

Hon. Shelley B. Mayer
New York State Senator
37th Senate District

May 2, 2023

Dear Senator Mayer:

I am honored to be with you today as you deliberate The Judith Kaye Solutions Not Suspensions Act (S1040). I have been a practicing high school principal at Niskayuna High School, here in the Capital District, for 22 years, and I have a broad perspective of experiences with student discipline.

This Act is an effort to unify school districts in their approach to responsive disciplinary practices. Many of the tenets of the proposed S1040 are a lesson in good administrative practices. As school administrators, we are trained to always consider a respective student's cognitive, behavioral, and social emotional background in applying appropriate disciplinary consequences. Restorative practices have become a regular strategy in student discipline matters. The use of alternative educational settings as a venue for student suspensions are mandated by Education Law for compulsory age students and students with Individualized Educational Plans. Many of the goals of S1040 are currently being addressed by school districts.

The consequence of suspending a student from attending their educational program should always be taken with the greatest care and deference to the needs of an individual student. However, it does need to remain an option for school administrators to assign for specific student behaviors. The SAVE Law of 2001 and the DASA Law of 2010, for example, mandates specific responses from school administrators for specific behaviors. The idea of eliminating suspensions for minor code of conduct infractions makes good practical sense. Districts are already putting options into place in their codes of conduct for these type of code violations.

The proposal to reduce the maximum suspension from 180 days to 20 days is a major concern for my fellow practicing administrators. Remember, a principal can only suspend a student for a maximum of 5 days. Any length of time that exceeds 5 days is required to include an Education Law Section 3214 Hearing to be conducted by a Superintendent or appropriate designee. This process must be allowed to be continued, giving Superintendent the authority to conduct a fair due process hearing and determine the appropriate length that a student should be removed from the regular classroom. Long term suspensions often include supplemental instruction, alternative placements, and voluntary counseling completed by the student. Instead of limiting long-term suspension, consideration for these support services could be made mandatory without a limitation on the number of days.

Judith Kaye Solutions Not Suspensions Bill

New York State Senate

May 3, 2023

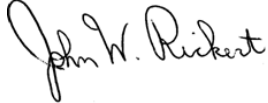
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Any mandate for alternative programs as requirements for suspensions will need funding support. Some districts are just not in a position to budget for this. Please consider a targeted funding stream if this provision of the bill is approved. In addition, the social-emotional resources that are needed for districts could be included in this targeted funding.

The idea of revising the structure of suspensions to include restorative measures with the school-based consequences is a good one. Many districts are already moving in this direction. However, please give your careful consideration to any legislative act that could potentially impact a school principal's mandate of responsibility for quality control of the learning environment and school community.

We respect the collective efforts of this law-making body and we depend on a partnership to best serve the needs of our students. We trust that any proposals from the Judith Kaye Solutions Not Suspensions Act that are signed into law will be done with the strongest consideration for our need to serve as effective administrators for a safe learning environment.

Sincerely,



John W. Rickert

Principal of Niskayuna High School

Regional President of the Empire State School Administrators' Association

Member of the Commissioner of Education's Stakeholder Team