



## Legislation Text

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**File #:** Res 1347-2012, **Version:** \*

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### Res. No. 1347

Resolution calling upon the New York State Legislature to pass and the Governor to sign S.6294-A/A.9084-A, legislation that would prohibit public funding to facilities providing aversive interventions, including but not limited to electric shock therapy, and would remove such facilities from any registry of approved schools.

By Council Members Gentile, Chin, James, Rose, Wills and Rodriguez

Whereas, New York State Education Law provides that when a child with a disability is not receiving instruction because there are no appropriate public or private facilities for the instruction of such child within New York State, school districts are authorized to contract with an educational facility located outside of New York State that can meet the needs of such child; and

Whereas, In August of 2005, the New York State Legislature passed “Billy’s Law” to improve state and local monitoring of out-of-state residential facilities that house New York State children; and

Whereas, Billy’s Law created an out-of-state placement committee which is responsible for creating a register of approved out-of-state residential programs and residential schools and establishing core requirements for inclusion on this register; and

Whereas, Educational facilities for students with disabilities may use aversive behavioral interventions which can include application of noxious, painful, intrusive stimuli or activities intended to induce pain and withholding of sleep, shelter, bedding, bathroom facilities, or clothing; and

Whereas, A New York State Department of Education investigation in 2006 into one such out-of-state program unearthed a wide range of problems, including a lack of oversight when students were shocked, restrained, and denied food as punishment, the use of electrical shocks which raised health and safety concerns, and a practice of withholding meals which “may impose unnecessary risks affecting the normal growth and

development” of students; and

Whereas, As a result of that investigation, New York State regulations barred approved out-of-state day or residential schools from using aversive interventions on New York State students unless that student’s Individual Education Plan included the use of aversive interventions as of June 30, 2009; and

Whereas, As of December 1, 2010, there were 597 New York State youth placed in out-of-state residential schools and facilities; and

Whereas, The State Education Department is required to cover the cost of sending a student to an out-of-state educational facility when there is no appropriate facility in New York State; and

Whereas, In New York State, Assembly Member Joan Millman and Senator Martin Golden introduced A.9084-A/S.6294-A, legislation that would amend the state Social Services Law to remove schools and programs that use aversive interventions from the approved registry list; and

Whereas, This legislation would also prevent public funding from being used to promote aversive interventions on children and youth; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.6294-A/A.9084-A, legislation that would prohibit public funding to facilities providing aversive interventions, including but not limited to electric shock therapy, and would remove such facilities from any registry of approved schools.

JW  
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