



Monday, December 15th, 2014, New York, NY—Under a settlement approved by **U.S. District Court Magistrate Judge James L. Cott** on Monday, New York City will implement new protocols and provide expanded training in specific schools to staff and appropriate resources to students in order to avoid unnecessary emergency room visits for students experiencing emotional, behavioral or psychiatric events. The settlement, in *T.H. et al. v. Fariña, et al.* (13 Civ. 8777), was agreed to by The City of New York and plaintiffs who are eleven children and their guardians. Plaintiffs were represented by **Legal Services NYC** and **Cuti Hecker Wang LLP**. (Above: Mothers of some of the children involved in the lawsuit address the media following the settlement).

Press Coverage: [WNYC](#), [NY1](#), [Wall Street Journal](#), [NY Daily News](#), [WCBS 88](#)

The settlement resolves a lawsuit originally filed during the previous administration against the City of New York, the Department of Education, and the Fire Department of the City of New York in December 2013. Under its terms, the City and the respective agencies will implement the following changes:

- DOE will propose a new Chancellor’s Regulation for adoption to provide guidance to NYC public school staff as to when school officials should call 911 for a child experiencing an emotional, behavioral, or psychiatric event.
- DOE will expand the role of schools’ Crisis Intervention Teams to include identifying strategies for de-escalating behavioral crisis situations; identification of locations where students in crisis may be safely isolated within the school; and identification of in-school and community resources available to the school and parents.
- DOE will provide Therapeutic Crisis Intervention for Schools (TCIS) training to 1500 staff members over the course of three years at schools that have been identified as having high rates of transports for emotional/psychological conditions.
- DOE will implement modifications to its Online Occurrence Reporting System in order to improve data collection on EMS calls and/or transports and will periodically provide Plaintiffs with data on EMS calls and transports of public school students experiencing emotional, behavioral or psychiatric events.
- FDNY will ensure emergency medical service (EMS) personnel are familiar with departmental policies governing the treatment and transport of minors, and the policies regarding refusal of medical aid for minors. In addition, the FDNY will periodically provide Plaintiffs with data on EMS calls and transports of public school students experiencing emotional, behavioral or psychiatric events.

“We are committed to creating an environment most conducive to learning for all students. That involves protecting the safety of students, school staff and the families we serve, as well as helping students facing behavioral challenges,” said **NYC Schools Chancellor Carmen Fariña**. “This settlement brings critical changes to the way schools work with students in crisis. We’re committed to implementing reforms that create safe and supportive learning environments in every school that improve safety and increase fairness.”

“As a result of this settlement, the Department of Education will adopt policies and practices, including a significant expansion of the number of staff trained in methods to de-escalate classroom incidents, that will improve safety in the learning environment for New York City public school students and staff,” said **NYC Corporation Counsel Zachary W. Carter**. “I commend all the parties for their collaborative approach in proposing effective solutions to resolve this litigation. This settlement is in the best interests of the City and its 1.1 million public school students.”

“This settlement represents a significant first step in addressing a problem that has affected thousands of school children in New York City for well over a decade under the prior administration,” said **Nelson Mar, Education Law Specialist and Senior Staff Attorney at Legal Services NYC’s Bronx program**. “The Plaintiffs in this action are happy the current

administration has moved swiftly to resolve this litigation in a manner that addresses both their individual claims and the need for systemic changes which will benefit all public school students, teachers and staff.â€

â€œWe are hopeful that these reforms will better equip schools to de-escalate situations and provide students with behavioral supports,â€ said **Mariann Meier Wang, a partner at Cuti Hecker Wang LLP**. â€œWe are proud to have worked with Legal Services NYC, which has been at the forefront of this issue, and pleased that the City has made a clear commitment to address this harmful practice.â€

â€œI am happy that the city has reached a settlement with me and the other parents in this case,â€ said **N.R., the mother of one of the children involved in the suit**. â€œThis settlement is a start to reducing unnecessary EMS calls like what happened to my son, and hopefully these changes will ensure no other parent will have to go through what I have gone through with my son.â€ (The plaintiffs in the case are identified only by initials in order to protect the identities of the children involved.)

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