



Legislation Text

File #: Res 0071-2024, **Version:** *

Res. No. 71

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.3903/S.5103, to amend the education law, in relation to including policies and procedures in school safety plans for responding to students having mental health crises in order to reduce the instances where schools resort to police intervention in mental health emergencies.

By Council Members Cabán, Ayala, Sanchez, Hanif, Avilés, Nurse, Gutiérrez, Riley and Hudson

Whereas, In 2013, a group of parents sued the New York City Department of Education (DOE), claiming that schools violated their children’s constitutional rights and broke federal law by calling 911 in response to behavior that, in many cases, resulted directly from a student’s disability, such as mental health issues; and

Whereas, As part of the 2014 settlement of that case, the DOE issued a regulation that requires schools to make every effort to manage students in distress safely without involving police; and

Whereas, Chancellor’s Regulation A-411 (CR A-411), issued May 21, 2015, on “Behavioral Crisis De-escalation/Intervention and Contacting 911” requires schools to employ efforts to de-escalate the behavior safely, including by deploying trained crisis response teams and allowing parents to speak to their children by phone, if possible; and

Whereas, Only where a student’s behavior poses an imminent and substantial risk of serious injury to himself or others and the situation cannot be safely addressed by school staff does CR A-411 allow staff to call 911; and

Whereas, Despite adoption of CR A-411, a May 2023 investigation by THE CITY and ProPublica found that New York City schools continue to call on safety agents and other police officers to manage students in distress thousands of times each year-incidents the New York Police Department (NYPD) calls “child in crisis”

interventions; and

Whereas, According to that investigation, since 2017-the first post-lawsuit year for which the NYPD reported complete data-schools have seen an average of 3,200 incidents per year, excluding 911 calls made in 2020 and 2021, when schools operated on a remote or hybrid schedule due to the COVID-19 pandemic; and

Whereas, According to *The Systemic Racism of School Policing*, a study by the Urban Youth Collaborative analyzing 2016-2020 policing data for DOE schools, Black and Latinx youth accounted for about 90 percent of arrests by school police despite being only about 65 percent of the student population; and

Whereas, More particularly, according to the Urban Youth Collaborative study, Black students accounted for almost 50 percent of “child in crisis” incidents involving mental health issues despite being only about 25 percent of the student population; and

Whereas, The incidence of child and teen mental health crises has been on the rise in the wake of the COVID-19 pandemic, according to the American Psychological Association; and

Whereas, However, it should not be the case that police, whose job is to enforce the law, should be first responders for students experiencing emotional distress or mental health crises, as law enforcement training and methods are almost never the appropriate response to mental health emergencies; and

Whereas, A.3903, sponsored by Assembly Member Chantel Jackson, and its companion bill S.5103, sponsored by Senator Cordell Cleare, would amend the education law, in relation to including policies and procedures in school safety plans for responding to students having mental health crises; and

Whereas, In addition, A.3903/S.5103 would preclude the use of summoning police for a mental health crisis where there is no perceived or expected threat of violence; and

Whereas, Moreover, it is incumbent upon schools to ensure appropriate intervention and assistance to students experiencing mental health crises; now, therefore, be it

Resolved, That the Council of the City of New York calls upon on the New York State Legislature to pass, and the Governor to sign, A.3903/S.5103, to amend the education law, in relation to including policies and

procedures in school safety plans for responding to students having mental health crises in order to reduce the instances where schools resort to police intervention in mental health emergencies.

Session 13

LS # 6438/13536

01/19/2024

Session 12

LS# 6438, 13536

8/22/23

JA/RHP