

EDUCATION NOT DEPORTATION

Impacts of New York City School Safety
Policies on South Asian Immigrant Youth



JUNE 2006



A report by **DRUM—Desis Rising Up and Moving** in partnership with the **Urban Justice Center Community Development Project**

Additional research, writing, and editorial support provided by **RFR Researchers**

.....

Acknowledgements

This report was produced by Desis Rising Up and Moving (DRUM) and the Community Development Project (CDP) of the Urban Justice Center, with support from RFR Researchers.

First and foremost, we would like to thank the following members of DRUM's YouthPower! for conducting extensive primary research and for shaping the analysis, direction and recommendations of this report: Shoshi, Rishi, Shormin, Raquibul, Sadia, Sadaf, Maksuda, Touhid, Kamrul, Parisha, Naila, Asma, Rafat, Imran, Shaan, Ahmed, Sayera, Juneid, Kamal, Nadia, Junaid, Amandeep, Nahida, Balraj, Sabrina, Christina and Sumon. Thanks also to the following DRUM staff for their contributions: Monami Maulik, Lisa Bhungalia, Kavitha Pawria and Shweta Parmar.

Many thanks go to Laine Romero-Alston, Astri Kingstone, Betty Chou and Rachel Antler of the Urban Justice Center Community Development Project for providing substantial methodological, technical and secondary research support from the onset of this project. Special thanks to Laine Romero-Alston for her writing contributions.

In addition, we would like to thank RFR Researchers Remy Kharbanda and Andrea Ritchie for providing significant research, writing, and editorial support.

Last but certainly not least, we would like to thank Francesca Fiorentini for layout and design.

.....

EDUCATION NOT DEPORTATION:

Impacts of New York City School Safety Policies on South Asian Immigrant Youth

Youth Profile #1	4
Executive Summary	5
Background	10
Education Not Deportation Campaign	12
Who are South Asians?.....	15
Methodology	16
Chapter 1: Impacts of Law Enforcement Presence in Schools on Immigrant Youth.....	17
Youth Profile #2	40
Chaper 2: Accountability.....	41
Youth Profile #3	48
Chapter 3: Resource and Investment Priorities	49
Youth Profile #4.....	53
Chapter 4: Conclusions and Recommendations	55
Appendix A: Historical Context: Immigrant Nation, Immigrant City	59
Appendix B: YouthPower! Survey.....	80
Appendix C: YouthPower! Focus Group Guide	82
Appendix D: Freedom of Information Act/Law Requests and Responses	85
Endnotes	97

IN OUR HIGH SCHOOLS we see the NYPD criminalizing us every day. Police are always asking us for our ids, harassing us in the hallways, rounding us up in their police vans, and detaining and arresting us. In many ways our schools feel like jails. This impacts us all in many different ways. For undocumented youth (youth without 'papers'), the impact is especially great.

There are thousands of undocumented immigrant youth in New York City schools. These youth are at risk of detention and deportation simply because they do not hold the right immigration documents. They constantly live in fear, especially when they go to their schools and the police are everywhere, in the hallways, in the street, by the bathrooms. Everywhere. These students live in fear because if the police ask for their identification and find out they don't have papers or if they get picked up by the cops for any reason at all, including being late, being in the hallway, or for just "looking suspicious", they could ultimately be detained in immigration detention and deported. This fear is real. Last year a 16-year-old Bangladeshi immigrant was detained by the Department of Homeland Security and deported after law enforcement learned she was undocumented.



However, this goes beyond just one isolated incident or "perceived risk." Immigrant youth are being harassed by police on a daily basis. YouthPower! has completed a two-year community research project which found that of 650 South Asian immigrant youth surveyed half reported having seen or experienced harassment from police or school officials in or around their schools, and approximately one-third reported having been harassed by police in or around their schools. What does this all mean? It means that undocumented youth are afraid to go to school. It means that their risk of immigration-related problems, such as detention and deportation is greatly increased. It means that they live in a constant state of fear. It means that their schools have become places where they are criminalized, disrespected, and pushed further underground. This is not right.

All students have a right to an education; the Department of Education (DoE) officially states this in their own disciplinary code. This code also states that students have a right to be in an environment that is free from harassment or discrimination. Our research and lived experiences clearly show that the NYPD are violating the DoE's rules and regulations. As youth leaders in New York City we have a responsibility to challenge DoE and Mayor's office to rethink the City's school safety policy that places armed police, surveillance cameras, and metal detectors in schools, making our schools feel like prisons instead of places of learning, and pressure the DoE to involve us in creating a school safety policy that makes everyone feel safe, including the thousands of undocumented students in New York City.

—Testimony of DRUM Youth Power! member Raquib
March 30, 2006 rally launching city-wide student union in New York City



Executive Summary

Background

In recent years, South Asian youth members of YouthPower!, a program of Desis Rising Up and Moving (DRUM), have increasingly been reporting negative experiences they and their peers are having with police and other authorities in and around their schools. They expressed concerns about being criminalized and feeling vulnerable in the very spaces in which they are supposed to feel safe and protected. There has been little discussion and documentation of the particular impacts of the Bloomberg administration's current approach to so-called "school safety" issues through the implementation of "zero tolerance" policies and the increased reliance on school safety agents and NYPD officers to enforce school discipline on immigrant youth in general, and South Asian youth, many of whom are Muslim, in particular. Therefore, in 2004, YouthPower! in partnership with the Community Development Project of the Urban Justice Center set out to investigate and document the problems identified and experienced by South Asian immigrant youth with school and police authorities as a result of the Administration's current approach to school safety, and to make founded recommendations and proposals that would ensure a truly safe learning environment for all students.

The findings and recommendations of this report are based on the analysis of 662 surveys and five focus groups conducted with South Asian immigrant youth by YouthPower! members between April 2004 and January 2006, as well as an extensive compilation and analysis of secondary data sources and documents.

Immigration and Education Trends Affecting NYC Public Schools

National, state and local trends related to immigration, education, and post-9/11 policing and enforcement policies have had profound impacts on immigrant youth in New York City schools. As a result, significant numbers of immigrant students are struggling with a profound sense of fear and insecurity in the very spaces that are supposed to foster learning, development, and growth.

Based on a long history of anti-immigrant sentiment specifically aimed at immigrants of color coming from countries of the Global South, immigration policies of recent decades have created an increasingly hostile environment for immigrant communities in this country. Beginning in the late 1970s and gaining momentum over the following decades, discrimination against immigrants to the U.S. has increased in intensity, leading to a number of initiatives aimed at curbing the immigrant “tide” and the perceived “drain” on the U.S. economy attributed to the growing immigrant population. Such initiatives, including those currently under consideration in Congress, have resulted in pervasive and persistent violations of the human and civil rights of immigrants in the U.S., and contributed to the creation of a marginalized underclass made up of both documented and undocumented immigrant residents of the United States. The events of September 11, 2001 heralded a dramatic escalation of prevailing anti-immigrant attitudes and policies, with particular impacts on South Asian, Arab, and Muslim immigrants, who are perceived to be the ultimate threat to national security in the post 9/11 era.

Over the years, prevalent public attitudes toward immigrants have found expression in public school systems through laws and policies aimed at excluding not only undocumented children, but also documented immigrants. Simultaneously, the placement of law enforcement agents in public schools has increased in recent years in response to claims of rising school violence and post 9/11 safety concerns. Armed law enforcement officers now patrol the hallways of public schools, operate metal detectors placed at school entrances, and conduct frisks and full searches of students as they come to school in the morning. Perhaps most disturbingly, police officers, rather than principals and teachers, now play a primary, if not exclusive, role in the implementation of school disciplinary policies in many jurisdictions. Moreover, collaboration between local law enforcement, homeland security agencies, and immigration authorities has increased dramatically since 9/11. Through the confluence of these trends, our public schools have become sites where an anti-immigrant climate threatens access to education.

Impacts on Safety of Immigrant Youth in NYC Public Schools

The results of our research indicate that the Bloomberg Administration’s current approach to school safety - flooding schools with law enforcement agents, increasing surveillance and screening, and implementation of zero-tolerance policies and harsh disciplinary responses to even the most minor acts of misbehavior - fosters an environment that condones and promotes harassment, discrimination, and intimidation, and creates fear and insecurity for immigrant youth in New York City public schools.

Harassment and discrimination

South Asian youth are exposed to alarming levels of harassment and discrimination from police officers and school authorities, including school safety agents, principals and teachers.

- Over half (51%) of all youth surveyed reported having seen and/or experienced harassment by authorities, including police officers and school authorities.
- 85% of those who reported exposure to harassment by school or police authorities believed that it was based on actual or perceived race, ethnicity, religion, or immigration status.

- Moreover, focus group data show that youth clearly experience anti-Muslim bias resulting from post-9/11 backlash.

Information gathering and sharing

Existing policies prohibiting collection and sharing of information disclosing students' immigration status by New York City government agencies, including schools, are routinely being violated.

- Nearly half (45%) of survey respondents reported that they had been asked about their immigration status by authorities, including police, school officials, hospital workers, welfare workers, the DMV or other city agencies.

Information that exposes immigration status is routinely requested by schools at the time of registration, when applying for school lunch, and when exploring options for college. Collection of such information, which can subsequently be obtained by immigration and law enforcement authorities pursuant to the PATRIOT and REAL ID Acts, places immigrant students at considerable risk.

Student 1: "When I went to register for school they asked for my passport. They made copies of it. I was afraid."

Student 2: "(When I registered for school), they took my permanent ID card."

Student 1: "When you apply for college they ask for your id. I was afraid to apply to colleges because they asked for a Social Security number...Or they ask for a valid visa. My visa is expired ...They could deport us. They could put us in prison."

Student 2: "Even though I have a Social Security [number] I'm scared."

Fear and insecurity at school

Students' direct experiences of harassment by authorities and their awareness of ongoing sweeps, detentions and deportations of immigrants, which have touched almost every participant in our study in some way, have rendered South Asian youth profoundly fearful of even merely coming into contact with police and other authorities. Students feel that the presence of law enforcement and military recruiters in schools and the routine and pervasive collection of information revealing their immigration status places them at considerable risk of exposure of their immigration or their families' status, and ultimately, of deportation.

- One in four (26%) of all youth surveyed said that they were afraid to give personal information to authorities.

"You have to be more careful. If you do anything at all they are going to deport you, even if you didn't do anything wrong."

Even assuming that official data suggesting that school violence has decreased since law enforcement presence in schools has increased is correct—a premise which has been questioned by various sources it is clear from the experiences of youth who participated in our study that the price of "school safety" as currently envisioned and implemented by the Bloomberg

administration is too high for immigrant youth. Indeed, students should not be forced to choose between only two options—facing violence or harassment by fellow students or violence and harassment by law enforcement officers—neither of which truly affords them safety.

Student 1: "Schools shouldn't have cops; it should feel like a school."

Student 2: "It feels like a prison."

Recommendations

Schools should be a safe environment for immigrant youth and all youth. This can be achieved by removing police officers from public schools, securing real protection from requests for or disclosure of our immigration status by school and law enforcement officials, and involving students in the formulation and evaluation of school safety policies.

In order to ensure a safe and empowering learning environment in NYC public schools, Mayor Bloomberg and DoE Chancellor Klein should:

1. Conduct an immediate evaluation of current school safety strategies in collaboration with students and parents.

The DoE should create a team comprised of students, parents, and DoE staff to conduct an immediate evaluation of current DoE and NYPD school safety policies, as well as an assessment of the academic needs of and current resource allocation to Impact Schools and other schools with high "incident" rates. The evaluation team should then pose recommendations to the Mayor, DoE, and NYPD for improving school safety throughout NYC public schools. These recommendations should be reviewed by a joint committee of students, parents, and school and DoE officials, and then integrated into a revision of the current school safety approach. Additionally, a student documentation center should be established in each school to monitor the impacts of current school safety policies on students, as well as abuses by law enforcement, school officials, or other students.

2. Declare "Immigrant Safe Zones" in schools

The DoE should declare "Immigrant Safe Zones" in schools by actually enforcing Executive Order 41 and ensuring that no information regarding students' immigration status is being requested, compiled, or reported. Specifically, the DoE should not request or compile information that could expose a student's immigration status on any school document, including as lunch forms, subject tests, AP exams, or school club forms, or require documentation for enrollment purposes other than the types of documents listed in applicable regulations as sufficient for verification of New York City residency.

3. Remove law enforcement officials from schools and involve students, parents, and school officials in the development of a comprehensive school safety approach

The presence of law enforcement in and around schools creates a hostile learning environment and puts undocumented youth at increased risk of deportation. The Mayor and DoE should remove police from school premises and directly involve students and parents in the development of a comprehensive school safety approach. This can be achieved by ensuring that students are effectively integrated in the leadership of existing school-based committees charged with crafting school safety policy in collaboration with the DoE. These committees

must have the authority to determine if and how NYPD and school safety agents are utilized in the implementation of school safety plans.

4. Invest in Education

Schools with high “incident” rates, such as Impact Schools, have the fewest educational resources. These schools also suffer from severe overcrowding, poor educational facilities, and lack of adequate academic resources and supports, such as updated books, computers, college prep programs, counselors, and student clubs. The Mayor should divest from the policing of NYC public schools, which includes stationing NYPD officers in and around schools and installing metal detectors and surveillance cameras on school premises, and invest in resources that promote the academic development of young people and equip them with the skills they need to pursue higher education.

Background and Report Overview

DRUM-Desis¹ Rising Up and Moving - is a membership-led, social justice organization of low-income South Asian immigrants, including immigrants facing deportation, in New York City. DRUM organizes to build the power of immigrants and families affected by detention and deportation, and of low-income South Asian immigrant communities to halt expanding anti-immigrant enforcement policies (including detention and deportation), win legalization for undocumented immigrants, and gain safe access to services for all immigrants including housing, education, medical care, and workplace rights. DRUM's vision is to organize low-income South Asian immigrants for racial, economic, and social justice on local issues rooted in global movements for equity and justice.

YouthPower! is DRUM's youth organizing program. We build the leadership of low-income South Asian and Muslim immigrant youth, ages 15 to 21, as immigrant justice leaders in our community. YouthPower! engages in youth-led campaign action, leadership development through popular education, and runs "Know Your Rights" workshops for immigrant students. Youth members also play lead organizational roles in DRUM.

The research which forms the basis for this report was initiated in 2004, and is based on discussions among YouthPower! members concerned about the high levels of harassment and intimidation many of them were seeing and experiencing from law enforcement officials in and around their schools. In order to further document this issue, YouthPower! in partnership with the Community Development Project of the Urban Justice Center began a two-year research project which consisted of surveying over 650 random South Asian high school youth and conducting a series of focus groups with South Asian students directly affected by immigration issues to document their experiences in greater depth. The findings of this community research project reveal that the Department of Education's (DoE) and Mayor Bloomberg's school safety strategy, which institutionalizes collaboration between the NYPD and DoE, creates unsafe conditions for South Asian immigrant students in NYC schools. Some impacts are specific to South Asian youth, whereas others are felt by the entire immigrant student population. This report specifically highlights some of the main ways South Asian immigrant youth are adversely impacted by approaches to school safety that rely heavily on law enforcement presence and 'zero tolerance' policies in New York City Schools.

Chapter 1 details the main findings stemming from our primary research regarding the impact of current school safety policies, particularly the presence of law enforcement, on immigrant youth. Chapter 2 discusses issues of accountability to students and school officials of law enforcement involved in school safety and discipline. Chapter 3 addresses questions of resource allocation and investment priorities of the DOE and the Bloomberg administration. Based in the research findings and analysis of the previous sections, Chapter 4 outlines recommendations that seek the creation of a safe environment for all youth, including immigrant youth, in New York City's public schools. Appendix A provides a critical and comprehensive overview and analysis of historic and current immigration, education, school safety, and law enforcement policies at the national and local levels. As such, it provides an important backdrop and context for the experiences of South

Asian youth in New York City schools documented in this report, and illuminates many of the forces which converge in the lives of South Asian students, and color their experiences of law enforcement presence in schools and current school safety strategies. Finally, additional appendices provide additional information and background related to the research, findings and recommendations that form the basis of this report.

We hope that the information contained in this report will influence the debate and decision-making to promote the importance of Education, Not Deportation for immigrant youth.



EDUCATION NOT DEPORTATION CAMPAIGN

Ever since Rudolph Giuliani took office in 1993 as Mayor of New York City on a platform of “zero tolerance” for crime and “quality of life” policies, and even more so since the events of September 11th, 2001, the number of police officers stationed within New York City public schools has steadily increased. This creates an atmosphere of fear in schools for many immigrant youth who are undocumented and at risk of deportation. Undocumented students also face the unfair reality of not having easy access to higher education: students without papers are prohibited from receiving any form of financial aid from the government, thus imposing a great financial burden on undocumented students and their families, in many cases effectively denying these students equal access to higher education.

YouthPower!’s Education Not Deportation campaign was developed through extensive dialogue with youth and the findings of this intensive community research project. The campaign seeks to secure concrete protections and access to services for immigrant youth, end policing and enforcement policies in schools, and win legalization for all undocumented youth. We believe that:

(1) School should be a safe environment for immigrant youth and all youth.

We want the status of undocumented immigrant youth to be protected in NYC high schools. This can be achieved by removing police officers from public schools and securing real protection from requests for or disclosure of our immigration status by school and law enforcement officials.

(2) All young people should have equal access education.

We want Congress to pass the DREAM Act² to allow all undocumented youth to legalize status and to be able to receive financial aid to access a college education.

Overview of Key Policies Impacting South Asian Immigrant Youth in NYC Public Schools

The following is an outline of a few of the key policies that directly impact South Asian immigrant students in New York City schools. (See Chapter 5 for more detailed explanation of these policies.) The NYC School Safety Initiative builds off previous initiatives implemented in New York City over the past two decades and expands the presence and role of law enforcement in New York City public schools. The No Child Left Behind Act and the PATRIOT Act allow for sharing of personal information between governmental agencies. As discussed in Chapter 1 and in Appendix A, within the post-9/11 context, in which South Asian and Muslim communities have been particularly impacted, the convergence of these three policies has particular impacts for immigrant youth due of the increased level of contact students have with law enforcement and the potential risk that their personal information, particularly immigration status, will be shared with federal immigration authorities.

NYC School Safety Initiative

In January of 2004, Mayor Bloomberg launched the “School Safety Initiative,” which greatly expanded the presence and role of the New York City Police Department (NYPD) in NYC public schools. Bloomberg’s school safety initiative placed one hundred and fifty NYPD officers in twelve NYC middle and high schools selected by the NYPD and Department of Education (DoE). These schools were designated “impact schools” based on the number of reported criminal incidents, numbers of student transfers, and trends such low attendance and “disorderly” behavior. A year after the introduction of this initiative, the number of NYPD officers in NYC schools increased to 200, and in March 2006 the NYPD announced that an additional 286 school safety agents would be deployed. Bloomberg’s school safety approach has extended beyond designated impact schools to middle and high schools throughout NYC. Currently, many NYC public schools have armed NYPD officers, metal detectors, and cameras on the premises, and most recently, the NYPD began conducting random screenings with metal detectors outside of NYC public schools. Under Bloomberg’s school safety approach, principals have lost considerable authority in the implementation of school safety and disciplinary practices.

Bloomberg’s school safety initiative encompasses the following:

- Application of the “Broken Windows” approach to crime fighting by cracking down on minor acts of misbehavior with harsh disciplinary measures, and “Zero Tolerance” policies, which call for immediate and harsh responses to even minor violation of school disciplinary rules and the implementation of a three-strikes-and-you’re-out policy that removes students from mainstream schools:
- Increased presence, role, and authority of school safety agents and police officers in the enforcement of the school discipline code;
- Increased use of scanning and security measures; and
- Placement of probation officers in schools.ⁱ

No Child Left Behind Act

The No Child Left Behind (NCLB) Act of 2001 and the National Defense Authorization Act For Fiscal Year 2002 require high schools to provide military recruiters with access to high school juniors and seniors, as well as their contact information, including home address and telephone number, for the purposes of recruitment to the US armed forces. While parents may “opt out” of providing such information on behalf of their children, many are unaware of this option until their child’s information is accessed by military recruiters, despite legislative requirements that parents be notified of the types of information released to the military by “local education agencies” and advised of the procedures to be followed if a parent wishes to deny disclosure without prior written consent.

The USA PATRIOT Act

The USA PATRIOT (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act of 2001 was passed weeks after September 11, 2001. Among its many provisions broadening the power of the federal government to act on the basis of “homeland security,” the Patriot Act permits law enforcement authorities to inspect records kept by public and private entities, including library, sales, medical, and bank records reflecting individuals’ activities, and forbids these entities from advising individuals that their records have been disclosed to government agents.ⁱⁱ In 2002 alone, at least 545 libraries had been asked for information about patrons’ records, and as of 2003, at least 200 colleges and universities have turned over student information to law enforcement agencies.ⁱⁱⁱ

WHO ARE SOUTH ASIANS?

The terms “South Asian” and “Desi” refer to people from Afghanistan, Bangladesh, Bhutan, India, Nepal, Pakistan, Sri Lanka and parts of the diaspora including Africa, Great Britain, Fiji, Guyana and Trinidad. There is considerable religious and linguistic diversity within South Asian communities. The most commonly spoken languages in New York City include Bengali, Urdu, and Punjabi, and religious practices include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism and Sikhism.³

The South Asian community is among the fastest growing in New York City - between 1990 and 2000 the population of South Asians in New York City increased by 111 percent.⁴ The largest population of South Asians in New York City lives in the Borough of Queens.⁵



Sixty-eight percent of the South Asian population in New York City was born outside the US, whereas only 36% of the overall New York City population is foreign-born.⁶ Unlike the predominantly professional class of immigrants who came to the U.S. following the passage of the 1965 Immigration and Naturalization Act, the most recent wave of South Asian migrants is predominantly made up of people displaced by globalization & structural adjustment policies in South Asian countries, and recruited by current U.S. immigration policy to fill low-wage service sector jobs such as driving taxis, restaurant work, domestic work, and those in sweatshop industries.⁷ Many recent South Asian immigrants become undocumented when their visas expire or when employers fail to sponsor them as promised. Based on their undocumented and therefore easily exploitable status, many South Asians work in low or no wage jobs, and are unable to access higher education, social services, and healthcare. Real poverty rates for South Asians are often concealed because of the lack of official data on undocumented South Asian households in New York City. However, 39% of Bangladeshi youth, 34% of Pakistani youth, and 26% of Indian youth in New York City live in poverty.⁸

DRUM’s membership includes several hundred recent immigrant families, youth, and immigrant detainees. Our membership is low-income, lives throughout New York City, but primarily in Queens, and is approximately 80% Muslim. Amongst our members, the largest nationality groups in order are Bangladeshi, Pakistani, Indian (especially Punjabi Indians), and Indo-Caribbean.

METHODOLOGY

The research that forms the basis of this report was carried out over the past two and a half years, and was initiated and led by the members of YouthPower!, which is made up of South Asian immigrant youth living in New York City. Research support was provided to YouthPower! by the Community Development Project (CDP) of the Urban Justice Center and RFR Researchers. The research consists of three components: 1) surveys; 2) focus groups; and 3) collection and analysis of secondary data sources.

- **Surveys:** Using an instrument developed by YouthPower! members that consists of 18 questions related to youth experience of harassment by police and school authorities, information gathering, fear of sharing personal information, and basic demographics, youth went out to neighborhoods and schools in Queens identified because of their high population of South Asian immigrants and conducted surveys with 662 other high school-aged youth. Neighborhoods in which street outreach was conducted include: Jackson Heights, Elmhurst, Woodside, Astoria, Long Island City, Flushing, Richmond Hill and Jamaica. Surveys were conducted on the street in shopping districts, community centers and religious institutions, as well as in and around subways. In addition, YouthPower! members administered surveys to fellow students in their schools at lunchtime, and engaged in targeted outreach outside of 7 Queens schools at the end of the school day as students left the school grounds. One of those schools (John Bowne) was an Impact School at the time the surveys were administered, and another became an Impact School in April 2006 (Newtown). Ultimately, surveys were collected from over 75 schools across New York City. While the population surveyed does not represent a strict random sample, the sample was developed using official data about the South Asian immigrant population in New York City to ensure that it reflected the diversity of South Asian immigrant youth in terms of gender, age, ethnicity and religion, as well as a range of different schools in Queens.

- **Focus Groups:** Focus group participants were identified through survey outreach and recruited by youth and other community members currently or historically involved with DRUM. Five focus groups were held between June 2005 and January 2006, with a total of 33 South Asian immigrant students. Focus groups were facilitated by trained YouthPower! members.

- **Contact with relevant government agencies:** Researchers requested permission to speak with school principals, teachers, and other school officials about the issues raised by the research results, but were effectively denied any opportunity to meet with education officials, despite the submission of a formal proposal to the NYC DoE in the summer of 2005 pursuant to a request from the Department. While researchers were initially told that review of the proposal would be “swift,” ultimately our request for meetings with school officials was forwarded to the Chancellor’s office as a “sensitive” matter. We received no further response to our request for meetings with school or department officials. Similarly, although researchers had several informal conversations with NYPD officers regarding police policies and procedures in New York City schools, numerous requests for formal meetings with NYPD officials met with no response.

- **Freedom of Information Requests:** Information regarding official policies, procedures, and practices relating to school safety, as well as data about South Asian immigrants in New York City schools, was formally requested pursuant to New York State Freedom of Information Law from the NYC Department of Education, the NYPD, and the Department of Homeland Security.⁹ It should be noted that fifteen months following our initial requests, and notwithstanding unanswered biweekly follow up phone calls, the New York City Police Department finally responded that they were unable to provide access to information relating to any of the 6 requests made because it does “not keep the records in the format requested.” The Department of Homeland Security responded that the information requested was not within the purview of that agency.

- **Collection and analysis of secondary data sources:** An extensive literature review was conducted on topics relevant to the research.



Impacts of Law Enforcement Presence in Schools on Immigrant Youth

IN RECENT YEARS, YouthPower! members have increasingly experienced problems with police and other authorities in and around their schools, and have heard of similar experiences from other youth in their communities. Youth coming to YouthPower! have expressed concerns about being criminalized and feeling vulnerable in the very spaces in which they are supposed to feel safe and protected. Over the past two years, an important public debate, led by affected youth and youth advocates, about the current administration's approach to "school safety" issues through the implementation of "zero tolerance" policies and increased reliance on school safety and NYPD officers to enforce school discipline has been underway. However, there has been little discussion or documentation of the particular impacts of these policies on immigrant youth in general, and South Asian youth, many of whom are Muslim, in particular.

In this chapter we report the results of Youth Power's two year-long investigation of the experiences of this population, and highlight the impacts of broader policies outlined in Appendix A on South Asian immigrant students in New York City public schools, from the perspective and in the voices of affected youth.

Our research and findings are based on analysis of 662 surveys conducted with South Asian youth in Queens, five focus group discussions involving a total of 33 South Asian youth, and an extensive review of documents and data obtained through Freedom of Information Law (FOIL) requests to various city agencies.

The main findings outlined in detail in this chapter include the following:

- South Asian youth are exposed to alarming levels of harassment and discrimination from police officers and school authorities, including school safety agents, principals and teachers.
- Existing policies prohibiting collection and sharing of information disclosing students' immigration status by New York City government agencies, including schools, are routinely being violated. Collection of such information, which can subsequently be obtained by immigration and law enforcement authorities pursuant to the PATRIOT and REAL ID Acts, places immigrant students at considerable risk.
- Students' direct experiences of harassment by authorities and their awareness of ongoing sweeps, detentions and deportations of immigrants, which have touched almost every participant in our study in some way, have rendered South Asian youth profoundly fearful of even merely coming into contact with police and other authorities.
- Students feel that the presence of law enforcement and military recruiters in schools and the routine and pervasive collection of information revealing their immigration status places them at considerable risk of exposure of their or their families' immigration status, and ultimately, of deportation.

In many cases, the conduct of school and school safety officials reported by youth was in direct contravention of New York City Department of Education policy, New York City Police Department policy, or both. In some cases, it violated local, state and federal law.

Overview of YouthPower! survey respondents

Gender:	Women	51%
	Men	49%
Religion:	Islam	59%
	Hinduism	22%
	Sikhism	13%
	Other	6%
Ethnicity:	Bangladeshi	41%
	Indian	31%
	Pakistani	14%
	Indo-Caribbean	6%
	Other	8%
Place of birth:	Foreign born	71%
	United States	29%
Citizenship:	U.S. Citizen	63%
	Non-U.S. Citizen	37%
Primary language:	Language other than English:	60%
	English	40%

"Cops scare people. You don't feel free. You don't get the feeling that you are supposed to feel in school. You feel like you are in a prison. It does impact your studies."

"There should be a family environment in school. Instead it feels like there is always a criminal investigation going on."

"In (my school) there is a lot of security. You don't need that much security. You have cops in schools now. That's too bad. It doesn't seem to be a school anymore."

Policies relating to School Safety

- DoE—The Department of Education states that in order for students to have a successful experience in the classroom 1) their physical and mental health needs must be met, 2) their school environment must be safe and orderly, and 3) they must have access to services that promote continuous social and academic growth.¹⁰
- NYPD—"The mission of the School Safety Division is to provide a safe environment, conducive to learning, where students and faculty can be free from hostility and disruptions which could negatively impact the educational process."¹¹

Unfortunately, strategies and tactics implemented by the Bloomberg administration in pursuit of a “safe and orderly” environment have effectively compromised the safety and security of South Asian immigrant youth, and particularly of undocumented students. They also undermine the Department’s primary commitment to fostering student learning and education. The Department’s limited definition of school safety, based exclusively on NYPD-maintained “incident rates,” attendance levels, and suspensions, is achieved at the expense of a comprehensive vision of safety, security and respect for all students in the school environment.

Intimidation

“They (freshman students) were all new immigrants, you could tell by their clothing. The cops tried to scare [them]. They were new to the environment and everything.”

The presence of law enforcement officers in schools and their enforcement of “zero tolerance” policies have particular impacts on immigrant youth. Youth who participated in this study reported feeling that they had to avoid coming to the attention of school safety agents and police at all costs to avoid detection of their immigration status and minimize the risk of deportation. As one student put it:

“You have to be more careful. If you do anything at all they are going to deport you, even if you didn’t do anything wrong.”

The anti-immigrant policies that have been implemented in the past decades and particularly those after 9/11 (see Appendix A for more detail) and their enforcement by federal immigration authorities and local law enforcement agencies, have resulted in negative, and frequently devastating consequences for South Asian students and their communities. Youth reported that these experiences have directly influenced their perceptions of law enforcement, and that their sense of safety had been directly threatened by law enforcement presence in their schools. The expressed need of many students to “fly under the radar” has serious implications, particularly for those students most vulnerable to abuse, for these students are less likely to access services and participate in educational and school-related activities, thus compromising their ability to focus on learning and perform well in school.

South Asian youth described both explicit and implicit forms of intimidation by police and school authorities in and around schools. For example, many students reported being interrogated by school safety agents and police when walking in the hallways, going to the bathroom without a pass, or trying to exit the school through the “wrong” door. Students also reported being picked up in police vans when they were tardy to school, or left school premises during official school hours. An NYPD Youth Officer at a Queens-based precinct confirmed this practice, but emphasized that although students think they are being arrested, they really are not.¹² Nevertheless, youth reported that law enforcement-based responses to non-violent infractions such as tardiness or cutting class make them feel intimidated and criminalized.

Student 1: *“Outside there are police and inside there are security guards, but police do come in to school too. They come into the school during the day. They usually drive around with the wagons and pick up kids.”*

Student 2: *“They randomly pick up students.”*

Student 3: *“It happened to me once. Around 1:30 my friends and I were walking to go play cricket and basketball. The police stopped us and searched all of us. We were all South Asian. They took a long time. They asked us for our ids and where we were from.”*

“I was coming into school a period late, about 5 minutes after the second bell rang. A NYPD van already had 15 people in it. They asked me for my program. They didn’t have any more space in the van so they made us [referring to himself and his friends] wait like 20 minutes outside. They wrote our names down, they took our info, and they took us to the dean’s office. They made us wait a period. These were cops. They took my name, my phone number, my mother’s name, my address, and they asked for my id and program card.”

“When I’m leaving from school there are always big police vans full of kids.”

Moreover, school safety measures implemented by authorities were often the cause of tardiness, as students were forced to wait in long lines for hours to pass through metal detectors to enter school, and were sometimes held up on the way to school by law enforcement agents.

“These days you get caught for things you don’t even do. They are the reason that you are late. Then you get picked up for being late.”

Youth also told of being placed in over-crowded detention rooms lacking sufficient seating for hours as punishment for tardiness or failing to carry a program card listing their school schedule.

“A guard did the same thing to me (because I didn’t have a pass). He made me stand in the detention room for the entire period. The room was so full there was no room to sit. They are the ones that make you late and then you get punished for being late.”

The use of such intimidation tactics and the imposition of severe punishment for minor infractions to ensure order and control the school environment stem from the “Broken Windows” theory and “Zero Tolerance” policies promoted by the Mayor and Department of Education discussed in Appendix A. Although DoE policies are purportedly aimed at promoting student safety and security, the current administration’s strategies and tactics create an environment in direct conflict with the DoE’s mission, as well as its stated goal of ensuring student safety.

Student 1: “Schools shouldn’t have cops; it should feel like a school.”

Student 2: “It feels like a prison.”

Youth repeatedly expressed that their schools felt increasingly like prisons with police and school safety agents patrolling the halls, surveillance cameras, and metal detectors through which they had to pass daily. Our findings strongly support what youth and advocates have been saying for years: that New York City schools, and particularly schools in low-income communities where the majority of the school population is comprised of students of color, increasingly resemble prisons rather than institutions of learning. Instead of promoting the development of active, creative minds, this environment creates a climate in which youth feel disempowered, passive, and frightened, with detrimental impacts on their health, safety and education.

“You feel scared. Walking around the school doesn’t feel safe.”

Although some students who participated in our study reported that fights were less frequent in their schools since police presence has increased, they also emphasized that their overall feeling of safety and security had decreased significantly. The risks posed to immigrant, and particularly undocumented, students by the occasional fight down the hall seem relatively minor when compared to risks associated with contact with law enforcement agents and the very real possibility of disclosure of their immigration status by law enforcement officials, potentially resulting in deportation for themselves or their families.

“There are two sides [to law enforcement presence in schools]. On the one hand there are less fights, but for undocumented students it’s really hard. There is so much fear, especially if you are undocumented. Like me, I have to think twice before I go to the bathroom.”

Student 1: *“The cops really don’t help make it safer. Once I saw this kid that was going to fight. The cop just passed by. He didn’t care.”*

Student 2: *“They don’t make a difference with safety.”*

“Everyone has a feeling of guilt when you see cops. It affects your studies and stuff. You think you might have done something wrong. You always have a feeling of guilt.”

This criminalization and intimidation does not promote a healthy academic environment. Rather, it instills fear and anxiety in students and inhibits their ability to learn.

“The students feel really uncomfortable with all the cops. That’s not good.”



Citywide Standards of Discipline and Intervention Measures (The Discipline Code)

The DoE *Citywide Standards of Discipline and Intervention Measures*, which is disseminated to all students at the beginning of the school year, lays out expectations of students and the consequences of failing to live up to these expectations. The document includes the following: a **Discipline Code**, which describes unacceptable student behavior and the range of permissible disciplinary and intervention measures that may be taken by DoE personnel according to grade level from Kindergarten through 12th grade; and a **Student Bill of Rights and Responsibilities**, which includes: a) the right to a free public school education in “a safe and supportive learning environment, free from discrimination, harassment and bigotry,” in which all students “receive courtesy and respect from others regardless of age, race, creed, color, gender, gender identity, gender expression, religion, national origin, sexual orientation, disability, marital status and political beliefs;” b) the right to freedom of expression and of the person; c) the right to due process; and d) a list of student responsibilities in relation to their conduct and participation in the classroom and broader school environment, and with regards to treatment of others.

The Discipline Code states that treatment should be consistent and equitable for all students and that principals and superintendents should be able to exercise discretion and educational judgment within the range of permissible disciplinary measures. Moreover, it stresses that school personnel should be “sensitive to issues that may be impacting upon the behavior of students and respond in a manner that is most supportive of their needs.” It emphasizes that DOE staff should utilize “techniques and measures that promote optimal learning and address behaviors which negatively impact upon the education process.” Furthermore, it includes a list of alternative, supportive techniques that can be explored with students and their parents.

Notably, the Disciplinary Code only explicitly mentions police intervention in the case that a student is believed to have committed a crime. Otherwise, the Discipline Code lists only teachers, principals and regional superintendents as responsible for disciplinary responses.

Harassment

“Once I was talking to a teacher in the hallway and the teacher went to get a drink of water. This cop came over and started harassing me. He put a torch light in my eye and started waving it around in my eyes.”

Many youth who participated in our study reported significant exposure to harassment by both law enforcement and school authorities, including police, school safety agents, principals and teachers. “Harassment” was broadly defined to include various levels and kinds of misconduct and misuse of power by school authorities and police officers, including intimidation or discrimination against youth generally, and against South Asian immigrant youth in particular, and acts leading to physical and psychological harm. Youth leaders developed the following definition of harassment,

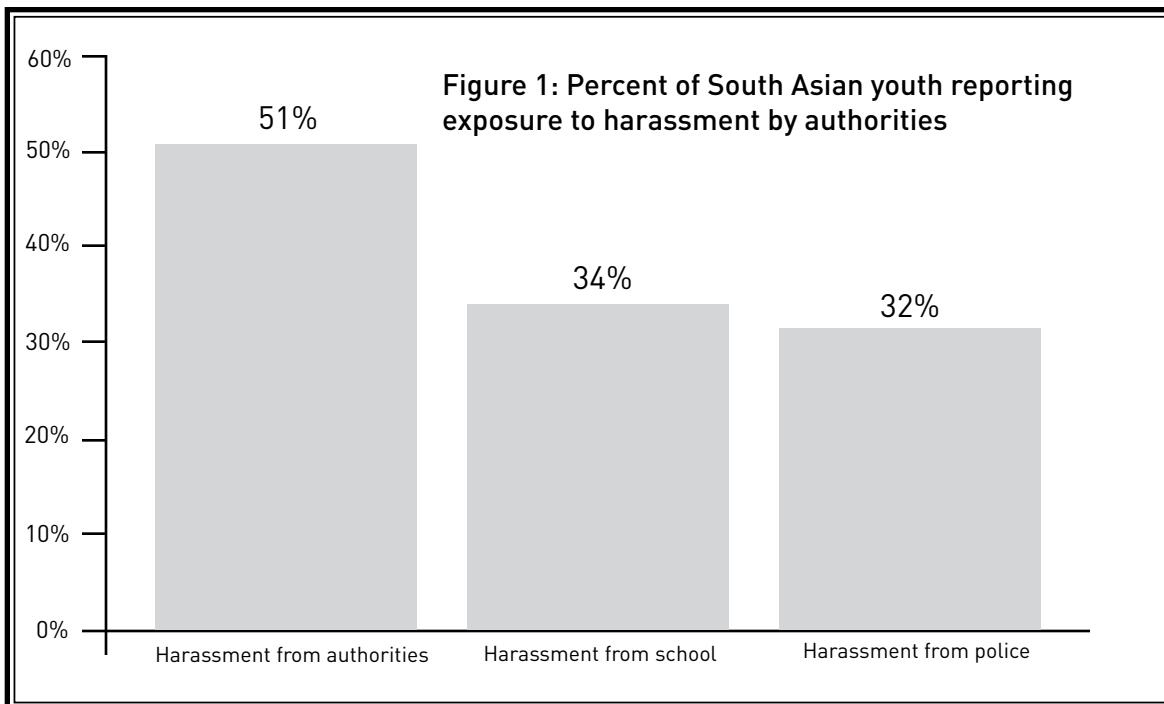
which was reflected on the survey instrument: “verbal abuse or harassment such as racial slurs and names, yelling and cursing; physical abuse or harassment, including physical harm, grabbing, pushing, forcing to do something the person does not want to do; and intimidation, including asking for identification or calling over for no reason, threatening to report person or their family to immigration, and bullying.”

Policies Related to Harassment and Abuse:

- **Chancellor’s Regulation A-420** states that corporal punishment - use of physical force upon a student by school personnel for the purpose of punishment - is prohibited as a response to disruptive behavior, and stipulates that such behavior is indicative of underlying problems requiring appropriate guidance intervention.
- **Chancellor’s Regulation A-421** prohibits verbal abuse and harassment of students by Department of Education employees. Verbal abuse is defined as language that tends to cause fear or physical or mental distress, including words that reference race, ethnicity, religion, gender, disability, and sexual orientation in a manner tending to cause fear or physical or mental distress, language that tends to threaten physical harm, or language that tends to belittle or subject students to ridicule.
- **Chancellor’s Regulation A-830** outlines DOE’s policy to provide equal opportunity for education and employment without regard to race, color, religion, creed, ethnicity, national origin, actual or perceived immigration status or status as a citizen, age, marital status, disability, sexual orientation, actual or perceived gender, or prior record of arrest or conviction. Moreover, it underscores the agency’s commitment to maintain an environment free from harassment based on any of the above-noted grounds, including sexual harassment. Sexual harassment of students by employees is defined as including sexual advances, sexually suggestive comments and jokes, obscene gestures, requests for sexual favors, and other verbal and physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a student’s education or creating an intimidating, hostile or offensive educational environment.
- The **NYPD** does not have an explicit policy prohibiting harassment and abuse of students by officers stationed in public schools, but does require its officers to act with “Courtesy, Professionalism, and Respect.”¹³

As demonstrated in Figure 1, South Asian youth are exposed to considerable harassment by school authorities and police officers in and around New York City schools.

- Over half (51%) of all youth surveyed reported having seen and/or experienced harassment by authorities, including police officers and school authorities.
- Nearly a third (32%) of youth surveyed reported having seen and/or experienced harassment by police officers.
- Over a third (34%) of youth surveyed reported having seen and/or experienced harassment by school authorities.



While these figures are startling high, we believe that they significantly understate the scope of the problem given students' reluctance to report harassment due to the sensitivity of the issue and the vulnerability of this population. Numerous complaints that safety officials are routinely rude and disrespectful to students, and that they touch students, and particularly young girls, inappropriately when searching them, have been documented.¹⁴

Youth also reported gender-based and sexual harassment, particularly by police and school safety agents, who often made lewd or inappropriate comments to young women when subjecting them to security checks or detaining them in the hallways. Teachers were also reported to engage in sexual harassment, in clear contravention of DoE policy:

"Once this teacher said to me 'What are you doing, babe?' Sometimes teachers start staring at the girls. It makes me feel insecure...There is a security guard who always flirts with the girls. Yeah, the security guards always flirt...Once we were going to do something about it. We were going to get everyone's signatures...this teacher always stares at the girls."

"I have seen security guards flirting."

Youth also talked about how undocumented immigrants are particularly impacted by harassment by police and authorities, noting that constant demands for identification by law enforcement and school officials serve to intimidate undocumented immigrants. They also expressed fears that immigration policy proposals currently under consideration will further marginalize undocumented students.

"I'm really worried about that law that might get passed [referring to immigration proposals currently being debated in Congress]. If a cop comes up to me and I don't have status, and (he or she) asks me about my status, I could have a big problem. Everyday I'm afraid that a cop might ask me my status and that makes me really afraid. It really affects my grades, I'm always afraid that they will ask me my status."

"[Undocumented students] don't know what to say if they get asked about their status."

Clearly, conduct by law enforcement and school authorities reported by youth who participated in this study violates existing Department of Education policies prohibiting verbal abuse and harassment. Yet the experiences of youth surveyed suggest that it remains widespread and appears to take place with impunity.

Discrimination

"There is more hatred against South Asians [post 9/11]. The police pay more attention to you; they think you are suspicious. They wait for you to screw up."

"It's mostly South Asians and Black people that get targeted by the cops."

"Yeah, there is discrimination. They actually don't care about people of color. They don't accept Asian people."

Policies relating to discrimination in New York City Schools

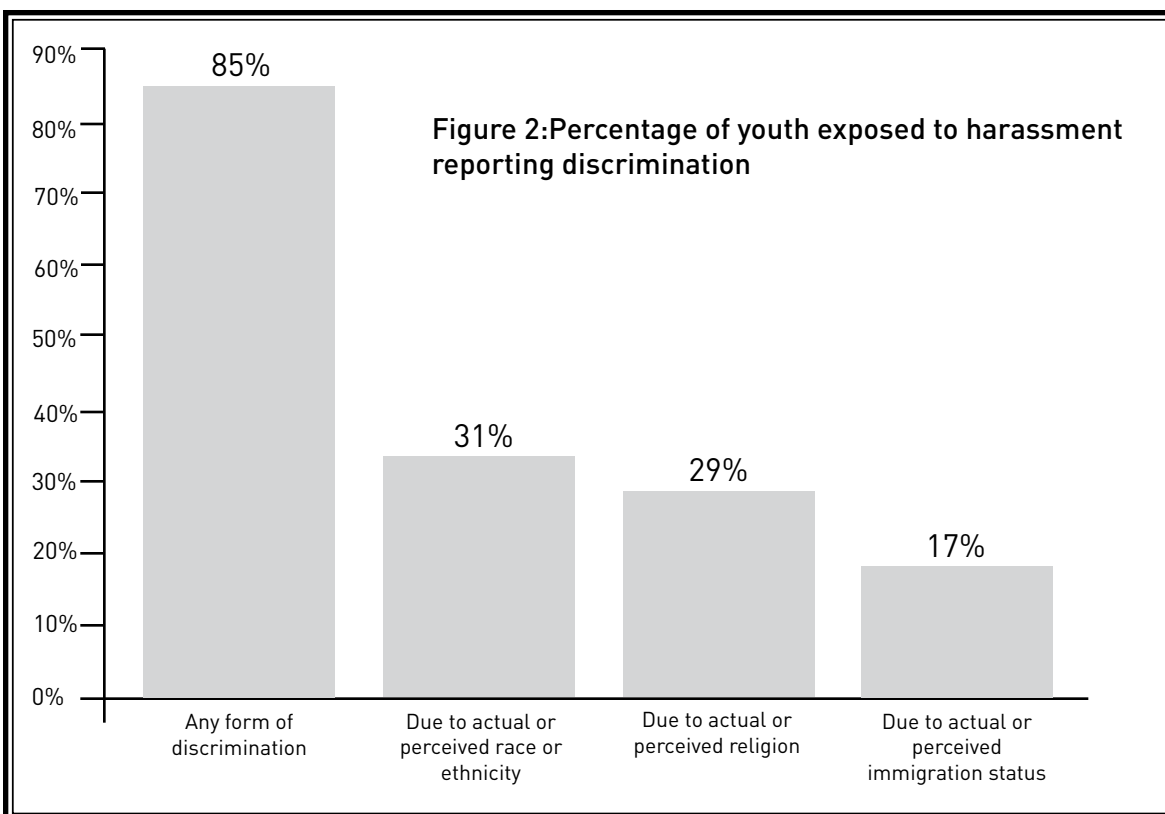
- **Bill of Student's Rights and Responsibilities, NYC DOE Discipline Code**
"Students have a right to... be in a safe and supportive learning environment, free from discrimination, harassment and bigotry;...[and] receive courtesy and respect from others regardless of age, race, creed, color, gender, gender identity, gender expression, religion, national origin, sexual orientation, disability, marital status and political beliefs."
- **Chancellor's Regulation A-830** prohibits discrimination based on race, color, religion, creed, ethnicity, national origin, actual or perceived immigration status or status as a citizen, age, marital status, disability, sexual orientation, actual or perceived gender, or prior record of arrest or conviction, and states that "employees are expected to be exemplary role models in the schools and offices in which they serve. Supervisors are required to maintain an environment free of unlawful discrimination or discriminatory harassment. Supervisors are also required to report instances and any oral or written complaints of such discriminatory harassment to the Office of Equal Opportunity."

Our survey findings indicate that a substantial majority of South Asian students who report harassment feel that they are subject to discrimination by authorities. As shown in Figure 2,

- 85% of those who reported exposure to harassment by school or police authorities believed that it was based on discrimination.

Actual or perceived race, ethnicity, religion and immigration status were identified most often as the basis for discrimination. However, several youth also reported discrimination based on gender, sexual orientation and English language proficiency.

- Nearly a third (31%) of youth who reported seeing and/or experiencing harassment by authorities (police and school officials) believed that the harassment was due to actual or perceived race or ethnicity.
- Nearly a third (29%) believed that the harassment was due to actual or perceived religion.
- Nearly one in five (17%) believed that the harassment was due to actual or perceived immigration status.



Focus group data indicate that South Asian students are regularly asked where they are from, subject to racial or ethnic slurs, and ridiculed, singled out or subject to different or more severe treatment because of their actual or perceived race, ethnicity or religion, as well as their religious attire, by various officials in New York City schools, including school safety agents, police, principals and deans.

“Once these two security guards were harassing my friends. The security guards asked them if they were planning to bomb something just because they were talking.”

“Once I was standing in line for a library pass. The security guard...started making fun of my name.”

Further analysis of survey and focus group data revealed that Muslim students, who made up 60% of survey respondents and a significant proportion of focus group participants, feel particularly targeted by authorities based their religion. Among those students surveyed who reported harassment, Muslim youth were slightly more likely to identify religion as a factor than non-Muslim youth.

- 33% of Muslim students who reported harassment believed that it was based on their actual or perceived religion, compared to 25% of non-Muslim students.

Our results suggest that young South Asian women are more likely to experience discrimination based on religion than young men.

- 34% of women who reported harassment said it was due to actual or perceived religion, compared to 25% of men reporting harassment.

Focus group data confirm these findings and shed light even more precisely on how religion or perceived religion has played an important role in the kind of harassment and discrimination Muslim youth are experiencing in the post-9/11 context.

“I have this friend from Pakistan. She had to take her scarf off after 9/11 because she was getting harassed. The students were harassing her. She felt uneasy like on the bus and stuff. Just to avoid that she had to take it off.”

Muslim women students are particularly likely to experience harassment when they choose to express their faith through traditional dress. In the post 9/11 era Muslim women who wear the hijab—a religious head covering—are increasingly subject to verbal and physical abuse on the streets, in their workplaces, in communities throughout New York City, and across the country. Unfortunately, it appears that young Muslim women are not protected from this kind of discriminatory treatment in New York City schools:

“When she [a school safety officer] saw my id, she saw that I was wearing a scarf. Now she picks on me whenever she sees me. She told me that I showed her attitude. She keeps looking at me and making fun of me. I think she was doing this because I was wearing hijab.”

Students also spoke explicitly of their fear of authorities and of their sense that authorities have increasingly targeted South Asian immigrants, and particularly Muslim South Asians, since September 11th, 2001. Such fears clearly don’t evaporate at the school gate, and color South Asian students’ perceptions of law enforcement officers in their schools.

“You think it can happen to you. They especially aim for us after 9/11. It has happened to Punjabi people too, just because they wear a turban.”

“Now the cops automatically use the word ‘terrorist’ when they see you. After 9/11 they automatically call you a terrorist.”

“[Since 9/11] [t]here are a lot more security agents and police. They treat us differently. The agents are always asking us where we are from.”

“This profiling, they do it to black people and now they do it to South Asians.”

In addition to instances of discriminatory harassment by law enforcement and school authorities, South Asian students report that teachers and administrators regularly express discriminatory attitudes or perceptions about South Asians and/or Muslims. Teachers and school officials were also reported to turn a blind eye to, or even condone, racial, ethnic or religious harassment of South Asian youth by fellow students, thereby further contributing to fear and alienation among South Asian students.

“My teacher always uses the word terrorism and links it to Muslims. She always says that Muslims are terrorists. I was the only Muslim in the class; it made me mad. They kept calling Muslims terrorists and fundamentalists. My classmates don’t care. One girl said that all Muslims are not terrorists. My teacher didn’t respond.”

As detailed in Appendix, prevailing anti-immigrant, anti-South Asian and anti-Muslim rhetoric pervades public schools, reflecting policies and attitudes predominant in the larger society. It is therefore not surprising, although extremely painful, to South Asian youth that their fellow students use language used in media and by policy makers to describe South Asian immigrants. What is shocking, however, is the failure of teachers and other school authorities to take appropriate action, thereby effectively encouraging such behavior and contributing to an environment that fosters discrimination and abuse of South Asian youth by their peers.

“If you are Muslim, you are always getting called a terrorist. Once that happened to me. They kept calling me a terrorist. I told a teacher but she didn’t do anything. Once I beat up a kid because it got so bad. I got suspended. It happened two years ago. I was only in 7th grade. It went on my record and everything.”

“I would say that there is a lot of verbal harassment going on in the school, you know they always say something like you ‘bloody Muslim’ and the teachers don’t say anything. One time there was this group asking for charity for the tsunami victims. This guy asked this girl who was wearing a scarf for money and she didn’t have any. The guy called her a ‘bloody Muslim’ and called her cheap. The teacher said she couldn’t do anything about it.”

The failure to ensure “a safe and supportive learning environment, free from discrimination, harassment and bigotry,” as required by the Department of Education’s Bill of Student Rights, clearly contravenes Department policy. It also appears to violate Chancellor’s Regulation A-830, which states that, “employees are expected to be exemplary role models in the schools and offices in which they serve. Supervisors are required to maintain an environment free of unlawful discrimination or discriminatory harassment.” Instead, school officials, including teachers and principals, have contributed to a climate of fear and marginalization of South Asian students, which has impacted the educational experience of these students profoundly.

Student 1: *“A few students from my school tell me that I’m from the same country as Osama Bin Laden.”*

Student 2: *“Once I said that I was from Saudi Arabia. This kid started teasing me and called me ‘Arab.’”*

Student 3: “Once this Punjabi got beat up and the guys told him to go back to his country.”

Student 4: “You feel really afraid to talk to your neighbors and people in your community.”

Student 5: “I would say these things are happening more now after 9/11. My own cousin stopped coming by just because of our status.”

“After 9/11 even the kids started harassing us. It was horrible. They called us names and said horrible things to us.”

Such treatment creates an environment in which South Asian immigrant students are both singled out for discriminatory treatment and marginalized. Harassment, discrimination and profiling of South Asian students contribute to heightened levels of fear and insecurity among South Asian immigrant youth, which is in clear contravention of the mission of the DOE.

Information Gathering

Student 1: “When I went to register for school they asked for my passport. They made copies of it. I was afraid.”

Student 2: “(When I registered for school), they took my permanent ID card.”

Student 1: “When you apply for college they ask for your ID. I was afraid to apply to colleges because they asked for a Social Security number...Or they ask for a valid visa. My visa is expired ...They could deport us. They could put us in prison.”

Student 2: “Even though I have a Social Security [number] I’m scared.”

Within the current anti-immigrant climate, in which collaboration between law enforcement and immigration authorities is increasing, undocumented people are being rounded up for deportation in communities and workplaces, and South Asian communities are increasingly subject to profiling and targeting by law enforcement activities. Placing South Asian immigrant youth in close proximity to law enforcement agents in such a climate creates real, potential, and perceived risks not only for this population, but for all undocumented youth.

Our research demonstrates, as illustrated in Figure 3, that existing policies governing collection and sharing of information revealing students’ immigration status in New York City government agencies, including schools, are being routinely violated:

- Nearly half (45%) of survey respondents reported that they had been asked about their immigration status by authorities, including police, school officials, hospital workers, welfare workers, the Department of Motor Vehicles (DMV), or other city agencies.

“After 9/11 the cops were coming in and asking everyone’s status. They were taking students out of school and asking their parents about their status.”

Facilitator: “Do school officials ask you about your personal information?”

Student 1: “My guidance counselor tried to ask me once, but I told her it was better to keep it to myself. When I first came to school she asked me if I was an immigrant or citizen.”

Facilitator: “What happens if you don’t have a social security card?”

Student 1: “They will ask you questions, like ‘how did you get here?’ and ‘who are your parents?’ They

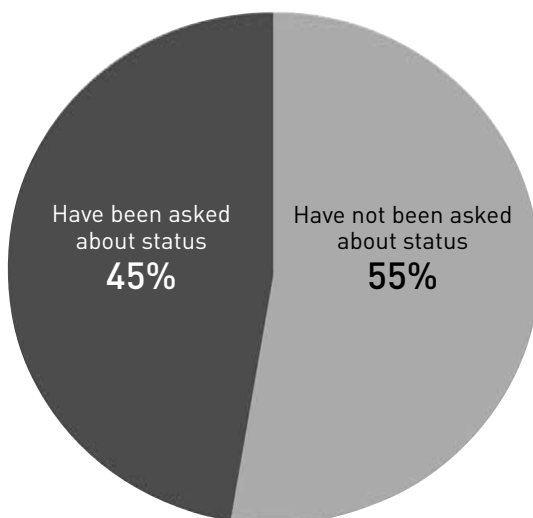
Policies regarding collection of Information related to Immigration Status:

Chancellor's Regulation A-101 sets forth the policies concerning admission of pupils in New York City public schools. The regulation explicitly states that, by law, students who are undocumented aliens may not be denied admission to school. It also stipulates that "immigrant students are not required to present documentation of U.S. residency status," and that "reference to a child's or parent's immigration status is not to appear on any school forms and/or records."

In order to register for school, students need only provide proof of residence or address based on the residence of the parent or guardian. Regulation A-101 lists acceptable documentation for this purpose, including utility bills, a deed to a house, NYCHA documents from the New York City Housing Authority or Human Resource Administration, medical or insurance cards, or a letter from an employer, social or community-based agency, or religious institution.

Executive Order 41, New York City's "sanctuary policy," precludes city employees, including school officials and NYPD officers, from inquiring about an individual's immigration status unless required to do so to establish eligibility for city services or if "illegal or criminal activity" is suspected.¹⁵

Figure 3: South Asian youth reporting inquiries about immigration status by authorities



Source: DRUM YouthPower Survey 2004/05

will call them and ask them questions...the cops could come.”

The absence of any limitation on public school attendance based on immigration status renders requests for a social security number, passport or valid immigration visa in order to register for school entirely unnecessary. Nevertheless, focus group participants reported that information which would expose their immigration status is regularly and systematically requested by school officials in order to register for school, receive free school lunches, and complete college application forms.

Student 1: *“They ask when you go for admission. They take your visa or passport and photocopy it. The admission office asks for it.”*

Student 2: *“They ask you for social security on lunch forms. Also now when you go for admission they ask for it. If you don’t have it they ask for your passport. If you don’t have it they look at you weird.”*

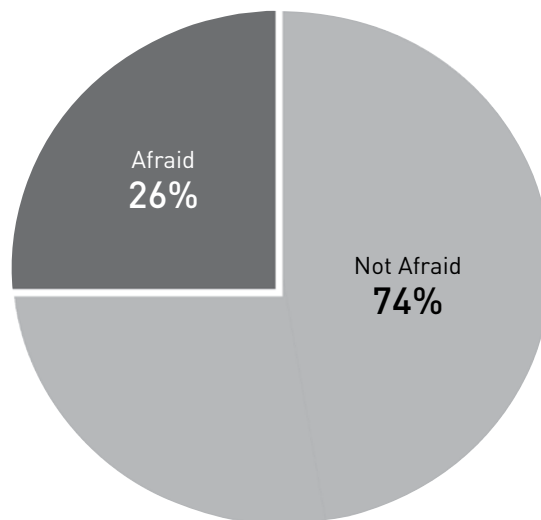
“They ask us to fill out our social security on all forms, like forms to join groups, lunch forms, and for all school clubs and organizations.”

“For school lunch they ask for your social security number. My friend couldn’t eat lunch because he didn’t have a social security number. If you don’t have a social security number, you don’t get lunch.”

One participant discussed how this information can be requested in very public spaces, including class, placing undocumented students in the uncomfortable position of making excuses for why they cannot fill out their form at that time, and increasing the risk of exposing their status to other students and teachers.

“In English class they gave us forms to fill out for college. You have to tell them if you are a citizen or a permanent resident to go to college.”

Figure 4: Reports of fear among South Asian youth of providing personal information to authorities



Source: DRUM YouthPower Survey 2004/05

Requests for information that create a risk of disclosure of a student's immigration status are not only unnecessary and inappropriate, they are contrary to the DoE's official policy, outlined in Chancellor's Regulation A-101, which explicitly states that "[i]mmigrant students are not required to present documentation of U.S. residency status. Reference to a child's or parent's immigration status is not to appear on any school forms and/or records."¹⁶

The experiences of South Asian youth who participated in this study clearly indicate that such policies are neither followed nor enforced on a system-wide basis, raising profound concerns about the purposes for which information revealing immigration status is gathered, the manner in which it is retained and stored, and who has access to it.

Additionally, the presence of law enforcement officers in New York City public schools effectively eviscerates the protections provided by Department of Education policies. In the words of one immigrant advocate, the loophole created by the exception to Executive Order 41 allowing police to question individuals suspected of illegal or criminal activity about their immigration status is "big enough to drive a truck through."¹⁷ An officer's perception of a student's involvement in even minor unlawful activity – be it disorderly conduct, involvement in a fight, or a dispute over ownership of an item which serves as the basis for an allegation of theft – or profiling of South Asian students as potential "terrorists" may be deemed sufficient to circumvent prohibitions against inquiring into a student's immigration status. After all, when signing Executive Order 41, Bloomberg cautioned "The promise of confidentiality is not for everyone, only for those who abide by the law. It offers no protection to terrorists and violent criminals..."¹⁸ Minor school disciplinary issues can ultimately potentially trigger a chain of events leading to an entire family's deportation from the U.S.

As a result, immigrant students are profoundly fearful of even merely coming into contact with police and other authorities, much less providing them with personal information which may expose their immigration status or that of their family, and ultimately, place them at risk of deportation.

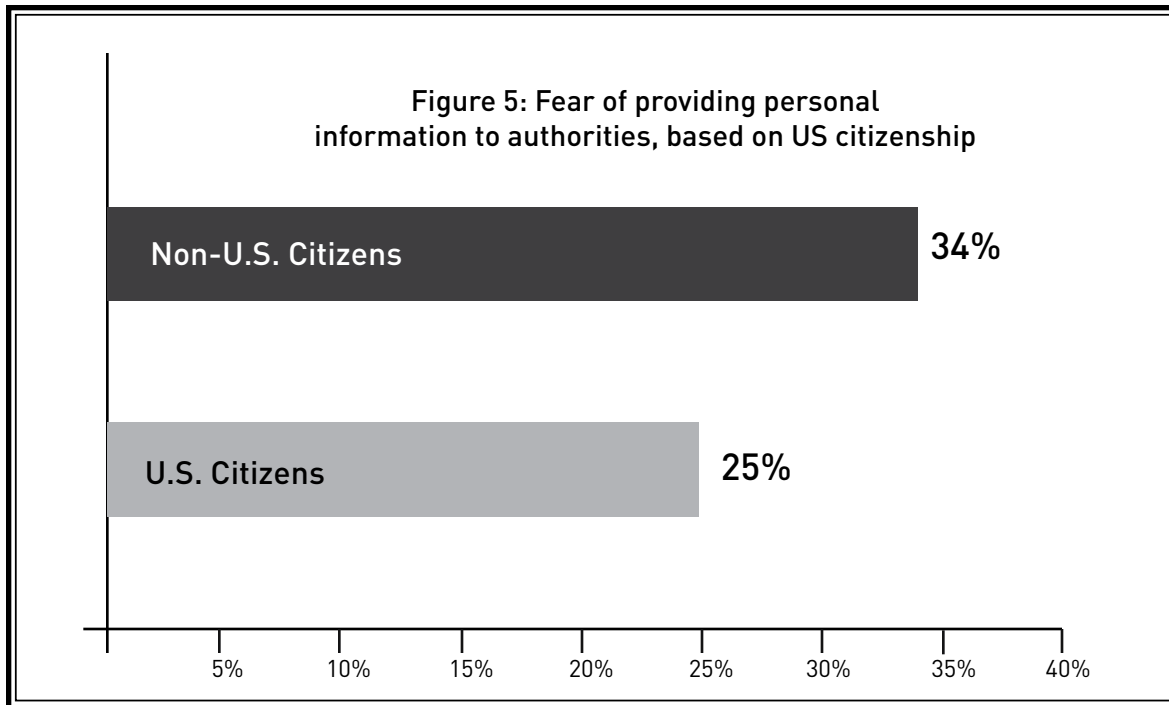
As shown in Figure 4,

- One in four (26%) of all youth surveyed said that they were afraid to give personal information to authorities.

Although such fears were common among all South Asian students, as shown in Figure 5, predictably, non-citizens were significantly more afraid than citizens to release personal information to authorities.

- 34% of non-citizens said they were afraid to give personal information to authorities, compared to 25% of citizens

Nevertheless, it is important to note that a significant proportion of South Asian youth who are U.S. citizens are also fearful of providing personal information to authorities. Many of the policies described in Appendix A, which led to the widespread criminalization and/or deportation of members of South Asian communities across the U.S., contribute significantly to such fears.



Information Sharing

Focus Group Facilitator: "What do you guys know about the Patriot Act?"

Student 1: "They can do whatever they want now."

Student 2: "Yeah, they can get everyone's information."

Student 3: "They can use it anytime they want. They can just call you a terrorist. I'm from Afghanistan."

Our research clearly shows that unnecessary collection of personal information that reveals immigration status is pervasive in New York City schools, as well as by other government agencies. However, the extent to which this information is shared between the DoE and other local, state and federal government agencies is ambiguous. No youth involved in this study reported a case in which personal information collected at school was shared with immigration-related agencies; however, the mere compilation of this information creates considerable risks and contributes to heightened levels of fear for undocumented youth attending public schools. Policies such as the Patriot Act and the REAL ID Act require certain entities such as banks, libraries, internet service providers, and employers to share individuals' personal information with the federal government and the Department of Homeland Security upon request.

"Since 9/11 they have so much power. Even if you are legal you can be deported. One guy got deported even after he got his green card. If someone comes up to me and asks my status then they could just pick me up and deport me. That's what I'm scared of."

DoE's response to our FOIL request regarding its policies concerning sharing information revealing students' immigration status with the NYPD and other city agencies stated that "student information is confidential, and therefore, not releasable pursuant to FERPA (Family Educational Rights and Privacy Act)." This is consistent with the Student Bill of Rights and Responsibilities

Official Policy Related to Information Sharing:

- The Mayor’s **Executive Order 41** states that confidential information, including information regarding immigration status, should only be disclosed when authorized by the person to whom the information pertains, when required by law, when the information is provided to another City employee and is necessary to fulfill the purpose of that agency, when the person is suspected of criminal activity (other than undocumented status), or if the disclosure furthers the investigation of potential terrorist activity.
- The **NYC DOE Discipline Code** states in its Bill of Student’s Rights and Responsibilities that “Students have a right to confidentiality in the handling of student records maintained by the school system.”
- **Chancellor’s Regulation A-820** addresses issues of confidentiality and access to student records, and incorporates provisions of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g), which outlines the rights of parents to inspect, review, challenge, and amend information maintained by the school relating to their child. Moreover, it ensures the right to require written consent prior to disclosure of personally identifiable information, unless such release is required by law. Schools are permitted to release personal information- including name, address, social security number, or other information that would make the student’s identity easily traceable –when there is: a) a valid court order or a lawfully issued subpoena requesting such information; b) or when there is a request for disclosure by State or local educational authorities, or the Secretary of Education or Comptroller General of the United States, and the request is made in accordance with an audit or evaluation of Federal or State supported education programs or for the enforcement of or compliance with Federal legal requirements which relate to these programs; and c) in a situation which presents imminent danger to the health and safety of the student of another person or which requires the immediate need for information in order to avert certain conditions or disruptions.

of the DOE Discipline Code, which states that students have the right to “confidentiality in the handling of student records maintained by the school system.”¹⁹ Chancellor’s Regulation A-820 makes mention of FERPA and states that in most cases, personal information will not be shared unless parental consent is given. However, it also outlines several exceptions to this provision, and it is unclear whether schools or the Department of Education would be able to resist a request for information about students’ immigration status from local or federal law enforcement agencies. The provisions of the PATRIOT Act described in Appendix A requiring other public institutions, including public libraries and internet service providers, to turn over such information to federal authorities upon request certainly give reason for concern. Efforts to resist such requests for information have been unsuccessful to date, suggesting that the Department of Education’s mere maintenance of information revealing students’ immigration status places immigrant students, and particularly South Asian immigrants who are specifically profiled by law enforcement agencies as potential “terrorists,” at considerable risk.

Students' experiences with other government agencies which collect personal information, and in turn share that information with immigration authorities, only serves to confirm their fears regarding the potentially devastating impacts of information sharing between the Department of Education and local and federal law enforcement authorities.

"One of my friends was picked up after going to the DMV. He didn't have the right documents. He was 16. He got deported. This happened a year ago. It was just because he went to the DMV and didn't have papers. His whole family got deported back to India."

Another youth described having seen someone being detained by immigration authorities at the DMV and the impact the incident had on him:

"When I went to the DMV to get my driver's license I got really scared. When I got there they were dragging this black guy on the ground. He didn't have a social security number. I got really scared. This is a really freaky place. If you don't have it (legal status), then they investigate and deport you."

Military Recruiters in Schools

"Facilitator": Do military recruiters ask you about your immigration status?

Student 1: Yes, they ask you if you are a citizen or permanent resident."

Student 2: "An army recruiter called this girl's home. He knew her last name and address. She was shocked."

Student 3: "They take you out of your classes to talk to you."

Student 4: "The way they talk to you is scary."

The pervasive presence of military recruiters in schools, and particularly the access to students' personal information provided to recruiters by the No Child Left Behind Act, contributes to militarization of the school environment and a profound sense of insecurity for South Asian immigrant youth. Students raised the aggressiveness of military recruiters' tactics in pursuing students, which include cornering students at school, repeatedly calling their home, and showing up at their doorstep. They also expressed considerable concern that such practices increase their vulnerability as immigrants, and particularly as undocumented immigrants and/or immigrants from countries declared to be "enemies" of the U.S.

Student 1: "Since the army recruiters came I feel unsafe. They talk to you and make you sign up and give them your number."

Student 2: "They kind of force you."

Student 3: "They come in everywhere."

Student 4: "They know everything about every single student."

"Why do they want all your information like your name, address, and phone number? It's not safe for students that don't have green card."

"From where are they getting all this information? I never told anyone that I was interested in the army."

In addition, cases of information sharing across agencies which ultimately led to deportation, including the cases of Tashnuba Hayder and Adama Bah as the first federal terrorism investigations involving minors described in Appendix A, are well known within immigrant communities. Moreover, almost every participant in this study knew of someone- a family member, neighbor or friend - who had been adversely impacted by increased information gathering and sharing, as well as increased collaboration between city agencies, local law enforcement, and immigration authorities, in the post-9/11 period. As a result, the mere collection of personal information by school and law enforcement authorities has a significant impact on immigrant students' feeling of safety and security within public schools.

"My friend's father was deported back to Bangladesh. He didn't have the right papers. His whole family now has to work to support the family. My friend is 16. He has to work now to help support family."

Escalation of conflicts and consequences, disempowerment of students and school officials

Student 1: "Seeing cops in school is bad. Now kids are more aggressive because of the way cops react. Cops don't understand students."

Student 2: "Yeah, cops never let us talk, they never let us respond. That's why we get mad."

Student 3: "They act that way because they have power."

Policies pertaining to appropriate responses to disorderly conduct

Chancellor's Regulation A-412 sets forth the responsibilities of school staff for maintaining safety and security in the schools, and establishes the procedures that must be followed when a school-related crime or incident occurs. According to this regulation, the maintenance of school safety is the collective responsibility of school staff, the NYPD, which includes uniformed police and school safety agents (SSA), the DoE Division of School Safety and Prevention, parents, and students. It mandates that principals and the NYPD work collaboratively. Compliance with this regulation is mandatory, and violation of its terms could lead to disciplinary action including termination. In the event of an incident on a public school campus, "[i]f the incident does not require an immediate arrest or other immediate action, the SSA and/or NYPD must, to the fullest extent practicable, consult with the principal/designee prior to placing the student under arrest or issuing any form of criminal process."

The NYPD Patrol Guide Section 215-17 mandates that "[w]hen taking police action at Board of Education facilities...[a] uniformed member of the service [should]...2. [c]onfer with principal/school staff, except if exigent circumstances exist, when entering Board of Education school facility to take police action." However, Section 215-13 states that "the desires of school personnel may be considered" when determining whether a student's arrest is warranted, but "the views of school personnel are NOT controlling." [emphasis in original]²⁰

According to DOE policy, law enforcement officers stationed in public schools should only intervene when a crime is committed that poses an immediate threat to students, staff or the school environment. Otherwise, school officials, under the authority of the principal, are responsible for addressing student behavior and resolving conflict, and are only required to notify police or school safety agents if necessary. Furthermore, the Discipline Code clearly states that it is important for school personnel to be attuned to underlying issues that might be contributing to a student's misconduct, and respond in a manner that is supportive of student needs. It emphasizes that:

School personnel are responsible for developing and utilizing techniques and measures that promote optimal learning and address behavior which negatively impact upon the educational process. Toward that end, school personnel should develop plans and explore techniques for addressing a student's behavior problems and discuss these alternatives with the student and his/her parents. These plans might include the use of alternative instructional materials and/or approaches, alternative classroom management techniques, remedial services, alternative class placement, guidance support, and services to address personal and family circumstances.²¹

While the issue of conflict escalation as a result of police intervention was not a part of our survey, it emerged through the focus group discussions, as youth reported that police intervention in minor incidents of misbehavior on school campuses can often make the situation worse. Due to the frequently forceful, humiliating, and disrespectful treatment of students by police and school safety agents, youth sometimes react with frustration and aggression. Rather than defusing conflict and seeking to understand the factors underlying incidents of misconduct, police intervention can often serve to escalate the severity, and therefore, the consequences, of misbehavior. Unfortunately, students reported that alternative methods of conflict resolution and mediation are infrequently utilized to address student misconduct.

Student 1: *"They never let a student go to the mediation center. They never send them there. They never recommend that students to go there. Instead they just put you in handcuffs and take you away."*

Student 2: *"They don't even talk about it in school"*

Student 3: *"They don't spread the word about it; not everyone knows about it."*

Rather, police and school safety agents have taken or been given responsibility for enforcing "order" in schools far beyond intervention in criminal incidents. Youth report that, as a result, minor student misbehavior results in harsh, and often criminal, penalties.

"There was a guy who hit me with a pen. After one or two periods the NYPD came in and arrested him. They suspended him for two or three weeks. My dad told them not to take him to the detention center but they took him anyway."

The failure of the Bloomberg administration to investigate, develop, and promote, or even prove receptive to alternative approaches to school safety leads students, teachers, and administrators alike to feel that there is simply no feasible alternative to law enforcement presence in schools. Moreover, the absence of clear accountability for law enforcement officers stationed in New York City's public schools, discussed in greater detail in Chapter 3, leads students to feel that nothing can be done about the types of police misconduct they describe. When combined with the political messages



sent by many national, state, and local policies, and daily harassment and targeting based on race, national origin, religion, and immigration status by law enforcement and school authorities, it should come as no surprise that many of the youth who participated in this study expressed strong feelings of alienation and disempowerment in the school environment.

“Like the lady that stands in front of the bathroom she is always following and harassing me. She also kept harassing my friend too. You know no one has the power to say anything to her. They are always telling you that they can get you in trouble. They are always making fun of you but you can’t do anything about it.”

“I don’t think we could do anything. I don’t think it is going to make a difference. It’s not worth it. It’s best we keep quiet.”

Such feelings of disempowerment are reflective of those reported in larger communities of immigrants of color. They are also clearly instilled and reinforced at an early age through the convergence of school safety, national security, and immigration policies in New York City schools. They can have the effect of stifling creativity and achievement, leading immigrant youth to drop out of school, thus tracking immigrants of color, and particularly undocumented immigrants, into dangerous, low-wage, and unstable work.

MY NAME IS MAKSUDA. I am seventeen years old and I go to Hillcrest High school. The Department of Education says that police officers are there to protect us from any danger of harassment or violence, whether it is physical or verbal. They are there to see that we get a good education and succeed in life, without the distraction of violence or harassment. However, police being in our schools does not solve any problem, it just creates new ones.

Every morning I have to go through metal detectors and then get punished by teachers for being even two minutes late. In school I see officers picking on students when they are right next to their classes. In my school we have this room called the sweep room. Basically, there is a policy in my school, if any student is in the hallway after the late bell rings, they get swept and sent to the sweep room for the whole period. The security guards will sweep you, even if you are right in front of your class. The more people they sweep, it benefits them in some way which is unknown to me. However, my point is that if we are in school to get a good education, why not just let us go to class instead of depriving us of our education. Sticking us in a room, supposedly sitting "silently," will not help us go anywhere in life.

Police officers are supposed to protect us from violence from others or of any other sort. However, how are they protecting us if they are creating it? I have witnessed two acts of influential violence and harassment of students in my school. I was in history class, and during the middle of the class, a security guard called for one of my classmates. Apparently the teacher had complained that the student was disturbing the class, for which the security guard was waiting to take the student to the dean's office. The student kept on asking what he did wrong, because as far as he was concerned, as well as everyone else in the class, he was just doing his work. However, the officer kept on saying that he had to go down, in a very rude way too. The officer would not even give the student an explanation of what he did wrong either. The whole class was saying how he did nothing wrong and was just doing his work. He resisted for a while saying how he wanted to know what he did wrong. However, the officer just said that if he didn't go, he would get suspended. This was basically the threat anybody would get if the students went against the officers. At the end, the student had to go down without even knowing what he did wrong. People learn from their mistakes, but you have to know what your mistakes are to learn from them.

The second incident that I witnessed was when an officer and a student had some problems, problems of which I do not know of. Well, instead of resolving the problem in a rational manner, the officer was telling the student to hit him if he had the guts. What kind of officer tells a student that? Placing officers in our schools does not prevent violence it provokes violence.

Should officers be kept in our schools? I respect the fact that the officers are there to protect us. However, instead they create obstacles between us and our education. We need counselors to help us with our problems; we do not need police officers to show us their power by harassing us. We need police officers to be removed from our schools. They are not helping us access education; they are inhibiting it.

Last year, during Ramadan, I wore a scarf. When I would come through the metal detectors, I would be asked by school security why I was wearing a scarf. They asked me if I was religious. I told them it was none of their business. I see how the school safety agents pick on those they perceive to be religious, particularly those who wear scarves and hijab. Muslims stand out because of what we wear.

Accountability



"We can't launch a complaint. Then they'll know you told on them. We don't want to get ourselves in trouble."

"They act that way because they have power."

"Uncertainty still remains concerning the proper chain of command during violent and disciplinary incidents in New York City public schools. This ambiguity exists because New York State Education Law clearly establishes the authority of principals over their schools, while the NYPD Patrol Guide gives police officers precedence over principals in cases of violence or disturbances."

-*Who's In Charge?* a report prepared in 2005 by the office of Adolfo Carrión,
Bronx Borough President.

As discussed in Chapter 1 in some detail, the placement of law enforcement agents in New York City schools, coupled with the absence of school specific training and clear accountability mechanisms leads students to feel that nothing can be done about misconduct by law enforcement and school authorities. Youth who participated in focus groups described feelings of hopelessness, frustration, disempowerment and alienation stemming from the lack of accessible or effective options to hold law enforcement agents accountable.

Chancellor's Regulation A-412 only gives police officers stationed in public schools the authority to intervene in the event of an unlawful or criminal act. However, it is clear that their current role extends beyond this mandate, and the scope of their intervention is much broader - ranging from picking up youth believed to be truant to checking student identification to routine disciplinary issues.²² Unfortunately, guidelines clarifying the roles of police officers in New York City public schools outside of crime-related activity are not available, and no clear accountability mechanisms for non-criminal activity currently exist.

While NYPD representatives are included in Chancellor's Regulation A-412, as part of school safety committees responsible for developing and reviewing a school safety plans, their role in enforcing and carrying out that plan is not detailed. In fact, NYPD officers are mentioned only once in the Discipline Code - in reference to circumstances in which a crime has been committed - but are not referenced as one of the possible responses to other violations of the Code which do not rise to the level of criminal conduct.²³

During a public hearing on the new Discipline Code in August 2005, youth organizations, advocates, and students highlighted the absence of specific guidelines governing the conduct of police and other law enforcement agents stationed in public schools. As of yet, neither the DoE nor the NYPD has developed any such regulations.

The lack of clarity regarding the role and accountability of NYPD officers and school safety agents creates serious problems at all levels. Principals lose control of how disciplinary issues are handled within their schools, as demonstrated by the arrest of Bronx Guild Principal Michael Soguero in 2005 discussed further in Appendix A. School safety agents and police in schools do not have clear guidelines for when and how they should intervene, and students are subject to the kind of harassment and intimidation outlined in this report without access to mechanisms for redress

Policies Relating to Accountability of Law Enforcement Agents in Public Schools

Chancellor’s Regulation A-412 sets forth the responsibilities of school staff for maintaining safety and security in the schools, and establishes the procedures that must be followed when a school-related crime or incident occurs. According to this regulation, the maintenance of school safety is the collective responsibility of school staff, NYPD, which includes uniformed police and school safety agents (SSA), the DoE Division of School Safety and Prevention, parents and students. It mandates that principals and NYPD work collaboratively. Compliance with this regulation is mandatory, and violation of its terms could lead to disciplinary action including termination. In the event of an incident on a public school campus, “[i]f the incident does not require an immediate arrest or other immediate action, the SSA and/or NYPD must, to the fullest extent practicable, consult with the principal/designee prior to placing the student under arrest or issuing any form of criminal process.”

Chancellor’s Regulation A- 414 states that “(m)aintaining a safe and secure school environment is the shared responsibility of the entire school community, including school safety, pedagogical and custodial personnel, parents and students. As part of a continuing effort to provide the safest possible environment, each school must develop a safety plan on an annual basis.” According to this regulation, the school principal is responsible for creating a school safety committee, which meets monthly, to develop such a safety plan. The regulation also sets forth who should be on the committee, including principals, parents, representatives of the teachers’ union and NYPD, and a student representative.

Chancellor’s Regulation A-421 provides that allegations of verbal or physical abuse by students by DOE employees, custodial employees or others must be reported immediately to the Chancellor’s Office of Special Investigations by the supervisor or designee. In the case that the person who is alleged to have engaged in the abuse is not a DOE employee, the supervisor is the principal.

Chancellor’s Regulation A-830 establishes an internal review process allowing employees, parents, or students to file complaints of unlawful discrimination or harassment by Department of Education employees, as well as of retaliation based on such complaints. It states that complaints and requests for either a formal investigation or conciliation should be made to the Department’s Office of Equal Opportunity (OEO), or to a Local Equal Opportunity Coordinator (LEOC) appointed in each school by the principal. Supervisors are also required to report both instances and any oral or written complaints of such discriminatory harassment to the OEO. Regulation A-830 states that complaints can also be filed with the following city and federal agencies: the New York City Commission on Human Rights, the U.S. Department of Education, Office for Civil Rights, the U.S. Equal Opportunity Commission, the New York State Department of Human Rights, and the U.S. Department of Labor, Office of Federal Contract Compliance Programs.

Tracking Complaints

"We're mistreated, we are touched inappropriately when we go through metal detectors, and yet nothing is done about it. Our parents can only do so much, our principal can only do so much, our teachers can only do so much".

-Kara Ann, Bronx Guild High School Student²⁴

Despite numerous reports of misconduct on the part of law enforcement officials in public schools made at public forums and in the media, in the absence of a central agency to receive and track complaints by youth regarding the conduct of law enforcement officers in schools, it is difficult to discern from official sources the nature, extent, and patterns of misconduct by police officers and school safety agents. According to the DoE's response to our request for information, educational authorities do not track complaints of harassment or misconduct by school safety agents or police officers on school premises made by students. The Department maintains that it is the responsibility of the NYPD to do so.²⁵ However, according to Chancellor's Regulation A-830, the Department's Office of Equal Opportunity is the central location for receipt of complaints of discrimination and harassment of students by DOE employees and others, which could include police officers and school safety officers on and around school grounds. Nevertheless, information about such complaints, if any have been filed with that office, was not provided to us.

The NYPD failed to reply to our request for information regarding protocols for police interventions in New York City Schools, the numbers of youth arrested in and around schools, or even numbers of police and school safety officers placed within New York City schools. The NYPD's failure to provide us with information requested is in line with its previous behavior. The Department also refused to provide the same information to the New York City Council, despite the existence of legislation requiring them to do so, citing to "security" concerns.²⁶

We do know that 856 complaints about school safety agents were filed with the NYPD in 2004, representing a 7% increase over the previous year. Additionally, the Civilian Complaint Review Board (CCRB) reported 8 complaints involving police officers stationed in public schools in 2004, the same year Operation Impact went into effect. The CCRB received no such complaints the previous year.

It is questionable, however, whether these numbers reflect the full extent of law enforcement misconduct in public schools. Our research reveals that students feel that filing a complaint about their treatment by police officers or school safety agents could potentially put them at risk. Additionally, many students felt that it would be useless to do so. Moreover, we found that students were largely unaware of what accountability mechanisms exist in the event they did want to file a report of harassment or misconduct by a school safety agent or police officer stationed in or around their school.

Lack of clear and effective accountability mechanisms

Our own efforts to find out how to file such a complaint led to confusing and contradictory information about how a student could report misconduct by law enforcement officers in schools:

- **According to DOE** there are clear mechanisms outlined in Chancellor’s Regulation A-420 and A-421 which provide that allegations of verbal or physical abuse of students by DOE employees, custodial employees, or others must be reported immediately to the Chancellor’s Office of Special Investigations by a supervisor or their designee. In the event that the person alleged to have engaged in the abuse is not a DoE employee, as is the case for SSAs and police officers stationed in and around schools, the supervisor is the principal. It is unclear, however, whether students can file complaints directly under these provisions, as the regulation only refers to the role of the supervisor or designee. Chancellor’s Regulation A-830 does state that complaints and requests for either formal investigation or conciliation concerning unlawful harassment or discrimination can be made by students by filing a complaint directly with the Department’s Office of Equal Opportunity (OEO), or through a Local Equal Opportunity Coordinator (LEOC) appointed for each school by the principal. However, this provision appears to cover only harassment or discrimination by DOE employees. It is therefore unclear whether it would extend to school safety agents and police officers stationed in or around schools.
- **According to the Civilian Complaint Review Board**, an independent body established to receive, investigate, and recommend action on complaints against New York City police officers, student complaints pertaining to an NYPD officer stationed in or around public schools can be made over the phone, in person at their offices in Lower Manhattan, online, or by mail.²⁸ However, the CCRB does not accept complaints of misconduct on the part of school safety agents, despite the fact that they are NYPD employees. Staff at the CCRB informed us that students can make complaints about school safety agents 1) to the Police Department’s Internal Affairs Office or Chief of Department, or 2) in person at the local precinct.
- **Staff at a local NYPD precinct in Queens gave us two differing instructions for filing complaints.** One staff person said that they do not accept complaints from students about police in schools. Rather, students are to make their complaint to their principal, who passes it on to the Regional Superintendent, who passes it on to the School Safety Sergeant, who then investigates. In response to a second inquiry, another staff person confirmed the CCRB instruction that complaints against school safety agents must be filed in person at the local precinct. We were also informed that it is not possible to file a complaint anonymously and that the person filing the complaint must provide identification.

It is important to emphasize that youth who participated in our focus groups were unaware of any of the mechanisms available for filing complaints against police officers or school safety agents for harassment, discrimination or misconduct. Moreover, the options available for filing a complaint are highly problematic. For example, the CCRB is known to be relatively powerless due to the fact that few of its recommendations are actually implemented by the NYPD. In addition, recent events indicate that it is not safe for undocumented immigrants to file complaints with the CCRB: a Pakistani man who filed an administrative harassment complaint in 2003 against a local police officer is currently facing deportation, and it is believed that his immigration status was brought to the attention of authorities by the NYPD in retaliation for filing the complaint. Finally, given the experiences of immigrant communities with law enforcement, it is not a realistic option for young immigrants, and particularly those who are undocumented, to walk into a local precinct to file a

complaint of harassment or abuse and feel that they are safe or protected from the very same kind of treatment or potential retaliation. It is therefore not surprising that so few students are making complaints, despite the high levels of harassment documented in our research.

Calls for Action by Elected Representatives

In response to the lack of adequate, safe, and accessible outlets for students to report problems involving police and school safety officers in and around their schools, New York City Councilmember Annabel Palma, representative of District 18 in the South Bronx, launched a hotline in May 2005 for students to call in and complain about incidents with school safety agents and police in schools.²⁹ When a student calls in, they are asked to leave a message with information concerning their complaint. The councilmember's office will then follow up with the school where the incident happened. While the hotline represents an important effort to provide outlets for youth who have suffered harassment and abuse by law enforcement officers in schools, the councilmember has limited power to ensure that NYPD follow up, investigate, and take action on reported cases.

The report by the Bronx Borough President Adolfo Carrión cited at the beginning of this chapter calls on the DoE and NYPD to:

- 1) Formalize a chain of command for violent incidents in every school;
- 2) Publicize guidelines concerning the types of incidents police officers are authorized to respond to in schools and the permissible scope of their intervention;
- 3) Provide additional training to police officers and school safety agents about the chain of command in schools;
- 4) Provide school administrators and teachers with additional training about how to deal with the police during violent incidents in schools, and;
- 5) Provide parents with a pamphlet explaining the role of police officers in schools. He further recommends that parents and students hold town hall meetings on NYPD school safety strategies and their implementation in schools.

What is clear from the experiences reported by youth who participated in our study and in the media is that the Mayor's school safety plan, which calls for ever increasing law enforcement presence in public schools without corresponding measures to ensure effective accountability, does little to enhance the real safety of New York City youth. Given the absence of clear regulations or even guidelines governing their conduct, it seems as if, ultimately, the NYPD effectively exercises authority over a broad range of school disciplinary issues, yet does not appear to be accountable to educational officials. This scenario facilitates abuse and harassment on the part of the very institution charged with "protecting" students and ensuring their safety, and fosters feelings of fear, hopelessness and disempowerment on the part of New York City youth.

Youth Organize for Accountability

"Our schools should be places where we are empowered, respected, and prepared for college. In each of these areas, our schools have failed, and all of us here are deeply frustrated by this failure. We deserve an education, not criminalization, and we have solutions that we feel will help us move closer to achieving this goal."

—Maksuda, YouthPower! member, at meeting between the Urban Youth Collaborative Student Union and Chancellor Joel Klein, May 10, 2006

On May 10, 2006, members of the Urban Youth Collaborative Student Union—a citywide student union—met with New York City Department of Education Chancellor Joel Klein to make a series of demands concerning school safety issues. In response to youth demands to remove police and metal detectors from schools, DoE officials indicated that they would not consider such action, citing to the fact that they have confiscated 20 guns from New York City Schools over the past year. Youth reiterated that current school safety policies and practices do not, in fact, make them feel safe. When Klein encouraged the youth to become involved in their school's safety committees, the youth responded that their existence is not publicized nor is the selection process for student representatives transparent or accountable to the student body. They also emphasized that, in their experience, principals do not have the authority to address police misconduct and harassment in schools, as is evident from several incidents in which school officials attempting to intervene in NYPD action against students were arrested themselves. Klein conceded that the DoE has no authority over NYPD officers' actions in New York City schools, and suggested that students take their concerns to the NYPD. When questioned about DoE assertions that crime rates in New York City schools had dropped as a result of existing school safety policies, DoE officials committed to making information supporting their position public in a formal presentation to youth at a follow-up meeting. However officials refused to provide youth with the data ahead of time so that they could be prepared to ask questions at the follow-up meeting.



MY NAME IS SADIA AND I AM SEVENTEEN YEARS OLD. I was born in Pakistan but my family and I were forced to leave because we were the victims of sectarian violence. I was just eleven when a guy came in our house with a scarf on his face, held my hair real tight and dragged me and my brother to the bathroom and locked us in. This was one of the reasons why my family and I had to move to America in 2001. Three months later, September 11th took place. That one day forever changed my life. My mother was pregnant at that time and her blood pressure was constantly high. She was really scared because she saw Muslim families getting deported. I was in eighth grade in Chicago, I was really happy because I was passing all my classes. I was ready for my graduation but one day in January my mother stopped me and my brother from going to school because we used to see cops standing out side of our school every day after 9/11.

In February of 2002 we moved to Canada. My sister was nominated for the student of the year and my brother was student of the month and I received a certificate for getting a first position in my science class. After all that hard work our asylum case got rejected and I was really hurt that day. We applied for an appeal which got rejected a day before my birthday. We were deported back to America on my father's birthday on July 13th, 2004. We had to start everything all over again. I started going to W.C Bryant H.S. I had to make new friends and get accustomed to a new educational system.

However, the environment of my school is a lot different from my previous experience. Our schools are filled with school safety agents. These days there is one so called "school safety agent" who stands right next to my lunch table and stares at my friends and I. Now I have stopped going to lunch, instead I go to the library. I am in constant fear that my immigration status will be revealed. It is even more uncomfortable now that there will NYPD officers searching and scanning us for a day in my school. For immigrant students like myself, it will put us at risk that our status will be reported. Along with these searches they announced that they will take away any electronic device from us and it's for our so-called safety. Before taking any decisions the Department of Education should ask the students what they want rather than wasting their money on scanners and school safety agents. Instead they can invest in our education, since it is a school. We need new books, counselors, other resources. My teacher had to buy a stool for himself because my school can not afford one. I want my school to be safe and having School Safety Agents DOES NOT make it safe, it makes me feel like a prisoner. I will try my best to change my school so new students do not have to suffer from the same injustices that I face every day of my life.

Resource & Investment Priorities



"I would prefer that they spend more money on school resources than on cops and metal detectors. I have to share a desk with another student in my history class. I'm not the only one who has to share a desk. If there aren't enough desks to share, we have to either use another chair or write on our laps. Even when we have tests, we don't always have a desk to write on."

-Maksuda Khandaker, Youth Power! member

"What if the reason they were acting bad was because they weren't getting an education?"

-Bronx student³⁰

"Instead of 50 more cops, why not 50 more guidance counselors?"

-Richard Williams, A.P. Randolph High School

While not the specific focus of Youth Power!'s research, the allocation of resources to "school safety" at the expense of educational needs was raised by many youth who participated in focus groups. Young people expressed concern that the City appears to be continuously investing in more security equipment and personnel while simultaneously cutting back on learning-related expenditures. Youth spoke of overcrowded, dirty, and dilapidated school buildings and classrooms, in some cases lacking enough desks to accommodate all students, as well as out of date text books, ancient or non-functioning computers, and broken or old gym equipment.

Student 1: *"I have 60 kids in my gym class."*

Student 2: *"In my school we have over 100 in gym class"*

"We have less than 4 counselors for about 4,000 students."

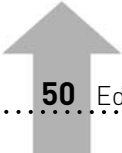
"We only copy what's on the board, that's the only thing we copy. I feel like I'm not getting any education."

Indeed, in 2004, a court-appointed panel found that an additional \$5.6 billion annually is needed to make the opportunity for a sound, basic education guaranteed by the State Constitution a reality, and that an initial investment of \$9.2 billion into new classrooms, laboratories, libraries and other facilities is needed to relieve overcrowding, reduce class sizes and give the city's 1.1 million public school students adequate places to learn.³¹

Overcrowding in public schools remains a persistent city-wide problem. According to a 2005 report by Bronx Borough President Adolfo Carrión, DoE data reveals that an overwhelming 68% of enrolled students attend school in an overcrowded building.³² The report concludes "[w]ith classrooms that one student called 'more crowded than Times Square on New Year's Eve,' faculty and students battle with overcrowding in DoE facilities, often at the expense of academics."³³ According to the City's Independent Budget Office, high schools in Queens, where the majority of youth surveyed for this report attend school, were the most overcrowded in academic year 2002/2003, operating at 120% capacity.³⁴

Notwithstanding these dire conditions, Mayor Bloomberg and the New York City Council have cut

CHAPTER
3



funding for badly needed education programs and after school support while increasing the level of resources committed to policing and surveillance. For example, in 2004 the City Council introduced a bill requiring every school in the city to specify by the end of 2006 whether they have security cameras installed, and if not, to explain why they believe they are not needed. The Council also allocated \$120 million in its 5-year capital budget for new security cameras, which cost approximately \$75,000 per school to install.³⁵ YouthPower! members who are students at Bryant High School in Queens reported seeing notices posted at school announcing that, in the upcoming school year, there would be cameras at every entrance and exit. In addition, in 2005 the Mayor announced plans to restructure the funding process for after-school programs which will result in a \$27 million cut and end programs for as many as 30,000 children.³⁶

“They pay so much for them [police in schools] and we don’t even have enough seats for all the students.”

The Bloomberg administration’s investment in security measures at the expense of investment in education has not gone unnoticed. A report released by the former Education Committee Chair Eva Moskowitz in May 2005 highlights three main problem areas in schools identified through public testimonies provided by youth from throughout New York City, which include:

- a) safety, including adverse impacts on student safety of the Administration’s approach to “school safety,” which entails flooding schools with law enforcement agents and increased use of metal detectors and security screenings;
- b) poor academics, including lack of instruction and overcrowded classrooms, an emphasis on testing rather than learning, and a lack of investment in after school programs to support students; and
- c) insufficient and inadequate facilities, including: unsafe bathrooms, non-existent recreational spaces, and unhealthy food and cafeterias, a dearth of functioning computers, adequate library resources, and up-to-date and relevant textbooks; and windows that do not open or are broken.³⁷

In fact, during her tenure, Moskowitz frequently challenged current priorities for education funding, particularly questioning the manner in which the \$20 billion Department of Education Budget, which represents a third of the entire city’s budget of \$60 billion, was being spent, as well as the administration’s priorities for investment given the number of complaints regarding inadequate resources, overcrowding and unhealthy environments in New York City public schools.³⁸

DOE says: *“Our purpose is straightforward: to provide accessible and high quality after-school programming to young people by creating a more coordinated OST [Out of School Time] system that is responsive to the diverse needs of our local community.”*

–Lester Young, Office of Youth Development and School-Community Services,
Department of Education, May 3 2004

Kids say: *“We have no extra-curricular activities...there’s no dance, there’s no art club, no drama.”*

–Firstess Qosky, 11th Grade, New York City Museum School, Manhattan

–*From the Mouths of Babes: New York City Public School Kids Speak Out,*
Eva Moskowitz, Chair, Education Committee, New York City Council, May 9, 2005

Unfortunately, even as the City pours money into high tech security apparatus, funding to much-needed programs is cut and problems such as overcrowding and poor resources persist. Recent research tells us that these kinds of priorities for investment have a negative impact on student behavior and academics. A recent report by the National Center for Schools and Communities (NCSC) at Fordham University shows a strong correlation between the availability of school resources and student performance, as well as racial and income disparities in allocation of resources among New York City schools.³⁹ Moreover, higher levels of disciplinary actions and suspensions were found in schools with fewer resources – demonstrating how the school environment influences student conduct and behavior. In other words, as schools divest from students, students divest from school, and the City is divesting more from schools populated primarily by students of color and low income students.

City data clearly demonstrate that the schools that have been targeted by the current administration as so troubled and violent that they are in need of armed police officers and additional security measures are also the schools with large numbers of low income students and students of color. They are also severely overcrowded, and suffer from underinvestment in education-related activities. According to a recent Drum Major Institute study, the 22 “Impact Schools” in New York City, which have been the focus of heightened policing and tighter discipline, share characteristics such as higher concentrations of low-income, Black and “over-age” students than other city schools. “Impact Schools” are larger, more overcrowded, and spend less per student than their counterparts across the city.⁴⁰

In fact, overall spending per student in New York City is lower than in wealthier regions of the state. During the 1999-2000 school year, New York City spent an average of \$10,469 per student according to State records, compared with \$13,760 per student in the wealthier surrounding suburbs.⁴¹

Given the simultaneous experience of harassment, discrimination and disrespect resulting from flooding schools with law enforcement agents, the increased reliance on methods of surveillance and control such as metal detectors, and the overall punitive approach to discipline and security, we are forced to raise serious questions about the priorities for investment in New York City schools in general, and schools with high concentrations of low-income students, immigrants and other youth of color in particular. Yet diversion of resources to current law enforcement based approaches to “school safety” is not questioned, much as diversion of national resources to the “war on terror” at the expense of education and social programs goes unchallenged in the name of “national security.”

CHAPTER
3

My name is Raquib Alam. I am a seventeen year old Bangladeshi immigrant who was born and raised in Saudi Arabia. I came to the United States with my family in 2002. We applied for and were rejected four times for a visa to this country. The visa application process was really expensive and really lengthy. After all that, my uncle had to sponsor us so that we could come to the U.S. In Bangladesh and Saudi Arabia, people think that money hangs from the trees and that everything is easy here. But it was so expensive to rent an apartment and my father couldn't find a job because nobody would recognize his Bangladeshi and Saudi Arabian credentials. My brother was the first to find a job, in Dunkin' Donuts. Even I had to try and find work but at the age of 14, it wasn't easy to find. I was told I would have to be 18 or older.

I attend William Cullen Bryant High School in Queens New York. When I went to register for class, I provided a copy of my passport which is from Saudi Arabia. They took copies of my visa as well as of my green card. All my documents and transcripts were from Saudi Arabia. I was put in an ESL honors class and made to repeat a grade even though I speak English really well and my grades were high. Coming from Saudi Arabia played a role in terms of my relationships with other students. One student, who I thought was a friend, asked me if my uncle was Osama Bin Laden and if I learned to shoot AK47s in school.

Students face many problems in their school. For example, in my school they usually do not get to see their guidance counselor or their program cards always have problems. Something that I feel is bad in my school is the security. Some of the security guards and deans in the school are so bad that being in school just does not feel right. Like, if there are a lot of students in the hallways, a security guard will stand at one end of the hall, facing the students and flash his or her flashlight in their eyes. Having cops in schools is a cause of fear because they have the power to look through our records and ultimately put us in jail, like with the case of Tashnuba. More recent immigrants might dress and talk differently. Immigrant youth by and large respect their teachers and the Dean but they don't respect them.

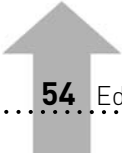
I have also experienced this type of misconduct by school officials. It was an extremely hot afternoon. I had my Gym class outside in the field and so did not feel like dressing up. Two of my friends and I went to the field and saw my classmates were there and were waiting for the teacher to come. After a while when the teacher did not show up, we decided to go and look for him. Since it was sunny outside we thought our teacher was probably waiting for us in the auditorium so my friends and I started to walk towards the auditorium. We stopped for a drink of water and a school safety agent comes up to us and says, "Go to class, go to class." After, we started walking and my friend smiled looking at my other friend and turned and looked at me. The security guard was right next to me and he started saying, "Oh! Ya'll think its funny; ya'll think it is funny to be walkin' around, a'ight take out your programs and IDs." I was like, "what did I do?" and all he said was, "program and ID please." As I was the only person not dressed for class I had my program and ID so, I took it out and gave it to him. He took us to the dean's office and gave my ID to a lady. She asked me the whole story and after I was done she told us to sit in the office 'til the end of the period. I asked for the ID and she said, "Sit quietly boy." At the end of the period all three of us went to ask permission to leave and she was like, "disappear" and when I went up to her to ask for my ID, she said, "I will give it to you when I get a chance." My ID was right on her desk, right in front of her and all she was doing was reading a newspaper. After that I got very angry and walked out of school. Other South Asian students are being harassed in the same ways as I. There are so many

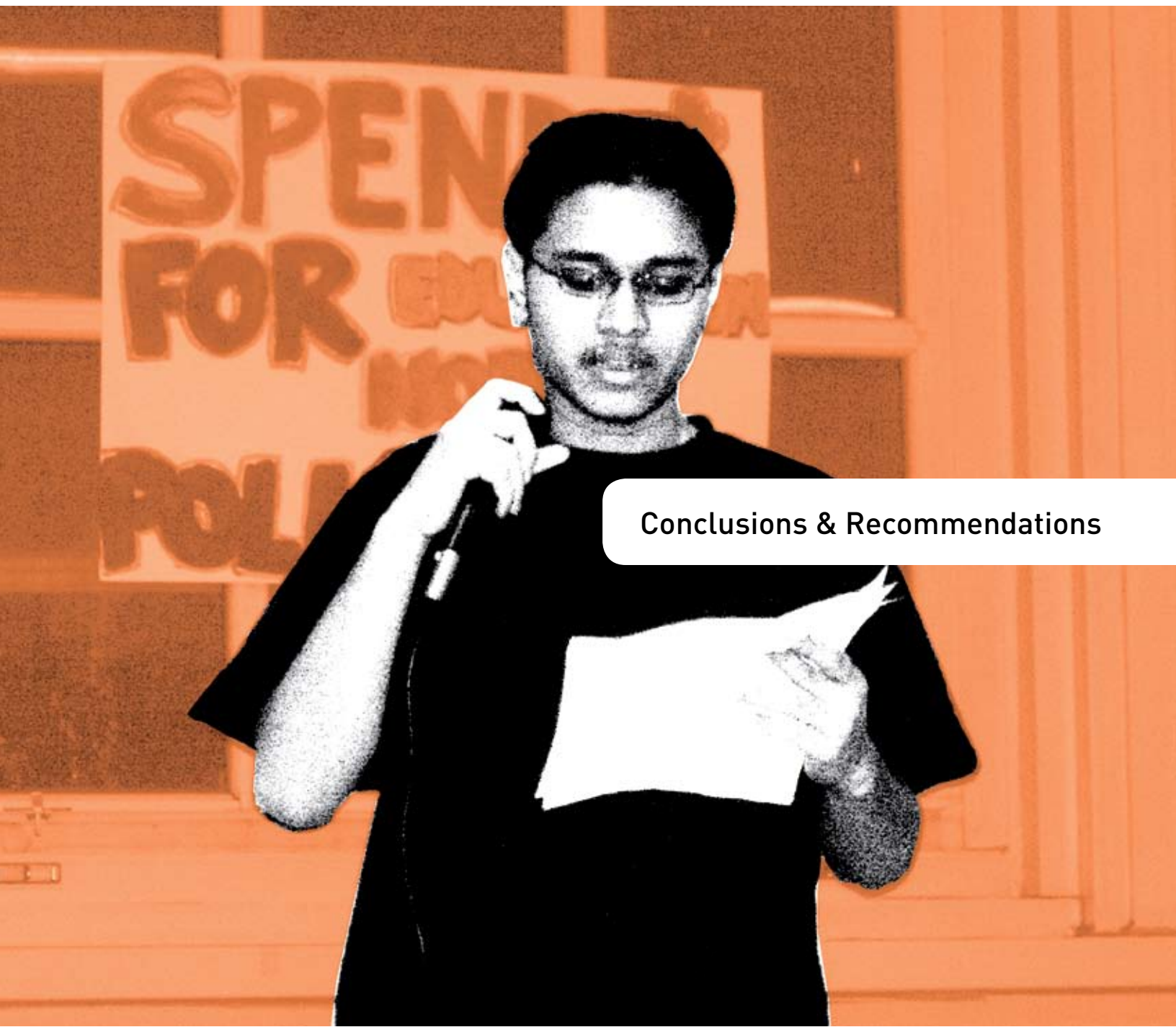
students who don't want to tolerate the harassment they experience. Other students I know hang out outside school because they don't want to come in. They're fed up with the system, the Deans, everything. I worry about immigrant students who don't know the system and don't know what can happen to them with cops in schools.

Personally experiencing what students go through everyday and walking out of school made me realize why students drop out. Students are always pushed around either mentally or physically and the ones who cannot resist it eventually finds a way to escape school.

The NYC Department of Education's Disciplinary Code clearly states that students should be in an environment free from any kind of harassment. What they say and what they actually do are two different things and it affects everyone's lives. Many high school students do not know their rights and when they are pushed around they do not know what to do about it. I decided to do something about it so I started a club where students will be able to learn their rights and also learn leadership skills in my school. I always thought of a school as having a great learning environment with a lot of resources and where students do not feel criminalized. However, this is not reality so we must come together and make changes that will benefit all students.

CHAPTER
3





Conclusions & Recommendations

"We don't need cops...That would make the environment better so that people could learn."

"Yeah, cops should stay outside of schools. They have guns and stuff. They shouldn't be in school."

"I don't want to hear them ask your status or where you are from. They look at me differently after they find out I'm from Afghanistan."

*Student 1: "There is another way to do it, the old fashioned way with deans, principals, and counselors.
Student 2: For a regular offense you don't need cops. There is a conflict resolution room that students feel comfortable going to. There is also peer mediation."*

"The fact of the matter is that cops don't make schools safe. Smaller classes, qualified teachers, trained counselors, and programs for conflict resolution and violence intervention are what makes schools safe."

–Kate Kyung Ji Rhee, Prison Moratorium Project⁴²

Even assuming that official statements that school violence has decreased as law enforcement presence in schools has increased are true - a premise which has been questioned by numerous sources - it is clear from the experiences of youth who participated in our study that the price of "school safety" as currently envisioned and implemented is too high for immigrant youth. Students should not be forced to choose between only two options—facing violence or harassment by fellow students or violence and harassment by law enforcement officers—neither of which truly afford them safety.

School officials must be accountable to and enforce existing Department of Education policy by refraining from, preventing, and addressing anti-immigrant, anti-South Asian and anti-Muslim statements and actions by their colleagues, law enforcement officers, and students, as well as any other type of discriminatory conduct based on race, religion, nationality, ethnicity, immigration status, gender or gender identity, sexual orientation, or disability. Prevention efforts directed at fellow students must focus on education and community-building initiatives rather than on punishment. Law enforcement officers stationed in public schools must also refrain from engaging in and reinforcing discriminatory attitudes and behaviors with the authority of the badge. Law enforcement and education authorities alike must recognize the impacts on South Asian students' academic performance of being subjected to such discrimination and harassment, as well as their contribution to conduct which may be perceived as disorderly or inappropriate on the part of South Asian students. New York City schools must be welcoming and nurturing environments for all youth, rather than additional sites of systemic harassment and discrimination against South Asian youth, as well as immigrant youth and youth of color more generally.

It is imperative that the City guarantee the safety of all students in order to foster an optimum learning environment and protect students from the risks associated with exposure of immigration status, which may have serious implications for them and their families.

Recommendations

Schools should be a safe environment for immigrant youth and all youth.

We can do this by removing police officers from public schools, securing real protection from requests for or disclosure of our immigration status by school and law enforcement officials, and involving students in the formulation and evaluation of school safety policies.

In order to ensure a safe and empowering learning environment in NYC public schools, the DoE and Mayor should:

1. Conduct an immediate evaluation of current school safety strategies in collaboration with students and parents.

The DoE should create a team comprised of students, parents, and DoE staff, to conduct an immediate evaluation of current DoE and NYPD school safety policies, as well as an assessment of the academic needs of and current resource allocation to Impact Schools and other schools with high “incident” rates. The evaluation team should then pose recommendations to the Mayor, DoE, and NYPD for improving school safety throughout NYC public schools. These recommendations should be reviewed by a joint committee of students, parents, and school and DoE officials, and then integrated into a revision of the current school safety approach. Additionally, a student documentation center should be established in each school to monitor the impacts of current school safety policies on students as well as abuses by law enforcement, school officials, or other students.

2. Declare “Immigrant Safe Zones” in schools

The DoE should declare “Immigrant Safe Zones” in schools by actually enforcing Executive Order 41 and ensuring that no information regarding a student’s immigration status is being requested, compiled, or reported. Specifically, the DoE should not request or compile information that could expose a students’ immigration status on any school document, including as lunch forms, subject tests, AP exams, or school club forms, or require documentation for enrollment purposes other than the types of documents listed in applicable regulations as sufficient for New York City residency verification.

3. Remove law enforcement officials from schools and involve students, parents, and school officials in the development of a comprehensive school safety approach

The presence of law enforcement in and around schools creates a hostile learning environment and puts undocumented youth at increased risk of deportation. The Mayor and DoE should remove police from school premises and directly involve students and parents in the development of a comprehensive school safety approach. This can be achieved by ensuring that students are effectively integrated in the leadership of the existing school-based committees charged with crafting school safety policy in collaboration with the DoE. These committees must have the authority to determine if and how NYPD and school safety agents are utilized in the implementation of school safety plans.

4. Invest in Education

Schools with high “incident” rates, such as Impact Schools, have the fewest educational resources. These schools also suffer from severe overcrowding, poor educational facilities, and lack of adequate academic resources and supports, such as updated books, computers, college prep programs, counselors, and student clubs. The Mayor should divest from the policing of NYC public schools, which includes stationing NYPD officers in and around schools and installing metal detectors and surveillance cameras on school premises, and invest in resources that promote the academic development of young people and equip them with the skills they need to pursue higher education.



Historical context: Immigrant nation, Immigrant city



In 2000, 56 million people in the U.S., or close to 1 in 5 U.S. residents, were either born outside the country or are first-generation immigrants.⁴³ Recent immigrants now make up over 10% of the U.S. population, the greatest proportion since 1930.⁴⁴ Of these, 1.7 million are South Asian immigrants and their children, whose proportion of the U.S. immigrant population has been increasing steadily since the 1960s, and increased by 111% between 1990 and 2000.⁴⁵ These trends are indicative of increasing rates of global migration- in North America and Western Europe migrants make up approximately 10% of the overall population - reflecting intensifying poverty and political and economic crises worldwide. Women make up an increasing proportion of the migrant population - for instance, more than 60% of migrants from Sri Lanka are women, who find employment primarily as domestic workers abroad. Migrants face increasing human rights violations, exclusion, and exploitation as cheap labor abroad.⁴⁶

It is estimated that approximately 11.1 million immigrants living in the U.S., including 1.3 million South and East Asian immigrants, are currently without legal status or “undocumented,” having sought refuge in the U.S. without government authorization, or having entered the U.S. with authorization, but subsequently fallen out of status due to employers’ failure to sponsor them as promised, denial of asylum, or expiration of visas.⁴⁷ Almost 2 million undocumented immigrants are children.⁴⁸ Immigrants without legal status are at constant risk of removal from the U.S. and live in persistent fear of being discovered by immigration authorities and deported. As a result, they are typically forced underground into low wage and often dangerous occupations, and often avoid accessing critical public services.

New York City, currently tied with Los Angeles as the city with the greatest number of immigrants, has a population of almost 5 million people who were either born outside of the U.S. or are first-



generation immigrants.⁴⁹ It is estimated that 652,000 New York City residents are undocumented, making up 20% of the city's immigrant population.⁵⁰ An estimated 113,000 undocumented New York City residents are South or East Asian,⁵¹ although this figure likely represents a significant undercount given the understandable reluctance of undocumented people to disclose their immigration status to authorities as well as the failure of existing data collection methods to accurately account for undocumented people. Local organizers believe that there are upwards of several hundred thousand undocumented South Asians currently living in New York City.

Two-thirds of the city's residents are immigrants or children of immigrants, and more than half of New York City's children live in an immigrant-headed household.⁵² As a result, immigrant children and the children of immigrants are found in New York City schools in large numbers. According to a report by the Center for New York City Affairs at New York's New School University, immigrant students face unique challenges, stemming in part from language and cultural barriers, but also from the public school system's failure to systematically integrate and address their experiences.⁵³ Undocumented students face additional challenges related to their immigration status.

Since the nation's inception, anti-immigrant fears have been a hallmark of U.S. immigration policy. Historically, immigrants of color have been disproportionately subjected to discrimination, including bars and caps on immigration from non-European countries and other exclusionary policies.⁵⁴ The number of non-white immigrants to the U.S. increased dramatically in the 1960s in response to the "pull" of loosening racial limitations on immigration. Conversely, the "push" of this migration wave lay in increasing economic, social and political disruption in the Global South as a result in large part of U.S. military interventions and foreign policy. For instance, U.S. wars in Southeast Asia directly resulted in the displacement of millions and compelled the U.S. to begin Refugee Resettlement programs for South East Asians into poor urban areas. As the number of non-European immigrants rose, anti-immigrant sentiment gained renewed currency throughout the country. At the same time, criminalization of immigrants – both in conjunction with other communities of color and as immigrants per se – increased, thereby facilitating the creation of a cheap, exploitable labor pool. In the late 1970s and into the early 1990s, discrimination against immigrants increased in intensity, leading to a number of initiatives aimed at stemming the immigrant "tide" and the perceived "drain" on the U.S. economy attributed to the growing immigrant population, such as efforts to keep undocumented students out of schools in Texas and California. The events of September 11, 2001 heralded a further dramatic escalation of prevailing anti-immigrant attitudes, with particular impacts on South Asian, Arab, and Muslim immigrants, who are perceived to be the ultimate threat to national security in the post 9/11 era.

Over the years, prevalent public attitudes toward immigrants have overtly manifested in public school systems through laws and policies aimed at excluding not only undocumented children, but also documented immigrants. Simultaneously, the placement of law enforcement agents in public schools has increased in recent years in response to claims of rising school violence and post 9/11 safety concerns. Armed law enforcement officers, more often than not pulled directly from assignments policing violent crime, now patrol the hallways of public schools, operate metal detectors placed at school entrances, and conduct frisks and full searches of students as they come to school in the mornings. Perhaps most disturbingly, police officers, rather than principals and teachers, now play a primary, if not exclusive, role in the implementation of school disciplinary policies in many jurisdictions. Moreover, collaboration between local and federal law enforcement

and immigration authorities has increased dramatically since 9/11. Through the confluence of these trends, our public schools have also become sites where an anti-immigrant climate threatens access to education.

This should come as no surprise, as public schools have always reflected the norms and political trends of society at large—one need look no further than the segregation of public schools as evidence that, as public institutions, schools are sites where political trends are magnified. In the 1980s, schools, particularly in urban areas populated by large numbers of people of color, became sites of the “war on drugs,” leading to routine profiling of Black and Latino students for possession of drugs or drug sales in the schoolyard. Such law enforcement practices continue unabated while simultaneously immigrant youth of color – particularly Middle Eastern, South Asian and Muslim youth and those perceived to be members of these groups—are racially profiled. Meanwhile, historical and current attitudes toward immigrants of color have found new forms of expression through “school safety” initiatives.

Citizenship in the United States

Notwithstanding the fact that all but Native peoples indigenous to this continent are immigrants, the face of citizenship in the national consciousness has been predominantly white, and the face of immigration predominantly brown and Black. Such perceptions are belied by the fact that, until 1965, European countries were the primary source of the foreign-born population in the United States.⁵⁵ Indeed, a mere 14 years after the signing of the Declaration of Independence, in 1790, Congress passed legislation restricting naturalization as a U.S. citizen to “white persons.” While, at various times, Mexicans, Armenians, Syrians, Indians, Japanese, and “Arabians” were deemed “white” by the courts or legislation for immigration purposes,⁵⁶ for the most part immigrants of color have been denied entry or excluded from U.S. citizenship until well into the 20th Century. Racial restrictions on immigration to the U.S. were not removed from the books until 1952, and remained in place in practice until 1965 through country quotas established through the “Quota Acts” of 1921 and 1924, which favored immigration from Europe.⁵⁷

Such policies, of which current immigration restrictions and “special registration” programs are eerily reminiscent, provide an important context for current racially motivated, anti-immigrant sentiment in the U.S., and demonstrate how all non-white racial groups in the U.S. have been subject to exclusion, discrimination, and targeting by the U.S. government at one point or another in the country’s history. Little is known about how these policies affected the children of immigrants, Native peoples and people of African descent in the U.S. beyond outright denial of citizenship and the right to education. However, as the nation’s public education system was established and became universal, their manifestation in this context became increasingly apparent.

Immigration and Public Education

The first compulsory education law in the U.S. was passed by the state of Massachusetts in 1851. According to the Applied Research Center, the primary goal of free, compulsory public education in the U.S. was to ensure that the children of poor immigrants became “civilized” and learned

obedience, restraint, and basic skills in order to become “good workers.”⁵⁸ Indeed, as early as 1779, Thomas Jefferson proposed a two-track education system, “for the laboring and the learned.”⁵⁹

As anti-immigrant sentiment increased in the 1960s and 1970s, public attention once again turned to immigrant youth in public schools. A turning point occurred in May 1975, when the Texas Legislature revised its education laws to withhold any state funds that would be used for the education of children who were not “legally admitted” into the United States from local school districts, and authorized local public school districts to deny enrollment to undocumented children. In 1982, in the landmark “Plyler v. Doe” decision, the U.S. Supreme Court struck down the Texas statute on the grounds that it effectively denied undocumented children a public school education and therefore discriminated based on “alienage” in violation of the U.S. Constitution. The Court reasoned that undocumented immigrants and their children are “people” “in any ordinary sense of the term,” and are therefore entitled to the protections against discrimination guaranteed by the Fourteenth Amendment.⁶⁰

“We don’t have enough money to provide important services to legal citizens. We cannot afford to offer services to illegal immigrants.”

“Prop 187 does not send illegal immigrants home. It will pull 400,000 students out of school and leave them on the streets.”

“Prop 187 will make California a police state and increase racism. People will be suspected as illegal based on how they look and talk.”

–Quotes from the California Voter’s Guide illustrating arguments made in favor and against California’s Proposition 187, which would deny public education to undocumented immigrant youth and require school authorities to report any children suspected of being out of immigration status.⁶¹

Nearly twenty years after the Supreme Court’s decision in Plyler, on November 8, 1994, the voters of California enacted Proposition 187, nicknamed the “Save our State” initiative, which denied undocumented U.S. residents access to public education, non-emergency medical care, and other public services, and required school authorities to identify parents believed to be out of immigration status and report them to immigration authorities.⁶²

The proposition’s authors, former immigration officials under the Reagan administration, claimed Proposition 187 would end the “illegal alien invasion” because welfare, medical, and educational benefits were the “magnets” that draw immigrants to the U.S.⁶³ Some proponents of the legislation argued that it would increase safety and reduce crime, essentially equating immigrants with criminals. While most of the legislation based on Proposition 187 was found unconstitutional in 1998, many of the perceptions and attitudes underlying its passage persist, and continue to inform public debate on both immigration and public education. Moreover, the withdrawal of some of the remaining provisions denying non-emergency health care, welfare and higher education to undocumented immigrants was premised on the passage of equally draconian federal legislation.⁶⁴

The debate surrounding Proposition 187 reverberated across the country, with impacts in New York State. In March 1995, New York State Senator Frank Padavan (R-Queens), chair of the Senate

Majority Task Force on Immigration at the time, proposed state legislation “drafted in the spirit of California’s Proposition 187,” which would have, among other things, required public schools to verify the immigration status of all students, required police making arrests to verify the status of all persons reasonably suspected of being in the U.S. without documents, prohibited New York’s public universities from enrolling undocumented people as students, denied all but emergency health care to undocumented people, and made it more difficult for undocumented people to get welfare.

Later that same year, the state Senate approved legislation sponsored by Padavan that would have barred undocumented immigrants from attending the City University (CUNY).⁶⁵ The bill, which passed the Senate 39 to 17, but did not pass the full State Assembly, would have required college admissions officers at CUNY and the State University to inform the federal Immigration and Naturalization Service within 45 days of discovering that an applicant is an undocumented immigrant.⁶⁶ In support of the legislation, Padavan claimed that New York’s public colleges currently serve 4,300 undocumented immigrants at a cost of more than \$ 30 million to taxpayers. “In this time of budget cuts, it’s ironic that we’re providing a subsidized education to people who shouldn’t be in this country.”⁶⁷ Undaunted by the failure of that legislation, in the wake of 9/11, Senator Padavan told the City University of New York (CUNY) that allowing undocumented immigrants to study at CUNY was both a national security issue and “an insult to every citizen and legal immigrant seeking a higher education.”⁶⁸

The 1996 IIRIRA—an important turning point

The 1996 Immigration Reform and Immigrant Responsibility Act (IIRIRA) was passed in the midst of the same anti-immigrant climate that motivated state and local initiatives such as the legislation at issue in Plyler and Proposition 187. In fact, in some cases, federal legislators relied on the same anti-immigrant rhetoric that permeated the debates around Proposition 187, making statements such as “[i]llegal immigration has already had an enormous effect on public services and labor markets in certain areas of the country, and the problems will only get worse,”⁶⁹ and citing the ability of “illegal aliens” to “get free education forever for their children” as a “magnet” that “draws illegal immigrants into this country...”⁷⁰ Moreover, legislation that would have permitted States to deny undocumented children access to public education was considered by both the House and Senate during the debates on IIRIRA, and was even passed by the House.⁷¹ Noticeably absent from the debates surrounding the IIRIRA was any consideration of the impacts of U.S. foreign policies such as the North American Free Trade Agreement passed just two years earlier which led to the displacement of millions of farmers in Mexico and subsequent high rates of migration on the part of people seeking to survive.

National security concerns were also on the minds of legislators supporting the bills that would become the IIRIRA, notwithstanding the fact that the Oklahoma City bombing, which occurred just a year before the IIRIRA was passed, was committed by a white American citizen.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA):

- **toughened penalties** for unauthorized immigrants.⁷²
- opened the door to **enforcement of immigration laws by state and local law enforcement agencies**
- **expanded the definition of crimes rendering immigrants subject to deportation** to include crimes for which a sentence of incarceration for a year or more is imposed, including such minor offenses as shoplifting or simple assault, even if the sentence of incarceration is suspended.⁷³
- **restricted access to public benefits** for undocumented immigrants, and
- instituted a **restriction on states' residency requirements and in-state tuition benefits** for undocumented immigrants.

The same year IIRIRA was enacted, Congress also passed a draconian welfare reform law, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which, among other things, denied documented immigrants access to many federal benefits, such as food stamps and Supplemental Security Income for disabled people, and empowered state governments to decide whether legal immigrants should receive welfare and Medicaid.⁷⁴

“Broken Windows,” “Zero Tolerance,” and Increased Law Enforcement Presence in Schools

On April 20, 1999, in the small, predominantly white suburban town of Littleton, Colorado, two white, non-immigrant⁷⁵ high-school seniors, Dylan Klebold and Eric Harris, went a shooting rampage, killing twelve fellow students and a teacher and wounding twenty-four others before committing suicide. A spate of similar incidents involving guns in schools ensued in the months immediately following Columbine at largely white, rural or suburban schools,⁷⁶ giving rise to an inaccurate perception that school violence was on the rise nationwide. As a result, Columbine and the events that followed served as justification for initiatives promoting “school safety” and “zero tolerance” for violence in schools. However, in reality, rates of violent and criminal activity perpetrated by students on school campuses remained steady between 1976 and 1998.⁷⁷ Yet, thanks to “zero tolerance” policies, which increased suspensions for non-violent offenses such as truancy, student suspension rates doubled over the same period.

Five years before the Columbine incident, Congress passed the Gun-Free Schools Act,⁷⁸ imposing the most dramatic federal penalties for school violence in U.S. history. The Act requires schools to expel any student who brings a firearm to school for at least one calendar year and refer them to the juvenile justice system.⁷⁹ By 1997, the U.S. Department of Education reported that 94% of U.S. public schools had implemented “zero tolerance” policies with regards to firearm possession in schools. Unfortunately, these policies failed to prevent the tragedy at Columbine, or those that followed.

Moreover, “zero tolerance” and “school safety” initiatives implemented in the wake of Columbine looked drastically different depending on where you looked—students at Columbine and other

suburban schools were offered increased counseling, after-school programs, and services; students in New York City were subjected to metal detectors, surveillance cameras, and increased law enforcement presence in public schools.

During the same period, the “broken windows” theory, which posits that swift and certain punishment for minor offenses such as “disorderly conduct,” littering, panhandling, street vending, loitering, and graffiti will prevent occurrence of more serious violent crime, gained increasing currency in New York City and across the country in the 1980s and 1990s.⁸⁰ Adoption of this theory led to a national trend toward a “zero tolerance” approach to street crime and school discipline, under which any infraction, no matter the circumstances or severity, is subject to harsh penalties.

“When Zero Tolerance started, it was mainly to respond to students bringing drugs, weapons, and other illegal objects to schools. Now children are being punished for minor reasons. Kids are getting suspended for not going to class, for being late to class, or just laughing in class.”

–Carlos Montelongo, student at Chicago’s Hubbard High School, member of Generation Y.⁸¹

Although school safety initiatives in the U.S. initially focused primarily on possession of firearms on school campuses, under the “broken windows” theory, “zero tolerance” policies quickly extended beyond firearm possession on school premises to minor infractions of school disciplinary policies such as tardiness and truancy, schoolyard scuffles and even verbal disagreements and cursing in school, contributing to dramatic increases in the frequency and level of school discipline imposed for what is essentially routine youth (mis)behavior.⁸² And, increasingly, police officers, rather than principals, are given responsibility for school discipline. For instance, in an incident captured on video and broadcast across the U.S. in 2005, Jaisha Akins, a five-year old African American girl, was handcuffed and forcibly removed from her St. Petersburg, FL school by police called by school officials because she was acting out. The result has been the creation of a “school-to-prison pipeline” in which school discipline places students on a track leading directly to involvement with the criminal justice system.

“The vast majority of students being suspended and expelled under zero tolerance...have committed acts that do not seriously threaten school safety and order.”

–Education Law Center⁸³

As is the case with many criminal justice policies, Native, Black, Hispanic, immigrant and low-income students are disproportionately affected by zero-tolerance policies and increasing law enforcement presence on school campuses. This should come as no surprise, as the “concept of zero tolerance grew out of federal drug enforcement policies of the 1980s,”⁸⁴ which have been proven time and again to have been implemented in a racially discriminatory manner, giving rise to stark and systemic racial disparities in arrests, prosecutions, incarcerations, and sentencing.⁸⁵ According to a March 2005 report by the Advancement Project, “[a]cross the board, the data shows that Black and Latino students are more likely than their White peers to be arrested in school, regardless of the demographics of the school’s enrollment. Researchers conclude that racial disparities cannot be accounted for by the socioeconomic status of students. Nor is there any evidence that Black and Latino students misbehave more than their White peers. Race does, however, correlate with the severity of the punishment imposed with students of color receiving harsher punishments for less severe behavior.” An Applied Research Center report issued in 2001 indicates that in 1998, although “African American students comprised 17.1 percent of the U.S. student population, they represented

32.7 percent of suspended students nationally,” while white students accounted for 62.7% of all students, but only 49.8% of those suspended. The report also notes that in many cases Black students are “punished more severely for less serious and more subjectively defined infractions.”⁸⁶

“Christian Villanueva, a sophomore at Hoover High School [in San Diego], forgot his glasses one day. He asked his teacher if he could sit in the front to be able to take notes, but he was not allowed to do so. Christian observed that his (white) teacher would not allow any students of color to sit at the front of the class, and he inquired why she kept students of color in the back of the room, in addition to being rude and disrespectful in her dealings with them. When he persisted in questioning the teacher, he was sent home for the remainder of the school day and suspended for an additional two days.”⁸⁷

“A disproportionate rate of school suspension for African Americans has been well documented. A common explanation is that it’s because blacks act out more or because blacks are from low-income backgrounds. We found that neither of these statements is true.”

—Russel Skiba, *The Color of Discipline: Source of Racial and Gender Disparities in School Punishment*, Indiana University Indiana Education Policy Center (2000)

Indeed, “study after study shows students of color disproportionately receive the harshest punishment” under zero tolerance policies, contributing to considerable mistrust of law enforcement presence in schools among communities of color.⁸⁸ In New York City, “advocates have raised concerns about the growing presence in schools of police officers who belong to a department that has an infamous history of excessive use of force against people of color.”⁸⁹

The increasing convergence of the criminal justice, immigration enforcement, and education systems in the lives of immigrant youth often has devastating, and sometimes tragic results. On April 1, 2006, Anthony Soltero, a 14 year-old 8th grader living in Ontario, California, committed suicide after being told by the assistant principal at his school that he would go to prison for three years because he had been involved in organizing school walk-outs to protest federal anti-immigrant legislation, that he would be prohibited from attending graduation ceremonies, and that his mother would be fined for truancy based on his participation in the protests. “Anthony was learning about the importance of civic duties and rights in his eighth grade class,” Anthony’s mother, Louise Corales, said. “Ironically, he died because the vice principal at his school threatened him for speaking out and exercising those rights.”⁹⁰

NEW YORK CITY

“New York City, in its effort to forge an identity as a safe cosmopolitan community welcoming to the professional and managerial class, has led the way in the last five years in criminalizing a broad swath of public activities that has led to unprecedented harassment and detention of poor, working class, and homeless people by the police. This policing strategy allows the police to detain, question, and thus regulate tens of thousands of mostly low-income people of color.”

—Daniel HoSang, *Colorlines*⁹¹

New York City has served as both a laboratory for implementation of the “broken windows” theory and a leading edge of the “zero tolerance” law enforcement trend. As early as 1993, former New York City Mayor Giuliani introduced the “Quality of Life” Initiative,⁹² openly citing the

“Broken Windows” theory as the basis for “zero tolerance” policies enforced by the NYPD.⁹³ Such enforcement practices result in NYPD officers stopping, frisking and arresting vast numbers of people—many of whom are young, Black, and Hispanic—for minor offenses, “in the hope that subway turnstile jumpers and pot smokers will turn out to be guilty of more serious offenses”⁹⁴ The “zero tolerance” approach also encourages arrests in situations where a warning or citation would otherwise be issued, leading to soaring numbers of arrests, largely of people of color, and increased complaints of police abuse and misconduct.

“Zero tolerance” approaches to policing have persisted and expanded under the administration of Mayor Michael Bloomberg, whose first order of business upon taking office in January 2002 was to unveil a “quality of life” initiative named “Operation Clean Sweep,” which encouraged ticketing for “quality of life” violations.⁹⁵ Shortly thereafter, the NYPD initiated “Operation Impact,” a program flooding city streets in “high crime” areas – in many cases as small as subway stations or housing projects,⁹⁶ primarily populated or used by communities of color – with uniformed police officers. As of late 2005, Operation Impact had led to 20,000 arrests and issuance of 335,000 summonses in “Impact Zones.”⁹⁷ In March 2006, NYPD Commissioner Ray Kelly added another 800 police officers to its force of roughly 37,000 in the largest city-financed expansion of the police force since 1993, allowing the NYPD to devote more police officers to regular patrols as well as to initiatives like Operation Impact.⁹⁸

Such policies and practices have facilitated increased profiling of South Asian, Middle Eastern, Arab and Muslim youth, as well as those perceived to be all the above, by NYPD officers, particularly in transit areas such as on the subway, after 9/11. Young people have been stopped and questioned and sometimes ticketed for, among other things, sitting on steps or “loitering.” Some youth feel that they are being targeted because of their race and/or religion. Such profiling increased in intensity after the NYPD instituted a policy of conducting random bag searches in transit areas, including subways, in response to the London Underground bombings in July 2005.

“You cannot have children this exposed to cops and not expect the kids to get the short end of the stick. Cops in the train station when they arrive for school, more cops parked outside the school, and then toy cops inside the school patting them down. How can they learn in that environment? My son is always coming home with some horror story about kids being unnecessarily stopped by police. It’s not right.”

–Carrie Monroe, mother of a 15-year-old student at Prospect Heights High School in Brooklyn.⁹⁹

The success of New York City’s “zero tolerance” approach to reducing crime has been contested by many observers, who argue that there are strong indications that such policing practices have not significantly contributed to reduced crime rates while dramatically increasing police abuse and discriminatory and arbitrary arrests of people of color.¹⁰⁰ Nevertheless, “zero tolerance” continues to be actively implemented both on the streets and in the schools of New York City.

“Changes in the NYC DoE indicate that the department, like many other large urban school systems, has chosen to improve classroom behavior through stricter disciplinary policies rather than by investing in educational resources and finding new ways to engage students.”

–National Center for Schools and Communities at Fordham University, *Equity or Exclusion: The Dynamics of Resources, Demographics, and Behavior in the New York City Public Schools*, October 2003.

The New York City Department of Education (DoE) operates the largest school system in the United States, with over a million children attending classes taught by nearly 80,000 teachers in approximately 1,420 public schools.¹⁰¹ Beginning in the 1980s the Department of Education began to employ school safety agents charged with maintaining order in public schools, marking the beginning of a trend toward a more “discipline”-oriented and punitive school environment. At the same time the DoE introduced metal detectors and surveillance cameras in certain public schools, contributing to the creation of a “policed” educational environment.

In the late 1990s, claiming that under the Board of Education’s control, the Office of School Safety could not effectively ensure safety in the schools, Mayor Giuliani transferred control of school security to the NYPD, placing the police department in charge of hiring, training and supervising school safety agents, notwithstanding concerns raised by members of the then-Board of Education that turning school security over to the police and giving school safety agents the authority to enforce school disciplinary policies through arrests would create a prison-like atmosphere in schools.¹⁰²

Following New York City’s lead, in 2000 the New York State Legislature passed the Safe Schools Against Violence in Education Act (SAVE) which expanded the powers of school safety officers to punish students and imposed mandatory penalties for certain disciplinary infractions. The new regulations also restricted student rights in disciplinary matters and gave teachers the right to remove students from classes for up to four days without a hearing, appeal, or system-wide oversight.

In 2002, claiming that the poor performance of students in the New York City school system could only be fixed by mayoral control of the entire public school system, Mayor Michael Bloomberg persuaded the State Legislature to abolish the city’s independent Board of Education and give his office complete control of New York City schools. The New York City Board of Education became the New York City Department of Education, and all of its employees became accountable only to the Mayor. While the Mayor’s plan created Parent Coordinator positions in all schools, it did away the community boards that had previously overseen education issues, leading many to argue that the changes have effectively eliminated any real parent, student, or community power or influence over public education.¹⁰³ Additionally, school principals, while given more power on paper over each school’s safety plan, have effectively been forced to cede considerable control over school safety and discipline to the NYPD.

That same year, newly appointed Department of Education chief Chancellor Joel Klein introduced “Operation Safe Schools,” a five-point plan for addressing school disciplinary problems that included introducing surveillance cameras and over 400 security guards in the city’s public schools and creating extended-day schools for students with recurring discipline problems. Information regarding the number of arrests in New York City schools, or the nature of the conduct which led to the arrests, and trends in arrest rates over time, is not currently publicly available.¹⁰⁴

In January 2004, building on the 2002 SchoolSafe initiative, Mayor Bloomberg launched the “School Safety Initiative.”¹⁰⁵ In an expansion of “Operation Impact” to New York City schools, one hundred and fifty armed and uniformed NYPD officers were placed in 12 public high schools and middle schools selected by the NYPD and the New York City Department of Education (DOE) as “Impact” schools, later nicknamed the “dirty dozen,” based on the number of reported criminal

incidents, the number of student transfers due to “safety problems,” and “early warning” trends such as low attendance and “disorderly” behavior.¹⁰⁶ In April 2004, four more schools became “Impact” schools, and six more were added to the program in January 2005. While four schools were removed in 2006, an additional two – Kennedy High in the Bronx and Newtown High in Queens – are to be added.¹⁰⁷ A year after the introduction of the “Impact Schools Initiative,” the number of NYPD officers based in the city’s schools increased to 200. In March 2006, the NYPD announced that an additional 286 school safety agents would be deployed.¹⁰⁸ Additionally, in a move reflecting the increasing criminalization of youth, probation officers were placed directly in New York City schools.¹⁰⁹ Most recently, NYPD officers have been assigned to conduct random screens with portable metal detectors in New York City schools.¹¹⁰ As a result, according to youth advocates, instead of spaces of safety and learning, schools are becoming “mini precincts and mini jails.”¹¹¹ According to The Advancement Project, “[t]urning schools into ‘secure environments,’ replete with drug sniffing dogs, metal detectors, and uniformed law enforcement personnel, lowers morale and makes learning more difficult.”¹¹²

“...in a school system with hundreds of police officers and thousands of safety agents, there are times when that security presence is seen as an occupying force.”

–Principal of Thomas Jefferson High School in Queens, New York¹¹⁴

Principals, teachers, and school administrators are finding that since the NYPD takeover of school safety, they have effectively been forced to hand over student discipline to police officers. On February 3, 2005, the principal of Bronx Guild High School, Michael Soguero, was arrested along with a school aide for attempting to prevent a police officer from removing a sixteen-year-old Black female student from a classroom for cursing in the hallway. School officials claimed the officer was interfering with their jobs as educators and had overstepped his authority.¹¹⁵ According to Soguero, “the incident raised questions about who’s in charge of the schools: principals or police.” The following month, two teachers and six students at the New School for Arts and Sciences were also arrested when police came to break up fight between students.¹¹⁶ According to some reports, the teachers were arrested after they asked a school safety agent whether the students needed to be handcuffed and a sergeant told them that they could not control their students.¹¹⁷ NYPD personnel reportedly acted inappropriately throughout the incident and spewed profanities at both teachers.¹¹⁸

“DOE says: ‘We’re implementing immediate measures to improve the ways in which we prevent violent behaviors in our schools. We’re also working to bring about dramatic change in the culture of our schools.’

–Chancellor Joel Klein, Department of Education, Jan. 28, 2004

Kids say: ‘I’ve seen my own principal mishandled by safety officers and I’ve been verbally disrespected by them....We are not prisoners, we’re students.’

–Bianca Rodriguez, 9th Grade, Bronx Guild High”

–From the Mouths of Babes: New York City Public School Kids Speak Out, Eva Moskowitz, Chair, Education Committee, New York City Council, May 9, 2005

Such incidents raise questions about how “school safety” is defined and implemented in New York City schools, and by whom. To date, “school safety” has been largely defined by the Mayor’s office and the Department of Education with little meaningful community participation. The school safety

measures which have been selected and implemented have primarily had the effect of decreasing parental, community, and principal control over the educational environment and school discipline, and of creating environments in which metal detectors, surveillance cameras, school safety agents and armed police officers predominate, contributing to an atmosphere of alienation and fear on the part of youth and parents alike. The impacts of increased police presence in public schools are particularly keenly felt by students of color, including immigrant students, for whom criminalization of their communities has now extended into their educational environments. For immigrant youth, and, in the post 9/11 era, South Asian students, the increased presence of law enforcement officers in schools has had particularly devastating impacts.

Who polices New York City Schools?

School Safety Agents (SSAs) receive 14 weeks of training from NYPD, are permanently assigned to specific schools, and are responsible for maintaining a secure and orderly environment. SSAs are considered civilian employees and fall under the jurisdiction of and are subject to the regulations of the NYPD. However, they are not NYPD police officers, and are not permitted to carry guns. Their responsibilities include patrolling school premises, operating scanning equipment, verifying identification of visitors, intervening in altercations between students, and transporting students who are arrested to appropriate booking facilities.

NYPD Officers are stationed both inside and around public schools, and are particularly concentrated in the Impact Schools throughout the city. Despite their assignment to Department of Education facilities, they remain under the exclusive supervision and control of the NYPD. NYPD officers receive no specific training prior to being stationed in a public school.

Probation Officers are stationed in Impact Schools to reduce truancy, supervise students who are on probation, monitor those who are under court supervision, and facilitate probation investigations of Family Court cases.¹¹³

“War on Terror” in Public Schools

Post-9/11 Political Context and Backlash

“After 9-11 I saw how Bush’s agenda targeted our immigrant communities, the Arabs, South Asians, and Muslims. We are put into jail...just because our name is Mohammed. Thousands of people already have been deported and thousands more are in detention centers. I see young children crying every day because they can’t see their mothers and fathers.”

—Shoshi Doza, YouthPower! Leader, DRUM¹¹⁹

The events of September 11, 2001 served as a flashpoint for the simmering anti-immigrant sentiment manifested through the IIRIRA and subsequent federal legislation, and fueled the increasingly militaristic approach to school discipline promoted by “zero tolerance” advocates. As a

result, increased police repression and oppressive anti-immigrant rhetoric and policies converged in the lives of young immigrant South Asians attending New York City Schools.

Even before September 11, 2001, many families were ripped apart by deportation and thousands of others lived in constant fear of law enforcement agencies. In post 9.11 America, “security” concerns have provided new fodder for institutionalized racial profiling, making communities of color and immigrants across the country and specifically South Asian, Middle Eastern, Arab and/or Muslim immigrants, as well as those perceived to be members of any of these groups, targets of heightened law enforcement attention.

In the aftermath of September 11, immigration regulations were one of the first tools the federal government turned to in its efforts to combat “domestic terrorism,” resulting in the detention and deportation of several thousand people of Middle Eastern and South Asian descent – a large number of whom were living in New York City - under conditions that violated both domestic due process principles and international human rights law.¹²⁰ The profiling and criminalization of immigrants has created an environment in which South Asian families fear enrolling their children in public schools, going to hospitals, DMV offices, and Medicaid offices, or seeking employment or housing due to the threat of arrest, detention, and deportation, plunging many further into poverty and invisibility. The messages being conveyed to immigrants, and particularly South Asian, Arab, Middle Eastern and/or Muslim immigrants is that they are automatically suspects, “linked to the ‘enemy’ in the U.S. war against terrorism.”¹²¹ Such attitudes also permeate public schools and inform the conduct of police officers stationed within in them, increasing fear and vulnerability among South Asian youth as a whole, and particularly those who are undocumented.

USA Patriot Act & Executive Orders

“We make no apologies.”

—Attorney General John Ashcroft in response to the findings of the Office of Inspector General (DOJ) that there was a “pattern of physical and verbal abuse” towards the Middle Eastern and South Asian men detained in post 9/11 sweeps.¹²²

Since September 11, 2001, the Department of Justice has consistently attacked the rights of immigrants through Executive Orders and policies that have racially profiled and targeted South Asians, Arabs, and Muslims. In the months immediately following 9/11, then-Attorney General

AT SIX A.M. ON FEBRUARY 27, 2002, Reem Khalil, a senior biochemistry major at City College, and her family awoke to 20 FBI agents storming their home in Bay Ridge, Brooklyn. The agents arrested Khalil, her parents, and three teenage siblings and took them, hands and feet in shackles, to the Federal Bureau of Investigation offices in Federal Plaza. Reem Khalil’s two middle school-aged brothers, the only members of the undocumented Syrian immigrant family who were born in the U.S., were left in their neighbors’ care. According to Bill Crain, a City College professor who lobbied for the family’s release, immigration officials told the Khalils that their detention had been “a mistake.” Nevertheless, the family was turned over to the Immigration and Naturalization Service (INS) for deportation, pursuant to a 1996 deportation order.¹²⁶ The Khalils were held in separate detention facilities and jails in the New York area for two and a half months.¹²⁷ The Khalil family was not reunited until early May of 2002.

John Ashcroft used his powers under the USA Patriot Act – which was passed with little debate just 45 days after 9/11 – to round up and detain over 1,200 non-US nationals, who, it later emerged, were Middle Eastern, South Asian and Muslim immigrants, on pretextual immigration violations. Not one individual detained pursuant to these sweeps was charged with any “terrorist” activity, yet over two thirds had been deported by 2004, and many others languished in detention for months while their cases were held up by the government.¹²³ In December 2001, the INS, in collaboration with other law enforcement agencies, arrested more than one thousand undocumented immigrants

The USA PATRIOT Act

The USA PATRIOT (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act of 2001 was passed just weeks after September 11, 2001. Most notably, the Patriot Act:

- Allows the Attorney General to authorize the detention of non-nationals if they are “certified” as “terrorist suspects” for up to seven days before being charged or brought before a court. There is no definition of what constitutes a “reasonable” period of time under the INS interim rule, nor does any link with alleged “terrorism” need to be made.¹²⁹
- Creates a broad definition of “domestic terrorism.” The law defines “domestic terrorism” as acts committed in the United States “dangerous to human life that are a violation of the criminal laws,” if the US government determines that they “appear to be intended” to “influence the policy of a government by intimidation or coercion,” or “to intimidate or coerce a civilian population.”¹³⁰
- Permits law enforcement authorities to inspect records kept by public and private entities, including library, sales, medical and bank records reflecting individuals’ activities, and forbids these entities from advising individuals that their records have been disclosed to government agents.¹³¹ In 2002 alone, at least 545 libraries had been asked for information about patrons’ records, and as of 2003, at least 200 colleges and universities have turned over student information to law enforcement agencies.¹³²

and immigrants with past criminal convictions at airports across the country. In New York City there were hundreds of reported cases of collaboration between NYPD, parole officers, and federal agents during post 9/11 sweeps of immigrants.¹²⁵

While the New York City Council recently adopted a resolution opposing the U.S.A. PATRIOT Act on the grounds that it violates basic civil rights, language prohibiting the New York Police Department from enforcing immigration laws, collecting information on activist groups and businesses, and establishing an anti-terrorism reporting database proved to be major sticking points to the resolution’s passage, thereby demonstrating considerable support among elected representatives for such measures.¹²⁸

Also in the months following 9/11, the FBI and other law enforcement officials, under a directive from Attorney General Ashcroft, visited mosques, schools and homes to question 5,000 Arab, South Asian and Muslim men who were lawfully living in the U.S.¹³³ In March 2002, the Justice Department announced another round of interviews targeting 3,000 Arab, South Asian and Muslim men who were legally residing in the U.S. as students or visitors.¹³⁴

In early 2002, the US Department of Justice also intensified enforcement efforts aimed at tracking down immigrants with old deportation orders – which, in many cases, immigrants may be unaware of due to inadequate notice of immigration proceedings or due to the entry of such orders when they were too young to understand proceedings against them. The names of “absconders,” as immigrants with outstanding deportation orders are characterized by the federal government, were entered into the National Crime Information Center (NCIC) database, originally established to track outstanding warrants for arrest in criminal cases. As a result, any contact with law enforcement agents which includes running an individual’s name through the NCIC database can result in immediate deportation.¹³⁵ Additionally, ICE “Fugitive Operation Teams” charged with locating and arresting “absconders” will be expanded over the coming year, increasing the number of projected arrests by 20,000 per year.¹³⁶ The Department of Homeland Security estimates that there are approximately 590,000 “absconders” currently living in the US.¹³⁷ According to Families for Freedom, “[t]he Absconder Apprehension Initiative may be the first time in US history that half a million people are fugitives without knowing it.”¹³⁸

Later that same year, Ashcroft instituted the National Security Entry Exit Registration System (NSEERS) which required all male nationals of certain countries between the ages of 16 and 45, thereby including high school students - to register with immigration authorities.¹³⁹ With the exception of North Korea, all 25 countries whose nationals were targeted are populated largely by Muslim and/or Arab people. In December of the same year, up to 700 men and boys from Iran, Iraq, Libya, Sudan and Syria were arrested in Southern California by federal immigration authorities after voluntarily complying with the NSEERS program.¹⁴⁰ In one year, the Special Registration program affected 83, 310 foreign nationals and placed 13,470 into deportation proceedings¹⁴¹ – not one of whom was ever charged with a terrorism-related crime.¹⁴² In New York City, NSEERS and the preceding immigration raids prompted the departure for Canada, Europe or Pakistan of more than 15,000 of the 120,000 or so Pakistanis who lived near Coney Island Avenue – also know as “Little Pakistan” - in Brooklyn.¹⁴³

On March 1, 2003, the Immigration and Naturalization Service (INS) was abolished and its functions transferred to the new Department of Homeland Security (DHS). DHS’ mission, as spelled out in the Homeland Security Act, is to prevent terrorist attacks in the United States, reduce the vulnerability of the United States to terrorism, and minimize the damage from terrorist attacks. The incorporation of immigration functions into DHS further serves to fuel public and law enforcement perceptions equating immigrants with “terrorists” and framing them as threats to the security of the US, as well as fears among immigrants that increased law enforcement presence in schools is inextricably linked to immigration enforcement.¹⁴⁶

Immigration policies and practices that have been prone to abuse and human rights violations may now be even more difficult to reform or to establish government accountability as long as immigration policies

SIXTEEN-YEAR OLD TASHNUBA HAYDER, a Bangladeshi Muslim girl living in Queens, New York, was recently the subject of the first federal terrorism investigation involving a minor. FBI agents who had monitored her visits to an Internet chat room where sermons by an Islamic cleric in London were posted showed up at her home one day, pretending to follow up on a missing persons report filed five months earlier when Tashnuba briefly left home with the intention of eloping. The agents immediately began going through her diary, papers, computer, and home schooling materials, focusing on one essay about the positions on suicide taken by various religions and another about the Department of Homeland Security, in which she stated that she felt that Muslims were being targeted and “outcasted” by the state since 9/11. Three weeks later, based on a “secret” declaration, a dozen federal agents raided her home at dawn, citing the expiration of her mother’s immigration papers as they took her into custody - alone. She was taken to a juvenile detention center in Pennsylvania where she was interrogated, without a parent or a lawyer present, by the members of the FBI Joint Terrorism Task Force, and released only upon her mother’s agreement to a “voluntary departure” to Bangladesh. No information on her whereabouts had been provided to her parents for two weeks.¹⁴⁴ Demonstrating that Black and African Muslims have also been targeted by post-9/11 law enforcement policies, a Muslim girl from Guinea, Adama Bah, was also detained as part of the investigation.

In the wake of these events, South Asian students have become even more wary of school and law enforcement authorities. One of Tashnuba’s friends wondered if “someone from the school might have denounced her as an illegal immigrant.” Her English teacher recounts “I remember telling her the government doesn’t go after 16 year-old girls... And in the last few days, I am wrestling with the fact that, yes, it does.”¹⁴⁵

are cemented to a war against terrorism. Immigrant communities, families and neighborhoods will likely find little or no relief as the management and jurisdiction of immigration matters is consolidated under DHS.

-National Network for Immigrant and Refugee Rights, Human Rights & Human Security at Risk, December 18, 2003

In May 2004, the New York State Division of Parole and federal immigration officials collaborated to identify and detain non-citizen parolees for deportation, initially targeting over 100 immigrants, the majority of whom were Black and Latino and many of whom were lawful permanent residents. In some cases, parole officers contacted parolees and former parolees to report to the parole office, only to turn them over to immigration authorities. Subsequent enforcement efforts took place in September 2004 and January of 2005. The New York City Department of Probation, which recently began stationing probation officers in public schools under Operation Impact,¹⁴⁸ also cooperates with federal immigration authorities to identify non-citizens for deportation.¹⁴⁹

“This is just one of the perils of living and working in this country. You never know when you are going to get hit by the authorities, and you are never quite sure where relief is going to come from.”

-A Barbadian immigrant, quoted in *Immigrants and Driver’s Licenses*, by Chaleampon Ritthichai, *Gotham Gazette*, March 2005¹⁵⁰

On May 11, 2005, following almost four years of some of the most anti-immigrant federal policy in the history of the United States, President Bush signed the REAL ID Act into law. Now, in order to obtain a driver's license - a rite of passage for many high school students and a necessity in the post 9/11 era, where identification is required to engage in virtually any activity, from entering private office buildings to using a gift certificate at Macy's, and is increasingly demanded by law enforcement officers on the flimsiest of pretexts, or for no reason at all - applicants must prove they are citizens or lawfully present in the U.S. Some states, including New York State, have entered into agreements with the federal government to share personal information about drivers' license applicants in order to ensure compliance with the Act. According to a State Motor Vehicles Commissioner, applicants using improper documents will be subject to arrest and called to the attention of immigration authorities.¹⁵¹ Such information sharing between local administrative agencies and federal immigration authorities compounds existing fears among immigrants, and particularly undocumented immigrants, about providing personal information.¹⁵²

In September 2005 a sixteen year old Sacramento student was interrogated by FBI agents in connection with a doodle he had made on one of his school binders featuring the letters "PLO", which stands for, among other things, the Palestine Liberation Organization, two years earlier. His parents were not notified prior to the students' questioning. It is believed that the student's math teacher, who reprimanded him about the doodle in class two years ago, expressing the view that anyone who supports the PLO is a terrorist, reported him to the authorities. According to the Council on American-Islamic Relations, "[t]he entire experience left the student badly shaken, and he has since been hesitant about expressing his political views in any context."¹⁴⁷

"I need my driver's license to go to the hospital and prove my identity to employers. Finding work will be almost impossible for me, and our family will be pushed further underground. I want to ask Governor Pataki and President Bush: How will we survive?"

-Moni, a mother of two from Bangladesh

Shortly thereafter, on Dec. 16, 2005, the House approved the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 (HR 4437) which, if it becomes law, would, among other things, make mere unlawful presence in the U.S. a crime, thereby transforming civil immigration status into a criminal offense. While widespread opposition and popular resistance to the measure has led to reconsideration of the proposed legislation, the mere fact that such legislation was considered and passed by one body of Congress reinforces messages received by immigrant youth and law enforcement agents alike - that a mere perception that an individual is an immigrant is now sufficient grounds for suspicion of criminal activity. The proposed legislation reflected the increasing criminalization of immigrants as well as the central threat to immigrants that has been the hallmark of the Bush administration - heightened collaboration between local law enforcement, public institutions, and even private entities, with immigration authorities. Regardless of the outcome of current immigration policy debates, it is clear that such collaboration will continue to be heightened and mandated through federal legislation and policies. Additionally, the recent announcement by the Bush administration that US military troops will be deployed at the border between the US and Mexico for the first time, in direct contravention of existing law prohibiting the US military from engaging in enforcement activities on US soil, signals a new, heightened offensive in the ongoing

“war on immigrants.”

Since February 2006, during a historic national period where millions of immigrants and citizens have mobilized for rights, highly publicized attention to roundups of thousands of undocumented immigrants across the country, including New York City and Long Island, by the Bureau of Immigration and Customs Enforcement (ICE), has further heightened fears among immigrant youth concerning the presence of law enforcement officers in their schools. On April 20th 2006, the Department of Homeland Security unveiled a purportedly new “interior enforcement strategy” expanding initiatives targeting employers of undocumented workers. In reality, the strategy has been ICE’s common practice and is clearly delineated in ICE’s 10 year plan, “Operation Endgame,” a blueprint for widespread immigration enforcement that was publicly released in November of 2003. This announcement was clearly intended and strategically timed to create fear among immigrants, dampen mass organizing, and increase anti-immigrant sentiment among citizens. For example, when announcing the initiative, Department Chief Michael Chertoff reinforced messages equating immigrants with “terrorists,” stating that “[i]llegal immigration poses an increasing threat to our security and public safety...”¹⁵³ The initiative will also expand the capacity of the ICE Law Enforcement Support Center charged with assisting local law enforcement officers investigating or detaining immigrants on suspicion of involvement in criminal activity.¹⁵⁴

No Child Left Behind

The No Child Left Behind (NCLB) Act of 2001 and the National Defense Authorization Act For Fiscal Year 2002 require high schools to provide military recruiters with access to high school juniors and seniors, as well as their contact information, including home address and telephone number, for the purposes of recruitment to the US armed forces.

While parents may “opt out” of providing such information on behalf of their children, many are unaware of this option until their child’s information is accessed by military recruiters, despite legislative requirements that parents be notified of the types of information released by “local education agencies” and advised of the procedures to be followed if a parent wishes to deny disclosure without prior written consent. Many parents are also afraid to “opt out” on their children’s behalf, as they fear that it will also call attention to their families to do so.

Moreover, because military recruiters must be provided with the same access to youth as college recruiters and prospective employers, “opting out” of information sharing with military recruiters also means “opting out” of receiving information about college or jobs.¹⁵⁵

While some of the policies adopted and implemented in the context of the “war on terror” may appear to be somewhat removed from the city’s public schools, it is critical to keep in mind that they all have had and continue to have direct and indirect impacts on South Asian students in New York City schools, their families, and their communities. South Asian youth themselves, and/or members of their families or communities, have been targeted for special registration under NSEERS and subject to questioning by FBI and local law enforcement agencies in connection with “terrorism”

investigations in the post 9/11 era. Profiling, harassment, and discriminatory law enforcement practices affecting South Asians, and particularly of those who are or perceived to be Muslim, have not died down over time, but rather have continued unabated. In 2004, the number of civil rights violations by law enforcement agents reported to the Council on American-Islamic relations increased by 52% over the previous year, with the greatest increases seen in reports of unreasonable arrests, detentions, searches, seizures, and interrogations.¹⁵⁶ As a result of these policies, practices, and messages, South Asian youth now live in a world awash with anti-immigrant and anti-Muslim rhetoric which influences not only the conduct of law enforcement officers in public schools, but also students' perceptions of their presence.

DRUM YOUTHPower SURVEY

Appendix B: YouthPower! Survey

Surveyor name:
 Neighborhood of survey:
 Language survey conducted in:

1. Have you ever seen or experienced harassment* by...:

<p>a)...police officers in your neighborhood or in/around school? (please check one)</p> <p><input type="radio"/> Seen <input type="radio"/> Experienced <input type="radio"/> Seen and experienced <input type="radio"/> Neither seen nor experienced</p> <p><i>(If check neither seen nor experienced, skip to question 2)</i></p>	<p>*Harassment can include, but is not limited to, verbal abuse or harassment including racial slurs and names, yelling and cursing at you; physical abuse or harassment, including physically harming you, grabbing you, pushing you, forcing you to do something you do not want to do; Intimidation, including asking for identification or calling you over for no reason, threatening to report you or your family to immigration, bullying you.</p>	<p>b) Where did this harassment happen? (check all that apply)</p> <p><input type="radio"/> On the street <input type="radio"/> In the subway or station <input type="radio"/> In or around school <input type="radio"/> Stopped in your car <input type="radio"/> In your house <input type="radio"/> Other (please specify)_____</p>
---	---	---

2. Have you ever *seen or experienced* harassment* by...:

<p>b)...school officials (i.e. security guards, school administrators, etc.) in your school?</p>	<p><input type="radio"/> Seen <input type="radio"/> Experienced <input type="radio"/> Seen and experienced <input type="radio"/> Neither seen nor experienced</p>
--	--

If answer "neither seen nor experienced" to both questions 1 and 2, skip to question 5.

3. Do you think that the harassment you experienced or witnessed happened because you or the other person...(check all that apply)

- are South Asian or were thought to be South Asian
- are an immigrant or were thought to be an immigrant
- do not speak English or were thought not to speak English
- because of religion or perceived religion
- Other (i.e. gender, sexual orientation, etc.) Please specify_____

4. Can you please explain the harassment that you experienced or saw? (Use the back of the survey if needed)

5a. Are you afraid to give personal information to school officials or police (i.e. filling out forms that ask for immigration status, work, religion, race, etc.)? Yes No If no, skip to question 6

5b. If yes, since 9/11 are you ... more afraid less afraid equally afraid ... to give personal information to school officials or police?

6. Have you or any other youth in your school ever been requested by school officials to fill out a form or produce written documentation regarding your immigration status? Yes No

7a. Have you or any other youth you know ever been asked of your immigration status by the following authorities (circle all that apply):

- Police
- School official (teacher, counselor, guard, principle, etc.)
- Hospital
- Welfare office
- Department of Motor Vehicles
- Other Please specify _____

7b. If yes, did any of the following happen as a result?

- Stopped you or the person from going back to the authority when needed help, information or another service the authority is supposed to provide
- You or the person were reported to immigration
- You or the person were detained
- You or the person faced deportation
- Other Please specify _____

Demographic information (This information will help us both to make sure we are reaching the right population and to understand whether some groups of individuals are experiencing harassment more than others.)

8. How old are you? _____

9. Sex: Female Male Transgender

10. What zip code do you live in? _____

11. What high school did or do you attend? _____

12. What is your religion?

- Islam Buddhism
- Hinduism Sikhism
- Christianity Judaism
- Other _____

13. In what country were you born? _____

14. What is your ethnic background?

- Afghani
- Bangladeshi
- Burmese
- Indian
- Indo-Caribbean
- Nepalese
- Pakistani
- Sri Lankan
- Bhutanese
- Mixed ethnicity (please specify) _____
- Other (please specify) _____

15a. Is English your primary language?

- Yes No If yes, skip to question 16

15b. If English is not your primary language, do you feel comfortable reading, writing and speaking in English (i.e. are you fluent)? Yes No

16. If you were not born in the United States, are you a citizen? Yes No (If yes, end survey here.)

****Optional**** (Please note: This information will remain completely anonymous and confidential. It will not be shared with any other organizations or individuals outside of the research team.)

17. If you are not a citizen or legal resident, do you have documentation to live, work and/or study in the U.S.? Yes No

18. Do your parents have documentation to live, work and/or study in the U.S.? Yes No

Appendix C – YouthPower! Focus Group Guide

Ice Breaker:

Tell us what school you go to, where it is, and three ways to describe your school

POLICE IN SCHOOLS:

Talk about the presence of police in your school.

- Is there a significant presence of police and school safety agents?
- What role do each (police and school safety agents) play in your school?
 - Where do you see them in school and what are they doing?
 - What is the difference between police and safety agents?
 - Is one worse or better than the other? Explain.
- Has the presence and/or role changed in recent years? In what way?
- Is your school an impact school?

What's happening in your school with police & student arrests?

- Have there been arrests?
- How frequently is it happening?
- Who has been arrested? Who has done the arresting?
- For what reasons?
- What were the repercussions?

How do police enforce the rules?

- Are they consistent? Do they seem fair in their enforcement and who do they target? Are there times when you think it has been unfair?
- Is it everybody, or does it seem like the same students get targeted over and over?
- If yes, why do you think those students get most attention from Police?

How has police presence either positively and/or negatively had an impact in your school?

- On addressing problems or conflict in the school? Do you think your school is safer as a result?
- Impact on you personally? In what ways do you feel safer or less safe as a result?
 - If unsure about how defining safety, ask to explain.
- On others in your school?

Talk about any experiences or interactions with police or school safety agents that you or someone you know has had.

- What were the reasons for that interaction?
- What happened?
- How did you (or that person) feel?
- Were there any repercussions?

Harassment and misconduct: Talk about any bad experiences you or others have had where police or school safety agents in school?

- How has your (or that of the person's) religion, dress, language, race or ethnicity, gender played a role in those experiences? (For example, we have heard of girls who have been asked out by police or others who have been called names.)
- What did you or others do in response to this harassment or negative experience? If you lodged a complaint or talked to someone, how did they respond? Were there negative or positive repercussions

for you?

If this isn't coming out clearly....

Are there ways that having police in schools particularly affects you or others as South Asian and/or immigrant youth? How has it affected undocumented youth?

Do you or others you know feel more concerned about their safety and wellbeing as a result? Please explain?

How do you think that police in schools has helped or hurt the creation of a safe and conducive environment for all students in your school?

- Has violence increased or decreased? In what way?
- Are there certain groups of people who have been targeted directly by police in your school? How is that apparent?
- Talk about why you think that having police deal with conflicts in schools is effective or not.
- What do you think alternatives to having police deal with conflicts might be?

HARASSMENT & MISCONDUCT POLICE IN COMMUNITY:

Have you or anyone you know in this community ever had a bad experience with police in your community or in and around schools?

- Talk about what happened and the details of the experience. If it didn't happen to you, who was the person (race, ethnicity, religion, language, gender, status, etc)
- What was the reason for the interaction with the police?
- What did you or that person do?
- Were there any repercussions?
- How do you think the race, ethnicity, language, gender, or any thing else of you or the cop had an impact on the experience?

ASKING/REPORTING STATUS:

Do school officials ever ask students in your school for information that could reveal your or their immigration status? (By school officials, mean principal, counselors, teachers, safety agents, administrators)

- Who has asked for this information and for what reason (i.e. for college applications, for a school trip)?
- What kind of documents or information have been requested?
- Is it ever in writing?

What have you or others done in the case that this information is requested?

- Has anything happened as a result of giving that information or for not giving it?
- What is it that makes you or others afraid of providing information?

Have you had experiences when another kind of authority has requested this information?

What kind of experience have you had (or others you know had) with military recruiters?

- How does their presence in schools make you feel?
- What kind of information do they request from you?
- Have they called or visited you at home?

- What was that experience like and how did it make you feel?

9/11 IMPACT:

In what way has 9/11 impacted your life and that of your family and friends?

- Are there ways in which your life changed? Are there ways in which your plans for the future of changed?

Have you or anyone you known experienced issues of detention and deportation of family members or friends?

- Talk about that experience more? Who? Why? What happened? How has that had an impact on you?

Are there ways in which others treat you differently since 9/11 (in school, in your community, at school, in your building or on the street...)?

- Have you or someone you know experienced some kind harsh or aggressive treatment from someone else since 9/11?
→ Talk about what happened? (including where happened, who, repercussions, how made feel)
- Have you or someone you know been treated differently than others in other ways because of your race or ethnicity, language, religion, dress, status, or anything else?
→ Talk about what happened?
- Has this happened more often since 9-11? Please explain.

HARDSHIPS DUE TO STATUS:

- **Talk about any ways that your (or someone you know) immigration status impacts your life.**
→ In what ways has it presented limitations for you in the past or your plans for the future?
→ How has it impacted you emotionally?
- **What resources or supports have you found?**
→ Are there any people or organizations that you go to either provide help or just where you feel supported?

Appendix D: Freedom of Information Act Requests and Respons-

FOIL Request made to the New York Police Department by the Urban Justice Center on March 25, 2005

Information Requested:

1. The exact number of students arrested for school years 2003, 2004 and to date in 2005:
 - a. in schools and on school property
 - b. in school districts.

Please provide the total numbers City-wide and in Queens, and breakdown by school for numbers of arrests in Queens.

2. NYPD policy and/or protocol about asking students in and around school about their immigration status. Policies and/or protocol for sharing this information with:

- a. School authorities
- b. Department of Education officials
- c. Department of Homeland Security

3. Procedure and/or protocol during the arrest of an undocumented minor. Will the NYPD report the minor to DHS authorities or do they keep the case internally?

4. Exact dollar amount of the School Safety Division budget and percent of total NYPD budget for the past 3 years. Please include the following budget breakdown City-wide and Queens specific for:

- a. officers allocated to Impact schools
- b. Mobile Task Units
- c. School Safety Agents
- d. Percentage of this budget paid for by Department of Education or any other source other than NYPD

5. Number of police officers allocated to non-Impact schools and a description of their duties. Please provide a breakdown of police officers by school district City-wide and for all schools in Queens.

6. Number of police officers patrolling inside the Impact schools

7. Policies and/or protocol for resolving conflicts on school grounds.

8. Policies and/or protocol related to harassment of students by or misconduct of NYPD and school safety agents working in and around schools.

Response received on May 2, 2006 from James Russo, Sergeant, Police Department Legal Bureau:

"The Freedom of Information Law allows access to existing documents reasonable described and does not necessitate the creation of a document. I am unable to provide access to these documents on the basis that the New York City Police Department does not index records in the format you requested".

FOIA request filed with the Office of Immigration and Customs Enforcement of the Department of Homeland Security by the Urban Justice Center on March 29, 2005.

Information requested:

1. Number of South Asian youth under the age of 21 and residing in New York City who have been detained and/or deported since 2001. Please provide a breakdown of this information by...
 - a. Country of origin of the individual
 - b. Year
 - c. City-wide
 - d. Borough of Queens, specifically

Response received on November 2, 2005 from Ave M. Sloane, Chief FOIA/PA Unit, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security:

“We determined that the responsive records are not under the purview of USCIS. If such records exist, they would be maintained under the jurisdiction of another government agency”.

FOIL request filed with the Department of Education by the Urban Justice Center on March 25, 2005.

Information requested and responses by question:

1. A breakdown of the students in all the Queens high schools (school year 2004-2005) and school districts based on...
 - a. Most detailed level of demographic breakdown available (including race, ethnicity, and country of origin)
 - b. Total number of students per school

Response received on May 17, 2005: In response to 1b, a breakdown by school was sent.

Response received on April 18, 2006: In response to 1a, a breakdown by race, ethnicity, and country of origin was sent.

2. Percent and exact dollar amounts of DOE budget for the past 3 years that goes to pay:
 - a. Police officers working in Impact Schools
 - b. Police officers working in non-Impact schools
 - c. Mobile Task Units
 - d. All school safety agents

Response received on August 31, 2005:

- > Stated that information related to 2a and 2b not kept by DOE.
- > Information related to 2d provided (see below).

DEPARTMENT OF EDUCATION
School Safety Expenditures as Compared to DOE Year End Expenditures
\$s in 000s

	<u>Personal</u>			<u>Total School</u>
	<u>Expenditures</u>	<u>Services</u> *	<u>Percent</u>	<u>Safety Expenditures</u>
FY2002	\$11,883,255	\$120,510	1.0%	\$123,852
FY2003	\$12,780,991	\$131,201	1.0%	\$134,157
FY2004	\$13,148,112	\$141,455	1.1%	\$145,952

*Personal Service costs include: School Safety Agents & associated field & central support staff including:
 Clerical Associates, Aides; Computer Associates & Programmers, Secretaries, Staff Analysts & Police Admin. Aides.

Response received on April 18, 2006:

Stated that there are no documents responsive to the request corresponding to 2c.

3. The exact number of youth arrested since January 2004...
 - e. In schools and on school property
 - f. In school districts

Response received on June 20, 2005: Stated that this information is under the jurisdiction of NYPD and provided the information to FOIL NYPD directly.

4. What is the DOE policy on asking a student for their immigration status?

Response received on November 15, 2005: See Chancellor's Regulation A-101.

5. Copies of any DOE or school forms that request information about immigration status and/or social security number from student.

Response received on November 15, 2005: See Chancellor's Regulation A-101.

6. If a student's immigration status is known as undocumented, what is the DOE policy on sharing this information with the NYPD, including officers from the School Safety Division and the Mobile Task Units that frequent the Impact schools?

Response received on April 18, 2006: Stated that student information is confidential, and therefore, not releasable pursuant to FERPA (Family Educational Rights and Privacy Act).

7. What is the number of undocumented students enrolled in each high school in Queens? Can this information be shared with police officers/NYPD?

Response received on November 15, 2005: This information is not maintained by the DOE.

8. DOE policies and/or protocol regarding harassment and misconduct of students by school authorities, school safety agents and/or NYPD on school property.

Response received on June 20, 2005: See Chancellor's regulations A-420 and A-421.

9. Number of reports by students citywide of harassment or misconduct in last 3 years by School Safety Agents and/or NYPD.

Response received on June 20, 2005: See response to Item #3.

10. DOE policies/protocol for resolving conflicts among students on school property.

Response received on June 20, 2005: See Discipline Code and Chancellor's Regulation A-412.

11. What kind of accountability do NYPD or school safety officials have to schools and DOE?

Response received on June 20, 2005: See Chancellor's Regulations A- 414.

Endnotes

ⁱPress Release from the Office of the Mayor. Mayor Michael R. Bloomberg and Schools Chancellor Joel I. Klein Announce New School Safety Plan. December 23, 2003.

ⁱⁱSections 215 & 505 of The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, Public Law 107-56.

ⁱⁱⁱSara Gamay and Diane Lee, "Patriot Act Encourages National Insecurity," *The (Georgetown) Hoya*, November 7, 2003 available at <http://www.thehoya.com/viewpoint/110703/view3.cfm>, cited in Council on American-Islamic Relations (CAIR), *Unequal Protection: The Status of Muslim Civil Rights in the United States 2005*, .

¹"Desi" is a common term used by people of South Asian descent that means "of our homeland" and identifies people from Afghanistan, Bangladesh, Bhutan, India, Nepal, Pakistan, Sri Lanka and parts of the diaspora including Africa, England, Fiji, Guyana and Trinidad.

²The DREAM Act (Development, Relief, and Education for Alien Minors Act) is a bill currently before Congress that would enable students who came to the US as undocumented immigrant children to obtain legal residency. To qualify, the student must have entered the US before the age of 16 and lived in the US for at least five years, earned a high school diploma or GED, have been accepted into a two or four year college or university or into the US military, and have maintained "good moral character," which means the student must not have a criminal record. YouthPower! supports the DREAM Act, but opposes the "good moral character" clause and military option.

³Chhay Community Development Corporation, *Finding a Path to South Asian American Community Development: A Report on the Housing and Community Development Needs Assessment of South Asian Americans in New York City*, 2001, pp. 1, 3.

⁴Chhaya Community Development Corporation, *Finding a Path to South Asian American Community Development: A Report on the Housing and Community Development Needs Assessment of South Asian Americans in New York City*, 2001, p. 1.

⁵Chhay Community Development Corporation, *Finding a Path to South Asian American Community Development: A Report on the Housing and Community Development Needs Assessment of South Asian Americans in New York City*, 2001, p. 1.

⁶Asian American Federation of NY Census Center, 2004

⁷Asian American Federation of NY Census Center, 2004

⁸Asian American Federation of NY Census Center, 2004

⁹Requests submitted and responses received are annexed to this report as Appendix E

¹⁰ Office of Youth Development and School-Community Services, 2006.

¹¹ School Safety Division, Patrol Services Bureau. Mission Statement, 2006. Available at (<http://www.nyc.gov/html/nypd/html/pct/school.html>)

¹² Youth Officer Kendrick, 103rd Precinct, Queens, NY. Telephone interview. June, 2005.

¹³ New York State Office of the Attorney General. The New York Police Department's "Stop & Frisk" Practices: A Report to the People of the State of New York from the Office of the Attorney General, December 1, 1999, available at <www.oag.state.ny.us/press/reports/stop_frisk/stop_frisk.html>.

¹⁴ Beth Fertig, *School Safety Agents Cause Tensions*, WNYC News, May 03, 2005 Available at: <http://www.wnyc.org/news/articles/46748>

¹⁵ Office of the Mayor of New York City. *Executive Order No. 41: City-Wide Privacy Policy and Amendment of Executive Order No. 34 Relating to City Policy Concerning Immigrant Access to City Services*, September 17, 2003; Mayor's Office on Immigrant Affairs. *Mayor Bloomberg's Executive Order 41 Protects All New Yorkers*, September 17, 2003.

¹⁶ New York City Department of Education. Chancellor's Regulation A-101, April 14, 2005.

¹⁷Subhash Kateel, *Deportation 101: Detention, Deportation and the Criminal Justice System*, training provided by Families for Freedom and the New York State Defense Association's Immigrant Defense Project, March 21, 2006.

¹⁸ Mayor's Office on Immigrant Affairs. *Mayor Bloomberg Signs Executive Order 41 Regarding City Services for Immigrants*, transcript of Executive Order 41 signing ceremony, September 17, 2003.

¹⁹ New York City Department of Education. *Citywide Standards of Discipline and Intervention Measures (The Discipline Code)*. September 2005.

- ²⁰ New York Civil Liberties Union, *Cops Overstep Boundaries While Policing City Schools*, letter to New York Department of Education Joel Klein and NYPD Commissioner Ray Kelly, February 15, 2005.
- ²¹ New York City Department of Education. *Citywide Standards of Discipline and Intervention Measures (The Discipline Code)*. September 2005.
- ²² New York City Department of Education. Chancellor's Regulation A-412, September 13, 2005.
- ²³ New York City Department of Education. *Citywide Standards of Discipline and Intervention Measures (The Discipline Code)*. September 2005.
- ²⁴ Moskowitz, Eva. *From the Mouth of Babes: New York City Public School Kids Speak Out*, New York City Council, May 9, 2005.
- ²⁵ Written communication from Susan Holtzman, Central Records Office, Department from Education on June 20, 2005 in response to UJC FOIA request.
- ²⁶ New York City Council. Local Law 2005/05, January 5, 2004.
- ²⁷ Beth Fertig, "School Safety Agents Cause Tensions" WNYC News, May 03, 2005
- ²⁸ Detailed information about how to file a complaint through the CCRB can be found at <http://www.nyc.gov/html/ccrb/html/contact.html>.
- ²⁹ The number of the hotline is (718)589-9166
- ³⁰ Jaime Adame, "Youth Justice Board-Teenagers Studying (Not Committing) Crime," *Gotham Gazette*, July 2005.
- ³¹ Greg Winter, *City Schools Need \$5.6 billion more, Court Panel Says*, *New York Times*, December 1, 2004
- ³² DoE Enrollment, Capacity and Utilization Report 2003-2004, cited in Office of the Bronx Borough President Adolfo Carrión, Jr, *Who's in charge? A report on issues related to disputes over authority between the police and school administrators in Bronx schools*, July 2005
- ³³ Carrión, Jr, Adolfo. *Who's in charge? A report on issues related to disputes over authority between the police and school administrators in Bronx schools*, Office of the Bronx Borough, July 2005.
- ³⁴ New York City Independent Budget Office, "High School Overcrowding Eases, But 75 Percent of Students Still in Schools Over Capacity," *Inside the Budget*, September 7, 2004, Number 133
- ³⁵ "New York City Council Stated Meeting November 10, 2004," *Gotham Gazette*, November 10, 2004
- ³⁶ New York City Council. *Council Calls on Mayor to Adequately Fund Proposed After School Programs*, press release, January 20, 2005.
- ³⁷ Moskowitz, Eva. *From the Mouth of Babes: New York City Public School Kids Speak Out*, New York City Council, May 9, 2005.
- ³⁸ N Gelinas, "Where's All the School Money Going?," *City Journal*, Spring 2006, Vol. 16, No.2.
- ³⁹ National Center for Schools and Communities at Fordham University, *Equity or Exclusion: The Dynamics of Resources, Demographics, and Behavior in the New York City Public Schools*, October 2003
- ⁴⁰ Drum Major Institute for Public Policy, Data Brief, *A Look at the Impact Schools*, June 2005
- ⁴¹ Greg Winter, "City Schools Need \$5.6 billion more, Court Panel Says," *New York Times*, December 1, 2004
- ⁴² Prison Moratorium Project. *Community Speaks Out: Teach Us, Don't Cuff Us - Cops don't make schools safe!*, press release, February 17, 2004.
- ⁴³ United States Census Bureau. *Profile of the Foreign-Born Population in the United States: 2000*, p. 3, available at <<http://www.census.gov/prod/2002pubs/p23-206.pdf>>.
- ⁴⁴ United States Census Bureau. *Profile of the Foreign-Born Population in the United States: 2000*, p. 3, available at <<http://www.census.gov/prod/2002pubs/p23-206.pdf>>.
- ⁴⁵ Chhaya Community Development Corporation, *Finding a Path to South Asian American Community Development: A Report on the Housing and Community Development Needs Assessment of South Asian Americans in New York City*, 2001, p. 5.
- ⁴⁶ DRUM, CAAAV Organizing Asian Communities, and No Dut Dol for Korean Community Development. New York City Communities of Color Call for Justice on International Migrant Rights Day 2005, press release, December 18, 2005.
- ⁴⁷ Passel, Jeffrey S. *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey*, Pew Hispanic Center, 2006; Beveridge, Andrew, "Undocumented Immigrants," *Gotham*

Gazette, April 2006.

⁴⁸ Passel, Jeffrey S. *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey*, Pew Hispanic Center, 2006.

⁴⁹ United States Census Bureau. *Profile of the Foreign-Born Population in the United States: 2000*, p. 2, available at <<http://www.census.gov/prod/2002pubs/p23-206.pdf>>.

⁵⁰ Beveridge, Andrew. "Undocumented Immigrants", *Gotham Gazette*, April 2006.

⁵¹ Beveridge, Andrew. "Undocumented Immigrants", *Gotham Gazette*, April 2006.

⁵² Lipsit, Mia. *Newcomers Left Behind: Immigrant Parents Lack Equal Access to New York City's Schools*, Center for New York City Affairs, Milano Graduate School of Management and Urban Policy of the New School University, August 2003.

⁵³ Lipsit, Mia. *Newcomers Left Behind: Immigrant Parents Lack Equal Access to New York City's Schools*, Center for New York City Affairs, Milano Graduate School of Management and Urban Policy of the New School University, August 2003.

⁵⁴

⁵⁵ United States Census Bureau. *Profile of the Foreign-Born Population in the United States: 2000*, p. 10, available at <<http://www.census.gov/prod/2002pubs/p23-206.pdf>>.

⁵⁶ Haney Lopez, Ian. *White by Law: The Legal Construction of Race*. New York: New York University Press, 1998.

⁵⁷ Cho, E., F. Argüelles Paz y Puente, M. Ching Yoon Louie, and S. Khokha. *BRIDGE: Building a Race and Immigration Dialogue in the Global Economy*, National Network for Immigrant and Refugee Rights, 2004.

⁵⁸ The Applied Research Center, *Historical Timeline of Public Education in the US*, available at <http://www.arc.org/content/view/100/48>.

⁵⁹ The Applied Research Center, *Historical Timeline of Public Education in the US*, available at <http://www.arc.org/content/view/100/48>.

⁶⁰ *Plyler v. Doe*, 457 U.S. 202 (1982)

⁶¹ California Voter Foundation. *The Easy Reader Voter Guide: Prop 187, 1994*, available at <<http://www.calvoter.org/archive/94general/easy/meas/187.htm>> See Jan Adams, "Proposition 187 Lessons," *Z Magazine*, March 1995, for a critique of proposition opponents' reliance on images of "rampaging gangs of (brown) children pushed out of schools; the spread of tuberculosis by untreated 'illegals'..." to convince voters to defeat the legislation.

⁶² Martis, Nancy H. "# 187 Illegal Aliens. Ineligibility for Public Services. Verification and Reporting," *California Law Journal*, 1994, available at <<http://www.calvoter.org/archive/94general/props/187.html>>

⁶³ Martis, Nancy H. "# 187 Illegal Aliens. Ineligibility for Public Services. Verification and Reporting," *California Law Journal*, 1994, available at <<http://www.calvoter.org/archive/94general/props/187.html>>

⁶⁴ "A Messy Way to Settle Proposition 187," *San Francisco Chronicle*, July 30, 1999.

⁶⁵ Avenoso, Karen. "Target CUNY Illegals," *New York Daily News*, May 24, 1995

⁶⁶ Avenoso, Karen. "Target CUNY Illegals," *New York Daily News*, May 24, 1995

⁶⁷ Avenoso, Karen. "Target CUNY Illegals," *New York Daily News*, May 24, 1995

⁶⁸ Arenson, Karen W. "Illegal Immigrants at CUNY," *Bulletin Board*, *New York Times*, October 31, 2001

⁶⁹ Comments of Rep. Anthony C. Beilenson, *Congressional Record*, E128, February 19, 1995.

⁷⁰ Comments of Sen. Lott, *Congressional Record*, S11696, September 28, 1996.

⁷¹ Comments of Sen. Lott, *Congressional Record*, S11696, September 28, 1996; Comments of Sen. Simpson, *Congressional Record*, S10572, September 16, 1996.

⁷² Under the new immigration law, persons who remain in the US illegally for more than 180 days after April 1, 1997 are prohibited from obtaining an entry visa for three years. Persons illegally in the US 365 or more days are barred from entering the US for 10 years.

In the past, US authorities were fairly generous in permitting foreigners who had lived illegally in the US for seven or more years to become legal US residents--the so-called seven-year amnesty. Under US law, when the INS apprehended and sought to deport a long-time illegal alien resident, the foreigner could ask an immigration court to allow him to remain in the US by showing that deportation would lead to hardship for the alien and/or his US family.

Under IIRIRA, it is much harder for aliens to avoid removal from the US. Unauthorized foreigners seeking to stay in the US must have lived in the US for at least 10 years and prove that their removal would cause “exceptional and extremely unusual hardship” to a US citizen or legal immigrant spouse, parent or child. IIRIRA permits a maximum of 4,000 hardship exemptions to be made each year

⁷³ New York State Defenders Association. *Immigration Consequences of Convictions Summary Checklist*, 2003, available at <<http://www.nysda.org>>.

⁷⁴ See Lindsley, Syd. “The Gendered Assault on Immigrants,” *Policing the National Body: Race, Gender and Criminalization*, Ed. Jael Silliman and Anannya Bhattacharjee, South End Press, 2002; Immigration: Overview, Public Agenda Issue Guide, available at <http://www.publicagenda.org/issues/overview.cfm?issue_type=immigration>.

⁷⁵ Imse, Ann, Lynn Bartels, and Dick Foster. “Killers’ Double Lives Fooled Many: Parents, Teachers, Neighbors, Authorities and Even Friends Failed to See Teens’ Dark Side,” *Rocky Mountain News*, April 25, 1999.

⁷⁶ 6 hurt in Georgia high school shooting, CNN, May 20, 1999; Lois Romano, *Four Wounded in Oklahoma School Shooting; Alleged Gunman Is Seventh-Grade Boy Described as Popular Honors Student*, *Washington Post*, December 7, 1999; *Girl Shot at School Dies of Injuries: Police in New Mexico Charge Fellow Student*, *St. Louis Post-Dispatch (Missouri)*, November 21, 1999; See also, *Timeline of incidents, School violence around the world*, Indianapolis Start, updated November 8, 2005, available at: http://www2.indystar.com/library/factfiles/crime/school_violence/school_shootings.html

⁷⁷ Johnson, Tammy, Jennifer Emiko Boyden, and William J. Pittz. *Racial Profiling and Punishment in U.S. Public Schools*, Applied Research Center, 2001.

⁷⁸ The GFSA (P. L. 103-227, 108 Stat. 270, 20 USCS § 2701) was reauthorized by the No Child Left Behind Act of 2001. US Department of Education. *Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act*, 103 P.L. 227, 108 Stat. 125, codified at 20 U.S.C. § 5961 et seq.

⁷⁹ US Department of Education. *Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act*. January 20, 2004. In 1994 Congress also passed the Safe Schools Act of 1994, providing for funding for local education agencies with high numbers of expulsions and suspensions and “serious school crime, violence, and discipline problems.” In order to receive funding under the Act, local education agencies must assess current “violence and crime problems” in schools and develop written policies regarding school safety and discipline. Funds granted are to be used for assessment of school violence and discipline problems, development of long term strategies addressing and preventing school violence and promoting safety and discipline through involvement of, among others, law enforcement agencies. 103 P.L. 227, 108 Stat. 125, codified at 20 U.S.C. § 5961 et seq.

⁸⁰ Barta, Peter A. “Giuliani, Broken Windows, and the Right to Beg,” *Georgetown Journal of Poverty Law and Policy*, Vol. 6, No. 2: 165-94.

⁸¹ Johnson, Tammy, Jennifer Emiko Boyden, and William J. Pittz. *Racial Profiling and Punishment in U.S. Public Schools*, Applied Research Center, 2001.

⁸² Olsen, Ken, “School of Law,” *Teaching Tolerance Magazine*, Southern Poverty Law Center, Number 27, Spring 2005.

⁸³ Boylan, Ellen M. *Advocating for Reform of Zero Tolerance Student Discipline Policies: Lessons from the Field*, Education Law Center, New York, 2002.

⁸⁴ Boylan, Ellen M. *Advocating for Reform of Zero Tolerance Student Discipline Policies: Lessons from the Field*, Education Law Center, New York, 2002.

⁸⁵ American Civil Liberties Union (ACLU), Break the Chains and the Brennan Center for Justice, *Caught in the Net: The Impact of Drug Policies on Women and Families*, March 15, 2005.

⁸⁶ Johnson, Tammy, Jennifer Emiko Boyden, and William J. Pittz. *Racial Profiling and Punishment in U.S. Public Schools*, Applied Research Center, 2001; see also The Advancement Project, *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline* (2000).

⁸⁷ ERASE Initiative. *Profiled & Punished: How San Diego Schools Undermine Latino & African American Student Achievement*, Applied Research Center, 2002.

⁸⁸ Olsen, Ken. “School of Law,” *Teaching Tolerance Magazine*, Southern Poverty Law Center for Human Rights, Number 27, Spring 2005; see The Advancement Project, *Education on Lockdown; The Schoolhouse to Jailhouse Track*, March 2005.

- ⁸⁹ The Advancement Project, *Education on Lockdown*; The Schoolhouse to Jailhouse Track, March 2005
- ⁹⁰ Press Release, *First Death of Immigrant Student Walkouts*, April 10, 2006
- ⁹¹ HoSang, Daniel. *The Economics of the New Brutality*, Color Lines, Volume 2, Number 4, Winter 1999-2000
- ⁹² See McArdle, Andrea and Tanya Erzen. *Zero Tolerance: Quality of Life and the New Police Brutality in New York City*, New York: New York University Press, 2001.
- ⁹³ *Fighting Crime at the Local Level: Hearing Before the House Comm. on Govt. Reform and Oversight*, 106th Cong., Mar. 3, 1999, available in 1999 WL 8085216 (testimony of Mayor Rudolph Giuliani).
- ⁹⁴ Rosen, Jeffrey. "Zero Tolerance; When Good Policing Goes Bad," *The Washington Post*, April 23, 2000
- ⁹⁵ Block, Jennifer. "Street Sweeping: Bloomberg Plan Sends Prostitutes Cycling From City Jails to Local corners," *Village Voice*, November 19, 2003; Before taking office, the mayor made it clear he would stick to the beliefs held by Giuliani - that curtailing lower-level crimes will help bring down the number of higher-level crimes. Mayor Bloomberg's office responded to a recent report suggesting that the "squeegee men" had returned to New York that, "The mayor has zero tolerance for quality-of-life crimes," Zach Haberman and Mary Altaffer, *Window Pains: Squeegee Men Making Comeback*, The New York Post, December 22, 2002. Specialized courts have been established in all five boroughs solely to hear Operation Spotlight cases; Press Release, *Mayor Michael R. Bloomberg Outlines Public Safety and Quality of Life Accomplishments in 2002*, December 17, 2002, available at: http://www.nyc.gov/portal/index.jsp?epi_menuItemID=b270a4a1d51bb3017bce0ed101c789a0&epi_menuID=13ecbf46556241d3daf2f1c701c789a0&epi_baseMenuID=27579af732d48f86a62fa24601c789a0&pageID=nyc_blue_room&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2002b%2Fpr333-02.html&cc=unused1978&rc=1194&ndi=1
- ⁹⁶ Adame, Jaime. "Operation Impact And The Shooting Of Timothy Stansbury, Jr.," *Gotham Gazette*, February, 2004, available at: <http://www.gothamgazette.com/article//20040203/4/860>.
- ⁹⁷ Mone, Lawrence. "Kelly the Leader," *New York Post*, October 26, 2005.
- ⁹⁸ Rutneberg, Jim. Chan, Sewell. "In a Shift, New York Says It Will Add 800 Officers," *New York Times*, March 22, 2006.
- ⁹⁹ Ince, Adamma. "Preppin for Prison: Cops in Schools Teach a Generation to Live in Jail," *Village Voice*, June 13-19, 2001.
- ¹⁰⁰ See Fagan, supra note 52, at 1285-86, 1289-91 (arguing that changes in crime rates are caused by predictable cyclical changes in violence rates, and that the only non-cyclical change has been in gun crime rates); Andrew Karmen, *New York Murder Mystery: The True Story Behind the Crime Crash of the 1990s*, at 13-24 (2000) (finding insufficient evidence to support any single causal explanation for the decline in New York City's homicide rate from 1991-98); Brandon Garrett, *Remedying Racial Profiling*, 33 Colum. Human Rights L. Rev. 41
- ¹⁰¹ New York City Department of Education. Mayor Bloomberg Hosts Los Angeles Mayor Antonio Villaraigosa On "Listening And Learning" Tour Of New York City Schools, press release, March 20, 2006, available at <http://www.nycenet.edu/Administration/mediarelations/PressReleases/2005-2006/03202006pressrelease.htm>; Carrión, Jr, Adolfo. *Who's in charge? A report on issues related to disputes over authority between the police and school administrators in Bronx schools*, Office of the Bronx Borough, July 2005.
- ¹⁰² National Center for Schools and Communities at Fordham University, *Equity or Exclusion: The Dynamics of Resources, Demographics, and Behavior in the New York City Public Schools*, October 2003
- ¹⁰³ David M. Herszenhorn, "Parents Seek Greater Voice in Schools From Chancellor," *New York Times Metro*, December 12, 2005; *The Reorganization of the NYC Department of Education One Year Later: Are We Better Off Now?* Leonie Haimson, Class Size Matters, Hearings of the Manhattan Borough President, September 7, 2004; Leonie Haimson, *Smaller Classes, Better Communication*, *Gotham Gazette*, September 23, 2002, <http://www.gothamgazette.com/commentary/139.haimson.shtml>
- ¹⁰⁴ E-mail from Chris Howell-Little, Policy Analyst, Office of Eva Moskowitz, former Chair, New York City Council Education Committee, March 17, 2005; Response of NYPD to UJC FOIL request.
- ¹⁰⁵ Gootman, Elisa. *Police to Guard 12 City Schools Cites as Violent*, January 7, 2004; *A Look at the Impact Schools*, A Drum Major Institute for Public Policy Data Brief, Drum Major Institute (DMI) June 2005
- ¹⁰⁶ Drum Major Institute (DMI), *A Look at the Impact Schools*, A Drum Major Institute for Public Policy Data Brief, June 2005

- ¹⁰⁷ Herszenhorn, David M. "Students To Get No Warning Before Searches," *New York Times*, April 14, 2006
- ¹⁰⁸ Rutenberg, Jim and Chan, Sewell. "In a Shift, New York Says It Will Add 800 Officers," *New York Times*, March 22, 2006
- ¹⁰⁹ Office of the Mayor. *Mayor Michael R. Bloomberg Outlines Public Safety and Quality of Life Accomplishments in 2002*, press release, December 17, 2002, available at <http://www.nyc.gov/portal/index.jsp?epi_menuItemID=b270a4a1d51bb3017bce0ed101c789a0&epi_menuID=13ecbf46556241d3daf2f1c701c789a0&epi_baseMenuID=27579af732d48f86a62fa24601c789a0&pageID=nyc_blue_room&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2002b%2Fpr333-02.html&cc=unused1978&rc=1194&ndi=1>.
- ¹¹⁰ "Random Searches Begin at Public Schools," NY 1 News, April 28, 2006
- ¹¹¹ Chino Hardin of Prison Moratorium Project, quoted in Elizabeth Hays, *Students United to Rip Patrol, Want Cops out of Schools*, New York Daily News, February 18, 2004
- ¹¹² The Advancement Project, *Education on Lockdown; The Schoolhouse to Jailhouse Track 7*, March 2005
- ¹¹³ New York Board of Education. *Mayor Michael R. Bloomberg and Schools Chancellor Joel I. Klein Announce New School Safety Plan*, press release, December 23, 2003.
- ¹¹⁴ Fertig, Beth. "School Safety Agents Cause Tensions," WNYC News, May 3, 2005.
- ¹¹⁵ Carrión, Jr, Adolfo. *Who's in charge? A report on issues related to disputes over authority between the police and school administrators in Bronx schools*, Office of the Bronx Borough, July 2005.
- ¹¹⁶ Messing, Phillip. "Girls, Teachers Busted," *New York Post*, March 9, 2005; Press Release, New York Civil Liberties Union, *NYCLU Files Lawsuit On Behalf Of Arrested Teachers; Action Challenges Overpolicing In NYC Schools*, March 6, 2006, available at: http://www.nyclu.org/kronen_pr_030506.html
- ¹¹⁷ Carrión, Jr, Adolfo. *Who's in charge? A report on issues related to disputes over authority between the police and school administrators in Bronx schools*, Office of the Bronx Borough, July 2005.
- ¹¹⁸ Carrión, Jr, Adolfo. *Who's in charge? A report on issues related to disputes over authority between the police and school administrators in Bronx schools*, Office of the Bronx Borough, July 2005.
- ¹¹⁹ Carrión, Jr, Adolfo. *Who's in charge? A report on issues related to disputes over authority between the police and school administrators in Bronx schools*, Office of the Bronx Borough, July 2005.
- ¹²⁰ Hurley, Kendra. "Do You Really Want to be the Talk of the Town?" A cable-access youth channel had the lens turned on it, *Youth Media Reporter*, March 17, 2005, available at: http://www.ymreporter.org/archives/2005/03/do_you_really_w_1.html
- ¹²¹ Human Rights Watch, United States. "We Are Not the Enemy": *Hate Crimes Against Arabs, Muslims, and Those Perceived to be Arab or Muslim after September 11*, November 2002.
- ¹²² Lichtblau, Eric. "The Law: Balance on Terrorism," *New York Times*, June 15, 2003; Amnesty International documented abuses of detainees pursuant to the sweeps in its report, *United States of America: Amnesty International's Concerns Regarding Post September 11 Detentions in the USA*, Amnesty International, AMR 51/044/2002.
- ¹²³ Council on American-Islamic Relations. *Unequal Protection: The Status of Muslim Civil Rights in the United States 2005*, July 5, 2005; Amnesty International. *United States of America: Amnesty International's Concerns Regarding Post September 11, Detentions in the USA*, AI INDEX: AMR 51/044/2002, March 14, 2002.
- ¹²⁴ Kateel, Subhash. *Deportation 101: Detention, Deportation and the Criminal Justice System*, training provided by Families for Freedom and the New York State Defense Association's Immigrant Defense Project, March 21, 2006.
- ¹²⁵ Immigrant advocates reported cases of Arab and South Asian taxi drivers being stopped by NYPD for identification as well as immigrants who report crimes being questioned themselves about their status. (Lee, Chisun. "New York Immigrants Underground," *Village Voice*, May 28, 2002.)
- ¹²⁶ Williams, Hank, Alexis Logsdon, and Rob Wallace, "CCNY student and family arrested by FBI, face deportation; students, faculty organize in her defense," *CCNY Messenger*, March 1, 2002; Pearson, Erica. "Out of Sight But Not Out of Mind," *Gotham Gazette*, June 2002.
- ¹²⁷ Erica Pearson, Erica. "Out of Sight But Not Out of Mind," *Gotham Gazette*, June 2002.
- ¹²⁸ Garcia, Michelle. "N.Y. City Council Passes Anti-Patriot Act Measure," *Washington Post*, February 5, 2004.
- ¹²⁹ Amnesty International, *United States of America: Amnesty International's Concerns Regarding Post September 11, Detentions in*

the USA, AI INDEX: AMR 51/044/2002, March 14, 2002.

¹³⁰ Sections 411 & 802 of The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, Pub. L. 107-56.

¹³¹ Sections 215 & 505 of The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, Pub. L. 107-56 .

¹³² Gamay, Sara and Diane Lee. "Patriot Act Encourages National Insecurity," The (Georgetown) Hoya, November 7, 2003, available at <<http://www.thehoya.com/viewpoint/110703/view3.cfm>>, cited in the Council on American-Islamic Relations. *Unequal Protection: The Status of Muslim Civil Rights in the United States*, 2005.

¹³³ Council on American-Islamic Relations. *Unequal Protection: The Status of Muslim Civil Rights in the United States*, 2005.

¹³⁴ Council on American-Islamic Relations. *Unequal Protection: The Status of Muslim Civil Rights in the United States*, 2005.

¹³⁵ Kateel, Subhash. *Deportation 101: Detention, Deportation and the Criminal Justice System*, training provided by Families for Freedom and the New York State Defense Association's Immigrant Defense Project, March 21, 2006.

¹³⁶ U.S. Department of Homeland Security, *Department of Homeland Security Unveils Comprehensive Immigration Enforcement Strategy for the Nation's Interior*, press release, April 20, 2006.

¹³⁷ U.S. Department of Homeland Security, *Department of Homeland Security Unveils Comprehensive Immigration Enforcement Strategy for the Nation's Interior*, press release, April 20, 2006.

¹³⁸ Kateel, Subhash. *Deportation 101: Detention, Deportation and the Criminal Justice System*, training provided by Families for Freedom and the New York State Defense Association's Immigrant Defense Project, March 21, 2006.

¹³⁹ Ashcroft, John. "Remarks on the National Security Entry-Exit Registration System" (June 6, 2002), available at: <http://www.usdoj.gov/ag/speeches/2002/060502agpreparedremarks.htm>.

¹⁴⁰ American Civil Liberties Union, *Sanctioned Bias: Racial Profiling Since 9/11, February 2004*; Council on American-Islamic Relations (CAIR), *Unequal Protection: The Status of Muslim Civil Rights in the United States 2005*

¹⁴¹ Council on American-Islamic Relations (CAIR), *Unequal Protection: The Status of Muslim Civil Rights in the United States 2005*

¹⁴² American Civil Liberties Union. *ACLU Threatens Lawsuit Over Shortening of Special Registration Deadline for Arabs and Muslims in Pennsylvania*, press release, November 24, 2003; New York Civil Liberties Union. "Testimony of Udi Ofer on Behalf of the New York Civil Liberties Union Before Most Rev. Nicholas Dimarzio, Bishop of Brooklyn and Queens, Regarding the Impact of Post-9/11 Antiterrorism Initiatives on New York's Immigrant Communities, July 19, 2004," available at <http://www.nyclu.org/post911_immigration_enforcement_tstmnny_071904.html>.

¹⁴³ Powell, Michael. "An Exodus Grows in Brooklyn: 9/11 Still Rippling Through Pakistani Neighborhood," *Washington Post*, May 29, 2003.

¹⁴⁴ Bernstein, Nina. "Questions and Bitterness and Exile for Queens Girl in Terror Case," *New York Times*, June 17, 2005; "Guilty Until Proven Innocent," *New York Times*, April 12, 2005.

¹⁴⁵ Nina Bernstein, *Teachers and Classmates Express Outrage at Arrest of Girl, 16, as a Terrorist Threat*, *New York Times*, April 9, 2005.

¹⁴⁶ National Network for Immigrant and Refugee Rights, *Human Rights & Human Security at Risk*, press release, December 18, 2003, available at <http://www.nnirr.org/dec18/press/2003_12_18.html>.

¹⁴⁷ "FBI Grills Calif. Muslim High Schooler about 'PLO' Doodle; Civil Rights Groups Demand School Board Hearing, Disciplinary Action," U.S. Newswire, December 15, 2005

¹⁴⁸ New York City Department of Education. *Mayor Bloomberg and Schools Chancellor Klein Announce New School Safety Plan: New School Safety Initiatives Based on Successful NYPD Crime-Fighting Initiatives to Address Problem Schools and Problem Students*, press release, December 23, 2003.

¹⁴⁹ Kateel, Subhash. *Deportation 101: Detention, Deportation and the Criminal Justice System*, training provided by Families for Freedom and the New York State Defense Association's Immigrant Defense Project, March 21, 2006.

¹⁵⁰ Ritthichai, Chaleampon "Immigrants and Driver's Licenses," *Gotham Gazette*, March 2005, available at: <http://www.gothamgazette.com/article/immigrants/20050228/11/1336>

¹⁵¹ Ritthichai, Chaleampon "Immigrants and Driver's Licenses," *Gotham Gazette*, March 2005, available at: <http://www.gothamgazette.com/article/immigrants/20050228/11/1336>

¹⁵² Desis Rising Up and Moving. "The Real ID Act," fact sheet, available at <<http://www.drumnation.org/resources.html>>.

¹⁵³ U.S. Department of Homeland Security. *Department of Homeland Security Unveils Comprehensive Immigration Enforcement Strategy for the Nation's Interior*, press release, April 20, 2006.

¹⁵⁴ U.S. Department of Homeland Security. *Department of Homeland Security Unveils Comprehensive Immigration Enforcement Strategy for the Nation's Interior*, press release, April 20, 2006.

¹⁵⁵ Paige, Rod and Donald Rumsfeld. *Joint Letter from US Education Secretary Paige and US Defense Secretary Rumsfeld*, October 9, 2002; U.S. Department of Education. *Policy Guidance—Access to High School Students and Information on Students by Military Recruiters*, October 9, 2002, available at <<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht-10-09-02a.html>>.

¹⁵⁶ Council on American-Islamic Relations (CAIR), *Unequal Protection: The Status of Muslim Civil Rights in the United States 2005*

¹⁵⁷ Cho, E., F. Argüelles Paz y Puente, M. Ching Yoon Louie, and S. Khokha. *BRIDGE: Building a Race and Immigration Dialogue in the Global Economy*, National Network for Immigrant and Refugee Rights, 2004.

¹⁵⁸ Carcieri, Martin D. "Democracy and Education in the Thought of Jefferson and Madison," *Journal of Law & Education*, Vol. 26, No.1: January, 1997.

¹⁵⁹ Center for Community Change. *An Organizer's Thumbnail Sketch: Milestones in the History of Public Education*, January 2005, available at <www.communitychange.org/issues/education/publications/downloads/actionguide_02.pdf>.

¹⁶⁰ Keleher, Terry. *History of Public Education in the United States*, Oakland: Applied Research Center, 1999, cited in Center for Community Change, *An Organizer's Thumbnail Sketch: Milestones in the History of Public Education*, January 2005.

¹⁶¹ Pollock, John L. "Missing 'Persons': Expedited Removal, Fong Yue Ting, and the Fifth Amendment," *Arizona Law Review*, Vol. 41: Winter, 1999.

¹⁶² Gupta, Seema. *Fitting the Profile After 9/11: Muslim, Male and an Illegal Alien*, Human Rights Reporting, Spring 2003 Student Work; Paula C. Johnson, *The Social Construction of Identity in Criminal Cases: Cinema Verite and the Pedagogy of Vincent Chin*, *Michigan Journal of Race & Law*, Summer, 1996, 1 Mich. J. Race & L. 347

¹⁶³ Aoki, Keith. "No Right to Own?: The Early Twentieth-Century 'Alien Land Laws' As a Prelude to Internment," *Boston College Law Review*, December, 1998, 40 B.C. L. Rev 37

¹⁶⁴ The Applied Research Center, *Public Schools in the United States: Some History*, available at <http://www.arc.org/content/view/99/48>.

¹⁶⁵ Houghton Mifflin College Division, *The Readers Companion to American History, The Chinese Exclusion Act*, available at: college.hmco.com/history/readerscomp/rcah/html/rc_016400_chineseexclu.htm

¹⁶⁶ E. Cho, F. Argüelles Paz y Puente, M. Ching Yoon Louie, S. Khokha, *BRIDGE: Building a Race and Immigration Dialogue in the Global Economy*, National Network for Immigrant and Refugee Rights, 2004.

¹⁶⁷ Chhaya Community Development Corporation, *Finding a Path to South Asian American Community Development: A Report on the Housing and Community Development Needs Assessment of South Asian Americans in New York City*, 2001, p. 4.

¹⁶⁸ Cho, E., F. Argüelles Paz y Puente, M. Ching Yoon Louie, and S. Khokha. *BRIDGE: Building a Race and Immigration Dialogue in the Global Economy*, National Network for Immigrant and Refugee Rights, 2004.

¹⁶⁹ Ina, Satsuki. PBS Documentary, *Children of the Camps*, <http://www.pbs.org/childofcamp/history/index.html>

¹⁷⁰ Cho, E., F. Argüelles Paz y Puente, M. Ching Yoon Louie, and S. Khokha. *BRIDGE: Building a Race and Immigration Dialogue in the Global Economy*, National Network for Immigrant and Refugee Rights, 2004; Mass Incarceration Fact Sheet for America's Concentration Camps: *Remembering The Japanese American Experience*, Hirasaki National Resource Center, Japanese American National Museum, available at: <http://www.janm.org/nrc/accmass.php>; Ina, Satsuki. PBS Documentary, *Children of the Camps*, <http://www.pbs.org/childofcamp/history/index.html>

¹⁷¹ Cho, E., F. Argüelles Paz y Puente, M. Ching Yoon Louie, and S. Khokha. *BRIDGE: Building a Race and Immigration Dialogue in the Global Economy*, National Network for Immigrant and Refugee Rights, 2004; Ina, Satsuki. PBS Documentary, *Children of the Camps*, <http://www.pbs.org/childofcamp/history/index.html>

¹⁷² Ina, Satsuki. PBS Documentary, *Children of the Camps*, <http://www.pbs.org/childofcamp/history/index.html>

¹⁷³ Ina, Satsuki. PBS Documentary, *Children of the Camps*, <http://www.pbs.org/childofcamp/history/index.html>

¹⁷⁴ Cho, E., F. Argüelles Paz y Puente, M. Ching Yoon Louie, and S. Khokha. *BRIDGE: Building a Race and Immigration Dialogue in the Global Economy*, National Network for Immigrant and Refugee Rights, 2004

¹⁷⁵ Cho, E., F. Argüelles Paz y Puente, M. Ching Yoon Louie, and S. Khokha. *BRIDGE: Building a Race and Immigration*

Dialogue in the Global Economy, National Network for Immigrant and Refugee Rights, 2004

¹⁷⁶ Cho, E., F. Argüelles Paz y Puente, M. Ching Yoon Louie, and S. Khokha. *BRIDGE: Building a Race and Immigration Dialogue in the Global Economy*, National Network for Immigrant and Refugee Rights, 2004

¹⁷⁷ Kluger, Richard. *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality*, New York: Vintage, 2004, cited in Marcus, Maria L. "Fifty Years of Reflection: Brown v. Board of Education and its Universal Implications," *Fordham Urban Law Journal*, Vol. 32: December, 2004.

¹⁷⁸ Ogletree, Jr., Charles J., "From Brown to Tulsa: Defining Our Own Future," *Howard Law Journal*, Spring, 2004, 47 *How. L.J.* 499

¹⁷⁹ "Process begun by Brown ongoing," *Observer-Dispatch* (Utica, NY), May 17, 2004

¹⁸⁰ *Brown v. Board of Education*, 347 U.S. 483 (1954), 347 U.S. 483.

¹⁸¹ *Brown v. Board of Education*, 347 U.S. 483 (1954), 347 U.S. 483.

¹⁸² Cooper et al., *Members of the Board of Directors of the Little Rock, Arkansas, Independent School District, et al. v. Aaron et al.*, 358 U.S. 1; 78 S. Ct. 1401; Bracey, Christopher A. "Symposium: Of John Brown: Lawyers, The Law, and Civil Disobedience: Adjudication, Antisubordination, and the Jazz Connection," *Alabama Law Review*, Vol. 54: Spring, 2003.

¹⁸³ Romero, Mary. "Review Essay: Brown Is Beautiful: Reviewing Ian F. Haney Lopez's Racism on Trial: The Chicano Fight for Justice," *Law and Society Review*, Vol. 39: March, 2005.

¹⁸⁴ Romero, Mary. "Review Essay: Brown Is Beautiful: Reviewing Ian F. Haney Lopez's Racism on Trial: The Chicano Fight for Justice," *Law and Society Review*, Vol. 39: March, 2005.

¹⁸⁵ McDaniel, Mike. "When a peaceful walk turns ugly; HBO film traces 1968 protest in 'Walkout,'" *The Houston Chronicle*, March 16, 2006

¹⁸⁶ The Applied Research Center, *Public Schools in the United States: Some History*, available at <http://www.arc.org/content/view/99/48>.

¹⁸⁷ E. Cho, F. Argüelles Paz y Puente, M. Ching Yoon Louie, S. Khokha, *BRIDGE: Building a Race and Immigration Dialogue in the Global Economy*, National Network for Immigrant and Refugee Rights, 2004.

¹⁸⁸ Under the new immigration law, persons who remain in the U.S. illegally for more than 180 days after April 1, 1997 are prohibited from obtaining an entry visa for three years. Persons illegally in the U.S. 365 or more days are barred from entering the U.S. for 10 years.

In the past, U.S. authorities were fairly generous in permitting foreigners who had lived illegally in the U.S. for seven or more years to become legal U.S. residents – the so-called seven-year amnesty. Under U.S. law, when the INS apprehended and sought to deport a long-time illegal alien resident, the foreigner could ask an immigration court to allow him to remain in the U.S. by showing that deportation would lead to hardship for the alien and/or his U.S. family.

Under IIRIRA, it is much harder for aliens to avoid removal from the U.S. Unauthorized foreigners seeking to stay in the U.S. must have lived in the U.S. for at least 10 years and prove that their removal would cause "exceptional and extremely unusual hardship" to a U.S. citizen or legal immigrant spouse, parent or child. IIRIRA permits a maximum of 4,000 hardship exemptions to be made each year.

¹⁸⁹ "Immigration: Overview." *Public Agenda Issue Guides*. 2006. Public Agenda. <http://www.publicagenda.org/issues/overview.cfm?issue_type=immigration>.

¹⁹⁰ McArdle, Andrea and Tanya Erzen. *Zero Tolerance: Quality of Life and the New Police Brutality in New York City*, New York: New York University Press, 2001 (27).

¹⁹¹ Under the program, foreign-born men over the age of 16 from the selected countries must appear before an I.N.S. clerk and are asked for their parents' names and addresses, the names and addresses of American contacts, email addresses, and a form of identification other than a passport and immigration documents. They are also digitally photographed and fingerprinted, and both the picture and the prints are immediately run against various criminal and immigration service databases. They are also asked how and when they arrived in the United States, as well as whether they have any connection to terrorist organizations. Those who fail to comply face criminal charges and immediate expulsion from the country.

¹⁹² Broder, John M. and Susan Sachs. "Threat and Responses: The Tightening Border; Facing Registry Deadline, Men from Muslim nations Swamp Immigration Office," *New York Times*, December 17, 2002.

¹⁹³ James, Barry. "Threats and Responses: U.S. Plans to Monitor Muslims Meets With Widespread Protest," *The New York Times*, January 18, 2003, at A9.

¹⁹⁴ Operation Impact will deploy approximately 800 police officers each day to 61 strategically targeted areas within 21 precincts, two housing bureaus, and 38 transit bureaus. These impact zones were selected by analyzing crime trends identified through the Compstat process. Officers will be covering these sites during specific times and days when criminal activity is likely to be the greatest. As part of Operation Impact, the NYPD will track crimes, enforcement, and deployment on a daily basis, and conduct daily intelligence briefings to examine current crime trends and conditions. The NYPD will place highly visible Field Command Posts throughout the impact zones to deter criminal activity, and pay special attention to the presence of gangs and narcotics. <<http://criminaljustice.state.ny.us/crimnet/ojsa/impact/index.htm>>

¹⁹⁵ Office of the Press Secretary. "Reforming and Strengthening Intelligence Services Fact Sheet: Leading the Way on Reforming and Strengthening Our Intelligence Services," September 8, 2004, available at <<http://www.whitehouse.gov/news/releases/2004/09/20040908-5.html>>.

¹⁹⁶ "U.S. to Give Border Patrol Agents the Power to Deport Illegal Aliens," *New York Times*, August 11, 2004

¹⁹⁷ *Tinker v. Des Moines Independent Community School District et al.*, 393 U.S. 503, 506 (1969).

¹⁹⁸ *Know Your Rights!: Do I Have Rights at School?* National Lawyers Guild 2002, available at: http://www.nlg.org/resources/kyr/kyr_english.htm; *Know Your Rights: A Guide To The Legal Rights Of Immigrant Students & Parents In The New York City Public Schools*, Advocates for Children, Immigrant Students Rights Project (2004); *Students: Know Your Rights*, ACLU of Massachusetts, available at <http://www.aclu-mass.org/students/StudentRights.pdf>.

¹⁹⁹ *Know Your Rights!: Do I Have Rights at School?* National Lawyers Guild, http://www.nlg.org/resources/kyr/kyr_english.htm

²⁰⁰ *Students: Know Your Rights*, ACLU of Massachusetts, available at: <http://www.aclu-mass.org/students/StudentRights.pdf>

²⁰¹ *Students: Know Your Rights*, ACLU of Massachusetts, available at: <http://www.aclu-mass.org/students/StudentRights.pdf>

²⁰² *Know Your Rights: A Guide To The Legal Rights Of Immigrant Students & Parents In The New York City Public Schools*, Advocates for Children, Immigrant Students Rights Project (2004).

²⁰³ Universal Declaration of Human Rights, G.A. res. 217 A(III), U.N. Doc. A/810 at 71 (1948)

²⁰⁴ International Covenant on Civil and Political Rights, G. A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316, 999 U.N.T.S. 171, *entered into force* March 23, 1976, ratified (with reservations) by United States on June 8, 1992.

²⁰⁵ *Human Right to Education*, National Economic and Social Rights Initiative, Info Sheet E1 (2005).

STUDENTS' RIGHTS IN SCHOOLS

"It can hardly be argued that either students or teachers shed their constitutional right[s] ... at the schoolhouse gate."

–United States Supreme Court, in *Tinker v. Des Moines*¹⁹⁷

Students have a constitutional right:

- Not to be suspended or expelled from school unless they violate the law or disrupt school activities. Students have a right to a hearing, with their parents and an attorney present, before being suspended or expelled. Parents have the right to immediate oral and written notification of the suspension stating the specific charge against the student, and to all documented evidence against their child. Students have the right under local policies to receive all homework, class work and alternative instruction during a suspension;¹⁹⁸
- Not to be stopped and questioned in school based on their ethnicity or religion;
- Not to be stopped and questioned in school for engaging in political activity;¹⁹⁹
- Not to be sent home for wearing religious symbols;
- Not to be searched unless there is "reasonable suspicion" that they are armed or breaking the law;
- Not to have their belongings or lockers searched unless there is "reasonable suspicion" that they have violated the law or a school rule. Searches must not be excessively intrusive.²⁰⁰

These rights are not restricted to citizens or lawful permanent residents.

Additionally, sexual harassment, defined as unwelcome conduct (verbal or physical) of a sexual nature that creates a hostile environment, of students in schools is prohibited by federal law.²⁰¹

"Immigrant students have the right to attend school regardless of the immigration status of the child or the child's family members. No one in the school may ask about the child's or family's immigration status. Although some school forms ask for a social security number, parents and students are not required to give this information. Students are entitled to receive all school services, including free lunch, free breakfast, transportation, and educational services, even if they or their family are undocumented and don't have a social security number."²⁰²

EDUCATION IS A HUMAN RIGHT

"Children do not lose their human rights by virtue of passing through the school gates...Education must be provided in a way that respects the inherent dignity of the child...that respects the strict limits on discipline...and promotes non-violence in school."

–UN Committee on the Rights of the Child, General Comment 1

The right to universal education is guaranteed by Article 26 of the Universal Declaration of Human Rights²⁰³ and Articles 13 and 14 of the International Covenant on Civil and Political Rights.²⁰⁴

These internationally recognized standards provide that "education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms...[E]ducation shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace."

According to the United Nations Committee on Economic, Social and Cultural Rights, education must be:

- Available—there must be an adequate number of school buildings, teachers, and resources to meet student needs;
- Acceptable—education, "including curricula and teaching methods, must be acceptable (relevant, culturally appropriate and of good quality);"
- Accessible—there must be equal access for all to education, and particularly for the most vulnerable groups in society, including low income people, immigrants, people with disabilities, and people of color; and
- Adaptable to the needs of students within diverse social and cultural settings.

Governments must refrain from any action that would deprive youth of an education and guarantee equity and non-discrimination in resources and educational quality.²⁰⁵



*DRUM-Desis Rising Up and
Moving*
72-26 Broadway Avenue, 4th Floor
Jackson Heights, NY 11372
www.drumnation.org
Tel: 718.205.3036
Fax: 718.205.3036



*Urban Justice Center
Community Development Project*
666 Broadway, 10th Floor
New York, NY 10012
www.urbanjustice.org/cdp
Tel: 646-459-3011
Fax: 212-533-22141