent of all incidents) by the NYPD School Safety Division.³⁰ A number of those interviewed for this brief reported that the school environment has seen a sizable improvement since the 1990s, when schools were viewed by many as unsafe. All of those interviewed for this brief believed that the policy and practice changes over the course of the last decade contributed to the drop in school crime.



Looking Ahead

There have been numerous accomplishments and changes in the area of school safety during the mayoral administration of Michael Bloomberg. Many of the changes described above should be sustained and built upon. We believe five areas stand out as worthy of further study and investment.

Suspensions and racial disparities.

The current commitment to positive interventions, youth development, and a holistic approach to school safety should be expanded upon in an effort to address suspensions and racial disparities.

1. The DOE could consider following the model of other major school districts, including the second largest in the country, Los Angeles, in revising the Discipline Code to eliminate suspensions for certain “subjective” infractions, such as “defying authority.”

2. Wherever possible, schools should focus on school-based interventions and disciplinary responses to incidents, rather than suspensions, arrests, and criminal or court-based responses. The DOE should work with the NYPD, school principals, juvenile justice stakeholders, and community organizations to develop, implement, and train staff on a graduated response protocol similar to those employed in successful problem-solving courts. Based on the latest research about effective sanctioning (which emphasizes the importance of swift, certain and proportionate responses to misbehavior), the use of graduated responses would help ensure that schools respond appropriately to increased frequency or severity of misbehavior (with less severe responses to incidents of lower severity). The Discipline Code could be revised to provide more guidance, with a specific range of positive interventions and disciplinary responses designated to infractions at different levels.

“In order to change a school culture and environment, you need to look at it with a holistic approach.”

~CEO Elayna Konstan, Office of Safety & Youth Development, Department of Education

3. In its recent report, the New York City School Justice Partnership Task Force provides several recommendations for addressing these issues including continuing to build upon the work initiated by the Young Men’s Initiative, which seeks to tackle disparities in both the criminal justice and education systems for young men of color.³¹

Research and evaluation.

The NYPD and the DOE use extensive data-tracking to draw conclusions regarding the effectiveness of their initiatives. These tracking systems provide improved aggregate-level trend data on school safety. However, only minimal investments have been made to date in scientific evaluations of the new policies, practices, and programs. Absent a formal evaluation, none of the trends presented above can be rigorously attributed to a specific policy or initiative. With numerous efforts implemented simultaneously—as well as the overlap of other macroscopic trends pointing to a citywide decline in crime rates—it is difficult to draw conclusions on the actual impact of a specific initiative or program without a carefully designed evaluation strategy.

More rigorous and independent program evaluation efforts would assist both the NYPD and the DOE in determining the most effective strategies in school safety. It would also enable the reforms underway in New York City to inform efforts in other jurisdictions. Nationally, the federal government and other states and cities are moving towards more rigorous research in the area of school safety, and New York City should be participating in these efforts. Examples of areas where scientific evaluation is necessary include the Impact Schools Initiative, positive guidance interventions, restorative practices, and other alternatives to suspension and school safety technologies, such as video surveillance, unannounced scans, and entry systems.

Public outreach and community engagement strategy.

Although school crime has declined drastically, the city’s school safety policies remain controversial, the subject of regular scrutiny from educational advocates and the news media. A clear and coordinated public outreach strategy, with a community engagement component, might help educate the public about existing school safety efforts. The NYPD has already initiated efforts to reach out directly to school principals and community organizations, and the DOE has a history of working with advocacy groups and local nonprofits.

1. Building on this track record, the DOE and NYPD might consider developing a community advisory board on school safety. This board would serve in an advisory capacity and would consist of partners, officials, members of the public, and students, who would discuss school safety in a constructive manner. This board could initiate discussion on areas of concern and provide advice or recommendations on how to address specific issues. Young people have expressed interest in being involved with school safety issues, such as with the research and reports of the Youth Justice Board.³²

2. The city could also contemplate creating a mechanism at the school level for feedback from principals, parents, teachers, students and school safety agents. Existing mechanisms – such as calling 311 for complaints about school safety agents or completing the DOE’s annual survey on school environment – are only of limited use. More direct means for providing both positive and negative feedback, such as conducting regular surveys of teachers and students at a subset of schools, would be instrumental in ensuring that school safety goals are achieved and that those most affected by school safety policies have a clear means of having their voices heard.

Relationships, protocols, and implementation at the school level.

While there is clearly a strong partnership between the DOE and the NYPD at the executive level, this relationship is reflected in different ways at the school level, depending on the school, its administration, the school safety agents, and other factors. It is also unclear to what extent the full gamut of innovative training initiatives, instructional materials, and recommended best practices developed by the outgoing administration have filtered down to influence practice at individual schools. This issue can be tackled in several ways:

1. Clear and concise implementation guidelines could be developed to ensure effective and practical school safety measures at each school (with approval from NYPD and DOE). In turn, any school-level policies and plans that are developed could also include input from the members of the school community.

2. A technical assistance team, composed of DOE and NYPD staff, could be deployed to individual schools that request it or schools where there is clear indication that assistance is needed. This team could provide school staff and school safety agents with training and review practices that would improve school safety implementation at the school level.

3. A peer mentoring network could be established. This network would connect principals and school safety agents that have achieved success in building strong relationships and reducing both crime and suspensions with schools experiencing challenges, including those newly designated as impact schools.

Continuing professional development.

While the DOE has increased its focus on positive interventions and progressive discipline, continued professional development, training, and oversight is required to ensure that this positive model is implemented in schools. School safety agents have been recently trained on youth-appropriate tactics; however, this training could expand to reach all school staff and to include topics such as procedural justice.³³ Additionally, all school staff, including administrators, teachers, counselors, and school safety agents could receive training on how to use guidance interventions and progressive discipline rather than suspension or arrest as a primary response to student misbehavior.

References

- ¹ Much of the information for this brief is drawn from interviews with key stakeholders, as well as extensive document review and analysis. Interviews were conducted with key stakeholders in the NYC Department of Education, including the CEO of School Safety and Youth Development, the Criminal Justice Coordinator's Office, the NYPD, including the Chief of the School Safety Division, and education representatives from the advocacy group NESRI (National Economic and Social Rights Initiative). Documents reviewed include Mayor's Management Reports, multiple versions of the DOE Discipline Code, press releases, media stories, reports by advocacy groups, federal, state and local laws, as well as confidential (internal) and public (external) city agency/officials' reports and statistics.
- ² Press Release. (2003) Mayor Michael R. Bloomberg And Schools Chancellor Joel I. Klein Announce New School Safety Plan. Available at: <http://www1.nyc.gov/office-of-the-mayor/news/375-03/mayor-michael-bloomberg-schools-chancellor-joel-i-klein-new-school-safety-plan>
- ³ Violent crime includes murder, rape, robbery, felony assault, misdemeanor assault, and sex offenses.
- ⁴ Similarly, 79 percent of schools had no major crime and only 13 percent had one major crime.
- ⁵ A copy of this document was obtained from the DOE.
- ⁶ This data was provided by the Criminal Justice Coordinator's office.
- ⁷ Major crime includes the seven major felony crimes: murder, rape, robbery, felony assault, burglary, grand larceny, and grand larceny auto.
- ⁸ This data was provided by the Criminal Justice Coordinator's office.
- ⁹ The Discipline Code is available online at: <http://schools.nyc.gov/NR/rdonlyres/188AF3E2-F12B-4754-8471-F2EFB344AE2B/0/DiscCodebooklet2013final.pdf>
- ¹⁰ Circles give individuals the opportunity to speak and listen to one another in an atmosphere of safety and equality. The circle may have a variety of purposes: conflict resolution, healing, support, decision-making, or relationship development. Circles offer an alternative to standard meeting processes, which often rely on hierarchy, win-lose positions, and disagreement/argument.
- ¹¹ Collaborative negotiation is effective negotiation through an understanding of the need for mutual respect as the core of sustainable agreements. The goal of a collaborative negotiation is to reach a mutually agreed upon resolution that meets the needs of all involved parties.
- ¹² Launched in August 2011 by the Mayor's Office, the Young Men's Initiative (YMI) is a cross-agency effort to support new programs and policies designed to address disparities between young black and Latino men and their peers across numerous outcomes related to education, health, employment and the criminal justice system. More information on the Young Men's Initiative (YMI) can be found on its website: www.nyc.gov/youngmen
- ¹³ From the Discipline Code. See reference 8.
- ¹⁴ Greytak EA and Kosciw JG. 2010. Year One Evaluation of the New York City Department of Education Respect for All Training Program. New York, NY: Gay, Lesbian and Straight Education Network.
- ¹⁵ The development of this curriculum involved collaboration amongst various offices in the DOE, led by the Office of Safety and Youth Development, as well as collaboration with the New York City Department of Health and Mental Hygiene, and the New York City Alliance Against Sexual Assault. The final product, titled *Shifting Boundaries: Lessons on Relationships for Students in Middle School*, included the six-session curriculum.
- ¹⁶ The DOE continues to support ongoing and new evaluations in the field of peer violence, including evaluations of teen dating violence, bullying, and relationships programs. DOE's work with researchers on these evaluations could serve as a model for working with researchers to evaluate other aspects of school safety.
- ¹⁷ Press Release. (2006). Mayor Bloomberg, Schools Chancellor Klein, and Police Commissioner Kelly Announce a New School Safety Initiative Amid Significant Declines in Crime in City Impact Schools. Available at: <http://www.nyc.gov/cgi-bin/misc/pfprinter.cgi?action=print&sitename=OM&p=1386796246000>
- ¹⁸ In terms of its use for review and investigation, all production of evidence happens centrally at the Division of Technology. Schools and school administrators can only view and review video but they must submit a request for specific occurrences to be preserved permanently. The video can be subpoenaed for two purposes, often separate and distinct: 1) disciplinary purposes and 2) criminal & legal purposes. It can be subpoenaed by law enforcement or others for use in court cases. It is also used frequently during suspension hearings and other disciplinary responses. All requests are made through the dedicated unit at the Division of Instructional and Information Technology (DIIT). Currently, a dedicated DIIT unit receives about 15 requests per day from schools.
- ¹⁹ Initially, 36 sites were selected through two separate mechanisms. Sixteen of the sites were large high schools that had high crime rates and high incident rates, including any schools that were part of the Impact program at the time. Another 20 sites were selected based on city officials who had allocated funding for video surveillance at certain schools.
- ²⁰ In terms of access, although the system is network based, it has very high security standards and there is no remote access. Access is primarily at the school level and principals can authorize staff to have access to video surveillance. The Division of Technology then installs the appropriate software and accounts for the designated staff members. There is only one account for

School safety agents at each building. Outside of the school premises, there is one station at DOE central offices for the Office of Safety and Youth Development and a few other stations on the computers of Borough Safety Directors. The Division of Technology has access as well, since they do most of the troubleshooting remotely. Finally, the Division of School Facilities also has one account, used primarily for emergency purposes. The New York Police Department DOEs not have any direct access at the present time, in part due to federal education privacy laws.

²¹ Losen DJ and Skiba RJ. (2010). *Suspended Education Urban Middle Schools in Crisis*. Southern Poverty Law Center. Available at: http://www.splcenter.org/sites/default/files/downloads/publication/Suspended_Education.pdf

²² New York City School Justice Task Force. (2013). *Keeping Kids In School and Out of Court*. Albany, NY: New York State Permanent Judicial Commission on Justice for Children. Available at: <http://www.nycourts.gov/ip/justiceforchildren/PDF/NYC-School-JusticeTaskForceReportandRecommendations.pdf>

²³ Figure 1 was developed based on data from the NYC School-Justice Task Force Report. An additional data point was obtained from DOE for suspensions in school year 2013.

²⁴ The data shows that fewer than 50 schools (3%) issued over 200 suspensions and were responsible for 26 percent of all of the principal suspension for school year 2012.

²⁵ Fabelo T et al. (2011). *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*. New York: Council of State Governments Justice Center.

²⁶ American Psychological Association Zero Tolerance Task Force, 2008.

²⁷ Steinberg, M., E. Allensworth and D.W. Johnson. 2011. *Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and School Social Organization*. Consortium on Chicago School Research, University Of Chicago Urban Education Institute.

²⁸ Skiba RJ, Michael RS, Nardo AC and Peterson RL. (2002). *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment*. *The Urban Review* 34(4):317-342. Losen DJ and Skiba R. (2010). *Suspended Education Urban Middle Schools in Crisis*. Southern Poverty Law Center. Available at:

http://www.splcenter.org/sites/default/files/downloads/publication/Suspended_Education.pdf

²⁹ Figure 1 was developed from data in Mayor's Management Reports. Non-criminal incidents refer to a category of incidents recorded by the NYPD School Safety Division, including loitering, harassment, disorderly conduct, trespass, and attempted suicide.

³⁰ There can be multiple arrests per incident as well as all arrests by School Safety Agents or the School Safety Division, including those not on school premises. The NYPD does not independently track arrests that may be related to schools.

³¹ The report by the New York City School Justice Task Force provides numerous recommendations that fall in line with the ones in this brief and are more focused on reducing suspensions and racial disparities.

³² The Youth Justice Board is an after-school program that brings together young people to study and propose solutions to the public safety challenges that most affect them. The Board published a 2006 report on safety in schools, available at: <http://www.courtinnovation.org/research/one-step-time-recommendations-school-community-improve-safety>; learn more about the board here: <http://www.courtinnovation.org/project/youth-justice-board>

³³ Procedural justice is the perceived fairness of procedures and interpersonal treatment after an incident. To find out more about procedural justice, visit: <http://www.courtinnovation.org/topic/procedural-justice>

Appendix A. Additional School Safety Policies and Changes

Advancements in Alternate Learning Centers

According to New York State Law, all students suspended for any amount of time must be provided with opportunities for alternative learning. (This is reflected in the New York City Chancellor's Regulation A-443, which focuses on not penalizing suspended students academically during their removal period.) In most cases of short-term suspension, alternative learning may occur at the student's own school. Middle and high school students serving a superintendent's suspension of over five days may be transferred to an Alternate Learning Center (ALC). There are 38 ALCs throughout New York City, with 13 sites in Brooklyn, and 6-8 sites in each of the four other boroughs.

All stakeholders who discussed ALCs in research interviews stated that major improvements had occurred over the last decade to make ALCs positive learning environments. All ALCs have at least one counselor on staff and a special education teacher. ALCs provide a variety of positive behavioral programs, including Positive Behavior Support Systems (PBIS), Restorative Approaches, and Life Space Crisis Intervention as well as additional programs such as wellness and arts programs. ALCs have also improved in their ability to keep students on track academically and in transitioning them back into their home schools.

The Student Safety Act

The Student Safety Act¹ was passed by the New York City Council in December 2010 and signed into law by Mayor Bloomberg in January 2011. The Act focuses on transparency and accountability, mandating public quarterly reporting by the NYPD on arrests and summonses issued by School safety agents and officers in the School Safety Division. The data is broken down by New York State Penal Law violation, patrol borough, gender, race, and age. The law also requires biannual reporting by the DOE on suspensions, broken down by school, Discipline Code infraction, age, race, gender, grade, special education status, and English language proficiency. A section of the law also requires 311 operators to inform callers with a complaint against a school safety agent that the complaint will be transferred to the internal affairs bureau of the NYPD.

Cell Phone Policy

Throughout Mayor Bloomberg's administration, the school cell-phone ban has been strengthened and enforced. Starting in 1988, the school system banned pagers. This was expanded in 2006 to include newer technologies, including smartphones. Chancellor's Regulation A-412 Section V prohibits students from bringing any electronic communication devices to school, including cell phones, music players, and beepers. In addition, it is a violation of the Discipline Code for a student to bring a cell phone to school. The only exception is for students who have a medical reason for the phone and obtain permission from the school principal. If a school confiscates a device, the principal must immediately contact the student's parent and arrange for the parent to pick up the device.

The Department of Education recognizes that the ban is controversial. Individuals on both sides of the issue argue that safety is the primary reason for their position. Some parents and advocacy groups believe that cell phones are needed to ensure the ability to contact their children, especially in cases of emergency. Other parents, advocacy groups, and administration representatives have stated that today's smartphones are distractions and can be used inappropriately, for cheating, cyberbullying, or criminal activity in the school. In addition, as crime numbers have decreased, grand larceny in schools has increased, with a steady increase in smartphone thefts reported by the NYPD. Currently about 43% of school thefts are smartphones.

While the cell phone ban is the official policy of the DOE, it is difficult to enforce, and school staff generally do not search students with the intent of confiscating phones. Schools with permanent

¹ NYC Local Law 6 of 2011, Council Int. No. 442-2010

magnetometers tend to enforce this rule more. However, because of unannounced scanning, students at any school may have their cell phones confiscated any time that scanning takes place at their school.

Appendix B. Relevant State and Federal Policies and Changes

Many federal laws and New York State education policies and laws impact school safety in New York City. Chancellor's Regulations are usually revised to reflect changing federal or state requirements.

Mandatory Suspension

Federal regulation 20 USC §7151 requires that any state receiving federal funding should have a state law "requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school..."² This requirement resulted in the addition of mandatory one-year suspensions for firearm possession in New York State Education Law Section 3214 (3) and the subsequent implementation of such laws in New York City. In addition, the law states that the Superintendent of Schools should refer the student to Family Court if they are under 16 years of age and to the appropriate law enforcement agency if they are over 16 years of age.

The New York State Dignity Act

The Dignity Act was signed into law on September 13, 2010 and took effect on July 1, 2012. The original legislation amended New York State Education Law by creating a new Article 2 – Dignity for All Students. The Dignity Act also amended Section 801-a of New York State Education Law regarding instruction in civility, citizenship, and character education by expanding the concepts of tolerance, respect for others, and dignity to include: an awareness and sensitivity in the relations of people, including but not limited to, different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender identity, and sexes. The Dignity Act further amended Section 2801 of the Education Law by requiring Boards of Education to include language addressing The Dignity Act in their codes of conduct. Additionally, under the Dignity Act, schools are responsible for collecting and reporting data regarding material incidents of discrimination and harassment. The New York City DOE already had regulations that were considered to exceed the requirements of the Dignity Act and did not have to make many changes in response to it. The definition of bullying was expanded to include more kinds of bullying and cyberbullying, and minor changes were made to the Discipline Code to comply with the Dignity Act. For example, weight was added as category for bullying in New York City and a distinction was made between bias-based and other kinds of intimidation.

No Child Left Behind (NCLB)

The No Child Left Behind Act of 2001 (NCLB) was officially signed into law in by President George Bush in 2002. Under the Act, the federal government sought to emphasize school success through the use of indexes to measure student achievement, including indexes related to school safety. One component of the NCLB Act permitted students to transfer to another school if their current school is deemed to be "persistently dangerous." Schools are designated "persistently dangerous" if they have two successive years of serious incidents that meet or exceed criteria established by the State Education Department. Serious incidents include: homicide, sexual offenses, robbery, assault resulting in serious physical injury, arson, kidnapping, reckless endangerment, and possession, use or threatened use of a weapon. The standard is a ratio of violent incidents to enrollment in a school. Each incident is given a weighting based on the seriousness of the incident. This yields a numerical index of school violence. A school is considered "persistently dangerous" if

² <http://www.law.cornell.edu/uscode/text/20/7151>

for two school years it has either: 1) an index of 1.5 (approximately 6 incidents per 100 students depending on the seriousness of the incidents); or 2) at least 60 serious incidents and an index of at least 0.50. This requires extensive reporting by the NYC Department of Education to the State regarding incidents and crime at every NYC school.³

³ Because of the system used to categorize serious incidents and the weights used, most of New York State's "persistently dangerous" schools are found in New York City. Many of these schools are not deemed dangerous by the DOE or NYPD and, for example, are not part of the Impact Schools Initiative. The State provides annual reports about which schools are "persistently dangerous," so that parents can exercise their choice of transferring their children. In the most recent report, for the 2012-2013 school year, 16 schools were added to the "persistently dangerous" list, 14 of which are in New York City. Another 17 schools were carried over from previous years, 11 of which are in New York City. Both the Department of Education and the NYPD do not consider the "persistently dangerous" list to be representative of dangerous or high crime schools in New York City.