

August 28, 2020

Chancellor Richard Carranza
52 Chambers St
New York, NY 10007

Re: A Restorative Reopening Plan for the 2020-2021 School Year

Dear Chancellor Carranza,

The 2019-2020 school year presented historic challenges to the New York City Department of Education (“DOE”) and the 2020-2021 school year is presenting similar, if not greater, challenges. The COVID-19 pandemic, amplified by systemic racism, has disproportionately harmed historically marginalized groups within the DOE community. As school community members face incalculable hardship, fostering a healthy and safe school climate for all students in *every* learning setting is of the utmost importance. Therefore, it is essential that the DOE prioritize protecting the mental, emotional, and social health of students during the full duration of the 2020-2021 school year.

Given this backdrop, Advocates for Children of New York and Girls for Gender Equity write to you as organizations that work directly with DOE students and families to make the following recommendations to ensure that all aspects of the DOE’s reopening plans are trauma-informed, culturally-responsive, grounded in restorative practices, and geared towards developing healing-centered school communities. While we commend the DOE for including a commitment to trauma-informed care, social-emotional learning, and mental health support in the 2020-2021 New York City schools reopening plan submitted to the New York State Education Department and the new Bridge to School curriculum, the DOE’s plan falls short on specificity. It does not specify the supports and services that students, families, and schools will be able to access and how they can be accessed, and it does not address other critical aspects of the trauma students have been experiencing during the pandemic. We hope the DOE will adopt the following recommendations as part of the reopening plan for the fall:

Strengthen the Bridge to School Plan

The DOE must make sure that all learning – whether remote or blended – acknowledges the significant trauma our school communities have experienced and takes intentional steps to rebuild, restore, and heal school communities. After the DOE transitioned from in-person to remote learning in March, we heard from many members of school communities that, in school, they did not have an opportunity to process what they were experiencing, including the significant social-emotional toll the pandemic and police violence have been having on members of the school community. There are countless others who have been impacted as well.

This fall, it is critical that the DOE proactively address trauma on a citywide basis for all students and school staff. We appreciate that the DOE’s plan states that all schools will provide community- and relationship-building experiences as an integral part of the school day.

However, the DOE should go further and mandate that all schools focus on supporting the social and emotional well-being and resiliency of students when school begins before phasing in academic content, and then infuse this support throughout the school year. The DOE should take the lead in facilitating these healing-centered transitions back to school by providing schools with the resources, tools, staff, and guidance to effectively acknowledge and address the adverse experiences and trauma that students and staff experienced individually and collectively and to help students and staff foster and achieve well-being by building upon their experiences, skills, and assets. The Bridge to School Plan must also specify opportunities for adults to process, connect, learn, and build their capacity to support their school communities.

In order to encourage connection, healing, and relationship-building for students learning in-person and remotely, we recommend that this transition period focus on community circles and other restorative and trauma-informed practices. These evidence-based practices provide a safe and supportive structure to address how students are feeling, what students want to share about their experiences since school buildings closed, and what they think they need to do well in school. Restorative circles proactively address the hardship students confront by strengthening social bonds, advancing anti-racism and equity, and fostering community resilience. During the transition period, the DOE and schools should also share information and resources about how they will support students, families, and school staff.

Additionally, to ensure all students are welcomed back into their school communities, the DOE must immediately reinstate all students with pending or proposed suspensions and withdraw their suspensions. These students should be welcomed back to school in the community circles at the same time that other students return to school. There is no value in requiring students to remain on suspension, only continued harm through lost days of instruction and further isolation and disconnection.

Restrict Exclusionary Discipline During Blended Learning and Promote Restorative and Non-Punitive Responses

DOE reopening plans must help *all* students make up for lost instructional time due to the significant limitations of remote learning and encourage connectedness to the school community. Therefore, the DOE should significantly restrict *any* practice that excludes students from their school communities. Exclusionary punishments are not only ineffective, but they disproportionately impact Black and Brown students and students with disabilities.

First, during the 2020-2021 school year, we recommend that the DOE place a temporary moratorium on new suspensions for all behavior constituting a Level 1 to Level 4 infraction of the NYC Discipline Code.¹ When students return to school, they may act out because of pandemic-related stress, anxiety, depression, hunger, and sleep problems. They may be grieving the loss of a parent's job, their home, or loved ones. They may feel overwhelmed by

¹ Letter from the Solutions Not Suspensions Coalition to Betty Rosa, Chancellor of the New York Board of Regents (April 16, 2020), https://www.nyclu.org/sites/default/files/20201604_snsletter_regentrosa_discipline_during_covid-19.pdf (recommending a moratorium on new suspensions during periods of remote learning).

the intense social isolation, separation from close friends and teachers, and ongoing uncertainty and fear about the future. They may be struggling in school and worrying about falling behind in their classes. Instead of punishing and excluding students from their school communities, the DOE should provide alternatives that are equitable, trauma-informed, restorative, culturally-responsive, and safe and supportive for all returning students.² The DOE should, at a minimum:

- Provide school staff with lessons to teach students behavioral expectations;
- Increase social-emotional supports and services for students, particularly those experiencing challenges, by providing all students with access to guidance counselors and social workers and direct mental health supports and services, and by providing students with significant mental health challenges targeted and intensive mental health supports and services.³ Such supports and services should be provided prior to, and in most instances in lieu of, any exclusionary discipline;
- Remind school staff of the myriad supports, interventions, and alternatives to classroom removal and suspension listed in the discipline code and how they can access assistance to implement them;
- Provide opportunities to train young people in peer mediation and for young people to mediate conflicts amongst their peers;
- Provide training and monitoring of school staff on the special protections that students with disabilities have related to school discipline – including students where the DOE is deemed to know students have a disability, and ensure that students with disabilities receive positive behavioral supports and interventions when necessary and are not suspended or otherwise disciplined for behavior exhibited as a result of their disability;
- Remind school staff that they must carefully examine circumstances of a student’s behavior and take into account the student’s individual circumstances before determining any consequences for student behavior; and
- Provide support and training for school staff to understand that student behavior communicates needs and provide staff with ways for them to address those student needs.

² Kara Arundel, *Avoid Punitive Approach to School Discipline During the Pandemic*, SPECIAL ED CONNECTION (July 21, 2020), <https://www.specialedconnection.com/LrpSecStoryTool/index.jsp?contentId=22730785>.

³ The New York City Comptroller issued a report on school reopening recommending that the DOE implement a Mental Health Continuum “to enable a team of clinicians to work with students and staff to coordinate with schools and enhance their capacity to respond to students in crisis, and provide direct mental health support to students and families as needed. New York City Comptroller Scott M. Stringer, “Strong Schools for All: A Plan Forward for New York City,” (July 2020), https://comptroller.nyc.gov/wp-content/uploads/documents/School_Reopening_Report_07_07_20.pdf (referencing The Mayor’s Leadership Team on School Climate and Discipline, *Maintaining the Momentum: A Plan for Safety and Fairness In Schools, Phase Two Recommendations*, (July 2016), http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf, which first developed and proposed the Mental Health Continuum model in 2016). See also Letter from 41 Organizations to Mayor Bill de Blasio Re: Funding for Students with Significant Mental Health Needs, (April 17, 2020), https://www.advocatesforchildren.org/sites/default/files/on_page/mental_health_continuum_letter_41720.pdf.

As discussed further below, the DOE should provide professional development to school staff before school starts and ongoing training, coaching, and oversight.

Second, the DOE should issue clear guidance to school staff that prohibits any practice that discourages young people from participating in remote learning. The DOE must also promote culturally-responsive teaching and restorative justice classroom management techniques to staff participating in remote learning to set clear expectations for school communities that are remote. During the Spring 2020 remote learning period, young people reported incidents of educators putting them on mute for speaking “out of turn,” a punitive response made possible through remote learning that fosters an unwelcoming classroom environment. The way young people describe it, muting their voice is the remote learning equivalent to a classroom removal. Additionally, students engaging in remote learning should not be required to be on camera at all times. One young person reported that her Physical Education teacher required that she keep her camera on during class, which made her feel scrutinized. Some young people may already experience shame about their bodies, particularly in physical education, and the requirement to be on camera and be on display may feel invasive to a young person’s privacy, and risks making students feel overly self-conscious of their appearance and less likely to show up for class. In addition, during remote learning, young people have reported vulnerability to cyberbullying – through photos and screen recording – with little subsequent access to restorative responses. Affirming a student’s choice to stay off camera may make students feel more comfortable in school and protect them from cyberbullying.

Third, the DOE must set forth a policy that school staff should not contact School Resource Officers/School Safety Agents or other members of law enforcement, Emergency Medical Services, or the Administration for Children’s Services to respond to the vast majority of student behavior, including students in emotional distress or crises. No student in emotional distress or crisis should face the police or be placed in handcuffs. Teachers and mental health professionals, and not the police, are best equipped to respond to student behavior, including behavior exhibited due to emotional distress or crisis. Police interventions for students in crises inflicts significant emotional and physical trauma and is disproportionately used on Black and Brown students and students with disabilities.⁴

Fourth, the DOE must make clear that managing compliance with pandemic-related health measures, such as physical distancing protocols and mandatory protective equipment, including masks, must be non-punitive and not carried out by law enforcement. Any response to a student’s inability to follow enhanced safety measures must involve offering accommodations that take into full consideration the student’s age, the unique impact of any early childhood trauma, the student’s developmental stage, and any disability. For example, students with autism, asthma, anxiety, or other physical, developmental, or mental disabilities may have difficulty keeping their faces covered and remaining physically distant.⁵ No student with a disability

⁴ 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?pt=1.

⁵ See Florence Simmons, *Offer reasonable accommodations for Students Who Are Unable to Wear Face Coverings*, SPECIAL ED CONNECTION (July 21, 2020), <https://www.specialedconnection.com/LrpSecStoryTool/index.jsp?contentId=22730750>.

struggling to comply with pandemic-related health measures should be punished or excluded from in-person learning, or face law enforcement. The DOE can ensure that these health guidelines are met and school communities remain safe by being creative, clearly and regularly communicating to students, and responding to students in restorative and non-punitive ways. For example, schools can rearrange classroom environments to encourage and facilitate social distancing, allow for mask breaks during times when social distance can be maintained, place signs about any protocols in school buildings for a visual reminder of expectations for students, and regularly engage students in developmentally appropriate discussions about why the measures are necessary during this time.

Provide School Communities With Resources, Tools, Staff, Training, and Coaching to Support the Social-Emotional Needs of Students

The DOE must offer all students the opportunity to receive counseling and other mental health services upon return to school, clearly communicate this offer to all families using methods of communication accessible to all families, and provide such services to students. Additionally, the DOE should ensure that students with significant mental health challenges that predated the pandemic, including students transported from school to the hospital for psychiatric evaluation, receive more targeted and intensive supports and services. We recommend that the DOE repurpose central and borough-based staff resources to provide behavioral and mental health support directly to students. Such staff could include social workers and guidance counselors from Alternate Learning Centers, ThriveNYC social workers (school response clinicians and social workers in other student mental health initiatives), Borough/Citywide Office staff (e.g., behavior specialists, social workers, special education staff, student support staff, crisis de-escalation staff, school climate managers), restorative justice coordinators, and others.

During the remote learning period in the 2019-2020 school year, young people reported incidents in which educators were unable to respond to conflict during class time or manage a remote learning environment and lacked access to restorative supports to address conflict and harassment. For example, one student reported a digital classroom environment where sexist and racist comments and chat messages were continually left unchallenged by the teacher, leaving the student to feel unsafe. Over the past few years, the DOE has built out its internal infrastructure to support schools in growing their use of restorative practices through the hiring of a citywide director of restorative justice, borough directors of restorative justice programs, restorative justice coordinators, and school climate managers. The DOE also has personnel who practice restorative practices and provide social emotional supports at Alternative Learning Centers, who are likely underutilized given the decrease in suspensions. The DOE should repurpose and expand access to these supports to all schools to restoratively address conflict and harassment. By leveraging remote learning platforms, DOE staff can reach more school communities to help fill the need for more restorative supports in this new learning environment.

As more learning will take place online due to the DOE's blended learning model, it is vital that the DOE proactively provide students with the tools to lead safe and healthy digital lives and proactively provide teachers with clear guidance regarding online learning best practices that foster student connectedness and inclusivity. To do this, the DOE should actively promote digital

citizenship to develop and foster critical thinking and social-emotional skills in online interactions and respond to incidents that occur through online learning in a restorative way.⁶ Digital citizenship helps young people learn how to safely and effectively participate in the digital world, including helping them understand their rights and responsibilities, recognize the benefits and risks, and realize the personal and ethical implications of their actions.⁷ There are developmentally appropriate digital citizenship curricula available to the public, and the DOE should encourage schools to use these curricula.⁸ Additionally, the DOE should publish safety protocols for online learning and make them available to the public. The DOE should offer professional development on facilitating a safe online classroom and digital citizenship, make lesson plans and modules easily accessible to all DOE teachers, and provide interactive digital modules for students. Here too, DOE central staff and Alternate Learning Center staff, such as restorative justice coordinators, social workers, and counselors, should be repurposed to support restorative practices. As educators have developed creative tools and solutions, the DOE should work to draw on, share, and create a digital space for collecting and disseminating those success stories.

Since many students have experienced trauma because of the COVID-19 pandemic and police violence, the DOE should require all school staff who have direct contact with young people and families to receive ongoing training around Trauma-Informed Best Practices and Social-Emotional Learning core competencies.⁹ This could be delivered in creative ways, such as embedding these competencies in all professional development and providing ongoing coaching on these practices. The DOE should provide all staff who interact directly with students with professional development in one of these competencies during the summer or during the Chancellor's professional development days. The DOE should also provide a centralized bank of online professional development in these competencies so that staff have ongoing access to them.

Provide a Clear, Restorative Reopening Plan to the Public and Seek Continuous Feedback

While we appreciate that the City is working to provide information on reopening as it becomes available, we are concerned that the information provided thus far does not contain specific information on how the City will address the significant social-emotional needs of our school

⁶See Carrie James, *et al.*, Teaching Digital Citizens in Today's World: Research and Insights Behind the Common Sense K-12 Digital Citizenship Curriculum, 28-33 (2019), https://d1e2bohyu2u2w9.cloudfront.net/education/sites/default/files/tlr_component/common_sense_education_digital_citizenship_research_background.pdf (describing how digital citizenship teaches students skills to improve their well-being in digital interactions).

⁷ Making Caring Common Project, For Educators: Digital Citizenship Resource List, <https://mcc.gse.harvard.edu/resources-for-educators/digital-citizenship-resource-list> (last reviewed October 2018)(citing TechInCtrl, Teaching Digital Citizenship, (2019) www.ciconline.org/DigitalCitizenship).

⁸ See, e.g., Common Sense Education, Digital Citizen Curriculum, <https://www.common sense.org/education/digital-citizenship/curriculum> (2020).

⁹ See generally, Healing-Centered Schools Working Group, Community Roadmap to Bring Healing-Centered Schools to the Bronx, 92 (2020) <https://www.legalservicesnyc.org/storage/PDFs/community%20roadmap%20to%20bring%20healing-centered%20schools%20to%20the%20bronx.pdf> (listing healing centered and trauma-sensitive training resources).

communities, including how students and families can access supports and services. The DOE must commit to creating a detailed plan that addresses the points in this letter prior to the reopening of schools. To ensure that schools are providing healing-centered support to school communities, the DOE should publish its detailed plan to promote a healing-centered transition by September 10, 2020, seek feedback from community members on the specifics of the plan, and commit to updating the plan to meet the needs and input of school communities.

We appreciate your time and consideration of this letter and would like to meet with you to discuss our recommendations. For follow up, please contact Dawn Yuster, Director of the School Justice Project at Advocates for Children at dyuster@advocatesforchildren.org or (718) 813-7389 or Nicole Hamilton, Director of Community Partnerships at Girls for Gender Equity at nhamilton@ggenyc.org or (718) 857-1393.

Thank you.

Sincerely,

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