Keeping Kids In School and Out of Court

REPORT AND RECOMMENDATIONS

New York City
School-Justice Partnership Task Force

May 2013


SCHOOL-JUSTICE
SJP
PARTNERSHIP

KEEPING KIDS IN SCHOOL AND OUT OF COURT

NEW YORK CITY
SCHOOL-JUSTICE PARTNERSHIP TASK FORCE
Report and Recommendations

The New York State Permanent Judicial Commission on Justice for Children, working with Advocates for Children of New York, sponsored the New York City School-Justice Partnership Task Force with support from Skadden, Arps and a grant from The Atlantic Philanthropies.

New York State Permanent Judicial Commission on Justice for Children

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May 30, 2013

Dear Reader:

My personal message is two-fold. First, do not linger on this letter. Instead, devote your precious time to studying every bit of the Report, from the Background through the Recommendations, Appendix and References.

And please, read the Report with an open mind and positive outlook. Pushback is easy, solutions are hard. Though great progress has been made in New York City, still we have a serious problem: we are losing too many kids from school to a life in the criminal justice system. For more than two years, this extraordinary Task Force has worked hard in pursuit of solutions, meeting dozens of times alone and with others, reading and listening to every relevant source, learning from one another, ourselves drawing tangible benefit from our collaborations. Let's take our clue from Johnny Mercer: accentuate the positive, eliminate the negative, link up with the affirmative – and by all means don't mess with Mr. In-Between. Let's seize this moment of national awareness of the school-to-prison pipeline for meaningful change.

Second, next to passion and optimism, I am filled with gratitude to all those who made this remarkable venture possible. Though they are identified, and thanked, in the ensuing pages, I pause to underscore my immeasurable debt to Kathleen DeCataldo and Toni Lang of the Permanent Judicial Commission on Justice for Children, The Atlantic Philanthropies, and the firm of Skadden, Arps, who has hosted this initiative from its very first sparks, in Fall 2009.

Sincerely,

Judith S. Kaye
Former Chief Judge of the State of New York
Chair of the Commission and Task Force

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Working to improve the lives and life chances of children involved with New York State Courts

CONTENTS

BACKGROUND

Throughout her tenure as Chief Judge of the State of New York, Judith S. Kaye supported a host of innovative reforms on behalf of children and families, ranging from problem-solving courts to adoption practices. Upon her retirement from the bench, she continued her role as the Chair of New York State's Permanent Judicial Commission on Justice for Children, working closely with judges and leaders throughout New York State and the nation to support positive change for children. The Commission, intent on improving life outcomes for children before New York State's courts, has long focused on educational outcomes for youth involved with the courts. Its current focus on the school-justice connection is a natural outgrowth, given emerging research, wide attention and grass-roots' calls for action.

At the federal level, for example, the Department of Justice's Civil Rights Division and the Department of Education's Civil Rights Office hosted a conference in 2010, on Civil Rights and School Discipline: Addressing Disparities to Ensure Educational Opportunity, where agency leadership, educators, lawyers, law enforcement and researchers discussed strategies to reduce harsh responses to minor misbehavior and disproportionality.[1] That same year, the U.S. Department of Education offered school-wide Positive Behavioral Interventions and Supports (PBIS) as an example of a discipline approach that could be funded by a Race to the Top grant[2] and later required school district applicants to have a strategy for educators to "proactively monitor their discipline practices for disproportionality, assess for root causes where disproportionality exists, and engage in a broad-based community and school effort to develop an action plan to root out discrimination in the administration of discipline."[3] In 2011, Attorney General Eric Holder and Secretary of Education Arne Duncan launched the Supportive School Discipline Initiative "to encourage effective disciplinary practices that ensure safe, supportive and productive learning environments and promote evidence-based practices that keep students in schools and out of the courts."[4] And in December 2012, the Senate Committee on the Judiciary held a hearing on "Ending the School-to-Prison Pipeline" with testimony from the Departments of Education and Justice, advocates, students, parents, teachers and justice system officials from around the country.[5]

Even before these federal initiatives, Judge Kaye convened a symposium, in Fall 2009, for New York City's leadership from the judiciary, education and law enforcement communities in collaboration with the Commission and Advocates for Children of New York (AFC), to share innovative practices for keeping more students in school and out of courts. This symposium inspired creation of the New York City School-Justice Partnership Task Force: Keeping Kids in School and Out of Court to convene a unique gathering of education and justice officials, researchers and advocates, to explore opportunities to improve engagement across schools and the justice system to improve outcomes for New York City's students. With support from The Atlantic Philanthropies and Skadden, Arps, Slate, Meagher & Flom (where Judge Kaye is Of Counsel), and facilitated by the Public Catalyst Group, the Task Force work commenced in June 2011.[6]

Similar to the spirit of New York City's pioneering reforms in its juvenile justice and detention systems over the past several years, the New York City School-Justice Partnership Task Force researched promising practices that utilize the same strategy to serve and keep children in their communities (specifically in their school community in this case) while promoting public safety. The ultimate goal of the Task Force was to develop recommendations for the New York City school and justice systems that will promote safe, respectful and supportive learning environments; reserve the use of punitive measures – including school suspension, arrest and summons – for the most egregious cases; address the over-representation of exclusionary discipline among students of color and students receiving special education services; and assist in re-entry for those youth involved in the justice system.

Task Force members and their representatives unstintingly gave valuable time and effort and offer a model for what a robust partnership between school and justice leaders can accomplish. They raised difficult topics, worked hard to understand one another and looked for opportunities to find common ground – always keeping in mind the ultimate goal: improving life outcomes for New York City's students by keeping kids in school and out of court. Throughout the two years of our meetings, as we searched for systemic reforms, Task Force convenings themselves have raised consciousness among us and benefitted us each in our own ongoing efforts. The process itself proved the vital importance of collaborations among education and justice system representatives.

This Report distills the essence of what we have learned in our many, many hours together.

EXECUTIVE SUMMARY

As the education of our children – our nation's future – and the school-justice connection has increasingly captured public attention, the sunshine of increased graduation rates has brought into sharp focus the shadow of the so-called school-to-prison pipeline – the thousands of students who are suspended, arrested, put at greater risk for dropping out, court involvement and incarceration. They are the subject of this Report.

In school year 2011-2012 (SY2012), the number of suspensions in New York City public schools was 40 percent greater than during SY2006 (69,643 vs. 49,588, respectively), despite a five percent decrease in suspensions since SY2011. In addition, there were 882 school-related arrests (more than four per school day on average) and another 1,666 summonses issued during the SY2012 (more than seven per school day on average), also demonstrating an over-representation of students of color. These numbers might suggest New York City has a growing problem with violence and disruption in school but the opposite is true. Over the last several years, as reported by the Department of Education in November 2012, violence in schools has dropped dramatically, down 37 percent between 2001 and 2012. Indeed, violence Citywide has dropped dramatically.

Emerging facts suggest that the surge in suspensions is not a function of serious misbehavior. New York City has the advantage of newly available public data that makes it possible for the first time to see patterns and trends with respect to suspensions by school and to see aggregate data on school-related summonses and arrests. The data shows that the overwhelming majority of school-related suspensions, summonses and arrests are for minor misbehavior, behavior that occurs on a daily basis in most schools. An important finding is that most schools in New York City handle that misbehavior without resorting to suspensions, summonses or arrests much if at all. Instead, it is a small percentage of schools that are struggling, generating the largest number of suspensions, summonses and arrests, impacting the lives of thousands of students. This newly available data echoes findings from other jurisdictions indicating that suspension and school arrest patterns are less a function

of student misbehavior than a function of the adult response. Given the same behavior, some choose to utilize guidance and positive discipline options such as peer mediation; others utilize more punitive alternatives.

It is easier to build strong children than to repair broken men.

Fredrick Douglass

The choice is not inconsequential. Recent research, including groundbreaking studies in Texas, Cincinnati and Chicago, underscore the important connections between academic outcomes and suspensions. Students who are suspended are more likely to be retained a grade, more likely to drop out, less likely to graduate and more likely to face involvement in the juvenile or criminal justice systems, thereby placing them at higher risk for poor life outcomes. Suspensions and school-related court involvement also generate significant and lifetime costs – for extra years of schooling, for justice system involvement, and for families and all society. Notably, high rates of suspension do not yield correspondingly significant benefits, as research shows that high rates of suspensions in a school make students and teachers feel less, not more, safe.

Most worrisome are patterns of suspensions for students with disabilities and students of color in New York City and across the nation. In New York City alone during SY2012, students receiving special education services were almost four times more likely to be suspended compared to their peers not receiving special education services; Black students were four times more likely and Hispanic students were almost twice as likely to be suspended compared to White students. New York City Black students were also 14 times more likely, and Hispanic students were five times more likely, to be arrested for school-based incidents compared to White students.

Studies have shown that it is not the violent and egregious misbehavior that drives the disparities. For example, the Texas study showed that Black students had a lower rate of mandatory suspensions (suspensions for violence, weapons and other equally serious offenses) than White students. Black students exceeded White students only in the rates of suspensions for discretionary offenses.

Innovative school districts throughout the country, encouraged by the federal government, are increasingly moving away from suspensions, summonses and arrests in favor of positive approaches to discipline that work. In New York City, a range of schools similarly have adopted constructive discipline with good results. In short, we have examples of what to do. The challenge is to take that learning system-wide and transform the small group of schools that over-rely on suspensions, summonses and arrests. Change in these schools could have a significant impact on student outcomes, re-engaging thousands of students so that they stay in school and out of courts. But research and experience tell us these schools cannot make this change by themselves. They need help and support. Change will require strong leadership and committed partnerships.

New York City has a proud tradition of turning conventional wisdom on its head and achieving remarkable results. A recent example underscores this point. In the United States, conventional wisdom is and has been that mass incarceration is the cost of keeping communities safe. But

New York City has proved otherwise. Even as the incarceration rate in New York City declined significantly, with a drop in the prison population of 17 percent between 2001 and 2009 and in the jail population by 40 percent from 1991 to 2009, the number of felonies reported by New York City to the Federal Bureau of Investigation also declined, down 72 percent. New York City proved conventional wisdom wrong with the result that thousands fewer people have been incarcerated – saving the City and State taxpayers two billion dollars a year.

Similarly, New York City can refute the conventional wisdom of critics who think that sacrificing a few students – although the thousands of students who were suspended, arrested or issued summonses each year is not a "few" – can be justified on the theory it protects the many by improving safety and academic outcomes. There is no research that supports this belief and a growing body of research that suggests the opposite. Students in schools with lower suspension rates have better academic outcomes than students in schools with high suspension rates, irrespective of student characteristics. Students and teachers in schools with lower rates of suspension and arrest also feel safer than students and teachers at schools with high rates. Students who feel safe can learn, and teachers who feel safe can teach.

The students interviewed by Task Force members during their school visits echoed what the research also says: the best approach to keeping schools safe and improving academic outcomes is to support a positive school climate where students and teachers feel respected and valued. Evidence-based interventions like restorative justice, positive behavioral supports, and social-emotional learning are giving teachers and school leadership the tools they need to deal with school misbehavior and help build that positive school climate while keeping students safe and learning.

In 2011, Judge Judith Kaye, with the support of The Atlantic Philanthropies, convened the New York City School-Justice Partnership Task Force to bring together City leaders to address the question of how best to keep more students in school and out of courts. She invited a group of stakeholders who do not often come together – judges and educators, researchers and advocates, prosecutors and defense counsel – to learn more about how the systems they serve impact each other and how they might partner together to achieve better outcomes. The Task Force heard from experts from around the City and country on promising practices. It examined data to improve understanding of the challenges and look for bright spots, schools that were succeeding even in the face of a wide array of challenges. Task Force members visited local schools and heard from principals and students

about what they need. Members learned from each other and debated what avenues would be best.

The work of the Task Force leads us to conclude that New York City can safely reduce the number of school-related incidents that can ultimately lead to court involvement. Indeed, the City already has models of promising practice – schools that have high needs populations with low rates of suspensions and arrests. Learning from these schools and other reform-minded districts across the nation can guide leadership across systems to further safely reduce court involvement, arrests and suspensions while improving academic outcomes.

We recognize that progress toward this objective will require a laser-like focus on shared outcomes and an unprecedented level of partnership among city agencies, and collaboration with the courts, and it must include parents, students, teachers, principals, researchers and advocates. Leadership and partnership at the top is the key. It will make possible the adoption of shared goals to improve outcomes for New York City's children across agencies so that schools do not have to go it alone. It will make possible the ability to divert summonses and arrests unnecessarily referred to the courts. It will make possible the ability to direct services where those services are needed and stop the flow of students with disabilities and youth of color into the suspension system and the courts. It will make possible the ability to raise up our support, expectations and standards for educational achievement and outcomes for students who do become court involved.

In 2014, a new Mayor will assume office. It is already clear that school reform will be a high priority, as it has been for the Bloomberg administration. Over the past decade and more, we have learned a great deal about what works and what does not work, even as we recognize there is more to be learned. Now we have an opportunity to build on what has worked well.

Reducing unnecessary suspensions, summonses and arrests is a challenge we can tackle and we must if our students are to succeed. In the end, many more young people can grow into successful and productive adults – and it is our duty as adults to find the supports necessary to make that happen. Frederick Douglass was right on target in his observation that it is better to build strong children than repair broken men and women. This Report summarizes almost two years of learning, and it advances recommendations to make that happen.

As the next New York City Mayor sets the course for education reform, these recommendations offer a roadmap of next steps for a Citywide effort to take advantage of emerging approaches to school and justice system leadership that are effective and fair as a means to improve outcomes for all of our children – to keep our students in school and out of court.

LEAD RECOMMENDATION:

Develop a mayoral-led initiative that establishes a shared goal among agencies, in collaboration with the courts, to keep more students safely in school while reducing the use of suspensions and school-based summonses and arrests.

- Convene and implement a mayoral-led Leadership Team including key City agencies, the courts, parents, youth, law enforcement, the prosecutors, defense community, the teachers' and principals' unions, community-based organizations and advocates.
- Establish and commit to shared goals and coordinated services and strategies that keep students safely in school while avoiding suspensions, arrests and summonses.
- Use data and research on the individual student, teacher, school and campus levels to diagnose and address issues, and track and measure success.
- Initiate a discipline and intervention or service provision data collection system for monitoring and evaluation with an initial grace period for agencies to evaluate and improve data quality before using for accountability.
- Build upon the commitment to close the achievement gap articulated by Mayor Bloomberg's Young Men's Initiative.
- Embrace an aggressive public engagement strategy.

RECOMMENDATION A:

Adopt a Graduated Response Protocol.

- Develop a Graduated Response Protocol and build school-level capacity to support its implementation to resolve student misbehavior at the school level without the use of suspensions, summonses or arrests and thereby commit to reserve court for the most egregious cases.
- Identify, utilize and continuously evaluate diversion interventions for effectiveness and appropriateness.

RECOMMENDATION B:

Build improved capacity across schools with supports to implement positive discipline strategies and reduce reliance on suspensions, summonses and arrests.

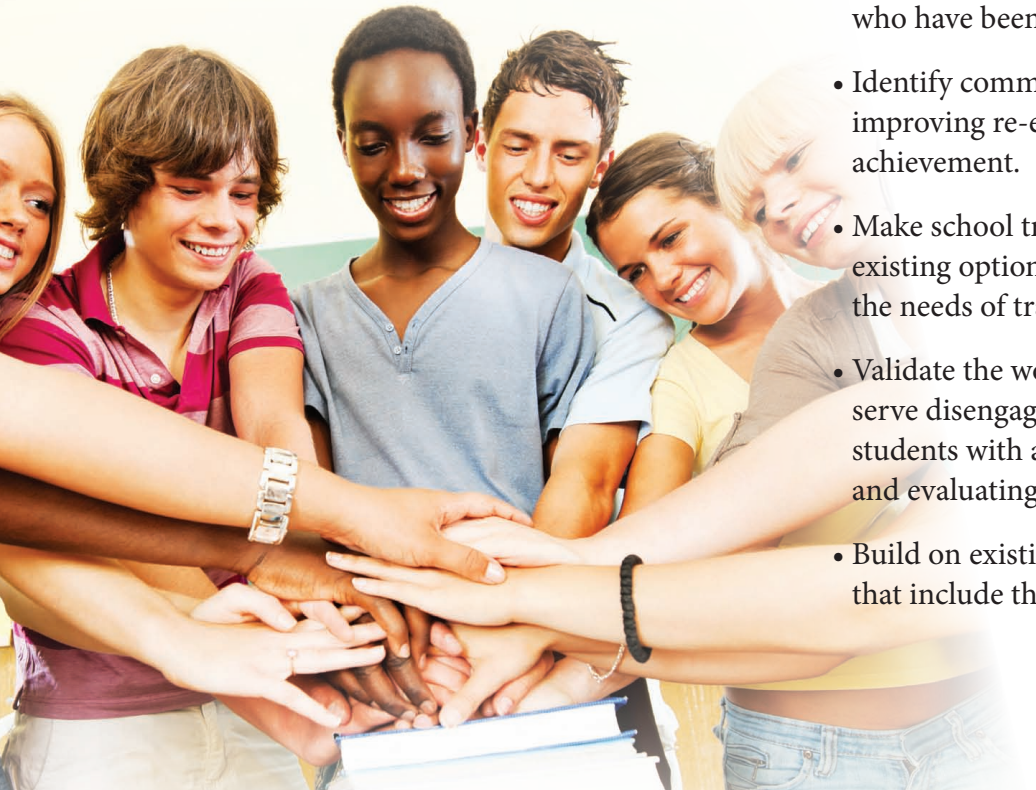
- Build upon strategies in the SY2013 Discipline Code to promote and institutionalize positive approaches to discipline to ensure these are the responses of choice in schools Citywide.
- Build capacity for schools to implement and institutionalize the commitment to use positive interventions and identify necessary funding.
- Expand student support services by partnering with City agencies, service providers and the community and providing more social workers, guidance counselors and mental health providers – starting with high needs schools.
- Measure and monitor the implementation of guidance interventions and positive discipline (e.g., positive behavior interventions, social-emotional learning and restorative practices) to ensure these are the responses of choice in schools Citywide.
- Revise school report cards to measure and report on positive innovation in school discipline.
- Identify schools with low rates of suspensions, summonses and arrests, and encourage creative use of resources to permit staff to provide peer support for schools that are struggling.

FORCE & Strategies at a Glance

RECOMMENDATION C:

Focus the role of school safety agents on behavior requiring law enforcement response.

- Focus the role of school safety agents on school safety and not as first responders for everyday school misbehavior.
- Track school arrests and summonses by school, including breakdowns by sex, age, race, ethnicity and disability status.
- Integrate school safety agents with the assigned school administration team to develop, support and work toward the shared goals of improving school engagement and attendance and reducing suspensions, summonses and arrests.
- Identify skills needed and provide applicable training for school safety agents based on youth development principles to promote culturally competent skills and positive interaction with students.
- Assure routine conferencing between principals and school safety agents prior to an arrest or issuing a summons, as required by Chancellor's Regulation A-412.



RECOMMENDATION D:

Improve educational planning for court-involved youth.

- Utilize the court process as a catalyst to address educational needs.
- Acknowledge the central role of school with respect to all school-aged court-involved youth.
- Establish a common goal of improving school enrollment, attendance and achievement for these youth.
- Require inter-agency planning and conferencing prior to key decision-making points in the court process.
- Create agreements and guidelines to foster prudent information-sharing.
- Draw on lessons learned from schools with demonstrated success in engaging and serving these students and foster these strategies Citywide.

RECOMMENDATION E:

Improve educational re-engagement for placed and sentenced youth.

- Prioritize re-enrollment, attendance and educational attainment for school-aged youth who have been placed or sentenced.
- Identify common, cross-systems goals of improving re-enrollment and educational achievement.
- Make school transfers easier and grow the existing options and capacity of schools to meet the needs of transitioning youth.
- Validate the work of schools that successfully serve disengaged, over-age and under-credited students with appropriate metrics for monitoring and evaluating their progress.
- Build on existing transition pilots with partners that include the schools and courts.

PART I: KEY FINDINGS

The first part of this Report focuses on the key findings made by the Task Force during our research and planning process, including an overview of the context for our work in New York City, relevant data about school-justice indicators in New York City, and emerging trends in policy and practice in New York City and around the country. Based on these important findings, the second part of the Report provides recommendations and strategies for implementation.

PART I.
Our Challenge, Our Opportunity: Important Findings

A. CONTEXT

In 2011, data on out-of-school suspensions and school-related summonses and arrests for the first time became publicly available in New York City as a result of the enactment of the Student Safety Act (see Table 1 below for brief description of terms).[7] The Student Safety Act mandates public quarterly reporting by the New York Police Department (NYPD) on arrests and summonses (akin to tickets) issued by NYPD school safety agents and officers in the School Safety Division. These data are broken down by Penal Code violation, patrol borough (not school), gender, race and age. The law also requires biannual reporting by the New York City Department of Education (DOE) on suspensions reported by school, discipline code infraction, age, race, gender, grade, special education status and English language proficiency.

TABLE 1. BRIEF DESCRIPTION OF SCHOOL SUSPENSIONS, ARRESTS AND SUMMONSES IN NEW YORK CITY

SUSPENSIONS

This report references out-of-school suspensions only.

Principal's Suspension

A principal has the authority to suspend a student 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.

Superintendent's Suspension

A superintendent's suspension may result in a period of suspension up to one year.

Expulsion

Only general education students who turned 17 prior to the beginning of the school year (July 1) can be expelled.

ARRESTS

By School Safety Agent or Police Officer only.

Juvenile Arrests

Students ages under 16 but at least seven years old who are arrested for a school-related offense are treated as juveniles (except for egregious offenses, e.g., murder). If the case is not diverted, the youth is referred to Family Court.

Adult Arrests

Students ages 16 years and older who are arrested for a school-related offense are treated as adults and referred to the New York City Criminal Court, which has jurisdiction over misdemeanors and violations offenses, or the New York City Supreme Court, which has jurisdiction over felony charges, including in some instances those committed by students ages 13 to 15.

SUMMONSES

Issued by School Safety Agent or Police Officer only.

Non-Criminal Offenses

A summons issued to a student 16 years and older by a school safety agent or officer is essentially a paper ticket that requires the student to appear in Criminal Court at the date and time listed for arraignment on the violation (non-criminal offenses such as disorderly conduct) charged.

The maximum penalty for a violation is 15 days in jail or fines up to $250, although, generally, most cases are disposed of with a fine, community service or an adjournment in contemplation of dismissal or dismissal.

If the student fails to appear, a bench warrant will be issued for his or her arrest.

The data revealed that there were 69,643 suspensions during the 2011-2012 school year (SY2012), with significant over-representation among students with disabilities and students of color.[8] In addition, there were 882 school-related arrests (more than four per school day on average) and another 1,666 summonses issued during the SY2012 (more than seven per school day on average), also demonstrating an over-representation of students of color.[9] This data sheds light on an issue increasingly in the national spotlight – the potential links between school discipline, poor academic outcomes and involvement of students in the criminal and juvenile justice systems.

The data further shows that the overwhelming majority of suspensions and arrests were for minor, discretionary[10] offenses, such as insubordination or horseplay, not the violent misbehavior that requires suspension or arrest, generates headlines and causes justifiable public concern. In fact, between SY2001 and SY2012, New York City has seen an unprecedented drop in violent crime in the schools, down 37 percent.[11]

MANDATORY AND DISCRETIONARY SUSPENSIONS

The New York City School Discipline Code defines a short list of seriously dangerous or violent behavior for students in grades 6-12 that mandates suspension. Absent these circumstances, school staff have discretion to request a suspension for all other misbehavior outlined in the Discipline Code. Thus, throughout this Report we respectively refer to "mandatory suspensions" and "discretionary suspensions" and the corresponding offenses that result in discretionary arrests or summonses.

So why, if crime is down in schools, would suspensions, summonses and arrests be so high and impact so many students?

There were clues about the answers in the data. As it turns out, most New York City schools do not rely heavily on suspensions, summonses and arrests to manage student behavior.[12] Put another way, the evidence suggests this may be less a student problem than a system problem. Given the same set of facts, a student in one school will stay in school with the opportunity to learn while in another school, that student may be suspended or arrested.

Particularly disturbing are the disproportionately high rates of students with disabilities and students of color experiencing suspension, summons and arrest. The Task Force learned, for example, that school staff and school safety agents and police officers typically lack specialized training to appropriately interact with students with emotional disturbances. Suspension, a summons or an arrest for such a student can be devastating. But if staff do not have the support or resources they need, they use the tools they have and know how to use. So a teacher may request and a principal grant a suspension, and a school safety agent or police officer may turn to a summons or arrest, when dealing with a student with emotional disturbance. Again, in a different school with the appropriate supports, where the adults have the skills to de-escalate and manage the interactions with that same student, the outcome might be different – no suspension, no summons, no arrest.

And it has been reported that school staff will resort to calling emergency medical services to transport a student who is acting out to the emergency room for evaluation for a behavioral issue that might have been managed in school with the right services and supports available to staff. In fact, City officials report that students

were sent to the emergency room by principals and assistant principals 947 times during SY2011, a jump of 12 percent from the previous year.[13]

As the Task Force learned, many school officials and safety agents may not know what happens to students when there is a pattern of suspension over time. They may not know that a court summons for minor misconduct can generate a chain of events leading to warrants and incarceration. They may not understand that the decision to arrest for minor offenses can alter a student's life prospects forever. Furthermore, employing justice system responses that remove students from school for protracted periods of time seems inconsistent with the City's efforts to decrease chronic absenteeism and improve educational attainment.

SCHOOL SAFETY AGENTS AND SCHOOL POLICE OFFICERS

School Safety Agents and School Police Officers (referred to in this report as School Safety Agents and Police Officers) are assigned throughout New York City's public schools as part of the New York City Police Department School Safety Division, a division of the New York City Police Department. There are approximately 5,000 school safety agents and 200 police officers – it is one of the largest law enforcement divisions across the nation.

Task Force members visited schools in New York City and saw examples of creative responses to address misbehavior without resorting to suspension, summons or arrest. But what they also heard from principals, staff members and students is that they need significantly more support from their colleagues in other City agencies and the community if they are going to be successful in meeting the needs of the students in their care every school day.

In parallel, judges and justice agencies reported that often they feel disconnected from the school system. Some reported frustration with the large number of summonses and arrests for minor student misbehavior, believing that justice system resources should be reserved for more serious matters that compromise safety. They pointed out the high cost associated with using justice system resources, including the resources of the New York City Family and Criminal Courts, District Attorneys' Offices, Corporation Counsel, Legal Aid Society and Probation, to address misbehavior that might better be handled at the school. But they also worry about how disengaged the students they see are from school and reported that it is difficult to partner with schools and service providers to get those youth re-engaged. And they discussed how difficult it can be for students to be granted a transfer to another school based on safety.

Over the course of the past year, there have been some promising pilots to bridge the gap between the schools and the courts to find new solutions. Judges have taken up new roles as conveners even as justice and education officials learn more about each other's systems and the advantages of working together. But these pilots are small and fragile, and as yet there is not a systemic partnership that brings together the City agencies, courts and other key stakeholders to address the cross-systems needs of these students.

B. OVERVIEW OF NYC DATA: SUSPENSIONS, ARRESTS AND SUMMONSES FOR SCHOOL-BASED INCIDENTS

The Task Force studied the School Safety Act data to gain an understanding of several trends that have surfaced about the disciplinary and justice systems' experiences of students enrolled in New York City public schools.

School Suspensions

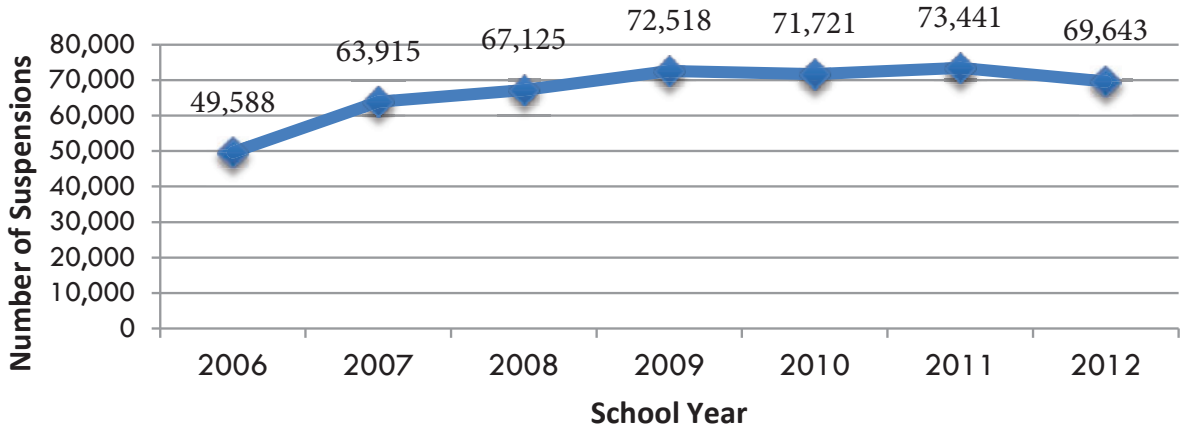
While suspensions are just beginning to decline, there are still far more than there were in prior years. Most suspensions are for minor and common school misbehavior.

Although student suspensions declined slightly between SY2011 and SY2012, the number was 40 percent more in SY2012 than the baseline established in 2006 (see Chart 1).[15] The DOE reports that in comparing the last two school years, the total number of suspensions declined 5.2 percent to 69,643, driven largely by the 12 percent decline in superintendent suspensions. Yet superintendent suspensions – suspensions designed to target more serious student misbehavior lasting more than five days and up to a full year – made up only 19 percent of suspensions in SY2012. The vast majority of suspensions (81%) were issued by principals for lower level discretionary infractions of the Discipline Code, such as using profane language or lying to school personnel.

One reason not to suspend – every time we push students away, there is a chance they won't come back.

Jonathan Brice, School Support Networks Officer, Baltimore City Public Schools [14]

CHART 1. TOTAL SUSPENSIONS: NEW YORK CITY PUBLIC SCHOOLS, SY2006 TO SY2012



Source: SY2006-SY2009 Suspensions: NYC Department of Education. CEP 2006-2009 School Demographic & Accountability Snapshots. Principal and Superintendent Suspensions (OSYD Reporting) - Total Number as of June 30; SY2010 Suspensions: NYC Department of Education. Press Release, November 1, 2011; SY2011-SY2012 Suspensions: NYC Department of Education. 2011 and 2012 Annual Report on Suspensions under the Student Safety Act.

As specified in the School Safety Act, the City only identified school-specific principal and superintendent suspension data for schools that had 10 or more suspensions. As a result, approximately half (49.8%) of the 69,643 suspensions in SY2012 were redacted. Based on the reported data, the top three infractions were "altercation and/or physically aggressive behavior," "insubordination" and "horseplay."[16]

The majority of principal and superintendent suspensions are concentrated among a small number of schools.

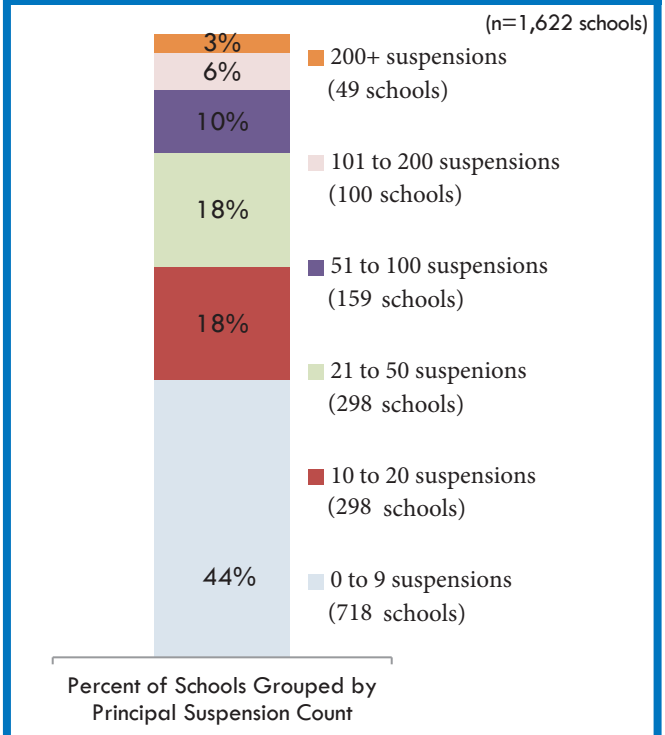
The majority of schools (62%) gave fewer than 20 principal suspensions to their students in SY2012 (see Chart 2). By contrast, fewer than 50 schools (3%) issued over 200 suspensions and were responsible for 26 percent of all of the principal suspensions reported that year.

Just 17 schools (1%) had 51 or more superintendent suspensions each. Most schools (71%) had nine or fewer superintendent suspensions, including many that had none (see Chart 3).

New York City students receiving special education services receive a disproportionate number of suspensions.

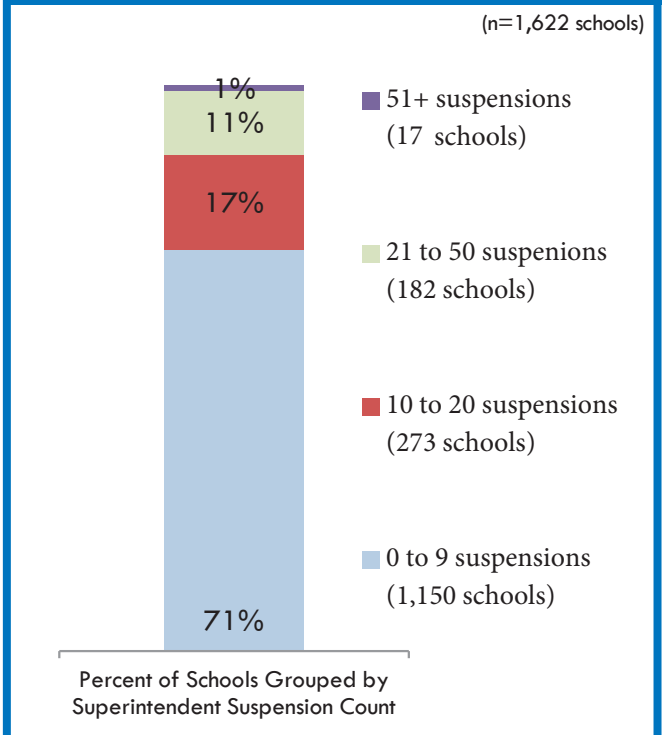
Students receiving special education services are overrepresented in suspensions. The DOE reports that 32 percent of suspensions involved students

CHART 2. DISTRIBUTION OF SCHOOLS CATEGORIZED BY NUMBER OF PRINCIPAL SUSPENSIONS: NYC SCHOOLS, SY2012



Source: NYC Department of Education. 2012 Report on School Suspensions under the Student Safety Act.

CHART 3. DISTRIBUTION OF SCHOOLS CATEGORIZED BY NUMBER OF SUPERINTENDENT SUSPENSIONS: NYC SCHOOLS, SY2012



Source: NYC Department of Education. 2012 Report on School Suspensions under the Student Safety Act.

with Individualized Education Programs (IEPs)[17] – nearly triple the 12 percent rate of enrollment[18] – making students with IEPs 3.7 times more likely than their peers without IEPs to be suspended during SY2012.[19]

New York City students of color[20] receive a disproportionate number of suspensions.

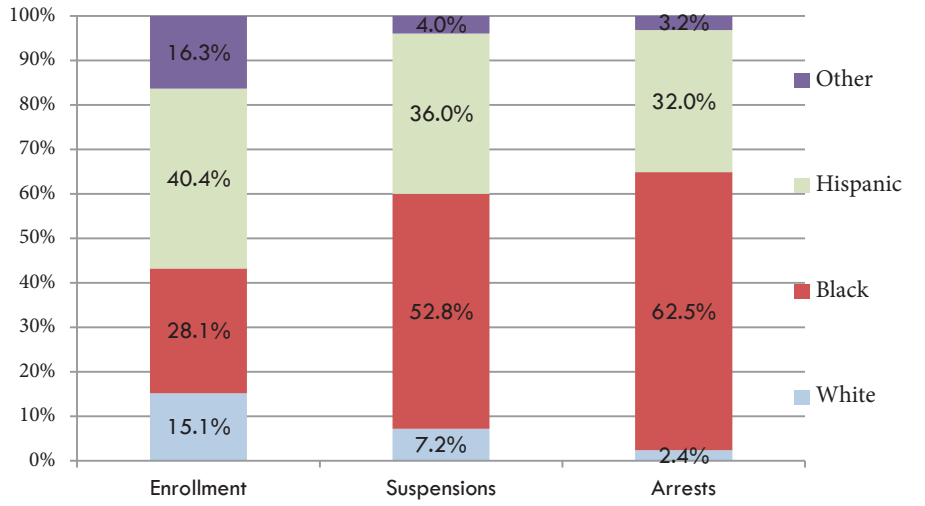
Black students represented 28 percent of the student population in SY2012, but they bore the burden of more than half of suspensions (see Chart 4).[21] In fact, Black students were four times more likely to be suspended than White students.[22] Hispanic students were nearly twice as likely to be suspended as White students.

Research on student behavior, race and discipline has found no evidence linking the over-representation of Black students in school suspension to higher rates of misbehavior.[23] One study found that although "boys engage more frequently in a broad range of disruptive behavior, there were no similar findings for race. Rather, there appeared to be a differential pattern of treatment, originating at the classroom level, wherein African-American students are referred to the office for infractions that are more subjective in interpretation."[24]

Students of color face persistent and increasing disproportionality.

While the number of suspensions over the last two years declined, the rate of disproportionality for Black students and students with IEPs has not improved. Instead, it has grown slightly worse even as these populations have shrunk. From SY2011 to SY2012, the Black student population decreased from 33 to 28 percent, and students with documented disabilities decreased from 15 to 12 percent of the student population. Yet the share of suspensions meted out to Black students rose from 51.8 to 52.8 percent and the proportion of suspensions for students with disabilities increased from 31.4 to 32.3 percent.[25]

CHART 4. DISTRIBUTION OF ENROLLMENT, SUSPENSIONS AND ARRESTS BY RACE/ETHNICITY: NYC SCHOOLS, SY2012



Source: Enrollment: New York City Department of Education, J-Form; Suspensions: New York City Department of Education, Student Safety Act data; Arrests: NYPD, Student Safety Act data.

School-Based Arrests

Most school arrests were for minor, typical adolescent misbehavior that would not have resulted in arrest in a different school setting.

From July 2011 to June 2012, the NYPD reported that school safety agents and police made 882 arrests in schools. Arrest data reported for the School Safety Act only includes arrests made by school safety agents and police officers, not arrests by precinct officers who can be called in by school safety officers.

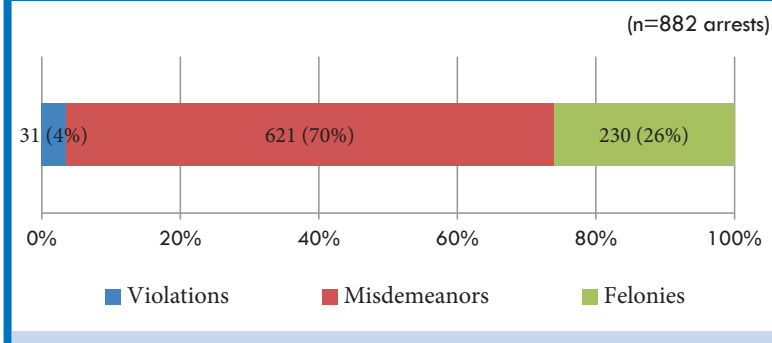
We share your concern about students getting arrested. We don't want to see students getting arrested in school. Student on student fighting in school – we would like to see that not lead to arrests….I think we all have the same goal, which is positive – to reduce the number of students being arrested in school, at the same time making our schools the safest schools in the country.

New York Police Department School Safety Division Chief Brian Conroy [26]

Three-quarters of arrests were for misdemeanors and violations; a quarter involved felony offenses (see Chart 5). Much of the misbehavior is typical of adolescents – for example, a fight between two students. It is the adult response that differs. In one school, the principal, teacher or dean might take action by working with the students and parents. In another, students are issued a summons or arrested.

Particularly troubling is a pattern of arrests that are the result of an interaction between a student and school safety agents or police officer. Most common were charges of obstructing governmental administration and resisting arrest. New York City judges recount experiences with court filings involving arrests for obstructing governmental administration or resisting arrest where there was no underlying criminal misbehavior. Instead, a confrontation between a student and an agent or officer escalated out of control. The data suggest support for the judges' experience as one out of every six arrests featured as the top charge a conflict between a school safety agent or police officer and a student charged as obstructing governmental administration or resisting arrest (147 arrests in SY2012).

CHART 5. DISTRIBUTION OF ARRESTS BY OFFENSE LEVEL: NYC SCHOOLS, 7/1/11-6/30/12



Source: NYPD, School Safety Act data.

Black students account for most New York City school arrests.

Black students accounted for almost 63 percent of school-related arrests although they made up only 28 percent of the student body during the 2012 school year, evidencing an even stronger disproportionality in arrests than in suspensions (see Chart 4). Schools with police tend to be in areas with higher crime rates and fewer education resources and supports.

Students as young as 11 years old were arrested, while arrests were most frequent among 16 and 17 year olds for school-based incidents (see Chart 6).

Since the age of criminal responsibility in New York State is currently 16, the majority of arrested in SY2012 in New York City resulted in youth being sent to adult Criminal Court.[27] Given the punitive nature of adult Criminal Court, the lack of diversion options and the consequences associated with being sentenced as an adult, students 16 years and older who are arrested face additional significant obstacles.

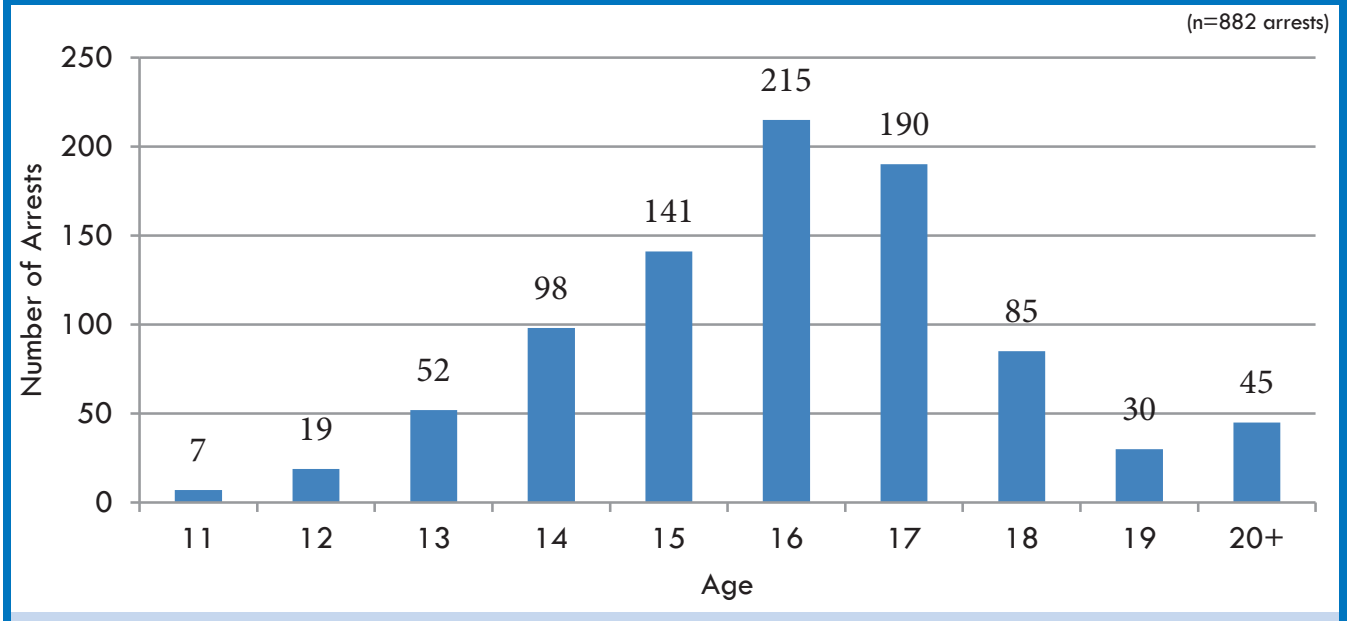
Although not demonstrated in the July 1, 2011-June 30, 2012 data, students as young as seven can be arrested for school-based misbehavior[28] and there are recent public reports of young students under the age of 11 removed from school and detained by the police at the precinct.[29]

School-Based Summonses

From July 2011 to June 2012, the NYPD reported that school safety agents and police issued 1,666 summonses – most summonses (64%) were for disorderly conduct, a catch-all term for a wide variety of minor misbehavior. [30]

Disorderly conduct encompasses a wide range of misbehaviors, from causing an "annoyance" and making "unreasonable noise" to engaging in a fight.[31] Seventy-nine summonses (5%) were issued for riding a bike on the sidewalk on school grounds. Seventeen year olds were the most frequent recipients of summonses for school-related misbehavior, at 36 percent.

CHART 6. DISTRIBUTION OF SCHOOL-BASED ARRESTS BY AGE: NYC SCHOOLS, JULY 1, 2011 TO JUNE 30, 2012



Source: NYPD, School Safety Act data.

Task Force Research

Data gathered by and for the Task Force suggests that minor school misbehavior can cause a student to become entangled with the justice system.

Family Court Petitions

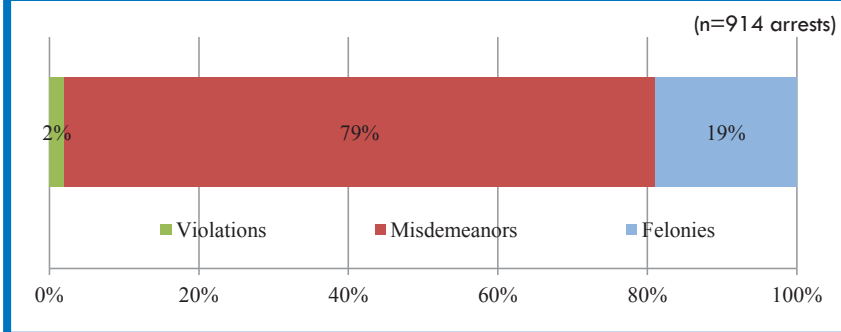
We do not yet have Citywide information about which school-based incidents result in court filings or the outcomes of those filings, which may include probation, probation violations, court hearings, and placement or incarceration. Some studies and analyses conducted by Task Force members begin to paint this picture. A survey of 175 new petitions filed during two three-week periods in Bronx County Family Court found that 25.7 percent of these petitions were school-related.[32] More than half of these school-related petitions were for misdemeanors only. Forty-four percent involved a combination of misdemeanor and felony allegations and 2.2 percent were filed for felonies only. The three most common allegations were menacing in the third degree (making threats), attempted misdemeanor assault (assault in the third degree) and misdemeanor assault (most commonly, engaging in a fight without serious injury).

District Attorney Data

Similarly, according to a New York County District Attorney's Office review, there were 172 arrests of 16 and 17 year olds originating from Manhattan school addresses in 2010 alone.[33] From January 2007 to November 2011, there were 914 arrests in Manhattan at schools. Among those, only five cases led to indictments in Supreme Court, indicating a very low number of the most serious crimes occurring in the school context (see Chart 7). Most of these arrests (79%) were misdemeanor charges and the majority of all of these arrests (63%) were later dismissed, but not before these students spent periods of time out of school to make court appearances.

In sum, the data examined by the Task Force revealed important patterns with respect to suspensions, summonses and arrests. The disproportionate and troubling impact on students with special needs and students of color was evident. But so was a pattern of highly variable rates of suspensions by schools and summonses and arrests by precinct borough. A close examination of the data by school revealed that it was a relatively small number of schools that were generating the highest rates of suspensions. While these findings were disturbing, they also point the way forward. New York City has experience with utilizing data at the highest levels of leadership to drive change. The new Student Safety Act data provides a tool to focus support where it is most needed. Change in a relatively small number of schools could have a positive impact on thousands of students.

CHART 7. DISTRIBUTION OF NEW YORK COUNTY DEFENDANTS AGED 16 AND 17 YEARS BY OFFENSE TYPE: INCIDENTS REPORTED AT MANHATTAN SCHOOL ADDRESSES, JANUARY 1, 2007 TO NOVEMBER 3, 2011



Source: NYPD, School Safety Act data.

C. EMERGING RESEARCH

Nationwide, there has been a surge in student suspensions, with the number of out-of-school suspensions nearly doubling over the last 30 years, from 1.7 million in 1974 to more than 3.3 million in 2006.[34] The spike was caused in part by the enactment of mandatory discipline laws that were intended to address guns and violence in schools but then expanded to address a wide array of incidents, so-called zero tolerance policies. There have also been a series of news stories of students suspended out of school and arrested for minor misbehavior – for example, concern that a student was using a forbidden cell phone[35] or a 12-year-old was arrested for doodling on a desk.[35] Until recently, there was little systemic data or research available to understand the extent or impact of this problem. As in New York City, stakeholders across the country have begun to question the reliance on student suspensions even as the juvenile crime rate has dropped to unprecedented lows. A wealth of emerging research can be of enormous benefit to New York City to ensure effective reform.

Study Reveals Consequences of Exclusionary Discipline

Breaking Schools' Rules, a comprehensive study conducted in Texas, broke new ground in substantiating a connection between school discipline and student involvement in the criminal justice system.[37] The study meticulously followed the disciplinary experiences, academic outcomes and criminal justice contacts for a statewide cohort of almost one million students over a five-year period. Researchers monitored each student from middle school to beyond the projected date of high school graduation in order to determine timely or delayed graduation, drop-outs and contact with the justice system.

As in New York City, the researchers in Texas found the overwhelming majority of school suspensions were not for serious or violent misbehavior but rather for discretionary offenses. Of the more than half a million suspensions (553,413) only three percent were for mandatory violent and serious offenses – the other 97 percent were discretionary. Key findings of the study show:

A strong connection between these mostly discretionary disciplinary actions and poor academic outcomes:

- Of all students suspended or expelled, 31 percent repeated their grade–at least once– while only five percent of non-disciplined students were held back.
- About 10 percent of students suspended or expelled between seventh and twelfth grade dropped out of school.
- The majority (59%) of students disciplined 11 or more times did not graduate from high school within four years.
- Nearly half of those students disciplined 11 or more times had contact with the justice system in contrast to two percent of non-disciplined peers.
- Students who were suspended or expelled for discretionary reasons were almost three times as likely to be in contact with the justice system the following year.

Striking disparities by race/ethnicity:

- Vast majority of Black male students had at least one discretionary violation (83%), compared to 74 percent for Hispanic male students, and 59 percent for White male students.
- Similarly but to a lesser degree, the majority of Black female students (70%) had at least one discretionary violation, compared to 58 percent of Hispanic female students and 37 percent of White female students.
- Striking disparities for students with disabilities – especially those considered emotionally disturbed.
- More than 70 percent of students qualifying for special education services were suspended at some point during the study period.

Striking disparities by race and type of offense:

- Black students were 23 percent less likely than White students to be suspended for mandatory (e.g., guns or serious violence) offenses – but 31 percent more likely to be suspended for discretionary offenses (e.g., failure to obey school rules).

The report actually provided reasons as why this study is relevant to others, reasons that are especially applicable to New York City – it's a large school system, it has a diverse student body and it shares a similar overall discipline rate:

- The Texas school system is large – serving 1 in 10 of all public school children nationwide.
- The Texas school student body reflects a diverse population (49% Hispanic, 33% White and 14% Black).
- The overall school discipline rates for students in kindergarten to grade 12 in other large states are similar to or higher than those in Texas, e.g., in 2010, the percentage of K–12 students in Texas receiving out-of-school suspensions or expulsions (5.7%) was considerably lower than in either California (12.75%) or Florida (8.7%), and was similar to the rate in New York (5.2%, not including expulsions as its unavailable for the state).

National Data Also Demonstrates Civil Rights Issue

Consistent with findings from the New York City data and the Texas study, a recent analysis of the U.S. Department of Education Office of Civil Rights data further illustrates these disparities for students with disabilities and students of color at the national level as:

- About one in four Black secondary school children, and nearly one in three Black middle school males, were suspended at least once in 2009-2010.
- Black female secondary students were suspended at a higher rate (18.3%) than secondary school males from all other racial/ethnic groups.
- One in five secondary school students with disabilities was suspended (19.3%), almost three times the rate of their peers without disabilities (6.6%).
- The highest rates were observed when the intersection of race, disability and sex was calculated as 36 percent of all Black middle school males with disabilities were suspended one or more times.[38]

This research further demonstrates that while students of color do not misbehave to a greater extent than White students, they are often treated more severely for subjective misbehaviors.

High Rates of Suspension ≠ Safer Schools

There are some who believe that sacrificing a few students – although the number of students involved in suspensions, summonses and arrests each year in New York City is certainly not a "few" – can be justified on the theory it protects the many, improving safety and academic outcomes.[39] However, there is no evidence that the widespread practice of using suspensions regularly to maintain order improves safety.[40] In fact, the research on suspensions points in the opposite direction. High levels of suspensions and arrests in school do not make students and teachers feel safer – they make them feel less safe.[41] Further, researchers have connected the use of suspensions to increasing the likelihood of academic failure, disengagement in school and involvement in the criminal justice system. Suspensions and other classroom removals can worsen academic deterioration,[42] "predict higher future rates of misbehavior and suspension" for those suspended,[43] increase the risk of future antisocial behavior,[44] and further degrade the school environment for all students and staff,[45] a pivotal factor on which student achievement depends. Leading researchers find that, "…schools with higher rates of school suspension…have poorer outcomes on standardized achievement tests, regardless of the economic level or demographics of their students."[46]

The students interviewed by Task Force members during their schools visits echoed what the research also reflects – "the most effective and direct way to keep schools safe [and improve academic outcomes] is to foster a positive school climate."[47] And evidence-based interventions like restorative justice, positive behavioral supports, and social-emotional learning are giving teachers and school leadership the tools to help build that positive school climate while keeping students safe. [48]

At my old school, they had metal detectors and wands, but I didn't feel safe. [Without those things] here with the staff and their expectations, everything is completely different - everyone feels safe.

Student during School Visit

The same protective factors that promote academic achievement also promote a healthy school climate; feeling connected to teachers, safe, academically engaged and supported, among other factors, are all necessary to maximizing academic and behavioral outcomes.[49] Suspensions and expulsions break this critical bond between students and staff.[50]

Researchers have concluded that if leaders are serious about improving the conditions and outcomes of all of our public school students, the issue of discipline must be part of the equation.[51]

D. EMERGING REFORMS FROM AROUND THE COUNTRY

In the past several years, a growing number of school districts and states, and more recently, the federal government, have renounced the over-reliance on suspension, summonses and arrests as a response to student misbehavior, in favor of more innovative and promising interventions. As a result, districts around the country are developing practices that more constructively support students to succeed in school, effectively using public resources while incorporating positive approaches to student misbehavior that have been deemed effective, such as restorative justice practices, positive behavior supports, and social and emotional learning (see Table 2, page 14).

The Task Force had the opportunity to hear from researchers and practitioners and review some of the most promising results from around the country. (See Appendix A for list of presenters and topics.) We include some highlights that provide context for our recommendations and proposed strategies. For example, Baltimore City Public Schools and Cincinnati implemented school-wide approaches.

School-Wide Approaches

Baltimore City Public Schools (BCPS)

While BCPS between 2004 and 2011:

- The use of suspensions decreased from 16,600 to 11,000.
- The number of students dropping out of school fell from 3,241 to 1,122.
- The graduation rate increased 15%.

The Task Force learned that Baltimore City Public Schools (BCPS) successfully revamped its disciplinary policies and practices as part of its strategy to decrease an alarmingly high dropout rate, especially for students of color. In 2004, for every two young Black men graduating from Baltimore schools, three dropped out. Many of Baltimore's students come from high poverty and high crime neighborhoods.

A new superintendent at BCPS committed to reducing suspensions and built a team that recognized more needed to be done to hold on to students becoming disengaged from school. They determined that the district's suspension policies were having a negative impact on students who were already struggling academically and had poor attendance. In response, the District developed strategies to address behavioral issues and truancy that were leading to disengagement.

Baltimore deployed mental health workers to schools with a high level of need, fine-tuned positive programs like mentorship, youth leadership opportunities, and gang prevention according to schools' particular needs, required a student support meeting prior to handing out a suspension, and instituted monitoring and problem-solving processes to ensure the appropriate administration and reporting of disciplinary actions. Additionally, BCPS revised the discipline code to require that first-time misbehavior be handled in the classroom. As a result, the use of suspensions as a disciplinary tool decreased by a third (from 16,600 to 11,000) between 2004 and 2011, and the number of students dropping out of school simultaneously fell from 3,241 to 1,122. The graduation rate increased 15 percent during this period, all while overall numbers of students enrolled in school increased.[52]

TABLE 2. POSITIVE APPROACHES TO ADDRESS MISBEHAVIOR

Restorative Practices

Restorative practices responses to misbehavior – which can include peer circles, mediation, youth court and other tools and practices designed to have a young person confront the impact of the misconduct and take positive action to make recompense to the community – are designed as learning tools, a perfect fit for the school's role as a teacher of civic behavior.[53] Restorative practices make the connection between the student and the harm in a way suspension does not – and they are designed to build, rather than fracture, the relationship between the student and the school community. Restorative practices promote positive outcomes for all involved, mutual understanding of the behavior's impact, give voice to the person harmed, and resolve conflicts in a nonjudgmental manner with a focus on harm done, instead of solely rule-breaking, thereby encouraging change and growth and enhancing responsibility for ones actions.[54] A restorative process can initially be viewed as requiring more effort as staff and students must be trained, but the results are more effective than suspension in addressing misbehavior, improving future behavior and mitigating the harm to the community.

Positive Behavioral Interventions and Supports

Positive Behavioral Interventions and Supports (PBIS) is a school-wide, evidence-based approach to addressing misbehavior.[55] PBIS recognizes that there is a need to address student conduct across the whole community and that a whole school community approach can help create the positive school climate researchers have recognized as so critical to successful learning. PBIS employs a three tiered approach that acknowledges that there are different populations in the school that require different degrees of intervention and support – with the smallest number of students requiring the highest level of support. PBIS emphasizes common behavior expectations (be respectful, safe and responsible) and uses proven prevention and behavior improvement strategies. To monitor student progress and program practice, PBIS requires a data-driven framework: ongoing data collection, analysis and feedback to improve behavior of the school community, including teachers who receive feedback and tools to assess their interactions with students and determine what supports are necessary.

Social and Emotional Learning

Social and Emotional Learning (SEL) is a coordinated, preventive approach to support all students in developing inter-related social and emotional competencies, including self-awareness, self-management, social awareness, relationship skills and responsible decision making.[56] Yielding higher order skills, students demonstrate empathy, anger management, problem solving and impulse control.[57] Ideally, SEL programming begins in preschool and continues through high school. It is grounded "on the understanding that the best learning emerges in the context of supportive relationships that make learning challenging, engaging, and meaningful; social and emotional skills are critical to being a good student, citizen, and worker; and many different risky behaviors (e.g., drug use, violence, bullying, and dropout) can be prevented or reduced when multi-year, integrated efforts develop students' social and emotional skills."[58]

Cincinnati, OH System-Wide Community Schools Approach

Cincinnati Schools

Between 2000 and 2010, the graduation rate rose from 51 to 83%.

Inspired by the Children's Aid Society's community schools in New York City, the school district of Cincinnati, Ohio adopted the community school model citywide, resulting in every public school providing comprehensive services, including physical and mental health and after-school support. Before the concept was introduced in the early 2000s, the district suffered from dwindling enrollment, rising poverty and low academic achievement in a student body where 21 percent of students had documented disabilities and 70 percent were economically disadvantaged. Between 2000 and 2010, the graduation rate rose from 51 to 83 percent.[59] While groups of New York City students have benefitted from the pioneering community school movement here, Cincinnati has taken it an important leap forward, moving it from a small cluster of individual schools – one approach among many – to embracing that approach system-wide.

In 2010, health and education researcher Charles E. Basch showed that low-income minority youth are disproportionately affected by seven "educationally relevant health disparities": poor vision, asthma, teen pregnancy, aggression and violence, lack of physical activity, lack of breakfast, and untreated inattention and hyperactivity.[60] Professor Basch further warned that educational innovations needed to address these health disparities and therefore strongly supports the community schools' inclusion of health care as a critical component of student success. As a result, essential supports for community schools must include on and off-site health, mental health and social services to students living in low income communities, communities that often lack such resources.

FIVE ESSENTIAL SUPPORTS

Strong research demonstrates the essential supports needed for a successful community school strategy. In a 2010 long-term study of 200 Chicago public schools, education expert Anthony S. Bryk and colleagues identified five essential supports for student success:

1. Strong school-parent-community ties,
2. Enhanced professional capacity,
3. Student-centered learning climate,
4. Coherent instructional system, and
5. Leadership that drives change and enlists teachers, parents and community members to help expand the reach of the work and share overall responsibility for improvement.[61]

Interagency Collaboration and Court Leadership

The Task Force also benefitted from hearing about examples of judges from around the country exercising leadership, convening stakeholders and championing school discipline reform. Judge Steven Teske, from Clayton County, GA, was the force behind an inter-agency agreement between the schools and courts that resulted in significant reductions in court referral rates for school-related incidents.[62] This model, supported by the National Council of Juvenile and Family Court Judges[63] and Annie E. Casey's Juvenile Detention Alternatives Initiative (JDAI),[64] has been replicated across the country, including in Jefferson County, AL. The Task Force also learned about the efforts of Judge Jimmie Edwards, from St. Louis, MO.

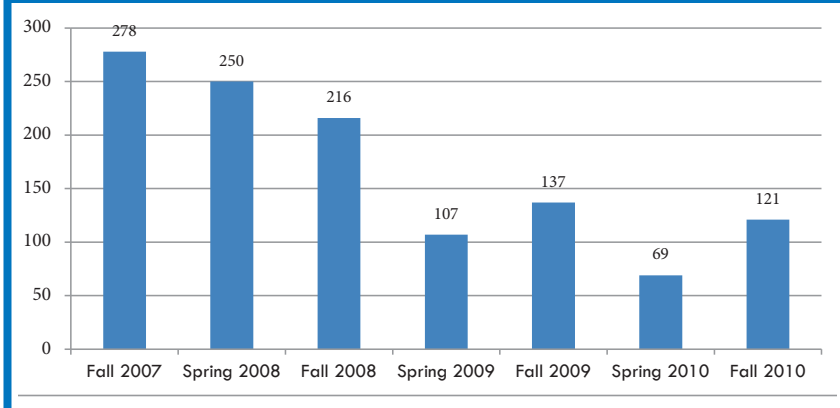
Jefferson County, AL

Judge Brian Huff of the Jefferson County Family Court, AL replicated the work of Judge Teske and brought together key stakeholders to reduce school-based arrests in Birmingham after analysis of court data showed a significant number of court filings for minor school-based incidents. The data revealed that 96 percent of Birmingham students were referred on alleged misdemeanors and violations while only one percent of students were referred for violent felonies, and just two percent were referred for weapons felonies. Further analysis and discussions with stakeholders revealed that schools and other child-serving systems had built a culture that regarded the courts as first resort for addressing misbehavior problems in school. Over-reliance on the court was costing the county money, time and lost instruction, without measurably improving the safety of schools and academic achievement of students.[66] Judge Huff convened the district attorney, school district leadership, probation, the police department, civil rights and advocacy groups, social service agencies, and parent and student representatives to develop the School Offense Protocol. The Protocol outlined graduated responses to student misbehavior; it developed policies and procedures for diverting minor school-based offenses from the court; and it provided schools with the tools to implement guidance interventions to more effectively address student misbehavior. Integral to the implementation of the Protocol was Judge Huff's continued coordination with the police and school leadership to ensure that school safety agents and police, principals and other key educational staff were familiar with and receive training on the Protocol. The Family Court closely monitored school-based arrests to ensure minor offenses are diverted according to the Protocol.[67] The results of Judge Huff's work have been impressive (see Chart 8). Implementation of the inter-agency agreement resulted in a 47 percent decrease in Birmingham school arrests.

Discussion alone produced a big drop in referrals, but a written document is critical for sustained results.

Judge Brian Huff[65]

CHART 8. SCHOOL-RELATED COURT REFERRALS BY SEMESTER: BIRMINGHAM SCHOOLS, AL



Source: Judge Huff presentation to Task Force, 9/19/2011.

Concept Academy, St. Louis, MO

Concept Academy is designed as a community effort with over 40 community partners providing, in addition to a full academic curriculum, enrichment activities and sports and teaching conflict resolution, mediation and anger management.

Another example of cross-system partnerships designed to create more effective disciplinary responses to student misbehavior can be drawn from St. Louis, MO. Judge Jimmie Edwards, the Chief Juvenile Court Judge for the St. Louis City Circuit Court, in partnership with the St. Louis Public Schools, the juvenile court and others, opened the Innovative Concept Academy in 2009 for at-risk students ages 10 to 18 years who were suspended, expelled or at-risk of expulsion or who dropped out for extended periods of time. Concept Academy is designed as a community effort with over 40 community partners providing, in addition to a full academic curriculum, enrichment activities and sports and teaching conflict resolution, mediation and anger management.[68] The collaboration also relies on the courts and police as active partners to keep kids engaged and attending school, often evidenced when the police act as mentors to the students.

Data-Driven Decision-Making

Impressively, jurisdictions around the country have utilized their school discipline, arrest and academic data to drive reform. These systems innovate by using data not only to look back but also to drive decision-making and project where they can deploy and adjust strategies and resources.

School districts – such as Los Angeles, CA; Baltimore, MD; and Rochester, NY – have aggressively and regularly leveraged their data to monitor innovations and change intended to reduce suspensions and arrests, and raise student achievement.

Los Angeles, CA

Los Angeles Unified School District

From 2007 to 2011:

- Suspensions decreased from almost 61,000 suspensions to less than 33,000
- Days of suspension served decreased from over 74,000 days to fewer than 46,000.

The Los Angeles Unified School District (LAUSD), second in size only to New York City, implemented a system-wide, data-driven discipline policy reform designed to increase the use of positive guidance interventions while decreasing the number of suspensions and the number of days students are suspended.[69] Part of what made their efforts successful was how they used data to monitor and communicate at all levels of the school system. A central office team meets at the beginning of every school week to monitor the positive behavior supports efforts while a wider task force meets quarterly. School staff have access to student referral data, and can also self-assess to

what extent they exercise positive interventions versus negative interventions like removals and suspensions.

LAUSD's data system also shows which teachers are referring children for disciplinary action and for what reason, and can also be analyzed by gender, administrative decision, grade level, school and race/ethnicity. One striking finding was that it was a relatively small number of educators who were generating the largest number of disciplinary referrals. As a result of analyzing this data, the LAUSD central office can better target assistance to struggling schools and staff. Ultimately, LAUSD saw improvements in test scores and academic achievement, and declining suspensions in schools that fully implemented the discipline policy, as assessed by an independent evaluator. From 2007 to 2011, suspensions decreased from almost 61,000 suspensions to less than 33,000, and the days of suspension served decreased from over 74,000 days to fewer than 46,000.

Baltimore, MD

Baltimore, MD, similarly holds regular "Safety Stat" meetings to review suspensions and arrests every five days, and the district can capture unofficial or unreported suspensions, which are triangulated with attendance, early dismissal and suspension data, and notify schools that do not follow the proper suspension policies. Based upon the review, the supports target the needs of the student, teacher and/or school.

Rochester, NY

Rochester School City School District's Safety and Security Department conducts a daily review of arrest data and a bi-weekly review of suspension data and working with the Rochester Police Department, conducts a crime density map review to determine patterns of incidents that occur to and from school.[70] This effort was initiated as a result of a 105 percent increase in school-based arrests, which prompted the school, police and community to work together to develop an effective strategy for keeping students in school and out of court.

In New York City, the School Safety Act provides previously unavailable data on suspensions, summonses and arrests. But while collecting the data is a big step forward, utilizing it to drive reform may be the next frontier, as evidenced by the experience of other jurisdictions in deploying data as a tool to achieve better outcomes.

E. NEW YORK CITY HAS MADE STRIDES

The decreases in the number of school suspensions, arrests and summonses in New York City between SY2011 and SY2012 demonstrate promising progress. The data recently released shows continued improvement. These improvements are occurring as the DOE takes steps to improve academic achievement and address the school-justice issue, including the adoption of a more progressive discipline code, cutting edge training for school safety agents, implementing and supporting a number of initiatives, such as the Young Men's Initiative and the Close to Home Initiative. These efforts are making a difference; however, there remains a clear gap in the City's efforts and attention on the achievement of students with the highest needs.

New York City Reports Improvements in Academic Achievement

As the largest school district in the nation, with a diverse population of students representing a wide range of backgrounds and needs, New York City reports a graduation rate of 61 percent, a net increase of 15 percent for students who entered high school in 2001 compared to 2007 and graduated within four years – in 2005 and 2011, respectively.[71] However, longstanding challenges continue to confront students with disabilities and students of color. The graduation rate for students with disabilities has increased but remains low, up from 17 to 27 percent. Similarly, the graduation rate for Black students increased from 40 to 55 percent, and the graduation rate for Hispanic students increased from 37 to 54 percent. Academic success for these students still lags far behind their White peers, who have a graduation rate of 76 percent for SY2011.

Young Men's Initiative

Mayor Bloomberg has committed to closing the gap between academic outcomes for students of color compared to their non-disabled and White peers as part of the City's unprecedented Young Men's Initiative (YMI).[72] In August 2011, Mayor Bloomberg launched a three year, cross-agency enterprise dedicated to finding new ways 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. Funded with $42 million in private and public monies, Mayor Bloomberg and his leadership team have developed new programs and policies that provide crucial support to break down barriers to success and help young Black and Latino men achieve their professional, educational and personal goals.

Close to Home

The New York City Juvenile Justice Advisory Committee (originally called the New York City Dispositional Reform Steering Committee) was formed in late fall 2010 to oversee the planning and implementation of the Close to Home vision for juvenile justice in the City, co-chaired by the Administration for Children's Services (ACS) Commissioner Ronald Richter and Probation Commissioner Vincent Schiraldi.[73] They have reported that substantial progress has been made in building both a community-based and residential continuum of care, and that the educational needs of

young people under the supervision of the juvenile justice system are being taken into full account as these reforms take shape.

The primary goals of Close to Home are to improve public safety, reduce the system's overreliance on costly, ineffective and harmful state-run placement facilities and to create a new, locally-operated continuum of dispositional options that allows all youth adjudicated as delinquents to stay close to home and participate in meaningful interventions. The objectives of the Committee were twofold: 1) conduct an inter-agency planning effort to design and implement a comprehensive continuum of care for adjudicated youth; and 2) develop strategies to promote changes in existing policies and practices for youth in the dispositional phase of the justice system.

Education Subcommittee of the New York City Juvenile Justice Advisory Committee

The Education Subcommittee of the New York City Juvenile Justice Advisory Committee – co-chaired by Judge Monica Drinane, Supervising Judge of Bronx Family Court, and Dr. Timothy Lisante, Superintendent of District 79 – focuses on the educational component of the Close to Home initiative, including education and prevention/diversion, education while students are in detention/placement, and successful transitioning into community, educational re-entry and aftercare support.[74]

This cross-discipline effort intends to further the core principles that students in a New York City non-secure placement will attend a full-time academic program with the ACS and placement agency support. The academic education program and transitional planning for the student is to be developed with input from the student, the student's family, DOE, ACS case worker and placement agency. As part of the educational program, the DOE and host agencies will work to address both the students' behavioral and academic needs.

Citywide Standards for Intervention and Discipline Measures

The NYCDOE Citywide Standards for Intervention and Discipline Measures (the Discipline Code) has undergone noteworthy amendment, including a change in the title of the document itself to stress the importance of implementing guidance interventions in addressing student behavior. In the most recent edition of the Discipline Code for SY2013, the introduction was expanded to include a greater emphasis on proactively promoting positive student behavior through an increased focus on school culture, implementation of progressive discipline, including restorative approaches, student engagement and the role of social emotional learning.[75] A Progressive Ladder of Support and Disciplinary Consequences from the Department's Best Practices Standards for Creating a Safe and Supportive School was added as well. Equally important were changes to the SY2012 code that prohibited the use of suspension for certain lower level infractions for which guidance interventions and/or lower level accountability measures are more appropriate.

Bronx System of Care

In 2012, Supervising Judge Monica Drinane of Bronx County Family Court, in collaboration with the DOE's Office of Safety and Youth Development, convened a series of conversations among schools, community-based organizations, City agencies, the court system and service providers focusing on children and families in crisis, specifically youth involved with the courts including those under the supervision of child welfare and youth with substance abuse and mental health issues.[76]

The goal is to build and sustain supportive cross-systems relationships that can improve outcomes by improving assessment, case management and access to services in the Bronx community. The DOE hopes to expand this pilot to other counties.

Adolescent Diversion Program

In an effort to improve the judicial response to 16 and 17 year old offenders, Chief Judge Jonathan Lippman has piloted the Adolescent Diversion Program that assigns the cases of 16-and 17-year-olds charged with nonviolent low-level offenses to judges in Criminal Court who have received special training and have access to an expanded array of dispositional options.[77] There is one pilot part in each county in New York City and across the state. This program is a promising alternative for youth charged with school-related offenses.

CONCLUSION

These current efforts – in addition to the release of suspension, arrest and summons data – demonstrate the dedication to improving outcomes for our students that currently exists among students, parents, advocates, communities, schools, agencies, courts and government officials. As the Task Force also learned, many of the seeds of reform blossoming across the country have sometimes started here or exist as pilots in New York City. For example, Cincinnati's Community Schools are modeled on the community schools piloted in New York City. Cincinnati took giant step by using the community schools model in all its schools Citywide. The next challenge is how to grow these New York City reforms even more robustly, address the need to connect to City agencies and their services, link to community-based organizations, enhance the capacity of adults in schools and meet more of the needs of our students – needs that can be at the root of discipline issues and hold students back from academic achievement.

The recommendations set forth in this report are intended to strengthen the efforts in New York City. For example, advocates for students applaud some of the changes in the discipline code but also recognize that more needs to be done.[78] As the next New York City Mayor sets the course for continuing education reform, these recommendations offer a roadmap of next steps for a City-wide effort to take advantage of emerging approaches to school discipline that are effective and fair as a means to improve outcomes for all of our children – to keep students in school and out of court.

"Individual schools…working with the same resources and within the same statutory framework, have the power to affect their school disciplinary rates."

Dan Losen and Russel Skiba[79]

Let's ignite and support that power.

PART II: RECOMMENDATIONS AND STRATEGIES

Note: Research referenced in this section is cited in Part I.

LEAD RECOMMENDATION:

Develop a Mayoral-Led Initiative that Establishes a Shared Goal among Agencies, in Collaboration with the Courts, to Keep More Students Safely in School While Reducing the Use of Suspensions and School-based Summonses and Arrests.

IMPLEMENTATION STRATEGIES

1. Convene and implement a mayoral-led Leadership Team including key City agencies, the courts, parents, youth, law enforcement, the prosecutors, defense community, the teachers' and principals' unions, community-based organizations and advocates.
2. Establish and commit to shared goals and coordinated services and strategies that keep students safely in school while avoiding suspensions, arrests and summonses.
3. Use data and research on the individual student, teacher, school and campus levels to diagnose and address issues, and track and measure success.
4. Initiate a discipline and intervention or service provision data collection system for monitoring and evaluation with an initial grace period for agencies to evaluate and improve data quality before using for accountability.
5. Build upon the commitment to close the achievement gap articulated by Mayor Bloomberg's Young Men's Initiative.
6. Embrace an aggressive public engagement strategy.

1. Convene and Implement a Mayoral-Led Leadership Team including Key City Agencies, the Courts, Parents, Youth, Law Enforcement, the Prosecutors, Defense Community, the Teachers' and Principals' Unions, Community-Based Organizations and Advocates.

Leadership at the highest levels of government, in cooperation and collaboration with key stakeholders, is the lynchpin to achieving significant cross-system improvements. New York City is well situated to convene key leaders and build an integrated Leadership Team as mayoral control of the DOE provides the means to synchronize the goals of the DOE with that of other key City agencies, including the NYPD, the Department of Health and Mental Hygiene (DOHMH), the Administration for Children's

The undeniable truth is that the every-day educational experience for many students violates the principle of equity at the heart of the American promise. It is our collective duty to change that.

United States Department of Education Secretary Arne Duncan [80]

Services (ACS), the Department of Homeless Services (DHS), the Department of Probation, the Department of Youth and Community Development (DYCD) and the Office of Corporation Counsel.

Beyond the City agencies, this Leadership Team should include representatives of teachers and school leaders, as well as parents, youth and advocates. New York City is fortunate to have a rich community of parents, students and advocates who can continue to bring to the table their direct experience with schools, their knowledge of what their community needs and their collective experience of what works and what does not. Organizations – such as Dignity in Schools-New York, Advocates for Children of New York, Children's Defense Fund and the New York Civil Liberties Union – have had a central role in the advancements made to address the school-justice connection and their wealth of knowledge and ability to rally can be an asset to the Leadership Team moving forward. Finally, collaboration should include justice system partners – court leadership, as well as participation of the District Attorneys' Offices and the Legal Aid Society, in goal setting and strategy development.

2. Establish and Commit to Shared Goals and Coordinated Services and Strategies that Keep Students Safely in School while Avoiding Suspensions, Arrests and Summonses.

For this initiative to be successful, the Leadership Team will have to define shared goals across all of the partner constituencies. Day to day, each entity has its own distinct mission and population focus and develops its own priorities and strategies for attempting to generate the most impact on its target clients/consumers. However, New York City has achieved some of its greatest and most innovative successes when it has focused on shared goals across agencies, with different agencies pulling together actively to the same end. Similarly, with this initiative, the Leadership Team would establish a set of common goals to which all the partners will commit – and against which they would report their respective progress. The goals and strategies should be constructed in the context of a shared research-driven positive youth development framework, a good fit for the mission of all of the identified agencies, courts, families, students and other stakeholders. This evidence-based approach can provide both common vocabulary and a common understanding of the key concepts necessary to achieve success for all New York City's youth.

The Leadership Team is also well positioned to identify overlap in the populations being served, strategic advantages to coordinated responses, fiscal and resource efficiencies and leverage points that impact multiple clients/consumers simultaneously. With such active partnership and leadership at the highest levels, challenges will be quickly identified and solved and early successes will provide a cascade of positive results across systems. Other systems that have focused on achieving success in this arena have deployed multi-partner strategies – and have seen swift results. For example, the Cincinnati Strive Partnership unites the greater Cincinnati leaders at all levels of the education, non-profit, community, civic and philanthropic sectors around shared issues, goals, measurements and results, and then actively supports and strengthens strategies that work to promote the success of "every child, every step, from cradle to career."[81] This Partnership has seen significant increases in kindergarten readiness, graduation rates

and college enrollment.[82] With this Leadership Team in place, New York City can produce measurable results for students, parents and the community.

3. Use data and research on the individual student, teacher, school and campus levels to diagnose and address issues, and track and measure success.

Once the Leadership Team establishes the shared goals, those goals will drive the identification of the key research and data driven metrics for tracking achievement. This Report sets forth newly available data and research that can be deployed to support this initiative. And the active partnership described here presents an opportunity to enhance that data and research capacity by leveraging existing data collection for analysis and identifying focused areas for additional data collection. With increasingly sophisticated data collection and analysis, the Leadership Team will then have the capacity to make proactive use of this information to diagnose and solve challenges, track and adjust implementation, and report on successes.

- **Identify Metrics:** Metrics must be balanced to monitor both the safety and well-being of students and schools. Such metrics should include an analysis of the use of guidance interventions and positive behavioral supports, as well as of suspensions, summonses and arrests. The Task Force identified a set of suggested outcomes to monitor (see Table 3).
- **Engage in Analysis:** Data collection and basic data reporting is important but the Leadership Team will also need to invest in analysis. We recommend aggregate as well as school and community level reporting and analysis. Build on existing capacity to develop a longitudinal analysis to observe and monitor the relationship between discipline options, academic outcomes and court involvement. Such analysis provides opportunities for identifying bright spots in practice, ongoing challenges and opportunities for cross-system problem-solving.
- **Transparency:** Information on performance against the outcomes should be made publicly available.

Be empowered with data. The power of the Civil Rights Data Collection is not only in the numbers themselves, but in the impact it can have when married with the courage and the will to change.

United States Department of Education Secretary Arne Duncan[83]

TABLE 3. EXAMPLES OF SCHOOL- AND COURT-RELATED OUTCOMES TO MEASURE

Examples of School-Related Outcomes

- Improved safety in schools
- Increased use of positive discipline
- Increased attendance and engagement
- Reduced ambulance calls
- Increased percentage of youth connected to services
- Reduced suspensions
- Increased course passing rates and decreased grade retention rates
- Increased graduation rates
- Cost savings: reduced expenditure on suspension processes

Examples of Court-Related Outcomes

- Reduced summonses
- Reduced arrests
- Reduced court filings for school-related arrests
- Increased school re-enrollment for court-involved youth
- Improved school attendance and graduation rates for court-involved youth
- Reduced probation violations that are result of poor school attendance
- Reduced placements that are result of poor school attendance
- Cost savings: reduced expenditures for law enforcement, prosecutorial agencies, probation and the courts

4. Initiate a Discipline and Intervention or Service Provision Data Collection System for Monitoring and Evaluation with an Initial Grace Period for Agencies to Evaluate and Improve Data Quality Before Using for Accountability.

We recommend that the Leadership Team begin the initial data collection of the identified set of metrics with a grace period for all the agencies and partners to evaluate and improve the quality of their data and analysis before the data is utilized for accountability against outcomes (drawing on the lessons learned from the LAUSD model). Once the grace period concludes, a baseline can be determined and leadership can begin reporting.

5. Build upon the Commitment to Close the Achievement Gap Articulated by Mayor Bloomberg's Young Men's Initiative.

The Leadership Team should build on the current administration's commitment to close the achievement gap for students of color evidenced by the investment in the Young Men's Initiative referenced earlier.

Given the connection between suspensions, arrests and summonses and negative academic outcomes – school disengagement, truancy, falling behind grade level and failure to graduate – effective efforts to close the gap must address the use of exclusionary discipline practices that disproportionately affect youth of color, as well as students with disabilities. As demonstrated with Judges Teske and Huff's

Education is the game changer for young men of color.

NYC Probation Commissioner Vincent Schiraldi[84]

data, significant social and academic progress – that includes reducing disparities – are possible when minor misbehavior is kept out of the courts. The Leadership Team can illuminate the ways in which a commitment to positive interventions can help foster success for all of New York City's children.

6. Embrace an Aggressive Public Engagement Strategy.

This initiative requires ongoing dialogue with the public, supported by an active communications strategy. Parents, students and teachers need to know they will be safe and they need to understand and trust how the approaches adopted by the Leadership Team will help their schools and communities become safer. The public understands that schools have a critically important role in the lives of our children that includes teaching problem-solving skills and civic responsibility – and they will want to understand and weigh in on any new approaches.

CONCLUSION

New York City has been a pioneer in convening high level, cross-system leadership – with proactive use of data to drive positive change. New York City can adapt that model to this initiative so that schools become the best they can be with the support of other agencies, the courts, community and stakeholders. There are already examples of New York City schools that have demonstrated impressive results, creating safe, positive climates for students to learn and grow, and for teachers and staff to teach and guide. This leadership initiative is designed to leverage those examples into system-wide change – we need all of New York City's children to have the necessary opportunities and skills to be successful.

RECOMMENDATION A:
Adopt a Graduated Response Protocol

IMPLEMENTATION STRATEGIES

1. Develop a Graduated Response Protocol and build school-level capacity to support its implementation to resolve student misbehavior at the school level without the use of suspensions, summonses or arrests and thereby commit to reserve court for the most egregious cases.

2. Identify, utilize and continuously evaluate diversion interventions for effectiveness and appropriateness.

1. Develop a Graduated Response Protocol and Build School-Level Capacity to Support its Implementation to Resolve Student Misbehavior at the School Level Without the Use of Suspensions, Summonses or Arrests and Thereby Commit to Reserve Court for the Most Egregious Cases.

Court should be the last resort for addressing all but the most egregious school-related misbehavior. As documented in this report, the high volume of arrests and summonses in New York City is generated in large part by minor misbehavior, misbehavior that many New York City schools and other jurisdictions successfully manage through non-court based interventions. New York City can take that positive approach system-wide resulting in better results for students and savings for government agencies and partners across the City.

One important tool to that end would be the development of a citywide Graduated Response Protocol, which requires agreement between DOE, NYPD, the prosecutorial agencies, probation and the courts about the sanctioned responses to different levels of misbehavior – incentivizing school-based, rather than court-based, resolution. Such protocols can be an important tool to support the recognition of schools as powerful teachers of civic behavior and responsibility, incorporating the use of evidence-based positive responses shown to produce better outcomes for students, teachers and the community.

The Leadership Team consists of the right entities to build a strong Graduated Response Protocol for New York City. New York City can adapt the protocols already implemented in Connecticut, Alabama and Georgia.

- **Delineate Offenses:** These protocols carefully delineate the offenses governed by the protocol and spell out a graduated process of interventions that school staff, school safety agents and police officers follow prior to invoking the justice system. In developing and implementing these protocols, the prosecutorial agencies, probation and the courts work hand in hand with the schools and law enforcement to outline agreement about each stage of the graduated response and then hold their respective entities accountable for operating according to that agreement. The participating entities must meet regularly to address any challenges that arise from the day-to-day implementation of the protocol and to continue to refine the range of responses to improve effectiveness and efficiencies.

- **Operationalize Chancellor's Regulation A-412:** Such a protocol should incorporate the use of a conference convened at the school prior to a referral to the justice system, operationalizing Chancellor's Regulation A-412. This regulation establishes the requirement that consultation shall occur between school leadership

and school safety agents and police officers prior to issuing a summons or arresting a student, except under exigent circumstances. In our school visits, Task Force members heard from school leadership and students about examples that resulted in de-escalation and positive resolution to the satisfaction of school safety agent or police officer, school staff and the students. A Graduated Response Protocol would help institutionalize this practice system-wide.

- **Address Use of Summonses:** The Protocol should also include specific guidance limiting the use of summonses for school-based incidents. The Leadership Team must evaluate the costs and benefits of using a criminal justice response to these minor, non-criminal incidents of student misbehavior, including the costs of judicial resources, the impact of students missing school to attend a court hearing and the individual student's accountability for the school-based incident. Since almost two-thirds of summonses reported through the Student Safety Act were for disorderly conduct, this approach presents a significant opportunity for school personnel and school safety agents and police officers to make a difference by limiting students' non-constructive contact with the criminal justice system while addressing the misbehavior and achieving both efficiencies and cost-savings.

2. Identify, Utilize and Continuously Evaluate Diversion Interventions for Effectiveness and Appropriateness.

To build school-level capacity to implement a Graduated Response Protocol effectively, the Leadership Team needs to utilize the protocol as a teaching tool to help guide commitment to system-wide positive interventions. The Leadership Team needs to provide an overview of diversion interventions that work, determine the process to select and implement the best diversion interventions, determine how intervention success will be measured and offer guidance on how schools will shift toward more evidence-based practices. To that end, the Leadership Team will have to develop a plan that will help schools identify, implement and evaluate diversion interventions.

Law schools and the DOE can also capitalize on the new requirement spearheaded by Chief Judge Lippman that law students complete 50 hours of pro bono service[85] by supporting the deployment of law students to city schools to assist with the implementation of restorative justice and other positive practices, as well as provide increased representation to young people at suspension hearings.

CONCLUSION

A Graduated Response Protocol is a concrete innovation the Leadership Team can develop and implement to shift unnecessary use of criminal justice resources by decreasing the reliance on arrests and summonses in favor of positive, school-based responses. The courts, city agencies and stakeholders in turn need to extend their support and expertise to the schools to help them implement effective alternatives to justice system involvement. If done well, more students will stay in school and out of the court system – a big step toward improved student outcomes and more effective use of public resources.

RECOMMENDATION B:
Build Improved Capacity Across Schools with Supports to Implement Positive Discipline Strategies and Reduce Reliance on Suspensions, Summonses and Arrests.

IMPLEMENTATION STRATEGIES

1. Build upon strategies in the SY2013 Discipline Code to promote and institutionalize positive approaches to discipline to ensure these are the responses of choice in schools Citywide.

2. Build capacity for schools to implement and institutionalize the commitment to use positive interventions and identify necessary funding.

3. Expand student support services by partnering with City agencies, service providers and the community and providing more social workers, guidance counselors and mental health providers – starting with high needs schools.

4. Measure and monitor the implementation of guidance interventions and positive discipline (e.g., positive behavior interventions, social-emotional learning and restorative practices) to ensure these are the responses of choice in schools Citywide.

5. Revise school report cards to measure and report on positive innovation in school discipline.

6. Identify schools with low rates of suspensions, summonses and arrests, and encourage creative use of resources to permit staff to provide peer support for schools that are struggling.

1. Build Upon Strategies in the SY2013 Discipline Code to Promote and Institutionalize Positive Approaches to Discipline to Ensure These are the Responses of Choice in Schools Citywide.

The SY2013 Discipline Code incorporates guidance interventions and includes a greater emphasis on proactively promoting positive student behavior through an increased focus on school culture, implementation of progressive discipline, including restorative approaches, student engagement and the role of social emotional learning. The Leadership Team should build on these positive changes to the Discipline Code to further promote the use of guidance interventions and remove suspension as an option for more categories of offenses.

The DOE and its partners should increase training and support for students, teachers, school leadership, and school safety agents and police officers. Currently, the DOE provides a menu of social and emotional learning training, PBIS implementation support and restorative justice intervention models, but the investment to date has not taken these efforts system-wide. The Leadership Team can pave the way and make real a system-wide commitment to the goal, identifying resources and shifting expectations in favor of guidance responses and affirmatively away from suspension, summons and arrest. This support must be ongoing, with technical assistance provided to schools that are struggling with implementation.

2. Build Capacity for Schools to Implement and Institutionalize the Commitment to Use Positive Interventions and Identify Necessary Funding.

School personnel and school safety agents and police officers need skills in classroom management and de-escalation techniques that are based on a culturally competent understanding of child development and age-appropriate positive approaches to school discipline. This is an ongoing process that requires training and support from the school and the community.

The DOE's Office of Safety and Youth Development offered a number of professional development opportunities for school-based staff during the SY2013, including Restorative Approaches, Peer Mediation, Negotiation Skills, Life Space Crisis Intervention, Collaborative Problem Solving, Respect for All and Guided Discipline.[86] The Office of Safety and Youth Development also provided training to school safety agents and police officers during SY2013 that applied the Collaborative Problem Solving method. This approach establishes a philosophy, a way of thinking about children who present challenging behaviors, and a framework for identifying problems and giving students the skills to better navigate their lives. It also provides a common language for examining problems and developing strategies for all student support providers, including agencies, schools and caring adults.

This is a commendable first step. Now the Leadership Team needs to ensure all personnel in contact with students have these competencies by providing sufficient and ongoing training, including implicit bias training, for all staff, a means to access technical assistance in the implementation of strategies and sufficient funding so that it happens.

3. Expand Student Support Services by Partnering with City Agencies, Service Providers and the Community and Providing More Social Workers, Guidance Counselors and Mental Health Providers – Starting with High Needs Schools.

We recommend expanding access to social workers, nurses, psychologists and guidance counselors and building on programs that successfully engage parents. Based on our school visits and discussion with Task Force members, we learned that many school staff feel isolated when trying to manage student misbehavior that stems from a developmental disability or perceived mental health or substance abuse problems. Although staff believe limited supports exist in the community, often they do not know how to identify that assistance, let alone how to access it. The DOE currently offers some services and programs geared toward supporting high needs students in traditional schools, but scaling up may be a challenge.

- **Focus Resources:** Focusing resources on the limited number of high needs schools that also have the highest numbers of suspensions, summonses and arrests has the potential to significantly impact the lives of students who attend those schools. We know from the research that high rates of suspension and arrest impact not only the students who are most directly affected but also impact the entire school, making students and teachers feel unsafe. Students who feel unsafe have trouble learning and teachers who feel unsafe have trouble teaching. Shifting the paradigm will foster social and emotional learning – that in turn will support academic success. The Texas study demonstrated that individual

schools, regardless of risk factors, can "make a difference in whether students are successful in avoiding discipline actions."[87] In short, high use of suspensions, summonses and arrests is less a function of the needs of the students in a school than a function of the school culture.

- **Address Challenges:** The challenges that many schools face are real – and those challenges do need to be addressed if the Leadership Team is to succeed in steering a system-wide course toward successful positive interventions. To this end, we recommend using data from multiple service-providing agencies, including the DOE, NYPD, physical and mental health information from Health and Hospitals Corporation (HHC), child welfare information from ACS, information on homelessness from DHS, to identify schools that are "high needs." The number of Emergency Medical Services calls by a school can also be used as a diagnostic tool to identify high needs schools. Finally, the suspension, summons and arrest data currently available can be expanded and with further analysis can be utilized to identify with more specificity which schools are struggling the most. The point is not to punish high needs schools that make liberal use of suspensions, summonses and arrests but rather to use the data diagnostically to understand the underlying drivers triggering the use of these interventions. The Leadership Team can create clear expectations regarding reductions in the use of exclusionary discipline while promoting positive alternatives that are supported by community partners and providing targeted funding to increase school-based supports to high needs schools. This will require the identification of and development of working relationships with community partners that can or do provide services to students and an investment of funds.

- **Integrated Approach:** New York City was an early innovator of the community school model, an integrated approach incorporating wellness and social services as well as family supports designed to engage parents into the school community. Partnerships with community based organizations are robust at some specialized schools and learning environments such as the transition schools for over-age, under-credited students,[88] and some Alternative Learning Centers that students attend while serving long-term suspensions. Once again, the challenge for the Leadership Team is to identify those models and then grow that capacity Citywide. Some of that learning should foster expansion of more specialized schools – but there is also an opportunity to take the learning from the existing specialized schools and share it broadly with mainstream schools to help them grow and develop the capacity to meet the needs of all of New York City's students.

4. Measure and Monitor the Implementation of Guidance Interventions and Positive Discipline (e.g., Positive Behavior Interventions, Social-Emotional Learning and Restorative Practices) to Ensure these are the Responses of Choice in Schools Citywide.

Data is a fundamental tool for discussion, policy development, planning and accountability. It is essential to document the status and consequences (both negative and positive) of current practices and policies and to encourage emerging and proven practices and policies that generate safe, respectful and supportive learning environments; hold students accountable for their behavior; reserve the use of punitive measures – including school suspension and mandatory arrest – for the most egregious cases; and address the over-

representation of suspensions among Black students and students receiving special education services to help children succeed in school and prevent their involvement in the justice system in the first instance and re-engage those children that do get involved.

In addition to the expertise within DOE and other City agencies, the Leadership Team can leverage the expertise of education research centers, such as New York University and John Jay College of Criminal Justice, to develop a range of research-informed metrics to build accountability and recognize and reward success.

5. Revise School Report Cards to Measure and Report Positive Innovation in School Dicipline.

Institutionalizing incentives to change school culture can include revising school report cards to recognize innovation in school discipline at the principal level, reflecting the intersecting importance of student social and emotional learning and school climate with academic performance and discipline practices.

6. Identify Schools with Low Rates of Suspensions, Summonses and Arrests, and Encourage Creative Use of Resources to Permit Staff to Provide Peer Support for Schools that are Struggling.

The Leadership Team can put the high performing schools to work to share with their peers how positive interventions can be done well and to good effect. Utilizing data analysis, the Leadership Team should identify those schools with low rates of suspension, summonses and arrests, and allow creative use of resources to permit staff from these schools to provide support to peer schools that are struggling to create a positive school culture and safe school climate while relying excessively on suspensions, arrests and summonses. The DOE and its partners should identify successful models of collaboration between schools and community-based agencies, and expand those models to other schools. Schools that have already been able make this collaboration work can inform the work of other schools with similar needs, strengths and challenges.

CONCLUSION

While these supports may require additional initial investment, it is important to recognize that failing to address these needs also carries costs. The Leadership Team is ideally positioned to recognize cross-system costs – and the potential of integrated funding. Building the necessary supports will not be possible with education funding alone. Schools in New York City and elsewhere have demonstrated that strategic use of partnered social service, health, mental health and education investments can leverage results that would not be possible with education funding alone.

This integrated approach has been described by U.S. Secretary of Education Arne Duncan as having a different vision, leveraging resources, not just money. He describes it as an efficient use of funding to achieve results in high needs schools.

For every dollar we're spending on this, we're getting investments of five, six and seven dollars between state and federal non-profit partners coming in.

United States Secretary of Education, Arne Duncan[89]

RECOMMENDATION C:
Focus the Role of School Safety Agents.

IMPLEMENTATION STRATEGIES

1. Focus the role of school safety agents on school safety and not as first responders for everyday school misbehavior.
2. Track school arrests and summonses by school, including breakdowns by sex, age, race, ethnicity and disability status.
3. Integrate school safety agents with the assigned school administration team to develop, support and work toward the shared goals of improving school engagement and attendance and reducing suspensions, summonses and arrests.
4. Identify skills needed and provide applicable training for school safety agents based on youth development principles to promote culturally competent skills and positive interaction with students.
5. Assure routine conferencing between principals and school safety agents prior to an arrest or issuing a summons, as required by Chancellor's Regulation A-412.

1. Focus the Role of School Safety Agents on School Safety and Not as First Responders for Everyday School Misbehavior.

The Leadership Team should focus the role of school safety agents and police officers so that their efforts are reserved for keeping schools safe and not as first responders for everyday school misbehavior. The data gathering and analysis efforts of the Leadership Team will allow the partners to identify the underlying needs that trigger the law enforcement response for minor incidents and the lessons to be learned from schools and school safety agents and police officers who have had success in more positive responses. School safety agents and police officers and the courts are a costly resource, and their work should be focused on misbehavior that actually requires a law enforcement response. School personnel and school safety agents and police officers should be supported to operate as a team – conferencing when incidents occur, consulting regularly to ensure consistent responses, and building shared commitments to a positive school climate and strong student achievement.

> *…the future of policing is not in handcuffs.*
>
> *Former NYPD Commissioner William J. Bratton*[90]

2. Track School Arrests and Summonses by School, Including Breakdowns by Sex, Age, Race, Ethnicity and Disability Status.

The NYPD has the capacity to take the existing data analysis to the next level and work with the DOE to identify schools that are struggling and those that are having success. Attention should also be given to whether students issued summonses or arrested have special needs. Progress in bridging the achievement gap for students of color requires improved data analysis that bridges the DOE and NYPD.

3. Integrate School Safety Agents with the Assigned School Administration Team to Develop, Support and Work Toward the Shared Goals of Improving School Engagement and Attendance and Reducing Suspensions, Summonses and Arrests.

Based on our school visits and the experiences of Task Force members, it is clear that school leaders at some schools with low suspension rates have developed strong working relationships with school safety personnel. They have also established alternatives to criminal justice methods as a more effective response. These schools do not depend on school safety agents and police officers as the first responders to handle students with emotional or behavioral issues. When the expectations are aligned and school safety personnel are included in the school team, school safety agents and police officers are better positioned to have positive interactions with students and share in the decision-making with staff.

We recommend that the Leadership Team recognize the role that school safety agents and police officers can have in improving student engagement and attendance at the school level and include the NYPD with DOE and the other agencies in making this a shared goal. Healthy school climates – recognized in the literature as a critical pre-requisite to learning – are not the job of education personnel alone, and school safety agents and police officers should be made partners in this critical aspect of school operation. The rewards of a positive relationship between school safety agents and police officers and students and parents have implications beyond the school setting and can help support the role of police in the community.

4. Identify Skills Needed and Provide Applicable Training for School Safety Agents Based on Youth Development Principles to Promote Culturally Competent Skills and Positive Interaction with Students.

We recommend that the Leadership Team support promising practices for school safety agents and police officers with respect to: pre-service and ongoing training, staffing, management and oversight, and maintaining safety through means other than arrests and summonses.

It is important that agents get training in how to deal with students. That's what they're doing 90 percent of the time. So we have increased the training they get in conflict resolution and how to deal with students. We agree they need further training in those areas, and we want additional training for that purpose.

NYPD School Safety Division Chief Brian Conroy [91]

Currently, new school safety agents receive 14 weeks of training before assignment to a school, with a focus on law enforcement topics, supplemented by a one-day training by the DOE as an introduction to the Discipline Code. Task Force members have been partnering with the NYPD to explore other promising topics for training

including research-supported social-emotional intervention techniques and role plays involving students and parents. For example, the NYC DOE Office of Safety and Youth Development sponsored a training for 1,500 school safety division personnel in the "Collaborative Problem Solving Approach," an innovative, evidence-based model currently used in families, special and regular education classrooms, and therapeutic and juvenile detention facilities across the country.

We recommend that agents and officers working in the New York City schools be supported with specialized training that focuses on adolescent needs and behavior and distinguishes their role from that of school staff for addressing students' needs and maintaining safety. The Leadership Team can capitalize on the growing body of research and practice-based curricula targeted to the needs of school law enforcement.[92] One example of an innovative approach to training is found in the Rochester School District. Rochester staff recognize they are still a work in progress, struggling mightily with their academic outcomes. But they believe they have moved one important step closer by reducing their levels of suspension and arrest. To that end, they have institutionalized joint school officer and student training to prepare school safety agents and police officers to forge positive relationships with youth conducive to maintaining a culture of safety, respect and trust. Important training topics include grounding in adolescent development, youth de-escalation and implicit bias, as well as skills development and training for the school safety agents and police officers' work with students with special needs.

5. Assure Routine Conferencing between Principals and School Safety Agents and Police Officers Prior to an Arrest or Issuing a Summons as Required by Chancellor's Regulation A-412.

Under Chancellor's Regulation A-412 and the NYPD and DOE Memorandum of Understanding (NYPD/DOE MOU, first signed in 1998), school safety agents and police officers assigned to the schools have discretion to arrest students for misbehavior/incidents that occur at school. School safety agents and police officers are required to consult with the principal prior to effecting the summons or arrest, unless there is an imminent safety risk. If there is an imminent safety risk, they must establish order but still conference after. There is no public data that could allow the Task Force to assess how often those consultations occur in practice. The Leadership Team should underline its commitment to the required conferencing and track and assess the use of conferencing system-wide.

CONCLUSION

School safety agents and police officers play a critical role in supporting a healthy school culture. They are usually the first staff to greet a student or parent in the morning and they can be the staff that students and teachers turn to during moments of crisis. The success of the Leadership Team in achieving the shared goal of reducing the use of arrest and summons in addressing school-based misbehavior will require special attention to defining the role of the school safety agents and police officers and supporting the special skill sets they require to do their work well.

RECOMMENDATION D:
Improve Educational Planning for Court-Involved Youth.

IMPLEMENTATION STRATEGIES

1. Utilize the court process as a catalyst to address educational needs.
2. Acknowledge the central role of school with respect to all school-aged court-involved youth.
3. Establish a common goal of improving school enrollment, attendance and achievement for court-involved youth.
4. Require inter-agency planning and conferencing prior to key decision-making points in the court process.
5. Create agreements and guidelines to foster prudent information-sharing.
6. Draw on lessons learned from schools with demonstrated success in engaging and serving these students and foster these strategies Citywide.

1. Utilize the Court Process as a Catalyst to Address Educational Needs.

The Task Force recognizes that court-involved youth present special challenges when it comes to understanding the opportunities and the difficulties inherent in partnership among schools, justice systems and other agencies. These youth are at the highest risk for poor academic and life outcomes. They are also a group of youth who can generate significant costs – costs for detention and placements, costs for jail and prisons, costs that arise from untreated or under-treated mental health issues, costs in lost time in school and lost potential wages over their lifetime, costs for the future of our nation. In short, there are enormous benefits to focusing on the educational needs of court-involved youth and addressing those needs early and often in the court process.

Most young people who come to court are already struggling with school and many have special needs that have not been addressed. For example, between 33 and 50 percent of students in DOE District 79's educational programs for justice-involved youth are classified as Special Education, which is more than double the rate of the general public school enrollment.[93] We recommend utilizing the court encounter as a catalytic opportunity to address the educational needs of youth who are school-aged. School is not peripheral to a youth's experience – it is central – and must be recognized as such as part of the court proceedings. We need to make it much easier for schools to interact constructively with the courts, and we need to recognize that robust educational planning for court-involved youth – many of whom may have undiagnosed special needs – may require more than the schools to effect.

One of the challenges for the schools in seeking to partner with the courts is the bifurcation of responsibility based on age and offense between the Family and Criminal Courts. The DOE serves students who cross this divide, making for a bewildering array of parallel processes and terms. For most students arrested prior to their 16th birthday, the case is referred to the Family Court. Risk assessment and ultimately, disposition planning generally includes the gathering of limited school-related information – e.g., attendance records and suspension information – that is presented to the court for dispositional purposes. However, it is difficult for the parties who lack the requisite capacity, access and expertise to provide the court with an effective recommendation for addressing school-related concerns.

Students arrested at age 16 or older are referred to the Criminal Court. As Task Force members stressed, it is Criminal Court – not the more often referenced Family Court – that handles the bulk of school-driven court referrals. All of the summonses are handled in Criminal Court, as were 64 percent of the 882 of school-based arrests that occurred over the course of the last school year. There is currently little or no opportunity to address school needs or planning in the Criminal Court for these youth.

In an effort to improve the judicial response to 16- and 17-year-old offenders, Chief Judge Jonathan Lippman has piloted the Adolescent Diversion Program that assigns the cases of 16-and 17-year-olds charged with nonviolent low-level offenses to judges in Criminal Court who have received special training and have access to an expanded array of dispositional options. This program is a promising alternative for youth charged with school-related offenses.

2. Acknowledge the Central Role of School with Respect to all School-Aged Court-Involved Youth.

Recognizing the central role of school with respect to all school-aged, court-involved youth, the Leadership Team should work in partnership with the Family and Criminal Courts to require inter-agency planning and conferencing prior to key decision-making points in the court process.

3. Establish a Common Goal of Improving School Enrollment, Attendance and Achievement for Court-Involved Youth.

The Leadership Team should establish a common goal for improving school enrollment, attendance and achievement for court-involved youth. Metrics for success need to be carefully chosen and align with realistic expectations for youth facing educational challenges. This focus on the educational needs and outcomes of students who may have a history of being disconnected from school must take into account that youth development is not a linear path and setbacks should not lead to more punitive interventions if immediate success is not achieved.

4. Require Inter-Agency Planning and Conferencing Prior to Key Decision-making Points in the Court Process.

Judges should be encouraged to access more information about the educational needs of court-involved youth and create the expectation that they should routinely receive personalized educational plans with appropriate services and resources, plans that are developed prior to key decision-making moments in the court.

Developing and presenting a personalized education plan in Family and Criminal Courts is an important strategy for improving school outcomes for court-involved youth. To effectuate this planning, the Leadership Team should select a lead agency with the authority and capacity to access school, behavioral health and other support services necessary for good inter-agency planning. Resources – such as mental health supports, after-school programming and a school placement that meets this student's needs – should be drawn from not just DOE alone, but also with the active participation of DOHMH, DYCD, ACS, Probation, the student's attorney and others to support the lead agency's planning process. In Family Court, the DOE has available one education liaison in each county, except for Brooklyn and Staten Island which share a single education liaison. With more

than 7,000 juvenile delinquency filings in the Family Court Citywide in 2010,[94] clearly we need a more robust model to deliver educational planning and support to the courts, perhaps even drawing on volunteers from the private Bar (including retired practitioners).

5. Create Agreements and Guidelines to Foster Prudent Information-Sharing.

Agencies and justice officials need access to information about students across systems to effectuate meaningful conferences prior to presenting an educational plan to the court. However, past efforts on information-sharing across agencies have struggled to produce clear legal paths that permit the sharing of student information necessary to facilitate the recommended inter-agency conferences. One promising partnership in New York City is already underway through the Georgetown University inter-agency data sharing initiative. Task Force participants and leadership from the DOE, ACS, Corporation Counsel, Legal Aid and the Mayor's Office are focused on making it possible for agencies to share information, without violating the privacy of youth and their families through careful analysis of existing regulations and laws and the construction of MOUs. Such a step is a necessary pre-requisite to developing the capacity to convene the agencies to share the information that would drive individualized planning and present the court with solutions, rather than a list of the youth's problems.

6. Draw on Lessons Learned from Schools with Demonstrated Success in Engaging and Serving These Students and Foster These Strategies Citywide.

We urge that City resources be invested to build on the lessons learned from successful initiatives – incorporating more of those lessons into existing schools and expanding the menu of specialized schools with expertise relevant to this court-involved population. Schools such as the widely praised Transfer School model and Young Adult Borough Centers (YABCs) in New York City have developed particular expertise working with students who are off track for high school graduation in four years – and who have typically experienced large gaps in attending school or have even dropped out altogether. We want to see the expertise that already exists in New York City grow – and we want to see more children and youth with these challenges achieve success.

CONCLUSION

The Leadership Team can help make New York City a national model of constructive inter-agency action to improve outcomes for court-involved youth. This model transforms the court process into a catalytic opportunity to re-engage and facilitate meaningful planning for these youth. This opportunity will require investment and a fundamental paradigm switch – but it promises much better outcomes for the critical "school-to-prison" population.

RECOMMENDATION E:
Improve Educational Re-Engagement for Placed and Sentenced Youth.

IMPLEMENTATION STRATEGIES

1. Prioritize re-enrollment, attendance and educational attainment for school-aged youth who have been placed or sentenced.
2. Identify common, cross-systems goals of improving re-enrollment and educational achievement.
3. Make school transfers easier and grow the existing options and capacity of schools to meet the needs of transitioning youth.
4. Validate the work of schools that successfully serve disengaged, over-age and under-credited students with appropriate metrics for monitoring and evaluating their progress.
5. Build on existing transition pilots with partners that include the schools and courts.

1. Prioritize Re-enrollment, Attendance and Educational Attainment for School-aged Youth Who Have Been Placed or Sentenced.

Court-involved youth who are placed out of home or spend time in detention, jail or prison are at high risk of poor educational outcomes – of never graduating from high school, much less attending college. Two-thirds of students returning to school after prison drop out.[95]

The DOE's District 79 provides education to the City's justice-involved youth. Transitions to and from detention and incarceration occur frequently and must be facilitated with individualized, rigorous planning (academic, social/emotional, post-secondary preparation) and comprehensive supports.[96]

Through a partnership with the courts, the Leadership Team needs to prioritize re-enrollment, attendance and educational attainment for school-aged youth who are placed or sentenced.

2. Identify Common, Cross-Systems Goals of Improving Re-Enrollment and Educational Achievement.

During placement and incarceration, regular attendance at school is required for school-aged youth, and for some, this period has been the most consistent educational experience in a long time. Judges and justice officials can play a significant role in continuing this momentum by prioritizing the re-enrollment and attendance of school-age youth returning from incarceration/placement. The Leadership Team can make the re-enrollment and educational achievement of these youth a shared goal and work closely with the court to identify the supports necessary to achieve these goals.

3. Make School Transfers Easier and Grow the Existing Options and Capacity of Schools to Meet The Needs of Transitioning Youth.

The process for granting school transfers, especially safety transfers, should be made easier, as part of an overall strategy to increase capacity to match youth to schools. For many of these students, re-enrollment in their home school is not the best option. New York City has examples of schools that have had documented success with youth facing challenges that are often found among court-involved youth. Transfer schools and other examples referenced above

are strong models that could be replicated, creating more options for this population. Demand for slots in most of these schools already exceeds supply – and unfortunately, under the pressure to produce academic success on the same terms as all other schools, there are unintended incentives for schools not to enroll court-involved youth.

The Leadership Team should grow the supply to meet the demand. But there is also an important opportunity to grow the lessons learned from these existing successful specialized schools and import those lessons back to the mainstream schools.

4. Validate the Work of Schools that Successfully Serve Disengaged, Over-Age and Under-Credited Students with Appropriate Metrics for Monitoring and Evaluating their Progress.

The Leadership Team should recognize the challenges and support the good work of schools that provide close attention and support to students with significant life obstacles. Specifically, the DOE should allow Transfer Schools and other schools and programs that educate students who are over-age and under-credited (that often includes students who have been court-involved) to use accountability measures on school report cards that most accurately evaluate the progress made by this population of students. Currently, these schools are measured by the same standards used for traditional schools despite these schools' commitment to serve all students – many of whom come to them not on track to graduate within four years.

Students enrolled in transfer schools are already behind in terms of grade promotion, yet school report cards use four-year instead of five-year graduation rates to measure the progress these schools make with its student population. Consequently, schools that are making significant progress are still at risk of penalty. There is strong research to support the success of these schools – and that research could provide a solid foundation for additional or alternative metrics that would maintain accountability and reward success.

5. Build on Existing Transition Pilots with Partners that Include the Schools and Courts.

The Leadership Team has an excellent opportunity to build on recently seeded local pilots for youth placed on probation in Brooklyn and the Bronx that involve the courts, DOE, Probation and community providers to improve school outcomes for youth who are placed or sentenced to jail or prison. The DOE has allocated resources to support a partnership with the Family and Criminal Courts in the Bronx and Brooklyn, and the Department of Probation, to create transition coaches to work directly with young people upon their release to get them re-enrolled in school and remove any obstacles to their attending. The transition coach model has shown tremendous success in other jurisdictions, including Washington State and Rhode Island. [97]

Brooklyn's Back on Track model offers previously incarcerated young adults a full-time social worker and comprehensive services in one location, including:

- physical and mental health services,
- substance abuse treatment, and
- adult, English as a Second Language (ESL) and General Educational Development (GED) classes.

Coordinating resources under one roof provides a rare opportunity for these young adults to access a full array of support services, effectively eliminating the need to spend countless hours traveling across the borough.

CONCLUSION

As with so many of the other initiatives highlighted by the Task Force, the seeds for positive change are already available both locally and nationally to help New York City grow its capacity to better serve previously placed and incarcerated youth. While historically their educational outcomes have been dismal, these programs and interventions have either demonstrated success or great promise. Once again, the role of the Leadership Team is to take these important reforms Citywide and make New York City the model for educational attainment for all youth.

SUMMARY

New York City has a proud tradition of turning conventional wisdom on its head and achieving remarkable results. A recent example underscores this point. In the United States, conventional wisdom is and has been that mass incarceration is the cost of keeping communities safe. But New York City has proved otherwise. Even as the incarceration rate in New York City declined significantly, with a drop in the prison population of 17 percent between 2001 and 2009 and in the jail population by 40 percent from 1991 to 2009, the number of felonies reported by New York City to the Federal Bureau of Investigation also declined, down 72 percent. New York City proved conventional wisdom wrong with the result that thousands fewer people have been incarcerated – saving the City and State taxpayers two billion dollars a year.[98]

New York City also has the capacity to safely reduce the number of school-related incidents that ultimately lead to youth entering the Family and Criminal Courts. With mayoral leadership, New York City is in a unique position to foster collaboration among justice and education officials, social services, advocates, community-based organizations, parents and youth to commit to keeping many more children in school and out of the court system. Judges can also play a pivotal role in convening stakeholders.

We know that the challenges to systemic implementation of positive alternatives to punitive school discipline and prevention strategies continue to be funding for education support staff – including counselors and social workers in school – and sufficient funding for the type of comprehensive and continuing professional development and training necessary to ensure fidelity in the implementation of comprehensive reform as well as staff time demands and competing priorities for schools.[99] The Leadership Team must acknowledge and address those real issues in schools and provide tangible resources and incentives, beginning with those schools determined to have the highest needs – to ensure that the essential reform contemplated by this report occurs.

We recognize that in order to achieve this goal we will have to work together to reduce school suspensions and school-related arrests and summonses. New York City already has models; we can learn from them. We also know of promising practices in other parts of the country. Yes, we can borrow the best and take it to the next level. All of our young people deserve an opportunity to become successful and productive adults, and it is our role as adults to find the supports necessary to make that happen. The court system is no place for a child to grow up in.

APPENDIX A

NYC SCHOOL-JUSTICE PARTNERSHIP TASK FORCE: METHODOLOGY, PROCESS AND MEETING INDEX

Methodology and Process

The Task Force membership includes judges and their representatives from the Family and Criminal Courts; representatives from the New York and Kings' County District Attorneys' Offices and from the Legal Aid Society; a cross-section of leaders and experts from the New York City DOE; representatives from both the Council of School Administrators and the United Federation of Teachers; advocacy groups, including those representing students and parents; and academics. Representatives from other key New York City agencies, including the Department of Youth and Community Development; the Administration for Children's Services; and the Department of Probation, have presented or participated in the Task Force's work. Members were selected for the Task Force based not only on their breadth of expertise but also on their commitment to using data to diagnose problems and highlight good practice. Task Force members made a significant commitment of time over an almost two-year period for meetings with others from New York City and around the country; collect and analyze available data; study innovative positive youth development research and evidence-based practices; and develop the set of recommendations that form the basis of this Report.

To supplement the research provided by the presenters in our workgroup sessions, we conducted a literature review and participated in interviews with stakeholders, including meetings with members of the Dignity in Schools-New York campaign. In addition, members made visits to a series of high needs schools, as well as to a community school, to discuss with school leaders and students their own experiences with suspensions, summonses and arrest.

The use of data proved integral to the work of the Task Force. An important source was the data released as a result of New York City Local Law 6 of 2011 - the Student Safety Act - providing suspension, summons and arrest data. While the Act provides a wealth of new information, it does not, unfortunately, include court data, nor does it link the summons or arrest data to school or to the suspension data. This data is analyzed on an annual and not a longitudinal basis and it is only available beginning in SY2011. As a result, the Task Force sought out additional information. The Task Force is indebted to the Manhattan District Attorney's Office for conducting a sample review of arrests over a four-year period by school address, as well as to New York City Family Court Administrative Judge Edwina Richardson-Mendelson and Supervising Judge Monica Drinane of Bronx County Family Court for conducting a review of cases filed during two three-week periods for school-related arrests. This additional data provided valuable insight into the clustering of school-related arrests at particular schools, and the prevalence of school-related incidents that are referred to Family Court.

Upon completion of the research phase of the Task Force work, we convened six half-day deliberation sessions to develop the recommendations that form the basis of this Report. To focus the unique

perspectives that Task Force members bring to this project, we divided the deliberation sessions into two groups focusing on practice in courts and practice in schools, and advanced those recommendations that build on the unique strength of partnerships between the justice and education systems.

The results of our deliberation sessions were presented to the entire Task Force for final review and discussion. As a result, the recommendations in this Report were developed with significant input and evaluation by the Task Force members. We express our deepest appreciation to the Task Force members and their representatives who worked so hard and so caringly as they shaped themselves into a model of what a robust partnership between school and justice leaders can accomplish. In the words of one stakeholder, partnership is necessary – but that does not mean it is easy. They raised difficult topics with grace, worked hard to understand one another and looked for opportunities to find common ground – always keeping in mind the ultimate goal, improving life outcomes for New York City's students.

Finally, our meetings took place at Skadden, Arps, Slate, Meagher & Flom, and we express our gratitude to the firm for facilities (and food) that enabled us to work comfortably and efficiently. Food and facilities helps in producing good outcomes – a message relevant as well to the problems we address.

INDEX OF TASK FORCE MEETINGS/SCHOOL VISITS

MEETING DATE	MEETING TYPE	SPEAKER/TOPIC
June 24, 2011	Task Force Meeting 1	**Judith S. Kaye**, former Chief Judge of the State of New York and Chair of the NYS Permanent Judicial Commission on Justice for Children and Task Force **Task Force Staff** *New York City School-Justice Partnership*
July 27, 2011	Engagement Work Group	**Task Force Staff** *Identification of National Promising Practices*
August 1, 2011	Data Work Group	**Task Force Staff** *Overview of Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement*
September 19, 2011	Re-engagement Work Group	**Judge Huff**, Chief Judge, Juvenile Court of Clayton County, GA *Courts Role in Dismantling the School-to-Prison Pipeline*
September 19, 2011	Engagement Work Group	**Nancy Franklin**, Director of LRE Programs in the Division of Special Education for Los Angeles Unified School District (LAUSD), CA *PBIS in LAUSD*
September 22, 2011	Data Work Group	**Task Force Staff** *NYPD Most Active Schools Report*
October 12, 2011	Engagement Work Group	**Roey Ahram**, Senior Project Associate, Metropolitan Center for Urban Education *Culturally Competent Classroom Management Practices*
October 18, 2011	NYS Permanent Judicial Justice for Children	**Michael Thompson**, Director, Justice Center, Commission on Council on State Governments *Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement*
October 19, 2011	Re-engagement Work Group	**Simon G. Gonsoulin, M.Ed.**, American Institutes for Research Nicholas Read, American Institutes for Research *Reentry Programs for Youth in Juvenile Justice System*
October 28, 2011	Task Force Meeting 2	**David Osher, Ph.D.**, Vice President, American Institutes for Research, Co-Director, AIR's Human and Social Development Program *Successfully Transitioning Youth Who are Neglected or Delinquent between Institutions and Alternative Schools* **Jeffrey Sprague, Ph.D.**, Professor of Special Education and Director of the University of Oregon Institute on Violence and Destructive Behavior *The Role of PBIS and SEL Practice and Systems in School/ Community Partnerships*

MEETING DATE	MEETING TYPE	SPEAKER/TOPIC
November 10, 2011	Re-engagement Work Group	**Vanessa Rodriguez**, Chief Executive Officer, NYC DOE District 79 **Tim Lisante**, Superintendent of Under 21 Programs, NYC DOE **Sarah Sandelius**, Executive Director of Policy and Student Advocacy, NYC DOE **Chad Ferguson**, Executive Director of Student Support Services, NYC DOE *District 79 Alternative Schools and Programs*
December 5, 2011	Data Work Group	**Task Force Staff** *Review of Student Safety Act Data on NYC Arrests and Suspensions* **Nitin Savur, Esq.**, Deputy Chief, Trial Division, New York County District Attorney Office *New York County District Attorney School-related Arrests Data on Youth Ages 16 and 17 Year*
December 14, 2011	Engagement Work Group	**Jonathan Brice, M.S., M.Ed.**, School Support Networks Officer, Former ED of Student Support & Safety Baltimore City Public Schools *Reducing Suspensions in Baltimore Schools, MD*
December 15, 2011	Re-engagement Work Group	**Kathleen Sande**, Program Supervisor for Institution Education Schools at the Washington State Office of Superintendent of Public Instruction **Kristen Schutte**, Student Services Center Director for Olympic Educational Service District 114, WA *Re-entry Programs using Educational Advocates,* **Lisa Conlan**, Director of Development and Training at the Parent Support Network of Rhode Island *Impact of Systems of Care Approach to Youth Re-entering from Placement - Project Hope*
January 23, 2012	Re-engagement Work Group	**Lisa Thurau, Esq.**, Founder, Strategies for Youth *Policing the Teen Brain* **Lori Baldwin**, Rochester School District **Lisa Berkawich**, Rochester School District Christina Dandino, Monroe DSS *Improving Relations Between Students and School Safety Officers*
January 25, 2012	Data Work Group	**Task Force Staff** *NYPD Data Analysis and Suspension Data Analysis*
February 3, 2012	Task Force Meeting 3	**Elayna Konstan**, Chief Executive, New York City Department of Education Office of School and Youth Development *Office of School and Youth Development*

MEETING DATE	MEETING TYPE	SPEAKER/TOPIC
March 1, 2012	Engagement Work Group	**Greg Greicius**, Senior Vice President for Educational Initiatives at Turnaround for Children *Mental Health and Schools in High Need Communities*
April 4, 2012	All Work Groups	**Avni Bhatia**, Skadden Fellow at AFC *NYC DOE Discipline Code* **Liz Sullivan**, Human Right to Education Program Director, NESRI *Dignity in Schools Model Discipline Code*
May 2012	School Visits	**MS 301 Paul L. Dunbar Middle School** – School Visit
May 2012	School Visits	**10th Street Boys' Club Alternative Learning Center (ALC)** – School Visit
May 2012	School Visits	**East Bronx Academy for the Future** – School Visit
May 2012	School Visits	**Jill Chaifetz Transfer High School** – School Visit
June 5, 2012	All Work Groups Meeting	**Satish Moorthy**, Regional Special Education Technical Assistance Support Center, New York City *PBIS* **Loren Bohlen**: Deputy Executive Director, Special Education at NYC Department of Education *Special Education Reform*
June 15, 2012	All Work Groups Meeting	**Judge Jimmie Edwards**, 22nd Judicial Circuit of Missouri Family Court Juvenile Division, St. Louis, MO *Innovative Concept Academy*
June 22, 2012	Task Force Meeting	**Task Force Staff** Vincent Schiraldi, Commissioner, NYC Department of Probation *The NYC Model of Probation: A Focus on Education Presentation to the NYC School-Justice Partnership Task Force Meeting, June 22, 2012*
September 24, 2012	Deliberation Meeting 1	Deliberation Group One
September 25, 2012	Deliberation Meeting 1	Deliberation Group Two
October 11, 2012	Deliberation Meeting 2	Deliberation Group One
October 12, 2012	Deliberation Meeting 2	Deliberation Group Two
October 22, 2012	Deliberation Meeting 3	Deliberation Group One
October 23, 2012	Deliberation Meeting 3	Deliberation Group Two
January 18, 2013	Task Force Meeting	**Task Force Staff** Overview of Deliberation Process Review of Recommendations Presentation of the Strategies Overview of the Identified Outcomes
February 5, 2013	School Visits	**IS 218 Salomé Ureña Middle Academies** – School Visit

REFERENCES

[1] *See* U.S. Department of Justice *The Justice Blog* at http://blogs.justice.gov/main/archives/997.

[2] *See* Race to the Top at http://www2.ed.gov/programs/racetothetop/index.html (accessed 4/17/13).

[3]Race to the Top provision as described by Delisle, D. (Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education). 2012. Testimony before US Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights December 12, 2012 Ending the School-to-Prison Pipeline Hearing. http://www.judiciary.senate.gov/pdf/12-12-12DelisleTestimony.pdf (accessed 3/19/13).

[4] *See* Supportive School Discipline Initiative at http://www.justice.gov/opa/pr/2011/July/11-ag-951.html.

[5] *See* U.S. Senate Committee on the Judiciary at http://www.judiciary.senate.gov/hearings/hearing.cfm?id=b61e5f08eadf22b2ec4ab964fc64ae9f.

[6] In tandem with the Task Force, Judge Kaye convened the National School-Justice Partnership Summit in early 2012, bringing judicial, education and other stakeholder representation from 45 states, DC, Puerto Rico and the Virgin Islands. These leaders heard from innovative practitioners and cutting edge researchers about a wide range of successful interventions that were reducing suspensions and court involvement for youth. In addition, Judge Kaye convened the New York State Leadership School-Justice Partnership Summit in April 2013, to bring together educators, judges and other leaders from across the state to provide an opportunity to deepen that set of partnerships and build statewide consensus to promote school discipline reform throughout the state.

[7] *See* Student Safety Act (*New York City Charter*, sec 1, chap 20 § 529. Education department and police department school incident reporting requirements). New York City. *New York City Charter.* http://72.0.151.116/nyc/charter/entered.htm (accessed 3/19/13); New York Civil Liberties Union. *The Student Safety Act*. http://www.nyclu.org/schooltoprison/ssa (accessed 3/19/13).

[8] New York City Department of Education. November 16, 2012. Cover memorandum to release of School Safety Act data, November 16, 2012.

[9] New York Civil Liberties Union. *SSA Reporting on Arrests and Summonses: July 1, 2011 – June 30, 2012.* http://www.nyclu.org/files/releases/School%20Safety%20Fact%20Sheet%202011-2012.pdf (accessed 4/23/13).

[10] *See* New York City School Discipline Code at http://schools.nyc.gov/RulesPolicies/DisciplineCode/default.htm for short list of seriously dangerous or violent behavior for students in grades 6-12 that mandates suspension; absent these circumstances, school staff have discretion to request a suspension for all other misbehavior outlined in the NYC DOE Discipline Code. Thus, throughout this report we refer to "mandatory suspensions" and "discretionary suspensions."

[11] New York City Department of Education, November 16, 2012.

[12] Suspension data are reported by school and arrest and summons data are reported by patrol borough. It is not possible to determine arrest and summons rates for schools and therefore not possible to compare suspension, arrest and summons rates by schools.

[13] Decker, G. May 1, 2012. "School EMS Referrals, on the Rise, Catch City Council's Attention." *GothamSchools.* http://gothamschools.org/2012/05/01/school-ems-referrals-on-the-rise-catch-city-councils-attention/ (accessed 4/17/13).

[14] Brice, J. December 14, 2011. *Reducing Suspensions in Baltimore Public Schools*. Presentation at the December 14, 2011 NYC School-Justice Task Force meeting. New York, NY.

[15] SY2006 is used as the baseline for suspensions since it is the first year schools were mandated to report suspensions electronically through the Suspensions and Office of Hearing Online (SOHO) system.

[16] *See* New York City Department of Education. *Citywide Standards of Interventions and Discipline Measures: The Discipline Code and Bill of Student Rights and Responsibilities, K-12*, Effective September 2011 (in effect during SY2012) "Engaging in an altercation and/or physically aggressive behavior, other than horseplay, or other minor altercations as described under B24, which creates a substantial risk of or results in minor injury" can result in wide course of action ranging from a parent conference to a "superintendent's suspension that results in extended suspension for 30 to 90 school days with an automatic review for early reinstatement after 30 or 60 school days." Horseplay is defined as "shoving, pushing, or engaging in other similar physical behavior towards students or school personnel (e.g., horseplay or pushing past another person), or throwing an object (e.g., chalk) or spitting at another person" and can be met with a wide range of responses, from "admonishment by pedagogical school staff" up to a "superintendent's suspension that results in immediate reinstatement" for students in K-5 or a superintendent's suspension lasting six to ten days for students in grade six or beyond. Insubordination can include "defying or disobeying the lawful authority of school personnel or school safety agents" and can lead to the same responses as those for horseplay.

[17] *See* NYC Department of Education at http://schools.nyc.gov/Offices/District75/Departments/IEP/default.htm or U.S. Department of Education at http://www2.ed.gov/parents/needs/speced/iepguide/index.html.

[18] New York City Department of Education, November 16, 2012.

[19] New York State Permanent Judicial Commission on Justice for Children. 2013. Relative rate index analysis. Demographic source: New York City Department of Education, S-Form. https://reports.nycenet.edu/Cognos84sdk/cgi-bin/cognosisapi.dll (accessed 2/20/13); Suspension source: NYC Department of Education, Reported Under School Safety Act; Arrest source: NYPD, Reported Under Administrative Code 14-152, School Safety Act. Note: Summons data are not available by race/ethnicity.

[20] Race and Ethnicity are self-reported categories and considered two distinct constructs. The Census currently uses six race categories: White; Black or African American; American Indian or Alaskan Native; Asian; Native Hawaiian and other Pacific Islander; and some other race. Hispanic origin refers to an ethnicity separate from race; therefore, Hispanics may be of any race. Hispanic is defined as a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race. Race/ethnicity data is crucial for the implementation and evaluation of programs and enforcement of laws, e.g., the Civil Rights Act. Public and private organizations use race/ethnicity data to identify and address needs.

[21] New York City Department of Education, November 16, 2012.

[22] New York State Permanent Judicial Commission on Justice for Children, 2013.

[23] Losen, D.J. and R.J. Skiba. 2010. *Suspended Education: Urban Middle Schools in Crisis*. Los Angeles, CA: The Civil Rights Project/Proyecto Derechos Civiles, The University at California. http://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/suspended-education-urban-middle-schools-in-crisis/Suspended-Education_FINAL-2.pdf (accessed 3/15/13).

[24] Skiba, R.J., R.S. Michael, A.C. Nardo and R.L. Peterson. 2002. "The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment." *The Urban Review.* 34(4): 317-342.

[25] New York City Department of Education, November 16, 2012; New York City Department of Education, November 1, 2011. Cover memorandum to release of School Safety Act data; *See* NYC Department of Education, J-Form. http://schools.nyc.gov/AboutUs/data/stats/arreports.htm (accessed 2/20/13).

[26] Parascandola, R., C.R. Marcius and D. Beekman. January 30, 2013. "Bronx Boy Wilson Reyes, 7, Cuffed for Hours in Police Precinct after Swiping Another Kid's Money." *New York Daily News.* http://www.nydailynews.com/new-york/bronx/boy-cuffed-held-kid-money-article-1.1250928 (accessed 2/25/13).

[27] New York State is one of two states where the age of criminal responsibility is 16 – prosecuting 16- and 17-year-olds as adult criminals. Chief Judge Jonathan Lippman is spearheading the Raise the Age initiative in New York State and has proposed legislation to increase the age to 18 for all misdemeanors and non-violent felonies. See *State of the Judiciary 2013* at 9-11. http://www.nycourts.gov/ctapps/news/SOJ-2013.pdf (accessed 4/29/13).

[28] New York State Family Court Act § 301.2(1). http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$FCT301.2$$@TXFCT0301.2+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=20334379+&TARGET=VIEW (access 4/25/13).

[29] Parascandola, Marcius & Beekman, 2013.

[30] The count of summonses includes only those made by school safety personnel who are assigned to particular schools. Therefore, this figure is likely an under-count since it does not include summons issued by police officers called into school.

[31] New York Penal Law § 240.20. Disorderly Conduct. http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$PEN240.20$$@TXPEN0240.20+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=32572022+&TARGET=VIEW (accessed 4/23/13).

[32] New York State Permanent Judicial Commission on Justice for Children. 2012. *Bronx County Family Court School-Justice Survey: Petitions Based Upon School-related Incidents, November 23 to December 16, 2011 and January 23 to February 10, 2012*. Albany, NY.

[33] Bureau of Planning and Management New York County District Attorney's Office. December 5, 2011. *Defendants Aged 16 and 17, Offenses in Manhattan Schools.* Presentation at December 5, 2011 New York City School-Justice Partnership Task Force meeting. New York, NY: New York County District Attorney's Office.

[34] Planty, M., W. Hussar, T. Snyder, G. Kena, A. KewalRamani, J. Kemp, K. Bianco and R. Dinkes. 2009. *The Condition of Education 2009: Indicator 28 Suspensions and Expulsions.* Washington, DC: National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education. http://nces.ed.gov/programs/coe/pdf/coe_sdi.pdf (accessed 2/6/13).

[35] Hanson, J. February 4, 2013. "Student Suspended for Texting Mom." *WMC-TV.* Memphis, TN. http://www.wmctv.com/story/20959780/student-suspended-for-texting-mom (accessed 2/6/13).

[36] Chen, S. February 18, 2010. "Girl's Arrest for Doodling Raises Concerns about Zero Tolerance." *CNN.* http://articles.cnn.com/2010-02-18/justice/new.york.doodle.arrest_1_zero-tolerance-schools-police-precinct?_s=PM:CRIME (accessed 2/11/13).

[37] Fabelo, T., M. D. Thompson, M. Plotkin, D. Carmichael, M.P. Marchbanks and E.A. Booth. 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. http://knowledgecenter.csg.org/kc/content/breaking-schools-rules-statewide-study.

[38] Losen, D.J. and T.E. Martinez. 2013. *Out of School & Off Track: The Overuse of Suspensions in American Middle and High Schools.* UCLA's Civil Rights Project: The Center for Civil Rights Remedies. http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/out-of-school-and-off-track-the-overuse-of-suspensions-in-american-middle-and-high-schools/Outof-School-OffTrack_UCLA_4-8.pdf.

[39] Ewing, C.P. January/February 2000. "Sensible Zero Tolerance Protects Students." *Harvard Education Letter*; Public Agenda. 2004. *Teaching Interrupted: Do Discipline Policies in Today's Public Schools Foster the Common Good?* http://www.publicagenda.org/files/teaching_interrupted.pdf (accessed 3/15/13).

[40] American Psychological Association Zero Tolerance Task Force, 2008.

[41] 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.

[42] Sprague, J. 2011. *The Role of PBIS and SEL Practice and Systems in School-Community Partnerships.* Presentation at the October 28, 2011 New York City School-Justice Partnership Task Force meeting. New York, NY.

[43] American Psychological Association Zero Tolerance Task Force, 2008.

[44] Hemphill, S.A., J.W. Toumbourou, T.I.Herrenkohl, B.J. McMorris and R.F. Cataloano. 2006. "The Effects of School suspensions and Arrests on Subsequent Adolescent Antisocial Behavior in Australia and the United States." *Journal of Adolescent Health*. 39:736-744.

[45] American Psychological Association Zero Tolerance Task Force, 2008.

[46] Losen & Skiba, 2010 at 10.

[47] Salsich, A. 2013. *Keeping Schools Safe, Youth, Safety, and Violence: Schools, Communities, and Mental Health.* New York, NY: Vera Institute of Justice at 3; American Psychological Association Zero Tolerance Task Force, 2008.

[48] *See* Karp, D. R., and B. Breslin. 2001. "Restorative Justice in School Communities." *Youth & Society,* 33(2): 249–272; U.S. Department of Education's Office of Special Education Programs Center on Positive Behavioral Interventions and Supports Effective Schoolwide Interventions at http://www.pbis.org (accessed 4/23/13); Collaborative for Academic, Social, and Emotional Learning at http://casel.org (accessed 4/23/13).

[49] Osher, D. October 28, 2011. *Successfully Transitioning Youth Who are Neglected or Delinquent between Institutions and Alternative Schools.* Presentation at the October 28, 2011 NYC School-Justice Task Force meeting. New York, NY.

[50] Sprague, October 28, 2011.

[51] Losen & Skiba, 2010.

[52] Brice, December 14, 2011.

[53] *See* e.g., Karp & Breslin, 2001.

[54] Sprague, October 28, 2011.

[55] *See* Rosenberg, M.S. and L.A. Jackman. 2003. "Development, implementation, and sustainability of comprehensive school-wide behavior management systems," *Intervention in School and Clinic*. 39:10-21.

[56] Sprague, October 28, 2011.

[57] *See*, e.g., Osher, D.M., J.M. Poirier, G.R. Jarjoura, R. Brown and K. Kendziora. 2013. *Avoid Simple Solutions and Quick Fixes: Lessons Learned from a Comprehensive Districtwide Approach to Improving Conditions for Learning.* American Institutes for Research. http://www.air.org/files/Avoid_Simple_Solutions_and_Quick_Fixes_Osher_January_2013.pdf (accessed 4/23/13).

[58] Collaborative for Academic, Social, and Emotional Learning. *What is SEL?* at http://casel.org/why-it-matters/what-is-sel/ (accessed 4/24/13).

[59] Children's Aid Society and National Center for Community Schools. 2011. *Building Community Schools: A Guide for Action.* New York, NY. at 17.

[60] Basch, C.E. 2010. "Healthier Students Are Better Learners: A Missing Link in School Reforms to Close the Achievement Gap." *Equity Matters: Research Review No. 6.* New York, NY: Teachers College, Columbia University.

[61]Bryk, A.S. April 2010. "Organizing Schools for Improvement." *Phi Delta Kappan*, 91(7): 23-30.

[62] Annie E. Casey Foundation. *As Suspensions, Expulsions and Juvenile Arrests Grow, JDAI Sites Push Back* http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative/Resources/May10newsletter/FeatureStory.aspx (accessed 4/23/13).

[63] National Council of Juvenile and Family Court Judges. 2012. *NCJFCJ to Launch New Project to Keep Kids in School and Out of Court.* http://www.ncjfcj.org/ncjfcj-launch-new-project-keep-kids-school-and-out-court (accessed 4/18/13).

[64] *See* Juvenile Detention Alternative Initiative http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative/Resources/May10newsletter/FeatureStory.aspx (accessed 4/18/13).

[65] Huff, B. September 19, 2011. *School Offense Protocol.* Presentation at the September 19, 2011 New York City School-Justice Partnership Task Force meeting. New York, NY.

[66] Ibid.

[67] Teske, S.C. and B. Huff. Winter 2011. "When Did Making Adults Mad Become a Crime? The Court's Role in Dismantling the School-to-Prison Pipeline." *Juvenile and Family Justice Today*, 14-17.

[68] Edwards, J. June 15, 2012. *Innovative Concept Academy.* Presentation at the June 15, 2012 New York City School-Justice Partnership Task Force. New York, NY.

[69] Franklin, Nancy. September 19, 2011. *PBIS in LAUSD.* Presentation at the September 19, 2011 New York City School-Justice Partnership Task Force. New York, NY.

[70] Baldwin, L., C. Dandino and L. Burkovich. January 23, 2012. *Rochester School Safety Officer-Youth Training.* Presentation at the January 23, 2012 New York City School-Justice Partnership Task Force. New York, NY.

[71] New York City Department of Education. *Cohorts of 2001 through 2007 (Classes of 2005 through 2011) Graduation Outcomes.* Data Files: Citywide. http://schools.nyc.gov/Accountability/data/GraduationDropoutReports/default.htm (accessed 3/15/13). The cohort consists of all students who first entered 9th grade in a given school year (e.g., the Cohort of 2007 entered 9th grade in the SY2008 with expected graduation in June SY2012). Graduates are defined as those students earning either a Local or Regents diploma and exclude those earning either a special education (IEP) diploma or GED.

[72] *See* Young Men's Initiative. NYC Center for Economic Opportunity at http://www.nyc.gov/html/ceo/html/ymi/ymi.shtml (accessed 3/15/13).

[73] New York City Administration for Children's Services and Department of Probation. *Re-Envisioning Juvenile Justice in New York City A Report from the NYC Dispositional Reform Steering Committee.* http://www.nyc.gov/html/prob/downloads/pdf/reinvisioning_juvenile_justice_report_revised.pdf (accessed 4/19/13).

[74] Education Subcommittee of the New York City Juvenile Justice Advisory Committee. *Purpose of Committee.* Correspondence to the New York State Permanent Judicial Commission on Justice for Children. Bronx County Family Court.

[75] *See* New York City School Discipline Code at http://schools.nyc.gov/RulesPolicies/DisciplineCode/default.htm.

[76] Office of Safety and Youth Development. 2013. Correspondence to the New York State Permanent Judicial Commission on Justice for Children. New York City Department of Education.

[77] Center for Court Innovation. 2012. *Adolescent Diversion Program: The Court System Pilots a New Approach to Young Offenders.* http://www.courtinnovation.org/research/adolescent-diversion-program-court-system-pilots-new-approach-young-offenders (accessed 4/29/13).

[78] Dignity in Schools. 2012. *NYC Schools Propose Changes to Discipline Code.* http://www.dignityinschools.org/news/nyc-schools-propose-changes-discipline-code(accessed 4/19/13).

[79] Fabelo et al., 2011.

[80] Office for Civil Rights. March 2012. *The Transformed Civil Rights Data Collection (CRDC).* U.S. Department of Education.at 14. http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf (accessed 4/23/13).

[81] Strive Together. http://www.strivetogether.org/about-the-partnership/a-letter-to-the-community (accessed 4/29/13).

[82] Strive. *Strive Story.* http://strivenetwork.org/vision-roadmap/strive-story (accessed 4/29/13).

[83] Office for Civil Rights. March 2012. *The Transformed Civil Rights Data Collection (CRDC).* U.S. Department of Education.at 14. http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf (accessed 4/23/13).

[84] Schiraldi, V. June 22, 2012. *The NYC Model of Probation: A Focus on Education.* Presentation to the June 22, 2012 NYC School-Justice Partnership Task Force Meeting. New York, NY.

[85] New York Court of Appeals. September 14, 2012. *Amendment of the Rules of the Court of Appeals for the Admissions of Attorneys and Counselors of Law.* http://www.courts.state.ny.us/attorneys/probono/Rule520_16.pdf (accessed 4/22/13); Also see. Podgers, J. March 1, 2013. *New York's new rule requires bar applicants to perform 50 hours of pro bono*. ABA Journal. http://www.abajournal.com/magazine/article/new_yorks_new_rule_requires_bar_applicants_to_perform_50_hours_of_pro_bono/ (accessed 4/22/13).

[86] Office of Safety and Youth Development. *SY2012-13 Professional Development Opportunities for school-based Staff*. New York City Department of Education.

[87] Fabelo, et al., 2011. p.83.

[88] Office of Multiple Pathways to Graduation. 2006. *Multiple Pathways Research and Development: Summary Findings and Strategic Solutions for Overage, Under-Credited Youth.* New York City Department of Education. http://www.parthenon.com/GetFile.aspx?u=%2fLists%2fIndustries%2fAttachments%2f9%2fNYC%2520DOE%2520Office%2520of%2520Multiple%2520Pathways%2520Findings%25202006.pdf (accessed 4/16/13).

[89] SouthEast Education Network. August 23, 2010. *The SEEN Interview: Secretary of Education Arne Duncan with Charles Sosnik.* http://www.seenmagazine.us/articles/article-detail/articleid/837/the-seen-interview-secretary-of-education-arne-duncan.aspx (accessed 4/30/13).

[90] Tierney, J. January 25, 2013. "Prison Populations Can Shrink When Police Crowd Streets." *New York Times*. (accessed 1/25/13).

[91] Letch, C. June 29, 2012. "Bronx Parents Question NYPD and DOE on School Safety." *New York Daily News*. (accessed 7/13/12).

[92] Thurau, L. 2012. January 23, 2012. *Policing the Teen Brain in School.* Presentation at the January 23, 2012 New York City School-Justice Partnership Task Force meeting. New York, NY.

[93] NYC Department of Education, District 79. November 10, 2011. *District 79 Alternative Schools and Programs.* Presentation at the November 10, 2011 New York City School-Justice Partnership Task Force meeting. New York, NY.

[94] NYC Family Court. *2010 Annual Report.* http://www.nycourts.gov/courts/nyc/family/2010%20Annual%20Report%20NYC%20Family%20Court.pdf (accessed 2/15/13).

[95] Osher, 2011.

[96] New York City Department of Education, District 79, November 10, 2011.

[97] Ibid.

[98] Austin, J., M. Jacobson and I. Chettiar. 2013. *How New York City Reduce Mass Incarceration: A Model for Change?* New York, NY: Vera Institute of Justice.

[99] Council of State Governments Justice Center. 2013. *School Discipline Consensus Project Survey of School System Leaders.* http://blogs.edweek.org/edweek/rulesforengagement/AASA%20School%20Climate%20Survey.pdf (accessed 4/30/13).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