

Data Brief

Advocates for Children of New York
Protecting every child's right to learn

NOVEMBER 2017

Children in Crisis

POLICE RESPONSE TO STUDENTS IN EMOTIONAL DISTRESS

In 2016, pursuant to a 2015 amendment to a New York City law known as the Student Safety Act, the New York City Police Department (“NYPD”) began collecting and publishing quarterly data reports detailing more of its activities in New York City public schools. Along with information on arrests, summonses, and other police responses to students in school, the reporting includes data on so-called “child in crisis” interventions. ***Child in Crisis Interventions, as defined by the NYPD, are incidents where a “student ... is displaying signs of emotional distress [and] must be removed to the hospital for psychological evaluation.”*** Broadly speaking, these are instances where police become involved when a child is in an apparent state of mental health crisis. The data illuminates a significant, but oft-overlooked, function of police in schools as responders to incidents of mental health emergency.

This paper provides an overview of the “child in crisis” data reported from July 1, 2016 to June 30, 2017, examples of Advocates for Children of New York (“AFC”) cases

- » Between July 2016 and June 2017, the NYPD intervened in 2,702 incidents in NYC public schools involving students in emotional distress sent to the hospital for psychological evaluation (called “Child in Crisis Interventions”); about half (48%) were children ages 4-12.
- » 95% of these interventions involved students of color; about half (49.6%) were Black students, although they comprised only 26.5% of students enrolled.
- » In 330—or 12.2%—of these interventions, the NYPD used handcuffs¹ on these students, including children as young as 5 years old.
- » Black students involved in child in crisis interventions were handcuffed 15.2% of the time, substantially more often than other racial/ethnic groups; Black students accounted for 61.8% of students handcuffed during this type of intervention.
- » Children of color comprised 100% of the 84 students ages 12 and under handcuffed by the NYPD during this type of intervention.

KEY FINDINGS

¹The term “handcuffs” used in this paper refers to either metal or Velcro handcuffs. The NYPD reports data on handcuffing students using the terms “mechanical restraints” or “Velcro restraints.”

illustrating how the current practices can fail to meet students’ needs, and recommendations for reform, including AFC’s call for the City to respond to students in emotional distress with clinically trained mental health professionals rather than law enforcement. These recommendations are aimed at addressing students’ emotional needs and the striking racial disparities in how students in emotional distress are treated in school.

FINDINGS

Responding to children in crisis represents a significant portion of the school interventions carried out by School Safety Agents and police officers. From July 2016 to June 2017—the period examined in this document—the NYPD reported 9,385 total interventions in schools involving individuals ages 21 and under. Of those, 2,702 (28.8%) were child in crisis interventions in which the student in emotional distress was taken to a hospital for psychological evaluation.

Notably, this figure under-represents the scope of NYPD contact with students in emotional distress. For example, this category does not include students in emotional crisis who were arrested, issued a summons, or issued a juvenile report instead of being sent to the hospital. Nor does it include instances where the NYPD responded to students in emotional distress who were not removed from school to the hospital or a police precinct (categorized as “Mitigated” by the NYPD).

Who are the “Children in Crisis”?

Between July 2016 and June 2017, the NYPD reported 2,702 “child in crisis” interventions involving students ages 21 or younger. The bullets below break down these interventions by age, race/ethnicity, and gender.

BY AGE:

- » 1,295 of the 2,702 child in crisis interventions (about 48%) involved children ages 12 and younger, with some involving students as young as 4 years old.
- » 1,271 of the 2,702 child in crisis interventions (about 47%) involved students in the middle school/early high school years between the ages 12 and 16.

FIGURE 1
Police interventions in schools by intervention type, July 2016–June 2017

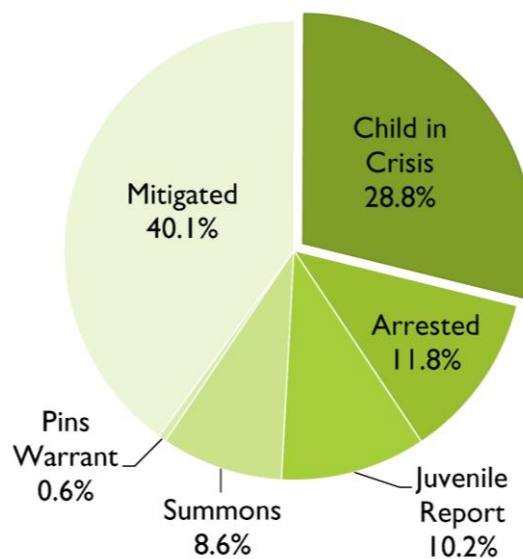
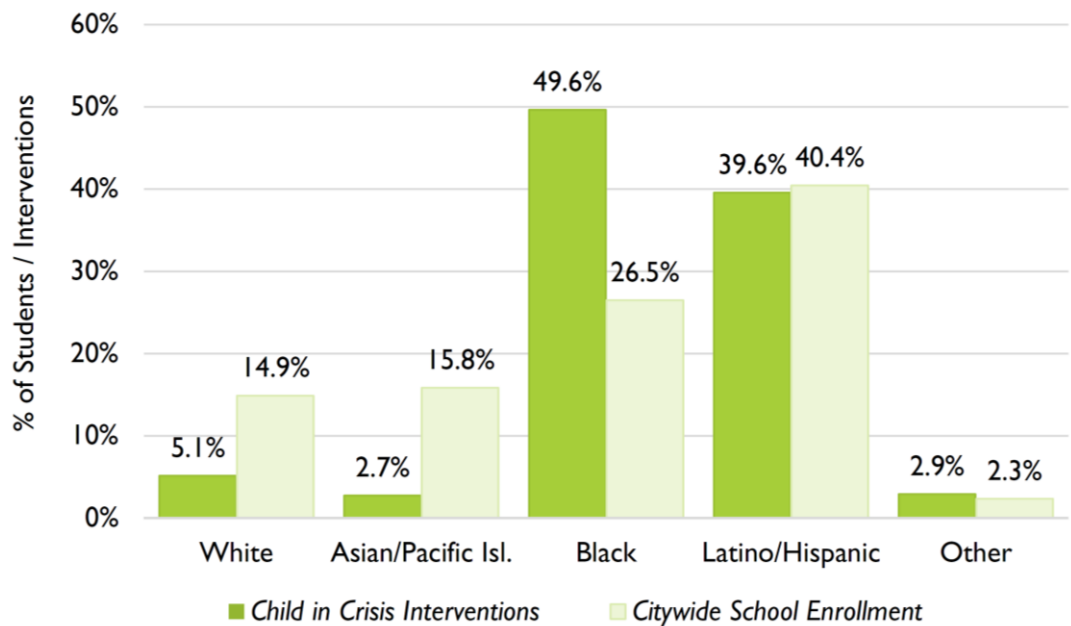


FIGURE 2

2016–17 Child in crisis interventions, representation by race/ethnicity

**BY RACE/ETHNICITY:**

- » 2,563 of the 2,702 child in crisis interventions (94.9%) involved students of color.²
- » Although Black students made up only about 26.5% of students in 2016-17, about half (49.6%) of child in crisis interventions involved Black students. White children comprised only 5.1% of students involved in child in crisis interventions and Asian/Pacific Islander children only 2.7%, both far lower than their proportions of the total student population (14.9% and 15.8%, respectively). Latino/a students were about proportionally represented: 39.6% child in crisis interventions vs. 40.4% of the student population.
- » NYPD data includes a category for “Arabic” as a race/ethnic group, reporting 28 child in crisis interventions involving students so identified.

BY GENDER:

- » 1,540 of the 2,702 child in crisis interventions (57%) involved boys, and 1,162 out of 2,702 interventions (43%) involved girls. This imbalance is substantially less lopsided in this direction than most other types of NYPD interventions.³
- » About 94.5% of girls involved in child in crisis interventions are students of color, about equivalent to the percentage of boys involved in child in crisis interventions who are students of color (95.1%).

² While all categories of police intervention in schools involved a disproportionate number of students of color compared to the overall student population, none was as stark as child in crisis interventions.

³ Compare, for example, to arrests: 74% vs. 26%. “PINS Warrant” is the only category of police intervention with more female students.

WHEN A CHILD IN CRISIS IS NOT A “CHILD IN CRISIS”

The “child in crisis” designation is applied, in large part, based on how officers respond to a child’s actions when they get involved. These numbers do not reflect students in crisis who are arrested and brought to a precinct, instead of a hospital. For example, last school year, AFC represented a 15-year-old Latina student who became agitated and upset during lunch when another student, who had been bullying her for three months, threw food at her head. Even though school staff knew she had significant mental health challenges, a school administrator called law enforcement instead of deploying a trained mental health professional with the skills necessary to de-escalate the situation and help her calm down during the emotional crisis. School Safety Agents and NYPD precinct officers violently restrained the student with handcuffs. Then an NYPD officer shot the handcuffed student with a Taser gun. The student was subsequently diagnosed with Post-Traumatic Stress Disorder (“PTSD”) and transferred out of the school. Because the police arrested her instead of attempting to provide mental health treatment, this intervention, and any similar interventions throughout NYC schools, are not captured under the “child in crisis” category.

Recognizing that students with disabilities are more likely than their general education counterparts to be the subject of school disciplinary action, such as suspensions,⁴ the Student Safety Act specifically provides that police interventions should be disaggregated by disability status “when practicable.”⁵ However, the City does not currently make this information available for a number of reasons. For example, the NYPD does not seek information relevant to disability status from the DOE; nor does it as a policy ask students to disclose their status. Likewise, while the law requires school-level reporting, the NYPD currently reports interventions by building, rather than by school. Since buildings can contain multiple schools, this coding limits the City’s ability to match data to specific schools. The City should explore inter-agency options that enable reporting on NYPD interventions by disability status and by school, while strictly preserving student confidentiality.

Use of Handcuffs

Between July 2016 and June 2017, the NYPD reported using handcuffs on children in crisis as follows:⁶

- » Overall, 330 of the 2,702 child in crisis interventions involved the use of handcuffs (12.2%).

⁴ Dan Losen et al., “Are We Closing the School Discipline Gap?” (The Center for Civil Rights Remedies, February 2015), https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/are-we-closing-the-school-discipline-gap/AreWeClosingTheSchoolDisciplineGap_FINAL221.pdf; Katherine Reynolds Lewis, “Why Schools Over-Discipline Children With Disabilities,” *The Atlantic*, July 24, 2015, <https://www.theatlantic.com/education/archive/2015/07/school-discipline-children-disabilities/399563/>.

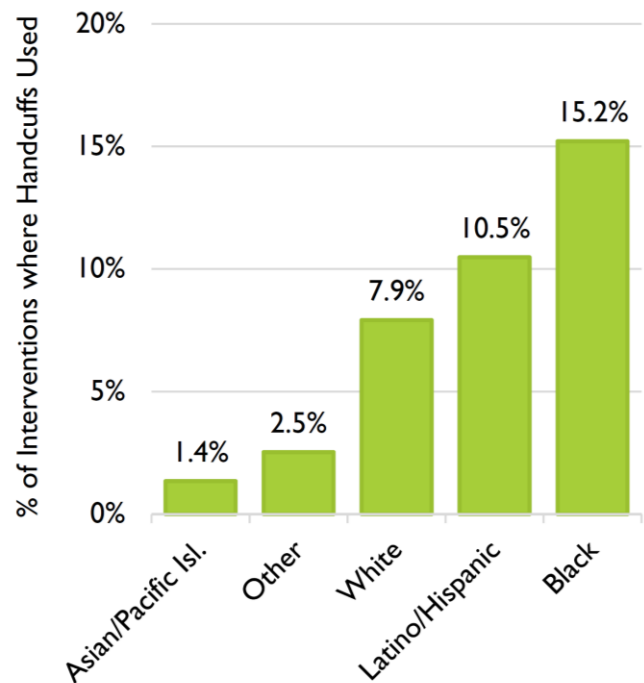
⁵ Vanessa Gibson and Corey Johnson, “A Local Law to Amend the Administrative Code of the City of New York, in Relation to Reports on School Discipline and Police Department Activity in Schools,” Pub. L. No. Int 0730-2015A (2015), <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2253272&GUID=9BACC627-DB3A-455C-861E-9CE4C35AFAAC&Options=Advanced&Search>.

⁶The Student Safety Act defines restraints as “any device or material attached or adjacent to the body that restricts freedom of movement or normal access to any portion of the body and that the individual cannot easily remove, including handcuffs and nylon/Velcro restraining devices.” “Student Safety Act,” Pub. L. No. 93, 8–1100 N.Y.C. Administrative Code (2015).

- » The percentage of students handcuffed during child in crisis interventions was highest in the middle and high school years—ranging from 15% to 20%, depending on age.
- » 84 of the 330 child in crisis interventions involving the use of handcuffs were students aged 12 or younger (about 25.5%). This included children as young as 5 and 6 years old.
- » 100% of the 84 children ages 12 and under who were handcuffed were children of color. Black students accounted for about 65.5% of children 12 and younger who were handcuffed.
- » 204 of the 1,341 Black students involved in child in crisis interventions were handcuffed (about 15.2%), the highest rate of any race/ethnicity group. 112 of the 957 Latino/a students involved in child in crisis interventions were handcuffed (about 10.5%). Taken together, Black and Latino youth comprised 95.8% of all students handcuffed during child in crisis interventions.
- » 11 of the 139 White children (7.9%) and one of the 74 Asian/Pacific Islander children (1.4%) were handcuffed during child in crisis interventions.

While there is no federal law prohibiting the use of handcuffs or other restraints on students in school, New York State law explicitly prohibits schools' use of restraints for the purpose of preventing or discouraging specific behavior,⁷ restricting their use to emergency situations.⁸ Emergency situations, however, is broadly defined, including instances where there is no physical threat of harm to people, but rather potential harm to school property or when a student's behavior is interfering with the "orderly exercise" of the school.⁹ These exceptions to the ban on restraints also apply in New York City.¹⁰ Moreover, as members of law enforcement, rather than school staff, School Safety Agents and other members of the NYPD take the position that they are not subject to these restrictions.¹¹

FIGURE 3
Child in crisis interventions, July 2016–June 2017,
use of handcuffs by race



⁷ "Prohibition of Corporal Punishment and Aversive Interventions," 8 NYCRR § 19.5.

⁸ Prohibition of corporal punishment and aversive interventions; "Program Standards for Behavioral Interventions," 8 NYCRR § 200.22(d).

⁹ Prohibition of corporal punishment and aversive interventions.

¹⁰ "Pupil Discipline and Behavior - Corporal Punishment," New York City Dep't of Educ. Chancellor's Regulations § A-420 (2014), <http://schools.nyc.gov/NR/ronlyres/EDE42781-64EC-4875-A277-88038EB08277/0/A420.pdf>.

¹¹ "NYPD Patrol Guide, Procedure No. 221-13: Mentally Ill or Emotionally Disturbed Persons," June 1, 2016, https://www1.nyc.gov/assets/ccrb/downloads/pdf/investigations_pdf/pg221-13-mentally-ill-emotionally-disturbed-persons.pdf.

WHEN SCHOOL STAFF DON'T KNOW WHAT TO DO

Sometimes school staff are unaware of the school's crisis intervention plan or not adequately trained to de-escalate behavioral crises, so they contact the NYPD to respond. AFC represented an 8-year-old Latino student with a disability who was sitting at the lunchroom table with other students playfully poking each other with plastic sporks (combination of a spoon and a fork). The other students would not let him play so he used a spork to poke at one of them anyway. He became very agitated when school staff singled him out for poking another student and grabbed the spork out of his hand. Instead of contacting school staff trained in de-escalation techniques, staff contacted School Safety Agents, who further escalated the situation. NYPD officers were called in and handcuffed the boy for a couple of hours. They used so much force against the child that they ripped a hole in his pants. Even after the child's parents arrived and the little boy was clearly calm, the NYPD officers refused to take the handcuffs off the child to allow his parents to take him home, instead insisting that Emergency Medical Services transport the child to the hospital in handcuffs. At the hospital, doctors determined that the child did not pose a risk of harm to himself or others and released him shortly after administering a psychiatric examination.

Depending on the circumstances, handcuffing a student in emotional distress may violate the student's civil rights. For example, it could violate the student's constitutional right to be free from unreasonable seizure and excessive force; the right to a free appropriate public education, including positive behavioral supports and interventions that keep students with disabilities in the classroom learning pursuant to the Individuals with Disabilities Education Act (IDEA);¹² and the right to be free from disability-based discrimination and to receive accommodations pursuant to the Americans with Disabilities Act (ADA)¹³ and Section 504 of the Rehabilitation Act.^{14,15}

Regardless of its legality, however, this reliance on police to address students in emotional crisis in schools has far-reaching consequences for students, particularly students with disabilities and students of color who, according to national data and available local data, are often disproportionately policed in school.¹⁶ The use of restraints on these children not only has a traumatic impact on the child, but also can exacerbate the behavior that led to the crisis, increasing the likelihood of repeated incidents, or even causing new problematic behaviors from

¹² When a student with a disability exhibits behavior that impedes the student's learning or that of others, the IDEA requires the IEP Team "to consider the use of positive behavioral interventions and supports, and other strategies, to address the student's behavior." "Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements." Individuals with Disabilities Education Act, 20 U.S.C. § 1400.

¹³ "Prohibition Against Discrimination and Other Generally Applicable Provisions," 42 U.S.C. § 12132.

¹⁴ "Nondiscrimination under Federal Grants and Programs," 29 U.S.C. § 794.

¹⁵ Nancy Lee Jones and Jody Feder, "The Use of Seclusion and Restraint in Public Schools: The Legal Issues" (Congressional Research Service, April 14, 2009),

http://www.spannj.org/information/CRS_Report_on_Legal_Issues_in_Seclusion_&_Restraints.pdf.

¹⁶ Jason Nance, "Students, Police, and the School-To-Prison Pipeline," *Wash. L. Rev.* 93, no. 919 (2016); "Helping Justice Involved Individuals with Substance Use & Mental Health Disorders: Understanding How Laws, Regulations & Policies Affect Their Opportunities" (Legal Action Center, July 19, 2016), <http://lac.org/wp-content/uploads/2016/08/Synthesis-of-Federal-New-York-Barriers.pdf>.

the trauma of being restrained.¹⁷ Psychological injury from restraints may range from short-term, such as fear of going to school, to long-term, such as Post-Traumatic Stress Disorder.¹⁸ Physical injuries may range from bruising to bone fractures, and even death.¹⁹ Handcuffing students can also have a traumatizing effect on classmates who observe the incident and may negatively affect school climate.²⁰

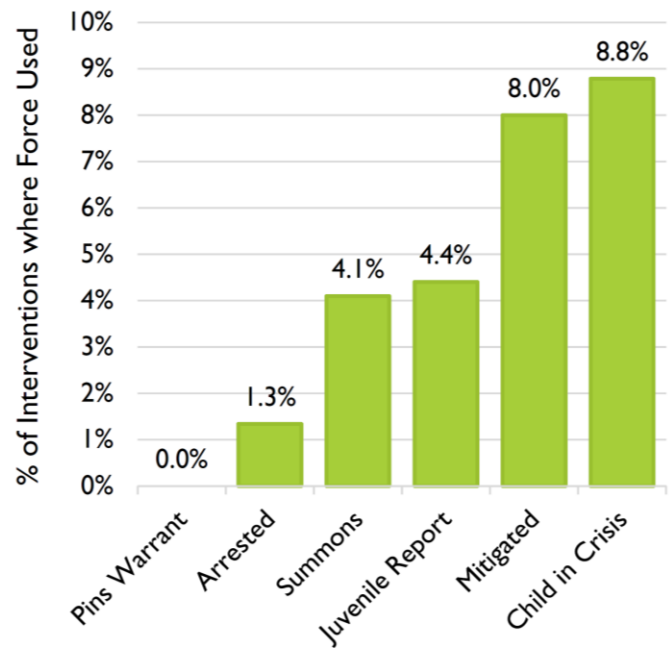
Use of Force

While the NYPD reported use of force for some child in crisis interventions, the NYPD did not tabulate use of force and demographic characteristics (e.g. race/ethnicity, gender, age) in the same data sets, so it is not possible to analyze possible relationships between these variables.²¹ The NYPD reported use of force as follows:

- » Officers used force during 32 of the 2,702 child in crisis interventions during this period (1.2%). This rate was about the same as for arrests (also 1.2%), and higher than for summonses (0.6%), juvenile reports (0.7%), and mitigations (0.2%).

FIGURE 4

Use of force during interventions in which student was handcuffed, June 2016–July 2017



¹⁷ U.S. Dep't of Educ., Office for Civil Rights, Assistant Secretary of Educ., "Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities," December 28, 2016, <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>.

¹⁸ National Disability Rights Network, "School Is Not Supposed to Hurt" (National Disability Rights Network, March 2012), http://www.ndrn.org/images/Documents/Resources/Publications/Reports/School_is_Not_Supposed_to_Hurt_3_v7.pdf; U.S. Government Accountability Office, "Seclusions and Restraints: Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers," no. GAO-09-719T (May 19, 2009), <http://www.gao.gov/products/GAO-09-719T>; Statewide Youth Expert Witnesses, "Youth Position on Seclusion and Restraint," 2009, <http://stophurtingkids.com/wp-content/uploads/2013/05/Youth-Position-Statement-on-Restraint-and-Seclusion.pdf>; "CCBD's Position Summary on the Use of Physical Restraint Procedures in School Settings," *Behavioral Disorders* 34, no. 4 (2009): 223–34.

¹⁹ "CCBD's Position Summary on the Use of Physical Restraint Procedures in School Settings"; National Disability Rights Network, "School Is Not Supposed to Hurt"; Office, "Seclusions and Restraints."

²⁰ *Id.* See also U.S. Dep't of Educ. Secretary of Educ., "Dear Colleague Letter on School Resource Officers ('SROs') in Schools," September 8, 2016, <https://www2.ed.gov/policy/gen/guid/school-discipline/files/ed-letter-on-sros-in-schools-sept-8-2016.pdf>; U.S. Dep't of Justice, Office of Community Oriented Policing Services, "Dear Colleague Letter on School Resource Officers ('SROs')," September 8, 2016, <https://www2.ed.gov/documents/press-releases/cops-sro-letter.pdf>.

²¹ In 2016, the NYPD revised its guidelines related to use of force, including more detailed descriptions of different levels of force, but its public materials still do not include a basic description of "use of force." While the Patrol Guide does not define examples of types of "use of force," this term is generally understood to mean any application of physical or chemical control over someone, such as use of control holds or pepper spray. "NYPD Patrol Guide, Procedure No. 221-01: Force Guidelines," June 1, 2016, <http://www.nyc.gov/html/ccrb/downloads/pdf/pg221-01-force-guidelines.pdf>.

- » Almost all—29 out of 32—child in crisis interventions involving use of force also involved use of handcuffs. These 29 made up 8.8% of the 330 child in crisis interventions where the child was handcuffed.²²

It is not surprising that child in crisis interventions involving use of force would be more likely to involve use of handcuffs. However, the data suggests that, for children in crisis who were handcuffed, officers used force more frequently than for all other types of interventions that involved handcuffs (e.g., arrests, summonses, etc.). Given the pattern of racial disproportionality in other areas (see “Use of Restraints” above) and the NYPD’s collection of demographic data, the Police Department should ensure that all data reporting on police actions in schools, including use of force, can be disaggregated by race/ethnicity.

CONCLUSION

The analysis above raises serious concerns about NYPD interventions to address students with emotional distress, in particular considering the racial disparity, use of restraints, and apparent emotional and physical harm. Indeed, the use of handcuffs on children as young as five suggests that taking physical control of these situations, using prevailing law enforcement methods, may at times take precedence over concerns for the psychological welfare of the children involved. In contrast to a policing approach, mental health professionals with appropriate training and skills are best positioned to assess and address the needs of students in emotional distress.

While not limited to responding to children in emotional crisis, best practices exist for responding to school behavioral incidents to prevent behavioral crises and respond effectively when they occur.²³ There are numerous school-wide and district-wide evidence-based approaches to address student behaviors and improve school climate that can be used in combination with each other,²⁴ as well as with individualized positive behavioral supports and interventions for students with disabilities required under federal and state law.²⁵ These approaches emphasize preventing behavioral incidents from occurring and de-escalating

²² The Student Safety Act defines the term “force” to include the use of (i) a firearm; (ii) physical force; (iii) a chemical agent; (iv) a baton; (v) mechanical restraints, except when used in the course of making an arrest; or (vi) a conducted energy device. However, the data suggests that the NYPD does not categorically consider use of handcuffs during child in crisis interventions as use of force.

²³ In 2012, the U.S. Department of Education (U.S. DOE) provided guidance to states and outlined best practices intended to limit the use of restraints. “Restraint and Seclusion: Resource Document” (U.S. Department of Education, May 2012), <https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

²⁴ Danya Contractor and Cheryl Staats, “Interventions to Address Racialized Discipline Disparities and School ‘Push Out,’” Policy Brief (Columbus, OH: Kirwan Institute for the Study of Race and Ethnicity, May 2014), <http://kirwaninstitute.osu.edu/wp-content/uploads/2014/05/ki-interventions.pdf>.

²⁵ The Individuals with Disabilities Education Act (“IDEA”), Section 504 of the Rehabilitation Act, and New York State Education law and implementing regulations contain specific provisions to ensure that students with disabilities are not removed from their classrooms because of their disabilities, but instead receive necessary behavioral supports. In particular, the laws’ requirements for Functional Behavioral Assessments and Behavior Intervention Plans to analyze and address the functions and causes of behavior, and for Manifestation Determination Reviews to prevent removals based on disability, provide safeguards against exclusion.

behavioral incidents when they do occur. Approaches used should take into account students' unique needs and consist of positive, preventative, restorative, and trauma-informed alternatives to exclusionary, punitive discipline, and should be implemented by trained school and mental health professionals.²⁶ Research demonstrates that student behavior and academic achievement tend to improve when students and staff feel safe, connected, fairly treated, and valued.²⁷

Notably, a recent New York City regulation directs schools to establish de-escalation plans and provide training to staff to manage students in emotional crisis without involving law enforcement.²⁸ Chancellor's Regulation A-411 leaves calling 911 as a last resort for schools, limited to situations when the student's behavior poses an imminent and substantial risk of serious injury to the student or others and the situation cannot be addressed by school staff and support services.²⁹ The regulation requires each school to establish a crisis intervention plan that identifies school staff trained to de-escalate students in behavioral crisis. School Safety Agents, police officers, and other members of the NYPD are not members of the de-escalation teams implementing these crisis intervention plans. Despite the regulation, AFC and other education advocates have observed issues with creation and implementation of plans, including key information missing, such as protocols to de-escalate behavioral crises, and insufficiently trained staff.

While not exhaustive, we recommend that New York City undertake the following measures to ensure that students in emotional distress receive the appropriate care they need to succeed in school:

Fund and provide clinically trained mental health professionals to address students in emotional crisis.

New York City should realign its resources to reflect the critical demand for clinically trained and experienced mental health professionals to support students in school.³⁰ As an initial

²⁶ "Restraint and Seclusion: Resource Document"; U.S. Dep't of Educ. Office of Special Education Programs Technical Assistance Center on Positive Behavioral Interventions and Supports, "Positive Behavioral Interventions and Supports (PBIS) Implementation Blueprint: Part 1—Foundations and Supporting Information," 2015, <https://www.pbis.org/blueprint/implementation-blueprint>; The Residential Child Care Project, "Therapeutic Crisis Intervention System for Schools" (Cornell University, 2012), http://rccp.cornell.edu/_assets/TCIS_SYSTEM_BULLETIN.pdf; "Our Collaborative Problem Solving (CPS) Approach | Think:Kids – Collaborative Problem Solving," accessed October 25, 2017, <http://www.thinkkids.org/learn/our-collaborative-problem-solving-approach/>; Emily Morgan et al., "The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and out of the Juvenile Justice System" (New York, NY: The Council of State Governments Justice Center, 2014), https://csgjusticecenter.org/wp-content/uploads/2014/06/The_School_Discipline_Consensus_Report.pdf.

²⁷ Morgan et al., "The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and out of the Juvenile Justice System."

²⁸ "Behavioral Crisis De-Escalation/Intervention and Contacting 911," New York City Dep't of Educ. Chancellor's Regulation § A-411 (2015), <http://schools.nyc.gov/NR/rdonlyres/5DA279FE-5664-4B3D-86CB-659EFFBA3D8D/0/A411Final52115.pdf>. The New York City Department of Education instituted Chancellor's Regulations A-411 as part of the settlement in T.H. et al. v. Fariña, et al. (13 Civ. 8777) (Dec. 15, 2014), a federal lawsuit filed by Legal Services of New York City filed on behalf of children and their guardians alleging that students were improperly removed by Emergency Medical Services (EMS) to psychiatric emergency rooms for behavior that should have been handled by their schools.

²⁹ Behavioral Crisis De-Escalation/Intervention and Contacting 911.

³⁰ Indeed, a recent report on school-based mental health care issued by the Manhattan Borough President indicates that the current patchwork of services in schools is insufficient to meet the mental health needs of students in New York City. Gale

important step towards increasing mental health supports for all high need schools, the City should implement the recommendation of the Mayor’s Leadership Team on School Climate and Discipline to fund a pilot program that would create a network of mental health services to supplement existing hospital and social service supports for students and their families and school staff.³¹ This pilot program would serve 20 schools in the South Bronx and Central Brooklyn that have high rates of emergency medical service calls, arrests, summonses, and suspensions. Further recommendations include school partnerships with hospital-based mental health clinics and call-in centers to assist schools with students in crisis, as well as mobile crisis response teams, school-based behavioral health consultants, whole-school training in the evidence-based model of Collaborative Problem Solving, and program evaluation.

Provide school staff with appropriate crisis de-escalation training and resources and monitor implementation.

In order for schools to appropriately respond to students in emotional distress, school staff must receive appropriate de-escalation training and have effective crisis de-escalation plans in place. All staff should know the components of the school’s crisis de-escalation plan, including: which school staff are trained in trauma-informed de-escalation techniques and should be contacted to de-escalate students in emotional distress, what is available in terms of in-school and community mental health resources, and when 911 should be contacted for emergency medical services. It is essential that the City monitor implementation of training and crisis de-escalation plans and hold people in the DOE and NYPD accountable to the plans.

Conduct individual behavioral assessments and provide individualized supports and interventions.

All children whose behavior impedes their learning or the learning of others should receive appropriate educational assessment, including Functional Behavioral Assessments, to understand individualized behavioral needs, followed by Behavior Intervention Plans to identify and implement necessary support. These plans should include instruction in appropriate behavior and strategies to regulate emotions. When necessary, the plans should also include training for relevant school staff on positive behavior support and de-escalation strategies provided by a behavior specialist.

Fund the expansion of school-wide and district-wide evidence-based approaches to address student behaviors and improve school climate.

Research shows that there are positive, evidence-based alternatives to policing students in school—including restorative practices, Collaborative Problem Solving, and trauma-informed

A. Brewer, Manhattan Borough President, “Who’s Caring: The State of School-Based Mental Health Care in NYC Schools,” August 2017, <http://manhattanbp.nyc.gov/downloads/pdf/School%20Mental%20Health%20Report%20-%202017%20-%20Final.pdf>.

³¹ The Mayor’s Leadership Team on School Climate and Discipline, “Maintaining the Momentum: A Plan for Safety and Fairness In Schools, Phase Two Recommendations,” July 2016, http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf.

approaches—that support schools in building the skills and capacities of students and adults to constructively resolve conflict and de-escalate behavior. These approaches can be used in combination with each other, as well as with individualized positive behavioral supports and interventions for students with disabilities. It is critical that the approaches be implemented with fidelity by trained school and mental health professionals, along with regular data tracking, evaluation, and monitoring of effectiveness. The City should invest in a long-term plan with necessary funding to develop and expand such positive, inclusive, and supportive approaches.

Establish and maintain inter-agency information sharing.

The NYPD and DOE should enter an information-sharing agreement that comports with privacy laws in order for the NYPD to publically report data disaggregated by whether the student is receiving special education services. Reporting this disaggregated data will bring the NYPD into compliance with the Student Safety Act. Moreover, it will allow government agencies and the public to come together to make changes where they are desperately needed. Additionally, aligning reporting systems could improve school-level reporting, increasing officials' ability to target remedial measures.³²

Hold a City Council hearing on policing and mental health in schools.

The City Council should hold a hearing on the use and impact of police interventions with students in emotional distress, including the impact, effectiveness, and outcomes of school-based mental health services such as those provided through ThriveNYC.

Revise the Memorandum of Understanding (MOU) between the NYPD and the DOE.

New York City should revise policies and practices, including the MOU between the City, NYPD, and DOE, to clarify and significantly limit the role of law enforcement when students are in emotional crisis.

³² Aligning NYPD and DOE reporting systems to disaggregate data on students handcuffed in school would also help bring New York City into compliance with the U.S. Department of Education's mandate that all school districts report the number of times restraints are used on students with and without disabilities. Annie Waldman, "Los Angeles and New York Pin Down School Kids and Then...", ProPublica, December 2, 2014, <https://www.propublica.org/article/los-angeles-and-new-york-pin-down-school-kids-and-then-say-it-never-happene>.

ACKNOWLEDGEMENTS

We would like to thank Rohini Singh, Sam Streed, and Dawn Yuster as the primary authors of this report. We also thank Sarah Part, AFC Communications and Policy Associate, for her contributions to the paper. We also acknowledge and thank Nelson Mar, Legal Services NYC, and Nancy Ginsburg, The Legal Aid Society, for reviewing this brief and offering valuable feedback. Finally, we are grateful to the Morton K. and Jane Blaustein Foundation, whose generous support helped make this report possible.

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ABOUT ADVOCATES FOR CHILDREN

For more than 45 years, Advocates for Children of New York has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds who are at greatest risk for failure or discrimination in school because of their poverty, disability, race, ethnicity, immigrant or English Language Learner status, sexual orientation, gender identity, homelessness, or involvement in the foster care or juvenile justice systems. AFC uses four integrated strategies: free advice and legal representation for families of students; free trainings and workshops for parents, communities, and educators and other professionals, to equip them to advocate on behalf of students; policy advocacy to effect change in the education system and improve education outcomes; and impact litigation to protect the right to quality education and compel needed reform.