



# Advocates for Children of New York

Protecting every child's right to learn since 1971

## Testimony to be delivered to the New York City Council Committee on Education

### Re: FY 23 Preliminary Budget - Education

March 21, 2022

Thank you for the opportunity to speak with you. My name is Randi Levine, and I am the Policy Director at Advocates for Children of New York. For 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. Every year, we help thousands of New York City parents and students navigate the education system. We focus on students whose needs are often overlooked, such as students with disabilities, English Language Learners, students who are homeless or in foster care, students with mental health needs, and students with involvement in the juvenile or criminal legal systems.

New York City is continuing to grapple with the unprecedented educational disruption caused by the COVID-19 pandemic. Fortunately, we have an influx of federal and state education funding that should be used to increase support for students and render unnecessary any cuts to funding that supports the City's students and schools. We recommend that the City reject proposed cuts to education, including the DOE hiring freeze that is already harming the students with the greatest needs. Instead, the City should:

1. Launch an intensive reading intervention program to provide one-on-one or small group support to students who need more help learning to read (\$125M)
2. Strengthen support for English Language Learners
  - a. Replicate successful models for English Language Learners (ELLs) by establishing programs at existing NYC DOE transfer schools in Queens, Brooklyn, and the Bronx to increase those schools' capacity to serve recently arrived, immigrant ELLs ages 16-21 (\$2.1M)
  - b. Establish the position of English Language Learner (ELL) Instructional Specialist at schools with a high number of underperforming ELLs to ensure they receive appropriate academic instruction and support (\$12M)
3. Establish and fund a central system for DOE Immigrant Family Communications that takes into account families' varying levels of literacy and access to digital media (\$6M)

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4. Provide salary parity to teachers and staff at community-based preschool special education programs to help address the shortage of classes (\$30M)
5. Guarantee bus service for students in foster care to increase school stability (\$5M)
6. Add 150 shelter-based DOE Community Coordinators to help students who are homeless get to school every day and receive needed educational support (\$12M)
7. Fund a comprehensive integrated system of behavioral and mental health supports for students
  - a. Baseline funding for the Mental Health Continuum, a model for integrating a range of direct services to students with significant mental health needs in high-needs schools partnered with hospital-based clinics (\$5M)
  - b. Expand the number of school-based mental health clinics
  - c. Fund the city-wide expansion and implementation of school-wide Restorative Justice Practices (\$118M)
  - d. Fund the expansion of inclusive school programs for students with emotional, behavioral, or mental health disabilities

Each of these priorities is described below.

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## Reject harmful cuts, including the DOE hiring freeze that is already negatively impacting students with the greatest needs

We are extremely concerned about the DOE's across-the-board hiring freeze, which has already put important initiatives on hold and decreased support for students and families, especially those from historically marginalized communities. To give just a couple of examples:

- In fall 2021, after years of advocacy, the DOE finally committed to hiring the first-ever team to focus on the educational needs of students in foster care—a group of students whose needs have long been overlooked and who have the lowest graduation rate of any student group (43%). The team was set to have 7 staff members focused on students in foster care and 4 staff members who would help support students in foster care and students who are homeless. However, due to the hiring freeze, all of these positions are on hold, meaning that there are still *no* staff at the DOE dedicated to meeting the needs of students in care, and that schools, foster care agencies, and parents still have nowhere to turn when they have questions or need guidance specific to this population.
- The DOE committed to having 18 regional staff members dedicated to ensuring that the 100,000 NYC students who experience homelessness each year can access the supports and services they need to be successful in school. From helping with enrollment and busing, to navigating the special education system, to securing needed after-school services, the regional managers are the go-to contact for families experiencing homelessness, as well as shelters and schools. And yet, 5 of the 18 positions are currently open and cannot be filled under the hiring freeze. Meanwhile, more than half of students living in shelter are chronically absent.

The hiring freeze is even impacting programs that are being underwritten with federal COVID-19 relief funding—such as initiatives to strengthen preschool special education—even though keeping these positions vacant will not save the City any money.

More broadly, when across-the-board hiring freezes and layoffs have been imposed in the past, we've seen the impact on the students we serve—it's taken longer for immigrant students to get a school placement, for students with disabilities to get a bus route, and for parents to get help addressing the roadblocks they encounter with their children's schools.

Refusing to fill vacancies when staff members happen to leave, no matter their specific role or job responsibilities, is not a strategy for identifying efficiencies within the DOE; it is merely a way to save money. At a time when the DOE has received an influx of federal and state funding, such blunt force cuts are particularly hard to defend. The City should not balance the budget on the backs of the students with the greatest needs.

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## Launch an intensive reading intervention program to provide one-on-one or small group support to students who need more help learning to read (\$125M)

One of the most fundamental responsibilities of schools is to teach children how to read. Yet far too many NYC students struggle to become skilled readers: less than half of all students in grades 3–8, and only 36% of Black and Hispanic students and 16% of students with disabilities, are reading proficiently, according to the 2019 state exams.

Each year, we hear from hundreds of families whose children are struggling with reading and cannot get help within their public schools. Often, even when families reach AFC, we need to take legal action to help them obtain intensive private tutoring so their children can learn to read, because there are no evidence-based intervention programs available for them in the public system.

We have been very pleased to hear Chancellor Banks discuss the need to fundamentally change the way NYC schools teach children how to read. We strongly believe that all schools should use curriculum and practices that are both culturally responsive and grounded in the science of reading. As the City works to revamp core instruction, it also needs to have effective intervention available for students—regardless of grade level—who need additional support with reading *right now*.

We recommend that the City make evidence-based reading intervention available to students who need it by hiring and training a new corps of itinerant tutors as well as by leveraging current staff and pre-service teachers. Such intervention needs to be “high-dosage,” provided one-on-one or in small groups multiple times per week, and needs to be available to students regardless of the staff who happen to work in their particular school. Intervention should be available during the school year and over the summer, building on promising pilots such as the DOE’s partnership with CUNY pre-service teachers to provide Reading Rescue, an early literacy intervention.

The City has allocated \$250 million in federal American Rescue Plan funding for “academic recovery and student supports” for Fiscal Year 2023. We recommend using a portion of this funding for an intensive evidence-based reading intervention program, rather than distributing this funding to schools to use at their discretion—an approach that continues to leave too many students unable to read.

**The City should invest \$125 million in FY 23 to provide one-on-one or small group evidence-based reading intervention to students who need this support to become skilled readers.**

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## Strengthen support for English Language Learners (ELLs)

### ***Replicate successful models for English Language Learners by establishing programs at existing NYC DOE transfer schools in Queens, Brooklyn, and the Bronx to increase those schools' capacity to serve recently arrived, immigrant ELLs ages 16-21 (\$2.1M)***

English Language Learners (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 specialized academic support 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.

- In 2020, nearly one in four ELLs dropped out of high school—the highest dropout rate of any student group.
- In 2020, only 46% of ELLs graduated from high school in four years.
- New York City is home to nearly 4,000 high school-age immigrant youth who do not have a high school diploma but are not enrolled in school.

Unfortunately, there are few DOE schools able to provide the support recently arrived, older immigrant ELLs need to be successful. We receive case referrals every year of immigrant students who are turned away at Family Welcome Centers and told to enroll in High School Equivalency (HSE) programs instead of four-year high schools or transfer schools. We also receive referrals of school-age immigrant youth who did not enroll in school at all because of the lack of available programs that can support their unique needs.

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.

The City has more than 40 non-ELL transfer schools, which are located across the five boroughs and serve over-age and under-credited youth, but they do not offer the intensive ENL classes and robust social-emotional supports that recently arrived immigrant students typically need.

To curb the ELL dropout crisis and put immigrant youth on the path to success, the City needs to provide high-quality school options for newly arrived, immigrant ELLs, ages 16–21, in their home neighborhoods, learning from what has been effective in the ELL transfer schools.

The City should allocate \$2.1M in FY 23, increasing to \$3.1M in FY 24, to launch programs to support ELLs, ages 16–21, at existing transfer schools in Queens, Brooklyn, and the Bronx. This funding would enable four schools in FY 23—increasing to six schools in FY 24—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.

***Establish the Position of English Language Learner (ELL) Instructional Specialist at NYC DOE schools with a high number of underperforming ELLs to ensure they receive appropriate academic instruction and support (\$12M)***

The nearly 139,000 ELLs in New York City public schools make up a significant portion of the total student population and require targeted language and academic instruction to meet their unique needs. Unfortunately, the City's ELLs continue to perform well below standards in reading and math, with only 9% of ELLs proficient in reading and 19% of ELLs proficient in math in 2019. Too often in our work, we encounter long-term ELLs who reach high school without having reached a sixth-grade reading level. Still, data show that ELLs have the potential to outperform their peers when offered appropriate academic support. This support must start from the time they enroll in school and continue through graduation.

We therefore urge the City to invest \$12M to pilot a program for 120 schools with underperforming ELLs to hire an ELL Instructional Specialist. The ELL Instructional Specialist, a pedagogue who reports to the school principal, would be responsible for ensuring that all ELLs (including long-term ELLs and ELLs with disabilities) at their school are receiving grade-level instruction in core subjects, developing age-appropriate literacy, receiving additional academic support where needed, and on track to pass to the next grade. With this funding, the ELL Instructional Specialists would also receive professional development and tools from the Division of Multilingual Learners.

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**Establish a central system for DOE Immigrant Family Communications that takes into account families' varying levels of literacy and access to digital media (\$6M)**

Over 40% of New York City public school families speak a language other than English at home, and some have low or no literacy in their language. Additionally, many families have limited access to digital media such as email and the web and instead rely on phone calls, physical letters on paper, and in-person communication to understand what is happening with their child's education. With most of NYC DOE's family-facing communication currently happening via the DOE website or email, many immigrant families are left in the dark and without access to information. Without accessible information, parents cannot participate in their children's education.

In collaboration with the New York Immigration Coalition's Education Collaborative, we submitted to the City in 2020 a set of recommendations for improving immigrant family communications. These recommendations include multi-pronged approaches for communicating with families such as collaborating with immigrant-facing community-based organizations, using local ethnic media such as TV and radio, making personal phone calls to vulnerable families, and sending paper notices to families' homes. Although we were pleased to learn that NYC DOE began implementing some of our recommendations, we know that these efforts require funding.

We were encouraged that the City invested \$4M this school year for immigrant family communications and outreach. However, this funding will expire in June 2022 and will be limited in reach. Unfortunately, the FY 23 preliminary budget does not include funding to extend this initiative.

**We urge the City to invest \$6M in FY 23 and baseline this funding to establish a permanent, central system of immigrant family communications and to continue funding this effort every year going forward.**

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## Provide salary parity to teachers and staff at community-based preschool special education programs to help address the shortage of classes (\$30M)

We have been deeply concerned about the number of preschoolers who have had to wait for the DOE to provide them with the preschool special education classes to which they are entitled—even as the City has expanded 3-K and Pre-K for All. A “regional need” memo posted by the DOE in November 2021 shows that even at a time when preschool special education referrals are low and overall pre-K enrollment is down, New York City will need more than 900 additional preschool special class seats this spring in order to fulfill its legal obligation to provide a preschool special class seat for every child whose Individualized Education Program (IEP) requires one.

We strongly support the contract enhancement the City is launching in FY 23 to bring preschool special education classes run by community-based organizations (CBOs) into the 3-K and Pre-K for All system; the City plans to address the shortage of preschool special education classes by having CBOs apply to open 800 new seats through the contract enhancement. However, CBOs have indicated that, in order for them to open new preschool special education classes, the City needs to address the salary disparities that are causing their teachers, teacher assistants, and staff members to leave for other jobs.

Preschool special education programs are facing significant challenges recruiting and retaining teachers, who work 12-month jobs serving young children with the most intensive needs in the City and can earn higher compensation working 10-month jobs in district schools. Two years ago, the City reached an agreement to raise the salaries of most certified early childhood teachers at DOE-contracted CBOs, but excluded teachers of DOE-contracted preschool special education programs. While the City has said that it “hopes” to use the preschool special education contract enhancement to “create a pathway to higher salaries,” the City has not yet committed to higher salaries for teachers and staff—and additional funding needs to be allocated to provide them with salaries on par with their 12-month DOE counterparts. If CBOs cannot recruit and retain teachers for their current classes, they will be unable to launch the new classes that the City anticipates opening to address the shortage that has left children going without the classes they need.

**The FY 23 budget should add and baseline \$30 million for the City to provide preschool special education teachers and staff at CBOs with salaries on par with their 12-month DOE counterparts so that the City can open classes to provide a preschool special education class for every child who needs one.**

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## Guarantee bus service for students in foster care to increase school stability (\$5M)

More than 7,000 children are in foster care in New York City. Students in foster care are disproportionately Black and come from NYC's poorest communities. When students are removed from their homes and families and placed into foster care, school is often the only source of stability in their lives.

Recognizing the importance of school stability, federal and state law require school districts to provide transportation to students in foster care so they can stay in their school of origin, unless it is in their best interest to transfer to a new school. However, the DOE currently does not guarantee bus service or comparable transportation to students in foster care. The DOE only provides bus service to students in foster care who require special education transportation and those who can easily be added to existing routes.

As a result, students who cannot travel on their own may be forced to transfer schools. Having to transfer schools mid-year means that students must adjust to unfamiliar peers, teachers, routines, and curriculum, while experiencing the trauma of being separated from their parents, and often 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.

Even students in foster care who are ultimately deemed eligible for bus service are often left waiting for a month or more to get a determination. In the meantime, to protect the right that students in care have to remain in their schools, agency staff may be forced to spend hours each day escorting children to school instead of working to safely reunify families. Similarly, foster parents, who often have competing childcare or work responsibilities, are left getting the child to school on their own, which can result in children needing to switch foster homes or make it difficult to place children in homes in the first place.

No student in foster care should be forced to change schools or homes due to lack of transportation. The DOE already guarantees yellow bus service to the thousands of kindergarten through sixth grade students living in shelter. The DOE should extend this guarantee to include the relatively small number of students in foster care as well. **The FY 23 budget should include and baseline \$5 million to guarantee bus service or a comparable mode of door-to-door transportation to students in foster care who need it to stay in their original schools.**



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## Add 150 shelter-based DOE Community Coordinators to help students who are homeless get to school every day and receive needed educational support (\$12M)

During the last school year, more than 101,000 city students experienced homelessness. Around 28,000 of these students spent time in shelters. Students living in shelter—94% of whom are Black or Latinx—face significant barriers to educational success. For example:

- During the two years leading up to the pandemic, 60% of students living in shelter were chronically absent—missing at least one out of every ten school days, and students living in shelter continue to have the lowest attendance rate of any student group.
- In 2020, only 52% of students in shelter graduated high school in four years, 27 percentage points lower than the citywide average graduation rate.

Currently, there are not enough staff working *in shelters* who have the skills and knowledge necessary to help families navigate the school system, address barriers to attendance, and resolve educational problems: just 117 shelter-based DOE Family Assistants are tasked with supporting the roughly 28,000 students who spend time in shelter each year. The number of Family Assistants has not grown over the past decade even though thousands more students spend time in the shelter system. As there are more than twice as many shelters as there are Family Assistants, these staff must divide their time among multiple shelter sites and are stretched very thin. The Family Assistant position is also very low paid (\$28,000 for 10 months), making it difficult to recruit and retain qualified staff. Additionally, since Family Assistants do not work over the summer, there is limited support to help families get school placements and busing arranged for the start of the school year.

While there are 200 staff members working *in schools* with high numbers of students who are homeless focused on providing them with counseling and advocacy, three out of four students in shelter attend a school that does not have such a staff member. Furthermore, since students have the right to stay in their original schools when placed in shelter, students residing at any given shelter often attend many different schools.

The DOE should hire at least 150 Students in Temporary Housing Community Coordinators to work in shelters and focus on ensuring that students living in shelter attend school every day and receive the academic and social-emotional support they need for school success. Using a strengths-based, trauma-informed approach, these Community Coordinators should help students and families address barriers to education and navigate the school system, including enrollment, attendance, transportation, school applications, special education services, school suspensions, after-school and summer programs, and early childhood education.

The DOE recently received \$9 million in federal American Rescue Plan - Homeless Children and Youth (ARP-HCY) funding specifically to support students who are homeless. While we are pleased that the DOE has committed to hiring 50 Community Coordinators using this initial round of funds, more coordinators are needed. The DOE is poised to receive an additional \$24 million in ARP-HCY funding in the coming months, but has not yet decided how to spend this funding.

**The City should invest \$12M to hire an additional 100 DOE Community Coordinators, for a total of 150, to work in shelters to focus on meeting the educational needs of students who are homeless.**

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## Fund a comprehensive integrated system of behavioral and mental health supports for students

The past two years have presented unprecedented challenges that have uniquely impacted the mental health and wellbeing of our students. As highlighted in a recent U.S. Surgeon General’s Advisory, the pandemic has exacerbated youth mental health needs that existed before the pandemic and spurred a national youth mental health crisis. We have seen dramatically increased rates of psychological distress among children and youth. Many young people in our City experienced unimaginable trauma and loss and are struggling with the return to in-person learning this year. For students to thrive in school, they must feel safe and supported by their school communities, and our schools must be places that are healing-centered, where students and families experience physical, psychological, and emotional safety. Students are 21 times more likely to seek support for mental health issues at school than at a community-based clinic, if at all.

However, too often when students are struggling, they are met with exclusionary school discipline and policing practices that only further traumatize them and perpetuate the school-to-prison pipeline, disproportionately harming Black and Brown students and students with disabilities. Each year, in New York City schools, tens of thousands of students are suspended, losing days, weeks, or months of instruction and thousands of students with unmet emotional needs are removed from class—including some handcuffed as young as 5 years old—by NYPD officers and taken away from school by Emergency Medical Services (EMS) when medically unnecessary.

Sadly, this year is proving to be no different. Compared to two school years ago at this time in mid-March, we have received a similar number of calls from families requesting assistance with school suspension matters. In December, we heard from a parent whose daughter had already been suspended from school 6 times for a total of twenty-five school days. Three months into the school year, her child had missed out on more than one third of the days of instruction. In February, a parent contacted us about her 6-year-old son with an Individualized Education Program (IEP) diagnosed with ADHD and Autism. The parent was called down to her son’s school to pick him up early because he was having a really bad day. The school counselor advised her that if this happens again and she is unavailable to pick up her son, they will call EMS and police to de-escalate him. The parent told AFC: “I was extremely concerned with this comment because my son is a 6-year-old African-American male and I do not want him to have this type of dramatic and traumatizing experience.” Subsequently, we were contacted about a 7-year-old girl with Autism whose school did call the police when they did not know how to de-escalate the child’s behavior. The child was transported to the hospital by EMS without her parent and without even notifying the parent. We can and must do better for our young people.

Schools need key resources to transform school environments, address our students’ mental health and behavioral needs, and help improve academic outcomes. Even with the hiring of 500 new school social workers, NYPD school safety agents outnumber DOE social workers by more than 1,000. In addition, while the City funded some mental health initiatives in schools over the last year, many of these programs do not address the immediate needs of school communities and are piecemeal. What New York City needs is a comprehensive system to ensure that students are receiving direct mental health services, schools are receiving support to effectively manage student behavior and mental health, and the DOE is coordinating within key parts of the agency and across other key agencies to provide this support. It is more urgent than ever that our City invest in practices that support young people and divest from practices that criminalize them. We urge the City to work towards creating a

comprehensive, integrated system of mental health and behavioral health supports for students by making the following investments:

***Baseline funding for the Mental Health Continuum, a model for integrating a range of direct services to students with significant mental health needs in high-needs schools partnered with hospital-based clinics (\$5M)***

Last year, thanks to the City Council's efforts, the City allocated \$5 million for a promising model called the Mental Health Continuum, an integrated system of targeted and intensive supports for students with significant mental health needs. This model includes school partnerships with hospital-based mental health clinics; NYC Well hotline expansion to advise school staff about students in crisis; mental health professionals who respond to students in crisis; increased clinic staffing; direct mental health services; School Based Mental Health Clinicians; whole-school training in Collaborative Problem Solving, an evidence-based, skill-building approach; and support for family and student engagement. Through a partnership between the Department of Education, Health + Hospitals, and the Department of Health and Mental Hygiene, this model aims to meet the needs of students with significant mental health challenges in the schools and neighborhoods with the highest rates of NYPD interventions, suspensions, and chronic absenteeism. The City allocated only one-year funding for the Mental Health Continuum, so, unless extended, the funding will expire in June 2022. Unfortunately, the FY 23 preliminary budget does not include funding to extend this initiative. **To continue the model to be launched this school year in 50 high-needs schools in the South Bronx and Central Brooklyn, the City must baseline \$5 million for the Mental Health Continuum, with the following funding allocations:**

- FY 23 — DOE: \$889,459; H+H: \$3,638,068; DOHMH: \$472,473 (Total: \$5M).
- FY 24 (and beyond) — DOE: \$787,272; H+H: \$3,740,255; DOHMH: \$472,473 (Total: \$5M).

***Expand the number of school-based mental health clinics***

Given the current crisis in youth mental health, our students need timely, effective direct mental health services in school. School-Based Mental Health Clinics and school partnerships with community-based mental health clinics have proven to eliminate barriers that prevent young people and families from seeking mental health care by providing services on-site in schools. In addition to providing ongoing therapeutic services to students, school-based mental health clinicians and community providers work directly with school staff to coach them in strategies to support students in the classroom, prevent behavioral challenges, and better respond when behavioral issues arise. **Currently, there are only 280 schools with a School-Based Mental Health Clinic. We call on the City to increase the number of clinics in FY 23 so that as many students and schools as possible have access to this vital support.**

***Fund the city-wide expansion and implementation of school-wide Restorative Justice Practices***

To fulfill their commitment to students, the City must invest in the expansion and full implementation of school-wide restorative justice practices in all schools through a school-based restorative justice model. This evidence-based model includes hiring a restorative justice coordinator in each school; training all staff and interested members of school communities on restorative practices; providing young people with training and stipends to lead restorative practices in schools; and partnering with community-based organizations to support programs in schools. By building and healing relationships,

addressing the root causes of behavior, holding students accountable, and teaching positive behaviors, restorative practices have been proven to work in schools across New York City and around the country: their adoption is correlated with improved academic outcomes, school climate, and staff-student relationships. **The City should invest \$118 million to bring this model to 500 schools in FY 2023 with the ultimate goal of investing \$225 million for full implementation city-wide by FY 2028.**

***Fund the expansion of inclusive school programs for students with emotional, behavioral, or mental health disabilities***

Black students and economically disadvantaged students with emotional, behavioral, or mental health disabilities are disproportionately referred to District 75 schools that segregate students with disabilities instead of providing them with targeted supports in schools with peers who do not have disabilities. **The City should fund the expansion of the cost-effective evidence-based, whole-school inclusion model successfully piloted in P.S. 88, first in other schools in District 9 and then in other districts, to support students with emotional disabilities.** In the model, four students with emotional disabilities are placed in small Integrated Co-Teaching (ICT) classes with two trained teachers, one of whom is a special educator, alongside students without IEPs. They receive frequent therapy from a trained clinical social worker using cognitive behavioral intervention strategies who also collaborates with teachers and parents to infuse trauma-informed practices across all settings. A university partner with knowledge of trauma-informed care and therapeutic practices, as well as evidence-based practices used in an inclusive program for students with autism, is necessary to collaborate with the DOE to expand the model by providing clinical training and onsite support to school staff.