



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
Committees on Education and Public Safety**

October 25, 2023

**RE: Oversight – New Safety Initiatives in NYC Public Schools
and
Int. 0003-2022 on the NYPD's Response to Students in Emotional Crisis in
Public Schools**

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My name is Rohini Singh, and I am Director of Advocates for Children of New York's ("AFC's") School Justice Project. For over 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 with mental health needs, students involved in the juvenile or criminal legal system, students from immigrant families, and students who are homeless or in foster care. AFC is a member of Dignity in Schools New York ("DSC-NY"), a coalition of youth, parents, educators, and advocates dedicated to shifting the culture of New York City schools away from punishment and exclusion and towards positive approaches to discipline and safety.

We are here today to testify in support of Int. No. 0003-2022, which would regulate the New York City Police Department's ("NYPD's") response to students in emotional crisis within public schools and are grateful to Deputy Speaker Ayala for sponsoring this critical bill. We are also here to discuss the importance of sustaining key initiatives that are critical to our students' safety including Restorative Justice programs and social workers funded by expiring federal COVID-19 relief funding and to express our concern about this Administration's commitment to these programs. We also support Res. 473 and Res. 534-A.

In June 2021, we published a report, *Police Response to Students in Emotional Crisis*, analyzing NYPD data over four school years (July 2016 to July 2020) and finding that NYPD officers, including precinct officers and school safety agents, responded to a total of 12,050 incidents in which a student in emotional distress was removed from class and transported to the hospital for psychological evaluation—what the NYPD terms a "child in crisis" intervention. Almost half of

these interventions (5,831, or 48.4%) involved children between the ages of 4 and 12. In nearly one out of every ten interventions, the NYPD's response to an apparent school-based mental health crisis involved putting handcuffs (i.e., metal or Velcro restraints) on the child. In addition, a disproportionate number of these child in crisis interventions involved Black students, students with disabilities in District 75 special education schools, and students attending schools located in low-income communities of color. Unfortunately, the Student Safety Act data in the most recent school year (2022-2023) continues to demonstrate these trends. There were 2,838 child in crisis interventions in 2022-23. That's an 18.9% increase from 2021-22, and the NYPD used handcuffs in 228 of those 2,838 interventions (8%). Forty-one percent of child in crisis interventions—and 56% of those in which the student was handcuffed—involved Black students, who made up only 24% of New York City Public Schools (“NYCPS”) enrollment. Moreover, Black students were twice as likely as White students to be handcuffed while in emotional crisis.

Int. No 0003-2022 is an important step toward ensuring that our young people in crisis are met with a trauma-informed and healing response, not with the threat of law enforcement and handcuffs. By regulating police response to students in emotional crisis; requiring documentation of steps used to de-escalate an incident before law enforcement is involved; emphasizing that trained clinical school staff must be the first responders to students in emotional crisis; and significantly limiting the use of handcuffs on students in emotional crisis, this bill has the potential to drastically reduce law enforcement involvement when students are experiencing emotional crises.

While we support Int 0003-2022, we have been calling on the City to shift funding from the NYPD to instead provide needed mental health and social emotional support for students and, therefore, want to be explicit that we are not advocating for additional funding to be allocated to train law enforcement officers to respond to students in emotional crisis, including the training specified in the bill. Instead, this City's resources must be invested in more support for students so that schools do not rely on law enforcement when a student is experiencing an emotional crisis. While the bill specifically provides that “on-site clinical school staff,” and not law enforcement, must be the first responders to students in emotional crisis, many schools do not have access to clinically trained staff to support students, prevent crises, and respond when incidents and crises occur. In order to ensure this bill truly fulfills its promise to limit law enforcement intervention and handcuffing when a student is in emotional crisis, the City must invest sufficient resources to ensure that every school can effectively support students' social- emotional and behavioral needs with a trauma-informed approach.

To this end, we are deeply concerned about the federal stimulus funding for COVID-19 relief that is set to expire in less than a year and is currently being used to fund critical initiatives to help meet students' social emotional needs that existed long before the pandemic. These include:

- \$12 million for restorative justice practices, allowing more schools to use alternatives to exclusionary discipline that keep students in the classroom while helping them build and



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repair relationships; this federal funding represents the majority of the City's investment in restorative justice; and

- \$67 million to hire 450 school social workers, allowing nearly 194,000 students to gain access to a social worker; even with this investment, there is only one school social worker for every 435 students enrolled in NYCPS schools and more than 240,000 students do not have access to a full-time social worker.

The need for these supports will continue long after the federal funding expires, and we have already heard that this Administration has been scaling back its restorative justice work in schools even though funding was allocated for restorative justice this year. We ask that the Council work with elected leaders at the state and city levels to identify new funding sources so students can continue to receive supports and services needed to keep them safe.

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