MEMORANDUM IN SUPPORT
S.1040/A.5691

The Schuyler Center for Analysis and Advocacy urges New York’s legislature to pass S.1040/A.5691, to create a framework for the use of positive, graduated, and age-appropriate school discipline strategies.

The Schuyler Center for Analysis and Advocacy is a 150-year-old statewide, nonprofit organization dedicated to policy analysis and advocacy in support of public systems that meet the needs of disenfranchised populations and people living in poverty.

Every child deserves to attend a safe, high quality and equitably resourced school where students, teachers, and staff are treated with dignity and respect. The Solutions Not Suspensions Act will create a framework for the use of positive, graduated, and age-appropriate school discipline strategies; eliminate the use of zero-tolerance discipline and out-of-school suspensions for minor infractions; significantly limit suspensions for students in pre-kindergarten through third grade; limit suspensions to twenty school days, and ensure students receive instruction when removed from school. The bill also increases due process protections for students, ensuring that they have access to adult representation through the suspension hearing process.

Current discipline policies disproportionately punish students of color, limit academic achievement, and fuel the school-to-prison pipeline. According to the New York State Education Department’s data on school suspensions for the 2021-22 school year, students lost nearly a million classroom days due to suspensions. In response to this ongoing crisis, the New York State Education Department convened a task force to explore a range of issues related to school safety. This January, the SED Task Force released a report entitled “Recommendations for Reducing Disparities in and Reforming School Discipline in New York State.” The SED report recommended changes in practice that directly align with the provisions of the Solutions Not Suspensions Act.

Notably, neither the SED report nor S.1040/A.5691 would ban the use of suspensions entirely, but focus on the reality of the situation, which is that Black, brown, disabled, and low-income students are disproportionately suspended, often for behaviors that do not warrant suspensions and that their white, wealthy peers would not be suspended for. The results are learning loss, isolation, drop out, involvement in the criminal legal system, or even deportation.

A Blueprint for Change

The SED report outlines a comprehensive blueprint to partner with districts to transform our system of discipline from punitive to effective.

Under the Solutions Not Suspensions Act, schools must have available a range of alternative intervention strategies, rather than punitive responses that deny students access to their education. Across the country we have seen these alternatives work by intervening early and actively seeking to reduce the odds of future misbehavior by holding students accountable while teaching them the skills
they need to resolve conflicts and ultimately succeed in life. Conversely, we have equally clear
evidence that punitive measures do not improve school climate, student behavior, or student
outcomes. To quote the NYSED Task Force Report:
“exclusionary discipline, whether classroom removal, short term or long-term suspension, whether in-school or
out of school suspension, has long-term, cumulative, and negative effects on students – especially our students
of color and with disabilities – and does nothing to solve the underlying issues or root causes that caused the
initial misbehavior.”

The late Chief Judge Judith S. Kaye championed this cause, with passion and a belief that our children
deserve better to call for reform of punitive school discipline practices that deny children their
constitutionally protected right to education. As the bill name suggests, rather than continue down
the path of punitive policies that do not improve school climate or student behavior, we must adopt
evidence-based solutions that work, and benefit, rather than harm, our children and school
communities. Passing the Judge Judith S. Kaye Solutions Not Suspensions Act would move New
York to the forefront of efforts to finally end the school-to-prison pipeline and eliminate racial
inequities in school discipline.

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