



Bloomberg Writes His Own Report Card

Thankfully, there's no term limit on the Constitution and its protection of students

By Nat Hentoff
Tuesday, September 16th 2008

Our mayor, basking in his 70 percent approval rate, declared on September 3 that the state legislature will surely extend mayoral control of the city's public schools because "the alternative is too devastating to contemplate." That same day, the Daily News irreverently reported: "Dozens of heartbroken 4- and 5-year-olds were turned away from several jampacked elementary schools in Corona, Queens, and put on lengthy waiting lists or told to try back in a couple of weeks."

The mayor had nothing to say about the overcrowding or the School Safety Act, which is now before the City Council and aims to make accountable to the Civilian Complaint Review Board those NYPD School Safety Agents treating students as if they were on Rikers Island.

Like his schools chancellor, Joel Klein, Bloomberg is undisturbed by these official bullies in the schools, having assured us and the state legislature, according to *The New York Times* on September 3: "Accountability has been established at every level in our school system, and everything flows from there." Heartily agreeing with the mayor's unitary executive power (made familiar by George W. Bush), Klein says: "In terms of checks and balances, there are plenty of them."

But sharply disagreeing with Bloomberg and Klein is the Student Safety Coalition, which is urging the City Council to pass the Student Safety Act with its badly needed checks and balances. The coalition includes not only the New York Civil Liberties Union but also Advocates for Children of New York; the Association of Legal Aid Attorneys, UAW 2325; the Children's Defense Fund—New York; Class Size Matters; the Correctional Association of New York (involved, Mr. Mayor, in juvenile-justice reform and the criminal-justice system); the CUNY Graduate Center Participatory Action Research Collective; Make the Road New York (focusing on human rights in the justice system); and the NAACP Legal Defense and Educational Fund.

And there's more, Chancellor Klein: the National Economic and Social Rights Initiative; the National Lawyers Guild—NYC Chapter; New York Lawyers for the Public Interest; Teachers Unite (whose presence underlines the irresponsible *absence* of the United Federation of Teachers from the list); and the Urban Youth Collective.

Why have all of these public-interest groups dared to gather during the reign of the ever-beneficent Michael Bloomberg? Because, as the coalition states (and the state legislature should bear this in mind): "There are no effective mechanisms to learn about what is happening in our schools, and to hold police personnel accountable for misconduct. The public does not have access to information about who is getting arrested in our schools and for what. . . . Few students, parents, and educators know how to file a complaint against police misconduct in our schools." Even so, "Commissioner Ray Kelly has reported that the NYPD has received more than 2,700 complaints from 2002–2007 about *police abuse in schools*" (emphasis added). Can we see those complaints, Commissioner Kelly?

Especially, sir, the complaints about arrests in *non-criminal* and *non-violent* situations. Wouldn't the schools chancellor himself like to see them? These are not isolated abuses by the School Safety Agents, who have the authority to arrest and are acting as if they had unilaterally outlawed the Fourth Amendment.

As of this writing, 25 members of the 51-member City Council have co-sponsored the Student Safety Act. Meanwhile, with the School Safety Agents still on the loose in our public schools, I would advise students to get a copy of the New York Civil Liberties Union's booklet, "Know Your Rights With Police in Schools," which offers this useful piece of counsel: "Keep this card handy! If a School Safety Agent tries to violate your rights, you can protect yourself!" (For a copy, call Angela Jones at 212-607-3388, or e-mail PoliceinSchools@nyclu.org. You can also fax the NYCLU at 212-607-3318—or mail your own story about an encounter with SSAs, headed "Police in Schools," to the NYCLU at 125 Broad Street, 19th floor, New York, NY 10004.)

Using a question-and-answer format, the booklet presents clear and detailed information, such as: "What to do after a conflict with a School Safety Agent? Write down everything you remember as soon as possible, including the School Safety Agent's *badge number and name*. Try to *find witnesses and their names and phone numbers*" (emphasis added). If the SSA won't give you his or her name and badge number, make sure you write that down! A lawyer would want to know that.

"What should I do if a School Safety Agent wants to search me, my backpack, or my locker? . . . You can object to the search by saying out loud: 'I do not consent to this search.' That will not stop the search, but it will protect your right to protest the search later" (including in a lawsuit). The NYCLU booklet continues: "If you were arrested in school and do not have a lawyer, you can [if speed is necessary] call the Legal Aid Society at 212-577-3300." Or the NYCLU number above—and there's more in the booklet.

Now dig this! While Joel Klein has nothing to say about the behavior of School Safety Agents, he and the city's principal—i.e., the mayor—have instituted regulations against bias-based harassment in our schools. According to the Associated Press on September 4: "Schools are required to report complaints to the Department of Education within 24 hours . . . and contact the families of students" subjected to "bias-based harassment." Also, "at the end of each school year . . . a report of the complaints, broken down by school, will be made public on the Internet." This caring initiative is officially called "Respect for All."

As I noted last week, police and SSAs are far more likely to be involved in *non-criminal* conflicts with "poor, black, and Latino" students. The new anti-bias regulations, however, say nothing about harassment committed against them by disrespectful, unregulated SSAs.

At the August 14 introduction of the School Safety Act, as the NYCLU noted, among the supporting speakers at a press conference was "Yvonne Webster, mother of Biko Edwards, who was slammed into a brick wall, sprayed with Mace and arrested [by a School Safety Agent] *for being in the hallway without a pass* last year at Samuel J. Tilden High School" (emphasis added). Edwards is black.

While there is much pressure to end term limits and give Mayor Bloomberg a chance at a third term, the September 4 *New York Sun* tells us of a committee of political consultants and philanthropists championing Joel Klein as our next mayor, because "the chancellor's watchword [has been] accountability."

Really? And who has Klein been accountable to when it comes to student safety in the city's schools?