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Senator Mayer, Senator Liu, Senator Jackson, other esteemed members of the Legislature and distinguished staff, thank you for the opportunity to provide testimony on student discipline and school safety.

SAANYS appreciates the extensive support and outreach to building administrators you have made during this past year. We know that the past few years have been ones of dramatic challenges and difficulties and we appreciate your work on behalf of schools and building administrators.

SAANYS now represent building administrators and program directors from all of the Big 5 cities and the majority of districts in the rest of the state. Our membership has grown to over 14,000 active and 8,000 retired building administrators and program directors since merging with the New York State Federation of School Administrators. This merger ensures a strong statewide representation of school-level administrators and unified positions on critical issues and actions.

### **Current School Conditions and Working Conditions in Schools**

The post-pandemic school environment is unfolding in ways not anticipated nor ever before experienced. Principals are very often single handedly responsible by ensuring school safety, maintaining instructional programs, and working with communities under very stressful conditions. But the 2022-23 school year has continued to challenge building leaders and program directors. While many principals and directors acknowledge that some sense of routine has been regained, more frequently they feel as if the ground on which they stand is eroding. The walls of their schools no longer hold at bay community traumas and tensions to provide students and staff a safe haven. As stated by one of our building administrators, *“since the pandemic, student behavioral challenges are very different; there is a lack of maturity as many students lost boundaries and supports.”*

The mental health and behavioral challenges of students is overwhelming schools and educators are leaving education positions because of their working conditions. Correspondingly, community resources that provided mental health support have decreased dramatically. Although federal funding relief was available to implement needed programs, there have been many implementation challenges. Programs that were anticipated to begin during the 2020-21 school year were postponed due to lack of staffing.

We are stressing the current post-pandemic condition in schools because S.1040 does not take into account the very real circumstances under which it would be implemented. Work began on this bill in 2017 and the current version does not accommodate the very dramatic changes that have occurred in schools since that time. The bill would require that school districts provide an extensive array of interventions prior to suspending students. Most school districts do not have sufficient resources to meet these pre-suspension requirements. According to the bill, supports like peer mediation, restorative practices, and social emotional services and other supports must be used prior to removal or suspension. In many areas of the state, such resources were discontinued during the pandemic and post-pandemic, as competing priorities redirected funding to other high-priority community needs. If schools do have access to such available programs, there are frequently waiting times of six months or more just for referrals.

Even if schools could provide such an array of services, the proposed bill does not require that students or their families participate in needed services or practices. The current legislation states that, *“No student, however, shall be required to participate in a restorative practice without their consent. Reasonable attempts shall also be made to obtain the consent of their parents or persons in parental relations.”* This approach is a one-way process, with districts carrying the full responsibility for ensuring the availability of programs, with no meaningful way of ensuring student/family participation.

Given the current climate in schools and complexity of crises facing building administrators and students, **it is our firm belief that the professional judgment of building administrators is critical in any school discipline case.** Each student discipline case needs nuanced strategies and interventions and requires a building-level administrator’s understanding of all dynamics. A one-size fits all approach, such as proposed in S.1040 is not beneficial.

### **Current Regulatory Framework in New York State**

We also submit that school districts currently operate under a stringent system of statutes and regulations on decision making on student discipline.

A report entitled [New York Compilation of School Discipline Laws and Regulations](#) was released in June 2022 by the National Center on Safe Supportive Learning Environments, delineated the layers of discipline laws and regulations in New York State. This 75-page report outlines eight major categories of laws, listing over 35 different laws and/or regulations or policies on:

- required codes of conduct;
- in-school discipline;
- conditions on the use of certain forms of exclusionary discipline;
- suspensions, expulsions, and alternative placements;
- discipline for addressing specific code of conduct violations;
- prevention, behavioral intervention and supports;
- monitoring and accountability;

- and partnerships between schools and law enforcement.

This current legislative and regulatory framework is extensive and provides for a highly rigorous and accountable response by schools. **Another layer of legal process will not resolve the root causes of the inequitable use of suspensions.**

Additionally, the New York State Education Department convened a School Safety Task Force in August 2019 to examine school safety issues. SAANYS has been an active member of this task force since its inception. Last spring, this task force pivoted to also examine student suspension. In December 2022, the task force made recommendations to:

- prohibit suspensions for students in PreK-grade 3,
- limit the length of long-term suspensions to twenty days,
- limit exclusionary discipline for “minor misbehavior,” and require alternatives to school suspensions.

It should be noted that these recommendations were not a unanimous representation of the opinions of many educational associations serving as members of the task force. The simultaneous proposals for legislation over and above these recommended Board of Regent actions are duplicative. A coordinated and comprehensive statewide effort is needed to address these complexities and not additional layers of legislation or regulations.

During this time, SAANYS has worked with NYSED, and many legislators and staff to ensure that legislation/guidance would meet the intended goals to provide school districts and professionals in the field the latitude to use professional judgment aligned with school district policies and cultures. However, for our over 14,000 active building administrators and program directors, **key components of the current bill remain unsupportable.**

### **Problematic Components of S.1040**

#### *Prohibition of Suspensions in PreK - grade 3*

The current version of the bill would prohibit any suspension in grades PreK-3. In a recent survey of SAANYS members, over 66% of survey respondents oppose this component of the proposed legislation.

Building administrators across the state are reporting increased behavioral issues with younger students. Some students who entered school over the past two years have often done so without the experience in a preschool, prekindergarten, kindergarten, or first-grade. Simple exposure to routines, expectations, and self-regulation has not been part of their development. This has resulted in a very difficult reentry into school patterns and routines for some students. Also, during the pandemic many students had their families turned upside down and have been dramatically impacted by layers of loss. The dramatic impacts of such situations have been recently demonstrated when a six-year-old had access to a gun and shot a teacher.

The crises in grades K-3 are often not fully understood and building administrators need to react quickly using their professional judgement to suspend if necessary. While the primary focus of the proposed legislation is on the perpetrator of an incident, consideration must be given to the impact of the incident on other students in the classroom and the school community at large. Often the suspension of a student is necessary to restore the classroom environment and to assess the unintended consequences of the behavior. The behavior resulting in a suspension is most often not an isolated event and the suspension is needed to provide a restorative school climate.

### *Twenty-Day Cap on Suspensions*

Over 70% of respondents to the SAANYS survey opposed a twenty-day cap on suspensions. As behavior challenges have increased, so have the severity of the infractions. As these more dramatic and severe situations occur, twenty days is not always sufficient time to address student needs or community healing. In the words of a building administrator:

*“This (twenty-day cap) may not be a long enough period to allow the judicial system, police, or mental health support to implement policies or interventions to address the situation, sometimes 20 days is not sufficient for the community to heal from serious infractions that resulted in long term suspension.”*

There is so much volatility and fear in schools that more than twenty days is needed to resolve many serious offenses. Additionally, the minimal number of resources to provide student such support may not be available within a twenty-day period.

### *Prohibition of Suspensions for Acts of Willful Disobedience*

70% of survey respondents opposed prohibiting suspension for willful disobedience. Communities and families are stressed, and schools have become the target of increased public disruptions throughout the school day, at public meetings, and after-school events. The prohibition of suspension for willful disobedience only further restricts the feasible options at the time the behavior is presenting for ensuring safety and civility within schools. Microaggression escalates quickly and both teachers and principals need the flexibility to immediately remove students engaged in intentional willful disobedience to ensure both the physical and emotional safety of all students and staff.

### *Prohibition of Suspension for Other Situations*

The proposed legislation would also prohibit removal or suspension for tardiness, absences from school, leaving school without permission, violations of dress codes, and refusing to show identification when asked. Each of these behaviors may not individually warrant suspension, but persistent occurrences may. It is exceedingly difficult for a district to be in a position of being

accountable for such factors without being provided the tools to address the root causes or daily events.

### **Equity**

SAANYS acknowledges that the disproportional use of suspensions is a factor in some school districts. There is ample data that has identified such districts and SED has strategies to address those situations in those school districts. Another broad, one-size- fits-all mandate for every school district is not the solution. Supporters of this sweeping legislation have stated that the disproportionate use of suspension is a larger problem than just in the identified schools. If that is true, then these issues have root causes that are not likely solved by broad legislation to limit suspensions via another highly prescriptive process.

### **Recommendations**

SAANYS proposes the following:

- Continue to allow suspension in all grades to ensure that building administrators are able to use their professional judgment as necessary to maintain safety for all students and staff.
- Retain long-term suspensions and add required review periods.
- Rebuild community mental health and health support systems.
- Support the Governor’s proposal to conduct statewide public meetings and forums to discuss mental health issues facing youth in New York State.
- Support community school models that accommodate the changing roles of schools as providers of both educational and mental health programs that support students, families, and communities.

### **Conclusion**

School building administrators throughout the state have been working diligently to address challenging student behavior and the multiple crises in schools since the pandemic. The solution to these very complex problems is not a matter of further legislation, but one of coordinated and comprehensive resources that acknowledge the depth of the challenges. Many community and student support systems that have been used by building administrators historically have been decimated. Now is the time to rebuild support systems, rather than further limit building leaders’ judgment in dealing with such complex problems.