

Testimony for 5/3/23 *Solutions Not Suspensions Act* hearing

My name is Jessica Bauer Walker. I am a parent of 2 children in Buffalo Public Schools. I am also the Executive Director of the Community Health Worker Network of Buffalo, which runs a parent and student Community Health Worker peer-based program. The students we work with are all people of color, with the majority identifying as Black. They are primarily low-income. Many of their families came to Buffalo as immigrants or refugees. Many of them have histories of trauma, struggle with mental health, and have experienced involvement with Child Protective Services. ALL of the students in our program have been suspended, most often for non-violent alleged offenses. I am providing this testimony for these students, my daughter (who has also been suspended, is Black and has a mental health disability), and as a voice for the thousands of other families who have been impacted by exclusionary and punitive discipline in Buffalo Public Schools.

In a professional capacity as a Community Health Worker, I have worked on issues of school health and safety for over a decade. I have helped to write a Wellness Policy and revise the Code of Conduct for Buffalo Public Schools, and advocate for the implementation of the Centers for Disease Control and Association for Supervision and Curriculum Development's "whole school, whole community, whole child approach" to public health and public education. When my daughter's mental health began to decline during the COVID pandemic and school closures, and her transition to high school proved very difficult, nobody would have been better equipped as a parent to support and advocate for her than me.

Last school year, my daughter suffered from a lack of adolescent mental health supports and faced bullying from another student. This situation escalated to both a significant mental health crisis for my daughter and an altercation with the student who was bullying her. I requested a restorative justice process in lieu of suspension but was denied. We did not receive timely notice regarding her suspension, with written details of the allegations she was facing and an opportunity for a parent conference, as is required by NYS Education Law. My daughter also had a Committee for Special Education meeting scheduled during her suspension in hopes we could receive a 504 plan that would provide her with proper accommodations due to her mental health diagnosis, which had to be rescheduled due to her suspension, further exacerbating her mental and emotional distress and preventing her from getting help she needed to get her back on track academically. I filed a complaint with NYSED with the assistance of an attorney, and they ruled that the suspension must be expunged from her record. Unfortunately, significant damage had been done that could not be remedied by that time. She now has a 504 service plan, components of which continue to be denied by school and District officials, who give her detention for being late to school despite documentation from her pediatrician, psychiatrist and therapist that her tardiness is inappropriate and directly related to her diagnosis.

This suspension and the aftermath, as well as the school and District's continued punitive responses to her mental health concerns have caused me to miss work, my daughter to miss school, have created enormous stress on our single-parent household, and have jeopardized my daughter's chance to graduate high school, let alone return to being a high performing student as she once was. Last year, Buffalo Public Schools handed out more than 7,700 out-of-

school suspensions. About one in six students were suspended, making BPS one of the top-suspending districts in the state. We have 5,672 suspensions so far this school year in a District with approximately 30,000 students. Additionally, suspension is applied in an inequitable way based on race, income and disability across New York State and in Buffalo Public Schools. In BPS, Black students are 2.5 times more likely to be suspended than their white peers. Students with a disability or who are low-income are twice as likely.

In the dozens of students and families I have worked with over the past several years, I find that children are consistently suspended for low-level offenses including subjective categories such as “insubordination” and “disrespect”, and for behaviors that are related to a disability or a trauma-response. There is currently a widespread practice in Buffalo Public Schools to give students detention for being late without consideration to the reason- which are often circumstances outside of their control such as being sick, a family emergency, or a transportation issue. If the students don’t serve detentions in a timely way, they are often given an in or out of school suspension. I’m not sure how it makes sense to teach children how to be in school and on-time by excluding them from school?

U.S. Surgeon General Dr. Vivek Murthy has declared that we have a youth mental health crisis in our country. In the meantime, we are using suspension as a tool to punish children who are having mental, emotional and behavioral health issues. Additionally in Buffalo our youth have endured the COVID-19 pandemic and extended school closures, a racially motivated massacre on May 14th and a deadly blizzard this past December. A Youth Risk Behavior Survey, the CDC tool that assesses health risks amongst teens, conducted last year in BPS contained the following data- one third of BPS students are persistently sad or hopeless, 1 in 10 have attempted suicide, and less than half report “enjoying learning.” These are troubling statistics that illustrate the need for a system redesign where we see children who are exhibiting problematic behaviors as a cry for help, not a reason to punish them.

NYSED has also issued recommendations through a Safe & Supportive Schools Task Force calling for more positive and restorative approaches, with many of the same components of the Solutions Not Suspensions legislation such as eliminating suspensions for PK-3 graders, limiting suspensions to 20 days, only issuing suspensions for the most serious of infractions, and ensuring suspended students continue to receive academic instruction.

Suspension does not correct behavior or improve attendance, academic performance, or other indicators of student success, and instead puts both students and families in dangerous and compromising situations on a school, family, and community level. I have been working on this issue in Buffalo for over 10 years, since a Buffalo student was suspended for “roaming the halls” and was shot and killed at a bus stop after he was sent home. We have done all we can to force local systems change. We are calling on our state legislature to support the Solutions Not Suspensions Act so that children in Buffalo and across state have the opportunity to be healthy, safe and receive an education.

Thank you for your time and consideration.