



Testimony

to the
Senate Education Committee
and
Senate New York City Education Committee
Examining
School Policies Related to Discipline and Suspension
Including the Solutions Not Suspensions Act
S.1040 (Jackson)/A.5691 (Solages)
May 3, 2023

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Representing nearly 700,000 professionals in education and health care
Affiliated with the AFT – NEA – AFL-CIO

*Testimony of
Melinda Person,
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to the
Senate Education Committee
Shelley Mayer, Chair
and
New York City Education Committee
John Liu, Chair
on
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Chairperson Mayer, Chairperson Liu, honorable members of the Legislature and distinguished staff, I am Melinda Person, President of New York State United Teachers. NYSUT represents nearly 700,000 teachers, school-related professionals, academic and professional faculty and staff in higher education, health care professionals and retirees. Thank you for the opportunity to speak to you about school discipline policies, including the Solutions Not Suspensions Act — S.1040 (Jackson)/A.5691 (Solages).

NYSUT wholeheartedly supports the intent of this legislation and agrees that the best place for students is in our schools. Unfortunately, student suspensions have become an all-too-common punishment in some school districts that disproportionately impact students of color, those with special needs and those who are part of the LGBTQ community. According to studies, students from these groups are suspended at much higher rates than their peers for similar infractions. This is a grave injustice that contributes to the cycle of educational inequality.

This is one of the reasons NYSUT has championed programs such as our “Sticks and Stones” training to work with educators and school staff to help them understand the potential impact of implicit biases — how someone’s race, ethnicity, ability or socio-economic status can influence their impressions and interactions with others. The goal is to improve understanding and foster positive relationships with students and colleagues.

While we fully acknowledge the problem, we have reservations about the implementation of this legislation and the impacts it will have on educators, students and classrooms. Put simply, while we agree that suspensions are not the answer, we find the bill, as written, lacking in actual solutions.

As schools returned from the pandemic to regularly scheduled, in-person classes, our members have observed a significant increase in disruptive student behaviors. Studies back up these observations. According to a July 2022 report released by the National Center for Education Statistics, classroom disruptions from student misconduct were up 56 percent during the 2021-22 school year compared to pre-pandemic numbers.

This legislation, absent staffing, funding, time to develop and implement programs and soliciting buy-in from the broader community, will be a half-measure that does little to improve classroom environments or educational outcomes. As educators, we have a duty to provide safe, welcoming and supportive learning environments for ALL of our students. We need alternatives to out-of-school suspensions, but we do not believe this bill alone will help achieve that mission.

What would a solutions-based approach look like? Our educators have suggestions born out of their real-world experiences. After all, our working conditions are students' learning conditions.

Through efforts like NYSUT's Future Forward Report and the NYSUT Safe Schools for All Task Force, NYSUT has produced recommendations for improving school climate and enhancing learning opportunities for all students.

When it comes to addressing student behavior and introducing a bill with real solutions to the agreed-upon problems, we will be looking for two key things: Addressing the root causes of behavioral issues and taking steps to assure classrooms are the best possible learning environments for our students and safe working conditions for educators.

Ensuring the Best Environments for All Students

It is important to recognize that while simply removing disruptive students isn't the solution, their behavior can significantly impact their classmates' ability to learn. We need to empower school districts to develop plans to address disruptive behavior in a way that allows other students to continue learning.

We believe that the best place for every student to learn is in the classroom. But we also believe that the education and safety of the entire class can't be ignored. If there is a student in crisis, teachers need to be able to have a social worker or school counselor work with that student and triage what is happening. Unfortunately, this best-case scenario is not guaranteed. The responsibility to de-escalate the situation and deliver instruction to a classroom *simultaneously* all too often falls entirely upon a teacher's shoulders.

Beyond requiring access to a school counselor, New York state does not require schools to have a social worker or school psychologist available and accessible to all students. Our schools have been suffering from staffing shortages since before the pandemic, but this issue is now a critical need across our state. While the federal government has made funding available to hire these needed positions, districts are not doing so. While some districts are simply choosing not to hire, more often districts cannot find quality candidates.

We must increase the number of social workers, school counselors and psychologists in our schools. Prior to the pandemic, we had districts with unacceptable staffing ratios where there was one social worker or school counselor for every 1,000 students. When ratios are this outrageous, students and educators cannot receive the intervention or assistance needed to help de-escalate a situation in a timely manner. These staff are critical to promote the social-emotional health of our students.

Addressing Root Causes

We need to focus on addressing underlying factors that lead to disruptive behavior in the first place. This should include providing students with additional supports, such as providing counselors and social workers or implementing restorative justice practices.

We know that students who are disruptive often do so because they have unmet educational, medical or personal needs. These needs could be hunger, housing, trauma or any combination of those and others. But without appropriate staff and time to work with those students, we cannot help them.

“Restorative practices” is a term that is often used without understanding what it takes to effectively implement a school-wide model. They are programs and processes that help build healthy relationships and a sense of community and can include things like peer mediation, as the bill references. We have seen districts that have successfully implemented this model be highly effective in reducing disciplinary referrals and significantly improve their school climate. But these models must be woven throughout the school day, take time to implement correctly and work best when the entire school community buys into the program.

Just down the Thruway, the Schenectady City School District addressed the overuse of suspensions and disciplinary actions before the pandemic. But this work required a whole-district effort and work with outside partners to implement. The district partnered with a local organization called Mediation Matters that specializes in conflict resolution. Mediation Matters trained staff and students and established the use of restorative circles and a peer mediation program. These are pillars of the restorative work being done in the district.

The use of these restorative practices has resulted in increased graduation rates in Schenectady. But just as crucially, if negative behavior continues, the district has the option to increase the severity of consequences to hold the student accountable for their actions as they continue to use the restorative framework.

Another successful program is the Positive Learning Collaborative, or PLC, run by the United Federation of Teachers. This model is one NYSUT would like to see expanded throughout New York City’s schools. The PLC provides schools with tools, techniques and coaching to change school culture and address barriers that prevent students from learning. It is not a one-size fits all program but is instead built to suit the needs of the individual school. Many of you are familiar with the program and the results it delivers: reductions in disciplinary actions and suspensions, while increasing academic achievement.

These models work because schools take the time to assess what is needed, work with experts and allow for community participation. More importantly, they were provided with the resources they needed to make these programs work. There are circumstances where, despite dedicated efforts of teachers and staff, a student’s behavior does not improve or escalates. In those cases, administrators need flexibility to address those situations. We should be empowering our schools to create the solutions that work best for them, their educators, their students and their communities.

Closing

The issue of school discipline is complex and cannot be addressed by applying a one-size-fits-all model to all districts. We need a plan to ensure that schools are equipped with staff, programs and resources to intervene and correct behavioral issues from the start. But schools also need the ability to address these behaviors if they continue to present themselves. A student's behavioral issues do not only negatively impact their ability to learn – they also affect and impact the remaining students in the class.

This is a discussion worth having and a good place to begin addressing the needs of our schools and our students. While our educators do not make decisions about suspensions, they and the students they teach are most affected by them on a regular basis. We encourage you to listen to their voices. We also encourage you to listen to the voices of administrators who make these decisions and are ultimately responsible for the safety of our students and educators.

I look forward to continuing this dialogue with you as we move forward to address this important issue. NYSUT and our 700,000 members will continue to do everything we can to support all our students and improve our schools so they can be vibrant centers of our communities.