



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

**Testimony to be delivered to the New York City Council
Committee on Public Safety and Committee on Education**

RE: Oversight – School Emergency Preparedness and Safety.

**Proposed Int. Nos. 639-B, 866-A, 869-A, 876-A, 893-A, 894-A, 921-A, 922-A, 923-A:
Establishing a School Emergency Preparedness Task Force
and**

**Proposed Res. No. 514: Providing for One-Full Time Guidance Counselor for
Every 250 Students and Ensuring All Schools Have At Least One Full-Time
Guidance Counselor and Social Worker**

September 20, 2018

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Good afternoon. My name is Rohini Singh. I am a Staff Attorney in the School Justice Project at Advocates for Children of New York (“AFC”) where I focus on helping students with emotional and behavioral challenges get the support they need to stay and succeed in school. AFC is a member of Dignity in Schools New York (“DSC-NY”), a coalition of youth, parents, educators, and advocates dedicated to shifting the culture of New York City schools away from punishment and exclusion and towards positive approaches to discipline and safety. In addition, AFC is a member of the Mayor’s Leadership Team on School Climate and Discipline, dedicated to developing meaningful reforms to improve school climate through alternatives to exclusionary, punitive discipline and school policing.

While AFC believes in the importance of establishing protocols in the event of a school emergency, we have several concerns about the proposed bills.

First, the definition of “school emergency” in these proposed bills defines the scope of the proposed task force to include any situation “involving a threat of harm to students, personnel, and/or facilities including but not limited to natural, technological, and human-caused incidents, which require a response from law enforcement.” This definition encompasses a myriad of school safety situations outside the scope of a true school emergency that requires a law enforcement response, as well as topics already within the scope of the Mayor’s Leadership Team on School Climate and Discipline (“Leadership Team”).



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Since 2015, the Leadership Team has worked to develop policies and practices that enhance the well-being and safety of students and staff in the City's public schools, while minimizing the use of suspensions, arrests and summonses. After a two-yearlong collaborative process with diverse stakeholders, the Leadership Team produced two reports with detailed recommendations to address student safety in schools moving away from an overly punitive response to student behavior.¹ Many of these recommendations specifically address issues that fall into the definition of "school emergency" in these proposed bills. For example, the Leadership Team's recommendations include: rewriting the Memorandum of Understanding between the New York City Police Department (NYPD) and the Department of Education (DOE) to align the use of school discipline, security personnel, and security measures with supportive school climate goals; increasing mental health supports for high-needs students; and revising protocols for the use of metal detectors in schools. To date, many of the recommendations made by the Leadership Team have not been implemented.

We are concerned that the composition and scope of this new proposed task force will lead to an increase in law enforcement responses to student behavior, undoing the purpose and work of the Leadership Team. Specific emergency preparedness protocols can be developed without creating an additional task force with this broad and overreaching scope. However, if a task force is formed, then the focus must be significantly narrowed to address true emergencies that require a law enforcement response, and the task force members must coordinate with the Leadership Team to ensure that recommendations are in line with those of the Leadership Team.

Second, while AFC sees an urgent need to focus on meeting the mental health needs of students and would like to work with the Council on this critical issue, we have concerns about Int. 869, requiring the proposed school emergency preparedness task force to "review and make recommendations relating to protocols for responding to a student experiencing a mental health crisis." This purview is overly broad, and we worry that it will result in an increased law enforcement, instead of a medical and mental health response to students with mental health needs.

¹ The Mayor's Leadership Team on School Climate and Discipline, "Phase I Recommendations: Safety with Dignity" (July 2015), <https://www1.nyc.gov/assets/sclt/downloads/pdf/safety-with-dignity-final-complete-report-723.pdf>; 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.



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Last year, AFC released a data brief outlining the significant consequences of a police response to students in emotional distress.² NYPD interventions in schools between July 2016 and June 2017 included 2,702 incidents involving students in emotional distress sent to the hospital for psychiatric evaluation, sometimes using handcuffs on children as young as 5 years old. The 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 are often disproportionately policed in schools. Instead of 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 without escalating the situation or further traumatizing students.

The current composition of the proposed task force does not contain any mental health professionals or experts on de-escalation or crisis intervention. We are deeply concerned that the inclusion of these protocols in the current proposed task force will unintentionally lead to further police response to students in emotional distress. Instead, the City and the DOE should implement school-wide and district-wide evidence-based approaches to address students in emotional distress, some of which have already been recommended by the Mayor's Leadership Team on School Climate and Discipline.³ These recommendations include:

- Funding and providing clinically trained mental health professionals to address students in emotional crisis
- Providing school staff with appropriate crisis de-escalation training and resources and monitoring implementation
- Conducting individual behavioral assessments and providing individualized supports and interventions
- Funding the expansion of school-wide and district-wide evidenced-based approaches to address student behaviors and improve school climate including Restorative Practices, Collaborative Problem Solving, and Trauma-Informed Approaches

² Advocates for Children of New York, *Children in Crisis: Police Response to Students in Emotional Distress* (November 2017),

https://www.advocatesforchildren.org/sites/default/files/library/children_in_crisis.pdf?pt=1;

³ 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.



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- Revising the Memorandum of Understanding (MOU) between the NYPD and DOE to significantly limit the role of law enforcement when students are in emotional crisis

Third, we support Res. 514 calling for one guidance counselor and social worker for every 250 students and at least one guidance counselor and social worker per school. This resolution is a crucial first step in adding more clinically trained staff members to support students and prevent school emergencies, moving away from a law enforcement approach to a restorative, positive approach to school safety. Moreover, this resolution is in line with the recommendations made by the Mayor's Leadership Team on School Climate and Discipline in July 2015.⁴

Finally, when considering how to prepare and keep students safe during emergency situations, it is important to be cognizant of students with disabilities in the school and any unique needs they may need addressed during emergencies. With lockdowns, sheltering-in-place, and evacuation drills and occurrences taking place more frequently in schools, students with disabilities face disruptions of important routines, expectations to act in ways that may be difficult given their particular disabilities, and physical accessibility barriers. The DOE needs to ensure that Individualized Education Programs (IEPs) for individual students with disabilities include information about how school staff will manage students' emotional and physical needs during emergencies and that all school staff be trained and prepared to protect all students, including those with disabilities, during emergencies.

Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.

⁴ Mayor's Leadership Team on School Climate and Discipline, Phase I Recommendations: Safety with Dignity at 6 (July 2015), <https://www1.nyc.gov/assets/sclt/downloads/pdf/safety-with-dignity-final-complete-report-723.pdf>.