

The Solutions Not Suspensions Act, S1040/A5691

UPDATE!!! The New York State Education Department has released a [groundbreaking report](#) that directly aligns with the provisions of the Solutions not Suspensions Act, and calls for amending state education law to reduce the discriminatory use of suspensions. The Task Force that created the recommendations included the New York State United Teachers Association (“NYSUT”), advocacy groups, experts in restorative justice, local school districts, and state agencies.

Everyone is in agreement on the solutions, now it’s time to pass SNS!

The Problem:

Each day, an average of 766 students are removed from school through the use of suspensions. Suspensions are disproportionately used to remove Black & Brown students, students with disabilities, students from low-income households, and LGBTQ+ students from their classrooms. Yet, the research shows that suspensions do not make schools safer or help students learn from their mistakes.

The Solution: The Solutions not Suspensions Act or “SNS” (S1040/A5691) sets common sense statewide standards to keep students in the classroom and support teachers and administrators to use research-based alternatives such as restorative justice. Having the same standards throughout the state guarantees that every child has the same rights, regardless of their zip code.

What does SNS do?

- Cap the maximum length of suspensions from 180 days to 20 days (except when required by federal law)
- Limit the use of suspensions for children in pre-Kindergarten through 3rd grade
- Prohibit the use of suspensions for minor infractions, such as dress code violations or talking back
- Strengthen due process for students to ensure they have a fair suspension hearing and adult representation
- Guarantee suspended students can keep up with instruction through instruction and work in a detailed plan
- Applies to Charter Schools as well as truly public schools

What does the research say about suspensions?

Suspensions are Racist & Discriminatory: Data from the NYS 2021-2022 school year shows:¹

¹ The data was collected by the State Education Department. The SNS coalition requested and analyzed the data.

- Students with disabilities were suspended 87% more often than students in the general education population
- Black students in upstate districts (excluding LI) were suspended 2.5X times as often as their white peers
- Latinx students on Long Island were suspended 45% more often than their white peers
- Students from low- income households were more likely to be suspended than wealthy students²

Suspensions Cause Learning Loss & Increases School Drop Out: In the most recent school year, we found that 913,811 days of instruction were lost in New York State because of suspensions. That’s almost 1 million days in just a single school year. There is currently no limit to the number of days a child can be suspended.³ Research shows that for 9th graders, a *single* suspension reduced the chances they will graduate high school by 23%.

Suspensions Are the First Stop in the School to Prison Pipeline:

According to the State Ed. Depart Task Force Report: “When suspended for a discretionary offense (i.e., the code of conduct did not mandate suspension), a student’s likelihood of juvenile legal contact within the subsequent academic year increased threefold.”

Suspensions Increase the Risk of Deportation

According to the National Immigration Law Center, suspensions and referrals (to law enforcement) are often used by immigration authorities to deny immigration relief or citizenship status. For children who are seeking asylum, this means they can be detained and eventually deported.

Suspensions Increase Risk of Depression and Suicide: According to the American Academy of Child & Adolescent Pyschiatry, since 2017, suicide has become the second leading cause of death for children 10-19 years old. Black youth are twice as likely to die by suicide than their white peers, and the AACAP goes on to say that this is driven in part by discrimination in our educational and juvenile justice system.⁴

Pass the Solutions not Suspensions Act and let 2023 be the year we see justice for our youth!

² Safe Schools Task Force Report: *Recommendations for Reducing Disparities in and Reforming School Discipline in New York State*, (p.20), Presented by the Office of Student Support Services, December 2022

³ Ibid.

⁴https://www.aacap.org/aacap/Policy_Statements/2022/AACAP_Policy_Statement_Increased_Suicide_Among_Black_Youth_US.aspx

Key statistics for SNS Campaign + Funding sources in the Executive budget

2021-22 Data

❖ Statewide

- 913,811 Days of instruction lost to suspensions
- 137,904 Students suspended at least once
- Students with disabilities statewide were suspended 87% more often than general education students

❖ Upstate

- 649,105 Days of instruction lost to suspensions
- 90,411 Students suspended at least once
- 65% of suspended students were from upstate (excludes NYC and LI)
- 71% of lost instruction days were from upstate (excludes NYC and LI)
- Black students upstate were suspended 2.46 times as often as their white peers
- Black students upstate were suspended 48% more days on average than white students during the year
- 15.5% of all Black students upstate were suspended at least once
- 12.7% of all students with disabilities upstate were suspended at least once

❖ NYC

- 164,577 Days of instruction lost to suspensions
- 27,601 Students suspended at least once
- Black students in NYC were suspended 3.8 times as often as their white peers
- Latinx students in NYC were suspended 76% more often than white student
- The average number of days Native American students in NYC were suspended during the school year was 31% longer than for their white peers

❖ Long Island

- 100,129 Days of instruction lost to suspensions
- 19,892 Students suspended at least once
- Black students on Long Island were suspended 2.3 times as often as their white peers
- Latinx students on Long Island were suspended 45% more often than their white peers
- The average number of days Black students on Long Island were suspended during the school year was 46% longer than for their white peers

Funding Sources in Exec budget

- the billions of dollars in historic increases in school and Foundation Aid
- \$3 million in grants for schools incorporating alternative approaches to student discipline
- \$10 million in student mental health support grants
- as well as budgetary increases in funding for school based mental health programs and violence prevention programs.
- As student discipline is directly tied to the lived conditions of students, the funding of these programs would help to address the root causes, and give students, teachers, and administrators the resources they need and deserve.

Albany County									
Subgroup	Suspension Rate	Days per Suspen	Ratio of Suspens	Ratio SPED to Ge	Ratio Days to WI	% of Total Suspei	% of Student Pop	Total Days Suspended	
All Students	7.80%	7.14						23167	
American Indian	9.30%	5.33	194%		96%	0%	0%	48	
Asian/Pacific Isla	1.60%	3.29	34%		59%	2%	11%	240	
Black	15.90%	8.33	334%		150%	44%	22%	11935	
Female	5.50%	8.78				34%	49%	9772	
Hispanic	10.10%	7.19	211%		130%	14%	11%	3330	
Male	9.20%	6.47				61%	51%	12762	
Multiracial	9.40%	7.84	196%		141%	8%	6%	1912	
Nonbinary	0.00%				0%	0%	0%	0	
Students with Di:	12.60%	7.05		180%		22%	14%	5147	
Sum of Redacted	2.80%	3.98				5%	14%	633	
Sum of Redacted	8.50%	6.81				1%	1%	143	
White	4.80%	5.54				31%	50%	5559	
General Ed	7.00%	7.17				78%	86%	18020	

Subgroup	Enrollment	OSS Student Cou	OSS Days Count	ISS Student Cour	ISS Days Count	Total Suspended Student Count	Notes
All Students	41801	2435	20095	1340	3072	3245	OSS student count and ISS student count have some overlapping students. Total suspended student count is the count of all students suspended at least once, either ISS, OSS, or both.
American Indian	97	6	44	3	4	9	
Asian/Pacific Isla	4495	43	169	38	71	73	
Black	8992	1165	10741	492	1194	1432	
Female	20389	919	8879	386	893	1113	
Hispanic	4594	352	2872	187	458	463	
Male	21406	1416	10735	874	2027	1973	
Multiracial	2609	189	1636	106	276	244	
Nonbinary	6						
Students with Di:	5808	586	4481	266	666	730	
Sum of Redacted	5734	100	481	80	152	159	
Sum of Redacted	246	11	107	16	36	21	
White	21014	669	4526	498	1033	1003	
General Ed	35993	1849	15614	1074	2406	2515	

SED Recommendations & SNS Provisions

SED Safe & Supportive Schools Task Force Recommendations:

- Suspensions should be prohibited for pre-K through third grade students
- Limit suspensions so that it is only used for serious infractions and after a variety of supportive interventions have been exhausted.
- Cap the maximum length of suspensions to 20 days, except where required by federal law
- Ensure suspended students continue to receive academic instruction, are able to take exams, and have a plan for safe reentry to the classroom
- Charter Schools must adopt SED guidance on discipline

Solutions not Suspensions Act (S1040/A5691) Provisions:

- Limit the use of suspensions for children in pre-Kindergarten through 3rd grade (except when required by federal law)
- Prohibit the use of suspensions for minor infractions, such as dress code violations or talking back
- Cap the maximum length of suspensions from 180 days to 20 days (except when required by federal law)
- Strengthen due process for students to ensure they have a fair suspension hearing and access to adult representation
- Guarantee suspended students can keep up with instruction through instruction and work in a detailed plan
- Applies to Charter Schools as well as all other Public Schools