



**Girls for Gender Equity Testimony for the New York State Assembly  
Standing Committee on Education  
Re: Governance of the New York City School District  
December 16, 2019**

Girls for Gender Equity (GGE) is an intergenerational organization based in Brooklyn, New York committed to the physical, psychological, social and economic development of girls and women. GGE challenges structural forces, including racism, sexism, transphobia, homophobia, and economic inequity, which constrict the freedom, full expression, and rights of transgender and cisgender girls and women of color, and gender non-conforming people of color. We do this work through direct service, advocacy and culture change.

Thank you for the opportunity to submit testimony on the issue of the overall effectiveness of mayoral control of the New York City School District. As the Assembly examines mayoral control, we ask that attention be paid to the Mayor's school safety strategy – specifically the racial and gender inequities in our schools perpetuated by unchecked school policing.

Introduction

The shift to mayoral control quickly followed the 1998 transfer of school safety from the Board of Education to the NYPD. Since that time, the school police force and its corresponding budget has grown exponentially, and, in combination with mayoral control, new deference to the NYPD on issues of school safety.

During the 2018–2019 school year, there were 4,560 police interventions targeting girls in school reported by the NYPD as mandated by local data transparency legislation. Every reported police intervention included the gender of the impacted student, as determined by the NYPD – either “F,” for female, or “M,” for male – and girls represented 40% of the 11,312 interventions reported. There were six policing interventions represented in the data: mitigated, child in crisis, juvenile report, arrest, summons, and PINS/Warrant. Girls experienced 2,193 police mitigations, 1,592 child in crisis incidents, 445 juvenile reports, 178 arrests, 120 summonses, 32 PINS/Warrants, and 413 handcuffing incidents. Black girls experienced an alarming 57% of all these interventions, whilst representing only roughly 25% of the girls enrolled in New York City public schools.

Despite reforms announced this summer, the City still lacks strong and protective policies that make it clear which matters should not be addressed by police and the role of educators in ensuring school safety. Mayoral deference to the NYPD leads to framing NYPD as the disciplinary authority, where they are repeatedly framed as the expert and pedagogical school staff and young people themselves are sidelined.

In GGE's *School Girls Deserve* report, a local participatory action research project, girls and TGNC youth of color identified school safety agents as a barrier for them – specifically, school police make them feel constantly surveilled and criminalized. In almost every vision session young people asked for the complete elimination of police from schools. Thus, the policy and practice recommendations that arose from the report included removing all police from schools in addition to other instruments of surveillance.

Girls are growing up policed in the very settings they should be free to learn and grow. The direct and collateral damage are too great, the costs too severe, for this to be considered an effective policy. Our testimony outlines five concerns that arise from mayoral control over school policing:

- (1) Reform Efforts Fall Short;
- (2) Exorbitant Public Spending on School-Based Policing;
- (3) Optional Reporting Compliance;
- (4) Absence of Meaningful Accountability for Misconduct; and
- (5) Unchecked Net Widening.

#### Concern #1: Reform Efforts Fall Short

In June of 2019, the de Blasio administration announced a citywide school climate reform package under the title of “Resilient Kids, Safer Schools.”<sup>1</sup> That package included the release of a newly revised Memorandum of Understanding (MOU) between the NYPD and the New York City Department of Education (NYCDOE) intended to clarify the role of police in schools, in addition to changes to the NYPD’s Patrol Guide that aimed to limit the use of school-based arrests.

In November, the NYPD released the most recent quarterly report detailing school-based police interventions covering the period immediately following the adoption of these new policing guidelines, specifically July 31st to September 30th. As compared to the same reporting period in 2018, this 2019 third quarter report shows a 13% increase in total police interventions in schools that targeted girls, with the most dramatic increases due to the use of “child in crisis” interventions and “mitigations.” In a “child in crisis” incident the student is forcibly removed from school by the police and taken to the hospital for a psychological evaluation. In this way, police are responders to incidents of perceived youth mental health crisis or emergency. “Mitigations” describe incidents where the police use their discretion to stop a young person but do not process a formal police response like an arrest or summons, but may use physical force and/or handcuffs during the stop. While the number of arrests and summonses decreased slightly, the everyday targeting and policing of girls in their schools persists, implying a continued surveillance of girls’ behavior similar to what we understand of order-maintenance policing tactics.

Across all policing categories, Black girls continue to be disproportionately targeted. The continued hyper-policing of girls of color in school demonstrates that the reforms moving forward are not limiting the scope and power of school police in a way that reduces police contact with girls of color – effectively leaving them out of the conversation.

It is vital to acknowledge the impact of policing and surveillance of girls of color in schools. Being stopped in school is a serious intrusion upon girls’ wellbeing, and can be an annoying,

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<sup>1</sup> For more information, visit <https://www1.nyc.gov/office-of-the-mayor/news/314-19/mayor-de-blasio-first-lady-mccray-chancellor-carranza-major-expansion-of#/0>.

frightening, often humiliating experience. These incidents quickly become shared experiences that vibrate across the networks of girls, their friends, peers, families, and communities. Indirect vicarious experiences can have an impact on how young people understand their place in schools; these moments of intrusion can be traumatic and have the potential to harm young people's relationship to school.

We worry for the potential normalization for girls who attend hyperpoliced schools, grow up aggressively policed, experience heightened levels of surveillance, and withstand the long-felt collateral consequences of these interactions – including being pushed into the criminal legal system – that compromise their educational trajectory and their ability to attend school with dignity. Importantly, the heavy police surveillance of girls displaces responsibility for establishing cultures of care and support in school to police and criminal legal responses – leaving little room for educators or students to work together to resolve conflict, like through restorative practices or peer mediation.

### Concern #2: Exorbitant Public Spending on School-Based Policing

Hundreds of millions of public funding passes through the NYCDOE's budget each year to the NYPD, with little accounting of what is being paid for or why. Under the de Blasio administration alone, the pass-through funding from the NYCDOE to the NYPD has grown by nearly \$100 million – from \$308 million in Fiscal Year 2014 to \$407 million in Fiscal Year 2020.

Estimates of the cost of the School Safety Division of the NYPD reach as high as \$431 million a year, as the NYPD supplements the pass through funding with an additional \$23.9 million to cover the cost of additional police officers with the Uniformed Task Force of the School Safety Division. Thus, police in schools outnumber support staff inclusive of all counselors, social workers, and child psychologists.

### Concern #3: Optional Reporting Compliance

In 2015, local legislation was signed into law requiring the NYPD to submit to the Council a quarterly list of (a) school buildings with permanent metal detectors, (b) those where students, staff and visitors are subjected to random scanning, (b) those schools requesting the removal of metal detectors, and (d) those school buildings where the metal detectors have been removed.<sup>2</sup> The NYPD has yet to comply with that law.

Full transparency on this issue would better enable the public to draw attention to the intersections between racially discriminatory policing practices and placement of full-time scanning equipment. Through distilling multiple sources, we are able to estimate that full-time metal detection equipment impacts upwards of 125,000 students per day, or 11% of all students in all grades across the system. Black students, Latinx students, students learning English as an additional language, and students living in poverty are overrepresented across these full-time scanning schools.

Scanning, in all its forms, brings an influx of police officers to schools, requiring significant public spending in addition to interruption. Further, there is currently no effective oversight to limit the extent or impact of scanning. When advocates demanded a publicly accessible policy on the use of metal detection equipment, the NYPD responded with a policy that omitted acknowledgement of situations where the NYPD informs a principal that their school

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<sup>2</sup> For more information, visit <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2253272&GUID=9BACC627-DB3A-455C-861E-9CE4C35AFAAC>

will begin implementing scanning – in practice, intimidating school leadership into compliance.<sup>3</sup> Further, earlier this year, the NYC School Construction Authority’s capital plan doubled spending on school security infrastructure from \$100 million to \$200 million, including the lifecycle replacement of metal detection equipment. The proposal was quietly voted on and approved by the Mayor’s Panel for Educational Policy (PEP) with no public discussion. The PEP continues to make decisions absent an outreach strategy for soliciting public comment or alerting the public of upcoming decision making processes.

Perpetuating schools’ capacity to exert police control over girls and gender non-conforming youth of color in school through scanning is tremendously worrying, especially as the operation of this equipment by police employees facilitates surveillance that extends far beyond scanning – but includes frisking, searches, harassment, escalation to use of force, and other threats. Metal detectors carry with them great punishing power, opening up pathways to suspension and prosecution, and risk a range of social and psychological harms.

#### Concern #4: Absence of Meaningful Accountability for Misconduct

In 2018, BuzzFeed exposed the fact that hundreds of New York City police officers were allowed to keep their jobs after committing egregious offenses. That database shows 206 cases involving a School Safety Agent (SSA) or representative of the School Safety Division of the NYPD. Substantiated charges included 52 instances of physical contact with students, including “acted inappropriately with a student,” “unnecessary and excessive force against a student,” “wrongly searched a student and made them disrobe,” and even “dragged a student by the arm” – all responded to with the forfeiture of vacation days. Further, of those 206 cases, an average of 391 days passed between the date of the charges and the date of the disposition.

Currently lacking is an effective mechanism for students, parents or educators to hold school safety agents accountable for their actions, as the Civilian Complaint Review Board will not exercise jurisdiction over school safety complaints. Additionally, students and families filed 190 complaints against agents last year with the NYPD Internal Affairs Bureau, overwhelmingly alleging excessive use of force. We believe that with a more independent, accessible outlet, such as the CCRB, these formal complaints would be much higher.

#### Concern #5: Unchecked Net Widening

Importantly, the scope of police interventions in schools goes beyond the School Safety Division, as NYPD officers who are outside of the division make nearly two-thirds of all arrests in schools – namely, patrol officers and detectives. Because the division is attached to the NYPD at large, the School Safety Division implements new adaptations to mirror the NYPD, often expanding the reach of school policing without community involvement or transparency. Most recently we have seen this through the citywide expansion of a “School Coordination Agent” program.<sup>4</sup>

First brought to light during a City Council Budget hearing in 2018, the NYPD testified that the School Safety Division would be bringing the Neighborhood Coordination Officer (NCO)

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<sup>3</sup> For the policy, visit

[https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/scanning-protocols-in-nyc-doe-schools-english.pdf?sfvrsn=cfef48d6\\_6](https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/scanning-protocols-in-nyc-doe-schools-english.pdf?sfvrsn=cfef48d6_6)

<sup>4</sup> New York City Mayor’s Office. (2018, October 22). Join @NYPDONeill for a major announcement on neighborhood policing #inQueens. [at 11:30] Retrieved from <https://www.pscp.tv/w/1mrxmnPPAALKy>.

“philosophy” to schools starting in the Bronx and moving citywide after that.<sup>5</sup> The program was later featured in the *New York Times* during the first week of the 2018–2019 school year, claiming the pilot would “turn school safety agents into the equivalent of beat cops.”<sup>6</sup> This pilot program went citywide this 2019–2020 school year without public notice. We object to this model of school policing, as community policing seeks to extend police presence and surveillance deeper into everyday student life, and further treat what are interpersonal and community concerns as police matters to be responded to with the tools of policing. This reliance on police is in stark contrast to mounting recommendations to minimize police contact with youth and drive down school-based police activity.

### Recommendations

A budget bill from earlier this year included new language on defining law enforcement’s role in schools, but did not go far enough. As we have seen in New York City, police discretion means Black girls continue to be hyper-policed in their schools. We ultimately demand an end to order maintenance style policing in schools (through the everyday use of PINS petitions, summonses, and juvenile reports). We urge the Assembly to move comprehensive school climate reform legislation this session, as modeled by Senate Bill S767A, that intends to sustain schools as communities of support rather than exclusion. To accompany this bill, a diverse coalition of organizations is pushing for a \$50 million statewide investment in school climate support funding.

The 2018–2019 enacted State Budget included \$2 million to establish the Supportive Schools Grant (SSG) Program and the new FY2020 budget restored \$2 million for the SSG Program. While the state’s \$2 million effort is laudable, it is much needed and long overdue. We join in the demand for a \$50 million investment in school climate, with a particular focus on anti-racism, gender and racial equity training – competencies we know influence the utilization of harsh and exclusionary school discipline practices.

This December, Congresswoman Ayana Pressley introduced H.R.5325 (known as The Ending Punitive, Unfair, School-Based Harm that is Overt and Unresponsive to Trauma or PUSHOUT Act), legislation to end school to confinement pathways for Black girls. In the wake of the U.S. Department of Education rescinding the School Discipline Guidance Package, New York State should take further steps to strengthen a commitment to ending school pushout for Black girls and gender non-conforming and nonbinary youth of color, and consider localizing this legislation. Firstly, the state should set a high standard of investment in school climate. A \$2 million state grant program is not enough to meet the high need. Secondly, the state should set a high standard of data reporting. Today, we rely on the Civil Rights Data Collection information that the state is required to report to OCR in order to understand the use of suspensions – data that is inconsistent and slow to be made publicly accessible.

We again thank the New York State Assembly Committee on Education for holding this hearing, and we look forward to continued conversations in the coming year on the issue of school climate and safety. If you have any questions, please contact Charlotte Pope, Deputy Director of Policy, at [cpope@ggenyc.org](mailto:cpope@ggenyc.org).

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<sup>5</sup> For the transcript, visit, <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=605546&GUID=C594C5EC-2D7A-40A2-B04F-982C393B43EC&Options=info&Search=>

<sup>6</sup> Shapiro, E. (2018, September 5). *Wander the Halls, Say Hello: A New Approach to School Safety*. The New York Times. Available at <https://www.nytimes.com/2018/09/05/nyregion/school-safety-nyc.html>.