



Advocates for Children of New York
Protecting every child's right to learn since 1971

**Testimony submitted to the
New York City Council Committee on Education**

**Re: Oversight Hearing: DOE's New Admissions Processes
and
Int. 0338-2022: Establishing a Bullying Prevention Task Force**

January 25, 2023

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Advocates for Children of New York (“AFC”) appreciates the opportunity to submit written testimony to the New York City Council Committee on Education. Our testimony focuses on recommendations to address barriers to admissions for students from historically marginalized communities to build inclusive, supportive, and effective school environments. Our testimony also supports the creation of a bullying prevention task force and recommends strengthening Int. 0338-2022, the bill establishing this task force, by adding parents and students with lived experience of bullying in or related to school as required members of the task force and paid stipends for their time. We recommend that the task force prioritize researching evidence-based approaches to prevent student-to-student and school staff-to-student bullying, harassment, intimidation, discrimination, and sexual harassment and recommend specific strategies schools must implement in order to improve school culture and climate. Finally, we recommend that New York City invest in resources to prevent and address bullying by sustaining and expanding funding for critical initiatives and supports, such as citywide restorative practices, social-emotional learning, school social workers, and student mental health services and supports, including through programs like the Mental Health Continuum.

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. 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 who face school discipline, students from immigrant families, and students who are homeless or in foster care. AFC is also a member of Dignity in Schools Campaign-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, and the Campaign for Effective Behavioral Supports in Schools, a coalition that supports increasing student access to mental health services, improving staff training, and creating systemic policies to end the New York City Department of Education's ("DOE's") reliance on punitive, exclusionary practices like the use of Emergency Medical Services ("EMS"), police intervention, and student suspensions to respond to students in behavioral crisis or students with significant mental health needs.

Admissions Processes

One of New York City's greatest strengths is its diversity. Yet, NYC is home to one of the most racially segregated public school systems in the nation. While housing segregation is a major contributing factor, school admissions policies exacerbate the problem by using discriminatory screens, offering few options to students who need placements mid-year, and relying on an application process so difficult to navigate that many families do not participate at all.

In 2019-20:

- 60% of age-eligible children living in shelter did not submit a kindergarten application.
- 35% of age-eligible preschool students with disabilities did not submit a kindergarten application even though these children were already receiving services through the DOE.

NYC should address barriers to admissions for students from historically marginalized communities and build inclusive, supportive, and effective school environments where all students can thrive. NYC should:

- Adopt the recommendations of the School Diversity Advisory Group ("SDAG"). We were proud to serve on the SDAG and urge the City to move forward with these important recommendations for advancing equity, such as:
 - Supporting districts in developing community-driven diversity and integration plans;
 - Eliminating the use of exclusionary admissions criteria like attendance;
 - Implementing culturally responsive practices at all schools; and
 - Expanding efforts to recruit and retain diverse school staff.
- Increase support to help families with application processes from 3-K through high school. We often work with families, including those with low digital literacy or who speak a language other than English, who struggle to navigate the DOE's online application systems or do not feel they have meaningful choices. NYC should help every family understand their school options and provide individualized assistance to families by:
 - Launching new resource centers modeled after the District 1 family resource center and expanding them to assist families with 3-K through high school admissions.
 - Leveraging existing partnerships with community-based organizations and funding new ones to reach immigrant and other underserved communities.
 - Enhancing training for school counselors to provide tailored support.

- Set aside seats at each school for students who need placements after the start of the school year. Newly arrived immigrant youth, students placed in shelters or in foster homes far from their original schools, students reentering school from the juvenile/criminal legal system, and other students who need placements mid-year should not be relegated to schools that did not fill during the admissions process.
- Ensure that as schools accept a more diverse group of students, including students with disabilities and English Language Learners (ELLs), schools have resources and tailored supports to meet their needs.

Int. 0338-2022, Establishing a Bullying Prevention Task Force

AFC receives nearly two hundred calls each year from families whose children are either the targets of or accused of bullying behavior in schools. We support the formation of a task force to address the needs of these students and thank Chair Rita Joseph for sponsoring this legislation and moving it forward. Based on our experience working with students facing or engaging in bullying behavior, we have key suggestions on the composition of the task force, the specific topics to be addressed by its members, and funding necessary to implement bullying prevention.

First, we recommend amending Int. 0338-2022, a bill establishing a bullying prevention task force, to add parents and students with lived experience of bullying in or related to school as required members of the task force and to pay them stipends for their time. Their perspective is crucial in order to appropriately address the needs of students engaging in or targeted by bullying behavior. Their time is valuable and deserves compensation.

Second, we strongly recommend the task force examine and devise a plan to prevent and address bullying, discrimination, and harassment of students by school staff. In our work with families of students facing emotional, behavioral, or mental health challenges, school discipline, or involvement in the juvenile or criminal legal system, each year we hear stories of students facing bullying, discrimination, and/or harassment by school staff and the resulting harm and trauma that students experience. Here is one example from this school year:

- Both the parent of a student reentering high school and staff at the NYC Administration for Children’s Services (“ACS”) working with the student contacted AFC about bullying, discrimination, and harassment the student faced by a school administrator. Upon arriving at a new high school after leaving a court-ordered facility, the Dean began harassing and bullying the student when learning that he had arrived from Passages Academy, the school for students who are incarcerated. He told the student, “You better not cause any trouble here.” Instead of providing a welcoming, supportive, and inclusive environment, the Dean showed prejudice and

antagonism towards him. Subsequently, the Dean continued to bully the student and excluded him from school without the required due process and academic instruction for behavior the Dean provoked. The Dean even acknowledged in a meeting with the Assistant Principal, the student's mother, and the student's ACS aftercare worker that he had told the student, "You spit on the floor, and I will put you in the floor." Instead of apologizing, the Dean stood by his actions. Furthermore, the Assistant Principal stood by and did nothing. On another occasion, the student's ACS aftercare worker overheard the Dean on a walkie talkie mocking the student's Muslim religion and clothing. This kind of discriminating, harassing, and bullying behavior by any school staff, let alone an administrator, cannot and should not be tolerated. Principals and Superintendents must ensure that school environments are a safe haven for learning.

Third, we recommend the task force prioritize researching evidence-based approaches to prevent and address student-to-student discrimination, harassment, intimidation, bullying, and sexual harassment of students and recommend specific strategies schools must implement in order to improve school culture and climate and resources. In particular, the task force must recommend strategies that address the needs of students with disabilities, LGBTQ+ students, and students from other marginalized groups who are disproportionately targeted by bullying behavior, and sometimes retaliate when the bullying behavior persists.

Historically, the DOE has not permitted the use of restorative practices to address incidents related to bullying and has instead relied on punitive measures. **We strongly recommend the use of restorative practices and social-emotional learning to prevent and address discrimination, bullying, intimidation, harassment, and sexual harassment, when all students involved consent.** Through the use of restorative practices and social-emotional learning, students learn how to build relationships with each other and staff, communicate effectively, empathize, problem solve, and resolve conflicts to prevent problems before they start, and prevent others from escalating.

The New York State Education Department and the New York State Attorney General published joint guidance and model training materials to help schools comply with the Dignity for All Students Act ("DASA").¹ Recognizing that restorative practices help students improve their behavior, the model materials include training tools for schools to implement DASA that list restorative practices as appropriate supports to end bullying, harassment, and discrimination.² Furthermore, other districts use restorative practices to address these behaviors.³ For example, Berkeley Unified School District adopted a policy that "encourages the use of restorative justice and alternative resolutions in lieu of expulsion hearings, even in the most serious cases including cases of sexual assault and sexual

¹ See Press Release: "A.G. Schneiderman And State Education Commissioner Elia Release Guidance And Model Materials To Help School Districts Comply With The Dignity For All Students Act," Aug. 31, 2016, <https://ag.ny.gov/press-release/ag-schneiderman-and-state-education-commissioner-elia-releaseguidance-and-model>.

² See New York State Education Department and New York State Center for School Safety, Dignity for All Students Act, Requirements for Schools (Tool for training school employees), 21 (2016), https://ag.ny.gov/sites/default/files/dasa_training_materials_final_-_8.30.16.pdf.

³ See Violence Prevention: Bully Prevention, OAKLAND UNIFIED SCHOOL DISTRICT, <https://www.ousd.org/Page/1158> (Last modified April 20, 2018).

battery.”⁴ The school board recognized that: “Restorative justice is, in many cases, more likely to repair harm to complainant(s) and likely to be less traumatic to complainant(s) than an adversarial expulsion hearing.”⁵ A national leader in restorative justice has explained that restorative justice provides an option for complainants “to receive healing and vindication in the face [of] the harms suffered.”⁶ Research also indicates the effective use of restorative practices in schools to address bullying.⁷ There is ample support for offering restorative practices to address discrimination, harassment, intimidation, bullying, and sexual harassment, when all students involved consent.

In addition to restorative practices, curricular strategies, such as culturally responsive education and comprehensive sexual health education, bolster students’ sense of inclusion and safety and create a positive school climate. Culturally responsive education uses educational strategies that leverage aspects of students’ identities to celebrate students, promote cross-cultural connection, and help all students feel valued and develop empathy.⁸ This approach is necessary to prevent bullying behavior and to improve understanding between students of different identities. Comprehensive sexual education provides students with developmentally appropriate and medically accurate information on a broad range of topics related to sexuality.⁹ Teaching comprehensive sexual education is an effective,

⁴ Berkeley Unified School District Board of Education, Board Policy (“BP”) 5144.3, Administrative Regulation (“AR”) 5144.3, Expulsion, (last visited July 25, 2019), <https://www.berkeleyschools.net/schoolboard/policies/>.

⁵ *Id.*

⁶ See Letter from Sujatha Baliga (sbaliga@impactjustice.org), Director, Restorative Justice Project, Vice President, Impact Research, to Berkeley Unified School District, undated (letter on file with Advocates for Children). There are striking results: “In a study of participating crime victims in Alameda County, including sexual harm victims, over 98% of victims said that they would participate in a RJ process again.” *Id.*

⁷ See, e.g., Center for Safe Schools, Clemson Institute on Family and Neighborhood Life, & Highmark Foundation, Integrating Bullying Prevention and Restorative Practices in Schools: Considerations for Practitioners and Policymakers (2014), <http://www.safeschools.info/content/BPRPWhitePaper2014.pdf> (suggesting ways restorative practices and bullying prevention can be used in tandem); Morrison, B., Bullying and victimization in schools: A restorative justice approach, Trends and Issues in Crime and Criminal Justice, 219 (2002), <https://aic.gov.au/publications/tandi/tandi219> (concluding that restorative justice approaches can be effective in addressing bullying in schools by incorporating a range of processes for maintaining healthy relationships, including community building, conflict resolution, and shame management).

⁸ See New York City Coalition for Education Justice, Chronically Absent: the Exclusion of People of Color from the NYC Elementary School Curriculum (2019), <http://www.nyccej.org/wp-content/uploads/2019/02/reportCEJ-Chronically-Absent-FINAL.pdf> (describing how culturally responsive education contributes to a healthy school climate for all students); Girls for Gender Equity, The School Girls Deserve, 8 (2017), https://www.ggenyc.org/wp-content/uploads/2017/11/GGE_school_girls_deserveDRAFT6FINALWEB.pdf (recommending investment in culturally responsive education).

⁹ Comprehensive sexual education encompasses a broad range of topics related to sexuality, including puberty, reproductive health, interpersonal relationships, body image, harassment, stigma and discrimination, intimate partner violence, gender norms, gender identity, and sexual orientation. See American Public Health Association, Sexuality Education as a Part of Comprehensive Health Education Program in K to 12 Schools, Policy Number 20143 (2014), <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2015/01/23/09/37/sexuality-education-as-part-of-a-comprehensive-health-education-program-in-k-to-12-schools> (supporting comprehensive sexual education programming as an evidence-based way to help students become healthy adults). See also, e.g., American College of Obstetricians and Gynecologists, Comprehensive Sexuality Education Committee Opinion, Number 678 (2018), <https://www.acog.org/Clinical-Guidance-and-Publications/Committee-Opinions/Committee-on-Adolescent-Health-Care/Comprehensive-Sexuality-Education?IsMobileSet=false> (affirming that evidences shows that CSE promotes healthy outcomes); American Academy of Pediatrics, Sexuality Education for Children and Adults, 138 Pediatrics 2, e20161348 (2016), <https://pediatrics.aappublications.org/content/pediatrics/138/2/e20161348.full.pdf> (recommending the use of CSE in school).

evidence-based way to empower students with the information and communication and decision-making skills they need to make healthy choices and to create a culture of consent.¹⁰ We recommend that the DOE emphasize and connect these approaches, supports, and strategies to preventing bullying, intimidation, harassment, and sexual harassment.

Moreover, we recommend that any response to bullying developed by the task force focus on non-punitive and non-exclusionary responses, limiting the role of School Safety Agents and other members of the NYPD. Given the bill's composition of the task force, and the inclusion of the Police Commissioner or designee as a required member, we warn against any recommendations that criminalize and harm our students.

Finally, the City must sustain and expand funding for social-emotional and mental health initiatives, such as the Mental Health Continuum and Restorative Practices, which can prevent and address bullying, improve school culture and climate, and provide school staff with critical tools and resources to address students' social-emotional needs to enable them to learn. We commend the DOE for investing in reforms that will help students feel safer in school, including citywide restorative practices, social-emotional learning, more school social workers, and improving access to mental health services and supports through programs like the Mental Health Continuum. However, we are deeply concerned that the Mayor's Preliminary Budget does not include funding for a number of initiatives that provide critical support to students and families.

- **Mental Health Continuum (\$5M):** This innovative model, recently highlighted in the [NYC Speaks Action Plan](#), is the first-ever cross-agency partnership (DOE, H+H, DOHMH) to help students struggling with mental health challenges access timely mental healthcare. It will support students at 50 high-needs schools through school partnerships with H+H Child and Adolescent mental health clinics, dedicated staff to provide students with timely access to mental health evaluation and treatment using a combination of on-site school services, tele-health services and clinic-based services, NYC Well hotline to advise school staff with mental health inquiries, Children's Mobile Crisis Teams to respond to students in crisis, school-based mental health managers, training in Collaborative Problem Solving to build school staff capacity to better manage student behavior, and culturally-responsive family engagement. **Funding for the Mental Health Continuum will expire in June 2023 unless extended in the FY 24 budget. At a time when we have a youth mental health crisis, this model is urgently needed.**
- Over the past decade, the DOE has worked to reduce the use of punitive, exclusionary discipline practices like suspensions—which disproportionately harm students of color and students with disabilities and do not make schools safer—and instead, adopt restorative approaches that address students' underlying needs, teach positive behaviors, and keep students in the classroom where they belong. **To this end, the City allocated \$12 million in federal COVID-19 relief funding in FY 2022 and \$14.8 million in FY 2023 to support**

¹⁰ See Girls for Gender Equity, *The Schools that Girls Deserve*, 16 (2017), https://www.ggenyc.org/wp-content/uploads/2017/11/GGE_school_girls_deserveDRAFT6FINALWEB.pdf.

the expansion of school-wide restorative justice practices, but this funding is insufficient and expires in October 2024. Restorative practices hold students accountable for their actions, help address the root causes of behavior, and build and heal relationships; their adoption is correlated with improved academic outcomes, school climate, and staff-student relationships. The DOE has committed to bringing restorative practices to every middle and high school in New York City. Along those lines, the New York State Education Department just released a **Report to the Board of Regents** with recommendations that school policy and practice must shift from a punitive, exclusionary structure to helping students learn from their mistakes, providing proactive and supportive alternatives to keep students in class, such as restorative practices. Sustaining the progress that has been made in New York City and making this promise a reality will only be possible with continued and expanded funding—at both the individual school and central DOE levels—for full and effective implementation.

We appreciate the Council’s support of the Mental Health Continuum and restorative practices over the past year and urge you to prioritize these programs as the budget process moves forward this year.

Thank you very much for the opportunity to submit testimony. We look forward to working with members of this Committee to ensure that all students receive the support they need.