

Testimony of the Solutions Not Suspensions Coalition¹
For the
Joint Legislative Public Hearing on 2022 Executive Budget Proposal:
Topic Elementary & Secondary Education
January 26, 2022

The Solutions Not Suspensions Coalition (“SNS”)² respectfully submits the following testimony in support of passage of and full funding for implementation of the Solutions Not Suspensions Act.

I. Introduction

The Solutions Not Suspensions Coalition is a statewide group of organizers, direct service providers, student leaders, education attorneys, and advocates working to improve school climate and stop the school-to-prison and -deportation pipelines in New York State, primarily through passage of the Solutions Not Suspensions Act (A.5197/ S.7198). We are proud that the Solutions Not Suspensions Act is recommended in the New York State Black, Puerto Rican, Hispanic and Asian Legislative Caucus’ 2022 People’s Budget³ and is also included in New York City Public Advocate Jumaane Williams’ 2022 leading state recommendation to establish healing-centered schools.⁴

As stakeholders whose work and lives are directly impacted by the harms of punitive school discipline policies and practices, our group advocates for and promotes policies to create equitable responses to youth behavior that keep students connected to their school communities, as prescribed in the Solutions Not Suspensions Act. Specifically, our focus is to end suspensions for the youngest students, eliminate the use of suspensions for minor infractions, increase the use of restorative alternatives, and make sure all of the adults that students interact with are trained to create safe, healthy, and inclusive schools.

A statewide shift away from exclusionary discipline and towards an investment in solutions is a necessary component of building healing-centered, equitable learning environments.

II. Supporting Positive School Climate Goals

We are pleased that the Governor’s budget commitments include funding for programs focused on creating positive school climates. This is a necessary step, but more must be done to fully realize the goals of meeting students’ holistic needs, addressing students’ trauma, and making up academic ground. We

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² Solutions Not Suspensions Coalition Members: Advocates for Children of New York, Alliance for Quality Education, Brooklyn Defender Services, The Bronx Defenders, Children’s Defense Fund-NY, Citizen Action of New York, Committee for Hispanic Children and Families, Families Together, Girls for Gender Equity, The Legal Aid Society, Mobilization for Justice, The New York Civil Liberties Union, Urban Youth Collaborative (Future of Tomorrow, Make The Road New York, Sistas and Brothas United), We the Parents - Buffalo, Westchester Children’s Association, The Wright Group, YWCA Brooklyn

³ NYS Black, Puerto Rican, Hispanic and Asian Legislative Caucus [2022 People’s Budget](#)

⁴Office of the Public Advocate, [Redefining Public Safety 2.0](#)

welcome the Governor's focus on schools with high levels of suspensions, students experiencing poverty and housing instability, English language learners and other highly impacted populations.

In particular, a comprehensive plan to build positive school climates must include investments in holistic approaches to youth development and learning, divestments from responses that are actively harmful to youth development and learning, and structural changes that support both investments and divestments across service providers and sectors.

Committing to implementing preventative, supportive, and disciplinary approaches that meet the needs of the whole student is long overdue. As outlined in the Governor's budget, there are many models that schools and districts can choose to implement to create positive school environments. Along with these locally-led initiatives, the state has an important role to play in setting the parameters for ensuring all students' educational rights are met.

Positive school climate programs are undermined by the continued inclusion of exclusionary discipline, such as suspensions. It is well-documented that suspensions obstruct academic success, make students feel criminalized rather than supported, and fail to solve the behaviors or circumstances for which students are punished.⁵ In this respect, voluntary participation in pilot programs by some school districts that receive state funding will not achieve holistic support for all students. State leaders must make it clear that moving away from suspensions and towards effective alternatives is the minimum common sense measure to demonstrate a commitment to students' success.

As students adjust and reintegrate back into their schools, and as educators, school leaders, and service providers work to rebuild a sense of community and recreate learning environments in a shifted education landscape, the state has an important role to play in protecting the most marginalized students from pushout and keeping all students connected to their learning environments.

This new baseline must include professional development for all adults who work with students, intentional shifts in systems and structures to ensure there is partnership and alignment among school leaders, service providers and families, and clear rules and guidelines that prioritize supporting student well-being and keeping them fully connected to their learning environment.

III. Racial Discrimination and Bias in School Discipline

In her budget book, the Governor recognized the need to move away from ineffective and discriminatory discipline practices that exclude students from their learning environments, such as suspensions. This is critically needed but must go beyond pilot program funding that leaves this critical civil rights issue to the discretion of school districts.

While several states have enacted policies that direct schools and districts to eliminate or reduce punitive discipline practices and/or implement restorative practices, our state law on school discipline relies heavily on removing students from their school communities as a form of punitive discipline - an

⁵ [Less is More: The Effects of Suspension and Suspension Severity on Behavioral and Academic Outcomes | American Institutes for Research \(air.org\)](https://www.air.org/less-is-more-the-effects-of-suspension-and-suspension-severity-on-behavioral-and-academic-outcomes)

approach that has its roots in the failed policies of Broken Windows policing. Because the state has yet to act, students of color, students with disabilities, and non-gender-conforming students in districts across the state continue to be disproportionately suspended and removed from their schools, overwhelmingly for minor infractions. Due to the current outdated state education law, these students miss valuable time in the classroom – weeks, months, and even up to a full year.

The New York State Black, Puerto Rican, Hispanic and Asian Legislative Caucus' 2022 People's Budget highlights these disparities in New York's school discipline practices, stating, "In New York State, Black students are twice as likely to be suspended for minor misbehaviors than their white peers." It continues:

For far too long, schools across the country and New York turned to zero-tolerance school discipline policies using harsh and punitive discipline and policing for young people, especially Black and Brown youth. Criminalizing normal youthful behavior has created a school-to-prison pipeline pushing students in front of police officers, prosecutors, and judges instead of guidance counselors, social workers and principals. The racial disparities in suspensions, expulsions, and arrests in schools have created two very different learning experiences for Black and Latino youth, LGBTQ youth, and students with disabilities and their white peers.

According to the New York State Education Department's data on school suspensions for the 2016-2017 school year, Black students were 4.2 times more likely to be suspended than white students in schools outside of New York City, and in New York City were 5.5 times more likely to be suspended.⁶

The COVID-19 pandemic has disrupted schooling in virtually every way, including reducing the number of adults in school buildings and saddling students with trauma, anxiety, grief and anger. Without a state-level framework focused on supporting students and responding in a restorative way to youth behavior, many schools are relying on classroom removals and suspensions.

It will take years to fully understand the impact of school discipline practices on students during the first two years of the pandemic⁷, but data has already confirmed that the pandemic has reinforced and exacerbated existing inequities. School discipline is no exception. These deeply entrenched, racially discriminatory practices will not go away on their own. Already, some school districts are seeing suspensions return to pre-pandemic levels, which means after nearly two years of trauma, loss and disrupted learning, kids are experiencing yet another loss by being told school is not the place for them.

IV. Recommendations

A. Pass the Solutions Not Suspensions Act

We urge the legislature to pass the Solutions Not Suspensions Act (A.5197/ S.7198) and allocate sufficient funding for all New York school districts to move away from suspensions and invest in effective solutions that keep students safe, learning in school, and fully supported. This bill is a necessary step to ensure the state's most vulnerable and marginalized students – Black students, Native students, Latinx students, students with disabilities and non-gender conforming students are no longer disproportionately pushed out of school because of ineffective and biased school discipline policies.

⁶ The New York Equity Coalition, [Stolen-Time_2018.pdf \(edtrust.org\)](#), December 2018

⁷ The Hechinger Report, [Exclusionary discipline: Some returned to class only to be kicked back out \(hechingerreport.org\)](#), January 20, 2022

The Solutions Not Suspensions Act establishes suspensions as a last resort rather than a first response and promotes methods, such as those referenced in the Governor’s commitments, designed to hold students accountable while helping them learn from their mistakes, and eradicating biased policies and practices.

Specifically, the bill will:

- End the use of suspensions for K-3 students;
- Promote the use of restorative justice practices and other successful discipline techniques in place of punishments that remove students from their learning environment;
- Limit the amount of time that a student can be out of school to 20 school days (except when otherwise required by federal law), and guarantee access to appropriate work and instruction so that students who are suspended can stay on track academically;
- Prohibit suspensions for minor infractions, such as tardiness, dress code violations, or insubordination, which are better addressed in school; and
- Require charter schools to follow state education law on student behavior and school discipline.

B. Increased funding for programs to improve school climate and student mental health

It is our strong recommendation that 2022 funding for programs designed to improve school climate and implement alternatives to school discipline be on par with funding dedicated to student mental health supports. Approaches to school discipline have an interconnected impact on students in relation to mental health and mental health support services. Equal investment in restorative approaches to youth behavior helps to ensure that the impact of mental health services is not undermined by disciplinary responses that increase trauma and academic stress. Further, we urge the legislature to ensure that mental health support is implemented with a commitment toward moving away from reliance on suspensions and exclusionary discipline.

In addition, we support an increase in funding for school-based health centers, and enough funding to ensure all schools in the State have a full-time licensed social worker and a full-time licensed psychologist on staff, as outlined in the New York State Black, Puerto Rican, Hispanic and Asian Legislative Caucus’ 2022 People’s Budget.

C. Increased funding for professional development

There is no single training that will complete our state’s divestment from longstanding biased, exclusionary discipline practices. We strongly recommend funding for professional development toward reducing school-based discrimination and school pushout for adults across professions and disciplines who work with students.

We support the inclusion of anti-bias and anti-racism training and training for school-based adults on restorative justice practices as outlined in the New York State Black, Puerto Rican, Hispanic and Asian Caucus’ 2022 People’s Budget.

V. Conclusion

New York State has a unique opportunity to create substantial, long-term systemic changes with the pandemic-related education investments currently available. As our public schools work to meet the holistic needs of students amid the ongoing COVID-19 pandemic and beyond, we must increase investments to make critical structural changes to education, using an interdisciplinary approach, to create comprehensive, quality school mental health systems and ensure that investments in mental health professionals and supportive approaches are paired with state laws that turn immediate investments into long-term culture change.