

THE \$746 MILLION A YEAR SCHOOL-TO- PRISON PIPELINE

The Ineffective, Discriminatory, and Costly
Process of Criminalizing New York City Students



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ABOUT THE AUTHORS



The Center for Popular Democracy is a nonprofit organization that promotes equity, opportunity, and a dynamic democracy in partnership with innovative base-building organizations, organizing networks and alliances, and progressive unions across the country.

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The Urban Youth Collaborative is led by young people and brings together New York City students to fight for real education reform that puts students first. Demanding a high-quality education for all students, our young people struggle for social, economic, and racial justice in our schools and communities. Our organizational members include Make the Road New York, Sistas and Brothas United, and Future of Tomorrow.

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Contents

Executive Summary	1
Introduction	5
Supportive Schools are <i>Safer</i> than Punitive Schools: NYC Chooses a Punitive Approach	10
The Impact of NYC’s Harsh Policies on Black and Latinx Students and Students with Disabilities	13
\$746 Million a Year: The Economic Impact of Ineffective, Harsh, and Discriminatory Policies	16
The City’s Investment in Exclusionary Policies	21
Suspensions and Arrests Have a Financial Impact of More than \$394 Million Per Cohort	24
The Young People’s School Justice Agenda	26
Conclusion	30



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The \$746 Million a Year School-to-Prison Pipeline

The Ineffective, Discriminatory, and Costly Process of Criminalizing New York City Students

Executive Summary

Since the start of the 2013–2014 school year, tens of thousands of New York City’s (NYC) students have been arrested, suspended, or given a summons at school. NYC public schools’ continued reliance on punitive school climate strategies—in-school police presence and alarmingly high suspensions rates—are ineffective, harm students and exacerbate existing inequities along lines of race and disability. These strategies also drain public funds that could be used to help ensure that all young people receive the support, resources, and access to opportunities they need to thrive.

Harsh disciplinary policies, executed by both police and school personnel, lead to high rates of permanent dropout as well as ongoing, and often escalating, entanglements in the criminal legal system.* This pattern is widely referred to as the “school-to-prison pipeline.”¹ NYC’s school-to-prison pipeline is rooted in a history of racial segregation and the punitive treatment of Black and Latinx** children in our public schools.² More recently, officials have imbedded Broken Windows policing strategies in schools by directing resources toward criminal punishment for low-level infractions and continue the practice of criminalizing normal youthful behavior.³ For years, youth-led organizations and other advocates have organized to transform approaches to school culture from punitive discipline that push students out of school to restorative practices that facilitate improved environments and provide social and emotional supports. These efforts have resulted in some changes, but students still experience high rates of exclusionary discipline and disparities remain deeply entrenched within the school system.

Supportive Schools are Safer than Punitive Schools: NYC Chooses a Punitive Approach

The school-to-prison pipeline is enabled by the Department of Education (DOE) and the New York City Police Department (NYPD).

* This report uses “criminal legal system” rather than “criminal justice system” to acknowledge the many forms of systematic injustice which are reproduced and entrenched by policing practices, courts, and prisons.

** Latinx is a gender-neutral alternative to Latino/Latina.

- The NYPD currently assigns 5,511 personnel to the School Safety Division (SSD), including 190 armed officers and 4,692 School Safety Agents (SSA). Many of the officers and agents within this division are empowered to detain, arrest, and issue court summonses to students. In 2016, law enforcement, including NYPD officers and SSAs made 1,263 arrests, and issued 907 summonses and 922 juvenile reports to students in public schools.⁴
- In the 2015–2016 school year, the Department of Education removed students from class 11,943 times, suspended students for five days or less 27,122 times, and suspended students for five to 180 days 10,525 times.⁵ Suspensions led to children missing a minimum of 316,104 days of school in the 2015–2016 school year; the equivalent of 1,756 school years.⁶ In that amount of time, a single student could attend a four-year college 439 times over.⁷

Suspensions, arrests, and interactions with police have a negative impact on school climate and academic performance. An analysis of patterns of arrest and dropout in Chicago public schools suggests that students arrested in the 9th or 10th grade are significantly more likely to drop out of high school than non-arrested students with similar socioeconomic backgrounds.⁸ Suspensions increase the likelihood that students will drop out by 15 percent, and significantly increase their chances of interacting with the criminal legal system.⁹ Over time, these harsh and punitive systems of discipline also generate “collateral damage” which “negatively affects the academic achievement of non-suspended students in punitive contexts.”¹⁰

The presence of police in schools, along with the harsh discipline policies implemented by school officials, have been justified as necessary for ensuring safe learning environments in schools with predominantly Black and Latinx populations. However, there is no clear evidence to support the argument that punitive policies create safer learning environments.¹¹ In fact, schools that adopt these policies are no more safe or orderly even after years of punitive enforcement.¹² By contrast, research demonstrates that investment in strong and supportive relationships between staff and students is the greatest predictor of school safety.¹³ Despite this evidence, NYC still employs far more NYPD personnel than social workers and guidance counselors. Compared to 5,511 NYPD School Safety Division personnel, there are only 2,800 full-time guidance counselors and 1,252 full-time social workers employed to support the city’s 1.1 million students.¹⁴

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The Impact of NYC’s Harsh Policies on Black and Latinx Students and Students with Disabilities

The school-to-prison pipeline deepens the stark disparities in NYC schools, particularly along lines of race and disability. Research shows that Black and Latinx students do not misbehave more frequently or more severely than White students yet are disproportionately policed, as indicated by the most recent data from the NYPD:¹⁵

- Compared to White students, police are 8.3 times more likely to intervene in a disciplinary situation if a student is Black, and 4.4 times more likely to intervene if a student is Latinx.¹⁶
- Black and Latinx youth make up 92 percent of all arrests, 91.7 percent of all summonses, and 91.4 percent of all juvenile reports, highly disproportionate to their presence in the school

population, which is 67.1 percent.¹⁷

- These policies have an especially harsh impact on immigrant students, which is compounded by the current federal administration’s commitment to deporting undocumented individuals who have committed any chargeable offense, no matter how small.¹⁸

The DOE’s practice of exclusionary discipline has similarly disparate racial impacts.¹⁹ The DOE’s most recent data show that:

- Black students make up 27 percent of the student population but account for 54 percent of students receiving long-term suspensions and 48 percent of students receiving suspensions up to five days.^{**20}
- While students with disabilities are only 18.7 percent of the student population, they account for 42.7 percent of students receiving long-term suspensions, 37 percent of those receiving suspensions lasting up to five days, and 40 percent of students removed from a class.²¹

\$746 Million a Year: The Economic Impact of Ineffective, Harsh, and Discriminatory Policies

We have known for years that these criminalizing and exclusionary practices are discriminatory, but they are also expensive. **Each year, the school-to-prison pipeline in NYC costs more than \$746.8 million. This figure includes a minimum of \$397.6 million in direct investments through the city budget and \$349.1 million in social costs, which include \$108 million in lost tax revenue.**²²

While astonishing, these figures still vastly undercount many of the direct costs of this system which are obscured by a lack of data. These unknown costs include the use of metal detectors and cameras, as well as the costs of litigation and incarceration. In addition, while the School Safety Division budget is more than \$357.1 million, its personnel execute less than 12 percent of all the arrests, summonses, juvenile reports and other interventions in schools, leaving much of the personnel and administrative costs unknown.²³

The Young People’s School Justice Agenda

Young people are at the forefront of a growing movement demanding that New York City divest from punitive, ineffective, costly, and discriminatory disciplinary policies, and instead invest in creating schools that respond to student needs and provide all students with access to opportunities necessary to thrive in school and beyond. The Young People’s School Justice Agenda, developed by youth leaders, highlights the vision for supportive and inclusive schools.

The Young People’s School Justice Agenda Calls on New York City to:

- **Divest from over-policing young people** by removing police officers and metal detectors; ending arrests, summonses, and juvenile reports for all non-criminal violations and misdemeanors; and creating alternatives to arrests and incarceration for students charged with felonies.

*** This report uses “long-term suspensions” to refer to Superintendent Suspensions, which are between five and 180 days. “Suspensions lasting up to five days” refers to Principal Suspensions.

- **Invest in supportive programs** by implementing restorative practices citywide;²⁴ creating a mental health service continuum; increasing the number of trained and supervised guidance counselors and social workers; and providing culturally responsive education.
- **Invest in opportunities for students to thrive** by creating a universal youth jobs program; providing reduced-fare MetroCards for all low-income residents, and free unlimited MetroCards for students; supporting College Access programs; and providing free, high-quality public higher education at CUNY.
- **Change policies to help create safe and inclusive schools** by expunging students' criminal and discipline records; clearing outstanding warrants from summonses; eliminating suspensions for defying authority; mandating guidance interventions before the use of suspensions; limiting long-term suspension to 20 days; and fulfilling a ban on suspending students in Kindergarten through third grade.

New York City's *divestment* from the School-to-Prison Pipeline, would provide at a minimum **\$397,646,303** that could be *re-invested* in:

Supportive Programs

Restorative Practices

\$66,000,000

Mental Health Service Continuum

\$7,725,000

Culturally Responsive Education

\$60,000,000

Guidance Counselors and Social Workers

Opportunities for Students to Thrive

Universal Youth Jobs

\$163,000,000

Reduced-fare MetroCards for Low-Income New Yorkers

\$115,000,000

College Access Programs

\$15,000,000

Free, High-Quality Public Higher Education at CUNY

Free Unlimited MetroCards for Students



Introduction

In her sophomore year of high school, Ari was outgoing and had already begun to plan for her future. Her work with a community organization helped shape her vision. With this group, she fought against forms of oppression faced by youth of color, youth with disabilities, and those who identify as LGBTQ. In the fall of her sophomore year, Ari was close to securing an internship with a local afterschool program in her East New York neighborhood and was working hard to steadily improve her grades. At the same time, Ari struggled with leaving her family home and transitioning into foster care. Like so many New York City youth, she was full of both promise and vulnerability, in need of compassion and encouragement.

But, on a fall day, tension between her friend and another student began to bubble over. A verbal argument started in the hallway. Ari intervened, hoping to de-escalate the situation and remove her friend. Yet the situation escalated; the verbal argument turned physical and Ari found herself right in the middle of it. Teachers pulled the students apart before anyone was hurt and brought them to the Administrator's office.

Ari was ready to take responsibility for her role in the fight, but she was not prepared for her school's reaction. Her school recommended a long-term suspension of **60 days**.

Just when Ari most needed school staff trained to support her through the challenging transition to foster care, the school system pushed her away. Her school became a site of hostility and rejection rather than engagement.

More than a year after her suspension, Ari still struggles to keep up in school. The supportive relationships that she had built have not been repaired.²⁵

Ari's experience is a common one for Black and Latinx students throughout New York City (NYC) public schools. These punitive policies are ineffective, harm students, exacerbate inequities along lines of race and disability, and are a waste of precious public resources that could be invested in more effective restorative practices. Instead of criminalizing and excluding students, NYC schools should fully embrace community-building practices and social, emotional, and mental health supports to put more young people on the path towards graduation and living wage jobs.

The Department of Education (DOE) and the New York City Police Department (NYPD) share responsibility for NYC's punitive approach to student discipline. The DOE enforces harsh discipline policies that push students out of schools through nearly 50,000 classroom removals and suspensions per year.²⁶ As noted below, this front-line reliance on student removal dramatically increases the likelihood that students will permanently drop out and that students will have recurring involvement in the criminal legal system. Reinforcing and exacerbating the negative impacts of DOE policies, the NYPD is *also* involved in punishing students for misbehavior, meting out thousands of arrests and criminal court summonses yearly, often for behavior that is not actually considered a

“crime” under city or state law.²⁷ Because these harsh disciplinary and policing practices so often lead to permanent dropout and ongoing entanglement with the criminal legal system, advocates refer to this process as the “school-to-prison pipeline.”²⁸

The crisis in school discipline reflects a history of racial segregation in our schools through which Black and Latinx children have been denied full access to an education.²⁹ However, the intentional embedding of the criminal legal system in school discipline in NYC can be traced to 1998 when then-Mayor Rudolph Giuliani moved responsibility for school security from the Board of Education to the NYPD as part of his broader “law and order” campaign.³⁰ This invasion of police into public schools continued in 2003 when then-Mayor Michael Bloomberg’s administration promised to bring down the full force of the NYPD on schoolchildren through enhancing invasive security measures, increasing the presence of NYPD School Safety Agents, doubling the number of permanently assigned uniformed and armed police officers in certain schools, and policing common youthful behaviors such as cursing.³¹ This approach explicitly brought Broken Windows enforcement—a form of policing which prioritizes criminal punishment for low-level infractions—from the streets into the classroom.³² The city implemented Broken Windows primarily in Black and Latinx communities.³³

This form of policing came at the beginning of a wave of school closings and mergers concentrated in communities of color that began in 2002.³⁴ As schools began the process of closing through “phase outs,” many students lost access to academic opportunities including—core classes, electives, and advanced placement courses.³⁵ They also lost vital support staff including school aides and parent coordinators as the Department of Education under Bloomberg laid off hundreds of employees after slashing education funding.³⁶

Experiencing this time of intensified policing and harsh school discipline while neighborhood schools were closed without community input, in 2004, UYC’s youth leaders expanded their local organizing efforts to build a citywide movement to dismantle NYC’s school-to-prison pipeline. UYC joined with intergenerational allies including, parents, educators, and legal and civil rights advocates. The experiences of young people created the foundation for the movement. Recognizing the need to paint an indisputable picture of the impact of punitive practices, advocates formed the Student Safety Coalition in 2007 and came together to push for the passage of the Student Safety Act. This act was one of the nation’s most comprehensive transparency bills on school policing, requiring public reporting on a quarterly basis by the DOE and NYPD providing a demographic breakdown by race, gender, disability status, and grade for students suspended, and a demographic breakdown of race, gender, and age for students receiving criminal summonses, and being arrested in schools.³⁷ In 2011, after a five-year effort, the Student Safety Act passed into law.

During these years, as youth and their allies organized for change, Black and Latinx youth across the City, including UYC members, faced daily harassment, oppression, arrests, summonses, and suspensions, while trying to access their education. The number of students suspended annually more than doubled from the time then-Mayor Bloomberg took office to the 2008-09 school year from over 31,000 to almost 74,000.³⁸ In addition, police presence grew by more than 2,300 agents between the terms of Mayor Giuliani and Mayor Bloomberg.³⁹ The discriminatory impact of this approach was severe. Between 2011 and 2013, 90 percent of school arrests involved Black and Latinx students, and students with disabilities were disproportionately suspended.⁴⁰

Youth leaders worked with educators in some schools to reform their discipline approaches. In the Bronx and Brooklyn, students and educators developed the capacity for schools to practice restorative

approaches.⁴¹ Some of the processes implemented at these schools to build strong community relationships, respond to the needs of all parties involved in a conflict, and hold students and staff accountable to uphold the values and principles of school communities included Restorative Justice Committees, Fairness Committees, Peer Mediation, and Conflict Resolution.⁴² Despite their promise, these initiatives were not funded to expand citywide.

To disrupt the school-to-prison pipeline, the city needed to adopt a districtwide approach. Along with their partners in the Dignity in Schools Campaign-New York (DSC-NY), young people helped lead efforts to revise the School Discipline Code to limit the use and length of suspensions and encourage alternatives to exclusionary discipline.⁴³ DSC-NY called for Bloomberg's Department of Education to revise the Discipline Code to eliminate the use of suspensions for minor behaviors; require schools to use positive interventions before suspending a student; end long term suspensions and fund school-wide approaches to discipline in ten high need schools.⁴⁴ When Mayor Bloomberg's final term ended in 2013, system reforms, implemented in the wake of organizing campaigns by DSC-NY and others, resulted in a 23 percent decrease in suspensions.⁴⁵ While this represented progress, New York City still issued more than 50,000 suspensions that year and regularly arrested students for normal youthful behavior.⁴⁶

Despite policy changes, racial disparities remained alarmingly high in New York City schools. For example, in 2014 Black girls in middle school were nearly 8 times more likely to be suspended two or more times than White girls, and Black students were 4 times more likely to be suspended.⁴⁷ New York City had more severe racial disparities in suspensions than the national average.⁴⁸ Black and Latinx youth also made up over 90 percent of all students involved in school arrests.⁴⁹ This data showed that the city continued to treat Black and Latinx children as disposable and unworthy of continuing their education.

Mayor Bill de Blasio's inauguration in 2014 ushered in new opportunities for creating fair approaches to school discipline. In February 2015, the City announced school climate reforms, including requiring authorization from the Office of School Safety and Youth Development before suspending students for defying authority—a subjective infraction that schools disproportionately apply to students of color.⁵⁰ The Los Angeles, Oakland, and San Francisco school districts have banned suspensions for similar infractions, while the state of California has prohibited its application to students in kindergarten through third grade.⁵¹ New York City schools saw an 81 percent decrease in suspensions for this particular offense the year after requiring authorization, but it remains a suspendable offense.⁵²

In addition to limiting suspensions for insubordination, the DOE revised the Discipline Code to cap the length of suspensions for minor physical altercations to five days and piloted a Warning Card program as an alternative to criminal summons for disorderly conduct and possession of small amounts of marijuana.⁵³ The Warning Card program was developed by a partnership between the New Settlement Parent Action Committee, the School Safety Division and the Department of Education to stem the high numbers of young people criminalized in South Bronx schools.⁵⁴ In 2017, the Mayor's office announced the program's expansion to a total of 71 city schools.⁵⁵

In 2015, the City Council passed amendments to strengthen the Student Safety Act. The amendments required the NYPD and DOE to report demographic data for students being handcuffed and restrained; inappropriate use of emergency services for behavior-related incidents; students being suspended multiple times; and, policing activity carried out by local precinct officers.⁵⁶

Following the new discipline reforms, the Mayor created the New York City School Climate Leadership Team to develop strategies to address disparities based on race and disability in arrests, summonses,

and suspensions and expand and adopt best practices in positive climate strategies citywide.⁵⁷ The creation of a citywide Leadership Team to address the persistent racial gap in school discipline was recommended by the Judge Judith Kaye School-Justice Partnership Task Force in 2012. Judge Kaye convened stakeholders to study connections between schools and the criminal legal system and create strategies and solutions for keeping youth engaged in school and out of the courts.⁵⁸ The NYC School Climate Leadership Team included representatives from multiple city agencies, legal, civil rights, and disability rights organizations, higher education institutions, unions, parent groups, educators, and youth.

As the NYC School Climate Leadership Team met to design recommendations for the Mayor, City Council members, including Speaker Melissa Mark-Viverito, Finance Committee Chair Julissa Ferreras-Copeland, and Education Committee Chair Daniel Dromm, worked with Dignity in Schools Campaign-New York to allocate \$2.4 million in the 2016 City Council budget for Restorative Justice.⁵⁹ The Council initiative created partnerships with local Community Based Organizations and brought Restorative Justice Coordinators to schools to help develop climate plans that incorporate community based practices to keep students engaged in school. The City Council investment was celebrated by Mayor de Blasio who funded restorative justice programs including \$862,000 to provide restorative training for all schools in one high needs district, and \$5.3 million for other high needs schools to increase restorative and mental health supports.⁶⁰

Mayor de Blasio's administration has fostered public dialogue around school discipline and begun to explore a system-wide approach grounded in age appropriate responses and more restorative practices which create safer schools. From 2013-14 school year to the 2015-16 school year, suspensions have gone down by nearly 30 percent.⁶¹ While 2016 was the first year of complete arrest information, it appears that the number of student arrests have also gone down.⁶² At the same time, schools are safer. Between 2011 and 2016, the incidence of felonies committed in New York City schools has decreased by 35 percent.⁶³

While the overall number of arrests and suspensions have gone down, unfortunately, disparities have not decreased. Dismantling the system that plagues Black and Latinx students will be impossible if the City continues to criminalize youthful behavior and fails to end Broken Windows-style policies and budget priorities. By sending young people through the criminal legal system rather than supporting them in schools, the City criminalizes normal youthful behavior. Often the conduct that sends a young person to court is minor—nearly 70 percent of all arrests and juvenile reports executed in schools during 2016 were for misdemeanors and non-criminal violations.⁶⁴ Since Mayor de Blasio's first budget in 2014, he has also increased NYPD School Safety Division personnel by nearly 400.⁶⁵ These results align with Mayor de Blasio's expressed support for Broken Windows policing across the city calling it, "the right approach" and "a formula that works."⁶⁶ In contrast, an analysis of six years of data by the NYPD Office of the Inspector General found "no empirical evidence" clearly linking an increase in summons and misdemeanor arrests and a related drop in felony crime in the city.⁶⁷

The continuation of harsh punishments and over-policing has further entrenched the stark racial inequities in school discipline: Black and Latinx students currently represent 92 percent of all students who are arrested and 91.7 percent of all students who receive a criminal summons.⁶⁸ There appear to be two different discipline systems in place in New York City—one for Black and Latinx youth that still justifies criminal consequences for normal youthful behavior, and one for White students that recognizes their humanity.

The damage to students and the long-term cost to our communities due to these ineffective and unequal practices are staggering. For years, advocates have been highlighting that this approach is unproductive and discriminatory—trends which, on their own, create a moral imperative for reform.⁶⁹ Now we can also begin to quantify the enormous *fiscal* cost of this ineffective system. **Each year, the school-to-prison pipeline in NYC costs more than \$746.8 million.** This includes a minimum of \$397.6 million in direct investments through the city budget and \$349.1 million in social costs, which include \$108 million in lost tax revenue.⁷⁰

Young people are at the forefront of a growing movement demanding that New York City divest from punitive, ineffective, costly, and discriminatory disciplinary policies, and instead invest in creating schools that respond to student needs and provide all students with access to opportunities necessary to thrive in school and beyond. Young people, organized through the Urban Youth Collaborative with members from Make the Road New York, Sistas and Brothas United, and Future of Tomorrow, have created “The Young People’s School Justice Agenda” to articulate these goals.

The Young People’s School Justice Agenda calls on New York City to:

- **Divest from over-policing young people** by removing police officers and metal detectors; ending arrests, summonses, and juvenile reports for all non-criminal violations and misdemeanors; and creating alternatives to arrests and incarceration for students charged with felonies.
- **Invest in supportive programs** by implementing restorative practices citywide; creating a mental health service continuum; increasing the number of trained and supervised guidance counselors and social workers; and providing culturally responsive education.
- **Invest in opportunities for students to thrive** by creating a universal youth jobs program; providing reduced-fare MetroCards for all low-income residents, and free unlimited MetroCards for students; supporting College Access programs; and providing free, high-quality public higher education at CUNY.
- **Change policies to help create safe and inclusive schools** by expunging students’ criminal and discipline records; clearing outstanding warrants from summonses; eliminating suspensions for defying authority; mandating guidance interventions before the use of suspensions; limiting long-term suspension to 20 days; and fulfilling a ban on suspending students in Kindergarten to third grade.

Supportive Schools are *Safer* than Punitive Schools: NYC Chooses a Punitive Approach

“My friends planned a peaceful walkout to oppose the school’s cellphone policy. On the way out of school, a few of the students were making a lot of noise, so the organizers and I talked with them to make sure everyone kept the peaceful spirit of the protest—it was really important to us. As we were leaving school, word got around that the NYPD team had been called, so everyone dispersed.

I went back to class, but about 30 minutes in someone removed me and brought me to the School Security Agents’ office. They questioned me for about an hour. While I was there, no one would call my mom. I really wanted her to know what was happening.

During their hour long questioning, I told them that I use they/them/their pronouns. But instead of respecting that, they kept calling me “he” when they spoke to each other. It hurt, because I don’t go by he. I would correct them every time they said it, but when I did they seemed to get really mad. Why were they mad at me for not having a gender identity they understood? One officer even told me I couldn’t go by “they” because that’s not how the English language works. I couldn’t believe how they were treating me.

After correcting one of the officers about my gender pronouns, the officer who seemed most angry snapped back by saying that I could get charged with inciting a riot. How did I incite a riot? It was a peaceful walkout. An officer from the precinct finally gave me a summons for disorderly conduct.

Once the officers released me, I was sent straight to the principal’s office where I also got a suspension. It felt like I was getting punished all over again for the same thing.

This all happened in September and my court date for the summons was in December. It was hard for me to go to court, because I wanted my mom to be there, but she is in a wheelchair. She came to support me, but it was a really hard day. I had to miss school. When I got to court, they called me up. I stood up there for a few minutes and the judge dismissed it all. I can’t believe I had to go through all of this—police interrogation without my mom, being humiliated and mis-gendered by the police, a scary court date, and a suspension—all because my friends and I wanted to stand up to a policy that we didn’t think was fair.”

—IQ, 17 years old, member of Make the Road New York

Proponents of school policing and punitive disciplinary action cite student safety as their primary justification. Yet there is no evidentiary support for the proposition that police presence in schools and suspensions create safer learning environments.⁷¹ In fact, studies have shown that schools are no safer, even after years of punitive policing and disciplinary measures, than before such policies are implemented.⁷²

The NYPD heavily police public schools. There are 5,511 NYPD School Safety Division personnel including 190 armed officers and 4,692 School Safety Agents (SSA) assigned to the city's public schools.⁷³ In 2016, police officials arrested 1,263 students, and issued 907 summonses and 922 juvenile reports to students in public schools.⁷⁴ In cases of mental health emergencies in which the NYPD responded, more than 92 percent involved Black or Latinx students. More than 98 percent of these cases in which students ended up being handcuffed or restrained involved Black or Latinx students.⁷⁵ A large portion of in-school policing of students involves low-level infractions, including, 1,139 arrests and juvenile reports for misdemeanors and another 1,310 arrests, summonses, or juvenile reports for non-criminal violations in 2016.⁷⁶ Non-criminal violations include offenses such as "trespassing" for being on the wrong floor of a multi-school building, or "disorderly conduct" for using obscene language or participating in a peaceful protest.⁷⁷ More than one third of NYC schools have security cameras, an estimated 100,000 students pass through school-based metal detectors daily, and thousands more pass through pop-up and roving metal detectors.⁷⁸

Studies have shown that policing in schools does not reduce incidents of bullying or fighting.⁷⁹ Rather than reduce school violence, scholars have found that the presence of police merely criminalizes typical adolescent behavior, such as disorderly conduct, even among similarly situated schools.⁸⁰ Students often see officers' presence as regulating them rather than protecting them.⁸¹ Even students who have no history of being arrested or issued a summons perceive law enforcement officers as a threat to their well-being rather than a source of protection.⁸² In fact, several studies have shown that police presence makes students feel *less* safe than if there were no police in the school.⁸³

Policing not only impedes the overall learning environment, it also hurts individual student's academic performance.⁸⁴ One study found that experiencing an arrest for the first time in high school nearly doubles the odds of the student dropping out, and a court appearance nearly quadruples the odds of the student dropping out.⁸⁵

Police interactions also cause lasting psychological harm. Recent research shows that over time, the mere presence of police may have a compounding psychological effect on students' "nervous and immune systems that may result in anxiety, restlessness, lack of motivation, inability to focus, social withdrawal, and aggressive behaviors."⁸⁶ After a negative interaction with police, students report that their perception of school as a learning environment changed, and students saw the adults in school as adversaries rather than supporters.⁸⁷ Community studies suggest these adverse consequences are compounded when a person perceives that the negative interaction is motivated by race. Racial discrimination can lead to generalized anxiety disorder, post-traumatic stress disorder, and other mental health issues.⁸⁸

Summonses for low level, non-criminal, offenses are particularly ineffective. During 2016, the NYPD gave out 907 summonses to students in schools.⁸⁹ As a whole, only 20 percent of summonses issued citywide resulted in a finding of guilt, and one in four were so defective or legally insufficient as to prevent the need for a court appearance.⁹⁰ Advocates report that these numbers may be even more striking for summonses given in school because police write them for breaking school rules, rather than for illegal conduct.⁹¹ Adding to the waste of resources, warrants are issued for the arrest of students who do not appear for their court dates (typically scheduled approximately two months after a minor incident) because they forget, are too scared, do not understand the process, or lose the summons tickets.⁹² On average, 36 percent of all summonses given across the city resulted in the issuance of a warrant, of

An arrest for the first time in high school nearly doubles the odds of the student dropping out, and a court appearance nearly quadruples the odds of the student dropping out.

which 60 percent were ultimately vacated.⁹³ During this process, students miss school, often need their parents to join them in court, and can be fined up to \$250—all of which are particularly difficult for low-income students and their families.⁹⁴

The negative impacts of the school-to-prison pipeline are not limited to policing, but are also reflected in the use of exclusionary discipline practices by school officials.⁹⁵ In 2016, the DOE removed students from class 11,943 times, suspended students for five days or less 27,122 times, and suspended students for five to 180 days 10,525 times.⁹⁶ Suspensions led to children missing a minimum of 316,104 days of school in the 2015-16 school year, the equivalent of 1,756 school years.⁹⁷ In that amount of time, a single student could attend a four-year college 439 times over.⁹⁸

Removals, either from individual classes or through longer suspensions, have lasting negative impacts on students. Students suspended once are more likely to be suspended again.⁹⁹ High rates of suspension increase the likelihood that students will drop out, and once suspended, students are more likely to be arrested in the future and later incarcerated as adults.¹⁰⁰

Research has also shown that the negative impacts reach beyond those students suspended, ultimately hurting *all* students in the school community. Over time, high levels of exclusionary discipline “generate collateral damage, negatively affecting the academic achievement of non-suspended students in punitive contexts.”¹⁰¹

Racial disparities within these disciplinary practices also have broader psychological repercussions for communities of color. A series of recent studies reveal that biased treatment caused youth of color to lose more trust for school officials compared with their White peers, which was further correlated with reduced college attendance.¹⁰²

In contrast, positive school climates have been found to be more effective at helping students address the root causes of behavior, thus actually creating *safer* schools. Positive school climates are fostered through respectful relationships, quality teaching, social and emotional learning, physical and emotional safety, and community collaboration.¹⁰³ Studies show that schools which follow these practices are “associated with high levels of academic achievement, healthy student development, ... teacher retention, [and]... safe learning environments.”¹⁰⁴ One study revealed that “what defines a safe school most strongly, even in areas of high crime and poverty, is ‘the quality of relationships between staff and students and between staff and parents.’”¹⁰⁵

Inspired in part by this research, along with growing public awareness of the harm done by discriminatory policies, a movement has developed across the country to end these policies. Restorative approaches are emerging as one of the most effective methods of shifting school policies toward creating nurturing, inclusive, and supportive schools. Restorative Justice is a philosophy and a theory of justice which is inspired in part by indigenous values and is rooted in community building

“Instead of taking us out of classes, they could have made us do something cooperative or do something to benefit us. Taking us out of classes just hurts us.

We should make it more of a cooperative thing. The students should learn something. Being put out of class doesn't help anyone figure out what he did wrong or how it affects other people.”

—Justin, 14 years old,
member of Future of Tomorrow

practices.¹⁰⁶ These practices emphasize creating strong intergenerational relationships and holding each other accountable through communal dialogue. In dealing with conflict, restorative justice aims to heal relationships by bringing together everyone affected by wrongdoing and collectively considering the needs and responsibilities of those involved.¹⁰⁷ Fully embracing restorative approaches in schools offers a more equitable and supportive approach to improving school climate. Restorative approaches help students to thrive by creating a culture of connectivity where all members of the school community feel valued and respected.¹⁰⁸ Case studies from schools across the country show that this process improves school climate and leads to a reduction of discipline infractions in schools.¹⁰⁹ For example, the implementation of various restorative practices in a Philadelphia school reduced violent and serious incidents by more than 52 percent in the first year and an additional 40 percent the following year.¹¹⁰ Other schools have experienced “fewer fights and enjoyed a drop in overall violent and other antisocial forms of conflict” after introducing restorative practices.¹¹¹

Despite evidence supporting these approaches, NYC prioritizes funding for policing and punitive practices rather than supportive and restorative programs. For example, NYC still employs far more NYPD personnel than social workers and guidance counselors. Compared to 5,511 NYPD School Safety Division personnel, there are only 2,800 full-time guidance counselors and 1,252 full-time social workers employed to support the city’s 1.1 million students.¹¹² The city also gives priority over physical school space to the NYPD School Safety Division instead of supportive programs. When SSAs are present in schools they use various spaces to conduct searches, interrogate students, and to change their clothes. These spaces are already in high demand and could be better used to support the expansion of positive programming such as mental health clinics and other supports.

“School Safety Agents, to me, are just there to criminalize us with their hand wands, metal detectors, and always giving out summonses. But when you want to talk to a counselor or someone like that, you can’t talk with them. They are always busy.”

—Brandon, 15 years old,
member of Make the Road
New York

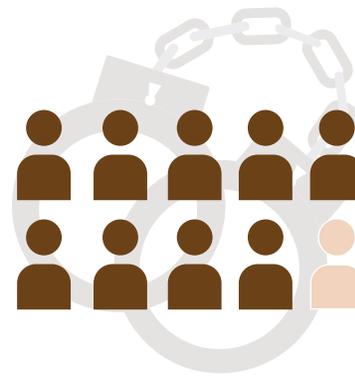
The Impact of NYC’s Harsh Policies on Black and Latinx Students and Students with Disabilities

Not only are NYPD-driven and punitive school-based policies overwhelmingly counterproductive for students and the school community, they are also discriminatorily applied. Troublingly, punitive measures are meted out more aggressively on Black and Latinx students and students with disabilities, thus reinforcing from an early age broader societal patterns of discrimination.

Research shows Black and Latinx students do not misbehave more frequently or in a more severe manner than White students, yet they are disproportionately arrested and issued summonses.¹¹³ Despite overwhelmingly similar behavior patterns among White students and Black and Latinx students, recent NYPD data show that:

- Compared to White students, police are 8.3 times more likely to intervene in a disciplinary situation if a student is Black, and 3.4 times more likely to intervene if a student is Latinx.¹¹⁴

- Black and Latinx youth make up 92 percent of all students arrested and 91.7 percent of students given summonses, far out of proportion to their presence in the school population, which is 67.1 percent.¹¹⁵
- While students who are Black make up only 27 percent of the student population, they account for 61.7 percent of students arrested and 55.6 percent of students given summonses.¹¹⁶
- The NYPD arrested 138 children 13 years old or younger in 2016.¹¹⁷ Of those students, only one was White non-Latinx.¹¹⁸



Black and Latinx youth make up 92% of all students arrested

Harsh policing policies also disproportionately impact Black and Latinx students with disabilities. Black and Latinx youth make up 92.6 percent of all mental health emergencies in which the NYPD responded, and 98.3 percent of those in which the student ended up in handcuffs.¹¹⁹

Arrests and summonses for low-level offenses are strikingly at odds with NYC’s vaunted status as a sanctuary city. By arresting or citing immigrant students for offenses like marijuana possession, fighting, and disorderly conduct, NYPD places undocumented students, as well as lawful permanent residents, at risk under the Trump administration’s aggressive deportation policies.¹²⁰ Students who are in the United States lawfully but are not American citizens may be subject to deportation if they plead guilty to even minor charges levied against them in school.¹²¹ The New York City Council stated that “[i]mmigrants, including lawful permanent residents, are automatically eligible for deportation if they have two convictions for marijuana, even when charged as noncriminal municipal violations.”¹²² For undocumented students, the risk of deportation is compounded by the current federal administration’s commitment to prioritize deporting individuals who have allegedly committed any chargeable offense, regardless of seriousness or conviction.¹²³

The discriminatory impacts of NYPD presence and policing in schools are reinforced by the DOE’s practice of exclusionary discipline which relies primarily on classroom removals and suspensions.

“When I was 11 or 12, so two or three years ago, I was in the lunch line and there was a kid cutting the line. He tried to cut me and I told him no, so he went to the person in front of me and tried to cut him too. That person pushed him and the kid who was cutting thought it was me, so he shoved me.

The school didn’t care who started it, so I was suspended. During the suspension, I was moved around from class to class. I didn’t know what was going on in my class and I had a whole different schedule. Some classes were ahead of mine, some were behind, so it varied. I didn’t learn too much because I was just moved around. If they wanted me in the school building, and in classes, why wouldn’t they just let me go to my own class? All it did was keep me from learning, so when I came back to my normal schedule I was all behind even though I had been in school the whole time.

I had a lot of catching up to do. I had a lot of homework to do. It took a lot of time. I had to learn two weeks of math and science—I had to use weekends and after school and any other time I had. It was hard. I caught up eventually, but it didn't have to be like that.

I don't think getting suspended did anything. I don't think I should be stopped from learning. It felt like they didn't want me to learn."

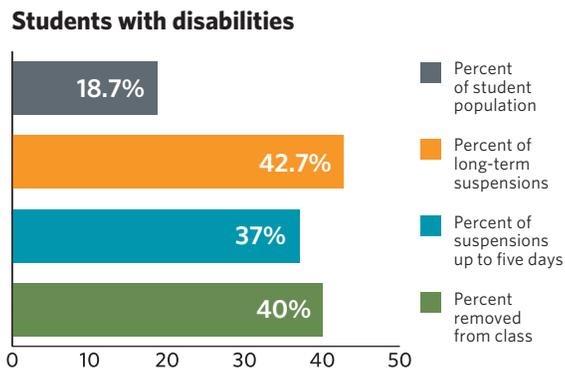
—Justin, 14 years old, member of Future of Tomorrow

The most recent DOE data from the 2015-2016 school year show that:

- Black students are 27 percent of the student population, but are 54 percent of the students who receive long-term suspensions and 47 percent of the students who receive suspensions up to five days.¹²⁴
- Black students were removed from the classroom through either short-term removals or suspensions 24,530 times, Latinx students were removed 18,222 times, and White students were removed 4,042 times.¹²⁵
- Across the country, schools suspended Black students more frequently and for longer periods of time for the same infractions as their White peers, especially for subjective actions such as defying authority.¹²⁶ Evidence shows that these troubling trends hold steady here in NYC.¹²⁷

These policies also disproportionately impact students with disabilities.

- While students with disabilities are 18.7 percent of the student population, they are 42.7 percent of all those students who received long-term suspensions, 37 percent of those receiving suspensions lasting up to five days, and 40 percent of those students removed from class.¹²⁸
- Students with disabilities were removed from the classroom or through suspensions 19,257 times in just one school year.¹²⁹



New York City does not keep policing or school discipline data regarding young people that identify as LGBTQ or gender non-conforming. But, many students who identify as LGBTQ or gender non-conforming report feeling targeted for expressing their identity.¹³⁰

"As an Afro-Latino young man, who is openly gay and has an IEP [Individualized Education Plan for students with disabilities], according to the statistics, I was expected to be suspended. All the stats were against me. And I have been pushed out of school for being me. There was an incident where I felt targeted for just being me. During Pride Week at my school, I came into school wearing my rainbow bracelet. I was told to take it off by a staff member, that it was against the dress code, but I know it wasn't against any dress code. I told the staff

member I wasn't going to take it off because I wasn't breaking any rules. The staff member again demanded I take it off, saying it was against the school dress code. I wouldn't take it off, and the staff member kept pushing, and I became upset because I felt attacked for showing my pride. I was threatened to take off the bracelet or be suspended, but I refused to take off. I was suspended from school for a week. After that incident, it just felt like I was a target in my school and my school became a hostile place before I finally left without graduating."

—Markeys, 20 years old, member of Make the Road New York

The demonstrated ineffectiveness of harsh in-school discipline and aggressive policing, coupled with promising impacts of restorative approaches should compel a comprehensive transformation of NYC's Broken Windows approach to punishing students. The added evidence that Black and Latinx students, students with disabilities, LGBTQ and gender non-conforming students are disproportionately targeted, often with disastrous long-term consequences including potential separation from their families and communities as well as possible impacts related to students' immigration status, makes reform a moral imperative.

\$746 Million a Year: The Economic Impact of Ineffective, Harsh, and Discriminatory Policies

In addition to the efficacy and justice arguments for revamping these punitive policies, they are also extremely expensive. However, until now there has not been a comprehensive accounting of the true cost, in public resources and lost revenue, of harsh school discipline and arrests. The public investment in exclusionary policing and school policies is far greater than previously understood.

A comprehensive analysis of the costs of these punitive policies must include not only the direct administrative and personnel costs, but also the long-term effects of cutting off the path to successful futures for our young people which results in reduced wages and social service needs. The discriminatory application of these policies further concentrates longer-term costs in communities of color, where resources are often already strained.

Taking these factors into consideration, discriminatory disciplinary policies cost \$746.8 million each year. The cost of School Safety personnel, suspension centers and hearings, court fees, and other direct investments in the system amount to approximately **\$397,646,303** per year, while the long-term effects cost upwards of **\$349,156,784**, including lost tax revenue of **\$108,076,197**.

THE \$746 MILLION A YEAR SCHOOL-TO-PRISON PIPELINE

During 2016 students in New York City public schools experienced:



1,263
Arrests



907
Summonses



922
Juvenile Reports

EXCLUSIONARY DISCIPLINE

In **1** school year, suspensions led to children missing **316,104** days of school; the equivalent of **1,756** school years.



With that amount of time, a student could attend college **439 times.**

New York City employs 5,511 NYPD School Safety Division personnel compared to only 2,800 full-time guidance counselors.

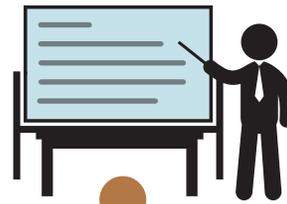


5,511 School Safety Division Personnel

2,800 Guidance Counselors



An arrest in high school nearly **doubles** the odds and a court appearance nearly **quadruples** the odds of a student dropping out.



CLASSROOM

VS.



COURT ROOM



An estimated **100,000** students pass through school-based metal detectors daily, and **thousands** more pass through pop-up and roving metal detectors

Each year, the school-to-prison pipeline in NYC costs *more than*

A Minimum of
\$397.6 Million

\$746.8 Million

A Minimum of
\$349.1 Million

DIRECT COSTS

NYPD Personnel and Training (\$357,310,809)

Arresting Young People (\$2,210,250)

Suspension Hearing Offices (\$6,927,132)

Alternative Learning and Suspension Centers (\$31,198,112)

Additional Direct Costs of Unknown Amount

- | | |
|-------------------|-------------------|
| Court Enforcement | Jailing Students |
| Lawsuits | EMS Transfers |
| Security Cameras | Patrol Officers |
| Metal Detectors | Lost School Space |
| Truancy Sweeps | |
| Summons | |



SOCIAL COSTS

Tax Revenue
(\$108,076,197)

Lower Wages

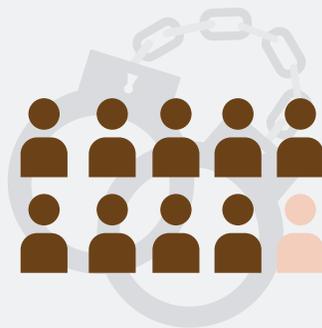
Healthcare

Social Services

Criminal Legal System

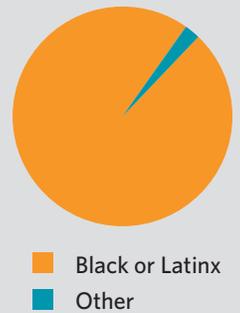
ARRESTS

92% Black or Latinx while the student population is only **67%** Black and Latinx



MENTAL HEALTH EMERGENCIES

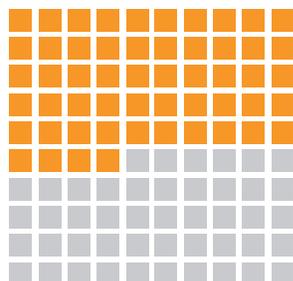
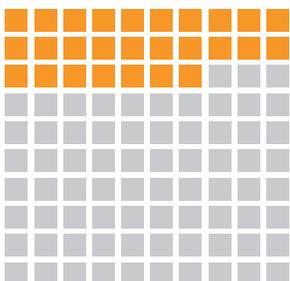
with NYPD handcuffing the student
98% Black or Latinx



LONG-TERM SUSPENSIONS for Black Students

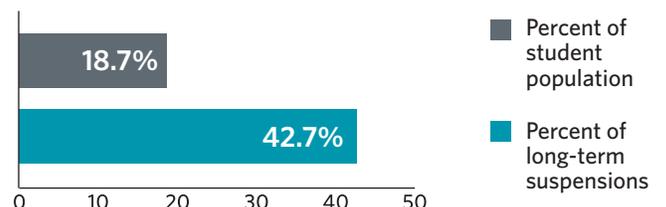
27% of students are Black, yet...

54% of students who received long-term suspensions are Black



LONG-TERM SUSPENSIONS for Students with Disabilities

Students with disabilities represent **42.7%** of students who received long-term suspensions, but are only **18.7%** of the student population





Young People's School Justice Agenda

Invest in Supportive Programs

- Implement restorative practices citywide.
- Create a mental health service continuum.
- Increase the number of trained and supervised guidance counselors and social workers.
- Provide culturally responsive education.

Invest in Opportunities for Students to Thrive

- Offer a Universal Youth Jobs Program.
- Supply reduced-fare MetroCards to low-income residents and unlimited MetroCards to youth.
- Support College Access programs.
- Provide free, high-quality public higher education at CUNY.



Ending the School-to-Prison Pipeline Action Steps



Invest in the Young People's School Justice Agenda



Remove Police Officers and Metal Detectors from Schools and Replace them with Restorative Practices



End Arrests and Summonses for Non-Criminal Violations and Misdemeanors



Create Alternatives to Arrests for Felonies



Clear and Expunge Students' Discipline and Criminal Records



End Suspensions for B21/A22 Defying Authority



Mandate Guidance Interventions Before Suspensions



End Suspensions for K-3rd Grade



Limit Long-Term Suspensions to 20 days



The City's Investment in Exclusionary Policies

The school-to-prison pipeline requires millions of dollars to cover the personnel and administrative costs associated with arrests.

- In fiscal year 2017, NYC paid **\$357,190,809** to employ NYPD School Safety Division personnel.¹³¹ Training School Safety Division personnel costs, at a minimum, an additional **\$120,000**.¹³²
- Aside from initial budget allocations, the city also spends money on every arrest. Over the course of 2016, the NYPD arrested 1,263 students in schools, which cost at least **\$2,210,250**.¹³³

Harsh DOE disciplinary policies also create high costs for the city.

- To staff and maintain suspension hearing offices, the city spent **\$6,927,132** in the 2017 fiscal year.¹³⁴
- When the DOE sustains a child's long-term suspension, the student often attends an alternative learning center. These cost the city **\$31,198,112**, in the 2017 fiscal year.¹³⁵

In all, these direct costs total **\$397,646,303**.

"If you spend more money on policing people and locking them up, then you end up policing people and locking them up. It's simple.

They take all this money and spend it on an unwanted and unneeded criminal legal system instead of education."

—Brandon, 15 years old, member of Make the Road New York

While this figure is astonishing, it vastly undercounts even the direct costs of this system, many of which are obscured by a lack of data as to which portion of known additional costs are attributable to the school-to-prison pipeline. Among these expenses are the costs of:

- NYPD precinct officers policing in schools and other city personnel intervention. Of the 5,833 times police intervened with a student during 2016, including arrests, summonses, and juvenile reports, only 698 interventions were executed by SSAs amounting to just 11.9 percent. By contrast 2,167 police interventions, or 37 percent, were executed by traditional patrol officers and the remainder were carried out by various other personnel including transit, housing, and education officials.¹³⁶ **While the School Safety Division budget is more than \$357.1 million, the figure excludes the additional personnel and administrative costs associated with more than 88 percent of all interventions.**
- Jailing young people due to incidents which occur in school. **It costs the city 12 times more to incarcerate children than it costs to educate them.**¹³⁷ Reports reveal that 95 percent of youth in NYC jails are Black and Latinx.¹³⁸ However, with the current data available

it is impossible to determine with precision the number of young people detained due to an incident at school.

- Running the juvenile justice educational programs, Passages and East River Academy at Riker’s Island.¹³⁹ Operating these two NYC facilities costs \$12,128,270 and \$13,652,792 respectively.¹⁴⁰ Data does not disaggregate how many students are incarcerated and therefore in these programs because of school-based incidents. While young people currently incarcerated need access to robust and high-quality educational services, the city should be doing more to prevent their incarceration.
- Operating over 20,000 cameras that surveille over one-third of the city’s schools.¹⁴¹
- Buying, installing, operating, and maintaining metal detectors in schools. In 1992, it cost approximately **\$20,000,000** to install metal detectors, x-ray scanners, and electromagnetic doors at 40 schools.¹⁴² Now, more than twenty years later, at least 80 school buildings, which house 400 schools, have some of this technology installed and the NYPD regularly deploys roving metal detectors that are dispatched to select public schools.¹⁴³
- Litigating and settling lawsuits against SSAs and police officers for their conduct in schools. In 2016, an average of **more than one complaint per school day was lodged against police officers and SSAs** for force, abuse of authority, discourtesy, or offensive language in schools.¹⁴⁴ Data is not available on how many of these complaints end in litigation, but at least one student’s case settled for more than \$24,000.¹⁴⁵ Extensive litigation that carries on over years can be far costlier.
- Using EMS transfers for students in crisis. In the 2015-2016 school year, NYC schools transferred 1,447 students from school to the hospital for emotional or psychological conditions.¹⁴⁶ Depending on the situation, these costs may be covered by the city or they may be billed to students’ families. If a fire department ambulance is used, which is likely the least expensive option, each transport costs \$704.¹⁴⁷ The cost of an emergency hospital visit is likely an additional \$1,200 per incident, though advocates predict that the cost is much higher.¹⁴⁸
- NYPD precinct officers and School Safety Division personnel conduct resource intensive truancy enforcement efforts, including “sweeps” throughout the school year. NYPD pursues a “zero-tolerance” policy for young people they label as truants. Once picked up by the NYPD, young people are brought to tracking centers. Among the costs of this program are the NYPD officers’ and agents’ personnel costs, the truancy vans, and the operating costs of the various tracking centers.¹⁴⁹

The policy of issuing summonses for low-level non-criminal violations also involves steep but hidden costs for the city, including:

- Criminal court operating expenses. The criminal court, which processes summonses, has a total budget of **\$83,998,571**, although the portion spent on summons court is not isolated.¹⁵⁰ In addition to base operating expenses, prosecutors, public defenders, and other personnel all have separate costs associated with summons enforcement.

- The summons enforcement unit. The citywide budget for this unit, which arrests individuals who do not appear for their court date, is **\$75,277,097**.¹⁵¹ Current data does not allow for an analysis of which portion of this cost can be attributed to summonses received in school.

“There was an incident at the school that got really out of hand. I had been having arguments with a girl at the school. The school had tried to do a mediation with our parents, but things had still been tense between us. One day someone from school came and asked me to leave my classroom since the girl was coming back to the class. I asked why I was the one who was supposed to leave. I refused to leave the class. I was very upset. It felt like every time anything happened it was always my fault and people were always targeting me. Being an Afro-Latino LGBTQ man with a disability, I’m often targeted. I had been really stressed out lately since my mom had been talking about moving to Pennsylvania and just leaving me by myself. Maybe that is why I got so upset that day.

When I continued to refuse to leave my class, the teacher called the School Safety Agent up to the room. When I saw them it made me even angrier. I still refused to leave. The school then called EMS. EMS arrived as well as police from the local precinct. At that point, I felt surrounded by police. That made me even more agitated. One put their hand on my arm and I screamed that no one should touch me. I was then handcuffed and taken to the hospital for a psych evaluation. It was really messed up.

After this, I was immediately put on suspension and had to go to a Superintendent’s Suspension hearing. The school was threatening to suspend me for a year. I couldn’t believe it. I went to the hearing and the lawyer helped me to get immediately reinstated at school. Especially for students with IEPs and behavioral plans, like I have, these steps are not supposed to be taken by a school.”

—Markeys, 20 years old, member of Make the Road New York

Suspensions and Arrests Have a Financial Impact of More than \$349 Million Per Cohort

Aside from the more than \$397.6 million the City pours directly into policing and exclusionary discipline, these policies incur more than \$349.1 million in social costs, including \$108 million in lost tax dollars for each cohort of graduating students.

A national study evaluated the economic impact of suspensions based on a conservative estimate of how much suspensions increase the risk of failing to graduate and the resulting economic impact.¹⁵² The economic impacts are presented from two perspectives: (1) a social perspective that considers the economic impact on the larger society, and (2) a fiscal impact that considers the economic impact on federal, state, and local taxpayers. The first category, social costs, includes the “aggregated losses personally incurred by students who dropout such as their lower income, diminished productivity, and higher expenditures on health care due to poorer health.”¹⁵³ Researchers describe the second category, fiscal impact, as “a subset of the social costs and cover only the losses experienced by federal, state, and local government due to lower income tax revenues and higher government expenditures on health and social services, and on the criminal justice system.”¹⁵⁴ The cost estimates are expressed as the lifetime difference between those students who dropout and those who graduate. The number of students who dropout due to suspensions was then multiplied by these costs in order to quantify the economic impact of suspensions.

Using this methodology, the social economic impact and fiscal impact were calculated for each cohort of New York City’s students who do not graduate high school due to suspensions.¹⁵⁵ First, we selected a cohort of students and calculated the number of students suspended from that group.¹⁵⁶ In New York City there were 6,742 suspensions in the 10th grade class, with 1,339 students suspended at least twice.¹⁵⁷ In the 2014–2015 school year, there were a total of 44,626 suspensions imposed on 15,128 students citywide.¹⁵⁸ This means that on average, each student received three suspensions that year. Based on this, we estimate that the 1,339 students suspended at least twice in the 2015–2016 school year were suspended approximately three times each. That would mean around 4,064 students were suspended in the 10th grade class in 2015–2016.¹⁵⁹ According to the national study, suspended students graduated at a rate of around 15 percent below their classmates who were not suspended.¹⁶⁰ So for NYC, there are likely an additional 500 or so students who dropout due to suspensions.¹⁶¹

The study calculated the estimated cost of each additional student who does not graduate as \$527,695 in social impact, including \$163,340 in lost tax revenue.¹⁶² For NYC students, **that yields \$263,847,500 in social costs, which includes \$81,670,000 in annually lost tax revenue due to school suspensions.**¹⁶³ This occurs for each cohort of students who are suspended from school.

After analyzing the economic impact of suspensions that lead to dropout, we analyzed the economic impact of arrests in schools. There were 1,263 arrests of students in schools during 2016.¹⁶⁴ If the drop-out rate increases by the same percentage due to arrests as due to suspensions, we calculate an additional 162 students will likely dropout of New York City public schools due to in-school arrests. This is likely a severe underestimate as studies have shown a much higher percentage of students drop out due to arrests than due to suspensions.¹⁶⁵ Using the same economic impact numbers from the national study—\$527,695 in social impact, including \$163,340 in lost tax revenue per student

who drops out—**our research found that the economic impact of dropouts caused by arrest is \$85,309,284 in social impact, which includes \$26,406,197 in lost tax dollars.**

Given the degree of racial disparity within rates of suspensions, there are two inferences drawn by the authors of the national study, which can also be applied in the context of arrests. The first is that the “economic burden of suspensions is currently harming Black children more than others.”¹⁶⁶ Given that Black students represent 49.6 percent of the students suspended in NYC, they likely bear 49.6 percent of the economic hardship associated with suspensions and dropout.¹⁶⁷ Similarly, Black students represent 61.7 percent of the students arrested and therefore hold a proportional amount of the economic burden.¹⁶⁸ Some evidence of this is shown through the significant racial disparities in graduation rates between Black and Latinx students and their White peers in NYC.¹⁶⁹ The second inference is that “greater economic benefits may be realized if efforts to reduce suspensions for all students purposefully include efforts to reduce the racial school discipline gap between Black and White students.”¹⁷⁰ A reduction in the racial disparities in arrests would also encourage greater economic benefits.

“So many students end up dropping out because of the police in schools and all these suspensions. Students know that if they get suspended, they know there are jail cells being built for them. The message is clear.”

—Estefany, 17 years old, member of Make the Road New York

The Young People's School Justice Agenda

New evidence of the astronomical fiscal and social costs of New York's school-to-prison pipeline demand urgent action by policymakers. The young people who are most at risk of harm due to harsh policing and disciplinary policies are uniquely situated to lead the dialogue about developing truly safe and equitable learning environments. This report highlights the vision for safe, supportive, and inclusive schools developed by these youth leaders.

Our Vision

We dream of schools that recognize and protect the humanity and dignity of all young people. Schools that focus on creating nurturing, inclusive, and supportive learning environments for students who are Black, Latinx, Muslim, Indigenous, LGBTQ, gender non-conforming, or who have disabilities. When we envision nurturing, inclusive, and supportive learning environments, we don't see police officers and metal detectors at the front door, we don't see police sweeps in hallways, we don't see students with mental health emergencies being handcuffed, and we don't feel us being pushed away when we need to be pulled in

closer. Our vision is for schools where school climate and safety is developed through open and trusting relationships with students, educators, and staff trained in social, emotional, and mental health practices. We see restorative justice being embraced to build community and hold each other accountable for harm, without throwing away any young person. We see young people leading positive school climate initiatives with educators. We see our guidance counselors' doors always open to receiving us and college access programs available to every student. We see educators and supportive school staff able to create safe spaces for all young people and a curriculum that reflects the history, beauty, and uniqueness of all our communities and cultures. We see schools that provide young people with enriching job or internship opportunities. We see all young people being provided with the access to support, resources, and opportunities we need to reach our full potential.

Martin Luther King Jr. once referred to budgets as moral documents. We believe our city's funding reflects its values—we hope to see our city's funding change to end our criminalization and increase our opportunities to thrive.

The Young People's School Justice Agenda calls on New York City to:

Divest from Over-Policing Young People

- **Remove police officers from schools.** Police do not create safer schools and the city's current policing system has deepened existing racial inequities. Disciplinary matters should be handled within the school community, not through the criminal legal system.¹⁷¹ Should an emergency occur, police can be dispatched to the school as needed, as they are dispatched to different locations in the city.
- **Remove metal detectors.** Mayor de Blasio and Chancellor Fariña have acknowledged that the use and placement of metal detectors needs to be reevaluated, but they have failed to

present a clear process for removing them.¹⁷² Metal detectors create a flashpoint between students and police and make students feel criminalized as soon as they enter the school building. Removing these machines will reduce the cost of running schools, eliminate one of the main mechanisms of racially discriminatory policing, and prevent the psychological harm created when young people are made to feel systematically criminalized.

- **End arrests, as well as the issuance of summonses and juvenile reports, for non-criminal violations and misdemeanors. Provide citywide alternatives to incarceration for students charged with felonies in school.** These policies will ensure that no student is torn away from their family or community, thrown into the criminal legal system, or made vulnerable to targeting for detention and deportation by federal authorities.

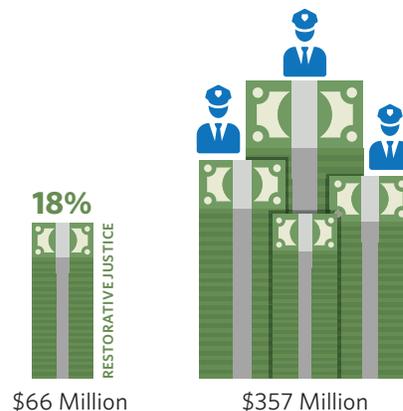
“The spending on the criminal justice system has meant: more beds in jail for black and brown bodies; an explosion of broken windows and abusive policing; and schools that abound with police officers, while lacking the arts and physical education, guidance counselors, college counselors, and restorative justice programs we need.

New York must learn from its costly mistake and radically transform our funding priorities. Reinvesting in our communities means we would have an opportunity to grow up in healthy, sustainable environments full of love. For young people like me, investing in our communities literally means the difference between life and death.”¹⁷³

—Zion, 16 years old, member of Make the Road New York

Invest in Supportive Programs

- **Implement restorative practices citywide.** The city government has shown an initial commitment to restorative justice.¹⁷⁴ Through its small pilot program, schools have begun changing the way they approach discipline to create safer schools. This pilot’s success must be followed by a deep investment in expanding restorative practices citywide.¹⁷⁵ To implement restorative practices in schools with particularly high numbers of suspensions, the city should invest \$66,000,000—a mere 18 percent of the NYPD’s School Safety Division budget.¹⁷⁶
- **Create a mental health service continuum.** City government should design a network of mental health services to support students along a spectrum of mental health needs. This continuum would connect in-school services with more intensive external services including existing hospital-based mental health clinics.¹⁷⁷ To begin this program requires an investment of \$7,725,000.¹⁷⁸



Investing in Restorative Justice would cost a mere 18% of the NYPD’s School Safety Division budget.

- **Increase the number of trained and supervised guidance counselors and social workers.** Social workers and guidance counselors provide vital supports to students, including connecting students to school-based and community resources, college counseling, and various mental health services. Many students currently have no access to social workers or guidance counselors. The city should drastically increase the number of guidance counselors and social workers in schools.¹⁷⁹
- **Provide culturally responsive education.** A culturally responsive approach to teaching acknowledges that students and families come from diverse backgrounds and treats this diversity as a positive asset.¹⁸⁰ This approach also aims to understand and address institutional, personal, and instructional biases.¹⁸¹ Providing culturally responsive educational opportunities can lead to safer communities for women, youth of color, LGBTQ students, and students of different faiths. This program will require a \$60,000,000 investment.¹⁸²

Invest in Opportunities for Students to Thrive

- **Offer a Universal Youth Jobs program.** The existing youth jobs program turned away half of the young people who applied in 2015.¹⁸³ Advocates have developed a comprehensive plan to expand the youth jobs program to accommodate all young people who want to work.¹⁸⁴ Youth employment creates safer communities, builds skills in young people, and helps develop a workforce that can address many social needs which would otherwise go unfulfilled.¹⁸⁵ To implement this program, NYC will need to fill a funding gap of \$163,000,000.

“My sister works over the summer and then during the school year she can use the money she earned for lunch and personal stuff. It helps her and it helps my mom a lot because there are things my mom would have to pay for that she doesn’t have to now because my sister can pay for it. It keeps my sister busy, too. I think it would be good for everyone because people don’t want to rely on their parents all the time—their parents are working so hard, but they don’t always have it.”

—Justin, 14 years old, member of Future of Tomorrow

- **Supply reduced-fare MetroCards to low-income residents and unlimited MetroCards to youth.** The city should provide reduced-fare MetroCards for low-income New Yorkers. At more than 10 percent of NYC working poor families’ budgets, the cost of travel “is so burdensome that many of the most vulnerable families must choose between spending on basic necessities or important trips that connect them to the workforce and social supports.”¹⁸⁶ This includes parents attending meetings and events at their children’s schools and other activities which facilitate students’ success. In addition, the availability of half-fare MetroCards to high school graduates from low-income families will make commuting to colleges more affordable. This reduced-fare program will cost approximately \$115,000,000 in the first year, and \$194,000,000 in the second year.¹⁸⁷ In addition, students should be provided with unlimited MetroCards. NYC provides some free and reduced-fare MetroCards to public school students which are active during certain hours on school days. However, these limited MetroCards do not support students’ additional needs, including accessing jobs and connecting with their community at

other times of the day and week. The high cost of MetroCards combined with limited access to youth employment means that many young people remain isolated. Funding priorities should support NYC’s public transportation system as a means of connecting city residents and critical services, including educational opportunities.

- **Support College Access Programs.** A mere 37 percent of NYC’s high school graduates are college-ready, and only 12 percent of Black male graduates are college-ready.¹⁸⁸ College attendance is a key predictor of improved career outcomes and safer communities.¹⁸⁹ Student Success Centers and College Bridge programs help young people graduate high school and prepare for college. These centers should be implemented in schools across the city, especially in underserved communities of color. The city should invest \$15,000,000 to support existing Student Success Centers, to establish these centers in 40 new campuses (which account for more than 100 schools), and to implement year-round College Bridge programs.¹⁹⁰
- **Provide free, high-quality public higher education at CUNY.** College is a pathway to higher wages and fulfilling jobs, but for too many young people the prospect of college is unobtainable because of the financial burden. After tuition these costs also include books, living expenses, and travel. Between 2008 and 2015, city funding for community colleges fell by 13 percent when accounting for inflation.¹⁹¹ Instead of divesting from college access, the city should invest in it to ensure that all young people can attend college, regardless of socio-economic or immigration status.

“They’ve got the money; they just don’t use it correctly. It’s a matter of morals. Where do they put the money? It goes to jails and police.”

—Donavon, 17 years old, member of Make the Road New York

Change Policies to Prevent Disparities

- **Expunge students’ criminal and discipline records, and clear unanswered summonses.** Thousands of students already have criminal records because of previous NYPD interactions in school, or discipline records due to overly-punitive suspension practices. The city should expunge young people’s criminal and discipline records, particularly in recognition of the racial inequities in school punishment and the serious long-term consequences that they impose on students. In addition, the city should institute a process of clearing any warrants resulting from unanswered summonses so that students are not needlessly arrested.
- **Eliminate suspensions for defying authority (A22/B21).** Research across the country shows that Black and Latinx students are punished more harshly and more often for subjective infractions such as “insubordination.”¹⁹² Last year the DOE implemented changes to the code which required principals to seek approval from the DOE before suspending students for discipline code violation B21, “defying authority.” After implementation, the DOE reported a 75 percent decrease in suspension for this infraction.¹⁹³ This reduction illustrates that the infraction is unnecessary and should be eliminated entirely.¹⁹⁴ Other districts such as Los Angeles have successfully made similar changes.¹⁹⁵
- **Limit long-term suspensions to 20 days.** Schools can suspend students up to an entire school year, or 180 days.¹⁹⁶ These long-term suspensions can be devastating to students’

educational progress. While NYC works to implement a supportive system of school discipline that can replace suspensions, long-term suspensions should be limited to 20 days. If that policy had been in place during the 2015–16 school year, students would have been in school for an additional 87,811 days, the equivalent of 487 school years.¹⁹⁷

- **Mandate guidance interventions before the use of suspensions.** Research has clearly demonstrated that guidance interventions are more likely to address the root causes of disruptive behavior and are therefore more effective than suspensions.¹⁹⁸ The city should require guidance interventions before the DOE can impose a suspension on a student. Schools currently use their discretion, which leads to an uneven application of these proven methods. Some students are referred to a guidance counselor while others are given long-term suspensions. These interventions must be mandatory across all schools.
- **Eliminate Kindergarten-3rd grade suspensions.** Mayor de Blasio has instituted restrictions on suspensions for Kindergarten through 2nd grade students. Yet these restrictions come with significant exceptions which continue to allow the DOE to regularly suspend very young students.¹⁹⁹ The city should, to the extent allowed by federal law, implement a city-wide ban on suspensions for students from Kindergarten to 3rd grade. Had this policy been implemented during the 2015–16 school year, the city’s youngest children would have been spared 1,258 suspensions.²⁰⁰

Conclusion

Young people have a vision for their future. They see a future filled with hope and powerful contributions towards creating a just and thriving city for all communities. It is a future in which their schools provide them safe-haven from discrimination and oppression based on race, gender, religion, and sexual orientation. They envision schools that support their needs and provide them with ample opportunities to thrive. Yet as thousands of students, particularly students who are Black, Latinx, or have disabilities, are funneled each year from schools directly into the criminal legal system, we are cutting those dreams short. Investments in heavily policing and punishing NYC students should be re-directed to support a youth-driven vision for inclusive, supportive, safe and successful schools.

Notes

- 1 See, e.g., ADVOCATES FOR CHILDREN, POLICY AGENDA: SCHOOL-TO-PRISON PIPELINE, available at http://www.advocatesforchildren.org/policy_and_initiatives/policy_agenda/school_to_prison_pipeline.
- 2 See, e.g., Dennis Parker, *Segregation 2.0: America's school-to-prison pipeline*, MSNBC, <http://www.msnbc.com/msnbc/brown-v-board-students-criminalized>.
- 3 See PRESS RELEASE: MAYOR MICHAEL R. BLOOMBERG AND SCHOOLS CHANCELLOR JOEL I. KLEIN ANNOUNCE NEW SCHOOL SAFETY PLAN (Dec. 2003), <http://www1.nyc.gov/office-of-the-mayor/news/375-03/mayor-michael-bloomberg-schools-chancellor-joel-i-klein-new-school-safety-plan> (“The ‘Broken Windows’ approach to crime fighting will also be applied. Just as the NYPD has successfully preempted major crimes by paying close attention to areas with frequent minor quality of life offenses, the new school safety plan will focus on areas where there is frequent disorderly behavior, such as cursing or taunting other students, which can create an atmosphere conducive to more serious incidents.”).
- 4 This report only analyzes police interventions for individuals 21 years old and younger. The NYPD’s School Safety Data does not indicate whether an individual is a student or not, so the report uses 21 years old and younger as a proxy for indicating that the person is a student. See NEW YORK POLICE DEPARTMENT, NYPD REPORTS: SCHOOL SAFETY DATA, 4TH QUARTER 2016 SSA REPORT BY SCHOOL (2106); NEW YORK POLICE DEPARTMENT, NYPD REPORTS: SCHOOL SAFETY DATA, 3RD QUARTER 2016 SSA REPORT BY SCHOOL (2106); NEW YORK POLICE DEPARTMENT, NYPD REPORTS: SCHOOL SAFETY DATA, 2ND QUARTER 2016 SSA REPORT BY SCHOOL (2106); NEW YORK POLICE DEPARTMENT, NYPD REPORTS: SCHOOL SAFETY DATA, 1ST QUARTER 2016 SSA REPORT BY SCHOOL (2106), all available at http://www.nyc.gov/html/nypd/html/analysis_and_planning/reports.shtml [hereinafter “NYPD 2016 SSA Reports by Schools”].
- 5 NEW YORK CITY DEPARTMENT OF EDUCATION, SUSPENSION REPORTS: SCHOOL DISCIPLINE (SY15-16) (2016) available at <http://schools.nyc.gov/community/city/publicaffairs/Reports.htm?mo=10&yr=2016> [hereinafter “DOE School Discipline SY15-16”].
- 6 See id.
- 7 See id. (This estimate assumes that college requires the same amount of days per year as public high school. Public high schools likely require far more days per year.)
- 8 Paul Hirschfield, *Another Way Out: The Impact of Juvenile Arrests on High School Dropout*, SOCIOLOGY OF EDUCATION 82 (2009) 368-393.
- 9 Russell W. Rumberger & Daniel Losen, THE HIGH COST OF HARSH DISCIPLINE AND ITS DISPARATE IMPACT (2016).
- 10 Brea L. Perrya & Edward W. Morrisb, *Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools*.
- 11 NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS, RESEARCH ON SCHOOL SECURITY: THE IMPACT OF SECURITY MEASURES ON STUDENTS (2013) [hereinafter “NAT’L ASSOC. OF SCHOOL PSYCHOLOGISTS, School Security”]; citing Garcia, *School Safety Technology in America: Current Use and Perceived Effectiveness*, CRIMINAL JUSTICE POLICY REVIEW (2003); Addington, *Cops and Cameras: Public School Security as a Policy Response to Columbine*, AMERICAN BEHAVIORAL SCIENTIST (2009); Borum, Cornell, Modzeleski, & Jimerson, *What Can be Done About School Shootings? A Review of the Evidence*, EDUCATIONAL RESEARCHER (2010); Casella, SELLING US THE FORTRESS: THE PROMOTION OF TECHNO-SECURITY EQUIPMENT IN SCHOOLS, New York: Routledge (2006). See also AM. PSYCHOLOGICAL ASS’N ZERO TOLERANCE TASK FORCE, *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations*, 63 AM. PSYCHOLOGIST 852 (2008) (finding that “zero tolerance policies have not provided evidence that such approaches can guarantee safe and productive school climates”).
- 12 See Jason P. Nance, *Students, Police, and the School-to-Prison Pipeline*, WASHINGTON UNIV. L. REV. 93 (2016) 4; citing ADVANCEMENT PROJECT & HARVARD UNIV., OPPORTUNITIES SUSPENDED: THE DEVASTATING CONSEQUENCES OF ZERO TOLERANCE AND SCHOOL DISCIPLINE (2000), available at <https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/opportunities-suspended-the-devastating-consequences-of-zero-tolerance-and-school-discipline-policies/crp-opportunities-suspended-zero-tolerance-2000.pdf> (stating that after four years of implementation, schools that used zero tolerance policies were less safe than those that did not use them). See also NAT’L ASSOC. OF SCHOOL PSYCHOLOGISTS, School Security, above note 11 citing, Nickerson & Marten, *School Violence: Associations with Control, Security/Enforcement, Educational/Therapeutic Approaches, and Demographic Factors*, SCHOOL PSYCHOLOGY REVIEW, 37 (2008) 228-243; Mayer & Leaone, A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools, EDUCATION AND TREATMENT OF CHILDREN, 22 (1999) 333-56.
- 13 Jason P. Nance, *Students, Police, and the School-to-Prison Pipeline*, above note 12; citing Matthew P. Steinberg, et al., UNIV. CHI. URBAN EDUC. INST., *Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and School Social Organization* 46 (2011).
- 14 See THE CITY OF NEW YORK, ADOPTED BUDGET FISCAL YEAR 2017: SUPPORTING SCHEDULES, 728 (school safety division personnel identified as “agents” is 4,692); see NEW YORK CITY DEPARTMENT OF EDUCATION REPORT ON GUIDANCE COUNSELORS; PURSUANT TO LOCAL LAW 56 OF 2014; February 15, 2017, p. 2, available at <http://schools.nyc.gov/NR/rdonlyres/4C83BFEB-35F5-4263-B614-84D61A8149A4/0/GuidanceCounselorReportandSummary21517final.pdf>.

- 15 See EQUITY PROJECT AT INDIANA UNIVERSITY, ARE BLACK KIDS WORSE? MYTHS AND FACTS ABOUT RACIAL DIFFERENCES IN BEHAVIOR A SUMMARY OF THE LITERATURE (“regardless of the source, there is virtually no support in the research literature for the idea that disparities in school discipline are caused by racial/ethnic differences in behavior.”)
- 16 See NEW YORK POLICE DEPARTMENT, NYPD REPORTS: SCHOOL SAFETY DATA, 4TH QUARTER 2016 SSA REPORT BY PRECINCT (2106); NEW YORK POLICE DEPARTMENT, NYPD REPORTS: SCHOOL SAFETY DATA, 3RD QUARTER 2016 SSA REPORT BY PRECINCT (2106); NEW YORK POLICE DEPARTMENT, NYPD REPORTS: SCHOOL SAFETY DATA, 2ND QUARTER 2016 SSA REPORT BY PRECINCT (2106); NEW YORK POLICE DEPARTMENT, NYPD REPORTS: SCHOOL SAFETY DATA, 1ST QUARTER 2016 SSA REPORT BY PRECINCT (2106), all available at http://www.nyc.gov/html/nypd/html/analysis_and_planning/reports.shtml [hereinafter “NYPD 2016 SSA Reports by Precinct”].
- 17 NYPD 2016 SSA Reports by Precinct above note 16.
- 18 EXECUTIVE ORDER: ENHANCING PUBLIC SAFETY IN THE INTERIOR OF THE UNITED STATES (Jan. 25, 2017) (“Enforcement Priorities. In executing faithfully the immigration laws of the United States, the Secretary of Homeland Security (Secretary) shall prioritize for removal those aliens ... who: (a) Have been convicted of any criminal offense; (b) Have been charged with any criminal offense, where such charge has not been resolved; (c) Have committed acts that constitute a chargeable criminal offense...” (emphasis added)), available at <https://www.Whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united>.
- 19 In this report, “exclusionary discipline” is used to refer to DOE’s practice of removing students from class and suspending students, thereby excluding them from the learning environment.
- 20 NEW YORK CITY DEPARTMENT OF EDUCATION, DEMOGRAPHIC SNAPSHOTS (SY 15-16), available at <http://schools.nyc.gov/Accountability/data/default.htm> (providing demographic information on general school population); DOE School Discipline SY15-16 above note 5.
- 21 DOE School Discipline SY15-16 above note 5.
- 22 See below Section “\$746 Million a Year: The Economic Impact of Ineffective, Harsh, and Discriminatory Policies.”
- 23 The other 88 percent are executed by traditional patrol officers (37 percent) and the remainder were carried out by various other personnel including transit, housing, and education officials. See NYPD 2016 SSA Reports by Schools above note 4.
- 24 Restorative practice is a philosophy and a theory of justice, inspired by indigenous values, which is rooted in community building practices. These practices emphasize creating strong relationships, holding each other accountable through communal dialogue, bringing together everyone affected by wrongdoing to address needs and responsibilities, and healing the harm to relationships. See, The OUSD Restorative Justice Team, Restorative Justice for Oakland Youth & Be the Change Consulting, Oakland Unified School District Restorative Justice Implementation Guide: A Whole School Approach, 2, available at <http://rjoyoakland.org/wp-content/uploads/OUSTRJOY-Implementation-Guide.pdf>.
- 25 Many names of young people quoted or discussed in this report have been changed to protect their identity. This account comes from an advocate who has worked very closely with Ari during the last few years. Notes from their conversations are on file with the author.
- 26 DOE School Discipline SY15-16 above note 5.
- 27 A crime is defined as a misdemeanor or a felony. N.Y. Penal Law 40.10(6). A “violation” is defined separately as “an offense, other than a ‘traffic infraction,’ for which a sentence to a term of imprisonment in excess of fifteen days cannot be imposed.” N.Y. Penal Law 40.10(3). The data indicates that there were 938 summonses for violations in 2016, and 387 juvenile reports for violations. See NYPD 2016 SSA Reports by Schools above note 4.
- 28 See, e.g., ADVOCATES FOR CHILDREN, POLICY AGENDA above note 1.
- 29 See, e.g., Dennis Parker, *Segregation 2.0: America’s School-to-Prison Pipeline*, MSNBC, available at <http://www.msnbc.com/msnbc/brown-v-board-students-criminalized>.
- 30 NEW YORK CIVIL LIBERTIES UNION AND AMERICAN CIVIL LIBERTIES UNION, CRIMINALIZING THE CLASSROOM (2007), available at http://www.nyclu.org/pdfs/criminalizing_the_classroom_report.pdf.
- 31 OFFICE OF THE MAYOR, “Press Release: Mayor Michael R. Bloomberg, Schools Chancellor Joel I. Klein And Police Commissioner Raymond W. Kelly Announce Implementation Of School Safety Plan” (Jan. 2004), available at <http://www1.nyc.gov/office-of-the-mayor/news/001-04/mayor-michael-bloomberg-schools-chancellor-joel-i-klein-police-commissioner-raymond-w->; see also OFFICE OF THE MAYOR, “Press Release: Mayor Michael R. Bloomberg And Schools Chancellor Joel I. Klein Announce New School Safety Plan” (Dec. 2003), available at <http://www1.nyc.gov/office-of-the-mayor/news/375-03/mayor-michael-bloomberg-schools-chancellor-joel-i-klein-new-school-safety-plan> (noting “cursing” as an exemplar of the misbehavior on which the NYPD would focus) [hereinafter “Mayor Bloomberg Press Release on Safety Plan”].
- 32 See Mayor Bloomberg Press Release on Safety Plan (“The ‘Broken Windows’ approach to crime fighting will also be applied. Just as the NYPD has successfully preempted major crimes by paying close attention to areas with frequent minor quality of life offenses, the new school safety plan will focus on areas where there is frequent disorderly behavior, such as cursing or taunting other students, which can create an atmosphere conducive to more serious incidents.”)
- 33 NEW YORK CITY DEPARTMENT OF INVESTIGATION OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD, AN ANALYSIS OF QUALITY-OF-LIFE SUMMONSES, QUALITY-OF-LIFE MISDEMEANOR ARRESTS, AND FELONY CRIME IN NEW YORK CITY, 2010-2015 (5),

- available at <http://www1.nyc.gov/assets/oignypd/downloads/pdf/Quality-of-Life-Report-2010-2015.pdf>.
- 34 Sharon Otterman, Large High Schools in the City Are Taking Hard Falls (January 25, 2010) NEW YORK TIMES, <http://www.nytimes.com/2010/01/26/nyregion/26closings.html>.
 - 35 Beth Fertig, Last Students at Phase-Out School Face Limited Choices (May 30, 2013) WNYC, <http://www.wnyc.org/story/302326-last-students-at-phase-out-school-face-limited-choices>; High School Closures in New York City (2015) Table A-8, available at http://steinhardt.nyu.edu/scmsAdmin/media/users/sg158/PDFs/hs_closures/HighSchoolClosuresinNewYorkCity_Appendices_ResearchAllianceforNYCSchools.pdf (noting the pre-closure ethnic composition of schools which were eventually closed as approximately 53 percent Black and 39.5 percent Latino).
 - 36 Sharon Otterman, 777 School Employees Will Be Let Go, in the Largest Layoff Under Bloomberg (August 23, 2011) NEW YORK TIMES, <http://www.nytimes.com/2011/08/24/education/24excess.html>.
 - 37 See New York City Council Enactment 2011/006, available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=821375&GUID=BE5ED174-255F-4944-A1D5-331DD105E8CB>; NEW YORK CIVIL LIBERTIES UNION PRESS RELEASE: NYCLU APPLAUDS CITY COUNCIL'S UNANIMOUS PASSAGE OF STUDENT SAFETY ACT (2010), available at <https://www.nyclu.org/en/press-releases/nyclu-applauds-city-councils-unanimous-passage-student-safety-act>.
 - 38 Udi Ofer, Criminalizing the Classroom, NY LAW REV. 56 (2012), 1380.
 - 39 Id. at 1383.
 - 40 NEW YORK CIVIL LIBERTIES UNION, A, B, C, D, STPP: HOW SCHOOL DISCIPLINE FEEDS THE SCHOOL-TO-PRISON PIPELINE (2013) 1-2, available at <https://www.nyclu.org/publications/report-b-c-d-stpp-how-school-discipline-feeds-school-prison-pipeline-2013>.
 - 41 DIGNITY IN SCHOOLS CAMPAIGN-NEW YORK, BUILDING SAFE, SUPPORTIVE AND RESTORATIVE SCHOOL COMMUNITIES IN NEW YORK CITY: CASE STUDIES VOL. II. (2013), available at <https://www.nycourts.gov/ip/justiceforchildren/PDF/NYC%20Summit/AR/2%20P2.AR%20-%20DNS%20Case%20Study.pdf>.
 - 42 Id.
 - 43 DIGNITY IN SCHOOLS, PRESS RELEASE: SUSPENSION CRISIS IN NYC SCHOOLS; STUDENTS, PARENTS, TEACHERS TO RALLY AT NYC DOE HEARING (June 5, 2012), <http://www.dignityinschools.org/press-release/suspension-crisis-nyc-schools-students-parents-teachers-rally-nyc-doe-hearing>.
 - 44 Id.
 - 45 DIGNITY IN SCHOOLS, PRESS RELEASE: New Data Show Decrease in NYC School Suspensions, But Next Mayor Still Has Work to Do (2014), available at <http://www.dignityinschools.org/press-release/new-data-show-decrease-nyc-school-suspensions-next-mayor-still-has-work-do>.
 - 46 DIGNITY IN SCHOOLS, PRESS RELEASE: New Data Show Decrease in NYC School Suspensions, But Next Mayor Still Has Work to Do (2014), available at <http://www.dignityinschools.org/press-release/new-data-show-decrease-nyc-school-suspensions-next-mayor-still-has-work-do>.
 - 47 NYC OFFICE OF THE MAYOR, CENTER FOR INNOVATION THROUGH DATA INTELLIGENCE, DISPARITY REPORT (2016).
 - 48 See, id. (NYC disparities); U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS, DATA SNAPSHOT: SCHOOL DISCIPLINE (2014), available at <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf> (nationally, Black students are three times more likely to be suspended than White students).
 - 49 NEW YORK CIVIL LIBERTIES UNION, A, B, C, D, STPP: HOW SCHOOL DISCIPLINE FEEDS THE SCHOOL-TO-PRISON PIPELINE (2013) 1-2, available at <https://www.nyclu.org/publications/report-b-c-d-stpp-how-school-discipline-feeds-school-prison-pipeline-2013>.
 - 50 NYC DEPT. OF EDUCATION, PRESS RELEASE: CITY ANNOUNCES SCHOOL CLIMATE REFORMS (February 13, 2015), <http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2014-2015/City+Announces+School+Climate+Reforms.htm>; DISCIPLINE DISPARITIES SERIES: How Educators Can Eradicate Disparities in School Discipline: A Briefing Paper on School-Based Interventions (2014) available at http://www.indiana.edu/~atlantic/wp-content/uploads/2014/12/Disparity_Intervention_Full_121114.pdf.
 - 51 Jane Meredith Adams, California Student Suspension Rate Drops as 'Willful Defiance' Punishments Decline, EDSOURCE.ORG (2015), available at <https://edsource.org/2015/california-student-suspension-rate-drops-as-willful-defiance-punishments-decline/90989>.
 - 52 DIGNITY IN SCHOOLS, PRESS RELEASE: NEW DATA SHOW DECREASE IN SCHOOL SUSPENSIONS AS A POSITIVE STEP, BUT STUDENTS, PARENTS AND TEACHERS SAY MORE WORK NEEDS TO BE DONE (Mar. 31, 2016), available at <http://www.dignityinschools.org/press-release/new-data-show-decrease-school-suspensions-positive-step-students-parents-and-teachers->.
 - 53 NYC DEPT. OF EDUCATION, CITY ANNOUNCES SCHOOL CLIMATE REFORMS, (Feb. 13, 2015), <http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2014-2015/City+Announces+School+Climate+Reforms.htm>; NYC OFFICE OF THE MAYOR, PRESS RELEASE: MAYOR DE BLASIO ANNOUNCES EXPANSION OF PROGRAMS TO KEEP STUDENTS IN SCHOOL AND IMPROVE OVERALL SCHOOL SAFETY (Feb. 27, 2017), available at <http://www1.nyc.gov/office-of-the-mayor/news/115-17/mayor-de-blasio-expansion-programs-keep-students-school-improve-overall>.
 - 54 Ronette Summers, Letter from a Parent: Let's Get Real About School Discipline Under De Blasio, CITYLIMITS (Feb. 26, 2016), <http://citylimits.org/2016/02/26/letter-from-a-parent-lets-get-real-about-school-discipline-under-de-blasio/>.

- 55 NYC OFFICE OF THE MAYOR, PRESS RELEASE: MAYOR DE BLASIO ANNOUNCES EXPANSION OF PROGRAMS TO KEEP STUDENTS IN SCHOOL AND IMPROVE OVERALL SCHOOL SAFETY (Feb. 27, 2017), available at <http://www1.nyc.gov/office-of-the-mayor/news/115-17/mayor-de-blasio-expansion-programs-keep-students-school-improve-overall>.
- 56 URBAN YOUTH COLLABORATIVE, STUDENT SAFETY ACT AMENDMENTS PASS! (Oct. 27, 2015), <http://www.urbandyouthcollaborative.org/591/student-safety-act-amendments-pass/>.
- 57 THE MAYOR'S LEADERSHIP TEAM ON SCHOOL CLIMATE AND DISCIPLINE, Safety with Dignity (Jul. 2015), http://www1.nyc.gov/assets/sclt/downloads/pdf/Safety%20with%20Dignity%20-%20FINAL%20Complete%20Report%207.23_2.pdf.
- 58 New York State Permanent Judicial Commission on Justice for Children, New York City School-Justice Partnership Task Force (2013), <https://www.nycourts.gov/ip/justiceforchildren/NYCTaskForce.shtml>; see also Rebecca C Shore & Dawn Yuster, Discipline for Students with Disabilities: Support Rather than Exclusion, available at http://www.advocatesforchildren.org/sites/default/files/library/white_paper_discipline_for_swds.pdf?pt=1.
- 59 URBAN YOUTH COLLABORATIVE, NYC COUNCIL ALLOCATES \$2.4 FOR RESTORATIVE JUSTICE IN SCHOOLS (JUN. 26, 2017), <http://www.urbandyouthcollaborative.org/563/nyc-council-allocates-2-4-for-restorative-justice-in-schools/>.
- 60 OFFICE OF THE MAYOR, PRESS RELEASE: MAYOR DE BLASIO ANNOUNCES ROADMAP TO REDUCE PUNITIVE SCHOOL DISCIPLINE AND MAKE SCHOOLS SAFER (Nov. 2, 2015), available at <http://www1.nyc.gov/office-of-the-mayor/news/779-15/mayor-de-blasio-roadmap-reduce-punitive-school-discipline-make-schools-safer>; CITIZENS' COMMITTEE FOR CHILDREN, SUMMARY OF THE NEW YORK CITY FISCAL YEAR 2017 PRELIMINARY BUDGET (2016), <https://www.cccnewyork.org/wp-content/uploads/2016/01/CCCSummary.CityPrelimFY172.pdf>.
- 61 NYC Depart. of Education, School Discipline Report to City Council (2014) (noting 53,504 suspensions in SY 13-14); NYC Depart. of Education, Local Law 93 of 2015 (Previously Local Law 6 of 2011) – Biannual Report (2016), <http://schools.nyc.gov/NR/rdonlyres/A6C7BC85-4FA3-43A3-BB0E-619736443214/0/October2016LL93BiannualReport.pdf> (noting 37,647 suspensions in SY 15-16).
- 62 See NYPD 2016 SSA Reports by Schools above note 4.
- 63 NY POLICE DEPART., PRESS RELEASE: POLICE COMMISSIONER BRATTON AND SCHOOLS CHANCELLOR CARMEN FARIÑA ANNOUNCE SECOND QUARTER SCHOOL SAFETY DATA; INDEX CRIME FALLS 35% OVER THE LAST FIVE YEARS (Sept. 15, 2016), available at <http://nypdnews.com/2016/09/police-commissioner-bratton-and-schools-chancellor-carmen-farina-announce-second-quarter-school-safety-data-index-crime-falls-35-over-the-last-five-years/>.
- 64 See NYPD 2016 SSA Reports by Schools above note 4.
- 65 See THE CITY OF NEW YORK, ADOPTED BUDGET FISCAL YEAR 2015: SUPPORTING SCHEDULES, 687; see also THE CITY OF NEW YORK, ADOPTED BUDGET FISCAL YEAR 2017: SUPPORTING SCHEDULES, 728.
- 66 THE CITY OF NEW YORK, TRANSCRIPT: MAYOR DE BLASIO APPEARS LIVE ON WNYC (Sept. 16, 2016), <http://www1.nyc.gov/office-of-the-mayor/news/741-16/transcript-mayor-de-blasio-appears-live-wnyc> (including the quote “the right approach” and using quality-of-life policing interchangeably with Broken Windows policing); Erin Durken, Mayor de Blasio Says NYPD to Continue Crackdown on Minor Crimes Despite Criticism it Causes Deportations (Mar. 1, 2017) DAILY NEWS, <http://www.nydailynews.com/news/politics/mayor-nypd-continue-crackdown-minor-crimes-article-1.2986273> (including the “a formula that works” quotation).
- 67 NEW YORK CITY DEPARTMENT OF INVESTIGATION OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD, AN ANALYSIS OF QUALITY-OF-LIFE SUMMONSES, QUALITY-OF-LIFE MISDEMEANOR ARRESTS, AND FELONY CRIME IN NEW YORK CITY, 2010-2015, <http://www1.nyc.gov/assets/oignypd/downloads/pdf/Quality-of-Life-Report-2010-2015.pdf>.
- 68 See NYPD School Data by Precinct above note 16.
- 69 NEW YORK CIVIL LIBERTIES UNION, A, B, C, D, STPP, above note 35.
- 70 See below. \$746 Million a Year: The Economic Impact of Ineffective, Harsh, and Discriminatory Policies.
- 71 NAT'L ASSOC. OF SCHOOL PSYCHOLOGISTS, School Security above note 11; citing Garcia, *School Safety Technology in America: Current Use and Perceived Effectiveness*, CRIMINAL JUSTICE POLICY REVIEW (2003); Addington, *Cops and Cameras: Public School Security as a Policy Response to Columbine*, AMERICAN BEHAVIORAL SCIENTIST (2009); Borum, Cornell, Modzeleski, & Jimerson, *What Can be Done About School Shootings? A Review of The Evidence*, EDUCATIONAL RESEARCHER (2010); Casella, *SELLING US THE FORTRESS: THE PROMOTION OF TECHNO-SECURITY EQUIPMENT IN SCHOOLS*, New York: Routledge (2006). See also Am. Psychological Ass'n Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations*, 63 AM. PSYCHOLOGIST 852 (2008).
- 72 See Jason P. Nance, *Students, Police, and the School-to-Prison Pipeline*, WASHINGTON UNIV. L. REV. 93 (2016) 4; citing ADVANCEMENT PROJECT & HARVARD UNIV., OPPORTUNITIES SUSPENDED: THE DEVASTATING CONSEQUENCES OF ZERO TOLERANCE AND SCHOOL DISCIPLINE (stating that after four years of implementation, schools that used zero tolerance policies were less safe than those that did not use them). See also NAT'L ASSOC. OF SCHOOL PSYCHOLOGISTS, School Security, above note 11 citing, Nickerson & Marten, *School Violence: Associations with Control, Security/Enforcement, Educational/Therapeutic Approaches, and Demographic Factors*, SCHOOL PSYCHOLOGY REVIEW, 37 (2008) 228-243; Mayer & Leaoe, *A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools*, EDUCATION AND TREATMENT OF CHILDREN, 22 (1999) 333-56.

- 73 See THE CITY OF NEW YORK, ADOPTED BUDGET FISCAL YEAR 2017: SUPPORTING SCHEDULES, 728 (school safety division personnel identified as “agents” is 4,692).
- 74 See NYPD 2016 SSA Reports by Schools above note 4.
- 75 See NYPD School Data by Precinct above note 16.
- 76 See NYPD 2016 SSA Reports by Schools above note 4.
- 77 See NYPD 2016 SSA Reports by Schools above note 4; see also Interview with Student “Miguel” (Feb. 6, 2017) (notes on file with author).
- 78 See Kathleen Grimm, Testimony in the Transcript of the Minutes of the Committee on Public Safety, Committee on Education, & Committee on Juvenile Justice (2013) (stating that security cameras covered more than one third of schools); WNYC, METAL DETECTORS REMAIN IN SCHOOLS DESPITE DROP IN CRIME (2016) available at <https://www.wnyc.org/story/metal-detectors-remain-in-schools-despite-drop-in-crime/> (reporting that more than 100,000 middle school and high school students in NYC pass through metal detectors to go to school).
- 79 Jason P. Nance, *Students, Police, and the School-to-Prison Pipeline*, WASHINGTON UNIVERSITY LAW REVIEW (2016); citing, THE ADVANCEMENT PROJECT, above note 12, at 8 (explaining that strict security measures “produce a perception of safety, [but] there is little or no evidence that they create safer learning environments or change disruptive behaviors”); Richard E. Redding & Sarah M. Shalf, *The Legal Context of School Violence: The Effectiveness of Federal, State, and Local Law Enforcement Efforts to Reduce Gun Violence in Schools*, 23 L. & POL’Y 297, 319 (2001) (“It is hard to find anything better than anecdotal evidence” to demonstrate that strict security measures such as metal detectors and guards reduce violence in schools).
- 80 Matthew T. Theriot, *School Resource Officers and the Criminalization of Student Behavior*, 37 J. CRIM. JUST. Q. 280, 285 (2009); see also Jason P. Nance, *Students, Police, and the School-to-Prison Pipeline*.
- 81 Interview with Student “Matthew” (Feb. 6 2017) (notes on file with author); Student Discussion at Urban Youth Collaborative with more than twenty students (Feb. 6 2017) (notes on file with author).
- 82 Interview with Student “Matthew” (Feb. 6, 2017) (notes on file with author); Student Discussion at Urban Youth Collaborative with more than twenty students (Feb. 6 2017) (notes on file with author).
- 83 NAT’L ASSOC. OF SCHOOL PSYCHOLOGISTS, *School Security*, above note 11, citing Schreck & Miller, *Sources of Fear of Crime at School: What is the Relative Contribution of Disorder, Individual Characteristics and School Security?*, JOURNAL OF SCHOOL VIOLENCE, 2 (2003); Gastic, *Metal Detectors and Feeling Safe at School*. EDUCATION AND URBAN SOCIETY, 43 (2011) 486-498.
- 84 Brea L. Perrya & Edward W. Morrisb, *Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools*.
- 85 Gary Sweeten, “Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement” 23 JUSTICE QUARTERLY 4 (Dec. 2006).
- 86 SARGENT SHRIVER NATIONAL CENTER ON POVERTY LAW, *HANDCUFFS IN HALLWAYS: THE STATE OF POLICING IN CHICAGO PUBLIC SCHOOLS* (2017).
- 87 Interview with Student “Miguel” (Feb. 6, 2017) (notes on file with author).
- 88 Silverstein, Jason, “How Racism is Bad for Our Bodies.” *The Atlantic*, March 12, 2013,] <https://www.theatlantic.com/health/archive/2013/03/how-racism-is-bad-for-our-bodies/273911/>; Soto, José A., Nana A. Dawson-Andoh, and Rhonda BeLue, *The Relationship Between Perceived Discrimination and Generalized Anxiety Disorder Among African Americans, Afro Caribbeans, and Non-Hispanic Whites*, JOURNAL OF ANXIETY DISORDERS 25, 2 (March 2011): 258-65, doi:10.1016/j.janxdis.2010.09.011; John A. Rich and Courtney M. Grey, *Pathways to Recurrent Trauma among Young Black Men: Traumatic Stress, Substance Use, and the “Code of the Street,”* AMERICAN JOURNAL OF PUBLIC HEALTH 95, 5 (May 2005): 821, doi:10.2105/AJPH.2004.0444560. Pamela J. Sawyer et al., *Discrimination and the Stress Response: Psychological and Physiological Consequences of Anticipating Prejudice in Interethnic Interactions*, AMERICAN JOURNAL OF PUBLIC HEALTH 102, 5 (May 2012): 1021-1024, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483920/>.
- 89 See NYPD 2016 SSA Reports by Schools above note 4.
- 90 JOHN JAY COLLEGE OF CRIMINAL JUSTICE, Chauhan, Welsh, Fera, & Balazon, with an introduction by Jeremy Travis, THE SUMMONS REPORT: TRENDS IN ISSUANCE AND DISPOSITIONS OF SUMMONSES IN NEW YORK CITY, 2003–2013. Report presented to the Citizens Crime Commission (2015) [hereinafter “JOHN JAY COLLEGE REPORT ON SUMMONSES”].
- 91 NEW YORK CIVIL LIBERTIES UNION AND AMERICAN CIVIL LIBERTIES UNION, *CRIMINALIZING THE CLASSROOM* (2007).
- 92 N.Y.S. CPL § 150.60.
- 93 JOHN JAY COLLEGE REPORT ON SUMMONSES above note 64.
- 94 Interview with student “Miguel” (Feb. 6, 2017) (notes on file with author); N.Y. Penal Law § 80.05.
- 95 In NYC schools, one incident will often lead to both a response by police personnel and school-based discipline. For example, if a student yells at a teacher, he may be reported to the dean’s office with a recommendation for a suspension, while simultaneously receiving a summons to go to court. The cumulative impact of both forms of punishment instituted at once is likely even worse than the studies have found for policing and harsh school discipline separately. See, e.g., Interview with Student “Miguel” (Feb. 6, 2017) (notes on file with author).
- 96 DOE School Discipline SY15-16 above note 5.
- 97 See id.

- 98 See *id.* (This estimate assumes that college requires the same amount of days per year as public high school. Public high schools likely require far more days per year.)
- 99 U.S. DEPARTMENT OF EDUCATION, EXPANSIVE SURVEY OF AMERICA'S PUBLIC SCHOOLS REVEALS TROUBLING RACIAL DISPARITIES (Mar. 21, 2014), <https://www.ed.gov/news/press-releases/expansive-survey-americas-public-schools-reveals-troubling-racial-disparities>.
- 100 THE HIGH COST OF HARSH DISCIPLINE AND ITS DISPARATE IMPACT above note 9; See, e.g., AM. ACAD. OF PEDIATRICS, *Out-of-School Suspension and Expulsion*, 112 PEDIATRICS 1206, 1207 (2003); Jason P. Nance, *Dismantling the School-to-Prison Pipeline*, ARIZONA STATE LAW JOURNAL 48 (2016), citing Kerrin C. Wolf & Aaron Kupchik, *School Suspension and Adverse Experiences in Adulthood*, JUST. Q. (2016); Tony Fabelo, et al., BREAKING SCHOOLS' RULES: A STATEWIDE STUDY OF HOW SCHOOL DISCIPLINE RELATES TO STUDENTS' SUCCESS AND JUVENILE JUSTICE INVOLVEMENT (2011) 55–57.
- 101 Brea L. Perrya & Edward W. Morrisb, *Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools*.
- 102 *Id.*
- 103 See Jonathan Cohen et al., *School Climate: Research, Policy, Practice, and Teacher Education*, 111 TEACHER C. REC. (2009).
- 104 *Id.*
- 105 Nance, *Dismantling the School-to-Prison Pipeline*, above note 75; citing Matthew P. Steinberg, et al., UNIV. CHI. URBAN EDUC. INST., *Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and School Social Organization* 46 (2011).
- 106 The OUSD Restorative Justice Team, Restorative Justice for Oakland Youth & Be the Change Consulting, Oakland Unified School District Restorative Justice Implementation Guide: A Whole School Approach, 2, available at <http://rjyoakland.org/wp-content/uploads/OUSTRJOY-Implementation-Guide.pdf>.
- 107 *Id.*
- 108 *Id.*
- 109 Nance, *Dismantling the School-to-Prison Pipeline*, above note 75; citing INT'L INST. FOR RESTORATIVE PRACTICES, IMPROVING SCHOOL CLIMATE: FINDINGS FROM SCHOOLS IMPLEMENTING RESTORATIVE PRACTICES 7 (2009) (noting that several schools have seen positive safety results from implementing restorative justice).
- 110 *Id.*
- 111 *Id.* citing Thalia N. C. González & Benjamin Cairns, *Moving Beyond Exclusion: Integrating Restorative Practices and Impacting School Culture in Denver Public Schools*, JUSTICE FOR KIDS: KEEPING KIDS OUT OF THE JUVENILE JUSTICE System 241, 241–42 (Nancy E. Dowd ed., 2011).
- 112 See THE CITY OF NEW YORK, ADOPTED BUDGET FISCAL YEAR 2017: SUPPORTING SCHEDULES, 728 (school safety division personnel identified as “agents” is 4,692); see NEW YORK CITY DEPARTMENT OF EDUCATION REPORT ON GUIDANCE COUNSELORS; PURSUANT TO LOCAL LAW 56 OF 2014; February 15, 2017, p. 2, available at <http://schools.nyc.gov/NR/rdonlyres/4C83BFEB-35F5-4263-B614-84D61A8149A4/0/GuidanceCounselorReportandSummary21517final.pdf>.
- 113 See EQUITY PROJECT AT INDIANA UNIVERSITY, ARE BLACK KIDS WORSE? MYTHS AND FACTS ABOUT RACIAL DIFFERENCES IN BEHAVIOR A SUMMARY OF THE LITERATURE (“regardless of the source, there is virtually no support in the research literature for the idea that disparities in school discipline are caused by racial/ethnic differences in behavior.”)
- 114 See NYPD School Data by Precinct above note 16.
- 115 *Id.*
- 116 *Id.* (includes data on police interactions by race); NEW YORK CITY DEPARTMENT OF EDUCATION, DEMOGRAPHIC SNAPSHOTS (SY 15-16) above note 20.
- 117 *Id.*
- 118 *Id.*
- 119 See NYPD School Data by Precinct above note 16.
- 120 EXECUTIVE ORDER: ENHANCING PUBLIC SAFETY IN THE INTERIOR OF THE UNITED STATES (Jan. 25, 2017) above note 18.
- 121 GOVERNMENTAL AFFAIRS DIVISION, BRIEFING PAPER FOR THE COMMITTEE ON COURTS AND LEGAL SERVICES AND THE COMMITTEE ON IMMIGRATION: EVALUATING ATTORNEY COMPLIANCES WITH PADILLA V. KENTUCKY AND COURT OBSTACLES FOR IMMIGRANTS IN CRIMINAL AND SUMMONS COURTS (2015), citing Heidi Altman, *Prosecuting Post-Padilla: State Interests and the Pursuit of Justice for Non-Citizen Defendants*, Georgetown L.J. (2012): 1-43 available at <http://immigrantdefenseproject.org/wp-content/uploads/2013/11/prosecuting-post-padilla-state-interests-and-the-pursuit-of-justice-for-noncitiz.pdf>.
- 122 *Id.* citing 8 USC 1227(a)(2)(B)(i). In addition, barring extraordinary circumstances young people are ineligible for programs like Deferred Action for Childhood arrivals if they are convicted of three non-significant misdemeanors, which can include city violations (infractions which are not “criminal” under the law); AMERICAN IMMIGRATION COUNCIL, NATIONAL IMMIGRATION PROJECT OF THE NATIONAL LAWYERS GUILD, AND AMERICAN IMMIGRATION LAWYERS ASSOCIATION, PRACTICE ADVISORY: DEFERRED ACTION FOR CHILDHOOD ARRIVALS (2014) available at http://www.nationalimmigrationproject.org/legalresources/practice_advisories/pa_DACA_Revised_8-27-2014_2.pdf.
- 123 EXECUTIVE ORDER: ENHANCING PUBLIC SAFETY IN THE INTERIOR OF THE UNITED STATES (Jan. 25, 2017) above note 18.

- 124 NEW YORK CITY DEPARTMENT OF EDUCATION, DEMOGRAPHIC SNAPSHOTS (SY 15-16) above note 20; DOE School Discipline SY15-16 above note 5.
- 125 DOE School Discipline SY15-16 above note 5.
- 126 THE CENTER FOR CIVIL RIGHTS REMEDIES, ARE WE CLOSING THE SCHOOL DISCIPLINE GAP? (2015), available at https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/are-we-closing-the-school-discipline-gap/AreWeClosingTheSchoolDisciplineGap_FINAL221.pdf.
- 127 See generally, DOE School Discipline SY15-16 above note 5.
- 128 *Id.*
- 129 *Id.*
- 130 Interview with Markeys (Feb. 2017) (on file with author).
- 131 See THE CITY OF NEW YORK, ADOPTED BUDGET FISCAL YEAR 2017: SUPPORTING SCHEDULES, 500.
- 132 MAYOR'S OFFICE, MILESTONE STATUS (COMPLETED, ON TRACK, AT RISK, OFF TRACK, NOT STARTED) FY 17 (on file with author).
- 133 POLICE REFORM ORGANIZING PROJECT, OVER \$410 MILLION A YEAR: THE HUMAN AND ECONOMIC COST OF BROKEN WINDOWS POLICING 2 (finding that a conservative estimate of the per arrest cost in NYC is \$1,750); See NYPD School Data by Precinct above note 16.
- 134 Independent Budget Office, Center for Popular Democracy request (dated 12/19/15) for expenses for juvenile justice involved youth, Suspension Hearing Offices (IBO Analysis of DOE data, FY2017) (on file with author).
- 135 *Id.*
- 136 See NYPD 2016 SSA Reports by Schools above note 4.
- 137 THE CITY OF NEW YORK MAYOR BILL DE BLASIO, MAYOR'S MANAGEMENT REPORT FISCAL YEAR 2016 (2016), 189 (daily detention costs); Mayor's Management Report, 213 (average expenditure per student).
- 138 Andrew O'Donohue, *Race and Rikers*, HARVARD POLITICAL REVIEW (Nov. 11, 2014) <http://harvardpolitics.com/united-states/race-rikers/>.
- 139 Independent Budget Office, Center for Popular Democracy request (dated 12/19/15).
- 140 *Id.*
- 141 See Kathleen Grimm, Testimony in the Transcript of the Minutes of the Committee on Public Safety, Committee on Education, & Committee on Juvenile Justice (2013).
- 142 This only represents the one-time costs more than 20 years ago. The cost of installation now would likely be far greater. In addition, there are ongoing maintenance and personnel costs associated with these that are unaccounted for. Cecilia Reyes, "100,000 NYC School Children Face Airport-Style Security Screening Every Day" (Jan. 12, 2016) PROPUBLICA, [https://www.](https://www.propublica.org/article/nyc-school-children-face-airport-style-security-screening-every-day)
- propublica.org/article/nyc-school-children-face-airport-style-security-screening-every-day.
- 143 MAYOR'S LEADERSHIP TEAM ON SCHOOL CLIMATE, SAFETY WITH DIGNITY (July 2015), available at http://www1.nyc.gov/assets/sclt/downloads/pdf/Safety%20with%20Dignity%20-%20FINAL%20Complete%20Report%207.23_2.pdf (80 schools); Ben Chapman, *NYC Education Department, NYPD Team up to Plan Use of Metal Detectors in Public Schools*, (Jul. 2016) DAILY NEWS, <http://www.nydailynews.com/new-york/education/nyc-education-dept-nypd-team-school-metal-detectors-article-1.2719845>.
- 144 NEW YORK POLICE DEPARTMENT, 3RD QUARTER 2016 FADO QUARTERLY REPORT; NEW YORK POLICE DEPARTMENT, 2ND QUARTER 2016 FADO QUARTERLY REPORT; NEW YORK POLICE DEPARTMENT, 1ST QUARTER 2016 FADO QUARTERLY REPORT, all available at http://www.nyc.gov/html/nypd/html/analysis_and_planning/reports.shtml.
- 145 *Bruno v. City of New York*; ¶12-5 Stipulation and Order of Dismissal, 10 CV 210 (RRM)(SMG) (Nov. 20, 2015), Document 404.
- 146 NYC DEPARTMENT OF EDUCATION, Local Law 93 of 2015 (Previously Local Law 6 of 2011) - Biannual Report July - Dec.; NYC Department of Education, Local Law 93 of 2015 (Previously Local Law 6 of 2011) - Biannual Report Jan.-June, available at <http://schools.nyc.gov/community/city/publicaffairs/Reports.htm?mo=10&yr=2016>.
- 147 New York City, N.Y., Rules, Tit. 3, § 4900-02.
- 148 Nolan Caldwell, et al, *How Much Will I Get Charged for This?" Patient Charges for Top Ten Diagnoses in the Emergency Department*, PLOS ONE, 8 (2013) 2, <http://dx.doi.org/10.1371/journal.pone.0055491>.
- 149 See, e.g. Jamie Schram, et al, *Police to Make "Truancy Sweeps" through Manhattan* (Nov. 24, 2014) NEW YORK POST, <https://nypost.com/2014/11/24/police-to-make-truancy-sweeps-through-manhattan/>; Ryan Lavis, *Students Beware: NYPD Truancy Crackdown Planned for Next Week*, SILIVE, http://www.silive.com/news/index.ssf/2016/03/students_beware_nypd_truancy_c.html.
- 150 NEW YORK STATE UNIFIED COURT SYSTEM, BUDGET FISCAL YEAR 2017-18 (2016) 32.
- 151 See THE CITY OF NEW YORK, ADOPTED BUDGET FISCAL YEAR 2017: SUPPORTING SCHEDULES, 752, 753, 754.
- 152 THE HIGH COST OF HARSH DISCIPLINE AND ITS DISPARATE IMPACT above note 9.
- 153 *Id.*
- 154 *Id.*
- 155 Researchers controlled for other factors, such as socioeconomic status, absenteeism and lower grades to isolate suspension as a causal factor.
- 156 The study's estimates used data on 10th graders, so we used information from the 10th grade cohort in NYC. The report estimated the number of students suspended. In New York City, advocates, including the

- Urban Youth Collaborative worked for years to ensure that this data was made public, so we know the number of suspensions in the 10th grade class and we know how many students had more than one suspension. From there we can estimate the number of students suspended.
- 157 DOE School Discipline SY15-16 above note 5; NEW YORK CITY DEPARTMENT OF EDUCATION, STUDENTS WITH MULTIPLE REMOVALS AND/OR SUSPENSIONS, available at <http://schools.nyc.gov/community/city/publicaffairs/Reports.htm?mo=10&yr=2016>.
- 158 New York City Department of Education Biannual Report Pursuant to Local Law 93 of 2015, October 31, 2016; New York State Department of Education School Report Card data, 2015-2016 (Suspension data for 2015).
- 159 This number was reached by calculating: 1,339 students suspended three times each*3 total suspensions=4017 of the 6,742 suspensions accounted for by recidivists. That leaves 6,742-4017 = 2,725 students who were suspended only once.
- 160 THE HIGH COST OF HARSH DISCIPLINE AND ITS DISPARATE IMPACT above note 9. The report found that the nationwide graduation rate of 80 percent fell to 68 percent for students who were suspended, a fall of 12 points or 15 percent (12/80). Slightly smaller differences were found in Florida (13.7 percent drop) and slightly larger in California (16.5 percent drop). In New York City, the graduation rate for students scheduled to graduate in 2016 was 91.5 percent. Assuming a 13-15 percent drop in that rate for the 4,064 students suspended in the 2015-2016 school year yields a graduation rate of between 77.8 percent and 79.6 percent.
- 161 This based on the average difference between a graduation rate between 77.8% and 79.6% and the expected graduation rate of 91.5% for the 4,064 students suspended. Both the expected and the estimated lower rates are likely even lower when taking into consideration the number of students who remain enrolled at the four-year mark who will ultimately dropout.
- 162 THE HIGH COST OF HARSH DISCIPLINE AND ITS DISPARATE IMPACT above note 9.
- 163 Id.
- 164 See NYPD 2016 SSA Reports by Schools above note 4.
- 165 David S. Kirk, *Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood*, SOCIOL. EDUC. (Jan. 1, 2013) 88(1): 36-62, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4192649/>.
- 166 THE HIGH COST OF HARSH DISCIPLINE AND ITS DISPARATE IMPACT above note 9.
- 167 DOE School Discipline SY15-16 above note 5.
- 168 See NYPD 2016 SSA Reports by Schools above note 4.
- 169 NEW YORK CITY DEPARTMENT OF EDUCATION, GRADUATION RATE REPORT (2016), available at <http://schools.nyc.gov/Accountability/data/GraduationDropoutReports/default.htm>. (The graduation rate
- 170 THE HIGH COST OF HARSH DISCIPLINE AND ITS DISPARATE IMPACT above note 9.
- 171 DIGNITY IN SCHOOLS, COUNSELORS NOT COPS: ENDING THE REGULAR PRESENCE OF LAW ENFORCEMENT IN SCHOOLS, <http://dignityinschools.org/interactive/counselors-not-cops/#>.
- 172 Ben Chapman, *NYC Education Department, NYPD Team up to Plan Use of Metal Detectors in Public Schools* (Jul. 21, 2016) NY DAILY NEWS, <http://www.nydailynews.com/new-york/education/nyc-education-dept-nypd-team-school-metal-detectors-article-1.2719845>.
- 173 This quotation is adapted, with permission from the author, from an op-ed in CITY LIMITS. Zion Harley, *CityViews: The Real Costs of Over-Policing in New York* (Oct. 28, 2016) CITY LIMITS, <http://citylimits.org/2016/10/28/cityviews-the-real-costs-of-over-policing-in-new-york/>.
- 174 OFFICE OF THE MAYOR, PRESS RELEASE: MAYOR DE BLASIO ANNOUNCES ROADMAP TO REDUCE PUNITIVE SCHOOL DISCIPLINE AND MAKE SCHOOLS SAFER (Nov. 2015), <http://www1.nyc.gov/office-of-the-mayor/news/779-15/mayor-de-blasio-roadmap-reduce-punitive-school-discipline-make-schools-safer>.
- 175 Experts analyzed the cost of implementing restorative justice programs. The budget projection is on file with author.
- 176 Estimates predict that to implement restorative practices, NYC schools needs \$120,000. There are 512 schools with more than 10 long-term suspensions, or 20 or more principal suspensions. In addition, advocates have identified additional schools with particular problems related to school climate issues. This proposal suggests that restorative practices be added to 550 schools across the city.
- 177 THE MAYOR'S LEADERSHIP TEAM ON SCHOOL CLIMATE AND DISCIPLINE, MAINTAINING THE MOMENTUM A PLAN FOR SAFETY AND FAIRNESS IN SCHOOLS (2016), available at http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf.
- 178 As recommended in the Mayor's Leadership Team on School Climate and Discipline report released in July 2016, the proposed pilot would create a network of mental health services in addition to already existing hospital and social service supports for students and their families in these communities. Components of the pilot include: Two Hospital-Based Clinics (\$260 per clinic*2= \$520,000); Two Call-In Centers (included in clinic costs); Five School Response Teams (\$235,000 per team*5 = \$1.175 million); Whole-School Collaborative Problem-Solving Training (\$25,000 per school*20 = \$500K); Four Full-time School-Based Behavioral Health Consultants (\$70,000 per clinician*4 = \$280,000); and Data Collection and Program Evaluation (\$100,000). Total Investment: \$2.575 million per year*3 years = \$7.725 million. The full budget proposal is on file with author.

- 179 New social workers and guidance counselors would likely have a starting salary towards the bottom of the pay scale. The mean salary for social workers in the lowest pay bracket is \$88,194, and the mean salary for guidance counselors in the lowest pay bracket is \$59,191. While more analysis on a school-by-school bases is needed to determine the number of additional social workers and guidance counselors needed to serve the student population, the current ratio is insufficient. The School Social Work Association of America recommends a 1:250 ratio for social workers to general education students. NYC does not even match this ratio. Even if it did, it would still be insufficient because some schools have high needs populations such as students with disabilities or English Language Learners.
- 180 NEW YORK CITY COALITION FOR EDUCATIONAL JUSTICE, CULTURALLY RELEVANT INSTRUCTION, available at <http://www.nyccej.org/wp-content/uploads/2015/12/Culturally-relevant-curric-one-pager.doc>.
- 181 Id.
- 182 Components of the plan include: recruiting teachers of color; one-day quarterly trainings with follow-ups to teachers, school leaders, central staff; Lead Teachers; Summer Camps for teachers to develop 10 Culturally Responsive Education (CRE) training modules for professional development credit; create online resource list and curriculum sharing platform; create and staff Office of Culturally Responsive Education; expand culturally relevant book selections in all schools; and know-your-rights trainings and legal consultations available to students and families at 250 school campuses, in their native languages. NYC COALITION FOR EDUCATIONAL JUSTICE, RACIAL JUSTICE IN THE CLASSROOM (2017) (budget proposal on file with author).
- 183 COMMUNITY SERVICE SOCIETY, UNIVERSAL SUMMER JOBS FOR NEW YORK CITY YOUTH (Feb. 2016) 1, <http://lghhttp.58547.nexcesscdn.net/803F44A/images/nycss/images/uploads/pubs/Summer%20jobs%20web%203.pdf>.
- 184 Id. at 9.
- 185 Id. at 3.
- 186 COMMUNITY SERVICE SOCIETY, HOW REDUCED MTA FARES CAN HELP LOW-INCOME NEW YORKERS MOVE AHEAD (Apr. 2016), https://b.3cdn.net/nycss/938c33f9b77fec95d7_nvm6b2091.pdf.
- 187 Id.
- 188 NYC DEPARTMENT OF EDUCATION, PRESS RELEASE: MAYOR DE BLASIO, CHANCELLOR FARIÑA ANNOUNCE HIGHEST-EVER GRADUATION RATE (Feb. 10, 2017), <http://www1.nyc.gov/office-of-the-mayor/news/076-17/mayor-de-blasio-chancellor-fari-a-highest-ever-graduation-rate#/0>; NYC YOUNG MEN'S INITIATIVE, EXPANDED SUCCESS INITIATIVE, <http://schools.nyc.gov/NR/rdonlyres/CD461C53-7C2C-4345-B3EB-C4F9305D1F3A/0/ESlinContextv2.pdf>.
- 189 Clive Belfield, *The Benefits of Attending Community College: A Review of the Evidence*, COMMUNITY COLLEGE REVIEW, 39 (2011) 1, 46 – 68.
- 190 Sustaining existing Student Success Centers will cost approximately \$2,500,000. New locations cost approximately \$250,000 each. This proposal focuses on adding Student Success Centers to 40 new campuses, which are under-resourced and have three or more schools on the campus, and funding College Bridge programs at the new Student Success Center sites. This proposal also provides resources for additional programs in schools that need particular support to achieve college access, but are not in a large campus. URBAN YOUTH COLLABORATIVE, COLLEGE ACCESS BUDGET PROPOSAL (2017) (on file with author).
- 191 CUNY Rising: NEW YORK NEEDS FREE, QUALITY PUBLIC HIGHER EDUCATION: A Case for Increased Investment in CUNY (2017).
- 192 THE CENTER FOR CIVIL RIGHTS REMEDIES, ARE WE CLOSING THE SCHOOL DISCIPLINE GAP? above note 101.
- 193 DIGNITY IN SCHOOLS, NEW DATA SHOW DECREASE IN NYC SCHOOL SUSPENSIONS, BUT MORE WORK NEEDS TO BE DONE (2017), <http://www.dignityinschools.org/press-release/new-data-show-decrease-nyc-school-suspensions-more-work-needs-be-done>.
- 194 Id.
- 195 Teresa Watanabe, *L.A. Unified Bans Suspension for 'Willful Defiance'* (May 14, 2013) LOS ANGELES TIMES, <http://articles.latimes.com/2013/may/14/local/la-me-lausd-suspension-20130515>.
- 196 NYC DEPARTMENT OF EDUCATION, CITYWIDE BEHAVIORAL EXPECTATIONS (2015), <http://schools.nyc.gov/NR/rdonlyres/CD69C859-524C-43E1-AF25-C49543974BBF/0/DiscCodebookletApril2015FINAL.pdf>.
- 197 DOE School Discipline SY15-16 above note 5.
- 198 See above Section: Supportive Schools are Safer than Punitive Schools: NYC Chooses a Punitive Approach.
- 199 George Joseph, *Kindergarteners Might Still be Suspended in New York City Mayor de Blasio's Proposed "Ban" on the Disciplinary Measure May Not be a Ban at All*, ATLANTIC (Aug. 2016), <https://www.theatlantic.com/education/archive/2016/08/why-kindergarteners-might-still-be-suspended-in-new-york-city/495614/>.
- 200 DOE School Discipline SY15-16 above note 5.



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