



**Testimony of Michelle Kraus, Manager of Social Work and Intake Services
On behalf of New York Lawyers for the Public Interest
to the New York City Council’s Committee on Education
March 18, 2024, FY25 Preliminary Budget Hearing**

Honorable Members of the City Council Education Committee:

My name is Michelle Kraus, and I am the manager of social work and intake services for the Disability Justice Program at New York Lawyers for the Public Interest (NYLPI). I thank Chairwoman Joseph and the Education Committee members for allowing me to present testimony at this hearing. As a social worker engaged largely in special education matters, I work with parents whose children have disabilities and are students in the New York City educational system. I often hear about these students' challenges, and I want to highlight the urgent need for an enhanced understanding of the challenges by the New York City Department of Education (DOE) and the need to provide specialized support and resources.

NYLPI strongly supports Speaker Adams’ proposed plan to establish a peer-to-peer support model, student-led mental health clubs, and school wellness groups.

The Speaker’s proposals to establish a peer-to-peer support model, student-led mental health clubs, and school wellness groups in DOE schools will go a long way to preventing mental health crises, combating social isolation, encouraging kids to talk about mental health, and eliminating the emergency room as the primary mental health care provider.

The city must invest in the needs of students classified as having emotional disturbance.

Understanding the scope and the need to support and educate the over 7,000 students in the NYC education system classified as having emotional disturbance is of the utmost importance in our work. Students classified with emotional disturbance are nearly 50% Black and 40% Latino and predominantly males who grow up in economically disadvantaged circumstances. In 2024, NYLPI prepared a report about the failure of the NYC Department of Education to identify, classify, and adequately serve and educate students with emotional disabilities. The

report titled [“A Crisis in Special Education, New York City’s Failure to Educate Students Classified with ‘Emotional Disability’”](#) states that NYC students, if not identified in their early tenure in the education system as needing support, and if delayed in being offered targeted services, will encounter significant barriers to academic and social success due to the impact of their emotional and behavioral needs. They are likely to be deprived of educational and related support, in and out of the classroom to which they are entitled, resulting in a lower than 60% graduation rate. Without prioritizing investments in our student's emotional well-being, they continue to fall behind academically, experience social isolation, and face long-term adverse outcomes.

To understand the vastness of the needs of this vulnerable cohort of the NYC school system, we looked at qualitative and quantitative data from the DOE. We identified the urgent need for more meaningful data that accurately shows the number of students affected by, and the results from, current educational support and curriculum interventions for this population. The absence of this data signals that it is incumbent on the DOE to reform its assessment and evaluation protocols to identify the current scope of the needs of this student population and to disclose evidentiary data, all of which requires additional funding.

What we determined to be the students’ most pressing issue is the need for additional trained educators and clinical staff within the school system. We thank Speaker Adams for being conscientious about NYC children’s mental health struggles and recommending, as part of the budget’s mental health allocation, funding for a peer support model to combat social isolation that can lead to low self-esteem, depression, and self-harm. This model is a great start, but the education system needs to offer a holistic, consistent, and high-quality set of in-school clinical and behavioral services to meet the complicated needs of students labeled with emotional disabilities. In addition, all stakeholders invested in remedying the devastating impacts of the youth mental health crisis -- the parents, the students, school personnel, City and State officials, and expert clinicians -- need to come together to build culturally and developmentally appropriate services that are school- and community-based.

As detailed in our report, we recommend the following remedial measures to bring about meaningful changes to a system that has long failed students classified with ED, especially economically disadvantaged students of color: 1. Reformulate the DOE’s and NYSED’s data-collection, recordkeeping, and data-publishing practices with respect to students with ED classifications in order to afford transparency to the public and enable education policymakers to create effective evidence based solutions that meaningfully support students with ED, their families, their teachers, and related service providers; 2. Provide higher quality support to teachers and staff and perform a comprehensive reassessment of the extent to which the DOE

and school personnel who are tasked with supporting students classified with ED—e.g., Individualized Education Program (“IEP”) team members, teachers, service providers, and school administrators—possess the resources needed to create and implement effective educational programs for this population of students; 3. Develop practical, evidence-based procedures and protocols that better equip teachers, service providers, and other school personnel who support students with ED to properly and efficiently identify, evaluate, assess eligibility for, classify, educate, and otherwise support this vulnerable student population; 4. Reevaluate students presently classified with ED, utilizing improved evidence-based procedures and protocols, to determine the appropriateness of the students’ IEPs, including their disability classifications, programs, placements, and supplementary supports, and to modify the IEPs as appropriate; and 5. Establish a multi-stakeholder advisory group, including DOE and NYSED officials, mental health and education policy experts, and other stakeholders (including parents,⁶ students, and teachers), to develop and implement practical changes in how the DOE and the City educate and serve students classified with ED.

NYLPI urges the Education Committee to prioritize the needs of students with emotional disturbance and take concrete steps to enhance support and resources within our school system. Every student deserves the opportunity to thrive academically, socially, and emotionally, and it is incumbent upon the City to ensure this vision becomes a reality.

The city must comply with its mandate for all-electric, zero emissions school buses.

Following the NYC Council’s lead in passing an all-electric school bus mandate for New York City, New York State has now mandated that all school buses be zero-emission by 2035. “Department of Education’s Office of Pupil Transportation (OPT) transports roughly 150,000 students to and from home and school, along 9000+ bus routes and about 52 bus companies which have over 17,500 employees.”¹

According to Local Law 120, which became effective on July 1, 2023, and seeks to improve the safety and reliability of the school bus fleet, the DOE is required to report to the mayor and the city council speaker on the implementation of electric school buses. We look forward to seeing the initial report in the coming months and request that the Council ensure that the DOE meets the goals of the electric school bus mandate.

Further, we request that the Council work closely with the DOE, New York City School Bus Umbrella Services (NYCSBUS), and other bus contractors to ensure compliance with the electric school bus mandate.

¹ New York City Council Data Team "School Bus Transportation Services," New York City Council, 2023, <https://council.nyc.gov/data/data-team/school-bus-delays-2022>

We also request that the Council collaborate with the state and federal government to secure additional funding sources to support the electric school bus mandate.

The Council affirmative response to our requests will advance the implementation of school bus electrification and ensure that school bus electrification is done safely and expeditiously.

The city must improve access to clean air for students throughout New York City.

NYLPI and our partners are alarmed by the recent restrictions of New York City's idling law proposed by the Department of Environmental Protection, which would severely limit the City's ability to issue violations to vehicles illegally idling near schools. We hope to work with the Council to ensure that the city maximally enforces its idling law, which is intended to protect the health of children/students.

Thank you for your attention to these critical issues. Please feel free to contact me at Mkraus@NYLPI.org regarding the disability justice issues discussed herein and please contact my colleague Suhali Mendez at Smendez@NYLPI.org regarding the environmental issues discussed herein.

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About New York Lawyers for the Public Interest

Founded more than 45 years ago by leaders of the bar, New York Lawyers for the Public Interest (NYLPI) is a community-driven civil rights organization that pursues justice for all New Yorkers. NYLPI works toward a New York where all people can thrive in their communities, with quality healthcare and housing, safe jobs, good schools, and healthy neighborhoods. In NYLPI's vision, all New Yorkers live with dignity and independence, with the resources they need to succeed. NYLPI's community-driven approach powers its commitments to civil rights and to disability, health, immigrant, and environmental justice. NYLPI seeks

lasting change through litigation, community organizing, policy advocacy, pro bono service, and education.