



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 Finance

Re: Fiscal Year 2020 Executive Budget

May 23, 2019

Thank you for the opportunity to speak with you about the Fiscal Year 2020 Executive Budget. My name is Randi Levine, and I am the Policy Director of Advocates for Children of New York (AFC). For more than 45 years, Advocates for Children 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. We speak out for students whose needs are often overlooked, such as students with disabilities, students who are immigrants, students who are homeless, students in foster care, and students with mental health needs.

While we are pleased that the Executive Budget includes increased funding to support students with disabilities, we are disappointed that it does not include sufficient funding to help support students who are homeless, students with mental health needs, and students in foster care, despite the fact that the City Council's Response to the Preliminary Budget recommended key investments to help these students. Among other recommendations outlined below, we urge the Council to work with the Administration to ensure that the Fiscal Year 2020 adopted budget includes the following priorities:

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(1) *Support for the Growing Number of Students in Temporary Housing*

- a. Increase the Number of DOE Bridging the Gap School-Based Social Workers from 69 to 100 (\$5 million)
- b. Establish an Education Support Center at PATH (\$500,000)

(2) *Strategic School Climate Investments*

- a. Invest in a Mental Health Continuum to Provide Direct Services to Students with Significant Mental Health Needs in High-Needs Schools (\$15 million)
- b. Expand the Number of School Social Workers (\$20 million)
- c. Expand Whole-School Restorative Practices to 100 Additional Schools and Build Central DOE Capacity to Support this Work (\$30 million)

(3) *Support for Students in Foster Care*

- a. Provide Busing for K-6 Students in Foster Care (\$5 million)
- b. Establish a DOE Office for Students in Foster Care (\$1.5 million)



1. Increase Support for the Growing Number of Students in Temporary Housing

Riley is a seven-year-old student with autism who lives in a homeless shelter with his mother, Jean Delaney. When the City transferred Riley's family from a shelter near his school in Manhattan to a Bronx shelter, Ms. Delaney was distraught. She wanted Riley, who has trouble with transitions and needs a specialized class, to stay at his school, but also knew a long bus ride would be difficult. Fortunately, Riley's school has a Bridging the Gap social worker who stepped in and secured a transfer to a shelter near his school. The social worker provides Riley with weekly counseling sessions and helps Riley's teacher to support him when he's having a hard day. She has connected the family to doctors and summer programs. Ms. Delaney describes the Bridging the Gap social worker as being her voice when she wasn't able to speak. As Ms. Delaney writes in the testimony that she has submitted, "Every child and every parent deserve to have this support while living in shelter."

During the 2017-2018 school year, 114,659 students in New York City schools were identified as homeless. If these students made up their own school district, it would be twice the size of the entire Boston public school system. Educational outcomes are particularly bleak for students living in New York City shelters—nearly 38,000 students in 2017-2018. According to the most recent data regarding students living in shelters:

- More than half of these students were absent on 20 or more school days—missing the equivalent of a month or more of school.
- Only 15% of third through eighth grade students scored proficiently in reading and only 12% scored proficiently in math.
- 10% of middle and high school students were suspended from school.

We are joining with 35 Council Members and 18 organizations, including shelter providers, child advocacy organizations, and the UFT, to call on the City to strengthen support for students living in shelter by including in the Fiscal Year 2020 adopted budget: 1) \$5 million to increase the number of Bridging the Gap social workers for students living in shelter from 69 to 100 and 2) \$500,000 to establish an education support center at the City's shelter intake center, PATH.

a. Increase the Number of Bridging the Gap Social Workers from 69 to 100 (\$5 million)

Currently, the City has 69 Department of Education (DOE) Bridging the Gap social workers helping to support students living in shelters at schools with high populations of these students. The Bridging the Gap social workers have provided counseling to



students to address the trauma often associated with housing loss, connected them to needed resources, and found solutions to problems that impede their attendance.

We are pleased that the Fiscal Year 2020 Executive Budget baselines \$11.9 million for DOE support for students living in shelters, including 53 Bridging the Gap social workers and literacy programs at shelters after school. We also appreciate that the Administration has agreed to provide \$2 million in FY 20 for the 16 additional Bridging the Gap social workers who are currently serving our City's schools thanks to funding that the City Council added in FY 19. **We urge you to ensure that the FY 20 adopted budget baselines the \$2 million.**

Even with this funding, there are still *100 schools* with *50 or more students living in shelter* that do not have a Bridging the Gap social worker, including *30 schools* with *70 or more students living in shelter* and no Bridging the Gap social worker. While the City recently increased staffing for students who are homeless, the new community coordinators are not social workers and lack the qualifications to provide the social-emotional support students living in shelter often need to succeed in school. In addition to increasing the number of social workers, the City should add clinical supervisors to help the social workers address the complex issues facing many students and families in shelter.

We recommend that the Fiscal Year 2020 adopted budget include long-term funding for at least 31 additional Bridging the Gap social workers (for a total of 100) and at least five clinical supervisors (\$5 million).

b. Establish an Education Support Center at PATH (\$500,000)

Currently, every family applying for shelter in New York City spends hours sitting in the City's shelter intake center waiting to be placed in and transported to a shelter. While families wait, the City is missing a key opportunity to talk to parents about their educational options, where their children will be going to school, how their children will get there, and resources for their children. Currently, there are only three DOE staff members at PATH, and the staff members only meet with parents who proactively request to speak with DOE staff.

The City should launch an education support center at PATH and ensure that every family who participates in the shelter intake process has the opportunity to meet with a DOE staff member who can share information about school selection options and transportation, the shelter transfer process if a community-based shelter placement is not initially available, and early childhood education opportunities for families with young children and can provide contact information for ongoing assistance. The staff



members should also help to identify and address cases in which there will be barriers to school attendance in order to prioritize placing those families near the children's school or, if such a placement is not possible, arrange interim transportation to school until bus service is arranged.

Besides being good policy to discuss education with families at the shelter intake center, New York State law requires the City to assist parents in choosing a school within two business days of shelter entry. Given the number of families who are being placed in hotels or other facilities with no DOE staff on site, it is important to incorporate this discussion into the-shelter intake process.

We appreciate that the City Council included this priority in its Response to the Preliminary Budget and are disappointed that the Executive Budget does not include any funding for this purpose. **The City should invest \$500,000 to establish an Education Support Center at PATH, staffed by a DOE manager and six full-time DOE staff members with staggered schedules, to ensure the DOE can meet with every family who applies for shelter at PATH.**

2. Increase Strategic School Climate Investments that Support Students and School Communities and Help Dismantle the School-to-Prison Pipeline

AFC represented an eight-year-old Latino student with a disability who was sitting at the lunchroom table with other students playfully poking each other with a plastic spork, a 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. He became very agitated when school staff singled him out for poking another student and grabbed the spork out of his hand. School staff contacted School Safety Agents, who further escalated the situation. NYPD officers were called in and handcuffed the boy for a couple of hours, ripping a hole in his pants. Even after the child's parents arrived, the officers refused to take off the handcuffs, 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 and released him shortly after administering a psychiatric evaluation.

Every child deserves to attend a high-quality school with staff who have the necessary tools and resources for building healthy, supportive, safe, and equitable learning environments for students and educators. However, week after week, AFC and other advocates get calls from parents of students with significant emotional, behavioral, and mental health disabilities who are not getting the targeted, trauma-informed, and restorative supports, interventions, and services they need in school



and instead, are removed from class, suspended, handcuffed, arrested, and taken away by Emergency Medical Services when medically unnecessary. These responses are traumatic for children, do nothing to address the root cause of student behavior, pit staff against students, and push students out of school.

The data supports our collective experience and illustrates the critical need for additional support. For example, in the 2017-2018 school year, NYPD interventions involving students in emotional distress sent to the hospital for psychiatric evaluation increased by more than 31% from the prior year – from 2,702 to 3,542 incidents. And the NYPD continued to handcuff some children in emotional distress, including some as young as six years old.

Furthermore, significant disparities based on race and disability persist. According to Student Safety Act data, in the 2017-2018 school year, 85.12% of students suspended were Black and Latinx although Black and Latinx students made up only 66.5% of the student population. Also, students with disabilities comprised about 20% of the student population, but more than 41% of students removed class or suspended from school were students with disabilities, and nearly half (46%) of students removed from class or suspended multiple times were students with disabilities. An Independent Budget Office analysis of the 2016-2017 school year data shows that Black students received longer suspensions on average for the same behavior as their peers in 8 of the top 10 infractions for which students were suspended. For 3 of these infractions, Black students were suspended for roughly twice the number of days as their peers.

Mayor de Blasio came into office with a commitment to address inequities in school discipline. In order for the reforms he has made so far in school climate and discipline to succeed, the City must make strategic investments that reflect the critical needs of students and school staff and create a solid infrastructure to build capacity citywide.

We were pleased to see that the City Council's Response to the Preliminary Budget prioritized investments in direct mental health support for students and school social workers, but disappointed that the Executive Budget does not include these priorities. For Fiscal Year 2020, we urge the City to invest in a comprehensive reform package that includes: (a) a mental health continuum to provide direct services to students with significant mental health needs in high-needs schools (\$15 million); (b) adding at least 150 school social workers (\$20 million); and (c) expanding whole-school Restorative Practices to 100 additional schools and building central DOE capacity for further expansion (\$30 million).



a. Invest in a Mental Health Continuum to Provide Direct Services to Students with Significant Mental Health Needs in High-Needs Schools (\$15 million)

While the City has invested in mental health awareness and support, there continues to be a gap in access to direct mental health services and behavior supports for the students who need help the most. The Mayor's Leadership Team on School Climate and Discipline recommended a mental health continuum to help ensure that students with significant mental health needs have access to direct mental health services when needed so they can remain in school supported and learning. Now is the time for the City to adopt this recommendation.

We were pleased that the City Council's Response to the Preliminary Budget called on the City to fund the school mental health continuum through ThriveNYC. We recommend that the **FY 2020 adopted budget invest at least \$15 million per year to launch and sustain a Mental Health Continuum to implement strategies including direct mental health supports, school partnerships with hospital-based mental health clinics, whole-school training in the evidence-based model of Collaborative Problem Solving, call-in centers to assist 100 high-needs schools with students in crisis, and program evaluation.**

b. Expand the Number of School Social Workers (\$20 million)

In order to increase school climate supports system-wide and improve outcomes for all students, dedicated mental health professionals are needed to prevent and address behavioral issues, deescalate crises, and resolve conflict. The National Association of School Social Workers and the Mayor's Leadership Team on School Climate and Discipline recommend a ratio of one full-time social worker for every 250 students. For students with intensive needs, a ratio of one social worker for every 50 students is recommended. However, according to the DOE's 2018 report pursuant to Local Law 56 of 2014, in the 2017-2018 school year, the City had only one full-time social worker for 769 students, and almost half (744) of all NYC schools had no full-time social worker.

In order to address this significant gap, the City Council introduced a resolution in September 2018 calling on the City to meet the recommended ratios. We urge the City to phase in a plan to provide at least one full-time social worker for every 250 students in NYC schools.

We were pleased that the City Council's Response to the Preliminary Budget called on the City to hire additional social workers for high-needs schools. We recommend that the **FY 2020 adopted budget include at least \$20 million to add 150 full-time**



social workers for high-needs schools, as well as supervising social workers. The budget should also phase in an additional expansion of school social workers each year in order to bring the ratio up to at least one full-time social worker for 250 students.

c. Expand Whole-School Restorative Practices to 100 Additional Schools and Build Central DOE Capacity to Support this Work (\$30 million)

While the use of Restorative Practices in NYC schools has expanded over the last few years, most schools still do not have access to this evidence-based approach that keeps students safe, supported, and present in school, while they learn from their mistakes. The City needs to invest in a strategic long-term plan to bring Restorative Practices to every school – and do so with fidelity.

As an initial step, we recommend that the **FY 2020 adopted budget add \$30 million for whole-school Restorative Practices in 100 high-needs schools.** This funding would pay for a **full-time Restorative Practices Coordinator in each high-needs school to develop and implement a school-wide strategic plan for growing Restorative Practices and improving school climate, providing ongoing professional and youth development, and evaluating and monitoring school-wide interventions.** This funding would also pay for increased staffing at the central DOE office and Field Support Centers to build capacity to evaluate, monitor, and support the expansion of Restorative Practices citywide. In the following years, we urge the City to phase in a plan to provide Restorative Practices in every NYC school.

3. Increase Support for Students in Foster Care

This week, AFC heard from the foster parent of a kindergarten student who was recently placed in her care. The child is currently preparing for kindergarten graduation with his classmates, and everyone agrees he should stay at the school he has attended all year. At a time when he has been separated from his parents, home, and neighborhood, it would be devastating for him to also have to leave his teachers and friends and adjust to a new school. The foster care agency completed the DOE's forms to request busing to his school, which is only 6.5 miles away from his foster home. However, the DOE denied busing, offering only a MetroCard. A MetroCard is not going to get this kindergarten student to school.

Approximately 5,000 New York City students are in foster care. Students in foster care are among the most likely to need special education services, get suspended,



repeat a grade, or leave high school without a diploma. According to the most recent data available:

- 44% of students in foster care have to change schools during the school year.
- 30% of students in foster care have been notified that their promotion is in doubt.
- Half of students in foster care have Individualized Education Programs (IEPs).
- Only 21% of third through eighth grade students in foster care score proficiently in reading, and 45% received a “1,” the lowest score.
- The average attendance rate of high school students in foster care is only 64%.

These are just some of the challenges that illustrate why the DOE must focus more attention and resources on this population of students. We are joining with more than 30 foster care agencies and child advocacy organizations to call on the City to strengthen DOE support for students in foster care by including in the Fiscal Year 2020 adopted budget: 1) \$5 million to provide bus transportation to kindergarten through sixth grade students in foster care and 2) \$1.5 million to establish a DOE office focused on supporting students in foster care.

a. Provide Busing for K-6 Students in Foster Care (\$5 million)

For students who have been separated from their families and often placed in multiple foster homes, school has the potential to be an important stabilizing factor in their life. Recognizing the importance of school stability for students in foster care, two federal laws, the Every Student Succeeds Act (ESSA) and the Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections), require local school districts and child welfare agencies to collaborate to keep students in their original schools when they enter foster care or change foster care placements, unless it is in the student’s best interests to transfer to a new school, and to provide transportation to their original school.

Despite this legal obligation, currently, New York City guarantees bus service only to students in foster care who have special transportation recommended on their IEPs. The City allows other students in foster care who do not meet the general busing eligibility criteria to apply for busing through an emergency busing request form and will provide bus service if a student can be added easily to an existing route. However, these requests are not always submitted and, when they are, the DOE often denies them, providing only a MetroCard.

When the City does not provide bus service, the only way young students in foster care can get to school is if foster parents or foster care case planners are available to transport them. However, many foster parents are unable to spend hours each day



transporting a student all the way to school and back home due to competing child care and job-related obligations. Foster care case planners have full-time jobs focused on reunifying families and keeping children safe; they should not be serving as transportation chaperones. While ACS will reimburse foster care agencies for the cost of car service, they will not reimburse agencies for chaperones to accompany the students and will not even reimburse agencies for the transportation cost of the return trip for the foster parent. In all, these measures address only a small portion of the demand and are not reliable or effective long-term solutions for transporting students to school.

Without bus service, too many young children in foster care are forced to transfer schools even though such a transfer is not in their best interests. Having to transfer schools mid-year means adjusting to unfamiliar peers and teachers and new schedules, routines, and curriculum, while experiencing the trauma of being separated from their parents and sometimes from their siblings and communities as well. Research shows that students who change schools frequently have lower test scores, earn fewer credits, are more likely to be retained, and are less likely to complete high school than students whose school placements are stable. Equally damaging to children are situations in which foster care agencies must change a child's foster home placement in order to maintain school stability, because the foster family cannot manage the stress of difficult school commutes for extended periods of time.

We are grateful that the City has extended yellow bus service to kindergarten through sixth grade students living in shelters and encourage you to build upon this success to reach students in foster care, who are an equally vulnerable population.

No student placed in foster care should be forced to change schools due to lack of transportation. We appreciate that the City Council's Response to the Preliminary Budget called on the DOE to ensure that students in foster care receive bus service. Unfortunately, the Executive Budget does not include any funding for this purpose. **We recommend that the FY 2020 adopted budget invest \$5 million per year to provide busing to kindergarten through sixth grade students in foster care.**

b. Establish a DOE Office for Students in Foster Care (\$1.5 million)

Despite the significant educational barriers faced by students in foster care, the DOE does not have a senior-level leader, team, or indeed a single staff member at any level focused solely on students in foster care. As a result, the DOE has not developed and implemented needed policies to assist students in foster care. A senior-level leader focused on students in foster care is needed to work across city agencies and across



DOE divisions to develop and implement policies to better serve students in foster care.

In March 2018, the City’s Interagency Foster Care Task Force, whose membership included the DOE Chief Operating Officer and the Commissioner of the Administration for Children’s Services (ACS), recommended that the DOE establish an infrastructure to focus on students in foster care, similar to the Office of Students in Temporary Housing, that would “oversee and advise a team of borough-based foster care content experts” who would be responsible for providing schools with individual case consultation and professional development regarding students in foster care—filling a gap that has long existed.

Given the particular laws and policies that apply to students in foster care and the barriers they face, we recommend that the City move forward with this recommendation and hire a central manager and policy advisor and borough-based regional managers who can train and support school staff on the needs and rights of students in foster care and their families, communicate and monitor implementation of policies related to students in foster care, serve as a point person for families and professionals with questions about students in foster care, and work to track and improve educational outcomes for these students.

We recommend that the FY 2020 adopted budget invest \$1.5 million per year to establish a DOE office focused on students in foster care.

4. Support Investments for Students with Disabilities

a. Special Education Investment

We are pleased that the Executive Budget includes \$33.4 million for a new special education investment to fund the hiring of staff, including school psychologists, teachers, paraprofessionals, and related services providers, to work with students with disabilities and to fund the development of new programs for students with autism and students with print-based disabilities. Given the significant need to better serve students with disabilities in New York City, we support the inclusion of at least \$33.4 million in the FY 2020 adopted budget.

b. Preschool Special Education Classes

We are relieved that the Executive Budget includes funding for additional preschool special education class seats, as hundreds of preschoolers with disabilities are



currently waiting for these seats, in violation of their legal rights. While the City has many choices when it comes to expanding and enhancing early childhood education, providing special class seats to preschoolers who require them is not optional. The City must provide a preschool special class seat for every child who needs one.

c. School Accessibility

Given that fewer than one in five NYC schools is fully accessible to students, teachers, and parents with physical disabilities, we are grateful that the proposed Fiscal Year 2020-2024 DOE Capital Plan includes \$750 million to improve school accessibility—the largest capital funding investment in accessibility to date. We appreciate the City Council’s role in advocating for funding to make more schools accessible. We support an investment of at least \$750 million over five years, starting with at least \$150 million for FY 2020.

5. *Restore Funding for AFC’s Jill Chaifetz Education Helpline*

We are deeply grateful for the City Council’s ongoing support of Advocates for Children’s Jill Chaifetz Education Helpline, which has allowed us to help thousands of families navigate the education system each year. We ask the Council to continue to fund this important Citywide Initiative at \$250,000, as the Helpline provides assistance to parents who have nowhere else to turn.

6. *Additional Recommendations*

In addition to our priorities within the Department of Education’s budget, we join with our coalition partners in recommending that the City:

- Invest \$50 million for Fair Futures to provide long-term coaching and academic supports for youth in foster care from middle school through age 26.
- Provide salary parity for early childhood education teachers, staff, and directors between DOE schools and community-based organizations.
- Restore and baseline \$20.35 million for SONYC summer programs for 34,000 middle school students.

We appreciate the City Council’s work to ensure that the budget invests in programs that help children get a high-quality education and look forward to working with the Administration and City Council as the budget process concludes. Thank you for the opportunity to speak with you. I would be happy to answer any questions.