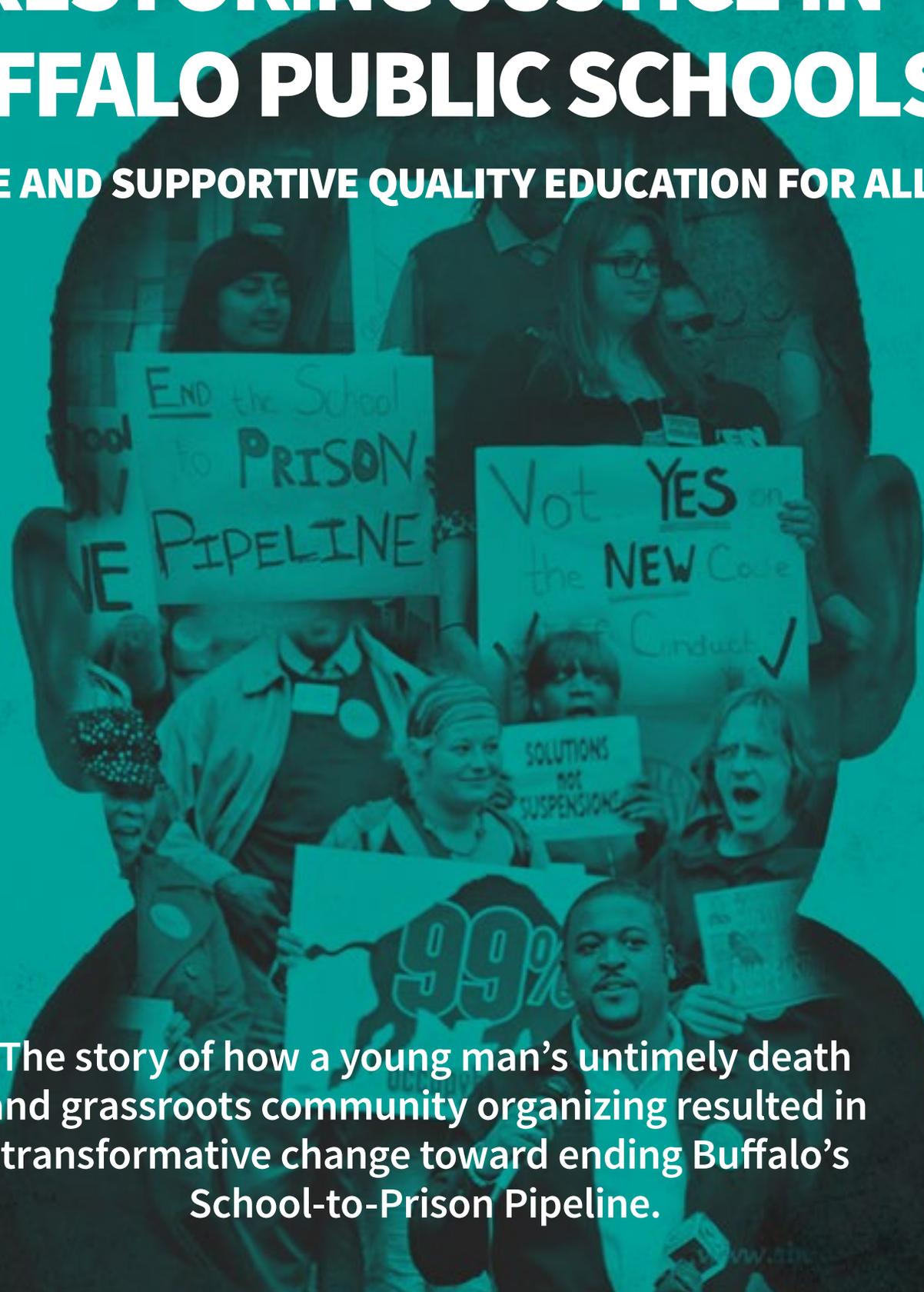


RESTORING JUSTICE IN BUFFALO PUBLIC SCHOOLS:

SAFE AND SUPPORTIVE QUALITY EDUCATION FOR ALL

A large, teal-tinted collage of various people, including students and adults, holding protest signs. The signs contain messages such as "END the School to PRISON PIPELINE", "Vote YES on the NEW Code of Conduct", "SOLUTIONS NOT SUSPENSIONS", and "99%". The background is a textured, light blue-grey color.

The story of how a young man's untimely death and grassroots community organizing resulted in transformative change toward ending Buffalo's School-to-Prison Pipeline.

ABOUT US



[Citizen Action New York¹](#) is a statewide grassroots membership organization

advocating for progressive policy around quality education, dismantling racism and promoting racial justice, guaranteed quality affordable health care, public financing of campaigns, and a more progressive tax policy. Citizen Action of Western New York is one of eight chapters around the state. For the past three years, Citizen Action of Western New York has been organizing for safe, quality schools where discipline policies focus on keeping students in school and learning and are applied equally to all students.



[The Alliance for Quality Education \(AQE\)²](#) is a coalition mobilizing communities across

the state to keep New York true to its promise of ensuring a high quality public education to all students regardless of race, income or zip code. Combining its legislative and policy expertise with grassroots organizing, AQE advances proven-to-work strategies that lead to student success and echoes a powerful public demand for a high quality education for all of New York's students. Since its inception, AQE has been fighting for adequate and equitable funding for public schools. In more recent years, AQE has also taken up the fight for keeping students in school, reducing out of school suspensions and providing them with the social, emotional, and academic supports they need to succeed in school and as adults.



[The Public Policy and Education Fund](#)

of New York works to address critical social, economic, racial and environmental issues facing low and moderate income New York State residents. PPEF has worked on a variety of issues including health care, education, after-school programs, voter participation, economic development and consumer issues. PPEF uses many tools in its work, including grassroots organizing, research and policy development, public education on a wide range of policy issues, and community outreach.



[Advancement Project³](#) is a national, next generation, multi-racial civil rights

organization that supports grassroots movements that aim to dismantle the School-to-Prison Pipeline. Advancement Project is an innovative civil rights law, policy, and communications "action tank" that advances universal opportunity and a just democracy for those left behind in America. We believe that sustainable progress can be made when multiple tools—law, policy analysis, strategic communications, technology, and research— are coordinated with grassroots movements.

For the past ten years, Advancement Project has focused on the use and devastating effects of harsh school discipline policies and practices and the increased role of law enforcement in public schools. We work at both the national level and on the ground with our community partners to examine, expose, and reform practices that lead to the criminalization of students.



INTRODUCTION

In June 2010, Jawaan Daniels, a freshman at Lafayette High School in Buffalo, New York, was shot and killed at a bus stop near his school, after having been suspended from school for insubordination while roaming the halls. Jawaan's untimely passing brought attention to the zero tolerance, punitive nature of Buffalo Public School's (BPS) discipline policies, which for many years exacerbated the School-to-Prison Pipeline in Buffalo. Under these policies, many students, especially students of color, were suspended and expelled out of school for minor, non-violent infractions. The Buffalo community deserved and demanded better.

Outraged by this situation, Citizen Action of Western New York and Alliance for Quality Education (AQE) launched a Solutions, Not Suspensions campaign, and have led the fight to improve BPS ever since. Over the next five years, Citizen Action and AQE, in partnership with Advancement Project, galvanized a community to action through organizing, door knocking, rallies, protests, policy drafting, and community education. In April 2013, these efforts resulted in BPS adopting a new Code of Conduct, one of the most progressive in the country, replacing punitive zero tolerance with positive interventions and

responses. And while BPS still has a long way to go, the data shows these policies have helped BPS achieve significant progress in just the last two years.

In the 2014-2015 school year, improvements in the discipline rates continue, showing the commitment of BPS and the continued success of the Citizen Action and AQE accountability model.

Restoring Justice captures Citizen Action's, AQE's, and Advancement Project's efforts so that our story can serve as an example for others. In this report, we share background regarding the city of Buffalo and its schools, and then provide a brief national overview of the School-to-Prison Pipeline. We follow with a timeline of the Solutions, Not Suspensions campaign, and an overview of the changes that made Buffalo's Code of Conduct one of the best in the country. We end by looking at the data, showing how far we have come, how far we have left to go, and our plan to make the situation even better. We hope our story motivates, inspires, and challenges others who are working to end the School-to-Prison Pipeline, by showing how a local grassroots group can lead the way to change and create a more just democracy for all.

About Buffalo and Its Schools

Buffalo is located in Western New York, about 20 miles away from Niagara Falls. Buffalo is the second largest city in New York state, with a population in 2010 of approximately 260,000 people. According to the 2010 census, the city was majority White (50%), with African Americans (39%) and Latinos (11%) being the largest racial/ethnic groups.⁴

Buffalo's students are served by Buffalo Public Schools, a district which enrolls approximately 30,000 students, 70% of whom are Black or Latino. Despite integration efforts following a desegregation order in the 1970s and 1980s, The Buffalo News reported that in 2012 about 70% of Buffalo's schools were still segregated, and that Black and Latino students were more often than not concentrated in high-poverty, low performing schools.⁵

Today, Buffalo Public Schools is fighting to ensure that its schools remain public, locally controlled, and well-funded. Public

accountability and community voice will help create school transformation that provides a quality education for all of Buffalo's youth.

"I was born and reared on the east side of Buffalo, and am a graduate of the BPS system, having attended both predominantly African American and predominantly White BPS schools. I eventually returned to BPS as an elementary school teacher; during this time I noticed that African American students were treated more harshly than their White counterparts. I have always felt racism was pervasive within BPS and have sought ways with Citizen Action, AQE, and other local groups to make the situation better."

– James Payne, Chair of Citizen Action of WNY

IN DECEMBER 2013, BPS HAD THE FOLLOWING DEMOGRAPHICS:⁶

NUMBER OF STUDENTS	33,932
Percentage eligible for free/reduced lunch (2011-2012) ⁷	77%
Percentage of Special Education students	20%
Percentage of English Language Learners	13%
RACIAL/ETHNIC ORIGIN OF BPS STUDENTS	
Black or African American	52%
White (Non-Hispanic)	18%
Hispanic or Latino	17%
Asian or Native Hawaiian/Other Pacific Islander	8%
Multiracial	4%
American Indian or Alaska Native	1%

SCHOOL-TO-PRISON PIPELINE

Today's Students Experience...

Prison-Like Environments

- SURVEILLANCE CAMERAS
- POLICE DOGS
- ARMED GUARDS
- SCHOOL AND LOCAL POLICE ON CAMPUS
- METAL DETECTORS
- STRIP SEARCHES
- PHYSICALLY UNINVITING BUILDINGS

Harsh School Discipline

- OUT-OF-SCHOOL SUSPENSIONS
- EXPULSIONS
- TRANSFERS TO ALTERNATIVE SCHOOLS
- ZERO TOLERANCE POLICIES

Youth of color, LGBTQ students, and students with disabilities are punished **more often and more harshly** than their peers for the same misbehavior.

Under Investment

- CUTBACKS ON COUNSELORS, SOCIAL WORKERS AND MENTAL HEALTH RESOURCES
- UNDERFUNDED AND UNDER-RESOURCED SCHOOLS

Pressures & Uncertainty

- SCHOOL CLOSURES
- PRIVATIZATION
- HIGH-STAKES TESTING PRESSURES ON STUDENTS, TEACHERS AND ADMINISTRATORS
- IMPLICIT AND EXPLICIT BIAS

Out-of-School Suspensions

School Arrests

OVER **3,000,000** students receive an out-of-school suspension annually.

A NUMBER THAT HAS BEEN RISING FOR DECADES.

OVER **70%** of students involved in school-related arrested or referred to law enforcement are Hispanic or African-American.

SUSPENSIONS, RACE & DISABILITY

Likelihood of Being Suspended at Least Once

WHITE		1/20
LATINO		1/14
NATIVE AMER.		1/13
BLACK		1/6
BLACK WITH DISABILITY		1/4

OVER **67%** of school arrests in Florida are for minor midemeanor charges.

HARSH DISCIPLINE POLICIES =

- No Trust in Adults
- No College or Career
- No Safer Schools

STUDENTS HAVE ACTUALLY BEEN SUSPENDED FOR...

- Talking about a Hello Kitty bubble gun
- Hugging a friend
- Chewing a Pop Tart into the shape of a gun

Just **ONE** out-of-school suspension in the 9th grade **DOUBLES** a student's risk of dropping out before graduation.

STUDENTS HAVE ACTUALLY BEEN ARRESTED FOR...

- Kindergartener throwing a temper tantrum
- Scribbling on a desk
- Sneaking into school for a senior prank
- Playing the *Fresh Prince* theme song on a cellphone
- Science experiment gone wrong

The following is an Advancement Project infographic on the School-to-Prison Pipeline, illustrating the many ways that it can impact student lives. You can find this and other resources about ending the School-to-Prison Pipeline at www.safequalityschools.org

THE SCHOOL-TO-PRISON-PIPELINE: A NATIONAL OVERVIEW

There is a national civil rights crisis in school discipline: the School-to-Prison Pipeline. The School-to-Prison Pipeline is the combination of policies and practices that directly and indirectly lead to students being pushed out of school and into the juvenile and criminal justice systems. These harmful policies and practices include an overuse and overreliance on suspension, expulsion, and school-based arrest to respond to student behavior. The Departments of Justice (DOJ) and Education (ED) recognize that “the increasing use of disciplinary sanctions such as in-school and out-of-school suspensions, expulsions, or referrals to law enforcement authorities creates the potential for significant, negative educational and long-term outcomes.”⁸

Nationally, in the 2011-2012 school year, there were close to three and a half million students who missed out in instructional time due to suspension

or expulsion.⁹ Students of color, students with disabilities, and students who identify as lesbian, gay, bisexual, transgender, or queer (LGBTQ) are disproportionately affected. Black students are suspended or expelled at three times the rate of White students.¹⁰ Students with disabilities are twice as likely to be suspended or expelled as their non-disabled peers.¹¹ Perhaps most alarming, students of color who also have disabilities are suspended and expelled at extraordinarily high rates: more than one in four Black boys and one in five Black girls with disabilities are suspended or expelled from school.¹² These disparities start early. Black students in preschool – ages three and four – were also three times more likely to be suspended than their White peers.¹³

The effects of the School-to-Prison Pipeline are devastating for young people, and the consequences are falling most heavily on the



shoulders of children of color. DOJ and ED issued guidance to school districts instructing them to address racial disparities and to stop the use of harmful school exclusion policies because of the correlation between these policies and “an array of serious educational, economic, and social problems, including school avoidance and diminished educational engagement; decreased academic achievement; increased behavior problems; increased likelihood of dropping out; substance abuse; and involvement with juvenile justice systems.”¹⁴

Excluded students are more likely to become involved with the juvenile or adult criminal systems.¹⁵ A multi-year, longitudinal study in Texas found that young people who were suspended from school were two times more likely to drop out of school and three times more likely to end up in the criminal justice system.¹⁶ In Florida, ninth

graders who were suspended only once more than doubled their chances of not graduating from high school.¹⁷

Communities around the country are fighting to break this School-to-Prison Pipeline and return common sense to their public schools. This report highlights the important work to reverse the School-to-Prison Pipeline in Buffalo, New York where Citizen Action and AQE fought to change the policies and practices that were disproportionately pushing students of color out of school for minor, non-violent offenses.

TIMELINE

2010

Death of Jawaan and debate about need for change

Jawaan Daniels was a 15 year-old African American freshman at Lafayette High School in Buffalo, New York. On June 10, 2010, Jawaan was suspended for walking through the halls without a hall pass.¹⁸ Soon after, while waiting at a nearby bus stop to go home, Jawaan was shot twice in the abdomen. Jawaan died an hour later.

“Certainly the penalty outweighed the ‘crime.’ I was there from the first day of our efforts, speaking at board meetings, community forums, and even at the family reunion of the President of the Principal’s Union. We were a well-trained cadre of people who knew the issues and the importance of a new Code of Conduct for our students. We wanted to make sure Jawaan’s unfortunate death was not in vain, but an opportunity for transformative change for our city.”

– James Payne, Chair of Citizen Action of WNY

2010-2012

Actions and community education

The Buffalo community was outraged by Jawaan’s death. Citizen Action and AQE soon learned that Jawaan’s suspension was part of a School-to-Prison Pipeline which pushed students, especially students of color, out of BPS for minor, non-violent infractions, under punitive, zero tolerance policies. Citizen Action and AQE launched a Solutions, Not Suspensions campaign consisting of organizing, door-knocking, signature gathering, phone banking, protests, actions, and community education as a vehicle for change.

“One big goal we had was community awareness. We held many meetings at local community centers like the Bell Center and Delavan Grider Center, and invited students, whose voices are often ignored or forgotten, to come out and share their personal stories about being pushed out of school. We needed to open our eyes, our minds, our ears to learn about the most needed changes for our community.” - Gayla Thompson, Board Member of Citizen Action of WNY and Parent, BPS Student

2012-2013

Code drafting

A key demand that developed from the Solutions, Not Suspensions Campaign was the need to rewrite BPS’ Code of Conduct, which had not been significantly changed for over thirty years. Citizen Action and AQE, with assistance from Advancement Project, worked with BPS Associate Superintendent Will Keresztes and Erie 1 BOCES to rewrite the Code, with the goal of keeping students in school, getting to the root of any issues, and promoting positive interventions and supports like Restorative Justice. The rewriting included best practice national examples from leading cities such as Denver and Baltimore where similar policy changes had led to sustained positive outcomes, especially for students of color.

“Everyone agreed that for a very long time, the district was far too casual about student suspensions. Our purpose now is to be far more progressive, far less casual, and to be prepared to offer the kinds of interventions so that they don’t have these challenges in the first place.” - Will Keresztes, BPS Chief of Student Support¹⁹





2012-2013

Public reflection and education meetings

During the Code rewriting process, Citizen Action and AQE organized several community forums and meetings. Citizen Action and AQE used this opportunity to educate the community on its Solutions, Not Suspensions campaign and the School-to-Prison Pipeline, to brainstorm ideas for changes, and to solicit feedback regarding the Code rewriting process. These meetings were attended by a broad array of stakeholders, including board members, administrators, teachers, parents, students, community members, and other community activists.

“Given that suspension rates were through the roof, these meetings were important as a space to tell everyone about the importance of the Code of Conduct, to win over key allies, and to develop broad support. As a kindergarten parent of twins enrolled in BPS, these efforts also had tons of personal, lasting significance.” - Angelica Rivera, Chair of Education Committee of Citizen Action of WNY and parent of two BPS students

2013

A new Code of Conduct

Following many months of drafting, meetings, and revisions, the Buffalo Board of Education unanimously approved the new Code of Conduct in April 2013. Hailed as one of the most progressive Codes of Conduct in the country, the new Code calls for the use of positive interventions and supports like Restorative Justice, limits the use of suspensions, eliminates zero tolerance, clarifies due process procedures for parents and students, and increases accountability through data collection and training.

2013 to Present

Monthly meetings, Restorative Justice pilot programs, and a focus on school attendance

Passing policy is tough, but making sure it is implemented is even tougher. Citizen Action and AQE, with assistance from Advancement Project, have since been involved in monthly meetings with BPS and Dr. Keresztes to monitor implementation of the new Code. During these meetings, we analyze key data, discuss issues we are seeing and hearing, and brainstorm next

steps to make the process even better. These collaborative spaces represent a way in which public institutions and community groups can effectively work together to end the School-to-Prison Pipeline in their communities.

Beginning in the 2014-2015 school year, BPS piloted two whole school Restorative Justice programs and the Erie County Restorative Justice Coalition will be working with a third school. Citizen Action and AQE look forward to being a part of the implementation and evaluation of these programs.

Citizen Action and AQE are also partnering with Attendance Works! and BPS on the “Present Students, Future Leaders” campaign to ensure that schools are supporting students and creating an environment where every student wants to be in school every day.

“Dr. Keresztes acknowledged that Citizen Action and AQE have been extremely helpful in this process, that we have made him a better, more effective administrator by offering him not just complaints, but concrete solutions to the problems we were seeing. The transparency Dr. Keresztes has offered in terms of data, policy, and challenges have been invaluable throughout these meetings. We have come to develop a mutual trust and respect.” – Sue Gillick, Vice-Chair of Citizen Action of WNY

SUMMARY OF CODE CONDUCT CHANGES

Figure 1 - Levels of Interventions and Responses

LEVEL 1	<p>Example of Classroom Interventions and Responses</p> <p>These interventions aim to teach correct and alternative behavior so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies. Teachers should use these responses in a graduated fashion.</p> <ul style="list-style-type: none"> • Establish relationships with students • Contact parent via telephone, e-mail or text message • Verbal correction • Reminders and redirection (e.g. role play) • Written reflection or apology • Seat change • Parent or guardian conference • Parent or guardian accompany student to school • Daily progress sheet on behavior • In-class time out • Establish buddy teacher system • Loss of classroom privileges • Teacher or student conference • Detention
	<p>Examples of Student Support Team Interventions and Responses</p> <p>These interventions often involve support staff, both school based and within the broader community, and aim to engage the student's support system to ensure successful learning and consistency of interventions, and change the conditions that contribute to the student's inappropriate or disruptive behavior. Staff should use these responses in a graduated fashion.</p> <ul style="list-style-type: none"> • Parent or guardian notification • Community conferencing • Mentoring program • Peer mentoring • Referral to school-based health or mental health clinic • Referral to community organization • Referral to after-school program • Service to school • Conflict resolution • Restorative Justice • Community mediation • Short-term behavioral progress report
LEVEL 2	<p>Examples of Administrative Interventions and Responses</p> <p>These interventions can involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. Staff should use these responses in a graduated fashion.</p> <ul style="list-style-type: none"> • Change in schedule or class • Parent or guardian notification • Restorative justice strategies, including school • Reprimand by appropriate administrator • Referral to Student Support Team (SST) for consideration of necessary intervention

In response to the school discipline crisis in Buffalo, leaders from Citizen Action and AQE worked with BPS on a new, progressive discipline Code that addresses the dramatically high out-of-school suspension rate and creates a system

of school discipline that keeps children safe, in school, and accountable for their actions.

The discipline Code is aptly titled “Developing Safe and Supportive Schools: Standards for Community Wide Conduct and Intervention Supports,” and

contains key elements that set students, teachers, and schools up for success.²⁰ The Code of Conduct focuses on prevention and intervention strategies, clearly defines what behaviors violate the Code and the consequences attached to them, limits the use of suspension for non-violent offenses, outlines clear due process procedures to be used if suspension or expulsion is appropriate, and includes accountability measures like staff training and data collection.

A. Prevention & Intervention Strategies

In order to ensure that student misbehaviors are addressed and all students can attend school in a safe, orderly environment, the Code prioritizes the use of a variety of classroom and school level prevention and intervention strategies.²¹ The goals of these strategies are two-fold. First, the Code instructs schools to use programs that will help prevent misbehavior from occurring. For example, schools can use Positive Behavior Interventions Support (PBIS) and other classroom management techniques that help students engage in learning in a productive way.²² Second, when behavior

concerns arise, schools have a variety of options to respond that do not exclude students from the learning environment.²³ These range in intensity, from holding a student-teacher conference to participating in Restorative Justice harm circles.²⁴ Before being suspended for a behavior such as “minor fighting,” under the new Code, the school will intervene with the students involved and use a Restorative Justice process to get at the root of the problem.

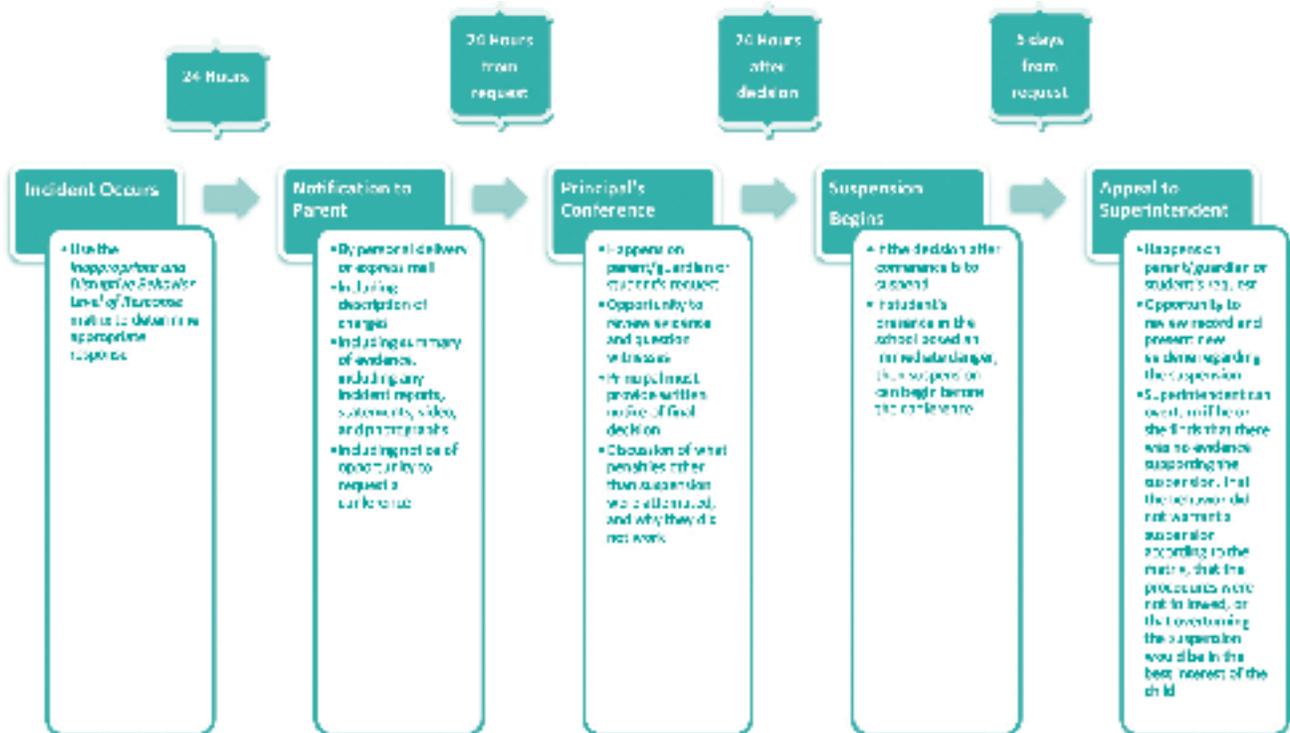
B. The Behavior Matrix

The Code of Conduct clearly defines the misbehaviors that violate the Code and the consequences attached to them. BPS and Citizen Action utilized a behavior matrix that is an easy to understand tool for parents, students, and school staff to show what consequences effectively respond to inappropriate or disruptive behaviors.²⁵ Consequences and responses are divided into four levels: classroom support, administrative support, short-term removal from school, and long-term removal from school. The matrix, as shown in Figure 2 below, delineates which level of response is appropriate for the given behavior.

Figure 2 - Discipline Matrix

Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place		Level 2: Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others		Level 3: Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses)		Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety of others in the school	
INAPPROPRIATE OR DISRUPTIVE BEHAVIOR		LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY BE REFERRED TO POLICE	
Tardiness							
• Persistent or excessive tardiness to class or school		●	●				
Technology Acceptable Use Policy Violation							
• Refer to page 31 of these Standards for details		●	●				
Threat Against School Personnel, Written or Verbal							

Figure 3- Due Process Protections



C. Limits on the Use of School Exclusion

An important goal of the Solutions, Not Suspensions campaign included ending the overuse of suspension and expulsion. The Code of Conduct accomplishes this by both eliminating school removal as a response to student behaviors that are non-violent or relatively minor and by removing zero tolerance. Under the new Code, students can never be suspended for behaviors like being late to class, violating the dress code, misbehaving in the hallway, or using offensive or profane language. Also, suspension is not required for any offense except those mandated by state or federal law. School staff can utilize responses from multiple levels, and are instructed to start with the lowest level first.²⁶ The response to student behavior escalates in proportion to the severity and frequency of the behavior.

Under the Code of Conduct, if a student makes

a threat against school personnel, the first appropriate response is a Level 2 response which is an administrative response like notifying the parent, participating in a Restorative Justice conference, or taking away a student privilege. If the threats escalate in severity or if they are repeated, school staff have the option to use a Level 3 or 4 response, which includes removal from school in conjunction with an intervention designed to address the problem.

D. Due Process Protections

The Code of Conduct includes some offenses for which suspension or expulsion is allowed, but recognizes that school removal is a severe consequence that entitles students to strong due process protections, including the opportunity to receive notice and to be heard. The Code contains easy to follow due process charts and timelines, like the one shown in Figure 3, so that students, parents, and families know their rights and can



advocate for themselves when facing unfair discipline.²⁷

E. Accountability Measures

The Code of Conduct also contains requirements for school staff and the BPS administration to make sure that it is implemented and that it accomplishes the goals of reducing the high rates of suspension, addressing and eliminating racial disparities, and creating a positive, welcoming school environment for all members of the community. The Code requires that school staff receive mandatory trainings in things like cultural competency, child development and age-appropriate responses, and Restorative Justice.²⁸

The Code also requires BPS to collect and publish data about how the Code of Conduct is being implemented.²⁹ BPS must, on an annual basis,

publish a report that includes among other things the number and type of disciplinary infractions, disaggregated by race, gender, age, grade, disability, ELL status. BPS must also do an analysis to make sure the Code is being implemented consistently, and, if appropriate, make changes to the Code to ensure that its goals are met.

Since the Code has been published, BPS had made suspension and attendance data publicly and easily accessible on a monthly basis on its website. A sample of that page is located here—<http://www.buffaloschools.org/Attendance.cfm?subpage=107560>

THE NUMBERS

The 2013-2014 school year was the first year under the new Code of Conduct, and we saw some great results.

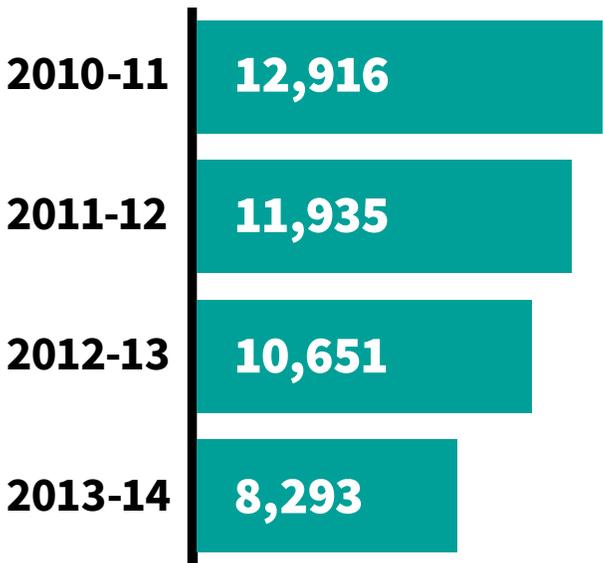
 **22%**
DECREASE

Short term suspensions are **down 2,358** this year compared to 2012-2013.

 **36%**
DECREASE

Short term suspensions are **down 4,623 overall** since 2010.

SHORT TERM SUSPENSIONS



7,353  **DAYS**

Across the district, students **GAINED** at least 7,353 more instruction days compared to 2012-2013.

What Can BPS Do Better?

Although both short term and long term suspensions are down, the vast majority of suspensions continue to be given out for vague, non-violent behaviors that should be handled in school, such as defiance of authority, disrespectful behavior, disruptions, and minor physical altercations.

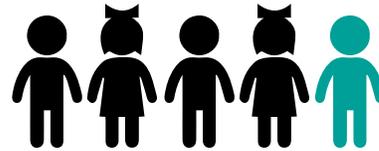
Although most schools saw decreases in the use of short and long term suspensions, some schools saw huge, problematic increases, some by almost double compared to the year before.

DEFIANCE OF AUTHORITY	DISRESPECTFUL BEHAVIOR
DISRUPTIONS	MINOR PHYSICAL ALTERCATIONS

Suspensions for vague behaviors have decreased, but still need to be addressed.

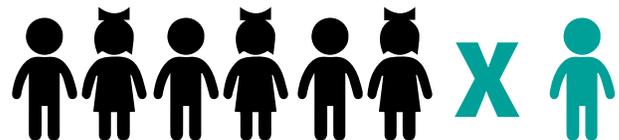
Racial Disparities

Racial disparities continue to be a problem, especially for Black and Latino students.

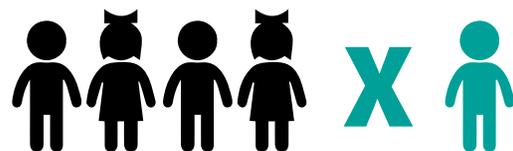


Black and Latino students are only about 70% of the total student population, but make up almost **80% of all short term suspensions and 80% of all long term suspensions.**

Black and Latino students are more likely to receive a short term and long term suspension than their white peers



Black students are **6.5 times more likely** than their white peers to receive short term suspension and long term suspension



Latino students are **3.7 times more likely** than their white peers to receive short term suspensions and 3.6 times more likely to receive long term suspension

DEMANDS & NEXT STEPS

1. Continue Reducing the Number of Suspensions For Non-Violent Behaviors.

Buffalo Public Schools has made great strides in reducing the number of suspensions for non-violent offenses, but there is more work to be done. To ensure that no student is unnecessarily suspended, BPS should:

a. Conduct regular trainings for principals and other administrators on the Code of Conduct to prevent unnecessary suspensions.

Under the 2013-2014 Code, there are numerous options for intervening in and responding to student behavior. There are many offenses for which suspension is not an option. When suspension is a permitted response, it should only be used as a last resort. In order to ensure that BPS is not overusing suspensions, trainings should address that students should never be suspended for Level 1 and Level 2 offenses and how to respond in cases where suspension is permitted, but not required. Trainings should also provide school staff with resources and tools to respond to student behavior in a positive manner.

b. Create administrative accountability systems to ensure that the Code of Conduct is being implemented across all campuses.

The data reflects that while many schools reduced their suspension rates this year, some

schools are still suspending too many students. BPS should create a system of accountability to review what is happening at schools with high levels of suspension, and to support those schools in reducing suspension rates and implementing alternatives.

BPS should also collect and publish more detailed data on short term suspensions disaggregated by offense and conduct periodic central office reviews of campus-level short-term suspensions. Currently, unless a student appeals their suspension, there is no oversight of short-term suspensions; principals make the final decision with no review by central office administrators. By reviewing records of short-term suspensions, the reasons leading to the suspension, and the other steps the school staff has taken to address behavior, BPS will be in a stronger position to create effective trainings, troubleshoot with school staff who may be over relying on exclusionary discipline, and ensure that the Code of Conduct is being implemented correctly.

2. Address and Eliminate Racial Disparities in Suspension Rates.

Although suspension rates have dropped across the District, the rate of disparity remains the same, and Black and Latino students are more likely to be suspended than their white peers. BPS must take

steps to intentionally name these racial disparities and create a plan to end them. BPS should collect and analyze more specific data on race and discipline, including school and teacher level referral data. BPS should also provide training for teachers and school staff about implicit bias and how it influences decisions about school discipline.

3. Invest in Community Schools that Support Safe, Welcoming Schools for Everyone.

Reducing the District's reliance on suspension is not enough to see real, sustained change in our community. BPS and the city of Buffalo should also scale up their investment in programs that create safe, welcoming schools for students, parents, and teachers. Community Schools integrate academics, services, and supports to meet the full spectrum of student needs. Programs like Restorative Justice meet students where they are, help get to the root of behavior issues, and hold students accountable for their actions while making sure they can continue to access their education.

a. BPS should make sure staff at every school building is trained in and is using Restorative Justice techniques in their classrooms and in response to student behavior. We are excited that BPS supported two model Restorative Justice schools for the 2014-2015 school year. Staff at all campuses should be trained in Restorative Justice and Restorative Justice programs should be fully implemented.

b. BPS should continue to work with the Buffalo community to focus on increasing school attendance. School attendance is critical to ensuring success. In addition to stopping the excessive use of suspensions that remove students

from their school, schools should proactively take steps to address absenteeism and make sure students are in school and learning every day. By working with community groups, service providers, parents, young people, and teachers, BPS can ensure that more students are on the pathway to success.

c. The Buffalo Public Schools Board of Education should invest in Community Schools. The Board of Education should continue to block proposals to privatize Buffalo's public schools and invest resources to ensure that all students benefit from strong academics and a welcoming school culture. Community Schools provide engaging and culturally relevant curriculum, a positive school climate, wraparound health services, social and emotional services, positive discipline practices such as Restorative Justice, and transformational parent and community engagement. These schools become centers for their communities, providing students and families with a broad spectrum of services and supports right at their school.

4. Change New York State Laws To Eliminate Zero-Tolerance and Support Common Sense School Discipline and Community Schools Around the State.

Buffalo Public Schools' work on reforming its Code of Conduct is groundbreaking in the state of New York. Unfortunately, many state laws and policies still call for schools to suspend or expel student even in response to non-violent behaviors. Buffalo should join with other cities across New York to demand that the State pass a new law that encourages schools to develop a positive

climate, places limits on when schools can issue suspensions and expulsions, create and fund alternatives to exclusionary school discipline, limit law enforcement interaction with students, create a strong due process system, and provide training to all school staff on best practices in school discipline. They should also support efforts to fund and promote community schools, with engaging and culturally relevant curriculum, wraparound health services, social and emotional services, positive discipline practices, and transformational parent and community engagement.

Endnotes

- 1 <http://citizenactionny.org/>
- 2 <http://www.aqeny.org/>
- 3 <http://advancementproject.org/> and <http://safequalityschools.org/>
- 4 <http://quickfacts.census.gov/qfd/states/36/3611000.html>
- 5 <http://www.buffalonews.com/city-region/buffalo-public-schools/segregation-in-buffalo-schools-has-returned-to-early-1970s-levels-20140405>
- 6 Document on file with authors
- 7 <https://reportcards.nysed.gov/files/2011-12/RC-2012-140600010000.pdf>
- 8 Guidance Letter, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html#ftn8>
- 9 2009 OCR Data, <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>
- 10 OCR Discipline Snapshot, <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>
- 11 OCR Discipline Snapshot, <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>
- 12 OCR Discipline Snapshot, <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>
- 13 OCR Discipline Snapshot, <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>
- 14 Guidance Letter, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html#ftn8>
- 15 Guidance Letter, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html#ftn8>
- 16 Justice Center – The Council of State Governments and Public Policy Research Institute, Breaking Schools’ Rules, A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement (July 2011), available at <http://justicecenter.csg.org/resources/juveniles>.
- 17 Robert Balfanz et al., Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade (Dec. 2012) (Paper prepared for the Closing the School Discipline Gap: Research to Practice national conference in Washington, D.C., Jan. 10, 2013)
- 18 “<http://buffalonews.com/article/20100612/CITYANDREGION/306129952>;
- 19 http://blogs.edweek.org/edweek/rulesforengagement/2013/04/buffalo_ny_schools_ban_out-of-school_suspension_for_minor_missteps.html
- 20 The 2013-2014 Developing Safe and Supportive Schools: Standards for Community Wide Conduct and Intervention Supports is available at <http://www.buffaloschools.org/files/57596/Official%20Code%20of%20Conduct%207.1.13.pdf>
- 21 Pages 6-12
- 22 Pages 6-8
- 23 Pages 8-12; 15
- 24 Pages 11-12
- 25 Pages 16-23
- 26 Pages 14-15
- 27 Pages 33-38; Appendix A-F
- 28 Page 47
- 29 Page 47

