



Legislation Text

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File #: Int 0003-2022, Version: A

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Int. No. 3-A

By Council Members Ayala, Louis, Won, Riley, Restler, Joseph, Rivera, Narcisse, Stevens, Hudson, De La Rosa and Gennaro

A Local Law to amend the administrative code of the city of New York, in relation to responding to students in emotional crisis in public schools

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-197 to read as follows:

§ 14-197 Response to students in emotional crisis. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York.

Crisis intervention team. The term “crisis intervention team” means school staff trained in the use of de-escalation techniques who respond to behavioral crises or other crises within schools pursuant to chancellor’s regulation A-411 or any successor regulation or provision.

De-escalation technique. The term “de-escalation technique” means a method used to respond to a student in emotional crisis or other potentially dangerous or harmful situation in a school, such as verbal communication, body language, or active listening.

Mechanical restraints. The term “mechanical restraints” means any device or material attached to the body of a person that restricts the movement of such person or any portion of such person’s body, and that such person cannot easily remove, including but not limited to metal, cloth, velcro, or plastic handcuffs.

Physical injury. The term “physical injury” has the same meaning as set forth in section 10.00 of the penal law.

Precinct officer. The term “precinct officer” means a uniformed member of the department who is not assigned to the school safety division of the department.

Principal. The term “principal” means the principal of a school of the department of education, or such principal’s designee.

School safety personnel. The term “school safety personnel” means civilian personnel employed by the department to provide security and ensure the safety of students, faculty, and visitors in a school, or a uniformed member of the department who is assigned to the school safety division of the department.

Serious physical injury. The term “serious physical injury” has the same meaning as set forth in section 10.00 of the penal law.

Student in emotional crisis. The term “student in emotional crisis” means a student in a school who is displaying an emotional or behavioral reaction to the student’s surroundings or circumstances that escalates or intensifies and exceeds the student’s ability to cope and self-regulate.

b. Except when necessary to prevent an imminent and substantial risk of physical injury to any person, school safety personnel or a precinct officer shall not respond to a student in emotional crisis unless responding to a 911 call, or unless a request to intervene has been received from the principal of the school or, where applicable, a member of the crisis intervention team of the school.

c. School safety personnel or a precinct officer responding to a student in emotional crisis following a request to intervene from the principal of the school, or where applicable, a member of the crisis intervention team of the school, shall:

1. Inquire of school staff: (i) what de-escalation techniques school staff used before contacting such school safety personnel or such precinct officer; (ii) whether the parent or guardian of such student has been contacted; and (iii) whether the student has a disability or other medical, mental, physical, or emotional

condition, if known;

2. Inquire of school staff whether the crisis intervention team of such school has been contacted and whether the crisis intervention plan of such school has been followed prior to the request to intervene being made to the school safety personnel or precinct officer;

3. Use mechanical restraints on such student only where such school safety personnel or such precinct officer determines that the behavior of such student creates an imminent and substantial risk of physical injury to such student or any other person, and shall limit the duration of such use to the period of time that the behavior of such student presents such risk; provided that, where practicable, such school safety personnel or such precinct officer shall consult with the crisis intervention team, where applicable, regarding such determination; and

4. Request emergency medical services only where: (i) such school safety personnel or such precinct officer determines that the behavior of such student creates an imminent and substantial risk of physical injury to such student or any other person and that the use of de-escalation techniques to manage such behavior would not be successful; or (ii) any person requires medical attention; provided that, where practicable, such school safety personnel or such precinct officer shall notify and consult with the principal of such school, or where applicable, a member of the crisis intervention team of such school, prior to contacting emergency medical services.

d. School safety personnel or a precinct officer responding to a student in emotional crisis as the result of a 911 dispatch or a request to intervene from a person other than the principal of the school or a member of the crisis intervention team of the school shall:

1. Notify the principal of such school if such principal is not aware of the incident;

2. Request the presence of members of the crisis intervention team of such school;

3. Inquire of school staff whether the crisis intervention plan of such school has been followed prior to the 911 dispatch or request to intervene being made to the school safety personnel or precinct officer;

4. Use mechanical restraints on such student only where such school safety personnel or such precinct officer determines that the behavior of such student creates an imminent and substantial risk of physical injury to such student or any other person, and shall limit the duration of such use to the period of time that the behavior of such student presents such risk; provided that, where practicable, such school safety personnel or such precinct officer shall consult with the crisis intervention team, where applicable, regarding such determination; and

5. Request emergency medical services only where: (i) such school safety personnel or such precinct officer determines that the behavior of such student creates an imminent and substantial risk of physical injury to such student or any other person and that the use of de-escalation techniques to manage such behavior would not be successful; or (ii) any person requires medical attention; provided that, where practicable, such school safety personnel or such precinct officer shall notify and consult with the principal of such school, or where applicable, a member of the crisis intervention team of such school, prior to contacting emergency medical services.

e. Subdivisions b, c, and d of this section shall not apply where a student in emotional crisis presents an imminent and substantial risk of serious physical injury to such student or to any other person.

f. In all incident reports filed by school safety personnel or a precinct officer following a response to a student in emotional crisis as described in this section, such school safety personnel or such precinct officer shall document:

1. De-escalation techniques used by such school safety personnel or such precinct officer;

2. Where applicable, the title of any school staff who called such school safety personnel or such precinct officer;

3. Where emergency medical services were requested, whether school staff or such school safety personnel or such precinct officer requested such services;

4. Whether a clinically trained mental health professional was available onsite;

5. Whether the parent or guardian of the student in emotional crisis was notified prior to the response to such student;

6. Where applicable, whether the parent or guardian of such student objected to the provision of medical services to such student; and

7. Whether such student or any other person suffered physical injury.

g. This section shall not be construed in a manner inconsistent with the requirements and procedures of article 55 of the education law or actions taken in accordance with such article.

h. Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any person or entity against the city or the department, or any official or employee thereof.

i. No later than October 1, 2024, and no later than October 1 of each year thereafter, the department shall submit to the speaker of the council and the mayor and post on the department's website a report on any training for school safety personnel to identify a student in emotional crisis, or any training on the impacts of trauma on child development, including the identification of any outside expert consulted to develop such training and a description of the format of each component of such training. Such report shall also include the following information for the previous academic year:

1. The number of school safety personnel who received such training; and

2. The number of school safety personnel who successfully demonstrated proficiency on the subject matter contained in such training.

§ 2. This local law takes effect 180 days after it becomes law.

Session 12  
NAB/NJF  
LS #1616  
12/12/23 7:10 p.m.

Session 11

JDK/AS  
LS #8022  
Int. #2188-2020