



**Testimony of the NYC Public Schools on New Safety Initiatives in NYC Public Schools
Before the New York City Council Committees on Education and Public Safety**

October 25, 2023

Good afternoon, Chair Joseph, Chair Hanks and all New York City Council Committee members on Education and Public Safety here today. My name is Mark Rampersant, and I am the Chief of Safety and Prevention Partnerships for the New York City Public Schools (NYCPS). I am joined today by my NYCPS colleagues Robin Davson, Executive Director of School Climate and Culture, Gillian Smith, Executive Director of School Counseling Programs, Aaron Barnette, Deputy Executive Director of Safety and Prevention Partnerships, and Mary Shamon, Director of Crisis. I am also joined by our partners in the New York Police Department (NYPD) and NYPD School Safety Division (NYPD SSD) who are sharing testimony this afternoon. Thank you for the opportunity to discuss our ongoing efforts to ensure that all schools are safe and supportive.

At NYCPS, we are committed to ensuring complete safety where our students feel physically safe and benefit from the intentional presence of programs that center on emotional wellness in the form of trusting relationships, equity, affirmation, compassion, dignity, and respect. To achieve complete safety, we cannot do this alone. Through partnerships with other city agencies, community and faith – based organizations, parents as partners, and with our students, we strive to create secure, and affirming environments in which teaching and learning can take place each day and students are valued and respected.

Last school year, Chancellor Banks announced a comprehensive plan to reimagine school culture and student safety. Students reach their greatest potential when they are both physically and emotionally safe and building upon existing practices in schools, this comprehensive plan was developed to create a pathway towards success for all students. This plan included both physical as well as emotional safety elements such as enhanced training in emergency readiness for staff, communication application for schools, increased access to social work supports, sustaining SEL



and Restorative Practices and the launching of a new initiative, Project PIVOT. We continue to build upon these elements outlined in the plan and happy to elaborate on these items for you today.

To ensure that our schools are prepared to address any emergency, we provide training opportunities for staff and students in emergency readiness, specifically our General Response Protocols (GRP). To continue to build capacity of our school staff, in SY22-23, we enhanced our emergency readiness training in collaboration with the NYPD. Augmenting our existing GRP, this enhanced training focused on responding to an active threat and introduced the concept of Run, Hide, Fight. This concept was incorporated in the existing training schools receive annually.

In addition, in SY22-23, NYCPS launched a real – time push communications application, referred to as Grades, Attendance, Messaging Application (GAMA). This application allows schools to communicate updates on incidents and activities with staff, students and families in multiple languages such as any school closings or in the case of an emergency such as lockdowns, shelter-ins, or evacuations. Since the launch of the GAMA messaging tool, as of October 12, over 1,200 schools have used the messaging application.

We are always exploring new and innovative ways to strengthen our safety and security procedures. In February, we expanded upon the comprehensive safety plan when we announced the Safer Accesses (Door Locking) Initiative, which will now allow schools to use the up-to-date, scalable door-locking technology to lock the main entrance door to the school during the day except for morning entry and dismissal. The front door will be outfitted with this new technology for first responders to access during an emergency. This technology will be installed in three phases, with phase I, which includes 744 schools prioritizing elementary school sites, currently underway. We anticipate that this full project will be completed by June 2025. All school staff will be trained in the functionality of this new technology and schools have been provided with signage to be posted at the main entrance as well as a letter to share with families. We also worked with our partners in District 75 to ensure that the system meets the needs of individuals with disabilities.



Also in February, Mayor Adams and Chancellor Banks called for increased communication between our school leaders and NYPD precinct commanders and scheduled a meeting for principals to meet weekly with the commanders of their local precincts to discuss any safety concerns or community issues, upcoming events, and opportunities for collaboration. Our principals continue to meet regularly with their local precinct commanders. This school year, our Superintendents will participate in a monthly meeting with NYPD Borough Commanders to discuss district wide safety concerns, upcoming district events, and other opportunities to collaborate with the NYPD borough commands.

Strengthening our efforts to create an ecosystem of supports, in September 2022, NYCPS launched a new initiative, Project PIVOT, that builds upon prior investments prioritizing student well-being, physical and emotional safety to address external incidents involving youth. At its core, Project PIVOT is a true connection between schools and community-based partners, most of which have a shared understanding of the community's needs. To date, schools can select from approximately 170 grassroots, community-based partners that have an intimate knowledge of the communities they serve and have a known presence in the neighborhoods. These community-based organizations engage students in positive activities during the school day, after school and/or Saturday hours to build relationships with positive influences and offer services including safety and violence prevention programming, mentoring, leadership, career readiness, attendance support, and enrichment through arts, sports, etc. This initiative commenced with 144 schools in SY22-23 and expanded to 250 schools this school year. Schools have recently received funding for this school year and are either selecting partners or have selected partners and commenced services.

We remain committed to enhancing Social Emotional Learning (SEL) and Restorative Justice Practices (RJ) in schools. Elementary K-5 schools will continue to have on-going professional development and access to digital resources, grade specific curriculum and activities designed for relationship building through the Harmony program. We are building the capacity of school staff supporting grades K-5 to incorporate SEL into academic instruction. We are strengthening RJ practices in school geared toward disrupting and dismantling systematic practices detrimental to



students' growth and achievement. RJ Practices allows schools to build and foster stronger relationships with students, teach strategies for self-management, while building community and preventing conflict and violence in their school communities. Thanks to the continued advocacy of the City Council, NYCPS introduced RJ practices in 25 schools in 2016. Today, we have expanded RJ Practices on varying levels in over 900 schools citywide.

Thanks to the continued support and advocacy of the City Council, NYCPS has been able to increase our allotment of social workers and school counselors to over 5,000 to date. This allows us to ensure that all schools, at a minimum, have access to a social worker, counselor, school-based mental health clinic, or a community based mental health provider on-site, ensuring a strong foundation of support for all our students. Our Central Crisis Support team (CSST) is centrally – based and is comprised of licensed supervisors and social workers who provide immediate and short-term support for school communities impacted by crisis, such as the death of a community member (i.e., Beloved student or staff), fire, community violence, etc. CSST develops and facilitates professional learning for school based social workers with a focus on culturally relevant trauma informed practices, de-escalation, adverse childhood experiences as well as other topics which support social emotional growth. Recognizing that our school communities can benefit from additional support, we are adding capacity by partnering with higher education institutions to place social work interns in schools to support students and families. In addition, we meet with our higher education partners to review and align curriculum to ensure it targets the skills needed to be an effective social worker in a NYCPS. To date, through 18 partnerships, such as with Fordham University, New York University, Columbia University, Hunter College, and Stony Brook University, we have placed 203 social work interns in 29 of our 32 districts across the city. To continue building capacity, we received state certification to offer continuing education units (CEU) for social workers last school year, required for all social workers to maintain their license and earn clinical skills. As a CEU provider, we are able, through our CSST supervisors, to offer up to 8 CEU courses over the course of the academic year.



In 2019, NYCPS and the NYPD revised its Memorandum of Understanding governing police engagement in schools, stressing our joint commitment to ensuring that schools are safe and supportive environments for students. The Office of Safety and Prevention Partnerships (OSPP) works in lockstep with our partners in the NYPD and the NYPD SSD. Together, we continue to establish safety protocols and procedures in schools, develop school safety and emergency readiness plans and training for School Safety Agents (SSA) across various topics.

School Safety Agents (SSAs) are integrated into our school communities from the first day. During the academy, new SSA recruits participate in a 10-day training led by facilitators from NYCPS that covers an array of topics including school governance, Chancellor's Regulations, school climate, bullying, crisis, de-escalation, youth mental health first aid, suicide awareness, child abuse, and supporting individuals with disabilities with a focus on autism. We are happy to share, that this year, in collaboration with NYPD training unit, under the supervision of Chief Obe, staff from the NYCPS Office of Special Education is facilitating a training on supporting individuals with disabilities with a focus on autism for new recruits in the NYPD Police Academy as well as NYPD field trainers. In addition, we are assisting in the development of a curriculum that NYPD can turnkey to senior NYPD personnel.

In an effort to equip schools with the tools to de-escalate student behavior, in line with Chancellor's Regulation A-411 which outlines the policy on responding to behavioral crises and when to contact 911 for emergency medical services, we introduced Therapeutic Crisis Intervention in Schools (TCIS) during the spring of 2015. Since then, we have trained approximately 6,000 staff members in various roles, including school administrators, teachers, counselors, and other school staff. In collaboration with the NYPD SSD, we have trained 350 Level III agents and Supervisors. Since SY 22-23, key components of TCIS are embedded into the training provided to new NYPD School Safety Recruits in the Academy. We have trained over 580 new recruits to date.

In SY22-23, the number of EMS transports for emotional/psychological condition of a student decreased by 2.2% when compared to the year prior. We are happy to see this number trending down but there is still much more work to do, and we continue to work with our school



communities to ensure that students experiencing a behavioral crisis are addressed in a supportive manner where they are able to receive the help they need.

In conclusion, I would like to reiterate that safety is not only meeting the physical needs of our students, but also the emotional well-being of students and we continue to work towards ensuring that our students are both physically and emotionally safe in schools. As Chancellor Banks reminds us, it takes a village, and with continued support from Council and our city agency partners, we strive to ensure that our students are supported both academically and social emotionally and are equipped with the tools necessary to reach their full potential. Thank you today for the chance to testify on this important topic and answer any questions.

**STATEMENT OF INSPECTOR KEVIN TAYLOR
COMMANDING OFFICER, SCHOOL SAFETY DIVISION
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL COMMITTEES ON PUBLIC
SAFETY AND EDUCATION**

OCTOBER 25, 2023

Good morning Chair Hanks, Chair Joseph and members of the Council. I am Inspector Kevin Taylor, the Commanding Officer of the School Safety Division of the New York City Police Department (NYPD). I am joined today by Assistant Commissioner Andy Shiwnarain and Director Josephine Torlone from the School Safety Division, and Juliane Farruggia, the Managing Attorney of the Department's Legislative Affairs Unit, as well as our partners from NYC Public Schools (NYCPS). On behalf of Police Commissioner Edward Caban, I would like to thank you for this opportunity to discuss the important work being done by our School Safety Agents (SSAs), and to provide information on initiatives being introduced in our schools this school year, as well as to comment on the bill being heard today.

Our New York City Public School system is made up of over 1,800 schools that reside in over 1,400 physical buildings, and the safety of each and every student and faculty member is necessary to provide the best environment for children to learn and succeed. School safety means the protection of all students from violence, exposure to weapons, bullying, and illegal contraband. This is the core mission of the NYPD's School Safety Division. If a student experiences a constant sense of uncertainty while at school or traveling to and from school, then we have failed them even before the real educational work has begun. We are focused on providing students the freedom to learn and reach their full potential in a safe environment and the partnership between the NYPD and NYCPS is critical to this goal.

Our dedicated School Safety Agents are skilled professionals who represent the diversity of our city. In fact, about 73% of our SSAs are women. Every day they make the NYPD and the communities they serve proud while continuing to do more with less, just like every aspect of the Department. We are down approximately 1,000 SSAs as compared to pre-pandemic staffing levels. But each of our 3,930 School Safety Agents remain committed to building the personal relationships with students and staff. We would not be experiencing the successes we have seen without the solid relationships our School Safety Agents have developed with our principals, administrators, teachers, parents and our students.

One of the most challenging aspects of being a School Safety Agent is having to handle a child in crisis, however our SSAs rise to these challenges and keep everyone involved safe. This is attributed to the multiple levels of training our SSAs receive. Initially, School Safety candidates must complete a comprehensive 20-week training program at the Police Academy. During this time, they receive training in law, police science, behavioral science, physical education and tactics. These programs all focus on many diverse topics such as bullying, the LGBTQIA+ community, tactical communication and de-escalation. This academy training also includes a Therapeutic Crisis Intervention training component provided by instructors from NYCPS. I am also now requiring each

School Safety Agent to participate in a one-day in-service training course entitled Mental Health First Aid, which is taught by members of our Department. This is all on top of the training SSAs receive throughout the year in areas such as mediation and responses to active shooter situations and other emergency conditions.

In partnership with the NYC Public Schools, the NYPD School Safety Division has piloted a new reporting platform for all public and charter schools here in NYC. The new NYPD School Safety Tip Line will allow students, parents, teachers, staff and even the general public to report suspicious activity, potential threats against schools, school safety concerns and more. The tip line will also help to support mental health concerns, bullying, cyberbullying and self-harm concerns. The tip line will be managed and monitored 24/7 by School Safety personnel. There are three ways to report information using the new school safety tip line. You can call, text or use the SaferWatch app to report, by selecting your school and then selecting the incident type you would like to report.

We have all heard of the saying, “if you see something, say something.” The SaferWatch app is a new modernized 360-degree approach to school safety that will also be used to notify parents about serious situations happening in or around our schools. This application, which is currently being piloted in five schools, allows school administrators to quickly alert the School Safety Division of dangerous situations, such as an active shooter or violence near or around a school, which also triggers a hard lockdown of the building.

We are also in the initial stages of a program which will require the front door of each school to remain locked. This involves installing a camera and two-way speaker at each front entrance to allow our SSAs to assess who is seeking entrance into the school and why.

Our biggest advancement in technology for school safety, and perhaps in the nation, is the state of the art real-time command center located at School Safety Division headquarters in Queens. The command center is staffed with SSAs who monitor the police radio feeds and cameras in the areas around a school building who are able to immediately alert school personnel and patrol officers of any serious incidents occurring outside of or near school buildings. This is the first time a command center model has been applied to school safety, and having eyes outside of the school has already proven to be a valuable tool.

One of the duties of a School Safety Agent is to confiscate contraband entering our schools, including weapons. As civilian members of the force, our SSAs do this bravely without carrying a weapon of their own. SSAs cannot protect our students if they are in danger themselves, so that is why we decided, in collaboration with NYCPS administrators, to equip SSAs with ballistics vests. Everyone involved agreed that this was the best way to protect our agents, while contributing to a school environment that is comfortable and conducive to learning.

To further promote the safety of our students, NYPD created the Youth Response Team (YRT). The YRT consists of School Safety Agents and specially selected NYPD uniformed officers who safeguard students as they travel to and from school. This means there is high visibility of NYPD presence along major travel routes. The team is currently in three boroughs, Manhattan, the Bronx, and Brooklyn, but they may also be deployed anywhere citywide depending on intelligence received daily.

Next, I would like to discuss the bill being heard today, **Intro. 3**. This bill would establish rigid procedures for responding to children in emotional crisis and limit the use of mechanical restraints in those scenarios. The bill would also require training on identifying and responding to children in emotional crisis, and to report on the training to the Council. The Department has concerns regarding the strict nature of the bill's language that could delay the NYPD's response to extremely serious emergency situations. We are all in agreement that students in crisis must be treated with the greatest sensitivity. This is why the Department implemented Patrol Guide Procedure 215-13, which governs how and when officers may or may not use restraints on a student, and Patrol Guide Procedure 215-17, which introduces a layer of checks and balances around when we would make arrests inside of NYCPS buildings. To codify into law many of the same procedures the Department already abides by will create unnecessarily stringent restrictions on what are, by their very nature, time-sensitive and potentially dangerous situations. We do support the intent of the bill and look forward to having a dialogue about the best way to achieve the bill's goals.

In closing, the NYPD takes the responsibility of providing a safe learning environment in every school very seriously and we look forward to continuing our partnership with the NYCPS to ensure that our mutual goal, to keep our children safe, is met day in and day out.

Thank you for the opportunity to speak with you today, and I am pleased to answer your questions.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEES ON PUBLIC SAFETY AND
EDUCATION
OCTOBER 25, 2023**

Good afternoon,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Chairs Joseph and Hanks and the members of the Committees on Education and Public Safety for holding this important hearing.

School is central to children's lives: they are there six hours a day, five days a week, and school is often students' main source of social interaction and emotional and academic support—and, for some students, their only reliable source of food and mental and physical health care. Too often, however, students feel unsafe and unsupported in their school environment. In addition to the uniquely American threat of school shootings and gun violence, NYC's schools have recently been the target of burglary and larceny.

Safety, both actual and perceived, has an enormous impact on student well-being and success. A safe school environment is crucial to the healthy academic and social development of students, and research has connected school environments to academic outcomes.¹² Parent perceptions of school climate and safety also indirectly affect their children's academic outcomes by influencing their perceptions and attitudes towards school and school engagement.³

While there is no way to predict which students may commit an act of violence, youth violence has been linked to poverty, neglect, violence in the community, distrust between students and school staff, trauma, victimization of students by educators (often in the name of discipline), and a lack of student support and extracurricular activities.⁴⁵

Despite agreement on the importance of school safety, how to create a safe environment for students is hotly debated. Instead of attempting to address root causes of school violence, many schools turn to policing and harsh disciplinary policies, which perpetuates a cycle of violence, victimization, exclusion, and carceral contact.

The harms of police infrastructure in schools are well-documented. Schools and other public spheres have increasingly embraced the youth crime-control complex, which views young people through the optic of law and order: with the growing presence of police, surveillance

¹ https://rems.ed.gov/docs/Student_Perceptions_Safety_Fact_Sheet_508C.pdf

² https://pdf.usaid.gov/pdf_docs/PA00TP9K.pdf

³ https://rems.ed.gov/docs/Student_Perceptions_Safety_Fact_Sheet_508C.pdf

⁴ https://www.cdc.gov/violenceprevention/pdf/school_violence_fact_sheet-a.pdf

⁵ <https://www.voicesofyouth.org/blog/violence-schools-causes-and-solutions>

technologies, and security guards in schools, more and more of what kids do, how they act, how they dress, and what they say is defined as a criminal offense. This disproportionately harms students of more color, particularly Black students: Black students represent 49 percent of all school-based NYPD interventions, even though Black young people make up only 26 percent of the student population.⁶

Safety concerns regarding schools are valid. Police presence and police infrastructure in schools is one way for schools to address their safety concerns, but one that has its roots in times of racial tension. Using police as a safety tool is also reactionary, often addressing violent or disruptive incidents after they happen, and focuses on punishment, discipline, and even arrest as consequences.

Students with disabilities and mental health needs are also vulnerable to harsh discipline and arrest in schools for behavior directly linked to their disability. A recent investigation by THE CITY and ProPublica found that, despite the fact that schools are only supposed to call 911 in the most extreme situations, NYC schools continue to call on safety agents and other police officers to manage students in distress thousands of times each year.⁷ In thousands of instances, children—including those as young as five years old—were handcuffed as they waited for an ambulance to arrive. Many students with disabilities have, as a result, leave their schools because educators and administrators are unequipped or unwilling to meet their needs.

While the city previously invested in restorative justice programming, social-emotional learning, increased mental health supports for students, and committed to increasing the number of social workers in schools, recent and impending budget cuts have jeopardized these initiatives. It is crucial that we double down on programs and policies that we know promote school and community safety.

It is also important to address safety in the communities surrounding schools: NYC Schools Chancellor David Banks reported that students have been bringing weapons to school to protect themselves while traveling to and from school, not to harm their classmates.⁸ Just like in schools, we cannot police ourselves out of violence in our communities; we must invest in what works, including housing, mental and physical healthcare, education, employment support, and violence interruption. Our approach to school safety must be holistic, as schools do not operate in a vacuum.

New York City must work towards the goal of removing police infrastructure from its schools, including metal detectors and other invasive surveillance technology and the presence of law enforcement and turn to a vision of school safety that focuses less on the absence of police presence and infrastructure, and more on the presence of supportive, healing frameworks. Removing police presence and infrastructure from schools is only part of one step in the process to create safe, supportive schools where New York City's children can thrive. Creating schools

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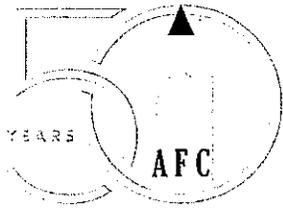
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⁷ <https://www.propublica.org/article/nyc-schools-students-police-emotional-crisis-nypd>

⁸ <https://abc7ny.com/back-to-school-back-to-school-nyc-public-schools/13725589/>

that are truly safe requires a cultural shift away from punitive punishments and carceral practices, and an emphasis instead on healing, healing-centered practices, accountability, equity, and restorative justice.

Thank you.



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**

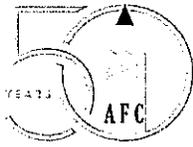
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My name is Rohini Singh, and I am Director of Advocates for Children of New York's ("AFC's") School Justice Project. For over 50 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to 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



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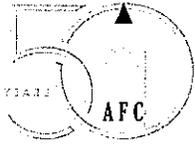
these interventions (5,831, or 48.4%) involved children between the ages of 4 and 12. In nearly one out of every ten interventions, the NYPD's response to an apparent school-based mental health crisis involved putting handcuffs (i.e., metal or Velcro restraints) on the child. In addition, a disproportionate 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.

**Testimony of Alice Bufkin, Associate Executive Director of Policy and Advocacy and Caitlyn Passaretti, Policy and Advocacy Associate
Citizens' Committee for Children of New York**

**Education Committee and Public Safety Committees
Oversight Hearing: New Safety Initiatives in NYC Public Schools
October 25th, 2023**

Since 1944, Citizens' Committee for Children of New York has served as an independent, multi-issue child advocacy organization. CCC does not accept or receive public resources, provide direct services, or represent a sector or workforce; our priority is improving outcomes for children and families through civic engagement, research, and advocacy. We document the facts, engage and mobilize New Yorkers, and advocate for solutions to ensure that every New York child is healthy, housed, educated, and safe.

We would like to thank Chair Joseph and Chair Hanks and all the members of the Committees on Education and Public Safety for hosting this oversight hearing to address new safety initiatives in NYC Public Schools. Students deserve to feel safe at school and to have behavioral health resources available that will help them learn and thrive.

Too often, students experience harm in schools at the hands of school police, and this harm disproportionately impacts Black and Latine students. A recent [report by Advocates for Children](#) found that in nearly 10% of "child in crisis" interventions, the NYPD responded to a student's mental health crisis by handcuffing the child with metal or Velcro restraints. In the most recent school year, there was an almost twenty percent increase in child in crisis interventions, and the police used handcuffs in 8% of those interventions. More than half of students who were handcuffed were Black, despite Black students accounting for only 24% of the public enrollment of New York City's schools.¹ The school to prison pipeline starts with unjust school discipline and disproportionately pushes students of color and students with disabilities out of schools and into contact with the juvenile justice system. We must address the roots of this pipeline, including by ensuring students feel safe and supported in schools.

In their [2023 Youth Agenda](#), NYC students emphasized their needs for mental health services. According to the Youth Ask Youth Census, over 35% of youth did not have access to mental health services when they needed them, and almost 30% of surveyed youth could not access medication, support groups, trusted people to speak with, or general counseling when they needed it. This is an unacceptable reality for students who are reporting high rates of stress and anxiety. Young people urgently need interventions that offer care and support, not punitive interventions.

Int. No. 0003-2022 is an important step towards ensuring students in crisis receive the supportive services they need, rather than harmful intervention by law enforcement. This bill will prohibit the use of physical and material restraints on students who are experiencing a behavioral or emotional crisis. The bill also requires greater regulation of police response to students, strengthens requirements around documentation of de-escalation efforts, and identifies trained clinical staff as the appropriate first responders to students in emotional. These are all important provisions that CCC strongly supports.

¹ Advocates for Children of New York. "Police Response to Students in Emotional Crisis." June 2021.
https://www.advocatesforchildren.org/sites/default/files/library/police_response_students_in_crisis.pdf?pt=1

However, we do not support language in bill that would direct more funding to school police, including through trainings. We believe funding is best spent on training and supporting school and community personnel who can offer direct mental health supports to young people and prevent the involvement of the NYPD or school police. Young people repeatedly tell us that police do not make their experiences in schools safer, and as such we urge that funding be devoted to supportive services including restorative justice supports, school-based mental health clinics, the Mental Health Continuum, children's mobile crisis teams, and in-school supportive staff, as well as community supports such as youth and family respite centers. In order to protect funding for many of these critical programs, City leaders must ensure that funding for programs like restorative justice and school social workers is maintained even after federal stimulus funding for these investments expires.

We also urge the City to engage B-HEARD as part of the crisis response instead of 911 if police are called. However, there are ways the City can improve B-HEARD's response to ensure it does not unnecessarily involve police and is appropriate for intervention with young people, including by taking the following steps:

- B-HEARD should respond with certified crisis-trained peer specialists along with EMTs and social workers
- BHEARD should be trained in addressing the particular challenges and needs of children and youth, including trauma
- B-HEARD should not unnecessarily call NYPD officers to the scene

Finally, CCC stands with other advocates in this space urging the City to redirect funding from school policing towards preventive services for students, including behavioral health services. Therefore, we echo our partners in calling for:

- **Redirect** \$350 million funding from school policing into opportunities for young people in schools and communities
- **Implement** a hiring freeze for school policing,
- **Reject** the Mayor's "Enhancing Security Measures" proposal that would install remote surveillance technologies in our schools.

Students deserve to be supported and thrive while in school. We look forward to collaborating with the City Council in making schools a safe and supportive space for all students, and appreciate the consideration of these important issues.

Thank you for the opportunity to provide testimony.



Center for Family Representation (CFR)

Testimony of Sandeep Kandhari

Presented Before

The New York City Council Committee on Education, jointly with the Committee on Public Safety

Hearing Date: October 25, 2023

Center for Family Representation (CFR) is grateful for the opportunity to submit testimony to the City Council Committees on Education and Public Safety. We thank Chairs Joseph and Hanks for holding this hearing addressing student safety in New York City Public Schools. We also thank Council Member Caban for introducing Res. 0473-2022, which supports State legislation that would ensure young people are protected during police interrogations.

Overview of CFR

CFR, founded in 2002, was the first indigent defense provider in New York City for parents who are facing Administration for Children's Services (ACS) prosecutions in Family Court Act (FCA) Article 10 proceedings. CFR represents parents in Queens, New York, and Bronx counties. Since our founding in 2002, we have represented about 12,000 parents with more than 23,000 children. In 2019, CFR started its Youth Defense Practice, which defends young people in Manhattan and Queens who are prosecuted in either criminal or family court.

CFR employs an interdisciplinary model of representation, marrying in court litigation to out of court advocacy: every client is assigned an attorney and a social work staff member beginning at intake,

which is generally the first day a client is summoned to court. These teams are supported by paralegals, supervisors, and parent advocates, who are parents who have direct experience being investigated and prosecuted by the family policing system.¹

To address collateral issues that often undermine family stability, CFR launched its Home for Good program in 2015 to expand its work to provide families with additional holistic assistance in immigration, housing and public benefits, as well as criminal matters. In 2019, CFR launched its Youth Defense Practice, with the goal of avoiding youth incarceration. CFR extended its interdisciplinary representation model to the Youth Defense Practice, working closely with families to ensure that they have supportive services from their communities and that legal and social work assistance also involves their parents. For example, parents may need assistance with housing or public benefits, immigration, or finding community-based services like family counseling. Students may need advocacy so that they aren't suspended from school because of an arrest. Our team strives to avoid prosecution altogether, though young clients may need legal representation during investigations or in court.

I. CFR does not Support Int. 0003-2022

A. Police Do Not Belong in Schools

CFR is encouraged that City Council continues to focus on the importance of students' safety, well-being, and trust in New York City's public schools (NYC Public Schools). Many of the young people and families we work with feel that their schools are under-resourced and that school staff are overwhelmed, particularly when faced with intervening in the complex mental health, emotional, and behavioral challenges of students. We see that Int. 0003-2022 continues efforts to limit the contact between the New York City Police Department (NYPD) and young people and the use of restraints, however we sincerely hope that the City Council agrees that more must be done to fully remove school safety agents and NYPD from New York City public schools.

Students experience emotional and behavioral crises because of trauma, mental illness or disability, and lack of other supports, services, or interventions. Students experiencing a mental health crisis should never be met with a law enforcement presence. City Council is well-aware that the police do not safely and effectively de-escalate adults experiencing emotional or behavioral crises in the community - they are even less well equipped to de-escalate children experiencing emotional or

¹ CFR refers to the "child welfare" system as the "family policing" system to recognize that the system "is designed to regulate and punish Black and other marginalized people." Dorothy Roberts, Abolishing Policing also Means Abolishing Family Regulation, IMPRINT (June 16, 2020, 5:26 AM) [hereinafter Roberts, Abolishing], <https://imprintnews.org/child-welfare-2/abolishing-policing-also-means-abolishing-family-regulation/44480> [<https://perma.cc/3VAJ-H8WP>].d

behavioral crises.²

NYC Public Schools have long known that their practice of involving school safety officers and the NYPD to resolve students' emotional crises is ineffective and applied disproportionately to Black students.³ NYC Public Schools has had years to curb their reliance on school safety and NYPD as responders to students' emotional crises. It is alarming that since the 2014 court settlement of *T.H. et al. v. Fariña, et al.* (13 Civ. 8777), NYC Public Schools have continued to call 911 on students in emotional crisis just as frequently as they had before.⁴ Nothing has changed.

School safety officers and precinct-based NYPD lack the necessary training in de-escalation to appropriately help when students are experiencing emotional or behavioral crises. We are *not* asking for more training or more investment in the NYPD to address student behavior. Traumatic experiences with the police at school can lead to student disconnection from school and increase school absences.⁵ With investment in mental health resources instead of the police, students who experience emotional crises can emerge from those experiences without further trauma of contact with the criminal legal system.

B. New York City Public School Students and Staff Need More Support

As a legal provider that represents children who have been arrested, we have seen again and again how traumatic any contact with the police is for the children and families that we serve. We believe that there is no role for the school safety officers or the NYPD in New York City public schools, but we also acknowledge that there are not enough alternative resources to serve students experiencing emotional or behavioral crises in school.

We agree with the language of Intro. 0003-2022 that non-law enforcement school staff should be assessing what level of intervention is necessary to keep students and staff safe, however, we know from the experiences of the families that we work with that qualified clinical staff are often not available or accessible to every school community if and when they are needed to make these determinations.⁶

CFR recently worked with a sixteen year old in high school struggling with addiction. During one school day, he was found with a vape pen, and the pen was confiscated. Our client had a strong emotional response, and wouldn't leave the school, and the school called 911. When police arrived, they were unable to de-escalate, and they handcuffed him and brought him to the precinct. This is a

² Kramer, Abigail, "NYC Schools Handcuff and Haul Away Kids in Emotional Crisis" ProPublica and THE CITY, , May 4, 2023, 5:00am, <https://www.propublica.org/article/nyc-schools-students-police-emotional-crisis-nypd>.

³ *Id.*

⁴ *Id.*

⁵ Advocates for Children, Police Response to Students in Emotional Crisis, June 2021,

https://www.advocatesforchildren.org/sites/default/files/library/police_response_students_in_crisis.pdf?pt=1.

⁶ New York State Comptroller, "Audit of Mental Health Education, Supports, and Services in Schools, New York City Department of Education" August, 2022, <https://www.osc.state.ny.us/files/state-agencies/audits/pdf/sga-2022-20n7.pdf>.

student with an Individualized Education Plan who needs additional support and yet the remedy for that day was to have the NYPD handcuff him and remove him from his school community.

Our client's experiences would be different if the emotional crises they experienced were addressed by trained mental health professionals. We ask that NYC Public Schools hire mental health professionals to work within school communities consistently, so that if students do experience emotional crises, intervention happens by a familiar adult who could appropriately de-escalate situations in the moment without police involvement. Critically, these staff could then work with school communities after these incidents to restore and repair trust and comfort within student and staff populations. Evidence-based de-escalation appropriate for the particular circumstances of the student involved are the only way to minimize harm, both to that particular student and to the larger school community.

City Council must take action to combat the structural racism of the school-to-prison pipeline and ensure that schools have the resources to serve the students who are most in need. Parents and students need to be able to trust that their school communities are well-equipped to work with even the most vulnerable students safely without ensnaring them in the criminal legal system. CFR urges City Council to continue its efforts to make New York City public schools safe without criminalizing the conduct of children.

II. CFR Supports Res. 473

Under current New York law:

- Police are allowed to interrogate a child without a parent or guardian present.
- Police can lie to a youth in order to induce that youth to waive their right to remain silent.
- Police are not required to allow a child to meet and talk with their parent or guardian before the police read the child their Miranda rights.
- Police are not required to explain to the child and the child's parent or guardian what it is the police want to question the youth about.
- Police do not tell the child, parent and/or guardian that the child can stop answering questions any time the child chooses.
- Even if present, a parent or guardian may be unable to protect their child's right to remain silent because they do not understand the right either, the stress of their child's situation renders them unable to think clearly, or they have conflicting interests.

90% of youth waive their Miranda rights. Thirty years of research by psychologists, sociologists, and neurologists make it clear that even under controlled circumstances, children lack the capacity to fully appreciate the meaning and significance of the right to remain silent, and to appreciate the almost certain repercussions of waiving that right. Add to that the stress and tension inherent in a custodial interrogation, and the prospect of an intelligent and voluntary waiver of the right to remain silent becomes a myth.

Research also demonstrates that the young people most likely to come into contact with law enforcement are those with the most limited capacity to understand their rights.

While false confessions are just the tip of the iceberg when it comes to Miranda waivers, these are the same children who are most likely to say whatever they think will most immediately relieve them from the stress and pressure they are exposed to when being interrogated. The Exonerated Five highlighted in “When They See Us” were not an isolated case, but rather an example of what happens all too often. Empirical research also tells us that children are significantly more likely than adults to falsely confess to a crime, and that the presence of a parent or guardian does not result in fewer waivers of Miranda rights.

We know that the children most likely to come into contact with law enforcement and the juvenile legal system are African-American and Latinx children from over-surveilled schools and communities. The result is a disproportionate number of Black and Latinx children interrogated by police without an attorney to help them decide whether to waive Miranda rights while their more affluent peers are protected by hired attorneys. For Black and Latinx children from low income communities, the protections of Miranda are illusory.

S.1099 / A.1963 would provide the needed protection. When police determine that interrogation of a child is necessary, this bill would require that a youth first consult with counsel before any questioning can take place. Consultation with counsel would be a non-waivable requirement that would exclude any statement taken in violation of the rule from being entered into evidence against the young person.

We call on the New York State Legislature to pass this critical piece of legislation to ensure that children’s Miranda rights are protected and minimize the risk of harm arising from false confessions.

We are grateful for the invaluable opportunity to share our thoughts about these important issues and look forward to being a part of this ongoing conversation. If you have any questions, please do not hesitate to reach out to CFR’s Director of Litigation for its Youth Defense Practice, Sandeep Kandhari, at skandhari@cfny.org or (646) 300-1058.



**The New York City Council Committee on Education
Honorable Rita Joseph, Chair
And
Committee on Public Safety
Honorable Kamillah Hanks, Chair**

**City Council Hearing:
October 25, 2023**

Testimony of the New York Immigration Coalition

Good afternoon and thank you Chairs Joseph, Hanks and members of the New York City Council Committee on Education and Committee on Public Safety. The New York Immigration Coalition (NYIC) is an umbrella policy and advocacy organization for more than 200 groups serving immigrants and refugees across New York State.

The NYIC supports Int 0003-2022 as a step forward in regulating the New York City Police Department (NYPD) response to students in emotional crisis and thanks Council for creating more protections for our students. However, we are not advocating at all for allocating funding for training for law enforcement officers to respond to students in crisis and urge that these funds be directed instead towards bolstering social-emotional supports for students to focus on creating healing-centered and restorative schools. Our educational institutions should be a safe place of learning and support for all students, even in instances of emotional distress. Unfortunately, our Black and Brown students, many of them immigrants, have long faced racial disparities in use of force and arrests. Crisis management teams, social workers and other support staff play an important role in providing the care and support our immigrant

students need. In doing so, we must recognize the unique challenges faced by our immigrant students with linguistic and cultural barriers, especially those in emotional crisis.

In addition, the NYIC supports Res 0476-2023, which calls upon the New York City Department of Education to consult with faith-based organizations to: develop and provide all grade levels with a curriculum that focuses on religious diversity, provide related professional development, support accurate classification of hate crimes and condemnation of harmful bullying. Our schools are microcosms of the diverse city we live in, and New York City has a responsibility to ensure that our school environments allow students of different backgrounds and experiences to thrive. This resolution will help safeguard our youth and foster a culture of tolerance within our educational institutions.

The NYIC additionally supports Res 0473 calling on the New York State Legislature to pass, and the Governor to sign S1099/A1963, which would protect youth during custodial police interrogation. The NYIC has long focused on helping protect immigrant families from interaction with law enforcement, which can be especially terrifying for youth who lack immigration status or are from mixed status families.

The NYIC also supports Res 0534-2023-A calling on the New York State Legislature to pass, and the New York State Governor to sign, A.3723/S.816/S.879, which would extend the hours of use for student MetroCards in New York City and prohibit the MTA from promulgating rules or regulations that penalize a student for using a student metrocard when school is not in session. Many of our immigrant youth work and have family obligations that

require travel after school and we support this commonsense measure to help relieve some of the enormous pressures - financial and emotional - on immigrant youth. We must ensure all youth have access to safe, affordable transportation when navigating our City.

Finally, the NYIC supports Res 0753-2023 calling on the New York state Legislature to pass, and the Governor to sign, A.3903/S.5103 to amend education law to include 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.

Thank you for the opportunity to submit testimony. Please do not hesitate to reach out to me with questions at kgordon@nyic.org.

Kesi Gordon

Senior Manager of Immigration Policy

New York Immigration Coalition



**Presented before the
New York City Council
Committees on Education and Public Safety
Oversight - New Safety Initiatives in NYC Public School
October 25, 2023**

Thank you Chair Rita Joseph, Chair Kamillah Hanks and members of the Education and Public Safety Committees for the opportunity to testify regarding New Safety Initiatives in NYC Public School. I am Wesner Pierre, the Chief Executive Officer of Partnership with Children.

Since 1908, Partnership with Children (PWC) has strengthened the emotional, social, and cognitive skills of children in New York City to succeed in school, society, and life. We place licensed clinical social workers and teaching artists in schools to provide young people growing up in poverty with trauma-informed mental health counseling, community-based programming, and healing-based arts education. Through this approach, our students build the skills necessary to break cycles of poverty and become advocates for their communities. Last school year, PWC's youth mental health, healing arts, and community-based programming impacted over 27,000 children, families, and community members across 48 NYC public schools. In 2015, PWC began partnering with the Office of Community Schools (OCS) as a Lead CBO in community schools across the city.

We would like to thank Speaker Adrienne Adams and the members of the City Council for their continued support of our services to support New York City students.

Importance of Feeling Safe

I first would like to acknowledge that we are all here today because we share one common belief— that all students deserve to be safe in schools. We appreciate the Council and the department of education's (DOE) efforts in working to ensure school safety. We understand that the DOE has taken efforts to hire additional school safety agents, lock school doors, and enhance safety training. We would like to underscore that student safety should not be limited to the physical nature of being safe—it should be inclusive of students' perceptions of *feeling* safe. Time and time again, many students have been expressing that they do not *feel* safe and it is incumbent on our leaders to address this reality.

We know that our students are still facing the ripple effects of the COVID-19 pandemic as well as other mental health challenges. As [reported](#) by the Mayor's office, in March, in 2021, nearly 40% of New York City high school students shared that they felt sad or hopeless almost every day for at least two weeks during that past year. Latinx and Black students were most at risk as in the same survey, 42% of Latinx and 41% of Black students reported feelings of sadness or hopelessness in comparison to 30% of White students.



Student challenges with mental health often lead to them engaging in actions and behavior that are not aligned with school expectations— making it difficult for them and their peers to learn. In classrooms, "disruptive students" are often removed or sent to the principal's office when their teacher is not equipped to support their needs— leading to students losing valuable instructional time and falling behind academically. It is challenging for students and families to focus on academics if they have unaddressed trauma. Unfortunately, many New York City schools do not have the resources to provide the necessary interventions to foster a safe environment.

Recommendations for Increasing Student Safety

We are encouraged by the DOE's [efforts](#) to prioritize mental wellness in schools including providing restorative justice program support, expanding community schools and maintaining a commitment to ensure that every student has access to a social worker. As DOE continues to strategize around school safety, we would like to offer the following recommendations:

- Continue to expand community schools: Community schools' holistic approach to student learning has been proven to increase the mental wellness of students and support student learning. We applaud the DOE's ongoing efforts to expand community schools including their most [recent](#) commitment of expanding their network of community schools by 100. However, the DOE's progress in meeting their expansion goals are not always clear—we encourage DOE to increase transparency around the expansion of community schools.
- Examine structural capacity to support social workers: We share the belief that every student should have access to a social worker, and we also believe that every social worker should have the capacity, training and resources to effectively support students. We would like to underscore that the quality of services is just as important as the quantity. We appreciate the administration's efforts to increase social workers in schools including by adding 110 social workers from central to superintendent teams to support school climate. Unfortunately, many school social workers work across multiple sites which limits their impact and not all social workers receive clinical supervision and training. We encourage DOE to examine its capacity to support social workers and identify opportunities for solution— including opportunities to expand partnerships with community based organizations to provide a more meaningful impact.

Again, we appreciate the City's commitment to ensuring students are safe in school. We will continue to partner with children, families and the community to support students' feeling of safety.

Thank you again for your partnership and the opportunity to testify today. Please contact Wesner Pierre at wpierre@partnershipwithchildren.org with any questions regarding this testimony.



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TESTIMONY OF:

Anna Arkin-Gallagher – Supervising Attorney and Policy Counsel, Education Practice

BROOKLYN DEFENDER SERVICES

Presented before the New York City Council

Committees on Education and Public Safety

**Oversight Hearing on New Safety Initiatives in NYC Public Schools and Int.
003-2022**

October 25, 2023

My name is Anna Arkin-Gallagher, and I am a Supervising Attorney and Policy Counsel in the Education Practice at Brooklyn Defender Services (BDS). BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. We thank the City Council Committees on Education and Public Safety and Chairs Joseph and Hanks for holding this important hearing.

BDS is fortunate to have the support of the City Council to supplement the services we provide as a public defender office in Brooklyn. Through specialized units of the office, we provide extensive wrap-around services that meet the needs of traditionally under-served clients in a comprehensive way. This includes helping young people and their families navigate the public education bureaucracy during and after contact with the criminal legal and family court systems.

Our Education Unit delivers legal representation and informal advocacy to our school-age clients and to parents of children in New York City schools. Many of the people we serve are involved in the criminal legal system or in family court proceedings. A significant number of the students we work with qualify as “over-age and under-credited” and have been retained at least one grade, and more than half of the students we work with are classified as students with disabilities. We also represent parents in Article 10 proceedings in family court and advocate for their children to access educational resources while placed in the foster system. As an interdisciplinary legal and social work team, we work to improve our clients’ access to education and that of their children.

DEFEND • ADVOCATE • CHANGE



A significant portion of our advocacy is to ensure youth have access to the special education services they are entitled to as well as to defend youth in school discipline proceedings to ensure they have access to an education. We also have expertise in educational matters related to those who are in detention and jails and work to ensure our clients who are incarcerated or leaving incarceration are able to access the education to which they are entitled or alternative pathways to graduation.

BDS commends the City Council for its continued attention to policing and discipline practices in our city's schools. We believe that all our city's schools—especially those that have historically presented with the highest rates of suspension, calls to EMS, and arrests—must implement meaningful reforms related to their handling of student misbehavior and treatment of students in emotional distress. These reforms can and should draw on restorative justice practices, collaborative problem-solving, and other innovations that facilitate holistic engagement with instances of conflict and misbehavior while minimizing schools' reliance on the police. And they should be grounded in the recognition that children should never be placed in handcuffs or otherwise traumatized by their schools as a consequence of disciplinary issues. We believe that improving school climate will come not from continuing to pour money into punitive responses to student misbehavior, but rather by increasing funding, training and support for educators, restorative justice coordinators, and school-based mental health clinicians.

Int. No. 0003-2022

BDS supports Int. 3 and the mandate both to limit the use of handcuffs and other restraints for students in emotional crisis, and to ensure that mental health staff are involved in decisions about how to respond to students experiencing emotional distress.

Handcuffs and other mechanical restraints have no place in schools—students are children, and we have seen time and time again that handcuffs and other restraints are used disproportionately on children of color (and on Black students in particular).¹ Restraining students in handcuffs is traumatizing and fails to address the root causes of a student's emotional distress. Despite the negative effect² of handcuffing students in schools, the practice is nevertheless widespread. While most police interactions in schools do not result in the use of handcuffs or other restraints, recent data still show that in New York City Schools over a thousand students are restrained each

¹ Student Safety Act data shows that while over half of the children handcuffed by the NYPD in schools are Black, Black students represent just over 20% of New York City public school students. NYPD School Safety Data, <https://www1.nyc.gov/site/nypd/stats/reports-analysis/school-safety.page>. See also Advocates for Children of New York, *Children in Crisis: Police Response to Students in Emotional Distress* (Nov. 2017), https://www.advocatesforchildren.org/sites/default/files/library/children_in_crisis.pdf.

² Abigail Kramer, NYC schools handcuff and haul away kids in emotional crisis, *ProPublica*, (May. 2023), <https://www.propublica.org/article/nyc-schools-students-police-emotional-crisis-nypd>.

year.³ Thus, while we would prefer that the bill contain an absolute prohibition on handcuffing students, we welcome that this bill attempts to limit the use of these interventions only to prevent “imminent serious physical injury,” and only for the duration of time that a student presents a risk of serious physical injury to themselves or others.

We also appreciate that this bill seeks to strengthen the role of clinical school staff or the school’s crisis intervention team, and mandates that staff “employ all possible de-escalation techniques” before contacting outside police officers to come to the school, and that police officers inquire about the use of these techniques if this do arrive.

We are encouraged that this bill attempts to ensure that children are transported to hospitals for mental health evaluations only when a “clinically trained mental health professional” believes that such transport is appropriate. Far too often we have seen students—some as young as five-years-old—transported to hospitals in ambulances during moments of intense emotional distress, including under circumstances in which there was no attempt made to deescalate the situation or consult with clinically trained staff. In one instance, a parent our office worked with received a call from her child’s school that her 11-year-old son had had an emotional outburst and was being transported to the hospital. School staff had made little attempt to deescalate the situation, and called for EMS services almost immediately upon the student experiencing emotional distress. When the student’s mother arrived at the hospital, the student was calm—though understandably shaken by the experience—and after a brief evaluation was released from the hospital. In many cases, as in this one, once at the hospital, children are evaluated and promptly discharged. But the experience of being brought to a hospital, often without a parent, is traumatic for both students and their families, and can have long-lasting negative effects in how students experience school. In this particular case, the student was reluctant to return to school after being taken to the hospital, and it was difficult for him to regain trust with school staff.

It is essential that school staff work to deescalate children in emotional crisis, and that school staff receive the training and support necessary to be able to do so effectively. When de-escalation fails, it is appropriate for clinically trained mental health professionals to be the people making determinations about whether hospital transport is truly necessary. This bill underscores the need for the city to ensure that all students attend schools with staff that are trained in crisis response and de-escalation, and who have the clinical knowledge to be able to respond to students in emotional distress. We know that many schools do not have these resources available. We are hopeful that this bill—along with the necessary investment in these supports—will limit law enforcement response to students in emotional crisis.

While we support the legislation, we respectfully offer the following recommendations to strengthen the bill. First, the draft legislation specifically assigns to the NYPD the responsibility of training police officers to respond to students in emotional crisis. We disagree that more

³ NYCLU, Student Safety Act Reporting (2019), https://www.nyclu.org/sites/default/files/ssa_2019_full_year.pdf.



resources should be allocated to the NYPD for this training when the purpose of this bill is to limit the NYPD's role in responding to students in emotional distress.

Second, the bill lacks any real measures for accountability. The bill includes a mechanism for reporting on the response to students in emotional crisis, and a reference to "quality assurance checks," but does not include any remedy or consequence if school staff, school police officers, or precinct officers fail to respond appropriately to students in emotional crisis, or if precinct officers use handcuffs or other restraints on students who are not at risk of causing serious physical injury to themselves or others. We recommend adding robust accountability measures to include appropriate discipline for officers who fail to follow the mandates of the bill.

Conclusion

Ultimately, it is critical that we make serious strides towards recognizing that traumatizing children through the use of restraints does not further public safety or the health and well-being of New York City's children and communities.

We thank you for the opportunity to submit testimony on this critically important topic. If you have any questions, please feel free to contact me at aarkingallagher@bds.org or (646) 971-2719.

Testimony of the New York Civil Liberties Union¹
Before
New York City Council Joint Committee on Education and Public Safety
On
Introduction 003
Regarding Children-in-Crisis
October 25th, 2023

The New York Civil Liberties Union (“NYCLU”) respectfully submits the following testimony in qualified support of Int. No. 003:

I. INTRODUCTION

The NYCLU, the state affiliate of the American Civil Liberties Union, is a not-for-profit, non-partisan organization with nine offices across New York state and more than 210,000 members and supporters. The NYCLU’s mission is to defend and promote the fundamental principles, rights, and constitutional values embodied in the Bill of Rights of the U.S. Constitution and the Constitution of the State of New York. Protecting and expanding students’ rights is a core component of our mission, and through our Youth and Students’ Rights program the NYCLU advocates for positive school climate and equitable access to quality education for all students.

As a founding member of the Student Safety Coalition, the NYCLU partnered with students, parents, and advocates across the City to enact the Student Safety Act—a first-of-its-kind reporting law on student safety and discipline in schools. The Student Safety Act has given the public a rare view into the inner workings of schools and the NYPD, revealing a system of “school safety” that is both unsafe and harmful to many Black and Latinx students and students with disabilities. These students are arrested at alarmingly high rates relative to their enrollment and are subjected to higher frequency of handcuffing and police involvement in non-criminal situations.²

Within our decades of advocacy work, we served on Mayor de Blasio’s Leadership Team on School Climate and Discipline. We were among the first organizations to document the abuses of the NYPD’s roving metal detectors over a decade ago, and today we are engaged in active litigation to force transparency from the NYPD about metal detectors. We have worked with hundreds of young people subjected to heavy-handed criminal responses to misbehavior, physical force, intimidation, and harassment. We have committed thousands of staff hours to trying to improve the school safety operations of the NYPD to reduce harm to kids. This work has culminated in our reaching the conclusion that New York City schools should endeavor to keep schools police-free to the maximum extent possible. This is especially true for interactions with vulnerable young people, such as those with heightened mental health needs.

II. THE EVOLUTION OF THE SCHOOL SAFETY DIVISION

In 1998, then-Mayor Rudy Giuliani led a campaign to transfer responsibility for school safety away from the Board of Education to the New York Police Department. Skeptical parents and educators were promised that the school police force would not be enlarged (there were fewer than 2,000 officers at the time) and that the unarmed officers would not have the authority to

¹ Contact: Johanna Miller, Education Policy Center Director, jmiller@nyclu.org

² NYCLU, Student Safety Act Reporting 2019. Available at https://www.nyclu.org/sites/default/files/ssa_2019_full_year.pdf.



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Executive Director

Wendy Stryker
President

make arrests. Despite evidence that showed school crime was on the decrease, Giuliani's plan came to fruition. His promises, however, lasted only as long as his administration: today more than 3,000 NYPD officers with full authority to arrest roam the hallways of New York City's schools. This comes at a cost to the education budget of a quarter of a billion dollars annually.

For years, SSOs have outnumbered counselors and social workers combined; standing alone, the School Safety Division would be among the top 10 largest law enforcement agencies in the country.³ There is a vast body of research demonstrating the significant harms of sending police into schools.⁴ There is, on the other hand, almost no clear evidence that police or police technology like metal detectors make kids safer.⁵

III. POLICE IN SCHOOLS LACK EFFECTIVE OVERSIGHT & ACCOUNTABILITY

Policing in NYC schools regularly involves enforcing low-level and non-criminal violations of school policies with little oversight or accountability. This is particularly true of NYPD officers who are not members of the School Safety Division, who are responsible for the almost three-quarters of arrests in schools.⁶ The City has made repeated reforms to the School Safety Division but has failed to effectively end the free reign of other police officers in schools.

The NYCLU has represented many children in New York City who have been harmed by police practices in school. In 2015, we settled a lawsuit against the City of New York on behalf of seven middle and high school students who were wrongfully arrested and/or physically abused by police in their schools. In that case, *BH v. City of New York*, we represented kids who were arrested or subjected to physical force for writing on a school desk, acting "boisterous" in the hallway, possessing a cell phone in school, misplacing a school lunch tray, and talking back.⁷ In a demonstration of just how difficult it is to achieve accountability in this area, that case took six years to litigate, with the resources of the NYCLU and a private law firm, and resulted in not one school safety officer being disciplined.



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³ There are 4,348 full-time guidance counselors and social workers in NYC DOE schools. New York City DOE, Report on Guidance Counselors Pursuant to Local Law 56 of 2014, February 15, 2020, available at https://infohub.nyced.org/docs/default-source/default-document-library/guidancecounselorreportandsummaryfeb_2020.pdf There are approximately 5,200 school safety agents. See also, US Department of Justice, "Census of State and Local Law Enforcement Agencies, 2008," available at

<https://web.archive.org/web/20121010224733/http://bjs.ojp.usdoj.gov/content/pub/pdf/cslea08.pdf>.

⁴ See, e.g., Joscha Legewie and Jeffrey Fagan, "Aggressive Policing and the Educational Performance of Minority Youth," *American Sociological Review*, 2019, available at <https://osf.io/preprints/socarxiv/rdchf/>; Emily K. Weisburst, "Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-term Education Outcomes," *Journal of Policy Analysis and Management*, 2019, available at <https://onlinelibrary.wiley.com/doi/abs/10.1002/pam.22116>. ACLU, "Cops And No Counselors," 2018, available at <https://www.aclu.org/report/cops-and-no-counselors>; Council on State Governments Justice Center, *Breaking Schools Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement*, 2011, available at <https://csgjusticecenter.org/youth/breaking-schools-rules-report/>.

⁵ See, e.g., Kenneth Alonzo Anderson, "Policing and Middle School: An Evaluation of a Statewide School Resource Officer Policy," *Middle Grades Review*, 2018, available at <https://scholarworks.uvm.edu/mgreview/vol4/iss2/7/>; Schwartz et al, "The role of technology in improving K–12 school safety," 2016, as cited in the *Final Report of the Federal Commission on School Safety*, note 35, US DOE, 2018, available at <https://www2.ed.gov/documents/school-safety/school-safety-report.pdf>.

⁶ See NYCLU, *Student Safety Act Data, 2011-2023*, available at <https://www.nyclu.org/en/student-safety-act-data>.

⁷ *BH v. City of New York*, amended complaint, E.D.N.Y., Index No. CV 10-0210 (2010) (available at https://www.nyclu.org/sites/default/files/Amended_Complaint.pdf).

IV. THE CHILDREN IN CRISIS IN NEW YORK CITY SCHOOLS

The NYPD defines incidents labeled “child-in-crisis” as situations in which a school must remove a student experiencing a mental health crisis from the school environment and transfer them to a hospital for a psychological evaluation.⁸ While schools are meant to provide counseling and support for students experiencing a mental health crisis, they often involve police officers who have no special training and have the authority to physically restrain these students despite no criminal activity occurring.

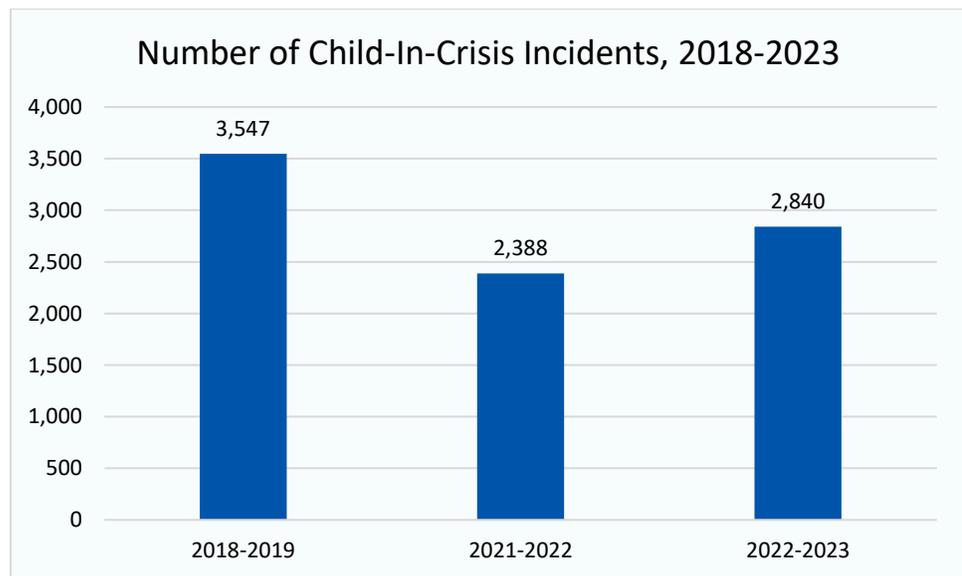
The NYCLU conducted an in-depth analysis of the quarterly NYPD data on child in crisis incidents that is mandated by the Student Safety Act⁹. Our analysis found 2,840 total children in crisis incidents which occurred in NYC schools during the 2022-2023 school year—a slight increase compared to the previous year. A piece of good news is that since the return of NYC students to traditional in-person learning after the remote learning year 2020-2021, the annual total of child-in-crisis incidents is trending downward compared to their pre-pandemic rates. Specifically, total child-in-crisis incidents decreased by almost a fifth in 2022-2023 compared to pre-pandemic school year 2018-2019.¹⁰



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The response to child-in-crisis situations, however, remains centered in police intervention and force, with children of color, specifically students that identify as Black and/or Latinx, facing the greatest risk of police tactics when having an emotional crisis. In 2022-2023, there were 2,427 incidents of Black and/or Latinx children-in-crisis (which is over 90% of total child-in-crisis incidents) despite these students making up 65% of total DOE enrollment for that

⁸ NYPD Student Safety Act Definitions. (2023)

<https://www.nyc.gov/site/nypd/stats/reports-analysis/school-safety.page>

⁹ The Student Safety Act (SSA) requires that the New York City Police Department (NYPD) publish quarterly reports on arrests, summonses, and other incidents where police are involved in New York City public schools.

¹⁰ NYCLU analysis of Student Safety Act Data finds that in 2018-2019, there were 3,547 incidents of children in crisis.

¹¹ Due to the global Coronavirus (COVID-19) pandemic, the end of the school year 2019-2020 and full school year 2020-2021 school year was primarily taught through remote and hybrid learning environments where a majority of children were not present in their school buildings. Therefore, we omit school years 2019-2020 and 2020-2021 from our analysis as it does not reflect the traditional in-person school environment.

school year.¹² That same year, white students made up only 6% of total child-in-crisis incidents despite making up over a 15% of DOE enrollment.¹³ These incidents indicate police intervention, meaning Black and Latinx students get the police called on them the most often when they are having a mental health crisis compared to their white peers.

V. DISCRIMINATORY USE OF RESTRAINTS ON CHILDREN IN EMOTIONAL CRISIS

NYPD activity in schools, as on NYC streets, is a driver of rampant racial discrimination. Last school year saw, once again, the criminalization of young people of color undergoing an emotional crisis. Black and Latinx students are more likely to be classified as a child in crisis and are also at greater risk of police restraining them with metal handcuffs. NYCLU analysis found that, in 2022-2023, 85% of NYC students handcuffed during a "child-in-crisis" situation—a child in need of urgent mental health intervention—were Black or Latinx.¹⁴ In this same year, officers restrained Black and Latinx children experiencing an emotional crisis with metal handcuffs in 186 incidents, which is 1.6 times the rate of white children. This pattern of racial discrimination has persisted for years as students continuously call for the increase in mental health resources in their school facilities, only for the City to respond with an increase in police presence, a rise in metal detector implementation, and, ultimately, more handcuffs.

We observe stark disparities when accounting for the intersectionality of student gender and their race/ethnicity. Last school year, officers handcuffed Black male students experiencing an emotional crisis the most often despite these students only accounting for a fifth of total crisis incidents. Police handcuffed Black boys experiencing an emotional crisis at almost twice the rate of Latinx and white boys. These disparities are even worse for Black girls, whom officers restrained with metal handcuffs at over 1.5 times the rate of Latinx girls and over three times that of white girls.

Police also handcuffed Black and Latinx students who are much younger than their peers. Last school year, there were 1,139 incidents in which children twelve years old and under experienced an emotional crisis. In the 22 incidents where officers restrained these children with metal handcuffs, all but 2 involved Black and Latinx students. Police did not handcuff any white children 12 years or younger experiencing an emotional crisis last year.

VI. POLICE RESPONSE AND USE OF FORCE ON CHILDREN IN EMOTIONAL CRISIS

The need to end the practice of police response to children in crisis is perhaps most evident when observing incidents where police used force against students experiencing an emotional crisis. 2022-2023 saw thirty incidents where officers subjected children in crisis to force in response to incidents that occurred on school grounds and were school-related. These are incidents of children experiencing emotional crisis which originated on school property that are related to school matters. While the overall number is comparatively small, the seriousness of this data should not be overlooked. Children experiencing emotional distress should be cared for by trained professionals, not turned over to the police for possible traumatization.

¹² "Enrollment." DOE data at a glance. (2022-2023).
<https://www.schools.nyc.gov/about-us/reports/doe-data-at-a-glance>

¹³ *Id.*

¹⁴ NYCLU, *Id.* at 6.



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Last school year, SSOs used force on students twice as often as NYPD Patrol when responding to child-in-crisis incidents in which they used metal restraints. This is not to say that NYPD Patrol should respond to these incidents more often. Rather, these trends demonstrate the danger of having any form of police respond to students in crisis as officers (who more often put children in harm's way) are not a replacement for the mental health professionals and resources these students desperately need to address both the urgent needs and ultimately the root causes of their mental health crisis.

VII. RECOMMENDATIONS

A. INT. 003

We are supportive of the aims of this bill because of the urgent need to protect students from trauma and harm. Hundreds of kids each year—90% of them Black and Latinx—are subjected to police tactics while experiencing a mental health crisis, and the city should do everything in its power to end this racist practice immediately. Nonetheless, we recommend amending the bill to remove the additional training requirements. We do not support additional training of school safety officers to fill gaps created by a lack of trained mental health professionals and a lack of resources for students to utilize to assist them emotionally. The City would be better off to use those resources to hire the necessary professionals for those jobs.

For children with disabilities, the principal, in collaboration with the school's IEP Team, should develop an agreed upon response to instances when a child's behavior is a manifestation of their disability. Any police who are on the scene should defer to the IEP team and other trained professionals.

Additionally, we recommend strengthening this bill by changing the language in section (b). Currently, that paragraph assumes police will be playing some role in situations where a child is in crisis: "When responding to a student in emotional crisis, school safety personnel shall...". We recommend changing this opening language to "school safety personnel shall not respond to a student in emotional crisis *unless...*" (emphasis added).

VIII. CONCLUSION

We urge the Council to invest in deep collaborative conversations with students (including students with disabilities), teachers and members of the advocacy community, as well as individual school safety officers, to reimagine school safety. In 2020, New Yorkers demanded major change to the City's overinvestment in police when they asked for a \$1 billion cut to the NYPD budget. Three years later and the City has not delivered on that call for reinvestment. School safety is rightfully at the center of this conversation, but we will not accept a solution that fails to reclaim education dollars for the benefit of young people.

The cruel and brutal criminalization officers subject children in emotional crisis to in their own schools must end. The City must adopt empathetic, equitable, and holistic practices that assist children experiencing an emotional crisis, rather than giving more resources to a system that seeks to punish.

We look forward to collaborating with you to put New York at the forefront of progressive school safety policy.



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**The New York City Council
Committee on Education
Testimony Submission from Legal Services NYC
October 25, 2023
Testimony Provided by Michaela Shuchman**

Good afternoon and thank you for the opportunity to testify at this hearing and for your ongoing efforts to support students, families, and staff in our public schools.

My name is Michaela Shuchman, and I am a Skadden Legal Fellow at Legal Services NYC (“LSNYC”) (<https://www.legalservicesnyc.org/about-us>). LSNYC’s mission is to fight poverty and seek racial, social, and economic justice for low-income New York City residents. Through litigation, advocacy, education, and outreach, LSNYC has advanced the interests of our clients and created systemic changes that strengthen and protect low-income communities. We work to protect the rights of people with disabilities, veterans, immigrants, the LGBTIQ+ community, and other vulnerable constituents. We are deeply appreciative to the City Council for its many years of support for legal services, and for its championship of our mission and our work.

The Education Rights practice at LSNYC assists hundreds of New York City schoolchildren and their families each year to ensure access to education. We represent students who are most at-risk and in need of advocacy, including students living with poverty, students with disabilities, students facing exclusionary discipline, English Language Learners (“ELL”s), and other vulnerable student populations and their families. Our attorneys and social workers assist families with a host of education issues including school enrollment, language access, special education, disciplinary proceedings, transportation, reasonable accommodations, and



academic intervention services with the goal to support vulnerable populations by improving educational outcomes and removing systemic inequities. Due to the long history of structural racism, these issues disproportionately impact students of color, especially Black students and Black families. Over 80% of our student clients are children of color and/or immigrants ranging in age from 3 to 21. Almost all of them have disabilities including learning, developmental, physical, behavioral and emotional, as well as the disabling impacts of trauma/adverse childhood experiences (“ACE”s) that affect a child’s ability to learn and grow academically and socially.

I want to share our thoughts with the City Council today about Intro 0003-2022, sponsored by Councilmember Diana Ayala, as this bill covers an issue that our Education Rights Practice has been focused on for many years. LSNYC was one of the first organizations to address the inappropriate use of emergency medical services (“EMS”) by school officials. In 2013, LSNYC sued the New York Department of Education (“DOE”) and the City of New York to stop such practices. Through a settlement with the City, we were able to secure significant changes we hoped would lessen the overall use of EMS as a response to students in emotional crisis. This included promulgation of Chancellor’s Regulation A-411 in 2015, which established protocols for schools calling 911 and mandated the creation of school crisis teams and the implementation of school crisis plans. In addition, our litigation resulted in improved data collection on EMS calls, and the expansion of professional development in crisis de-escalation for DOE staff.¹

Despite the settlement, New York City public schools overall are still calling EMS for students in emotional distress at almost the same rate as they did pre-settlement – an average of

¹ T.H. et. al.v. Fariña, et al. (13 Civ. 8777).



3,200 incidents per school year.² Schools are also still too-frequently using restraints on students. Between 2017 and 2023, students in distress—some as young as five – were placed in handcuffs close to 1,370 times.³ Racial disparities seen in other areas of school removal are also present here: Black students, while comprising less than a quarter of NYC public school students, account for almost half of the reported child-in-crisis incidents and over half of the instances in which students were handcuffed.⁴

To fulfill and build upon the goals of the 2014 settlement and the enactment of A-411, more must be done. Int. 0003 proposes steps that would move the City towards a more consistent and comprehensive policy for supporting students in emotional crisis. Int. 0003 will continue to limit, and more extensively document, the number of times school safety agents and precinct officers intervene in situations involving a student in crisis. Students who are experiencing emotional crises are often the city’s most vulnerable students. They are more likely to experience school push-out and future hospital or criminal incarceration.⁵ The involvement of school safety personnel or police officers, the use of mechanical restraints, and the forced removal from their school environment through EMS will only exacerbate the likelihood of these outcomes through the addition of more trauma to the lives of vulnerable students.⁶ Instead, every single tool that the school has at its disposal – most importantly involving mental health professionals and

² Abigail Kramer, *NYC Schools Handcuff and Haul Away Kids in Emotional Crisis*, PROPUBLICA (May 4, 2023), <https://www.propublica.org/article/nyc-schools-students-police-emotional-crisis-nypd>.

³ *Id.*

⁴ *Id.*

⁵ U.S. Dep’t of Educ., *School Climate and Discipline* (last updated Jan. 4, 2017), <https://www2.ed.gov/policy/gen/guid/school-discipline/index.html#suspension-101>.

⁶ Students subjected to encounters with police, even school safety agents, report significantly higher levels of anxiety, trauma, and post-traumatic stress disorder than their peers. CITIZENS FOR JUVENILE JUSTICE & STRATEGIES FOR YOUTH, *FAIL: SCHOOL POLICING IN MASSACHUSETTS* (2020), <https://static1.squarespace.com/static/58ea378e414fb5fae5ba06c7/t/5f64b57d40e1a14ef6c1c468/16>.



contacting the student's caregivers – should be used to guide the student away from crisis before involving an officer.⁷ School efforts to resolve student crises would be significantly helped by the training of *all* school staff in de-escalation tactics and trauma-informed care. When school staff feel ill-equipped to handle a student in crisis, it heightens the probability that EMS will be called, and thus – since police officers are required to report any time a 911 call is made – that police officers will also be involved.

If a school safety agent or precinct officer must be called, it is critical that they too are trained in de-escalation tactics and that there are regular refreshers offered of that training. An officer's comfort level with appropriate tools for de-escalation for the student in crisis can make the difference between a student recovering in a familiar and safe school setting, and a student being taken to the hospital. Appropriate tactics to use with a six-year-old in a general education class will not be the same as appropriate tactics to use with a fourteen-year-old at a District 75 school. The students with whom officers will interact may have experienced significant trauma in the past, so officers should be skilled not only in de-escalation, but also in trauma-informed practices and aware of the ways in which trauma impacts children.

To ensure that EMS is only called in the most extreme circumstances, when students pose an "imminent and substantial risk of serious injury,"⁸ as required by the Chancellor's Regulations, there must be methods in place to track the use of de-escalation methods used by school personnel and officers. To ensure such practices are being used frequently and effectively, schools should report not just instances in which EMS was called but should identify the de-escalation tactics used prior to the call and why they were deemed to be unsuccessful. This will

⁷ *Id.*

⁸ N.Y. CITY DEP'T OF EDUC. CHANCELLOR'S REGS. A-411 (I) (A) (3).



also allow medical providers at hospitals where the students are sent to understand in greater detail what happened and what responses were utilized.

While these steps are important to fulfill the promise of the 2014 settlement and A-411, they should not be understood to lessen the need for other school-based measures to support the City's more vulnerable students. New York City is still suffering from a mental health crisis, the effects of which are most acutely felt by children.⁹ If the goal of Int.0003 is to lessen the need for officers to involve themselves in moments of crisis, the first and most impactful step is to lessen those moments of crisis in the first place. Funding should be primarily focused on investing in resources and training for all school personnel to support students' social-emotional learning, increasing the number of social workers and other staff trained in de-escalation and healing-centered and restorative justice practices, and expanding mental health supports including the mental health continuum.¹⁰ The City's limited resources would be more efficiently and effectively used in pursuit of this goal and would also serve the goals of Int. 0003 as well by preventing students from ever reaching the point of crisis.

For students to progress educationally, they need a safe setting where their social and emotional needs are met. For more vulnerable students, this safe setting includes schools that are equipped to support students in crisis, allowing them to remain in a familiar setting with familiar

⁹ Kim Tingley, *There's a Mental-Health Crisis Among American Children. Why?* N.Y.TIMES (March 23, 2022), <https://www.nytimes.com/2022/03/23/magazine/mental-health-crisis-kids.html>; The Kids Are Not Alright; Here's What We Need to Do About It (Spring 2023), <https://nyulangone.org/news/kids-are-not-alright-heres-what-we-need-to-do-about-it>; Reema Amin and Amy Zimmer, *Mental Health Safety Net for Youth: Adams Outlines Vision to Catch Kids in Crisis*, CHALKBEAT (March 2, 2023), <https://ny.chalkbeat.org/2023/3/2/23622726/ny-youth-mental-health-schools-services-suicide-prevention-telehealth>.

¹⁰ In the face of a mental health crisis, the New York City mental health task force proposed a Mental Health Continuum to combat the significant increase in mental health issues for young people in New York City. However, Mayor Adams' annual budget did not initially include any funding for the program, and eventually wound up allocating only \$5 million and including only 50 schools in the program. Abigail Kramer, *NYC Schools Handcuff and Haul Away Kids in Emotional Crisis*, CHALKBEAT, (May 4, 2023), <https://ny.chalkbeat.org/2023/5/4/23710561/nyc-schools-police-students-emotional-crisis-nypd>.



faces. To advance this goal, methods of restraint for students in emotional crisis must be used only in the rarest of circumstances, and methods that are healing-centered and trauma-informed must be able to be used easily and effectively.



moving victims of violence from crisis to confidence

October 25, 2023

New York City Council
Committee on Education
Hon. Rita Joseph, Chair

Committee on Public Safety
Hon. Kamillah Hanks, Chair

**Testimony of Jimmy Meagher, Policy Director, Safe Horizon
On Res. 0473-2023 (#Right2RemainSilent Act)**

Thank you for the opportunity to submit testimony to the Committees on Education and Public Safety. My name is Jimmy Meagher, and I am Policy Director at Safe Horizon, the nation's largest non-profit victim services organization. Safe Horizon offers a client-centered, trauma-informed response to 250,000 New Yorkers each year who have experienced violence or abuse, and we acknowledge the many ways systemic racism impacts the lives of our clients and our staff.

We are writing in support of Res. 0473-2023, sponsored by Council Member Tiffany Cabán, which calls on the New York State Legislature to pass, and the Governor to sign, A.1963/S.1099. This bill, sponsored by Assembly Member Latoya Joyner and State Senator Jamaal Bailey, would protect youth during custodial police interrogation.

Safe Horizon supports this legislation and urges the Council to pass Council Member Cabán's resolution. And we urge the Legislature to pass A.1963/S.1099 (the #Right2RemainSilent Act), and Governor Hochul to sign it into law. Attached is Safe Horizon's Memo of Support for this legislation.



**Memorandum of Support - #Right2RemainSilent Act
Requiring Consultation with Counsel Before Police Interrogate Children
A. 1963 (Joyner) / S. 1099 (Bailey)**

May 2023

Safe Horizon, the nation's largest nonprofit victim assistance organization, supports A.1963/S.1099, the #Right2RemainSilent Act, which amends procedures required for the custodial interrogation of children and for taking juveniles into custody to provide additional protections. This legislation is needed to protect the legal rights of children suspected of committing a crime.

Safe Horizon supports commonsense criminal justice reforms, especially those that take into consideration child development and trauma. We offer a client-centered, trauma-informed response to 250,000 New Yorkers each year who have experienced violence or abuse. That includes children, adolescents, and adults. And we are increasingly using a lens of racial equity to guide our work with clients, with each other, and in developing the positions we hold. It is our understanding of trauma, healing, and youth development, as well as our commitment to antiracism, that led us to support this bill.

First, it's important to acknowledge that we do have concerns about this bill. Treatment and counseling for children exhibiting problematic sexual behaviors is often accessed through a criminal justice process. This must change, of course, but if children who cause harm are likely going to be extracted from police interrogations, that current existing path to treatment may be closed. Additionally, when law enforcement is unable to obtain statements from those suspected of causing harm, more pressure is placed on the victim of the crime in question whose statement is all law enforcement may have. We do not want to unintentionally harm victims and survivors of violence and abuse, especially children.

Over our decades of doing this work, we have learned all too well that the justice system was built for adults and not for children – children who have experienced harm, children who have caused harm, and children accused of crimes they may or may not have committed. Children suspected of committing a crime have legal rights, just as adults suspected of committing a crime have legal rights. This bill is essential because it ensures that these rights are protected even when children, and in many cases their parents, don't fully appreciate the meaning and significance of the right to remain silent or appreciate the almost certain repercussions of waiving that right.

Research demonstrates that the young people most likely to come into contact with law enforcement are those with the most limited capacity to understand their rights. We fear that these children are also the very ones most likely to make a false confession and say whatever they think will most immediately relieve them from the stress and pressure they are exposed to when being interrogated.

Additionally, we know that the children most likely to come into contact with law enforcement and the juvenile legal system are African-American and Latinx children from over-surveilled schools

and communities. The result is a disproportionate number of Black and Latinx children interrogated by police without an attorney to help them decide whether to waive Miranda rights while their more affluent peers are protected by hired attorneys. For Black and Latinx children from low-income communities, the protections of Miranda are not always fully realized.

Safe Horizon values the work of our law enforcement partners. We work side-by-side with law enforcement every day, including at our Child Advocacy Centers, and we know that many came to this work to serve, protect, and help people and communities, including kids. A.1963/S.1099 is not intended to demonize law enforcement. While abuses may occur on a case-by-case basis, the greatest risk comes from the limited capacity of young people to adequately appreciate what is at stake even when the police do everything right.

A.1963/S.1099 would provide much needed protection – the protection of rights that already exist but that children and their parents may not completely and fully understand and appreciate. Current law provides that police may interrogate a juvenile when it is necessary. This bill would still allow police to interrogate youth but would require that the youth first consult with counsel before any questioning can take place. Consultation with counsel would be a non-waivable requirement that would exclude any statement taken in violation of the rule from being entered into evidence against the youth.

We call on the New York State Legislature to pass this critical piece of legislation to ensure that children’s Miranda rights are protected and minimize the risk of harm arising from false confessions.

For more information, please contact:

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TESTIMONY

The Legal Aid Society
to
The New York City Council
Committee on Education
And
Committee on Public Safety

Oversight: New Safety Initiatives in Community Schools

Int. No. 003-2022 Police Department's Response to Students in Emotional Crisis,

Res. No. 753 A Resolution Calling on the New York State Legislature to Pass, and the Governor
to Sign, A-3903/S-5103

And

Res. No. 473 A Resolution Calling on the New York State Legislature to Pass, and the Governor
to Sign A-1963/S1099 (Right2Remain Silent Bill)

October 25, 2023

Presented by:
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Introduction

The Legal Aid Society thanks Chairperson Joseph and the Committee on Education, and Chairperson Hanks and the Committee on Public Safety for holding this oversight hearing focusing on new safety initiatives in public schools, police responses to students in emotional crisis attending public schools, and the Right2Remain Silent Act.

We support the passage of Int. 003-2022 – which will provide improved guidance, training and transparency from both the Department of Education (DOE) and the New York City Police Department. We also call upon the City Council to pass Resolution No. 753 and Resolution No. 473, calling on the New York Legislature to pass, and the Governor to sign A-3903/S-5103 (amending the New York state education law regarding police response to students in emotional crisis) and A-1963/S1099 (to protect children under the age of 18 during custodial interrogations).

The Legal Aid Society is the nation’s largest and oldest provider of legal services to low-income families and individuals. From offices in all five boroughs, the Society annually provides legal assistance to low-income families and individuals in some 300,000 legal matters encompassing three practice areas: the Criminal Defense Practice (CDP), the Civil Practice (CP), and the Juvenile Rights Practice (JRP). Our Criminal, Civil and Juvenile practices all represent children and young people who are entitled to receive educational services from the New York City Department of Education (DOE).

Our Juvenile Rights Practice provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children’s rights and welfare. Our Juvenile Rights staff typically represents a total of more than 33,000 children each year, many of whom are in

ACS custody. Our Criminal Practice handled nearly 220,000 cases for clients accused of criminal conduct last year. Many thousands of our clients with criminal cases in Criminal Court and Supreme Court are school-age teenagers and young adults who attend public schools. Our Civil Practice works on more than 52,500 individual legal matters each year, including representing children and adults with disabilities through the Disability Advocacy Project and the Education Law Practice.

The Kathryn A. McDonald Education Advocacy Project advocates for the educational rights of children and youth who are represented by the Legal Aid Society due to involvement with child welfare, juvenile or criminal legal systems. Many of our clients are students with disabilities, students with mental health needs, and students in foster care.

In addition to providing direct representation to these youth each year in trial and appellate courts, and in their education matters, the Legal Aid Society's law reform units pursue impact litigation and other law reform initiatives on behalf of our clients to reduce the harms of the criminal legal and family regulation systems to our young clients.

Our perspective comes from our daily contacts with children, adolescents, and their families, and also from our frequent interactions with the courts and city agencies including the NYC Department of Education (DOE), the Administration for Children's Services (ACS) and the NYC Department of Health and Mental Hygiene (DOHMH).

Int. 003 - Students in Emotional Crisis in New York City Public Schools

Young people across the country are experiencing a mental health crisis. According to data collected by the Center for Disease Control and Prevention in 2021, 33.3% of New York City high school students responding to the survey reported persistent feelings of sadness and hopelessness, 16.8 percent of adolescents report seriously considering suicide. Nine point six

percent of New York City adolescents responding to the survey reported having attempted suicide one or more times during the 12 month period.¹

For this reason, in the last two years the New York City Council and Mayor Adams have supported and funded the Mental Health Continuum, to help ensure that young New Yorkers have access to mental health services, and the Legal Aid Society applauds these important efforts. However valuable these interventions are, they leave out a critical part of the equation, which is ensuring that school staff do not employ a law enforcement response to student mental health crises.

We frequently hear from families that their children are unnecessarily transported to hospital emergency rooms. Very often by the time the child arrives at the hospital they are calm and are released as soon as the parent arrives. This results in a waste of emergency room resources, additional trauma to the child, and expensive hospital bills to families. Passage of Int. 003-2022 would ensure that the determination of whether a student requires hospital transport for mental health evaluations is made by clinically trained mental health professionals.

School safety agents and precinct officers are trained in policing technique and do not have extensive training in child development and mental health. Studies show that negative interactions with police is linked to children's poor emotional well-being, physical health and poor social outcomes, particularly for students of color.² For this reason, the Legal Aid Society supports the redistribution of city resources away from police in schools and toward professionals, such as social workers, guidance counselors, and mental health professionals who

¹ Centers for Disease Control and Prevention – High School Youth Risk Behavior Surveillance, available at <https://nccd.cdc.gov/youthonline/app/Results.aspx?LID=NY>

² St. John, Victor, et al., *Reducing Adverse Police Contact Would Heal Wounds for Children and their Communities*, Child Trends, 6/14/22, <https://www.childtrends.org/publications/reducing-adverse-police-contact-would-heal-wounds-for-children-and-their-communities>.

are trained to work with children with mental health needs. The Legal Aid Society also supports increased funding for Restorative Justice Initiatives in our public schools, which help reduce behavioral incidents and improve school climate for all students. However, as long as we have police in New York City Schools, those officers must be properly trained and the city must provide transparency around their interactions with children.

Police officers responding to incidents of students in emotional distress frequently use mechanical restraints, including Velcro or metal handcuffs in dealing with children in emotional crisis. A June 2021 report by our colleagues at Advocates for Children, analyzed data from the New York City Police Department (NYPD) and found that between July 2016 and March 2020, the NYPD handcuffed 297 students age 12 or younger, including three 5-year-olds, seven 6-year-olds, and 23 7-year olds.³ These experiences compound the trauma of a child in emotional distress.

The issue of overuse of 911 and law enforcement responses to students in emotional crises is also an issue of racial equity. Students of color and students with disabilities are overrepresented when it comes to law enforcement responses to students in emotional crises, and consequently are overrepresented in our juvenile legal system. In 2016, 99% of all New York City public school students handcuffed during incidents of emotional distress were Black or Hispanic.⁴ In addition to the emotional trauma police action can cause, the collateral consequences of juvenile or criminal court action to a child who is experiencing emotional

³ Advocates for Children, *Data Brief – Police Response to Students in Emotional Crisis*, June 2021, Available at https://www.advocatesforchildren.org/sites/default/files/library/police_response_students_in_crisis.pdf?pt=1

⁴NY State Education Department Safe Schools Taskforce, *Recommendations for Reducing Disparities in and Reforming School Discipline in New York State*, Dec. 2022, Available at <https://www.regents.nysed.gov/sites/regents/files/P-12%20-%20Recommendations%20for%20ATT%20-%20Recommendations%20for%20Reducing%20Disparities%20in%20and%20Reforming%20School%20Discipline%20in%20New%20York%20State.pdf>

distress can have long lasting and serious consequences, possibly affecting on future opportunities, and does not act to address the child’s mental health needs.

Passage of Int. 003-2022 will help ensure that police responding to students experiencing emotional distress have the necessary training to recognize emotional distress in our students, respond appropriately, and refrain from compounding the harm to a child experiencing emotional distress by escalating a situation, or unnecessary use of restraint or arrest. Passage of Int. 003-2022 will also increase transparency by requiring the NYPD to document and report on de-escalation techniques utilized by school staff prior to NYPD response, de-escalation techniques used by the NYPD,

Res. No. 753 - Amendment to the New York Education Law

These inequities are not limited to New York City. School district overuse of law enforcement as a response to students experiencing emotional distress is rampant throughout New York State, particularly for students of color and students with disabilities.⁵ We therefore call upon the City Council to pass Resolution No. 753, calling on the New York State Legislature

⁵ A 2019 report citing data kept by the US Department of Education Office of Civil Rights found disproportionate representation by black students in cases referred to law enforcement throughout New York State.

- Overall, Erie County has the largest disparity between racial/ethnic groups detained in juvenile detention centers; 18% of Erie County youth are Black, but 72% of the youth detained are Black.
- In Utica City, 25% of the student body was Black –children represented 57.6% of school district referrals to law enforcement.
- In Oneida County, 9% of the student body is Black, but 59% of detained youth are Black.
- In Albany 49.4% of the student body is Black, but 63% of detained youth are Black.
- In Monroe County Black students were 21% of the student body and 74% of detained youth.
- In Rochester, 58% of students were Black and 100% of school referrals to law enforcement were of Black children.

Alliance for Quality Education, *Systemic Racism and New York State’s School to Prison Pipeline*, Available at http://www.aqeny.org/wp-content/uploads/2019/06/School-to-prison-pipeline-report_final.pdf.

to Pass, and the Governor to Sign, A-3903/S-5103. Passage of this law would amend the New York State Education Law 2801-a to require all New York school districts to establish policies and procedures for responding to students having mental health crises in a manner that does not include contacting law enforcement unless implied or direct threats of violence or other criminal activity is involved.

Resolution No. 473 – Right2Remain Silent Bill

We also call upon the City Council to pass Resolution No. 473, endorsing passage of A-1963/S-1099 by the State, the Right2Remain Silent bill, to protect children under 18 during custodial interrogations. The Legal Aid Society is part of the #Right2RemainSilent coalition – with over 140 signatory organizations statewide -- working towards passage of this bill. The bill would require that before a child under 18 is subjected to custodial interrogation, they must consult with an attorney (either by phone, video, or in person), before waiving their right to remain silent. Similar laws are already in place in California, Washington, Maryland and Hawaii– states which have recognized through legislation that a parent’s support may be helpful, but the assistance of a lawyer is required to protect children’s constitutional right. Further, 18 retired and sitting NY judges have expressed their support for the bill.

It is well-supported by neurological and social science about the adolescent brain that youth do not adequately understand or appreciate the significance of their fifth amendment rights, particularly when under pressure from law enforcement or when experiencing emotional

crisis.⁶ Decades of research establish that children do not understand the Miranda warnings, or the consequences of waiving their constitutional right to remain silent. This is even more true when applied to children with disabilities, many of whom may suffer from intellectual disabilities, speech and language delays, or learning disabilities which interfere with their ability to read or understand Miranda warnings, thus leading to overrepresentation of people with disabilities in the juvenile and criminal legal systems.⁷ As a result, approximately 90% of children waive their Miranda rights.⁸

Studies have additionally shown, consistent with the experience of the Exonerated 5 (also known as the Central Park 5), that youth are more likely to falsely confess than adults. According to the National Registry of Exonerations, about 34% of exonerees who were under 18 at the time of a crime were wrongly convicted based on false confessions.⁹

Passage of the Right2Remain Silent Act (A.1963/S.1099) would help protect vulnerable children by prohibiting the introduction of any statement against a child taken through interrogation by law enforcement unless the child had first consulted with an attorney. This is an issue of fairness as well as of racial and economic justice; most of the Juvenile Rights Practice's

⁶Thomas Grisso, *Juveniles' Capacities to Waive Miranda Rights: An Empirical Analysis*, 68 CALIF. L. REV. 1134, 1155 (1980); Naomi E. Sevin Goldstein et al., *Juvenile Offenders' Miranda Rights Comprehension and Self-Reported Likelihood of Offering False Confessions*, 10 ASSESSMENT 359, 365–66 (2003).

⁷Nationally, between 65-70% of youth involved with the juvenile legal system meet the requirements for a disability Catherine Y. Kim, Daniel J. Losen, and Damon T. Hewitt, [The School-To-Prison Pipeline: Structuring Legal Reform](#), New York University Press, pp.112-114, (2012). In NYC - approximately 65% of the students attending school in juvenile detention have been identified as having a disability. Testimony of Dr. Tim Lisante, NYC Department of Education Superintendent, District 79 at *Oversight: Educational Programming in Jails and Juvenile Detention; Joint Hearing Before New York City Council's Committees on Education, Criminal Justice, and General Welfare*. April 21, 2021, video available at <https://legistar.council.nyc.gov/Calendar.aspx> <https://legistar.council.nyc.gov/Calendar.aspx>. Additionally, of youth ages 18-21 who are at Rikers Island, only 13% are reading at a high school level. Rikers Island Education Report: Educational Programming for Adolescents and Young Adults at Rikers Island - Local Law 168 of 2017, N.Y.C. Dep't. of Educ., available at <https://auth-infohub.nyced.org/docs/default-source/default-document-library/local-law-168-d79-sy19-20.pdf> .

⁸Laird, Lorelei. "Police Routinely Read Juveniles their Miranda Rights, But Do Kids Really Understand them?" AMERICAN BAR ASSOCIATION, August 2016.

⁹<https://www.law.umich.edu/special/exoneration/Documents/Age%20and%20Mental%20Status%20FINAL%20CHART.pdf>

clients are Black and Latinx children from low-income communities. Their communities are over-surveilled by police, putting them at greater risk of police contact, custodial interrogation and making invalid waivers of their Miranda rights and even false confessions. The Right2Remain Silent Act would ensure that these children receive the same protections as the children of more affluent parents who would immediately contact an attorney to invoke their child's Miranda rights upon being notified that their child was in police custody.

Conclusion

For these reasons, we urge the City Council to speedily pass Int. 003-2022, and Resolution Nos. 753 and 473. Many thanks for the opportunity to provide testimony. We are happy to answer any questions you may have.

Contact: Melinda Andra
Director
Kathryn A. McDonald Education Advocacy Project
Juvenile Rights Practice
Legal Aid Society
mlanda@legalaid.org
646-866-4057 (cell)

October 25, 2023

Chairwoman Rita Joseph
New York City Council
Legislative Office, Suite 1789
250 Broadway
New York, NY 10007

RE: Resolution 476 (Hanif) – SUPPORT

Dear Councilmembers:

The Sikh Coalition is pleased to support [Res. No. 476](#) (Hanif) which calls upon the New York City Department of Education to consult with faith-based organizations to develop and provide all grade levels with a curriculum that focuses on religious diversity and to provide professional development focused on religious diversity for teachers, staff, and administrators. This resolution also aims to ensure accurate classification of hate crimes in annual school reports and immediate notification and full disclosure to parents of hate crime statistics. The resolution also asks that schools take actions to condemn bullying and harassment based on religious clothing, food requirements, and the need for prayer space and time year round. We are writing to request that this resolution receive a hearing in the Education Committee and also to ask you to sign-on as a co-sponsor in support of this legislation.

By way of background, Sikhism is the world's fifth largest religion, with over 25 million followers. As a community that has proudly been a part of the fabric of New York for more than 100 years, our contributions to the state of New York are rich and deep. Today, in nearly every facet of New York's society and economy, Sikhs are making a profound impact.

However, Sikhs remain disproportionately targeted in cases of bigotry, bias, bullying and backlash. Relative to other vulnerable minorities, Sikhs are often disproportionately targeted for discrimination because many Sikhs wear turbans and maintain unshorn hair in accordance with their faith. According to the most recent [FBI data](#), religiously motivated hate crime victimizations were at their highest since 2001, with an increase of 17 percent since 2021. Anti-Sikh hate crime victimizations were recorded by the FBI as the highest number ever at 198, and Sikhs still remain the second-most targeted group in the nation for religiously-motivated hate crime incidents.

The Sikh community is currently on high alert for the risk of hate-motivated violence, especially given [recent FBI data](#) showing that Sikhs continue to be disproportionately targeted by violent hate, as well as the overall increased risk of hate crimes for communities across the nation in light of current geopolitical events. This feeling of risk is particularly acute for the Sikh community in Queens, given the extremely [recent bias-motivated assault](#) of 19-year-old turbaned Sikh man Maninderpal Singh on an MTA bus, as well as the recent history of numerous anti-Sikh acts of hate in the Richmond Hill neighborhood (e.g. a string of assaults and robberies targeting elderly Sikh men throughout April 2021).



Such violence also manifests in our schools, as a [2014 report](#) by the Sikh Coalition found that turbaned Sikh children are bullied at twice the national average, and 67% of turbaned Sikh students are bullied.

According to Sikh students who experience bullying, ignorance breeds animosity and one of the best ways to keep them safe is to educate their teachers and classmates about the Sikh tradition in an accurate and constitutionally appropriate way. New York City has the ability to remain a leader in public school education, and send the right message that our schools are safe and inclusive for all students. In 2014, the Sikh Coalition worked with the New York Sikh community and the New York State Department of Education to include Sikhism in social studies standards frameworks. However, existing curricula have failed to properly educate students about the Sikh community, as well as other faith communities. City Council must do more to recognize the contributions of faith communities and to implement religious diversity curricula.

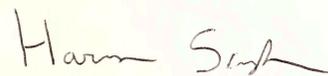
Finally, Sikh Coalition offers a number of resources for educators, which can be found in the Chapter entitled '[Teaching About Sikhism](#)' from the National Council for the Social Studies publication on Teaching About Religion in the Social Studies Classroom; on the [Educators Page](#) of our website; and on the [C3 Teachers Sikh Coalition hub](#).

We appreciate your dedication to this work and look forward to your support. For more information about the Sikh Coalition's support of this legislation, please contact Harman Singh, Education Director at harman@sikhcoalition.org.

Respectfully,



Nikki Singh
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Harman Singh
Policy & Education Director
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Wednesday, 10/25/2023

Dear/Good afternoon Chair Joseph and all Members of the NYC Council Education Committee,

My name is Wali Ullah and I'm the Community Education Coordinator at the Muslim Community Network, a nonpartisan and interfaith civil society organization aimed at empowering Muslims across all five boroughs. MCN is NYC's go-to Muslim civil society organization serving the community for over 20 years in shaping the narrative about Muslims and Islam through youth and women empowerment, hate crime prevention and promoting nonpartisan civic education and engagement opportunities.

MCN takes pride in the work we do in empowering young people and equipping them with the necessary tools and skills needed to be vibrant community members. Starting with our hallmark youth fellowship program, MYNYC, which recruits 15 students across NYC high schools each cohort for civic leadership and advocacy training with a capstone project at the end of the cohort. This program targets young Muslims from racially and economically disadvantaged backgrounds who can easily fall victim to the system. The program has trained over 500 youth up to date.

We greatly appreciate the Education and Public Safety committees for finally granting us a hearing on Res. 476 on short but long-awaited notice, and the timing—though unfortunate in the larger scope of domestic and international affairs—is especially crucial when we've seen not only a spike in bias-based incidents and hate crimes targeting Muslims, Jews, and Sikhs across NYC and the country, but an equally bothersome inflammation of social tensions that affects the safety and livelihood of said groups in the workplace, and most importantly, what this Resolution seeks to bring light to—our K-12 public education system.

Currently more than 800,000 Muslims live in NYC (not even counting demographic shifts after the 2020 Census or the ongoing migrant crisis, given that many migrants also come from majority-Muslim countries and regions), and even before the tragic events of September 11th, [at least half a million Muslims](#) were still residing in the city. Though we commend state and local elected officials for taking more proactive measures to ensure the spiritual and religious needs of Muslims are properly accommodated just like every other faith— whether it's formalizing the addition of Eid ul Fitr and Adha to K-12 and higher education holidays, fun

We're proud to say that so far, this Resolution has 16 sponsors and counting, with its previous iteration (introduced in 2020 as Res 1257) sponsored by former CM Daniel Dromm, 22 additional Councilmembers, and the Public Advocate of the City of New York. Resolution 476 would call upon the New York City Department of Education to consult with faith-based organizations to develop and provide all grade levels with a curriculum that focuses on religious diversity; to provide professional development focused on religious diversity for teachers, staff,

and administrators; to ensure accurate classification of hate crimes in annual school reports and immediate notification and full disclosure to parents of hate crime statistics; and to ensure that schools take actions to condemn bullying and harassment based on religious clothing, food requirements, and the need for prayer space and time year round. We're not expecting educators/DOE (Department of Education) staff to be experts, scholars, or have the theocratic knowledge and spiritual sophistication on par with faith and clergy leaders, but simply to continue providing the space to either those educators, staffers, or nonprofit community/civil society organizations with the lived experience and necessary, credible theological expertise around any faith background to function as something akin to "public educational chaplains" and be competently and impartially trained to de-escalate and effectively address any incident if certain bullying/harassment tactics involving direct/overt or passive religious discrimination.

Anger and disgust rooted in fear and misunderstanding is not a unique experience for any singular religious group. We reaffirm our commit to the goals of this Resolution not just as Muslim New Yorkers, but also Muslims, such as myself and my siblings, who attended NYC public schools during the years following waves of Islamophobia unleashed after September 11th and the 2016 election season. 22 years is two decades too long to have to continue advocating, if not plead, to our fellow New Yorkers to not only treat us as proper American equals but to be more proactive against repeating, encouraging, or snowballing via public/media channels the same divisive rhetoric that already otherized half a million New Yorkers after 9/11, also not counting anyone else who looked remotely Brown/South Asian, MENA, or practiced the Sikh or Hindu faiths while being victims to senseless, ignorant acts of violence and bigotry.

The City of New York already had 20 years to get this right. The ball is in your court now, get it right. Thank you again to Chair Joseph and the rest of the committee body for allowing me to testify [I yield the remainder of my time].

Yours Truly,
Wali Ullah
Community Education Coordinator
[Muslim Community Network](#)



Address: 450 Lexington Avenue, New York, NY 10017
Phone: 347-519-2619
Email: wali@mcnny.org

NYC Education Committee Hearing on Res. 476

Good Evening Chair Joseph and esteemed members of the Education Committee.

Thank you for holding this hearing, and for the opportunity to testify today.

My name is Reda Taleb, and I'm the former Community Education Program Coordinator for the Muslim Community Network (MCN). For over two decades since the aftermath of Sept 11th 2001, MCN has dedicated itself to molding an accurate public narrative of what it means to be Muslim by Muslims. In my role, I had the honor of leading our **Diversity Education Workshops**.

Our workshops aim to:

- Inform and equip educators, parents, public officials, and students with the tools and resources to address the needs of the Muslim community;
- Help break stereotypes and discrimination against Muslims;
- Facilitate community building between sects, racial, and ethnic groups, such as through our Sunni – Shia dialogues;
- Increase awareness of Muslims such as through community education workshops on the role of African American Muslims in the history of the United States.

Presentations Include:

- Understanding Islam and the Muslim American Experience
- Inclusive Learning: Your Muslim American Students
- Muslim Contributions to American History, and more

During my time at MCN, I saw firsthand the positive and transformative impactful outcomes that these workshops had on our students as well as school staff and leadership. For example, in our post-workshop surveys 100% of attendees stated that they gained knowledge about Muslims that was not taught in their schools.

For this reason and more, I fully support **Res 476**, and I urge this committee to adopt it. I wholeheartedly believe that those of us closest to the problems we are facing, are indeed best suited to provide the solutions we need for true systemic change. **Res 476** will provide us with the resources to do just that, so we can create a safe, just, and equitable NYC for all. Thank you.

Reda Taleb
10/25/23

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New York City Council

Hearing to Discuss:

Various topic

Wednesday, October 25, 2023
1:00 PM

Testimony Presented By
Anthony Springer
Senior Advocacy Associate
On Reso 473

Great afternoon, Chairperson Hanks, Chairperson Joseph and members of the Committee on Public Safety and Education.

I am Anthony Springer, Senior Advocacy Associate at BronxConnect, which is a Bronx-based juvenile justice organization serving court-involved youth. Our program has served over 2,500 youth and young adults facing charges in Manhattan and the Bronx since 1999. From its inception, our program has addressed the epidemic of juvenile incarceration among youth in New York City. In the past 15 years we have expanded services locations to Manhattan, Staten Island and Philly.

As part of New York City's Crisis Management System, we also serve the Bronx with Cure Violence Services, gun violence school-based prevention, community therapeutic services, and employment services. For over 20 years we have also worked in supporting people coming out of jails and prisons, by connecting them to services and employment.

Thank you for allowing me to testify today on the topic of youth interrogation.

The protection of young people should be a main focus of our city. Our youth are the carriers of our values, vision and future. Currently our justice system targets the underprivileged, smothering potential with overly punitive practices. Research shows that adolescents and young adults are still developing until the age of 25 and our justice system fails to represent that reality.

This is why it is important to pass Reso 473 introduced by Councilmember Cabán. The youth interrogation bill which we have termed #Right2RemainSilent provides our children with much needed protections when faced with a system geared towards adults with the competency to understand their rights.

Over 90% of youth under the age of 18 waive their legal rights during interrogation. This speaks to facts that show youth lack impulse control, are eager to please the police and lack the understanding of the long-term consequences of waiving their rights. With that knowledge it is the responsibility of decision makers to offer protections for those who cannot help themselves.

Thank you for your time.



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Thank you Chair Hanks, Chair Joseph and Committee members. My name is Cecilia Teuber, I am the Community Organizer at BronxConnect. We are an organization that provides wraparound services for at-risk and justice-involved youth within the five boroughs.

Decades of research has proven that brains are not fully developed until your mid 20's. Due to this fact, decision-making skills in young people under 18 are impaired. They think of the immediate moment rather than the future. This causes youth to say or do things that do not mean but it is instead their automatic response when faced with stressful situations. Research published by the National Registry of Exonerations in April 2022 shows that 34% of young people under 18 falsely confess to crimes they did not commit.

As mentioned earlier, at BronxConnect we work with justice-involved youth on a daily basis. Something I hear repeatedly among our participants is their lack of understanding basic constitutional rights. That being said, many of these same young people have ended up waiving their rights when faced with a custodial interrogation. This waiver does not correlate with understanding their rights but rather their automatic response to stressful situations or by being coerced by parents and police.

Across the state, laws prohibit minors from purchasing cigarettes, alcohol, and even whipped cream chargers. Why are we allowing the same children who are not allowed to purchase those items to waive their *Miranda* rights without fully understanding the meaning and the consequences of waiving them?

I urge the City Council to pass Resolution 473 sponsored by Councilwoman Cabán to call on the New York State legislature to pass, and the Governor to sign S.1099-Bailey/A.1963-Joyner which would protect children during custodial police interrogations.

Thank you!



**The New York City Council
Committee on Public Safety and Committee on Education
Honorable Kamillah Hanks, Chair
Honorable Rita Joseph, Chair**

**City Council Joint Hearing: Oversight - New Safety Initiatives in NYC
Public Schools
October 25, 2023**

Testimony of the Dignity in Schools Campaign - NY

Good afternoon and thank you Chair Joseph, Chair Hanks, and members of the New York City Council Committee on Education and Committee on Public Safety. I am here representing the Dignity in Schools Campaign NY, a coalition of over 20 New York City based organizations consisting of students, parents, educators and advocates who work to create a system of school discipline and safety that is based on mutual respect and problem-solving and to end the school to prison pipeline.

School is a place where young people should be free to feel safe, try new things, and learn. But punitive discipline and policing creates barriers to learning and violates the safety and wellbeing of students – particularly Black, Brown, and other marginalized young people, who are targeted most harshly by school police.

When students in need are met with a policing response instead of care and support, they are further traumatized. We believe that NYC has an opportunity to be a leader in the U.S. by investing in practices that support young people and divesting from practices that criminalize them. We demand real safety.

We want the city to fully fund meaningful Restorative Justice and divest from school police and policing infrastructure: A commitment to restorative justice requires a meaningful culture shift that makes it possible to build community safety and respond to harm when it occurs. We are calling on the city to not only protect previous investments in restorative justice, but also expand them to ensure all students have access to school-based Restorative Justice Coordinators and for all schools to be able to hire caring community members into supportive positions. Funding should also be allocated directly to schools to ensure they can provide training for staff and fund restorative justice electives that include funds for students to lead restorative justice in their schools.



Additionally, we want to offer conditional support for Int. No. 3. DSC-NY applauds the spirit of the bill which would limit the use of restraints to address children in emotional crisis and Council's leadership in creating more protections for students in our public schools. However, we oppose the section of the bill that requires training of police, as we believe that no new funds should go towards the NYPD. DSC-NY members have been clear that police should not be interacting with young people, especially young people in crisis. Additionally, this bill mandates clinical and support staff to be employed to support young people in crisis, without significant funding to support this mandate. Funds should be invested in DOE positions that care for and support young people.

Finally, we demand that initiatives focused on holistic student safety should be protected and should never be pitted against one another. Restorative justice and other anti-violence efforts must not be forced to compete for city funds. **By freezing hiring for school policing, redirecting the \$350 million in funding from school policing into opportunities for young people in schools and communities, and removing all surveillance technologies in our schools, we can make space and funding available for what youth and families really need: healing-centered and restorative schools.**

Thank you for the opportunity to testify.

Submitted by:
Andrea Ortiz
Membership and Campaign Director
Dignity in Schools Campaign - NY



**Girls for Gender Equity Testimony to the New York City Council
Committee on Education and Public Safety– School Climate/Public Safety
Delivered by: Eman Gad
10/25/2023**

Good afternoon, Chair Joseph and the members and staff of the Committee on Education and Public Safety. My name is Eman Gad and I am the Policy Coordinator at Girls for Gender Equity.

GGE is a Brooklyn-based organization that works intergenerationally, through a Black feminist lens, to center the leadership of Black girls and gender-expansive young people of color in reshaping culture and policy through advocacy, youth-centered programming, and narrative shift to achieve gender and racial justice. We are offering testimony today **in support of restorative justice programs and redirecting funding from school policing and policing infrastructure into supportive staff and healing-centered programs for students.**

The Mayor is planning to cut \$2 billion from our schools due to a city-wide financial crisis. Instead of investing in what is most important to improve student's education and experiences in schools, he is increasingly granting the NYPD access into young people's lives by approving a military-style recruitment initiative targeting students at school– placing mental health and career counseling services in the hands of school cops, and ramping up unannounced scanning of students across the City.

We are urging the City Council to use its power to put a stop to NYPD initiatives that seek to police and surveil young people, and instead shift money to school communities and the restorative staff, resources, and programs that support students to learn and thrive. This makes schools safer for everyone. **Especially for Black girls and trans gender and gender expansive young people who are continuously and uniquely criminalized and pushed out of schools for their gender and self expression.** This governing body can no longer succumb to pressure from the NYPD and school police union to direct school funds into hiring school cops. Granting the NYPD greater access to young people's lives and activities both at school and in their neighborhoods does nothing to improve the quality of student's education nor set them up for a successful future. The NYPD has been given permission and funding to open so-called "wellness centers" in schools and

communities¹, putting school cops in charge of career counseling, mental health, and enrichment activities for young people. This is happening as the Mayor gears up to cut over \$2 billion dollars in resources and staffing from schools– resources that belong to trained staff who are equipped to support students holistically without further criminalization.

Students should be able to access the restorative and healing supports that they need, and schools should have robust options for how they do their healing-centered work. We believe in staffing schools with full-time, school-based restorative justice coordinators who are able to be part of the school community for the long-term – we make this demand based on our collective decades of experience as advocates and youth workers. School buildings should be well resourced, especially with empathetic adults who are committed to the safety and wellbeing of young people. Restorative justice practices, for one, facilitate youth-adult collaboration in cultivating safe, healing-centered schools.

Because City Council Leadership listened to the outcries of students, parents, and school staff, restorative justice funding was protected this past year but its actual fate today is uncertain. Council must make sure that the city is directing public funds directly towards school budgets and sustainable, long-term practices for restorative justice and peacekeeping – Council must be there every step of the way to hold the Chancellor accountable to giving the schools the funds they were promised.

Thank you for the opportunity to speak.

¹ [NYPD marks opening of new wellness center at High School for Law Enforcement and Public Safety in Queens, QNS](#)



**FROM THE HIGH SCHOOL DEMOCRATS OF AMERICA MUSLIM CAUCUS
TO THE MEMBERS OF THE NEW YORK CITY COUNCIL**

The High School Democrats of America Muslim Caucus (HSDAMC) supports Resolution 0476. HSDAMC is an organization run by students and for students, this gives us a unique opportunity to truly understand and cater to the needs of our members and what we must advocate for. As many of our members are from New York City we believe it is important for us to show our support for this resolution as it will help better equip many students to combat prejudice and bigotry, expand transparency between parents and schools as well as ensuring the safety of all students.

Resolution 0476 will continue to advance New York City Department of Education's commitment to fostering an environment where every student, regardless of their faith, can feel valued and understood. This resolution not only addresses the need for a comprehensive curriculum on religious diversity but also emphasizes the importance of professional development for teachers, staff, and administrators in this regard. This dual approach ensures that our education system is equipped both in terms of content and delivery to promote understanding and respect among students.

By supporting this resolution, we are not only advocating for our current members but also for future generations of students who will learn in an environment that values and celebrates religious diversity. This is an opportunity to make a lasting impact on our education system to do what's best not just for our members but to all the students in New York City for many years to follow.

Zayed Kadir

Zayed Kadir

HSDA Muslim Caucus Chairman

This message is from the High School Democrats of America Muslim Caucus and is not meant to represent other branches of the High School Democrats of America or the organization as a whole.



TESTIMONY IN SUPPORT OF RESOLUTION No. 473

Hearing Date: October 25, 2023 at 1pm

October 26, 2023

Dear Chairwoman Joseph, Chairwoman Hanks and Members of the New York City Council Committees on Education and Public Safety:

Human Rights for Kids respectfully submits this testimony for the official record to express our support for Resolution no. 473 and The Youth Interrogation bill (S1099-Bailey/A1963-Joyner). This bill addresses the important issue of protecting children's Constitutional and human rights when they come into contact with the criminal justice system. Over the years too little attention has been paid to the most vulnerable casualties of mass incarceration in America — children. From the point of entry and arrest to sentencing and incarceration our treatment of children in the justice system is long overdue for re-examination and reform.

Human Rights for Kids is a Washington, D.C.-based non-profit organization dedicated to the promotion and protection of the human rights of children. We work to inform the way the nation understands Adverse Childhood Experiences (ACEs) from a human rights perspective, to better educate the public and policymaker's understanding of the relationship between early childhood trauma and negative life outcomes. We use an integrated, multi-faceted approach which consists of research & public education, coalition building & grassroots mobilization, and policy advocacy & strategic litigation to advance critical human rights on behalf of children in the United States.

Human Rights for Kids supports Resolution no. 473 and The Youth Interrogation bill (S1099-Bailey/A1963-Joyner) because, if signed into law, it will ensure that children consult with legal counsel before they are able to waive their Miranda Rights or are interrogated by law enforcement. Protecting these children's rights will reduce incidents of false confessions by youth and better align New York's policies with juvenile brain and behavioral development science.

Children are particularly susceptible to giving false confessions because they are not as sophisticated as adults when interacting with the criminal justice system and being interrogated by law enforcement. Children rarely understand the consequences and implications of law enforcement interrogations on their due process rights and the impact they may have during trial. Children are 3 times more likely than adults to falsely confess to a crime. Recent data suggests 34% of young people under the age of 18

falsely confess to crimes. One important aspect of The Youth Interrogation bill is safe-guarding children's rights to ensure that no child in New York falsely confesses to a crime they did not commit because they don't fully understand how the justice system works or their Constitutional Rights.

Juvenile Brain & Behavioral Development Science Studies have shown that children's brains are not fully developed. The pre-frontal cortex, which is responsible for temporal organization of behavior, speech, and reasoning continues to develop into early adulthood. As a result, children rely on a more primitive part of the brain known as the amygdala when making decisions. The amygdala is responsible for immediate reactions including fear and aggressive behavior. This makes children less capable than adults to regulate their emotions, control their impulses, evaluate risk and reward, and engage in long-term planning. This is also what makes children more vulnerable, more susceptible to peer pressure, being heavily influenced by their surrounding environment, and being more easily manipulated, brainwashed, or deceived. Children's underdeveloped brains, proclivity for irrational decision-making, and inability to understand the gravity of their decisions is why society does not allow children to vote, enter into contracts, work in certain industries, get married, join the military, or use alcohol or tobacco products. These policies recognize that children are impulsive, immature, and lack solid decision-making abilities until they've reached adulthood. It is for these same reasons that we also have policies in place to protect children everywhere – except in the criminal justice system. The Youth Interrogation bill will put in place greater protections for young children at the point of entry, to ensure they speak with legal counsel before they waive their Miranda Rights or are subject to interrogation.

As new evidence surrounding child brain development has emerged, American society has begun to recognize the need to enhance due process protections for children to safeguard their rights and ensure they do not falsely confess to crimes. In 2013, the American Academy of Child and Adolescent Psychiatry adopted the recommendation that children have an attorney present during questioning by police or other law enforcement agencies. The Academy also recommended that children should have a right to consult with parents prior to and during questioning.¹ The following year, the American Psychological Association adopted a resolution on criminal interrogations, recommending that “vulnerable suspect populations, including youth, be provided special and professional protection during interrogations such as being accompanied and advised by an attorney or professional advocate.”²

Legislatures around the country have also acted. California, Hawaii and Maryland have enacted legislation nearly identical to The Youth Interrogation bill (S1099-Bailey/A1963-Joyner) to ensure that child status is accounted for in the context of custodial interrogation and that children's constitutional rights are safeguarded. This Legislation has passed with wide bi-partisan support. Illinois, Oklahoma, Iowa, North Carolina, and Virginia have also created statutory protections to safeguard children's constitutional rights prior to a custodial interrogation.

In 2019, the U.N. Committee on the Rights of the Child (CRC) affirmed that the assistance available to children involved in the justice system under the Convention on the Rights of the Child should be provided throughout the entire process, “beginning with the interviewing (interrogation) of the child by the police . . .” Articles 37 and 40 of the CRC specifically state that children should have prompt access to legal assistance once their liberty has been deprived and that they should not be “compelled to give

¹ https://www.aacap.org/aacap/policy_statements/2013/Interviewing_and_Interrogating_Juvenile_Suspects.aspx

² <https://www.apa.org/about/policy/interrogations>

testimony or confess guilt.” These human rights principles are also reflected in the recent policy recommendations by both the APA and the AACAP.

It is our responsibility as a society to safeguard and protect the rights of our children. Nowhere is that more evident or needed than in the criminal justice system where the consequences of failing to do so can have a profound, life-altering impact. Children are not as sophisticated as adults when it comes to interacting with the justice system and often lack the capacity to fully appreciate the meaning and significance of the right to remain silent. They can easily be manipulated into confessing to crimes they did not commit. It is for these reasons that Resolution no. 473 supporting The Youth Interrogation bill (S1099-Bailey/A1963-Joyner) is critical. Under the Youth Interrogation bill, children will be required to consult with counsel before being interrogated or waiving their Miranda Rights. This is a common-sense, reasonable bill to protect the rights of our most vulnerable citizens. We strongly urge this committee to support Resolution no. 473 to ensure that we do everything we can to protect both the Constitutional and Human Rights of New York’s children.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Teresa".

Teresa Kominos, Esq.
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Brooklyn, NY
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Education Committee Hearing RE:

Testimony by Nia Morgan, Organizer and Liberation Program Facilitator of The Brotherhood Sister Sol

25 October 2023

Good afternoon. My name is Nia Morgan and I am a facilitator for the Liberation Program at The Brotherhood Sister Sol. For over 25 years, The Brotherhood Sister Sol (BroSis) has been at the forefront of social justice; educating, organizing and training to challenge inequity and champion opportunity for all. With a focus on Black and Latinx youth, BroSis is where young people claim the power of their history, identity and community to build the future they want to see. BroSis provides around-the-clock support and wraparound programming, making space for Black and Latinx young people to examine their roots, define their stories and awaken their agency.

I am submitting testimony on behalf of BroSis and the young people of our Liberation Program in conditional support of Council Member Ayala's bill, Int. No 0003-2022, to restructure the standard response of staff to young people experiencing mental health crises. The bill makes strides in ensuring that young people experiencing a crisis are met with care first, particularly limiting the use of restraints on children. However, we oppose the proposed funding earmarked to further train school police. Police should not be interacting with youth in crisis and the funds can be more effective elsewhere. Relatedly, we are concerned with the mandate for clinical and support staff to be employed to support

young people in crisis, without significant funding to support this mandate. Funds should be invested in DOE positions that care for and support young people.

Our young people need intentional, immediate support from mental health care providers during a mental health crisis. The [2021 national](#) Youth Risk Behavior Survey (conducted by the Center for Disease Control and Prevention) has found that, along all but one metric (youth treated for a suicide attempt) the reported conditions of young people experiencing symptoms of depression have been worsening. While a local version of this survey has not been conducted since 2019, the impact of the pandemic on socialization, family structure, and a sense of stability are all weighing on New York City youth. Living in cities is already a major risk factor for common mental disorders, and our youth need to be met with compassion and mental health professionals, not NYPD personnel.

Int. No 0003-2022, if amended, presents a chance for New York City to be a leader in this country to invest in students' health and support while divesting from structures that criminalize them in the name of illusive safety. Studies from numerous sources have concluded that what genuinely creates a safe school environment is when trusting relationships are built between adults and students, where students are met with support rather than punitive discipline and policing. In a city infamous for the negative relationship between police and the people, in schools where this reality is lived by Black, Brown, and other marginalized young people disproportionately and negatively interacting with police, the answer to a vulnerable moment of crisis must be fully funded and staffed professional care. In this moment, youth deserve for City Council to invest in them rather than the further entrenchment of their policing.

The Brotherhood Sister Sol stands with youth and their advocates from Dignity in School Campaign New York in conditionally supporting Int. No 0003-2022. Thank you for your consideration.

For more information, contact Nia at nm@brotherhood-sistersol.org

The New York City Charter School Center
Erik Joerss, Vice President of Advocacy and Government Affairs
Testimony Presented to the New York City Council Committees on Public Safety and
Education
New York City Council Fiscal Year 2024 Executive Budget Hearings

October 25, 2023

The New York City Charter School Center (Charter Center) respectfully submits the following testimony. The Charter Center thanks the New York City Council Committees on Public Safety and Education for providing the opportunity to comment on the Executive Budget Hearings on behalf of students attending New York City charter schools.

For twenty-five years, public charter schools have been an integral part of the public education system in New York City (NYC), and in the 2023-24 school year there are 274 public charter schools operating in the five boroughs. The charter sector is made up of approximately 142,500 students, representing 15% of public school students, of which 90% are Black/African American or Latinx. New York's public charter schools serve primarily low-income NYC families (80% are economically disadvantaged), offering additional high-quality educational options for families.

The Charter Center supports Intro 03-2022, which would require, among other things, school safety personnel and officers to receive training on identifying and responding to children in emotional crisis. If passed, this bill would assist charters currently co-located with the Department of Education schools (NYC DOE). However, a subset of charter schools do not have access to publicly funded security guards.

Since the enactment 7 years ago of Local Law 2016/02, which provides a reimbursement program for non-public schools to hire security guards, there has been one glaring inequity in how NYC keeps its students safe, the exclusion of charter schools in private space. This could be remedied with the amending and passage of Int. 70-2018. In 2016, the Council created a \$19.8 million School Safety reimbursement fund with taxpayer dollars for non-public schools with over 300 students to cover the cost of keeping their school facilities safe through contracts with private security firms. The Department of Education (NYC DOE) employs school security guards in all of its buildings in partnership with the New York City Police Department. This means that students in private schools with over 300 students, district students, and charter students in DOE buildings have security officers in their buildings. The only group of students attending K-12 schools in NYC who do not receive access to security officers are charter students in private space settings. This exclusion has meant that the approximately 216 charter campuses must fund security costs out of per-pupil funding or redirect teachers and staff to provide security services. Some of these students at private space charter schools are the same students who do not receive rental assistance under a 2014 state law. These students are already receiving \$4,863 less per pupil than district schools.² Those private space charter schools that receive rental assistance receive \$2,057 less per pupil than district schools. The totality of these

realities further demonstrates how public charter schools' stresses are exacerbated and resources are stretched. Charter schools are continuously asked to do more with less, and while the sector has continued to grow and conquer obstacles, the safety, security, and education of children must be non-negotiable.

There is room in the current School Safety reimbursement fund for charter students because most of the \$19.8 million has been left on the table. In 2020, \$14.2 million was unused, in 2021, \$13.6 million was unused, and in 2022, \$10 million was unused. These leftover funds amount to money and resources that can be directed to charter schools – we have estimated that the inclusion of the excluded charter schools representing 52,000 students would cost \$5 million per year, well within the amount left in the pot the past few years. Instead of diverting funds set aside to provide equitable access to security and safety measures and precautions, NYC has chosen to leave charters to fend for themselves in creating a secure environment in which schools can direct their time and attention to providing quality education to some of the most impacted students in the city. If the Council takes up 70-2018, which proposed to grow the number of eligible schools and double the current reimbursement fund, the city's public charter schools should be included.

All students deserve to feel safe and free to focus their energy on their academic growth. Under current law, public charter schools in private space are the only schools in NYC – public or private – that are forced to divert money and resources out of the classroom to provide the basic security every other school enjoys. Even some of the city's wealthiest private schools like Spence, Dalton, Chapin, and Brearley enjoy access to security funding, whilst the public charters that educate primarily low-income students of color whose families are community members and constituents deserving of the same treatment as all other New Yorkers.

During his career as an elected official, Mayor Adams has been vocal about creating a safe city for all in an ever-changing, and both the Mayor and NYC DOE Chancellor Banks have been vocal about scaling educational excellence. To reimburse public charter schools in private space to hire security guards helps us all achieve these common goals, while centering all NYC students – public and private, alike. In fact, Mayor Adams (then Brooklyn Borough President) advocated for the inclusion of charter schools in Local Law 2016/02 stating, ["Our tax dollars should protect all our children,"](#) adding that he believed the Council could pass this. The NYC Council should amend Local Law 2016/02 to include public charter schools. Absent legislation, the City Council should ask City Hall to add funds into the budget for these already underfunded charter schools, many of whom are among the worst-funded public schools in NYC.

We ask that you prioritize the passage of Int. 70-2018 and allow charter schools in private space to access the security guard fund.

Reso 473

Council Member Cabán

Good day, Chair Hanks and the whole committee.

My name is Alberto Encarnación and I feel we need the law of having the right not to be interrogated by the police without a lawyer present to be passed.

There are many young people who are suffering and traumatized because they were pressured by police officers through when interrogated without legal representation being present.

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October 31, 2023

Honorable Rita Joseph, Chair
COMMITTEE ON EDUCATION

Honorable Kamillah Hanks, Chair
COMMITTEE ON PUBLIC SAFETY

New York City Council
City Hall
New York, NY 10007

Re: Oversight – New Safety Initiatives in NYC Public Schools

Int. 0003-2022, a Local Law to Amend the NYC Administrative Code in Relation to the Police Department’s Response to Students in Emotional Crisis in Public Schools

Dear Chair Joseph and Chair Hanks,

My name is Dawn Yuster, and I am a civil rights lawyer.

I submit this written testimony to you and your colleagues to supplement my oral testimony to the New York City Council Committees on Education and Public Safety related to the jointly held hearing on October 25, 2023, on *New Safety Initiatives*, Int. No. 0003-2022, a local law regulating the New York Police Department’ (“NYPD’s”) response to students in emotional crisis, and other bills. The City must stop treating students in emotional crisis as criminals with the draconian and inhumane response of law enforcement and handcuffing. My testimony makes policy and budget recommendations towards that end and towards better supporting NYCPS students.

My perspective comes from working for over two decades as a civil rights lawyer dedicated to racial, social, and youth justice. Most recently, as Advocates for Children’s inaugural Director of the School Justice Project, I led the strategic integration of the organization’s school discipline and police, juvenile justice, and mental health work aiming to end the school-to-prison pipeline. For 10.5 years, I supervised and provided direct legal representation to hundreds of low-income children and youth, primarily involving Black and Brown students and students with disabilities, with coordinated policy advocacy and impact litigation to drive systemic change. Many of these cases involved students with emotional and mental health challenges who faced NYPD officers and handcuffs instead of social workers and educators equipped with resources and training to appropriately support students, prevent behavioral issues, and use trauma-informed de-escalation strategies without force or restraints. I conceived and coauthored Advocates for Children’s reports, *Child in Crisis: Police Response to Students in Emotional Distress* and *Police Response to Students in Emotional Crisis: A Call for Comprehensive Mental Health and Social-Emotional Support for Students in Police-Free Schools*, which served as the impetus for Int. 0003-2022, one of the bills discussed at the hearing. I also served on Mayor Bill de Blasio’s Leadership Team on

School Climate and Discipline’s Committee on School Safety with various members of the NYPD School Safety Division at that time and NYCPS Chief Mark Rampersant.

My perspective also comes from lived experience decades ago as an adolescent when I faced NYPD officers who handcuffed me when I was in emotional crisis in the community. I did not have a weapon and did not threaten anyone. The trauma from this experience has remained with me and trauma undoubtedly remains with the thousands of students each year who face NYPD officers in New York City Public Schools (“NYCPS”) when they are in emotional crisis.

I support Int. No. 3-2022, regulating the NYPD’s response to students in emotional crisis in public schools, with recommendations to strengthen it. I am deeply grateful to Deputy Speaker Ayala for sponsoring this critical bill and to all Council Member cosponsors . I also support Res. 473 and Res. 534-A.

The NYPD’s testimony at the hearing failed to mention some important points. First, the 2,838 NYPD child in crisis interventions in the 2022-23 school year reflected an 18.9% increase from the prior school year, 2021-22. The NYPD continues to use handcuffs on students in emotional crisis—students not engaged in criminal activity—who need emotional support from trained professionals, including educators and behavioral and mental health professionals, and not law enforcement. In the 2022-23 school year, NYPD officers handcuffed students in 228 of the 2,838 child in crisis interventions (8%). Like prior years, the NYPD has continued to respond to students in emotional crisis and handcuff them disproportionately based on race. 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 NYCPS enrollment. Moreover, Black students were twice as likely as White students to be handcuffed while in emotional crisis.

Second, the NYPD failed to mention during their testimony that their policy and procedure for intervening with and handcuffing students in emotional crisis is part of the same policy and procedure for handcuffing students arrested in school.¹ The title of NYPD Patrol Guide Procedure No. 215-13 says it all: “Handcuffing/Restraining Students Within School Facilities for Arrest or As An Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs.”² This exemplifies the NYPD’s treatment of students with emotional challenges as criminals. It also exemplifies the NYPD’s treatment of students with emotional challenges as “emotionally disturbed.” The term “emotionally disturbed” is disparaging and stigmatizing. It perpetuates racialized biases against students, particularly Black students, who are disproportionately labelled as emotionally disturbed, educated in segregated classrooms, and subject to school discipline and criminalization. In addition to being offensive and stigmatizing, the name is inaccurate and a barrier to inclusion.

When NYPD officers intervene with students in emotional crisis, remove them from the classroom, and have them transported to hospitals, which is what happens during the NYPD’s so-called “child in crisis interventions,” they remove students to a more restrictive environment to

¹ NYPD Patrol Guide, Procedure No. 215-13, “Handcuffing/Restraining Students Within School Facilities for Arrest or As An Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs” (effective January 8, 2020), https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide3.pdf.

² *Id.*

receive mental health services. Yet, New Yorkers have a federal right to receive health services in the most integrated settings appropriate to their needs. Children and young people should never feel that when it comes to their mental healthcare needs—and even their intensive mental health service needs—that they have the option of hospital care or nothing at all.

Int. No 3-2022 is an important step toward ensuring that our children and young people in crisis are met with a trauma-informed and healing response, not with law enforcement and handcuffs. This bill has the potential to substantially reduce law enforcement involvement when students are experiencing emotional crises 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.

While I support Int 3-2022, I urge you to consider strengthening the bill for multiple reasons. First, the NYPD training provision should be removed from the bill. The provision in Int. 3-2022 requiring NYPD training is unnecessary and merely duplicates procedures already in place. The NYPD-DOE Memorandum of Understanding already requires training for **both** NYPD school safety officers and precinct officers in these areas.³

Furthermore, I stand in solidarity with students, families, educators, advocates, and the Dignity in Schools Campaign – New York calling on the City to shift funding from the NYPD to instead provide needed mental health and social-emotional support for students. The City must reevaluate its definition of safety in schools and listen to student, parent, and educator voices calling for the divestment of funds from the NYPD School Safety Division and investment in restorative practices, healing-centered schools, and mental health and social-emotional supports and services.⁴ I want to be clear that I am not advocating for additional funding to be allocated to train law enforcement officers to respond to students in emotional crisis.

Second, the definition of “de-escalation techniques” in Int. 3-2022 should be modified to clarify that all de-escalation techniques employed should be trauma-informed by adding the word “trauma-informed” to the definition as follows:

§14-193 Response to students in emotional crisis. a. De-escalation techniques. The term “de-escalation techniques” means the use of trauma-informed verbal communication, body language, active listening, or tactics to defuse a volatile situation.

Third, the description of when NYPD officers should respond to students in emotional crisis in Section 14-193.b.-d. of Int. 3-2022 is overly broad and vague, leaving too many questions and too much discretion to officers. The language should be tightened up to clarify when NYPD officers should be permitted to intervene when students are in emotional crisis—when there is a

³ NYCPS, Resilient Kids, Safer Schools, Citywide Reforms, *NYPD-DOE Memorandum of Understanding* (2019), <https://www.schools.nyc.gov/school-life/safe-schools/resilient-kids-safer-schools>.

⁴ Healing-Centered Schools Task Force, Co-Chaired by the Office of the NYC Public Advocate and the Healing-Centered Schools Working Group, *Recommendations to Bring Healing-Centered Education to New York City Public Schools During the 2021-2022 School Year* (July 2021), <https://advocate.nyc.gov/static/assets/HCSSTF%20Recommendations%20Report.pdf>.

true emergency necessitating law enforcement involvement. I would be happy to consult with you to help strengthen language in this section of the bill.

Indeed, times have changed since Int. 3-2022 was originally drafted. This Administration has been re-imagining New York City's mental health emergency response and expanding a new health-centered approach to mental health emergencies in recognition that police should not be the first responders when people are in emotional crisis:⁵ As stated on the NYC Office of Community Mental Health website:

B-HEARD - the Behavioral Health Emergency Assistance Response Division - is part of New York City's commitment to treat mental health crises as public health problems - not public safety issues. For the first time in New York City's history, teams of health professionals - including EMTs[Emergency Medical Technicians]/paramedics and mental health professionals - are responding to 911 mental health calls through a pilot program that launched in spring 2021.⁶

The City has made notable investments to strengthen mental health crisis prevention and response, including B-HEARD. For example, since 2021, the City has expanded B-HEARD beyond the pilot to multiple boroughs. However, B-HEARD still sends police to the vast majority of all 911 mental health calls.⁷ The Administration should embrace tried and tested approaches, such as the CAHOOTS model, using publicly-funded mental health response teams that include an experienced and certified peer specialist.⁸

Similarly, the City should treat children and young people facing an emotional crisis with public health solutions and not a law enforcement response. The City should implement an alternative crisis response in schools that includes the following:

- B-HEARD with certified crisis-trained peer specialists, EMTs, and mental health professionals—all specifically trained in addressing children and youth trauma—and without NYPD officers.
- Children's mobile crisis teams with timely response—and without NYPD officers
- More youth and family respite centers.
- More wrap-around services for families that need and want more intensive services.

Instead of wasting precious city dollars on expanding NYPD resources to surveil students and arm NYPD school safety officers with bullet-proof vests, the City must invest wisely in more support for students. The City must provide all NYCPS students with safe, supportive, healing-centered school environments that have comprehensive mental health and social-emotional

⁵ NYC Mayor's Office of Community Mental Health, *Re-imagining New York City's mental health emergency response: A new health-centered approach to mental health emergencies*, <https://mentalhealth.cityofnewyork.us/b-heard>.

⁶ *Id.*

⁷ Correct Crisis Intervention Today ("CCIT") -NYC, <https://www.ccitnyc.org/>. CCIT-NYC is a coalition of activist, community and non-profit members, and other advocates seeking a peer-led health team response to mental health calls and not a police response.

⁸ *Id.*

support, which promote well-being and equity for all students and school staff. Sending police into schools undermines this goal. Police are not mental or behavioral health professionals and should not respond to students' needs. Not only are NYPD school safety officers and other officers ill-equipped for this role, but police interventions can in and of themselves have negative effects on adolescent mental health, heightening emotional and psychological distress and resulting in feelings of social stigma.⁹ Moreover, there is a lack of evidence showing that NYPD officers make schools safer.

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 safety.¹⁰ By contrast, there is substantial evidence that trauma-informed care, restorative justice practices, mental health support, and positive behavioral intervention strategies in schools are effective ways to improve school climate and culture.¹¹

The City should invest in students' pressing needs with evidence-based approaches that have been proven effective, including the following:

- **Invest in the expansion of schoolwide Restorative Justice Practices**, which address students' underlying needs, teach critical life skills, build and heal relationships, and keep students in the classroom where they belong. Their adoption with integrity is correlated with improved academic outcomes, school climate, and staff-student relationships.
- **Baseline \$5 million funding in the FY 2025 budget for the Mental Health Continuum.** I am enormously grateful to you, Chair Linda Lee of the Committee on Mental Health, Substance Use, and Addiction, and your colleagues who staunchly advocated for the inclusion of \$5 million in the FY 2024 budget for this innovative cross-agency partnership. Thanks to all of you, thousands of students in NYCPS will have expedited access to mental healthcare through school and H+H clinic partnerships. Students in the Mental Health Continuum are already being referred for mental healthcare. As I continue to participate in the planning and implementation of this novel initiative with the three agencies, I am increasingly impressed by the dedicated agency staff and educators involved.
- **Invest in more NYCPS social workers citywide.** As a city, we cannot in good conscious continue to invest in NYPD school safety officers, particularly at the expense of more social workers to support our children and young people where they spend most of their

⁹ See, e.g., Dylan B. Jackson et al., *Police Stops Among At-Risk Youth: Repercussions for Mental Health*, 65 J. of Adolescent Health 5 (2019), <https://doi.org/10.1016/j.jadohealth.2019.05.027>.

¹⁰ See, e.g., The Bazelon Center for Mental Health Law, *Replacing School Police with Services that Work* (August 2021), <http://www.bazelon.org/wp-content/uploads/2021/08/Replacing-Police-in-Schools.pdf>; The Sentencing Project, *Back-to-School Action Guide: Re-Engaging Students and Closing the School-to-Prison Pipeline* (August 2021), <https://www.sentencingproject.org/reports/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* (August 2021), <https://www.aclusocal.org/en/no-police-in-schools>.

¹¹ See, e.g., *id.*

time. As the New York State Comptroller Thomas P. DiNapoli reported last year, many NYCPS schools do not have an adequate number of social workers to meet the needs of their students.¹² We must do better, and we can.

- **Invest in other evidence-based approaches, such as Collaborative Problem Solving and Collaborative and Proactive Solutions (“CPS”)** that build school staff capacity to better address student behavioral and mental health needs.¹³ CPS is a trauma-informed, evidence-based approach to preventing and addressing challenging behavior that promotes the understanding that students with behavioral challenges lack the skill—not the will—to behave. CPS focuses on collaborating with students to solve the problems leading to their behavior challenges and build the skills they need to succeed. Research has shown that CPS reduces behavior challenges, stress levels, and punitive responses and teaches young people the skills they lack while building helping relationships with adults. It has been used in NYCPS and other schools around the world with notable success.¹⁴ CPS is also part of the Mental Health Continuum model. I strongly encourage you and the Administration to learn more about this non-clinical, evidence-based model and how effective it is in helping students, families, and school staff by reviewing the information, videos, and resources on the CPS websites.¹⁵ I also would be happy to introduce you to the founders of CPS if you would like to learn more.

Thank you very much for the opportunity to provide testimony on this important matter. I look forward to collaborating with you, your colleagues, this Administration, and other stakeholders to strengthen Int. 0003-2022, baseline funding for \$5 million for the Mental Health Continuum, and increase funding for more Restorative Justice Practices, more social workers, and more evidence-based approaches like Collaborative Problem Solving/Collaborative & Proactive Solutions in schools.

Best regards,



Dawn L. Yuster, Esq.

¹² Office of the NYS Comptroller, Press Release, “DiNapoli: NYC Department of Education Must Do More to Combat Mental Health Crisis Among Youth,” *Many Schools Have Far Less Than the Recommended Number of Mental Health Professionals on Staff* (August 18, 2022), <https://www.osc.state.ny.us/press/releases/2022/08/dinapoli-nyc-department-education-must-do-more-combat-mental-health-crisis-among-youth>; NYS Comptroller Thomas D. DiNapoli, *Mental Health Education, Supports, and Services in Schools*, NYC DOE, Report 2020-N7, (August 2022), <https://www.osc.state.ny.us/files/state-agencies/audits/pdf/sga-2022-20n7.pdf>.

¹³ See **Think:Kids**, *Collaborative Problem Solving*, <https://thinkkids.org/> and **Lives in the Balance**, *Collaborative & Proactive Solutions*, <https://livesinthebalance.org/our-solution/>.

¹⁴ See, e.g., **Think:Kids**, <https://thinkkids.org/Moving-from-Point-and-Level-System-to-Collaborative-Problem-Solving/> and **Lives in the Balance**, <https://livesinthebalance.org/research/>.

¹⁵ See *id.*



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Testimony of
Ruth Lowenkron, Esq., Director, Disability Justice Program
on behalf of
New York Lawyers for the Public Interest
before the
Council of the City of New York
Committees on Education and Public Safety
Regarding Int. 0003-2022
November 20, 2023

Thank you for the opportunity to present testimony on behalf of New York Lawyers for the Public Interest (NYLPI) regarding Int. 0003-2022.

NYLPI urges the City Council to ensure that the City 1) ceases responding to students in emotional crisis with police or other “school safety personnel,” and 2) provides these vulnerable students with the support they need and which is mandated by federal, state, and local law. While NYLPI supports Int. No. 0003-2022, which seeks to regulate responses to students in emotional crisis in public schools, it must

be significantly amended to ensure that the wellbeing and rights of students are safeguarded.

Incredibly, the New York Police Department (NYPD) utilizes the same procedures – including handcuffing -- for responding to students in emotional crisis as it does for arresting students suspected of having engaged in criminal activities.¹ Under what best practice, let alone ethical canon, do we contemplate handcuffing students who are experiencing a health crisis?

Students who are handcuffed or otherwise restrained are then removed from the classroom and transported to a psychiatric hospital, which also violates best practices, ethical principles, state and federal Due Process provisions and the specific mandate of the Individuals with Disabilities Education Act, which promises children with disabilities an education in the *least restrictive environment*.²

Only those who are trained in de-escalation practices should respond to a mental health crisis, and the most appropriate individuals to receive such training are peers (those with lived mental health experience) and health care providers.³ Police, who are trained to uphold law and order are not suited to deal with individuals

¹ NYPD Patrol Guide Procedure No. 215-13, “Handcuffing/Restraining Students Within School Facilities for Arrest or As An Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs,” https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide3.pdf.

² 20 U.S.C. § 1412 (a)(5).

³ Martha Williams Deane, *et al.*, “Emerging Partnerships between Mental Health and Law Enforcement,” Psychiatric Services (1999).

experiencing mental health crises, and New York City's history of its police killing 19 individuals who were experiencing crises in the last eight years alone, is sad testament to that. Notably, eliminating police as mental health crisis responders has been shown to result in quicker recovery from crises, greater connections with long-term healthcare services and other community resources, and averting future crises⁴. The scores of people experiencing mental health crises who have died at the hands of the police over the years is a microcosm of the police brutality around the world. Disability is disproportionately prevalent in the Black community and other communities of color⁵, and individuals who are shot and killed by the police when experiencing mental health crises are disproportionately Black and other people of color. Of the nineteen individuals killed by police in the last eight years, sixteen – or more than 80% -- were Black or other people of color.

Authorizing police – and other “school safety personnel” -- to respond to mental health crises in schools is particularly pernicious. Police are not health professionals and they cannot aid students with mental health needs. Not only are police ill-equipped for this role, but their interventions actually negatively affect

⁴ Henry J. Steadman, *et al.*, “A Specialized Crisis Response Site as a Core Element of Police-Based Diversion Programs,” *Psychiatric Services* (2001).

⁵ Mayor's Office for People with Disabilities, “Accessible NYC” (2016).

adolescent mental health, heightening emotional and psychological distress and resulting in feelings of social stigma.⁶

Moreover, there is no evidence showing that police make schools safer, while there is overwhelming evidence that police in schools are harmful to children.⁷ There is also substantial evidence that trauma-informed care, restorative justice practices, mental health support, and positive behavioral intervention strategies in schools are effective ways to improve school climate and culture.⁸

Int. No 0003-2022 is an important step toward ensuring students experiencing mental health crises are provided a trauma-informed and healing response, not with law enforcement and handcuffs. This bill has the potential to substantially reduce law enforcement responses to student crises by requiring documentation of steps taken to de-escalate incidents, emphasizing that the schools' clinical staff must be the first responders to students experiencing mental health crises, and mandating that determinations about transporting students to hospitals for mental health evaluations be made solely by clinically trained mental health professionals. Int. 0003-2022, however, must be significantly amended and strengthened as follows:

⁶ See, e.g., Dylan B. Jackson et al., *Police Stops Among At-Risk Youth: Repercussions for Mental Health*, 65 J. of Adolescent Health 5 (2019), <https://doi.org/10.1016/j.jadohealth.2019.05.027>.

⁷ See, e.g., The Bazelon Center for Mental Health Law, *Replacing School Police with Services that Work* (August 2021), <http://www.bazelon.org/wp-content/uploads/2021/08/Replacing-Police-in-Schools.pdf>; The Sentencing Project, *Back-to-School Action Guide: Re-Engaging Students and Closing the School-to-Prison Pipeline* (August 2021), <https://www.sentencingproject.org/reports/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* (August 2021), <https://www.aclusocal.org/en/no-police-in-schools>.

⁸ *Id.*

- **Establishing an alternative to School Safety Personnel as responders to mental health crises that consists of a peer and an Emergency Medical Technician (EMT) who receive trauma-informed, experiential training, in keeping with “Daniel’s Law” (A.2210/S.2398) and in keeping with the goals of -- if not, unfortunately, the implementation of -- the City’s Behavioral Health Emergency Assistance Response Division (B-HEARD) pilot;**⁹
- **Limiting School Safety Personnel crisis responses to those circumstances where the student poses a substantial risk of physical harm to others as manifested by violent behavior by which others are placed in reasonable fear of imminent serious physical harm – which also comports with Daniel’s Law -- and eliminating entirely the role of Precinct Officers as responders;**
- **Eliminating entirely the use of handcuffs and “other mechanical restraints” on students experiencing mental health crises and ensuring that all other means of attempting to restrain students are implemented in the least invasive/restrictive manner possible and**

⁹ NYC Mayor’s Office of Community Mental Health, *Re-imagining New York City’s mental health emergency response: A new health-centered approach to mental health emergencies*, <https://mentalhealth.cityofnewyork.us/b-heard>, (“For the first time in New York City’s history, teams of health professionals - including EMTs[Emergency Medical Technicians]/paramedics and mental health professionals - are responding to 911 mental health calls through a pilot program that launched in spring 2021”).

are conducted only by properly trained staff and in accordance with the student’s behavioral intervention plan if one exists;

- **Revising the definition of “de-escalation techniques” to include the mandate that all techniques are *trauma-informed* and *research-based*;**
- **Mandating comprehensive mental health and social-emotional support,** which promote well-being and equity for all students and school staff;
- **Mandating the expansion of schoolwide Restorative Justice Practices,** which address students’ underlying needs, teach critical life skills, build and heal relationships, and keep students in the classroom where they belong;
- **Ensuring funding for the Mental Health Continuum,** which makes mental healthcare available through school and New York City Health and Hospitals (H+H) clinic partnerships;
- **Ensuring funding for additional school-based social workers citywide** to address the current dearth;¹⁰

¹⁰ See Office of the NYS Comptroller, Press Release, “DiNapoli: NYC Department of Education Must Do More to Combat Mental Health Crisis Among Youth,” *Many Schools Have Far Less Than the Recommended Number of Mental Health Professionals on Staff* (August 18, 2022), <https://www.osc.state.ny.us/press/releases/2022/08/dinapoli-nyc-department-education-must-do-more-combatmental-health-crisis-among-youth>; NYS Comptroller Thomas D. DiNapoli, *Mental Health Education, Supports, and Services in Schools*, NYC DOE, Report 2020-N7, (August 2022), <https://www.osc.state.ny.us/files/stateagencies/audits/pdf/sga-2022-20n7.pdf>.

- **Ensuring funding for other evidence-based approaches to address students’ mental health needs**, such as the trauma-informed, evidence-based Collaborative Problem Solving and Collaborative and Proactive Solutions (“CPS”) program,¹¹ which has been used in NYC schools and other schools around the world with notable success;¹² and
- **Shifting funding from the NYPD to the DOE** to provide mental health and social-emotional support for students.

Children with mental disabilities are among our most vulnerable citizens and we must act with all speed to provide them with necessary services and uphold their civil rights.

Thank you for the opportunity to provide testimony on this important matter, and I look forward to working with you to amend Int. 0003-2022.

###

About New York Lawyers for the Public Interest

For nearly 50 years, New York Lawyers for the Public Interest (NYLPI) has been a leading civil rights advocate for New Yorkers marginalized by race, poverty, disability, and immigration status. Through our community lawyering model, we bridge the gap between traditional civil legal services and civil rights, building strength and capacity for both individual solutions and long-term impact. Our work integrates the power of individual representation, impact litigation, and comprehensive organizing and policy

¹¹ See Think:Kids, *Collaborative Problem Solving*, <https://thinkkids.org/> and Lives in the Balance, *Collaborative & Proactive Solutions*, <https://livesinthebalance.org/our-solution/>.

¹² *Id.*

campaigns. Guided by the priorities of our communities, we strive to achieve equality of opportunity and self-determination for people with disabilities, create equal access to health care, ensure immigrant opportunity, strengthen local nonprofits, and secure environmental justice for low-income communities of color.

NYLPI's Disability Justice Program works to advance the civil rights of New Yorkers with disabilities. In the past five years alone, NYLPI disability advocates have represented thousands of individuals and won campaigns improving the lives of hundreds of thousands of New Yorkers. Our landmark victories include integration into the community for people with mental illness, access to medical care and government services, increased accessibility of New York City's public hospitals, and attainment of appropriate educations for countless students with disabilities. We prioritize the reform of New York City's response to individuals experiencing mental health crises. We have successfully litigated to obtain the body-worn camera footage from the NYPD officers who shot and killed individuals experiencing mental health crises. In late 2021, NYLPI and co-counsel filed a class action lawsuit which seeks to halt New York's practice of dispatching police to respond to mental health crises, and in the context of that lawsuit, seeks relief on behalf of individuals affected by the Mayor's Involuntary Removal Policy. Our advocacy in the area of education for students with disabilities focuses on vindicating the rights of students classified as having an emotional disability who receive stigmatizing and inadequate services.

City Council -

I am writing this testimonial to speak on my firm belief that cops do not belong in schools. Though students face a number of very real and present risks and threats to their safety in this current world, the answer is not more police. Rather, the answer is root-deep. We must fund schools **fully**, allowing them the opportunity to provide holistic safety for our children. This includes ensuring that our students have ample and adequate mental health services in **every** school. This includes having well-funded and robust after school programming to offer youth supportive structure and opportunities for their time. This includes allotting childcare services and additional supports for families that address their needs for food, shelter, and other services. This includes supporting curriculum and programming that centers social emotional learning, as well as promoting deeper understanding among students that our differences should not only be tolerated, but celebrated. This also includes a collaboration in working to end the easy access to weapons and guns. When police are in schools, violence is only met with more violence. Black and brown students are disproportionately impacted and targeted by police presence, contributing to the widely documented school-to-prison nexus. Police make many of our students feel unsafe, surveilled, and harassed.

I'm testifying in full solidarity with Teachers Unite, to urge you to move money away from policing young people and towards the staff, resources, and restorative practices that make our schools safe and which support students to thrive.

In solidarity with teachers, students, & families,
erin reid
Public Title I H.S. Art Teacher in District 2

Mi nombre es Esperanza Vásquez y soy madre de dos niños y he sido líder de padres con el Comité de Padres en Acción (PAC) del New Settlement desde 2001. Aunque nací en México, mis dos hijos nacieron en el Bronx y fueron a la escuela en el Distrito 9. Mi hijo mayor está en la universidad y el más joven se graduó recientemente de la escuela secundaria en el campus de la comunidad de New Settlement.

El Comité de Acción de Padres del Nuevo Acuerdo es una organización dirigida por padres que ha trabajado con padres y escuelas en el Bronx desde 1996. Nuestra misión para PAC es que todos los niños merecen una educación de calidad.

PAC es una organización representando coaliciones como la Campaña de Escuelas Centradas en la Sanación, la Coalición para la Dignidad en las Escuelas, y los Neoyorquinos por las Escuelas Públicas con Justicia Racial

Como organización de familias inmigrantes, negras y latinas, pedimos que el estado de Nueva York haga más por nuestras escuelas y nuestras familias e invierta en sanar y apoyar a nuestros estudiantes y no castigar y suspender injustamente a los estudiantes en crisis.

Por eso estamos aquí - padres y estudiantes, familias que han sido perjudicadas y sentido un daño real por parte del sistema de educación pública!

¡Necesitamos emplear más consejeros escolares y trabajadores sociales para apoyar la salud socioemocional de los estudiantes!

Necesitamos dejar de desplegar policías en nuestras escuelas y de usar detectores de metales.

¡Necesitamos dejar de suspender a los estudiantes por más de 20 días, hasta un año robandoles apoyo educativo!

¡Hemos estado abogando durante casi diez años! ¡Estado de Nueva York presta atención!

Necesitamos usar técnicas de justicia restaurativa y dejar de tratar a nuestros niños como criminales. Necesitamos soluciones, no suspensiones. Necesitamos dignidad para nuestros estudiantes en las escuelas.

My name is Esperanza Vasquez and I am a mother of two children and I have been a parent leader with the New Settlement Parent Action Committee (PAC) since 2001. Although I was born in Mexico, both of my children were born in the Bronx and went to school in District 9. My oldest son is currently in college and my youngest recently graduated from High School on the New Settlement Community Campus.

New Settlement Parent Action Committee is a parent led organization that has been working with parents and schools in the Bronx since 1996. Our Guiding Principle for PAC is that Every Child Deserves a Quality Education.

PAC is here representing the Healing-Centered Schools Campaign, the Dignity in Schools Coalition, and New Yorkers for Racially Justice Public Schools among others

As an organization of immigrant, and black and latinx families, we ask that New York State do more for our schools and our families and invest in healing and supporting our students and not unjustly punishing and suspending students in crisis.

That is why parents and students, families who have experience real harm from the public education system are here.

We need to stop deploying police in our schools and using metal detectors.

We need to employ more school counselors and social workers to support students social-emotional Health!

We need to stop suspending students for over 20 days, up to a year robbing them of educational support!

We have been advocating for nearly ten years! New York pay attention!

We need to use restorative justice techniques and stop treating our children like criminals. We need Solutions not Suspensions. We need dignity in schools.

October 25, 2023
Chairwoman Rita Joseph
New York City Council
Legislative Office, Suite 1789
250 Broadway
New York, NY 10007

RE: Resolution 476 (Hanif) – SUPPORT

Dear Councilmembers:

I am pleased to support [Res. No. 476](#) (Hanif) which calls upon the New York City Department of Education to consult with faith-based organizations to develop and provide all grade levels with a curriculum that focuses on religious diversity and to provide professional development focused on religious diversity for teachers, staff, and administrators. This resolution also aims to ensure accurate classification of hate crimes in annual school reports and immediate notification and full disclosure to parents of hate crime statistics. The resolution also asks that schools take actions to condemn bullying and harassment based on religious clothing, food requirements, and the need for prayer space and time year-round. We are writing to request that this resolution receive a hearing in the Education Committee and also to ask you to sign-on as a co-sponsor in support of this legislation.

By way of background, Sikhism is the world's fifth largest religion, with over 25 million followers. As a community that has proudly been a part of the fabric of New York for more than 100 years, our contributions to the state of New York are rich and deep. Today, in nearly every facet of New York's society and economy, Sikhs are making a profound impact.

However, Sikhs remain disproportionately targeted in cases of bigotry, bias, bullying and backlash. Relative to other vulnerable minorities, Sikhs are often disproportionately targeted for discrimination because many Sikhs wear turbans and maintain unshorn hair in accordance with their faith. According to the most recent [FBI data](#), religiously motivated hate crime victimizations were at their highest since 2001, with an increase of 17 percent since 2021. Anti-Sikh hate crime victimizations were recorded by the FBI as the highest number ever at 198, and Sikhs still remain the second-most targeted group in the nation for religiously-motivated hate crime incidents.

The Sikh community is currently on high alert for the risk of hate-motivated violence, especially given the recent FBI data, as well as the overall increased risk of hate crimes for communities across the nation in light of current geopolitical events. This feeling of risk is particularly acute for the Sikh community in Queens, given the extremely [recent bias-motivated assault](#) of 19-year-old turbaned Sikh man Maninderpal Singh on an MTA bus, as well as the recent history of numerous anti-Sikh acts of hate in the Richmond Hill neighborhood (e.g. a string of assaults and robberies targeting elderly Sikh men throughout April 2021).

Such violence also manifests in our schools, as a [2014 report](#) by the Sikh Coalition found that turbaned Sikh children are bullied at twice the national average, and 67% of turbaned Sikh students are bullied. According to Sikh students who experience bullying, ignorance breeds animosity and one of the best ways to keep them safe is to educate their teachers and classmates about the Sikh tradition in an accurate and constitutionally appropriate way.

New York City has the ability to remain a leader in public school education, and send the right message that our schools are safe and inclusive for all students. In 2014, the Sikh Coalition worked with the New York Sikh community and the New York State Department of Education to include Sikhism in social studies standards frameworks. However, existing curricula have failed to properly educate students about the Sikh community, as well as other faith communities. City Council must do more to recognize the contributions of faith communities and to implement religious diversity curricula.

We appreciate your dedication to this work and look forward to your support.

Thank you,

Harwinder "Prince" Singh

Good Evening/Afternoon,

My name is Hillary Ashraf. I am a student at Midwood High School, and a member of DRUM-Desis Rising Up and Moving. I am also a member of the Dignity In Schools Campaign- a coalition of over 20 New York City based organizations consisting of students, parents, educators and advocates who work to create a system of school discipline and safety that is based on mutual respect and problem-solving to end the school to prison pipeline. DRUM is made up of working class south asian and indo caribbean immigrants. Quality education is at the center of our peoples demands. We believe that schools can only provide quality education when students feel safe enough to explore and express their creativity with support. Restorative justice programs are tried and true practices that provide these supportive spaces for students to overcome the obstacles that they face in school or at home. We want the city to fund RJ programs and provide meaningful cultural shifts needed to build community and address harm as it occurs. We want schools to receive the funding directly to be able to use as they see fit to train and hire supportive staff, and for this funding to come directly from the divestment of policing in our schools.

We also want to share our conditional support for Intro No. 3. We support limiting the use of restraint against students in emotional crisis while demanding that no additional funds are allocated for the training of NYPD. DSC-NY members have been clear that police should not be interacting with young people, especially young people in crisis. Additionally, this bill mandates clinical and support staff to aid young people in crisis without significant funding to support this mandate, and that financial accountability needs to be addressed. Funds should be invested in DOE positions that support our young people without criminalizing them. Having the voices of our youth's leader chip truly

As a young person, I really wish City Council would truly listen and our voices and wishes. We are the ones who know what we really need. Thank you.

I also have an important question: Why is the major and schools building robot cops when our school employees aren't being paid enough?

Dear Chair Joseph and Esteemed Members of the Education Committee and City Council,

My name is Husein Yatabarry. I am before you today as the Executive Director of the Muslim Community Network. Our vision has been to empower the diverse Muslim communities that stretch across our five boroughs through civic engagement, leadership development, and unwavering advocacy.

Imagine a world where a child is judged not by the content of their character but by the misrepresentation of the religion they practice or the culture they were born into. Sadly, that's not just a figment of our imagination; it's the reality many face right here in our city.

The weight of religious and cultural misunderstandings has manifested in a startling rise in hate crimes against our fellow New Yorkers. Last year alone, we bore witness to nearly 220 such incidents. The FBI's Uniform Crime Reporting Program unveils a disheartening trend of growing hate crimes against Jews, Sikhs, and Muslims since 2015.

Even more disconcerting, NYPD figures show a 7% spike in hate crimes correlating with recent tensions in Occupied Palestine and Israel. In just over two weeks, 51 hate crimes have been reported, primarily targeting Jewish, Sikh and Muslim communities.

Our schools, which should be sanctuaries of learning and understanding, are not exempt. Bias-related incidents are alarmingly prevalent, and even worse, they often go unreported. Data from the Muslim Community Network's hate crimes report of over 200 NY Muslims reveal:

- 76% of Muslims in NYC have been spectators to a bias incident.
- About half believe broader religious diversity across various institutions, starting in our schools, is necessary.

Drawing from my background as an educator, I have personally witnessed, mediated, and educated students on religious diversity. I navigated a bias-related incident involving a young Muslim girl in the 5th grade. She was told she would “go to hell” for being Muslim and not Catholic. Her peers did not understand why she wore a hijab in class and mocked her for it. While the students did face consequences, this situation was preventable. I had received no formal training in religious diversity, and the students were not exposed to a religious diversity curriculum. This situation could have been prevented.

I urge the Department of Education to collaborate intensively with non-profits, faith-based organizations, and the clergy. Together, let's design a curriculum for all grade levels that celebrates religious diversity, working actively to eliminate prejudice and foster unity from a tender age.

It's not just about the curriculum, though. We must invest in professional development for our educators, ensuring they're equipped to foster an environment of acceptance. It's our duty to ensure that no school staff member, parent, or student ever experiences friction based on external global issues that have unfairly targeted religions and nationalities.

Furthermore, we demand transparent reporting of hate crimes in schools. The Department of Education must prioritize accurate classification, timely notifications, and absolute transparency in disclosing hate crime statistics in their annual reports. Parents, community leaders, and educators alike need this information to understand patterns and proactively address such issues.

In conclusion, we urge the adoption of City Council Resolution Number 476. Let's stand united in condemning any form of bullying or harassment based on religious or cultural practices. Let our schools be beacons of hope, acceptance, and unity in these divisive times.

Thank you for your time and consideration.

Reso 473

Council Member Cabán

Good morning, Chair Hanks and all of the committee.

My name is Isaiah Guilfuchi and I feel like the Right To Remain Silent Bill is important because kids say anything when they feel like they're in trouble. Kids lie, and even lie in a way they think is helpful but it can get them in even more trouble. This bill is helpful because some cops get ahead of themselves and don't care that a kid is underaged and will continue violating their rights.

Reso 473

Council Member Cabán

Good morning, Chair Hanks and the entire committee.

My name is Jaden Marrero and I believe the Youth Interrogation Act should be made into law. It is important for youth under the age of 18 to not have to be interrogated by police without a lawyer present. Youth get nervous, uncomfortable and scared when they are under pressure which can cause them to falsely incriminate themselves.

Deskovic Foundation

The Jeffrey Deskovic Foundation for Justice

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10/30/23

Re: Resolution No. 437 (Sponsored by CM Caban; hearing held on Oct. 25, 2023
@ 1pm - Committee on Education and Public Safety)

My name is Jeffrey Deskovic, and I was exonerated by DNA Testing back in 2006 following sixteen years of wrongful imprisonment-from age 17 to 32-for a murder and rape I didn't commit. Today, I am an attorney whose life is dedicated to freeing the wrongfully convicted and preventing wrongful convictions via legislation, through my non-profit organization, The Jeffrey Deskovic Foundation for Justice.

Coerced, false confessions have caused wrongful convictions in [29 percent of DNA-proven wrongful convictions](#), with youth and people with mental health issues being particularly vulnerable. Children do not understand their Fifth Amendment Rights and, as a result, frequently waive them – often with disastrous results.

At 16-years-old, I waived my rights without understanding them, and that culminated in a false confession that ultimately cost me 16 years in prison for murder and rape prior to DNA evidence exonerating me.

But my case is not the only one. Just last year, a sixth Central Park Defendant, Steven Lopez, was exonerated after having been wrongfully convicted following the extraction of a false confession from him at age fifteen. In Brooklyn, three other youths, Vincent Ellerbe, James Irons, and Thomas Malik, were exonerated after years in prison. How many more youth have to have their lives stolen from them through false confessions? It is important to understand that this bill would not create a new right; it would simply breathe life into a right that already exists.

Law enforcement claims that this bill will hinder them in doing their jobs; but this is not so. Neither [California](#), [Washington](#), [Maryland](#), nor [Hawaii](#), where similar bills have been enacted into law, are reporting difficulty solving crimes. If police want to question a youth, they likely already have evidence pointing to the youth. If a case needs a little bit more evidence before an arrest can be made, then investigation can continue.

Police work is not supposed to be quick or easy, and our justice system does not depend on the unknowing, unintelligent and involuntary waiver of rights, most of which are by people from communities of color or those who lack financial resources. What is one of the first steps that wealthy parents take when they learn that police want to question their kids? Hire a lawyer. But poor people cannot

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afford to hire attorneys, so socio-economic status is allowed to perpetuate inequity in the justice system.

In comparison, police officers facing investigation following a concerning shooting are given twenty-four hours to consult with an attorney before they can be questioned. These are adults with a legal background already familiar with the criminal justice system and how it works. If they are deemed to need protection, so too do kids.

Some argue that the decision whether to waive rights should rest with parents, and that involving an attorney takes away parental authority. This argument fails several ways: first, parents often don't understand *Miranda* Warnings themselves; second, sometimes a parent's rights are at odds with their child's; and last, false confession experts have found that sometimes police are able to turn parents into their agents of coercion in securing involuntary statements from their own children.

I want to touch on the public safety aspect of this bill; not only does a wrongful conviction devastate the defendant and his or her family, but it also leaves the actual perpetrator free to strike again, as happened in my case. Stephen Cunningham killed a second victim just three and a half years after killing the victim in my case, school teacher Patricia Morrison, who had two children. The actual perpetrator struck again in the The Central Park case. This measure is likely to prevent future wrongful convictions and thus leave fewer actual perpetrators free to strike again.

There is a tax-payer saving aspect to the legislation: with few wrongful convictions there will be less taxpayer money that has to be paid out as deserved financial compensation to the exonerated.

Videotaping of interrogations, which is already mandated in New York State, albeit with disturbing carve-outs of homicides, sex offenses, and drug cases that must be remedied, helps, as would an introduced bill that would prohibit police from using deception during interrogations which recognizes that lying to suspects is inherently coercive. But these measures are not enough; children under eighteen will still remain vulnerable.

To make my suffering and that of other youth victimized by coerced, false confessions extracted from us without our even understanding our rights, count for something I call upon the New York City Council to pass Resolution 473 calling upon the New York State Legislature to pass, and the Governor to sign, the [Youth Interrogation bill](#) (S.1099/A.1963) as soon as possible. End this injustice so often visited on youth, most frequently on minorities.

Deskovic Foundation

The Jeffrey Deskovic Foundation for Justice

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3148 East Tremont Avenue
Bronx, New York 10461
www.deskovic.org
914-703-1327

I appreciate your consideration of my testimony. I am happy to speak further about what I experienced as well as the issue in general. Please consider my written testimony to be submitted on behalf of The Jeffrey Deskovic Foundation for Justice, but also on behalf of: It Could Happen To You [I am on their Advisory Board]; Restorative Justice International [I serve on their Global Advisory Council]; and #Right2RemainSilent [I am in their coalition]

Best,

Jeffrey Deskovic

914-703-1327

Jeff@Deskovic.org

Reso No. 473
Council Member Cabán

Thank you Chair Hanks and committee members. My Name is Linda Smith and I'm in the Youth Council at BronxConnect.

I am here to speak about the Youth Interrogation bill (S1099-Bailey/A1963-Joyner). The Youth Interrogation bill is important to me because it will provide us with a lawyer who will break down our rights which will help us have a better understanding of them so we will not say or do something wrong while we're in that interrogation room. A young persons mind is not fully developed until the age of 25. The cops can take advantage of that knowing that sometimes we are naive and do not understand the process. Due to the pressure we are under we may falsely confess. That false confession can be used against us in a court of law so that's why the Youth Interrogation bill will help to prevent these things from happening. We will be able to have a lawyer who will break down our rights to us which will help us have a better understanding of them so when we are in that interrogation room we know what to say and what to not say.

Also, the Youth Interrogation bill (S1099-Bailey/A1963-Joyner) will help bring unity between young people and the police. It will change young people's perception of what they think about police.

This bill will be a seal to the foundation to help us young people to know that we have power in our voice and we have rights. The youth interrogation bill is very important to us young people so we can move forward and we can show the world that we are the next generation. This bill is really important to not only me but so many young people out there too.

"Hello honorable council members, chair council woman Rita Joseph, and members of the education committee, thank you for the opportunity to testify today, my name is Memunatu Mohammed and I am a program alumni and community member of MCN's. As we are all aware religious hate crime has been on the rise recently especially to black and browned individuals. One of the reason why majority of these people leave their countries on the first place is because of the freedom to practice their religions freely. To leave your country with high hopes and face the same thing you're running away from is very contradicting. My cousin Amina had an experience where she was bullied for been Muslims her class mates will always question why she wore her hijab she never payed any attention to them. They use to ask if she did it because she was bold. One day they decided to take the initiative to remove the hijab off I. That experience is very traumatizing for a young girl. She decided to stop wearing her hijab because she was worried for her safety. That isn't right she shouldn't be forced to make such a decision because of other peoples curiosity. Passing this bill will be helpful in making others aware and f why others choose certain religious life styles and it'll reduce the hate crime

Hello,

My name is Tina Zeng. I am a student living in South Brooklyn. I come as an activist from YAYA Network with the Dignity In Schools campaign to advocate for restorative justice.

Over my summer, I conducted interviews with students from six different high schools about their experiences with restorative justice. One of the key themes that came up again and again is “Harmed people harm people” as one participant shared. Many students who have a difficult home life and do not have the support system at home nor at school to cope with their trauma and sometimes misdirected anger. When schools expose these vulnerable students to police in schools, any conflict that arises will exacerbate that harm occurring in the students’ life, should the situation escalate into punitive disciplines that take the student away from learning as it often does.

Sharing my personal stakes with RJ at my school. When I was a sophomore two years ago, there was a very contentious incident relating to the current tragedies with the Israeli-Hamas war and the Palestinian Question and struggle. That incident resulted in much anger from the student body, but taking action upon anger my school’s Student Equity Council organized a dialogue for students with Palestinian and Israeli guest speakers, which I attended. I bring this up because a Restorative Justice Action Team (RJAT) succeeded the Student Equity Council last year, and RJAT facilitated a space to work with CBOs like Morningside to train students to mediate.

(side note: students on RJAT were told they would be compensated yet many of my friends did not receive their due compensation because the DOE didn’t have any money to pay out the rest..)

Anyways, students need a facilitated safe space to process the situations within our schools and to think critically and to feel all the very profound feelings that many students and families feel about what’s happening in the world. And restorative justice practices are so essential to creating this safe space—from my interviews with other students’ RJ experiences, I learned that RJ is so much more than conflict-resolution. RJ is about creating a school environment and community where it is possible to compassionately discuss issues inside and outside of school because students feel valued in their perspectives as that might be through RJ circles. RJ also teaches accountability and it means so much more to students’ development than receiving any punishment where they do not get the opportunity to come through the other side understanding how and why the things they have done may be harmful. To me, the values of RJ are integral to transforming education from just responding to harm to actively identifying and mitigating harms from different aspects in students’ lives—my vision is that students are empowered to thrive academically, intellectually, socially, emotionally because schools center our well-being.

Reso 473

Council Member Cabán

Good afternoon, Chair Hanks and all of the committee.

My name is Vincent Murillo and when I was interrogated at 20 years old, it was terrible. If I, as an adult, can be intimidated and almost convinced to speak then a minor can definitely be taken advantage of. The detective was using childish tactics like offering chips, food, and water. Although I know my rights and I stood my ground, someone who doesn't know their rights like most minors, can easily give a false confession and ruin their life. Thus, The Right To Remain Silent bill will protect anyone under the age of 18 years old through prevention of intimidation and bribery which lead to false confessions and wrongful convictions.

"Love causes us to act when we see injustice, hurt, or a need. Love does not allow us to sit passively by while our communities are devastated by incarceration and violence." ~ Rev. Wendy Calderón-Payne

Reso 473

Council Member Cabán

Mi nombre es Yordani Ureña. Necesitamos la ley de no interesar por la policía porque hay seres humanos persona traumada y secular lo que e visto hay algunos que abusan de confianza y multaron a la persona.

My name is Yyra Takat, I'm a junior at the Bronx High School of Science, and have been attending an NYCDOE public school my entire life.

I grew up going to the mosque, fasting during Ramadan, and confused why I had to skip school for Eid until I was in the second grade, when it became a holiday on the school calendar.

I grew up learning about Christmas and Hanukkah during the holiday season, seeing my friends profoundly show off their first communion dresses, and confused why they were wearing wedding dresses for kids.

I grew up fortunate that my parents would explain to me what these holidays meant for the people celebrating and why they celebrated impartially. Others, however, have been evidently less fortunate than me in this experience, when their parents projected prejudices against the groups being asked about instead.

I was in the first grade when I received a death threat from my classmate. It was a small class of fourteen kids including myself, and I was the only Muslim. Others knew because I was absent on Eid. My classmate told me, "I'm going to come to your house at night and murder you, because you're a terrorist". I remember this vividly because of what happened after. I stared blankly at him. I responded, "Sorry, my parents won't let you. I only have sleepovers with my girl cousins". I didn't know what *murder* meant. Later that day as my mom was paying for parking after a doctor's appointment, I asked her what that word meant. I remember how shocked she was that her baby was asking what such a violent word meant, but what is engraved in my memory, is the horror in the woman paying for her ticket beside us' face when I told my mom how I heard the word. I knew what the word *terrorist* meant, because we learned about it at the beginning of that year after the schoolwide moment of silence in remembrance of 9/11.

This event still plays in my mind. How could a child be so full of hate? My questions were answered a few years later by that very same kid. I was in the fourth grade when the 2016 presidential elections were taking place. There was an increasing presence of Islamophobia in the media, but also in my school. He would go up to every teacher and ask who they voted for, most of them refusing to answer, and rightly so. I was waiting outside of my math class when he threatened that his cop father would deport my family "back to Afghanistan" because we "caused 9/11". This horrified me, not only because I was scared that my life as I knew it would change, but also because he would make sure we would be sent a country whose culture and languages are completely foreign to me. My family is from India. My Muslim math teacher was within an ear shot and dragged him to the dean's office, to where I was called the next day for him to read me an apology letter where he said he wouldn't bully anyone for the rest of the year.

I had exposure to the beauty of my faith because I practice it, but this boy's only exposure was when teachers would tell us what happened on 9/11, and what his parents were telling him "my people" were doing. Looking back on the circumstances, even after the toll it has taken on my pride in my identity, it makes sense how a child could bring such thoughts to school and project them onto others.

In the ninth grade, we finally learned about religions across the world. But it was too little too late. Disproportionate amounts of time were spent on the major religions of the world, six weeks we spent learning about Christianity in Europe, two weeks on Judaism in history, and a mere four days on Islam. I was so excited to tell my classmates about how much I love Eid and how Ramadan brings me closer to my faith, but hearing my teacher call the Kaaba the "black cube" and that we fast "every summer all day" was disappointing and also confusing. Why is half of this stuff literally wrong? I went after class to tell her that I took issue with some slides she shared and the first thing she did was mock me. "You took issue? Uhuh." I continued, telling her that Ramadan doesn't happen strictly in the summer, it follows the Islamic Calendar, that is lunar, something that wasn't even included in the slides. She responded saying that she was a public school teacher on a public school salary and that it wasn't her responsibility to teach us about "these little religions: Islam, Christianity, Judaism, Hinduism," and that if I wanted to learn about them "so bad" I could just go to a mosque or synagogue myself. The next day, she kept me after class telling me her outburst was because she hadn't had her coffee.

Even when we were supposed to be learning about religions, the lack of structure in what needs to be known left half the people wondering if Muslims pray five times or seven times when the unit test came around. When the one place we go to learn and be prepared to enter society will not teach us about the things we need to know about the diversity of society, there is no question why religious and race-based bullying is so prevalent not only in children, but also adults. Because the eventual education we do receive is too little too late.

Learning about the richness of the cultures and religions surrounding me earlier on in school would have helped prevent not only external, but also internal xenophobia in myself and others. If stricter measures were taken to prevent and reprimand targeted bullying like I and millions of others have experienced and continue to experience in schools not only by peers, but also even administrators, more people would feel safe in schools and diverse environments. Such experiences that have detrimental effects on people can be prevented with Resolution 476, advocating for religious diversity being introduced in school curriculums. Thank you.

Hello everyone,

Apologies for not being able to attend this important hearing due to work conflicts, but I wanted to share my thoughts in relation to this matter.

Growing up in NYC in the aftermath of 9/11, I like many others, have experienced Islamophobia and have seen hate crimes carried out against our Sikh communities.

22 years later, we face similar trauma, if not even worse and once again I am somehow suspicious in my own community due to my faith and identity. Harassment in the train and I have yet to find out what will happen next.

I have reported the recent anti - Muslim, Arab, Sikh incidents and others which happened earlier this year in Queens to the Queens Borough Hall in hopes to bring awareness and possible resolution.

I support Resolution 476, which is a call to offer Religious Diversity Education within NYC public schools. Thank you Council Member Shahana Hanif for initiating this resolution. This will not only help educate our youth and bring awareness about the diverse faith-based communities, but will also help foster a safer environment within schools and our neighborhoods. Our youth today will pave the paths for tomorrow and so it is important to have these discussions and education guidelines to sustain peace within institutions and the broader communities.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 476

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Mustika Moshahid

Address: 10land Ave. Bx. NY 10492

I represent: Muslim Community Network (MCN)

Address: 150 Lexington Ave. NY 10017

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 476

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Fatimah Thiam

Address: 150 Lexington Avenue

I represent: Muslim Community Network

Address: 150 Lexington Avenue

**THE COUNCIL
THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Eman God

Address: _____

I represent: Girls for Gender Equity (GGE)

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 003 Res. No. _____

in favor in opposition

Date: 10/25/2023

(PLEASE PRINT)

Name: Nelson Mar

Address: 349 E 149th St.

I represent: Bronx Legal Services

Address: 349 E 149th St. Bx, NY 10451

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 476 Res. No. 476

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Aj Hanker Marehah

Address: Bronx 10456

I represent: Muslim Community Network

Address: 450 1st Ave 10017

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 476

in favor in opposition

Date: 10/25/2023

(PLEASE PRINT)

Name: Husein Yatabarry

Address: 450 Lexington Ave, 4th Floor

I represent: Muslim Community Network

Address: 450 Lexington Ave, 4th Floor

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 10/25/2023

(PLEASE PRINT)

Name: Wali Ullah

Address: Fulton Avenue, Bronx, NY 10469

I represent: Muslim Community Network

Address: 430 Lexington Ave, New York, NY 10017

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 476

in favor in opposition

Date: 10-25-2023

(PLEASE PRINT)

Name: Rev. Mark Fowler

Address: 200 Broadway NY, NY 10038

I represent: Tanenbaum Center for Interreligious Understanding

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 476

in favor in opposition

Date: 10/25/2023

(PLEASE PRINT)

Name: Yyra Takat

Address: dry harbor rd

I represent: Bronx Science Student

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 476

in favor in opposition

Date: 10/25

(PLEASE PRINT)

Name: KULSOOM TAPAL

Address: 50 BEAD ST.

I represent: CACF

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 9 Res. No. 476

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Heba Khalil

Address: 63rd Street Brooklyn NY

I represent: Engage

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Fatima Omarullo

Address: Colgate Ave

I represent: Muslim Community Help word &

Address: Montefiore Staffing Program

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Harwinder Singh

Address: 132nd st, South Richmond Hill, NY, 11419

I represent: Sikh Coalition

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Japreet Singh

Address: 122nd st

I represent: Khalsa Community Patrol

Address: Same

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rev. Chloe Sawyer

Address: Adam Clayton Powell

I represent: The Interfaith Center

Address: of NY 475 Riverside Dr
Suite 540



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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dawn Yuster, Civil Rights Attorney

Address: E. 95th St

I represent: Myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0003 Res. No. _____

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Michaela Shuchman

Address: 349 E 149th St, The Bronx, NY 10451

I represent: Legal Services NYC

Address: _____

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Theress Frey

Address: W 36th St

I represent: Yaya Recherche

Address: _____

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in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Andree Ortiz

Address: Turner Place

I represent: Dignity in Schools - NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Rohini Singh

Address: _____

I represent: Advocates for Children of NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Syed Mir Martin Tami

Address: Roosevelt Ave

I represent: DRUM

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Tina Zeng

Address: W 36th St.

I represent: Ya Ya Student

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Chauncy Young

Address: 15 12 Townsend Ave Bronx

I represent: New Settlement Parent Action

Address: Comm. Hq

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THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Esperanza Vazquez

Address: 15 12 Townsend Ave Bronx

I represent: New Settlement Parent Action

Address: PARENT

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Elizabeth Wassif

Address: W 36th St

I represent: Y&Y Student

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

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in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Hillary Ashraf

Address: Roosevelt Ave 11372

I represent: DRUM Student

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Ferry Hypolite

Address: _____

I represent: Partnership with Children

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 003-2022 Res. No. _____

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Sandeep Kandhari

Address: 40 Worth St #1605

I represent: Center for Family Representation

Address: 40 Worth

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 003 Res. No. _____

in favor in opposition

Date: October 25th, 2023

(PLEASE PRINT)

Name: Jessica Balistreri

Address: Broad St, New York, NY

I represent: The New York Civil Liberties Union

Address: 55 Broadway, flr 15, New York, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Int 3 Res. No. _____

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Associate Supervisor Venise Yohay

Address: _____

I represent: NYPD

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1143 Res. No. _____

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Deputy Director Tracey Ryan

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1143 Res. No. _____

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Inspector Kevin Taylor

Address: _____

I represent: NYPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1143 Res. No. _____

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Assistant Commissioner Andy Shiwnarain

Address: _____

I represent: NYPD

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

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in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Director Josephine Torlone

Address: _____

I represent: NYPD

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Int 3 Res. No. _____

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Managing Attorney Juliane Farruggia

Address: _____

I represent: NYPD

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Int 3 Res. No. _____

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Deputy Inspector Ryan Matcolpa

Address: _____

I represent: NYPD

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Robin Davson

Address: _____

I represent: NYCPS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Mark Rampersant

Address: _____

I represent: NYCPS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/25/23

(PLEASE PRINT)

Name: Gillian Smith

Address: _____

I represent: NYCPS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Aaron Barnette

Address: _____

I represent: NYCPS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mary Shamon

Address: _____

I represent: NYCPS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0003-2022 Res. No. 473-2023

in favor in opposition

Date: 10/25/2023

(PLEASE PRINT)

Name: Paullette Healy

Address: El Hamilton Pkwy

I represent: Special Education & D75 Community

Address: _____

Please complete this card and return to the Sergeant-at-Arms