



## **Testimony of the New York State School Boards Association Presented to the New York State Senate Committees on Education and New York City Education May 3, 2023**

My name is Brian Fessler and I am the Director of Governmental Relations for the New York State School Boards Association (NYSSBA). I appreciate the opportunity to join you all this afternoon to offer comments on the important issue of school safety – including discipline and suspension – before the Senate Committees on Education and New York City Education, Chairs Mayer and Liu, and Senator Jackson, on behalf of the 673 member school boards we serve.

The safety and well-being of students and staff represent one of the most important responsibilities of school boards. Students who feel safe and secure are students who are best able to learn and succeed in the classroom. Teachers and other school staff who feel safe and secure are educators who are best able to serve students each day and prepare them for life after school. Every year, as we will see later this month, communities across the state elect their peers – neighbors, friends, co-workers – to volunteer their time as school board members in order to represent those interests. And our members take the responsibility for the safety and well-being of students and staff incredibly seriously. It is at the heart of everything they do.

One part of the school safety equation is responding to students whose behavior in and around school may necessitate formal action. To that effect, as a membership organization, recognizing that needs and interests are unique and differing amongst districts across the state, NYSSBA has supported our members by providing resources, guidance and training opportunities. In recent years, school safety and student discipline have been one of our main areas of focus.

In response to growing challenges with school safety and episodes of school violence, a number of years ago NYSSBA hosted a training conference for educators to hear from a variety of relevant school safety experts. A key component of the program was providing information on the potential benefits of restorative justice, with the goal of those lessons being shared with the broader school community. In 2019, as part of the Educational Conference Board, NYSSBA released a white paper promoting the benefits of restorative justice practices and issuing recommendations to help foster local implementation of such policies.

More recently, NYSSBA leadership served on the State Education Department's School Safety Task Force, which brought together scores of stakeholders. As part of the Task Force's efforts, we have seen studies detailing the prevalence of suspension use amongst demographic groups, the academic outcomes of students who experienced suspension, and more. The information has been, and continues to be, shared widely, and I know it has made a real impression on school board members and others throughout the education community. And while the

recommendations from the report were not unanimously endorsed by members of the Task Force, the result nonetheless has led to important issues being raised, with many worthwhile ideas and recommendations being shared.

The topic of student discipline will also be one of the featured topics in our Leadership in Education conference this summer, where we expect hundreds of school board members and education leaders from around the state in attendance. Further, NYSSBA offers local district policy development services to our members. As part of that process, our sample Code of Conduct resource includes language to help facilitate optional restorative justice programs amongst our members, as opposed to exclusively imposing punitive discipline, as is currently set forth in present law. This content was developed in direct response to the growing research into the positive outcomes such programs can, and do, have for students and the entire school community.

On top of efforts being made in the field, we also appreciate and understand legislative and regulatory interest in these issues. The Board of Regents is currently considering revised regulations covering the issues of corporal punishment and behavioral interventions. And legislation passed the Assembly last week which would more explicitly prohibit corporal punishment, under a definition established by the State Education Department. NYSSBA supports that bill.

NYSSBA has also been involved in discussions through the years on Senate Bill 1040, joining a variety of legislative sponsors and other stakeholders in those conversations. We believe that we share a common goal – to find the appropriate set of tools that will help educators and schools constructively address issues of adverse student behavior in a way that is positive and forward facing, while ensuring all students and staff are safe, and in an environment that is focused on learning. Through those discussions, we have stressed our belief that reform efforts will be most successful when they recognize that one size does not fit all. Our nearly 700 school districts across the state are diverse, across differing regions and demographics. The best set of tools for one district or one region may be ineffective, or counterproductive, in another. The best intervention in one classroom may not be the most appropriate in the classroom next door. Our schools should have the appropriate degree of flexibility to address the unique needs of their respective communities. Our educators should have the appropriate degree of discretion to keep their classrooms safe and productive.

We agree that the status quo of yesterday is not always the right answer, and we believe strongly that school boards are playing a meaningful role in helping all of our schools navigate this process and will continue to do so. At the same time, we know that school board members are not physically in the classroom and hallways each day. Because of that, it is incumbent upon us to listen to our colleagues who are – teachers, school support staff, principals and superintendents. We know from these partners that suspensions can serve purposes beyond simply use as a form of punishment. It may be the most reasonable way to help ensure the safety and well-being of other students and staff in the classroom. The possibility of a suspension can also be the step necessary to meaningfully involve parents or guardians or it can be a measure that leads to engagement from the county or other levels of local government for critical social supports.

Certainly, the evidence of aggregate disproportionality in application of suspensions has been made clear in some instances, and those instances should be addressed. The challenging next step is working through the when, why, and perhaps most importantly, the what can and should be done to address it. The issue is complex, multifaceted and is often more involved than simply whether suspensions could or should be used, and when. On behalf of our members, we have attempted to support school boards' role in that process, and we will continue to do so. We appreciate the invitation to testify here today as part of that effort and we look forward to these conversations as part of that important work.