



**Testimony for the Joint Legislative Public Hearing on the
2018-2019 Executive Budget Proposal: Elementary and Secondary Education
January 31, 2018**

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The Children’s Defense Fund’s (CDF) Leave No Child Behind® mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities. Through CDF’s Cradle to Prison Pipeline® Campaign—a national initiative to stop the funneling of children down life paths that often lead to arrest, conviction and incarceration—CDF-NY works to replace punitive school discipline and safety policies in New York schools with social and emotional supports that encourage a positive school climate.

We would like to thank the Assembly Ways and Means and Senate Finance Committees for this opportunity to submit testimony on the Elementary and Secondary Education proposals in the Governor’s Executive Budget for State Fiscal Year 2018-2019. As a member of the Safe and Support Schools Coalition, a group of national and statewide organizations, CDF-NY advocates for increased investments in school climate supports as well as the passage of the Judith S. Kaye Safe and Supportive Schools bill (S.3036/A.3873), legislation aimed at promoting positive school climates and reducing racial discipline disparities throughout New York State. We understand that educators depend on sustainable, high-quality professional development and tools to implement effective discipline practices that both hold students accountable and prioritize classroom engagement, and we see opportunities to strengthen the investments laid out in the Governor’s Executive Budget to help New York grow healthy and inclusive school communities where learning can truly thrive.

The Need for Increased Investment in School Climate Supports

Harsh and exclusionary discipline practices such as classroom removals, suspensions, and police interventions undermine positive relationships and trust between students and adults, fall short in preventing conflict from happening, and lead to students missing the class time they need to experience a meaningful education. In New York, the present reliance on exclusionary practices disproportionately impacts students of color and students with disabilities and leads to missed instruction time, negative perceptions of school and the education system, and long-term social consequences like leaving school before graduation.¹

According to the most recent data available through the U.S. Department of Education Civil Rights Data Collection, during the 2013-2014 school year New York schools suspended 88,032 students one or more times and referred 6,065 students to law enforcement:

<i>Race/Ethnicity</i>	<i>Percent Suspended</i>	<i>Percent Referred to Law Enforcement</i>	<i>NYSDOE Student Population</i>
Black Students	39.9%	45.2%	18.0%
Hispanic or Latino Students	17.7%	25.5%	24.5%
Asian Students	1.3%	2.3%	8.6%
White Students	38.4%	24.7%	46.7%

Further, in New York State, Black students were almost 5 times more likely to be referred to law enforcement than white students, and almost 3 times more likely than white students to receive an out of

school suspension. There is no evidence to support the use of exclusionary practices as a means to effectively change student behavior or establish safer and positive school climates and cultures.² Zero tolerance policies—rules that require specific punishments for outlined student behaviors, often without addressing the root cause of behavior³ or accounting for a student's personal, developmental, social, or other circumstances⁴—are one of the main contributors to student disengagement and pushout. Further, the reliance on police to address disciplinary matters in schools has resulted in a disproportionate number of students of color, students with disabilities, and LGBTQ and gender nonconforming students being pushed out of school.⁵

As a response to these persistent trends, we urge the Legislature to pursue a final budget that promotes respectful schools where all students can learn in safe and supportive environments, and enables teachers and school administrators to use more positive interventions before suspending K-12 children and after considering the whole student.

The Value of Restorative Practices in Schools

There now exists considerable research and support for the use of restorative, trauma-informed practices as an alternative to zero tolerance. School-based restorative justice is a whole-school approach focused on relationships, reconciliation, and student inclusion in the school community as a means of addressing issues of school climate and the school-to-prison pipeline.⁶ In recent years diverse models of restorative justice have been implemented in schools across the country to address concerns about the significant negative impact of exclusionary discipline. Evaluations of those models and the growing body of literature on schools committed to the implementation of restorative practices provide strong evidence of its positive outcomes for students, educators, families, and the broader community: increased academic achievement;⁷ reduced use of suspensions and expulsions;⁸ reduced racial disparities;⁹ fewer disciplinary infractions and office referrals;¹⁰ decreased absenteeism and increased attendance and graduation rates;¹¹ and increased satisfaction among all school community members.¹²

The theory behind restorative practices is to empower people to resolve conflict or harm together,¹³ and prevent unwelcome behavior and subsequent police intervention by facilitating relationship-building, setting clear behavioral expectations, and maintaining a positive school climate.¹⁴ One of the goals of school-based restorative practice is for all individuals involved in a conflict, and those in the larger community, to recognize and understand harmful behaviors and to prevent the reoccurrence of the behavior.¹⁵ Given the negative consequences of punishment for individual students and for the overall school climate, New York must prioritize supporting schools to restoratively respond to student behavior and conflict.

We urge the Legislature to consider incorporating language into the following initiatives that would better enable schools to grow their capacity to implement restorative practices:

Mental Health Support Grants

Governor Cuomo is proposing \$250,000 to create enhanced mental health support grants where community school programs would be eligible to use funds to provide wrap-around mental health services, improve school climate, combat violence and bullying, and support social-emotional learning. We ask that the final budget include restorative practices as an option for funds, as restorative justice has been found to successfully increase healthy relationships and social-emotional understanding and skills¹⁶ as well as improve school morale and climate.¹⁷

Gang Prevention Education Programs

The Executive proposal includes \$1.5 million in competitive grants for gang prevention education programs. As part of that proposal, \$500,000 in grant programs will be available to fund locally-run intervention and violence prevention programs targeted at middle and high school students. As written, this includes in-school training and supports. We ask that this grant also support the implementation of restorative practices, as outcomes of the implementation of restorative practices include fewer incidents of unwelcome student behavior,¹⁸ such as victimization and bullying,¹⁹ decreased rates of violent behaviors,²⁰ and increased perceptions of safety²¹ without strengthening the potential for entry into the school to prison pipeline.

We understand that the funds allocated for the grant programs alone will fall far short in meeting the needs of students and educators across the state and we urge the Legislature to recognize the importance of restorative supports in other education justice initiatives. For example, there is room for restorative practices within Article VII legislation referring to dating violence education and the formation of a “Be Aware, Be Informed” awareness, prevention, and education program as well as legislation to ban lunch shaming. By including restorative practices in policies aimed at remedying issues of interpersonal conflict, discrimination, and overall school culture we have the opportunity to strengthen existing efforts to make transformative change in schools across the state.

Conclusion

To close, CDF-NY supports the January 31st hearing testimony of New York City Schools Chancellor Carmen Fariña that spoke to the need to think critically about efforts to promote school safety and prioritizing the lived experiences of young people in school. Several studies have suggested potential detrimental effects of metal detectors on student perceptions of safety,²² for example, and CDF-NY has long advocated in partnership with students for investments in holistic and positive school safety reform that does not strengthen the school to prison pipeline and the criminalization of young people in school.

CDF-NY is encouraged by the Legislature’s attention to school climate and safety and we look forward to working with you throughout the budget process. Thank you for the opportunity to submit testimony.

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