



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 Mental Health, Disabilities and Addiction and
the Committee on Health

RE: FY 24 Preliminary Budget

March 24, 2023

Thank you for the opportunity to submit testimony on the preliminary budget. My name is Dawn Yuster, and I am the Director of the School Justice Project 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.

Board of Directors

Kimberley D. Harris, *President*

Harriet Chan King, *Secretary*

Paul D. Becker, *Treasurer*

Eric F. Grossman, *President Emeritus*

Carmita Alonso

Matt Berke

Matt Darnall

Jessica A. Davis

Lucy Fato

Brian Friedman

Caroline J. Heller

Jamie A. Levitt, *past president*

Maura K. Monaghan

Jon H. Oram

Jonathan D. Polkes

Veronica M. Wissel

Raul F. Yanes

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.

Executive Director

Kim Sweet

Deputy Director

Matthew Lenaghan

Every child should have access to high-quality education and school-based social-emotional, behavioral, and mental health services – now, more than ever – given the continuing children and youth mental health crisis, with rates of anxiety, depression, and suicidality at unprecedented levels. As such, we were pleased when the City launched the Mental Health Continuum, an innovative, cross-agency model to help students struggling with mental health challenges access timely mental health care. However, funding for the program will expire in June unless extended in the FY 24 Budget. The FY 24 Preliminary Budget also did not include funding for the expansion of restorative justice practices, despite its effectiveness in improving school climate and teaching students indispensable life skills, such as problem solving and relationship building. We are once again relying on the Council, which was instrumental in securing funding for the Mental Health Continuum last year and



has been a champion of restorative justice practices for many years, to ensure the budget prioritizes these critical investments for our young people.

At Advocates for Children, we know from our work with thousands of families over the years how crucial school-based behavioral and mental health services are for students, particularly those with significant needs. The right services can mean the difference between healing and learning in school—versus unabated and potentially escalating emotional distress, disrupted learning, removal from class, suspension from school, or even police intervention, including handcuffing and transport by EMS to a hospital psychiatric emergency room when medically unnecessary.

Many New York City schools continue to lack the resources and appropriately trained staff to support their students' emotional, behavioral, and mental health needs; instead, they rely heavily on punitive, exclusionary discipline and policing. During the 2021-2022 school year, the DOE reported removing and suspending students 31,738 times from 1 to 180 days of school each time. Yet, the evidence patently shows that the systemic use of suspensions—an adult reactive response—is an utter failure: exclusionary discipline leads to an increased likelihood of future behavioral incidents, school dropout, and involvement in the juvenile legal system.

In the 2021-2022 school year, the NYPD reported 2,386 “child in crisis interventions” in which a student displayed signs of emotional distress, was removed from school by a police or school safety officer, and was sent to a hospital for a psychological evaluation. Of these students, 40% were Black despite Black students accounting for only 24.4% of the total NYC public school population. Moreover, during these transports, 59.9% of the students handcuffed were Black, including a 6-year-old Black girl. Additionally, the number of mitigations, where police or school safety agents intervened in an incident but then the student was released to the school, jumped from 5,102 incidents in the 2018-2019 school year to 8,223 in the 2021-2022 school year. The NYPD report for fall 2022 data shows the total number of NYPD interventions is the highest it has ever been at 5,366.

We cannot punish or police our way out of our youth mental health crisis. These responses do nothing to address the root causes of student behavior; rather, they reduce the time spent in class learning, and correlate with poor academic outcomes, decreased likelihood of graduating, and increased likelihood of entering the juvenile or criminal legal system. We know that punishing and excluding students from school can only exacerbate behavioral and mental health needs, alienating young people from the place that should be a haven for learning and support. As a City, we must start treating all students as we want our own children to be treated.

Safety does not exist when Black students and students with disabilities are forced to interact with a system of policing that views them as a threat and not as students. Indeed, there is overwhelming evidence that these harsh responses harm children's futures and do nothing to ensure public

safety.¹ By contrast, there is substantial evidence that mental health support, trauma-informed care, restorative justice practices, and positive behavioral intervention strategies in schools are effective ways to improve school climate and culture.²

Research shows that students are 21 times more likely to seek support for mental health issues at school than at a community-based clinic. According to the School-Based Health Alliance, of students who successfully engage in mental health treatment, more than 70% initiated services through school. Data also indicates that school-based mental health services reduce racial disparities in access to mental health care.

It is more dire than ever that our City prioritize investments in programs and practices that support students. To this end, we urge the Administration and the City Council to negotiate a bold, equitable budget that prioritizes the social-emotional, behavioral, and mental health investments that our children and young people need and deserve, including the following:

- **Baseline \$5 million for the Mental Health Continuum, a promising model recently highlighted in the [Mayor's Mental Health Plan](#) and the DOE Chancellor's testimony at the hearing before the City Council Committee on Education on the FY 24 Preliminary Budget.**
 - **DOE: \$787,272; H+H: \$3,740,255; DOHMH: \$472,473 (Total: \$5M).**

The Mental Health Continuum is the first-ever cross-agency partnership between the NYC Department of Education, NYC Health + Hospitals (H + H), and the NYC Department of Health and Mental Hygiene 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 5 H+H mental health clinics; dedicated clinical staff to provide students with expedited access to mental health evaluation and treatment services using a combination of on-site school services, tele-health services and clinic-based services; the NYC Well hotline to advise school staff who have mental health inquiries; Children's Mobile Crisis Teams to respond to students in crisis; school-based mental health managers to liaison with clinical staff and families; culturally-responsive family engagement; and training in Collaborative Problem Solving, which builds school staff capacity to better manage student behavior. Thanks to the Council's support, the FY 23 Budget included \$5M for the Mental

¹ The Bazelon Center for Mental Health Law, *Replacing School Police with Services that Work* (Aug. 2021), <http://www.bazelon.org/resource-library/publications/>; The Sentencing Project, *Back-to-School Action Guide: Re-Engaging Students and Closing the School-to-Prison Pipeline* (Aug. 2021), <https://www.sentencingproject.org/publications/back-to-school-action-guide-re-engaging-students-and-closing-the-school-to-prison-pipeline/>; ACLU of California, *No Police in Schools: A Vision for Safe and Supportive Schools in California* (Aug. 2021), <https://www.aclusocal.org/en/no-police-in-schools>.

² See, e.g., *id.*

Health Continuum, but this funding was not baselined or included in the FY 24 Preliminary Budget and, therefore, will expire in June unless extended in the FY 24 Budget.

- **Baseline \$85 million to expand schoolwide restorative justice practices to 500 high schools.**

This funding should include:

- \$75M directly to 500 high schools to hire a school-based Restorative Justice Coordinator; and
- \$10M directly to schools for Restorative Justice Practices, including:
 - \$2.2M for access to ongoing restorative justice training for all school staff, students and families;
 - \$800,000 for opportunities for educators and students to develop restorative justice curriculum;
 - \$5M to fund restorative justice electives, clubs, and/or advisories for students, including opportunities for students to obtain course credit; and
 - \$2M to sustain paid school-based opportunities and work-based learning internships for young people to lead restorative justice practices.

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. However, most NYC schools still do not have the staff, training, and resources needed to implement restorative practices with integrity where restorative justice practices are woven into the fabric of the school community—with a school-based restorative justice coordinator; ongoing training and coaching for staff, students, and families; restorative justice courses, clubs, and advisories; restorative justice integrated into the curriculum; and paid school-based opportunities and work-based learning internships for young people to lead restorative justice practices.

Restorative practices hold students accountable for their actions, help address the root causes of behavior to prevent incidents from occurring in the first place, and build and heal relationships. Their adoption is correlated with improved academic outcomes, school climate, and staff-student relationships.

All signs indicate that it is more urgent than ever that we prioritize the behavioral and mental health needs of our children and young people. To do so, we must make substantial, sustained investments in creative, collaborative, and community-based models with school-based behavioral and mental health services for students. Our City’s young people are counting on us.

Thank you very much for the opportunity to submit testimony.