

Community Education Council District 3 Resolution on Strengthening Protections Against The Exploitation of Children

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WHEREAS, the Special Commission of Investigations (SCI) is an independent law enforcement agency, charged with investigating complaints of corruption, fraud, conflicts of interest, corporal punishment, sexual abuse, and other misconduct within the DOE, and

WHEREAS, the most recent annual statistical reports detailing SCI investigations during the 2024¹ and 2023² calendar years, both reported 146 cases involving inappropriate or sexual misconduct by DOE employees or vendors, and substantiated allegations against individuals in 43 of those cases in each year³, and SCI has published additional reports detailing further misconduct since the publication of the 2024 annual statistical report⁴, and

WHEREAS, SCI substantiated 54 cases during the 2024 calendar year in which “DOE personnel initiated and/or maintained a sexual or inappropriate relationship with a student or students via personal cell phones or personal social media accounts. In each of these cases, SCI made a Policy and Procedure Recommendation (“PPR”) advising that the DOE amend its current employee guidelines to prohibit DOE personnel, volunteers, or employees of its vendors from contacting students using personal cell phone numbers, personal social media accounts, or other non-DOE associated applications,” and

WHEREAS, SCI has issued numerous and repeated Policy and Procedure Recommendations (PPR) through their PPR portal between 2020-2025, requesting that the DOE amend their employee guidelines to prohibit personnel from contacting students using personal devices, and the DOE’s last response to those PPRs was a reply in 2021 stating:

With the many competing priorities of the new administration, the DOE is waiting to identify someone who can be responsible for the DOE’s work on developing updated social media guidelines moving forward,⁵

Unfortunately the policy revision has not yet been implemented, and

WHEREAS, The City Council’s Committee on Oversight and Investigations chaired by the Hon. Gale Brewer, has held hearings and issued briefings providing oversight of SCI - noting the DOE’s lack of responsiveness to SCI’s PPR recommendations, attrition within SCI including two vacancies within the division charged with investigating sexual misconduct, budgetary

¹ <https://nycsci.org/wp-content/uploads/2024/03/SCI-2023-ANNUAL-REPORT-1.pdf>

² <https://nycsci.org/wp-content/uploads/2023/03/SCI-2022-ANNUAL-REPORT.pdf>

³ <https://nycsci.org/wp-content/uploads/2024/03/SCI-2023-ANNUAL-REPORT-1.pdf>

⁴ <https://nycsci.org/reports/>

⁵ <https://nycsci.org/ppr-portal/>

constraints, and “issues with the agency’s ability to handle an increasing caseload at the same time as SCI’s staffing levels have remained stagnant⁶,” and

Whereas, SCI is understaffed and under strain to manage its caseload, with only 55 employees to investigate a record 11,874 complaints in 2024⁷ and provide oversight over the DOE’s 140,000 employees serving 1 million students in 1,800 schools⁸, and

WHEREAS, SCI “has maintained, essentially, the same operating budget for the past roughly five fiscal years,” despite processing record numbers of cases in recent years. SCI’s annual budget is a pass-through line that currently takes up .016% of the DOE’s overall annual budget of approximately \$40 billion and nearly its entire budget is spent on salaries for staff and investigators⁹, and

WHEREAS, According to Chancellor’s Regulation C-105, no one may be licensed, certified, employed by or work in the City Public School System without a background investigation and clearance from either DOE’s Office of Personnel Investigation (OPI), or the Chief Executive of DOE’s Division of Human Resources¹⁰, and

WHEREAS, a 2019 Audit Report on the Department of Education’s Controls Over the Background Investigations of Contracted Vendors’ Employees and Consultants found inadequate controls over background investigations into vendor employees conducted by OPI, including “no written guidance to the OPI personnel specifying the procedures they are supposed to follow in opening, conducting and closing an investigation” and “payment authorized for services provided to a student by a vendor who had not been cleared at the time of the service delivery,”¹¹ and

WHEREAS, as recently as 2024, there were additional documented cases of personnel who have been permitted to work with students prior to completing a required OPI background investigation¹², and

WHEREAS, the Department of Investigations (DOI) is the city’s office of inspectors general, separate from SCI and OPI, charged with independent oversight of city government, conducting investigations of allegations of corruption and misconduct by government employees, and

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<https://council.nyc.gov/oversight-and-investigation/wp-content/uploads/sites/123/2024/11/Oversight-%E2%80%93-Special-Commissioner-of-Investigation-for-the-New-York-City-School-District.pdf>

⁷ <https://nycsci.org/wp-content/uploads/2025/03/SCI-Annual-Report-CY24.pdf>

⁸

<https://www.nytimes.com/2024/06/18/nyregion/sexual-misconduct-complaints-nyc-schools-investigations.html>

⁹ <https://nycsci.org/wp-content/uploads/2024/03/SCI-2023-ANNUAL-REPORT-1.pdf>

¹⁰

<https://www.schools.nyc.gov/docs/default-source/default-document-library/c-105-2-11-2003-final-remediated-wcag2-0.pdf>

¹¹

<https://comptroller.nyc.gov/reports/letter-audit-report-on-the-department-of-educations-controls-over-the-background-investigations-of-contracted-vendors-employees-and-consultants/>

¹² <https://www.counsel.nysed.gov/Decisions/volume64/d18446>

responsible for conducting background checks of city employees, including additional, more complete background checks of DOE managers and employees working in an authoritative roles, and

WHEREAS, in recent years, there was a large backlog of background investigation cases and, though DOI has made adjustments to reduce this backlog, the average time to complete a background investigation in the first four months of 2025 was still 109 days,¹³ and

WHEREAS, one of the over 6,000 backlogged DOI background investigation cases¹⁴ was of David Hay, Deputy Chief of Staff to former NYC Public School's Chancellor Richard Caranza, who was ultimately sentenced in 2020 for possessing child pornography and soliciting a minor in Wisconsin¹⁵, and

WHEREAS, DOI is understaffed and the FY 2026 budget plan that was adopted June 30, 2025¹⁶ does not allocate sufficient funding for the DOI to operate effectively, reducing budgeted staffing from over 400 personnel in 2020 to a budgeted headcount of 293 positions for FY2026¹⁷, and

WHEREAS, adherence to hiring and background check policies, as well as the timely completion of background investigations is one of the best systems in place to ensure that individuals with histories of predatory behavior are not placed in positions of trust within the DOE; and

WHEREAS, the DOE has an internal Office of Special Investigations (OSI) charged with investigating reports of employee misconduct that is separate from SCI, OPI and the DOI, and

WHEREAS, the NYC DOE does not have the capacity and it is not legal for the NYC DOE to monitor the personal devices of DOE employees, but there are legal mechanisms for technology providers to report users who access or upload child sexual abuse material (CSAM) to the FBI; and

WHEREAS, the Federal Bureau of Investigation (FBI) investigates cases of child exploitation and abuse in cooperation with local agencies and law enforcement and operates the Child Exploitation Notification Program (CENP), and

WHEREAS, the FBI's Crimes Against Children/Human Trafficking CAC/HT program handling child sexual abuse cases has been understaffed and underresourced in recent years, with

¹³

<https://council.nyc.gov/gale-brewer/wp-content/uploads/sites/90/2025/03/Department-of-Investigation-3.pdf>

¹⁴ https://www.nyc.gov/assets/doi/Testimony/City_Council_Testimony_re_Background.pdf

¹⁵

<https://www.justice.gov/usao-edwi/pr/former-wisconsin-and-new-york-city-schools-official-sentenced-child-pornography-charge>

¹⁶ <https://council.nyc.gov/press/2025/06/30/2915/>

¹⁷

<https://council.nyc.gov/gale-brewer/wp-content/uploads/sites/90/2025/03/Department-of-Investigation-3.pdf>

agents handling dozens of cases at a time and an inspectors general report¹⁸ finding that agents failed to investigate and/or report cases to local law enforcement in at least 42 instances between 2021 and 2023¹⁹, and

WHEREAS, there have been recent reductions in FBI staffing, a reported reorganization within the FBI scaling back investigative work, and recent relocations of FBI staff to different offices and headquarters²⁰, and

WHEREAS, there are currently multiple agencies within the DOE tasked with investigating misconduct in cooperation with local law enforcement and the FBI and there must be a clearer, more efficient, and transparent process for reporting and responding to allegations of misconduct to protect students from harm;

WHEREAS, schools must have robust protections in place to prevent, detect, and respond to any attempts to exploit children within the education system; and

WHEREAS, New York State's law, (Chapter 187 of the Laws of 2019) - known as Erin's Law - requires public schools to teach child sexual abuse and exploitation prevention classes to students in kindergarten through eighth grade²¹, and

WHEREAS, according to the NYC DOE's Health Ed Work's Report, opportunities to learn critical health education skills vary considerably from school to school, "with some students not receiving any health instruction at all," there is a shortage of certified teachers trained to provide health education in NYC public schools, and lessons on sexual abuse prevention, body autonomy, and reporting suspected sexual abuse are a critical part of health education curriculum necessary for the detection and prevention of the exploitation of children²², and

WHEREAS, many cases of inappropriate relationships with students, child exploitation, harassment, and other misconduct substantiated by SCI involved misuse of technology and social media.²³; and

WHEREAS, this resolution aligns with the Children's Internet Protection Act (CIPA), which was enacted by Congress in 2000 to address concerns about children's access to harmful content on the internet and requires that schools and libraries receiving federal funding through the

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<https://oig.justice.gov/news/doj-oig-releases-report-federal-bureau-investigations-handling-tips-hands-sex-offenses-against>

¹⁹

<https://apnews.com/article/fbi-child-sexual-abuse-inspector-general-investigation-e99e729147421fe166f92ca23eefc4e5>

²⁰

<https://www.reuters.com/world/us/fbi-transfer-1500-staffers-out-washington-headquarters-two-sources-say-2025-02-21/>

²¹

https://www.weteachnyc.org/media2016/filer_public/9a/73/9a73623b-57eb-4225-bbb0-943c90d2173e/62824_corrections_k-5_health_education_scope_and_sequence.pdf

²² <https://infohub.nyced.org/reports/academics/health-education/health-ed-works-year-1-report>

²³ <https://nycsci.org/reports/>

e-rate program for internet access, implement technology protection measures to prevent access to obscene or harmful content²⁴; and

WHEREAS, the DOE has an Internet Acceptable Use and Safety Policy that outlines proper technology use in schools in compliance with CIPA, but stronger enforcement, monitoring, and reporting measures are necessary to ensure compliance and accountability²⁵; and

WHEREAS, the DOE collaborates with cybersecurity firms such as Zscaler to filter internet traffic and enforce compliance with CIPA and the internet acceptable use policy on a network consisting of 80,000 access points and 2 million devices²⁶, yet greater transparency is needed to ensure immediate action against violations.²⁷; and

WHEREAS, following a comptroller's report²⁸ criticizing the DOE for failing to centrally track technology and devices within NYC public schools, the DOE attempted to conduct a "Central Inventory Project" to catalog devices, but ultimately paused the central inventory in March of 2023²⁹, and a more organized central system for tracking technology and devices is necessary to ensure that devices are not misused in violation of CIPA, and

THEREFORE, BE IT RESOLVED, that CEC3 urges the DOE to continue the "Central Inventory Project" to centrally track DOE issued devices, and

BE IT FURTHER RESOLVED, that DOE should establish a system of real-time alerts for administrators when content that violates the internet acceptable use policy is accessed or attempted, ensuring swift action against policy violations; and

BE IT FURTHER RESOLVED, that DOE should establish a system of routine audits to ensure compliance with policies and hold accountable any employee found in violation; and

BE IT FURTHER RESOLVED, that DOE should implement the comptroller's recommendations in its OPI audit report³⁰ and strengthen its background check and hiring policies to include more rigorous screenings for all school staff, after school employees, camp employees, and other staff working in positions within DOE schools, with mandatory re-evaluations at regular intervals; and ensuring that staff and vendors are not permitted to work with students prior to completing a background check; and

²⁴ <https://www.fcc.gov/consumers/guides/childrens-internet-protection-act>

²⁵ <https://www.schools.nyc.gov/about-us/policies/internet-acceptable-use-policy>

²⁶ <https://www.zscaler.com/customers/new-york-city-department-education#>

²⁷ <https://www.zscaler.com/customers/new-york-city-department-education>

²⁸

<https://comptroller.nyc.gov/newsroom/comptroller-stringer-audit-does-inadequate-controls-over-remote-devices-increased-risk-of-learning-loss-inequitable-distribution-and-waste/>

²⁹

<https://www.chalkbeat.org/newyork/2023/4/7/23670010/nyc-officials-pause-school-device-tracking-project-pandemic/>

³⁰

<https://comptroller.nyc.gov/reports/letter-audit-report-on-the-department-of-educations-controls-over-the-background-investigations-of-contracted-vendors-employees-and-consultants/>

BE IT FURTHER RESOLVED, that NYC government should adequately fund OPI, SCI, and DOI to ensure sufficient staffing for timely completion of background checks and investigations of alleged misconduct; and

BE IT FURTHER RESOLVED, that SCI, the DOE, and OSI must enforce a strict policy requiring immediate investigation of any allegations of inappropriate behavior, ensuring transparent communication with school communities while protecting student privacy and safety; and

BE IT FURTHER RESOLVED, that DOE should ensure that all stakeholders receive mandatory training on digital safety, responsible technology use, and recognizing and reporting inappropriate behavior; and

BE IT FURTHER RESOLVED, that the DOE should disseminate information to all staff, vendors, students, parents, and concerned community members about how to contact SCI and file a complaint if they suspect corruption, crime, fraud, misconduct, child sexual abuse or exploitation at a NYC public school, and

BE IT FURTHER RESOLVED, that DOE should provide additional health education professional development to teachers to ensure that there are adequate numbers of certified staff to provide mandated health education and child sexual abuse and exploitation prevention classes for students as required by state law and ensure that students receive these lessons in every school; and

BE IT FURTHER RESOLVED, that the DOE should conduct a regular review of internet safety policies and report findings publicly to ensure accountability and transparency; and

BE IT FURTHER RESOLVED, that the DOE should identify someone responsible for the DOE's work on developing updated social media guidelines and reply to the SCI's PPR requests that DOE social media guidelines be updated to prohibit personnel from contacting students via personal devices, and

BE IT FINALLY RESOLVED, that CEC3 calls upon the Chancellor and DOE leadership to take swift and decisive action to implement these protections and ensure that every step is taken to reduce incidents of the exploitation of children within the DOE.