



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 2021 Executive Budget — Education

May 21, 2020

Thank you for the opportunity to speak with you about the Fiscal Year 2021 Executive Budget. My name is Randi Levine, and I am the Policy Director of Advocates for Children of New York (AFC). For nearly 50 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 from immigrant families, students who are homeless, students in foster care, and students with mental health needs.

Protecting school funding is critical to the City's long-term recovery; if our schools do not have adequate resources to address the unprecedented and widespread learning loss occurring as a result of the pandemic, the resulting cohort of under-educated New Yorkers will have ripple effects on the economy for decades to come. Even in our darkest days, we have to continue to invest in the future, and our schools are our best hope. That is absolutely key to full recovery.

Therefore, we urge the City Council to make it a top priority to work with the Administration to ensure that the Fiscal Year 2021 adopted budget:

- (1) Rejects proposed cuts to education, including proposed cuts to:
 - A. Fair Student Funding
 - B. School Allocation Memoranda
 - C. Social Workers
 - D. Hiring of School Staff

Instead, the FY 21 adopted budget must include sufficient funding to ensure that when school buildings reopen:

- (2) Every student has a seat, including preschoolers whose Individualized Education Programs (IEPs) require preschool special education classes;

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- (3) Every student has a way of getting to school, including students in foster care;
- (4) Every student receives the mental health support they need, including students with significant mental health needs; and
- (5) Every student has the tailored instructional support and services they need, including:
 - A. Recently-arrived English Language Learners, ages 16-21, who need schools that are prepared to serve them;
 - B. Students with disabilities who need compensatory services to make up for the instruction and related services they missed during the pandemic; and
 - C. Students in foster care, who need the DOE to hire or designate a point person focused on improving their educational outcomes.

These recommendations, among others, are described in more detail below.

(1) Reject proposed cuts to education.

We urge the City Council to make it a top priority to reject the draconian cuts proposed to the education budget. We are particularly concerned about the following proposed cuts.

(A) FAIR STUDENT FUNDING

We strongly urge the City to reject the Mayor's proposed \$100 million cut to Fair Student Funding (FSF), the largest funding stream to our City's schools. Already, nearly *two-thirds* of schools do not receive their full FSF allocation; over 20% of City schools receive only 90% of their FSF allocation, meaning they already receive far less funding than the amount needed to support the students in their schools. As a member of the City's Fair Student Funding Task Force, we spent the past year learning about the shortcomings in FSF, the need to increase weights for students with disabilities and English Language Learners in order for schools to provide them with their mandated instruction, and the need to add funding for students who are homeless and students living in poverty.

Fair Student Funding is the primary funding source used to support school instruction, including for students with disabilities and English Language Learners. At a time when many students have missed out on meaningful participation in remote learning, now is not the time to cut this critical source of school funding. As we look toward summer and the coming school year, schools and students will need additional resources and support to make up for lost instructional time, address the trauma that so many have experienced due to COVID-19, and ensure that the pandemic does not



have lifelong consequences for the children whose educations have been interrupted. It is very hard to see how we can achieve these goals with the reduction in teachers and other school staff that a \$100 million cut in FSF would necessitate.

The City Council must reject cuts to Fair Student Funding.

(B) SCHOOL ALLOCATION MEMORANDA (SAMS)

We are similarly alarmed by the \$40 million proposed cut to initiatives funded through School Allocation Memoranda (SAMS). While the Administration has not specified which SAMS it will cut or by how much it will cut specific SAMS, SAMS fund a number of critical school programs and services for some of the City's most marginalized student populations. For example:

- Bridging the Gap school-based social workers, who provide support to thousands of students living in shelter, a population that may grow even larger with skyrocketing unemployment;
- Popular and effective specialized programs for students with disabilities, including the ASD Nest and Horizon programs for children with autism, as well as bilingual special education classes, of which there are already too few to meet the need;
- Translation and interpretation services, which allow parents who are not proficient in English to participate in their children's education and are particularly essential now that students are learning from home; and
- The Universal Literacy initiative, which is focused on improving literacy instruction in grades K-2—years that are critical for building the foundational skills necessary for proficient reading and long-term success in school—and will play a vital role in helping address COVID learning loss.

The City Council should reject the \$40 million cut in unspecified SAMS. Before agreeing to any cuts to SAMS, the City Council must know which SAMS are on the chopping block and must ensure that the cut will not harm marginalized students.

(C) SOCIAL WORKERS

We are also concerned that the DOE is proposing to cut 25 social worker positions that the City Council fought to add in last year's budget that have not yet been filled, including three Bridging the Gap social workers, five school-based clinicians, and 17 School Response Clinicians. While it is disappointing that schools have not already hired for these positions, that does not mean they are no longer needed. For example, the three schools that would lose Bridging the Gap social workers enrolled a combined 515 students in temporary housing last year, a third of whom were living in shelter. One of the three schools has nearly 100 students living in shelter.



As students return from the pandemic, they will need additional social-emotional support, and social workers are already in short supply; the DOE currently employs one social worker for every 625 students. ***At a minimum, the City must reject the proposed reduction in DOE social worker positions and maintain the number of school social worker positions funded in the FY 2020 budget.***

(D) HIRING FREEZES

At a time when students will need more support, we are concerned about the proposed education cuts from hiring freezes. Schools must have the ability to hire teachers, social workers, and other staff members to replace departing staff.

The City Council should reject school hiring freezes to help ensure schools can select qualified teachers to replace departing staff.

The proposed DOE budget cuts are particularly painful because we know that more funding is needed to address challenges that predate the pandemic and to provide students with additional support to make up for lost instructional time. Instead of cutting education funding, the City Council must work to ensure that when school buildings reopen, schools are ready to meet the needs of students including students from marginalized communities who have been hardest hit by the pandemic and by the closure of schools.

- (2) *When schools reopen, every student must have a seat, including preschoolers whose IEPs require preschool special education classes. The FY 21 budget must:*

Provide sufficient funding for preschool special education classes for children who need them.

When school buildings reopen, there must be a seat for every student, including every preschooler with a disability who has a legal right to a preschool special education class seat. Prior to the pandemic, hundreds of preschoolers with disabilities were sitting at home due to the City's shortage of preschool special education classes; some of them had been sitting at home for months. The DOE's own projections showed a shortfall of more than 1,000 preschool special education class seats for the spring of 2020.

For example, Advocates for Children recently assisted the parent of a preschooler with autism who had not received *any* special education services for two months. Though the DOE had recommended in February that the child be placed in a



preschool special education class and receive speech, occupational, and physical therapies, the DOE was unable to find a seat in a preschool special class prior to the COVID-19 outbreak—informing the parent that, due to the shortage of seats, the earliest her child could start attending such a program would be July or September. Meanwhile, the DOE failed to provide the child with any special education services, prior to AFC’s intervention.

We appreciate that, over the past two years, the City opened additional DOE-run preschool special education classes, increasing the number of seats by more than 1,000. These classes provide children with specialized instruction at a crucial time when their brains are developing rapidly, preparing them for future success in school and in life. However, the City is still falling far short of providing seats to all children whose IEPs mandate them. In fact, while the DOE opened more preschool special classes, a number of community-based organizations (CBOs)—which run the majority of the City’s preschool special classes—closed their doors due to insufficient funding. Unless government leaders intervene, hundreds of children may remain at home, fully excluded from the City’s early childhood programming, even as their peers return to school. ***The City has a legal obligation to provide a preschool special education class seat to every child whose IEP requires one—either by opening more DOE-run classes or by ensuring CBOs do so.***

In addition, the City must extend salary parity to teachers of preschool special classes at community-based organizations. The City’s shortage of preschool special class seats is at risk of worsening because teachers who lead preschool special classes at CBOs often earn salaries that are far lower than other teachers, making it difficult for providers to recruit and retain teachers for these classes. Last year, the City made strides toward salary parity for CBO early childhood educators, setting a schedule for salary increases so that their starting pay would be on par with DOE public school teachers. However, those salary increases apply only to educators in CBO preschool general education classes, excluding teachers working in CBO preschool special education classes (also known as “4410 providers”). As a result, CBO preschool special class educators will now be some of the lowest-paid teachers in the City, despite serving some of the City’s highest-need students. Without ensuring salary parity for this group of teachers, the City runs the risk that this talent will leave CBO preschool special classes in pursuit of higher salaries elsewhere—thereby undoing the DOE’s work to narrow the gap in preschool special class seats needed. ***The City must extend salary parity to teachers of CBO preschool special classes so they may continue to support preschoolers with disabilities.***

The City Council must ensure that the adopted budget has sufficient funding to ensure a preschool special education class seat for every child who has a legal right to one.



- (3) *When school buildings reopen, every student must have a way of getting to school, including students in foster care. The FY 21 budget must:*

Include funding to guarantee school bus or other door-to-door transportation for students in foster care who need it to maintain school stability.

For students who have been separated from their families and placed in foster homes, school has the potential to be an important stabilizing factor in their lives. Recognizing the importance of school stability, federal and state law require the City to provide transportation to students placed in foster care so they can stay in their original school, unless it is in their best interests to transfer to a new school. Despite this legal obligation, 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. Despite some recent improvements, these busing requests can take 30 days or more to process—putting tremendous stress on already fragile foster care placements and over-extended agency staff in the meantime—and the DOE continues to deny some of these requests, offering only a MetroCard.

In part due to the lack of guaranteed bus service, one in four students changes schools upon entering foster care in New York City. These students are abruptly dropped into an unfamiliar environment with new teachers, peers, and curricula at the same time as they are coping with the trauma of separation from their family and home. In addition, without guaranteed transportation, foster care agencies have had difficulty finding homes for some children and have had to move some children from one home to another.

We were therefore very pleased when the City Council FY 2020 adopted budget stated that “the Administration has agreed to use existing resources to ensure bussing for students in foster care” so that no student would be forced to transfer schools due to lack of transportation. However, while the DOE has since taken the positive step of hiring a transportation liaison to assist students in foster care and students in temporary housing—a new position that has led to improvements in the process for adding pickups to existing bus routes—the DOE has refused to guarantee bus service or another comparable mode of transportation to students in foster care.

When school buildings reopen, students in foster care must have a way of getting there. At this time when the DOE will need to figure out how to make transportation work in light of social distancing requirements and potentially staggered scheduling, the DOE must honor its commitment and ensure that students in foster care, who have



a legal right to transportation between their foster homes and schools, are included in its door-to-door transportation plans going forward.

The budget should include sufficient funding for the City to abide by federal and state law and honor its commitment to guarantee bus service or other door-to-door transportation to the relatively small number of students in foster care who need it to maintain school stability.

(4) *When school buildings reopen, every student must receive the mental health support they need, including students with significant mental health needs. In the FY 21 budget, the City must:*

Invest in a Mental Health Continuum to provide a range of direct services to students with significant mental health needs in high-needs schools.

In light of the emotional and psychological toll that COVID-19 is taking on our communities, we were pleased to hear that the First Lady and Chancellor Carranza are working on a plan to address students' mental health needs. All students experiencing loss, trauma, and dislocation because of the pandemic—particularly those who had significant mental health needs pre-dating the pandemic—will require mental health supports and services upon their return to school. It is imperative that the Administration adequately fund necessary mental health services for all students, with allocations specifically for students with significant mental health needs.

As part of this effort, we urge the City to include and baseline \$15 million in the FY 2021 budget to launch and sustain a Mental Health Continuum to support the significant behavioral health needs of students in high-need schools in designated neighborhoods.

We deeply appreciate the Administration's investment in mental health and other school climate reforms over the past several years. However, significant gaps in services remain. The City's separate initiatives do not provide students with significant mental health challenges with the higher level of integrated services they need, including direct, ongoing mental health support. City data and our experience working with families illustrate that certain high-need schools continue to turn to police intervention and medically unnecessary calls to Emergency Medical Services (EMS) when students are in emotional crisis. In fall 2019, the NYPD reported intervening in 1,348 incidents involving students in emotional distress sent to the hospital for psychiatric evaluation. These students were overwhelmingly Black and Latinx (1,186 incidents, or 88%) and more than a third were younger than 12 (505 incidents, or 37%). City data also show racial disparities in the NYPD's continued



use of handcuffs on students in emotional distress: in fall 2019, 93% of those handcuffed were Black or Latinx, including a 5-year-old.

A Mental Health Continuum, recommended by the Mayor’s Leadership Team on School Climate and supported by the City Council in its response to the preliminary budget last year, will help fill this critical service gap for students with significant mental health and behavior-related needs in high-need schools. With a Mental Health Continuum, schools will have access to necessary integrated and intensive services to meet the needs of these students without using police, EMS, and emergency room resources when they are unnecessary and squander taxpayer money. This innovative, trauma-informed initiative includes:

- School partnerships with hospital-based mental health clinics;
- Call-in centers with clinicians who field questions and advise school staff how to respond to students in crisis;
- Clinician response teams who respond immediately during crises in schools;
- Student assessments to determine the appropriate level of care needed;
- Direct, ongoing mental health services for students, including intensive in-home individual and family behavioral supports when necessary;
- School-based mental health clinicians;
- Whole-school training in collaborative problem solving, an evidence-based, skill-building approach to changing the most challenging behavior; and
- Data collection and program evaluation.

AFC and 40 other organizations recently sent a letter to the Mayor, calling on City Hall to fund a Mental Health Continuum; a copy of the letter is attached to this testimony.

We urge the City to include and baseline \$15 million in the FY 2021 budget to launch and sustain a Mental Health Continuum in two designated neighborhoods with high-need schools.

We also urge the City to maintain its commitment to expanding Restorative Justice to all high schools and middle schools over three years and ensure there is funding in the budget for these programs to be effectively implemented and expanded in our schools. Now, more than ever, students need access to supports that transform schools into healing-centered communities and address the isolation and trauma this pandemic has caused. With effective implementation of restorative justice programs, students will learn to build and heal relationships and learn positive behaviors. Restorative justice programs also foster an essential sense of community and connection between students and staff. These programs will be vital when school buildings reopen; in order for students to learn, schools will need to take active steps



to reengage students, rebuild relationships, and create a sense of safety, inclusion, and community.

(5) *When school buildings reopen, every student must have the tailored instructional support and services they need. The Fiscal Year 2021 budget should include funding to:*

(A) Increase the capacity of existing DOE transfer schools in Queens, Brooklyn, and the Bronx to support recently arrived immigrant ELLs, ages 16 to 21.

As the City develops plans to reopen school buildings, the DOE must prepare to better meet the needs of 16-to-21-year-old English Language Learners (ELLs). ELLs who arrived in the U.S. as teenagers have some of the greatest needs of any of the City's student populations. In addition to having to learn a new language and meet graduation requirements before they turn 21, many of these students also have gaps in their education and require academic remediation in order to access the curriculum; are juggling jobs and family obligations in addition to their schoolwork; and have complex social-emotional needs in part due to traumatic migration experiences. One in four ELLs in New York City drops out of high school—the highest rate of any student subgroup.

The pandemic has only magnified these challenges and increased the need for schools able to serve this population. Many older ELLs have struggled to access remote learning and have fallen further behind, including students who do not have access to the internet or computers at home and had to wait over a month to receive a remote learning device from the DOE; students who have struggled to use new technology due to low digital literacy or other barriers; youth who are working to help support family members who lost jobs or did not receive a stimulus check; and students living in communities hit particularly hard by COVID-19 who have lost loved ones or fallen ill themselves.

Unfortunately, there are few DOE schools able to provide the support older immigrant ELLs need to be successful. The DOE's "ELL transfer schools" provide a supportive learning environment for older immigrant students, including intensive English as a New Language (ENL) instruction, bilingual social workers, and partnerships with community-based organizations to help address immigration, housing, and other needs. However, there are only five such schools, four of which are located in Manhattan, making it difficult for students in other boroughs to attend. While the City is home to over two dozen non-ELL transfer schools, which are located across the five boroughs and serve over-age and under-credited youth, these



schools do not offer the intensive ENL classes and robust social-emotional supports that recently arrived immigrant students typically need.

To address the geographic limitations of the City’s ELL transfer schools, curb the ELL dropout crisis, and ensure more newcomer immigrant youth can attend schools that address their increased financial responsibilities and greater need for wrap-around supports in the aftermath of COVID-19, *the City should allocate \$1.6M for FY 2021 and \$2.2M in FY 2022 and 2023 (for a total of \$6 million over three years) to pilot programs to support immigrant ELLs, ages 16–21, at existing transfer schools in Queens, Brooklyn, and the Bronx.* While we know that the City’s budget is very tight, this small amount of funding would enable four schools in FY 2021—increasing to six schools in FY 2022—to hire ENL teachers and bilingual social workers, offer culturally responsive wrap-around supports and services, and provide professional development so that all educators are prepared to support newcomer immigrant youth.

(B) Provide make-up services to students with disabilities.

During the period of school closure, thousands of students with disabilities missed out on their legally mandated services. These students have the right under federal law to compensatory instruction and services to make up for the support they missed and help them get back on track. The Fiscal Year 2021 budget must account for the mandate to provide compensatory services to students with disabilities.

(C) Hire a DOE senior leader focused on supporting students in foster care.

Approximately 6,000 New York City students are in foster care each year. For students who have been separated from their families and placed in foster homes, school has the potential to be an important source of stability. However, the DOE has long overlooked the needs of students in foster care, even though they are among the most likely to repeat a grade, be suspended, need special education services, and leave high school without a diploma.

Despite the significant educational barriers faced by students in foster care and the special laws and protections that apply to them, *the DOE does not have a single staff member focused full-time on this population.* As a result, the DOE has not developed and implemented needed policies to assist students in foster care, while schools, families, and child welfare professionals do not have a point person to contact with questions or concerns regarding the needs and rights of students in care—for example, who signs consent for special education evaluations, who attends parent/teacher conferences, and whether the school can release records to the



student's parent or foster care agency. The pandemic has further illustrated the necessity of having a dedicated staff member focused on the unique needs of this population and who has the expertise and knowledge necessary to work across City agencies and effectively address the needs. Such staff could have coordinated with the foster care agencies to help students access remote learning and resolve barriers such as iPad loan agreements, access to digital platforms such as NYC Schools Accounts or Google classroom, and consent to teletherapy or remote special education evaluations.

In March 2018, the City's Interagency Foster Care Task Force recommended that the DOE establish an infrastructure to focus on students in foster care, similar to the DOE's Office of Students in Temporary Housing with central and borough-based staff. However, the DOE has not yet acted on this recommendation.

We understand that the City Council has pointed to the DOE's central and borough-based offices as a potential place to make cuts in light of the City's budget challenges. However, the City Council should ensure that there is at least one DOE staff member dedicated full-time to students in foster care. While we recommend a small DOE office for students in foster care with a senior-level leader and borough-based liaisons, at a minimum, given the current budget challenges, the DOE needs one senior staff member dedicated to this population.

We ask the City Council to ensure that the final budget includes funding for a DOE senior staff member focused full-time on supporting students in foster care.

(6) 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. Over the past two months, while school buildings have been closed, our Helpline has been open and has assisted hundreds of families with questions related to remote education, helping families to obtain technology, resolve problems with remote special education services, and keep their children learning. We ask the Council to continue to fund this important Citywide Initiative at \$250,000, to help ensure that thousands of low-income families, many of whom have nowhere else to turn, are able to receive the guidance they need as they strive to understand a school system that is constantly changing and secure a high-quality education for their children, especially in this difficult time.



(7) 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:

- Restore funding for Fair Futures to provide long-term coaching and academic supports for youth in foster care from middle school through age 26. During the pandemic, the Fair Futures coaches and tutors have played an important role in assisting with the transition to remote learning and have provided academic and emotional support.
- Restore funding for the Summer Youth Employment Program (SYEP) and other summer programming to help engage students in learning and enrichment this summer.

We appreciate the City Council's work to make key investments to support students in recent years. Now, we need our federal, state, and city elected officials to work together to ensure our schools have the resources they need so that the current crisis does not have lifelong consequences for a generation of children. Thank you for the opportunity to speak with you. I would be happy to answer any questions.

April 17, 2020

The Honorable Bill de Blasio
Mayor of the City of New York
City Hall
New York, NY 10007

Re: Funding for Students with Significant Mental Health Needs

Dear Mayor de Blasio,

We are writing on behalf of a broad group of organizations concerned about the physical, mental, and economic toll COVID-19 is taking on our communities – including our students, educators, families, and schools – during this unprecedented public health crisis. We recognize that the traumatizing impact on our students may be long lasting and all students, particularly those who had significant mental health challenges pre-dating the pandemic, will require mental health supports and services upon return to school sometime next year. We also recognize that difficult budgetary decisions will need to be made that continue to prioritize funding a public health response to the virus. In the context of these realities, it is imperative that your administration prioritizes and adequately funds necessary mental health services for all students, with allocations specifically for students with significant mental health needs.

We urge you to take a necessary next step in your administration's increased efforts to develop and support innovative programs that serve individuals with the highest mental health needs by launching a program targeted to students with significant mental health needs who require a higher level of integrated services to succeed in school. The need pre-dates the current crisis: each year, thousands of students with significant emotional and behavioral challenges are removed from class – and sometimes even handcuffed – by NYPD officers and taken away from school by Emergency Medical Services (EMS) when medically unnecessary. Given the trauma and dislocation caused by the pandemic, we anticipate that the need for an integrated system of intensive supports and services will grow significantly when students return to school. That is why we urge you to **include and baseline \$15 million in the FY 2021 budget to launch and sustain a Mental Health Continuum to support the significant behavioral health needs of students in designated neighborhoods in high-need schools.**

We appreciate your administration's investment in several mental health initiatives and other school climate reforms over the past few years. However, these separate initiatives do not provide schools and students with the continuum of integrated and intensive services to meet the needs of students with significant mental health challenges. Many of the City's initiatives focus on training school staff to build awareness about student mental health and creating linkages with community providers. Other City initiatives, including the recently created team of 76 School Response Clinicians working with 300 schools, provide much needed support, but not what students with the highest need require. For example, these mental health programs do not provide direct, ongoing support to students in school, in that, for example, the School Response Clinician program limits support to six weeks of counseling; do not necessarily provide for immediate response to students in emotional crisis, in that an in-person response may occur the day after the crisis is over; do not prevent police intervention, in that NYPD officers continue to

be first responders; do not prevent unwarranted EMS calls, in that EMS continues to transport students to hospital psychiatric emergency rooms when medically unnecessary; and do not provide a centralized system for clinicians to advise school staff how to respond to students in crisis, assess students to determine the appropriate level of care, and train and coach school staff in an evidence-based approach to prevent behavioral incidents from occurring and escalating.

City data and our collective experience working with families demonstrate that significant gaps in services for students with serious mental health challenges remain. In the 2018-2019 school year, the NYPD reported intervening in 3,547 incidents involving students in emotional distress sent to the hospital for psychiatric evaluation (“child in crisis” interventions). This number remained unchanged from the prior school year after a 31% increase from 2,702 in the 2016-2017 school year. With respect to the data available this school year before school closures, the number of child in crisis interventions declined by 7.5% from fall (July to December) 2018, but represented a 45% increase from fall 2016. NYPD officers continued to disproportionately intervene when students in crisis are Black or Latinx students: in fall 2019, 88% of child in crisis interventions involved Black or Latinx students. In addition, city data shows racial disparities in the NYPD’s continued use of handcuffs on students in emotional distress: in fall 2019, 93% of those handcuffed were Black or Latinx, including a 5-year-old. This data indicates that certain high-need neighborhoods and schools desperately require strategic investments in a systemic public health response, as illustrated by the map enclosed.

Year after year, we hear from parents who describe disturbing stories: school staff unable to manage the challenging behavior of their children who, instead, remove students from class, isolate students, call parents to pick up their children early from school, threaten to call or actually call EMS to take their children to the hospital emergency room, and suspend children from school, while NYPD officers restrain, handcuff, and arrest children with unserved or underserved behavioral needs. For example, this school year, the parent of a 1st grade student reported that the school repeatedly removed her child from class and threatened to call EMS whenever unable to manage his challenging behaviors. While this school has a social worker, it lacks access to a coordinated team with the training, expertise, and resources to assess and support this student in school. In another case in February, the parent of a high school student with significant mental health needs reported that an NYPD officer stopped her child in the school hallway, refused to let her pass, physically restrained her, and then handcuffed her after she landed on the floor. EMS transported the student to the hospital where she was diagnosed with a concussion and released. The school then suspended her based on this interaction. The parent had requested behavioral supports for her child the prior school year, but the student received only an Individualized Education Program (IEP) mandating counseling.

Given this significant service gap for students with high mental health or behavior-related needs, a comprehensive, innovative, trauma-sensitive approach is necessary when they return to school. A **Mental Health Continuum** will fill this critical gap. The model includes a team of clinicians working systematically with students and school staff to determine the appropriate level of care; coordinate with schools to respond to students in crisis while working to enhance each school’s capacity to respond to the mental health needs of its students; provide direct, ongoing mental health support to students in school, as well as to families at home when needed; and help schools move to a public health rather than a law enforcement model to support an environment that fosters long-term behavioral change.

The Mayor's Leadership Team on School Climate – a diverse group of stakeholders from the Mayor's office, city agencies, unions, medical providers, research organizations, schools, and communities – developed this model in 2016¹, and urged the city to adopt it. Last year the City Council² and other advocacy groups³ recommended this Mental Health Continuum model to fill this gap in designated high-needs schools to help ensure that students with the most significant mental health needs have access to direct mental health services in school from experienced clinicians in a timely manner so they can remain in school supported and learning.

We urge the City to include and baseline \$15 million in the FY 2021 budget to launch and sustain a Mental Health Continuum in two designated neighborhoods with high-need schools, including school partnerships with hospital-based mental health clinics; call-in centers to advise school staff about students in crisis; clinician response teams who respond during crises in schools; student assessments to determine the appropriate level of care needed; direct, ongoing mental health services for students, including intensive in-home individual and family behavioral supports when necessary; School-Based Mental Health Clinicians; and whole-school training in Collaborative Problem Solving, an evidence-based, skill-building approach to changing the most challenging behavior.

Without new and integrated investments in mental health (whether through savings and efficiencies or additional funding), some high-need schools will continue to rely on law enforcement, exclusion from school, lost instruction time, and punishment when a non-police, public health response to students facing mental health crises will be critically needed. **It is more dire than ever for the City to make this strategic investment.**

We stand ready to work with you to advance this critical budget priority and would be happy to meet with you virtually to discuss it. For follow up, please contact Dawn Yuster, Director of the School Justice Project at Advocates for Children of New York, at dyuster@advocatesforchildren.org or (718) 813-7389.

Sincerely,

Advocates for Children of New York
Brooklyn Defender Services

¹ The Mayor's Leadership Team on School Climate and Discipline, *Maintaining the Momentum: A Plan for Safety and Fairness In Schools, Phase Two Recommendations*, 8, 21-25, (July 2016), http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf.

² The New York City Council's Response to the Fiscal Year 2020 Preliminary Budget and Fiscal Year 2019 Preliminary Management Report, 34, (April 9, 2019), https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/04/Fiscal-2020-Preliminary-Budget-Response_FINAL.pdf.

³ New York Immigration Coalition, *Just and Equitable Behavioral Health for Immigrant New Yorkers: A Policy Agenda*, 6, 22, 26, & 46, (Dec. 2019), <https://www.nyc.org/our-work/health/behavioral-health/>; Citizens' Committee for Children of New York, Testimony Before the New York City Council Committee on Finance, Fiscal Year 2020 Executive Budget, 8, (May 23, 2019), <https://www.cccnewyork.org/wp-content/uploads/2019/05/CCCTestimony.exec2020.pdf>; Advocates for Children of New York, *Children in Crisis: Police Response to Students in Emotional Distress*, 9-10, (Nov. 2017), <https://www.advocatesforchildren.org/node/1183>.

Brooklyn Justice Initiatives
Center for Court Alternatives
Center for Popular Democracy
Center for Independence of the Disabled, NY (CIDNY) - Queens
Children's Defense Fund-NY
Citizens' Committee for Children
Citywide Council for District 75
Dignity in Schools Campaign (DSC) - NY
Educators for Excellence
Exalt Youth
Girls for Gender Equity
HERE to HERE
INCLUDEnyc
IntegrateNYC
JustLeadershipUSA
Law Office of Michelle Siegel
Law Office of Scott M. Cohen, PLLC
Law Offices of Nancy Rothenberg, PLLC (Nancy Rothenberg, Esq., Kristan Connolly, Esq., and Naomi Abraham, Esq.)
Michael Gilberg, Esq.
Miriam Nunberg, Esq.
Mobilization for Justice
New York Immigration Coalition
New York Law School Legal Services, Inc.
New York Civil Liberties Union
New York Lawyers for the Public Interest (NYLPI)
New York Legal Assistance Group (NYLAG)
Organizing For Equity, NY
Parents for Inclusive Education
Partners for Dignity & Rights
Police Reform Organizing Project (PROP)
Rockaway Youth Task Force
Sistas & Brothas United-Northwest Bronx Community and Clergy Coalition
Spencer Walsh Law, PLLC
The Law Offices of Lloyd Donders
The Legal Aid Society
United We Stand of NY
Urban Youth Collaborative
YA-YA Network
Youth Represent

Enc.

Estimated child in crisis intervention rate, by police precinct (2018-19 school year)

In 2018-19, the NYPD intervened in 3,544 incidents involving students in emotional distress sent to the hospital for psychiatric evaluation. Shading indicates the number of interventions reported in each precinct, relative to the total enrollment of schools located in the precinct. City Council district boundaries overlaid in white.

-  one intervention for every 110-199 students
-  one intervention for every 200-299 students
-  one intervention for every 300-499 students
-  one intervention for every 500-699 students
-  one intervention for every 700-1,270 students

