



TESTIMONY OF:

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*BROOKLYN DEFENDER SERVICES***

Presented before

The Council of the City of New York

Committee on Public Safety, Chairperson Richie J. Torres

Committee on Education, Chairperson Daniel Dromm

Committee on Education, Subcommittee on Non-Public Schools

Int. No. 730: A local Law to amend the administrative code of the city of New York, in relation to reports on school discipline and police department activity relating to schools

Int. No. 719: A Local Law to amend the New York City charter, in relation to requiring the Department of Education to report the school-by-school ratio of school safety officers to guidance counselors.

April 14, 2015

My name is Keren Farkas and I am the Director of Brooklyn Defender Services' (BDS) Education Unit. I thank the New York City Council Committees on Public Safety and Education, and in particular, Chairs Richie J. Torres and Daniel Dromm, for the opportunity to testify on this critical legislation.

BDS provides innovative, multi-disciplinary, and client-centered criminal, family and immigration defense to more than 45,000 indigent Brooklyn residents each year. To comprehensively support our clients, a traditionally underserved population, BDS offers supplemental legal and social services in several areas, including social work, housing, benefits, employment and education.

BDS' Education Unit provides legal representation and informal advocacy to our school-age clients. All of our clients are involved with the criminal justice or child welfare systems. A

significant percentage is “over-age and under credited,” and have been retained at least one grade. More than half of our clients are classified as students with disabilities. Nearly all of our clients report at least one school suspension, oftentimes between two and six. As a legal and social work team, we work to improve our clients’ access to education. A significant portion of our advocacy relates to school discipline, special education, school reentry from incarceration and suspension, and enrollment in credit recovery and High School Equivalency programs.

BDS supports Int. No. 730 and Int. No. 719, and urges the Council and Mayor Bill de Blasio to enact them. BDS further requests that Int. No. 719 be amended to include data on Licensed Clinical Social Workers (LCSW).

BDS commends the City Council for its continued attention to policing and discipline practices in our city’s schools and the transparency needed to create fair and thoughtful policies. Since 2011, the Student Safety Act has provided invaluable insight into school practices, revealing an overuse of punitive school discipline with disproportionate impact on students of color and students with disabilities. This oversight has already inspired positive changes. Over the past two years, School Safety Agents (SSA) data showed that school-based arrests and suspensions are declining. Confronted with the SSA data, city agencies, namely the DOE and NYPD, are also investing more resources in school climate reform. BDS is hopeful that the current proposals to strengthen the Student Safety Act and reveal staffing ratios between policing and guidance staff will further support the creation of safe and supportive schools.

As a member of the School Safety Coalition, BDS supports all proposed amendments to the Student Safety Act. The SSA data has offered an important view into school discipline and police practices, but if we want an accurate representation of our school’s practices that is truly capable of informing effective and nondiscriminatory school safety and police practices, these additional disclosures are a vital step. For many of our clients, multiple interruptions in their education due to suspension and the tension associated with the law enforcement presence in their school, including metal detectors, present significant obstacles to school engagement. Knowing, for instance, which schools are suspending students multiple times, inappropriately relying on EMS, using metal detectors and restraints, or experiencing high rates of complaints against SSA will enable families, advocates and policy makers to identify the struggling schools and create responsive policies to support students.

The remainder of my testimony will briefly highlight two areas BDS would like to emphasize as the City Council considers today’s proposals and future policies to support school climate reform.

1. Expanding Behavioral Health Supports at Schools

BDS is encouraged by the proposed expansion of the SSA to include referrals to EMS. Misuse of EMS remains a significant problem for BDS’ school age clients and this data will help stakeholders understand the practice and make responsive policies. With the upcoming Chancellor’s guidance regarding de-escalation plans and investments in training, BDS hopes that schools will be better equipped to respond to student misbehavior. To fully tackle this issue, we

also hope the collected data can be used to expand a variety of school-based behavioral health supports.

When speaking with schools, teachers and guidance staff commonly report that they do not feel equipped to support students with challenging behaviors. The result can often include calls, or threats to call, EMS, as well as overuse of punitive discipline, and recommendations for inappropriate and overly restrictive special education settings. In a recent case, a 7 year-old client had been subject to two Superintendents suspension, one EMS call and one threat to call EMS this school year. That student will now be attending a state-approved private school with onsite and integrated behavioral health support staff. In another recent case, our 10-year-old client's school called EMS twice, and threatened to call EMS on several other occasions. In both examples, the schools lacked the appropriate behavioral health training and support staff to adequately support the students and school staff. Had school-based or school-linked mental health services been available, these students may have received support to remain in the community school, and the trauma, as well as the loss of instruction time, associated with suspension and EMS could have been prevented. Accordingly, we hope these efforts to support positive changes in school climate will include attention to the need for expanded school based mental health clinics, rapid response mobile crisis units, as well as training in trauma informed care.

2. Equipping Schools with the Resources to Support Positive Discipline and Address Complex Student Needs

BDS is pleased with the proposals that will make more information available about the staffing and practices of School Safety Agents. While some of BDS' school-age clients report positive relationships with SSA's, they also describe demeaning verbal and physical encounters. Just one month ago, a 17-year old client was physically assaulted by an SSA during lunch period. His school administration viewed the video footage and immediately granted a safety transfer.

We commend the introduction of Int. No. 713 and urge its passage. We believe the collected data will elucidate how our city apportions resources to support student safety and positive school culture. While we applaud the DOE and NYPD's effort to enhance crisis-intervention training for SSA's, we want to emphasize that we believe that school disciplinary matters should presumptively be handled by school staff. SSA's should not be the first-responders to adolescent misbehavior, but that seems to be the practice in many schools. There are too many instances where SSA's unnecessarily insert themselves in situations. Additionally, school staff can be too quick to call upon SSA's to intervene. Last fall, an 18-year old client with known mental health needs did not want to speak with a certain school administrator and started to walk away. Seven SSA's responded. A well-trained educator, guidance counselor or social worker could have more appropriately addressed and deescalated that situation. Another 18 year-old client from last fall had a disagreement with a librarian over whether she could search the website "Craigslid," which resulted in a "tug-of-war" over an internet cord. Three SSA's responded and escorted my client to the Assistant Principals' office. That student was never offered the opportunity to speak with a guidance counselor or a social worker regarding the miscommunication or her reentry following suspension. These examples demonstrate the failed opportunities for positive

interventions when schools rely on SSA's to monitor school discipline rather than trained guidance, social work or clinically trained staff.

Guidance counselors can serve a critical role supporting students and implementing guidance interventions, including restorative practices, as an alternative to punitive discipline. Clinically trained staff, particularly LCSW's and other school-based mental health clinicians, can serve an additional important role -- particularly working with youth who have experienced trauma, which is tragically very common amongst students in our highest-need schools. Beyond supporting individual students, guidance and social work staff can facilitate successful implementation of whole school reform and supporting all staff in the undertaking. To its great credit, last year, the Council passed Int. No. 403-A, requiring, among other things, data on social workers and guidance counselors in each school. We believe that the inclusion of LCSW's is critical in any effort to shift the school discipline model away from punitive measures and towards care and support. We therefore ask that Int. No. 719 be amended to include data on the ratios of SSA's to LCSW's. BDS is hopeful that all of the data collected can be used to help equip our schools with the necessary resources to implement positive discipline systems, and diminish excessive reliance on SSA's.

Thank you again for the opportunity to speak to you today. I would be happy to answer any questions you may have.