



# SYSTEMIC RACISM & NEW YORK STATE'S SCHOOL TO PRISON PIPELINE

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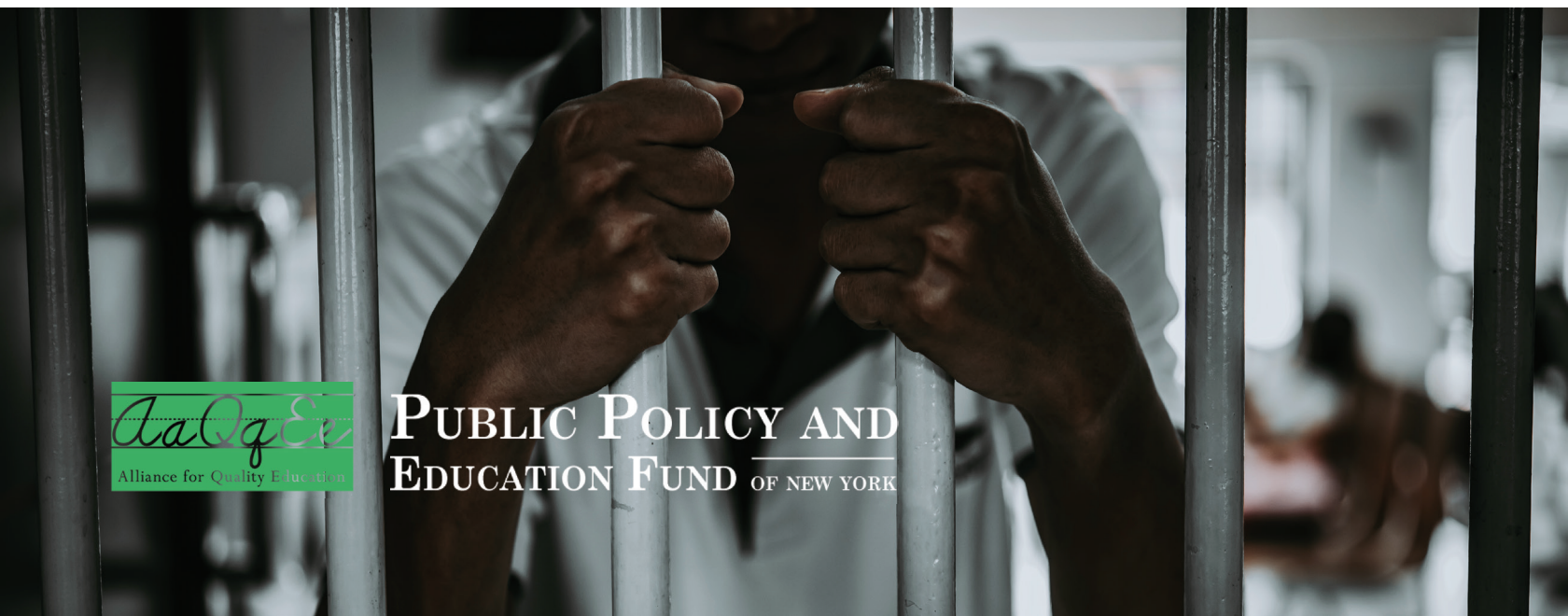
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PUBLIC POLICY AND  
EDUCATION FUND OF NEW YORK



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*Report design by Julia Watson, Communications Coordinator, Alliance for Quality Education.*

**The Alliance for Quality Education** is a coalition mobilizing communities across the state to keep New York true to its promise of ensuring a high-quality public school education to all students regardless of 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 public school education for all of New York's students.

**The Public Policy Education Fund** was founded in 1986 to address critical social, economic, racial and environmental issues facing low and moderate income New York State residents. Our areas of work have included 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.

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# SYSTEMIC RACISM & NEW YORK STATE'S SCHOOL TO PRISON PIPELINE

## INTRODUCTION

Black and Latinx students face a school to prison pipeline in New York State and school discipline policies play a significant role in criminalizing them. By examining school suspensions, referrals by schools to law enforcement, and youth detention in the criminal justice system in five cities across New York State (Albany, Buffalo, New York City, Rochester and Utica), this report demonstrates that a pattern of suspensions, law enforcement referrals and youth incarceration exists across the state. This pattern is focused on Black and Latinx youth, and in particular on Black youth. New York State's current policies, and those of school districts cause this school to prison pipeline.

Legislation in the New York State Senate, the *Judge Judith S. Kaye Solutions Not Suspensions Bill* (S7674), sponsored by Senator Velmanette Montgomery of Brooklyn, would end many of the zero-tolerance policies currently mandated by state law that underpin the school to prison pipeline. Without these policy changes, the systemic racism that sends Black and Latinx students from the classroom, to suspension to prison will continue unabated.

## OVERUSE OF SCHOOL SUSPENSIONS PUTS MANY BLACK & LATINX YOUTH ON THE SCHOOL TO PRISON PIPELINE

The data in this report reveal a pattern of systemic racism in suspensions, referrals to law enforcement and juvenile detention. In all five communities, Black youth are by far the most likely to be targeted for suspensions, referrals to law enforcement and juvenile detention. Erie County has the largest disparity between racial/ethnic groups detained in juvenile detention centers; 18% of Erie County youth are Black, but 72% of the youth detained are Black. Rochester is the only district that rarely utilized referral to law enforcement as a form of discipline (2 Black students). All of the counties where these districts are located, except for New York City, have more White youth than Black and Latinx combined, yet Black and Latinx youth account for a majority of the detainees in the juvenile justice system. The cities highlighted in this report contain the overwhelming majority of youth of color in these counties and are clearly where the youth detained in juvenile justice facilities are coming from. The data on the relationship between school suspensions, student dropout and incarceration are overwhelming and alarming. Being suspended just once in the ninth grade doubles the likelihood that students will drop out.<sup>1</sup> Sixty-five percent of incarcerated people have not received a high school diploma (some studies rate this as high as 74 percent). People who drop out from high school are 47 times more likely to be incarcerated than their peers who get a college degree.<sup>2</sup> The evidence is crystal clear that existing state and local policies regarding school discipline, suspensions and referrals to law enforcement create a school to prison pipeline that disproportionately targets Black and Latinx youth; these impacts are particularly alarming for Black youth.

Since 2015 some of these districts have made substantial progress in addressing some of the issues of systemic racism in school discipline practices, most noticeably New York City and Rochester, and to a lesser degree Buffalo and Albany. However, the systemic racism in school discipline and school referrals to law enforcement and the school to prison pipeline that results, continue to be a major problem in all school districts across New York. For this reason, it is essential that the state acts with due haste to enact the *Judge Judith S. Kaye Solutions Not Suspensions Act (S767A)*, as proposed by Senator Velmanette Montgomery. Failure to do so will ensure that more Black and Latinx youth will end up being put on the school to prison pipeline.

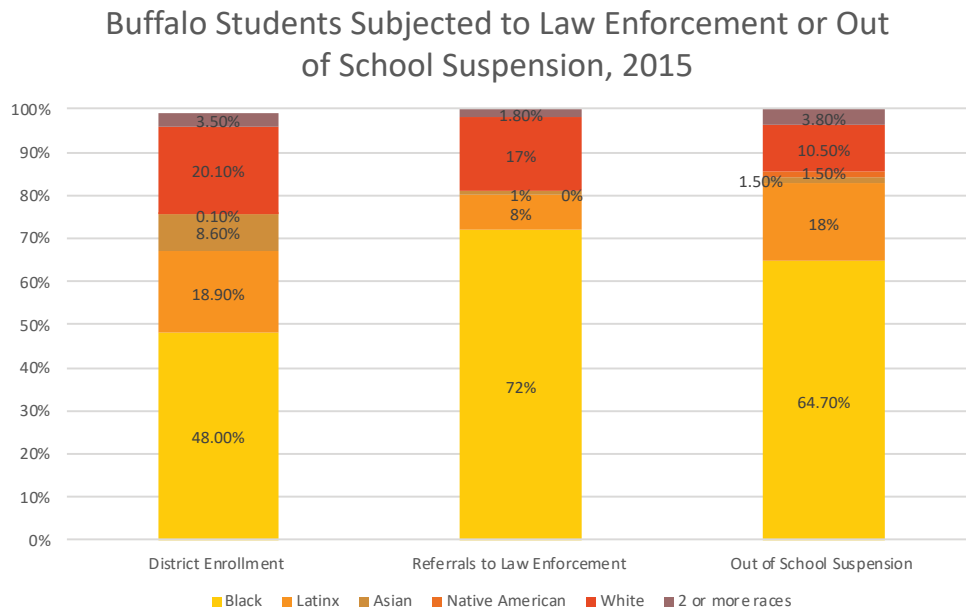
## BUFFALO SUSPENSION AND DETENTION

### OVERVIEW

There are 33,793 students in the Buffalo City Public School District. Of those students, 5,084 received out of school Suspension (OSS) and 333 received a referral to law enforcement. Within the district, Latinx students received OSS as a disciplinary action more than a referral to law enforcement compared to their Black peers. Similar disparities persist at the criminal justice level. Black juveniles account for less than 1/4th of the population in Erie County, but more than half of the detained population.

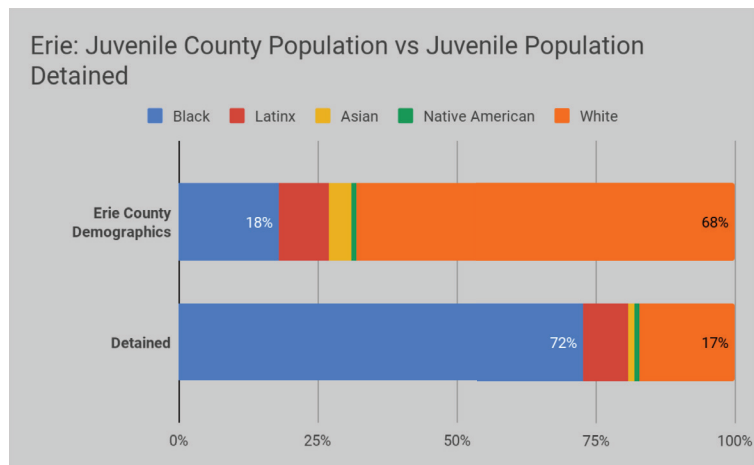
## Buffalo City School District Discipline Demographics

This graph demonstrates the percentage of students enrolled in the Buffalo School district and the disciplinary action they received. Black students make up 48% of the district and account for 72% of referrals to law enforcement and 64% of out of school suspensions.<sup>3</sup>



## Erie County Juvenile Justice Demographics

This graph demonstrates Erie county juvenile (ages 7-15) demographic data and the number of juveniles (ages 7-15) detained in 2015. There is a racial disparity in the number of young people detained as Black juveniles account for only 18% of the population in Erie, but 72% of the juveniles detained in Erie.<sup>4</sup>

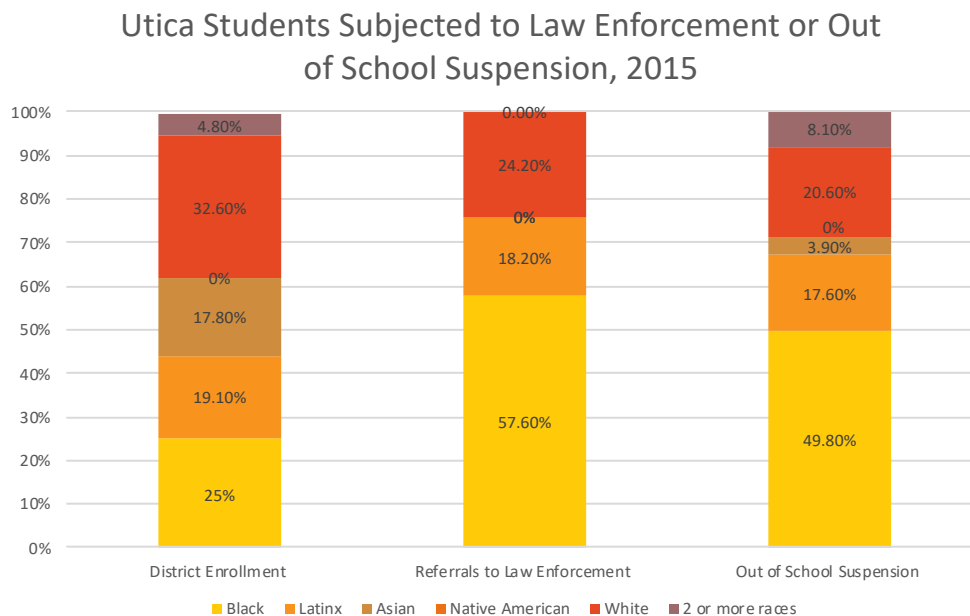


# UTICA SUSPENSION AND DETENTION

## OVERVIEW

In the Utica City School District, there are 9,797 students enrolled and 840 received out of school Suspension as a disciplinary action and 33 received referral to law enforcement. There were 143 expulsions within the district. While Black students only make up 25% of the district, they account for a majority of the out of school suspensions, in school suspensions, referrals to law enforcement, and expulsions. This same disproportionality persists when looking at juveniles detained — Black youth are overrepresented in the juvenile detention centers relative to Oneida County demographics and White youth are underrepresented in the detention centers.

### *Utica City School District Discipline Demographics*

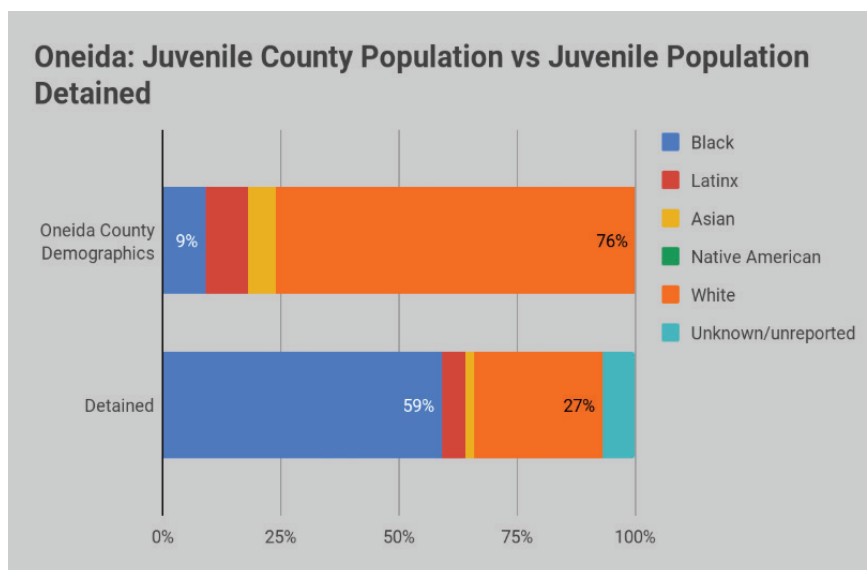


This graph demonstrates the percentage of students enrolled in the Utica School district and the disciplinary action they received. Black students comprise 25% of the district and account for 58% of referrals to law enforcement and 50% of out of school suspensions.<sup>5</sup>



## Oneida County Juvenile Justice Demographics

The following graph demonstrates Oneida County juvenile (ages 7-15) demographic data and the number of juveniles (ages 7-15) detained in 2015. Nine percent of the youth in Oneida County are Black yet 59% of the youth detained in juvenile detention facilities are Black. <sup>6</sup>



## ALBANY SUSPENSION AND DETENTION

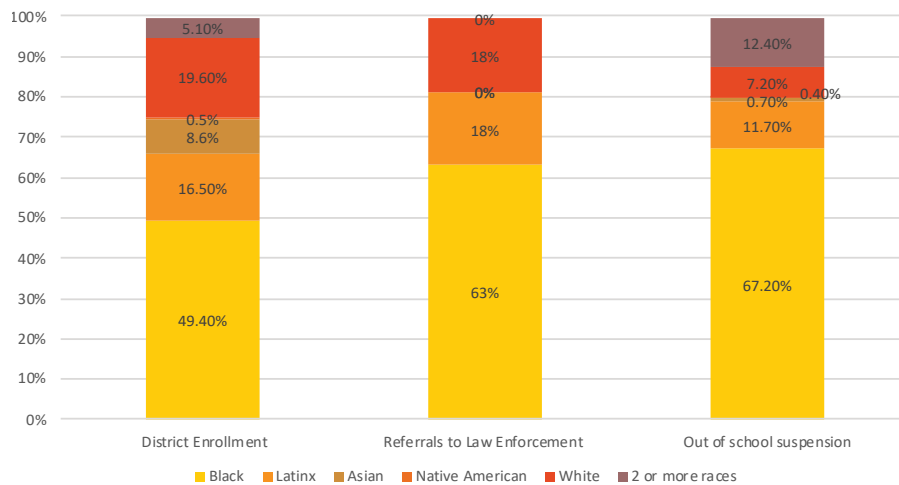
### OVERVIEW

There are 9,496 students in Albany City School District, 1,096 students received OSS as a disciplinary action, 11 received a referral to law enforcement. There were no reported expulsions in the district. While not demonstrated below, there were more in school suspension than OSS in the district. Latinx students were overrepresented when looking at OSS and referrals to law enforcement; Latinx students are 16% of the district population but account for 18% of referrals to law enforcement. Latinx students are also overrepresented in the Albany County juvenile justice system relative to the proportion of Latinx youth in the county as a whole. It is likely that the overrepresentation in the detention centers is not a coincidence, and that referrals to law enforcement at the district level are related to the juvenile detention admissions.

## Albany City School District Discipline Demographics

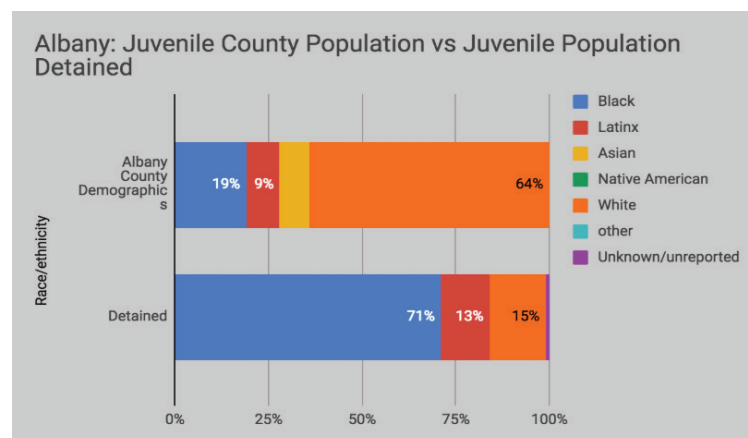
This graph demonstrates the percentage of students enrolled in the Albany School district and the disciplinary action they received. Black students make up 49% of the district and account for 63% of referrals to law enforcement and 67% of out of school suspension (OSS). There is a higher proportion of White students that receive referrals to law enforcement as a disciplinary action than OSS. Students of two or more races are also overrepresented in OSS; they account for 5% of the district enrollment but 12% of out of school suspensions.<sup>7</sup>

Albany Students Subjected to Law Enforcement or Out of School Suspension, 2015



## Albany County Juvenile Justice Demographics

The following graph demonstrates Albany County juvenile (ages 7-15) demographic data and the number of juveniles (ages 7-15) detained in 2015. Nineteen percent of Albany County youth are Black yet 71% of the youth detained in juvenile detention facilities are Black. Nine percent of the county is Latinx but 13% of the detainees are Latinx.<sup>8</sup>



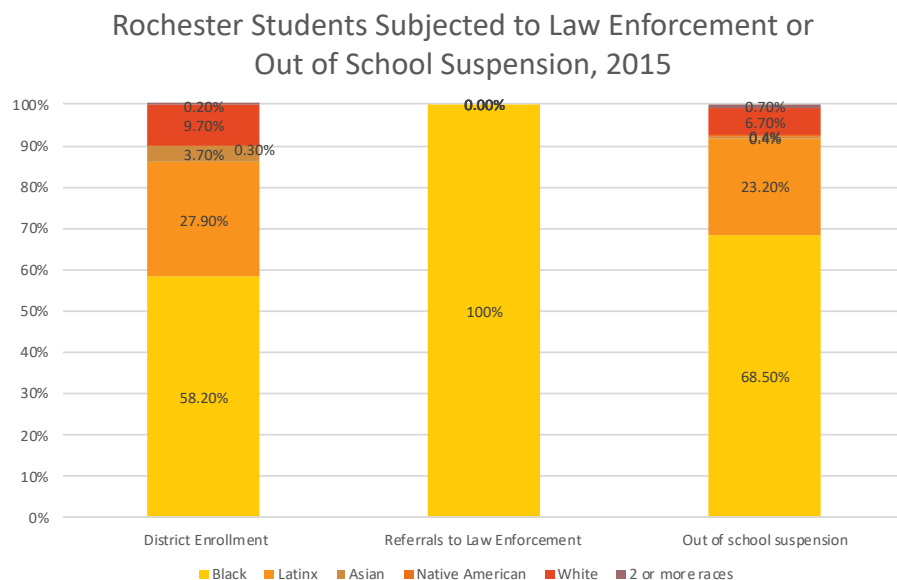


# ROCHESTER SUSPENSION AND DETENTION

## OVERVIEW

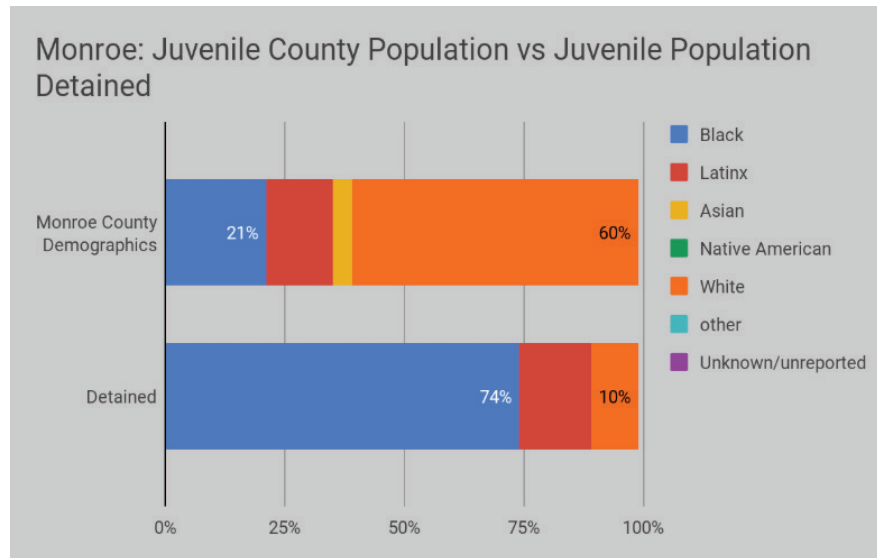
There are 28,624 students in the Rochester City School District. In 2015 there were 2,615 students suspended with Black students representing 68% of those out of school suspensions. In 2015, Rochester City School District, located in Monroe County, had high rates of OSS for Black and Latinx students. More than half of the juveniles incarcerated in Monroe County are Black and 15% are Latinx. Considering the racial/ethnic makeup of students receiving disciplinary actions and being admitted to detention centers, the data suggest that Black and Latinx youth face a higher likelihood of being involved with the criminal justice system in Monroe County.

### *Rochester City School District Discipline Demographics*



This graph demonstrates the percentage of students enrolled in the Rochester School district and the disciplinary action they received. Black students make up 58 percent of the school district, but 69 percent of school suspensions. Rochester City School District only referred two students to law enforcement, both students were Black. <sup>9</sup>

## Monroe County Juvenile Justice Demographics



This graph demonstrates Monroe County juvenile (ages 7-15) demographic data and the number of juveniles (ages 7-15) detained in 2015. Twenty-one percent of Monroe County youth are Black, yet Blacks comprise 74% of the youth detained in juvenile detention facilities. Whereas 60% of Monroe County juveniles are White, but only 10% of the detainees are White.<sup>10</sup>

## NEW YORK CITY SUSPENSION AND DETENTION

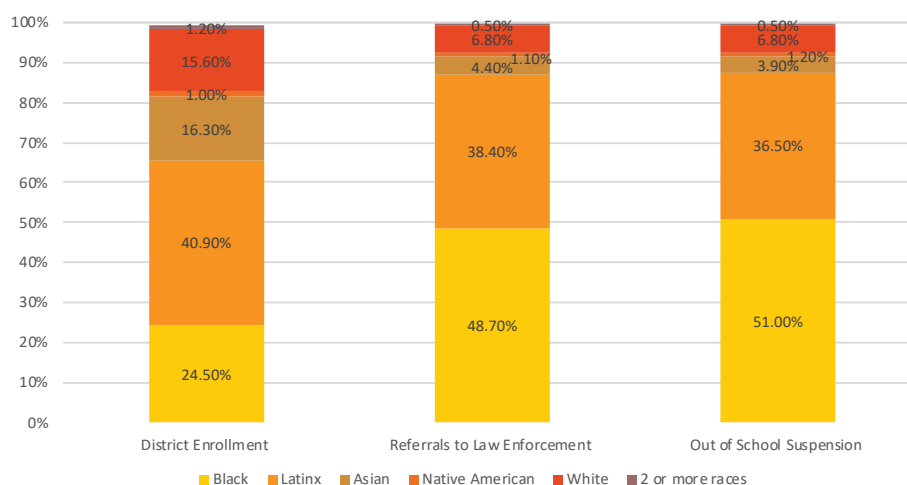
### OVERVIEW

In 2015 there was 984,500 youth enrolled in the New York City Public School system, with the majority being Latinx and Black, 40.9% and 24.5% respectively. Of those students, 11,434 received OSS as a disciplinary action. Regarding expulsions, of the 214 students who received them, over 60% of them were Black. Within New York City public schools, Black students were the overwhelming majority of students given out of school suspension despite comprising less than 25% of district enrollment population.

## New York City School District Discipline Demographics

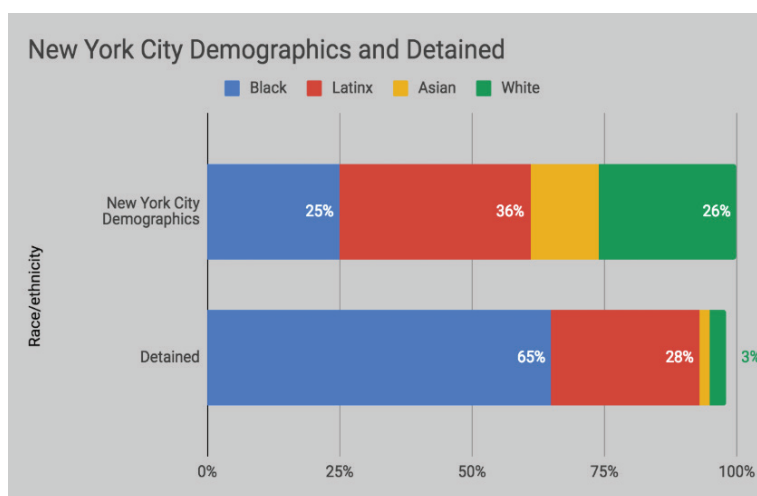
This graph demonstrates the percentage of students enrolled in the New York City public school district and the disciplinary action they received in 2015. Latinx students make up a majority of the school district but Black students make up a majority of the referrals to law enforcement and out of school suspensions.<sup>11</sup>

New York City Students Subjected to Law Enforcement or Out of School Suspension, 2015



## New York City Juvenile Justice Demographics

This graph demonstrates New York City juvenile (ages 7-15) demographic data and the number of juveniles (ages 7-15) detained in 2015. Twenty-five percent of the youth in New York City are Black, yet 65% of the youth detained in juvenile detention facilities are Black. Twenty-six percent of New York City youth are White, but only 3% of the youth detained in juvenile detention centers are White.<sup>12</sup>



WHAT IS THE

# JUDGE JUDITH S. KAYE SOLUTIONS NOT SUSPENSIONS BILL?

S.767A

IN THE 2015-2016 ACADEMIC YEAR:

## WHAT IS THE PROBLEM?

New York's laws and policies on school discipline favor harsh, exclusionary punishments that unfairly target students of color, students with disabilities, and LGBTQI students, limit academic achievement, and push students out of the classroom and into the web of the criminal justice system.

**This is often referred to as the school-to-prison pipeline.**

*"For too long, we've been presented with a false choice between accountability and compassion when responding to our children when they misbehave, disrupt class or defy us."*

-FORMER CHIEF JUDGE JUDITH KAYE, CHAIR OF THE PERMANENT JUDICIAL COMMISSION ON JUSTICE FOR CHILDREN.

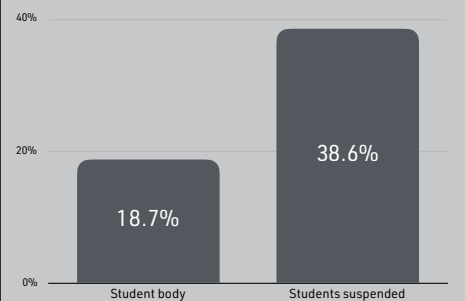
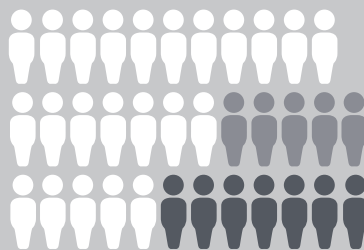


**686,000  
DAYS  
LOST**

New York State K-12th grade **students lost 686,000 days of instruction to suspension**, often for minor misbehavior. Students who miss 20 days or more in a single year have a dramatically reduced chance of graduation.

*In 2016, 99% of all New York City public school students handcuffed during incidents of emotional distress were Black and Hispanic.*

New York City's Black students had the highest rate of suspension, accounting for 27.1% of the population but almost half of all suspensions. **Statewide, 1 in 5 Black boys and 1 in 7 Black girls are suspended from school.**



**Students with disabilities represented 18.7% of all students but account for 38.6% of all suspensions**, often in violation of their due process rights.

In 2018, Donald Trump and Betsy DeVos sent a message to schools that these types of discriminatory discipline outcomes were not their responsibility, but the Civil Rights Act is still law.

**NEW YORK MUST TAKE ACTION TO ENSURE EVERY STUDENT HAS AN EQUAL OPPORTUNITY TO SUCCEED.**

*What is the solution?*

## WHAT IS THE SOLUTION?

### The Solutions Not Suspensions Bill (S.767A)

will end the reliance on suspensions as the default way to discipline students and establish a framework to instead use proven restorative approaches to inappropriate behavior and discipline. Students will be held accountable for their behaviors through age appropriate, graduated, and proportionate restorative and trauma-informed interventions. These techniques help kids learn from mistakes and remain in the classroom learning.

## THIS BILL WILL...



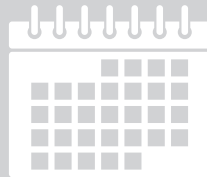
...encourages practices that **promote and sustain a safe, inclusive, respectful school environment** through prevention, intervention, and discipline.



... requires school codes of conduct to include **restorative approaches to discipline**, to proactively build a school community based upon cooperation, communication, trust, and respect.



...limits the use of suspensions **for students in Kindergarten through 3rd grade** to only the most serious behavior.



... limits the use of suspensions **for minor infractions and shortens the maximum length of suspension** from 180 to 20 school days.



... requires students who are suspended to **receive academic instruction**, and the opportunity to earn credit, complete assignments, and take assessments/exams.



..limits the role of law enforcement in schools so that **routine disciplinary matters are managed by school personnel**.

Every student deserves a school environment where they are included, respected, and supported.

## SUPPORT PASSAGE OF THE SOLUTIONS NOT SUSPENSIONS BILL.

## METHODS

The graphic representations used to demonstrate the school district suspensions and referrals to law enforcement reflects 2015, which is the most updated suspension data provided by the Office of Civil Rights Discipline Report. Due to this limitation, we utilized the county juvenile detention data from the New York State Division of Criminal Justice Services for the same year to ensure that the data would be more closely aligned. Given that the juvenile detention data is reported at a county level, and not district level, we cannot with certainty report that the young people in these detention centers are detained due to punitive school-related policies.

However, we can infer that since the juvenile detention centers house school-aged youth (ages 10-17) and the school districts are within the county, it is likely that school children in the district are interacting and being accounted for in the county detention data. For more information on the discipline data see [here](#).<sup>13</sup> For more information about the county juvenile detention data, see endnotes.



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## ENDNOTES

- 1 Retrieved from <https://all4ed.org/wp-content/uploads/2013/09/HSClimate2.pdf>
- 2 Retrieved from <http://www.genfkd.org/education-deficiency-drives-mass-incarceration>
- 3 Retrieved from <https://ocrdata.ed.gov/Page?t=d&eid=33298&syk=8&pid=2539>
- 4 Retrieved from <https://www.criminaljustice.ny.gov/crimnet/ojsa/jj-reports/erie.pdf>
- 5 Retrieved from <https://ocrdata.ed.gov/Page?t=d&eid=29041&syk=8&pid=2539>
- 6 Retrieved from <https://www.criminaljustice.ny.gov/crimnet/ojsa/jj-reports/oneida.pdf>
- 7 Retrieved from <https://ocrdata.ed.gov/Page?t=d&eid=33268&syk=8&pid=2539>
- 8 Retrieved from <https://www.criminaljustice.ny.gov/crimnet/ojsa/jj-reports/albany.pdf>
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- 10 Retrieved from <https://www.criminaljustice.ny.gov/crimnet/ojsa/jj-reports/monroe.pdf>
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- 12 Retrieved from <https://www.criminaljustice.ny.gov/crimnet/ojsa/jj-reports/newyorkcity.pdf>
- 13 Retrieved from <https://ocrdata.ed.gov/DistrictSchoolSearch>