

The Solutions Not Suspensions Act, S1040

UPDATE!!! The New York State Education Department has released a [groundbreaking report that directly aligns with the provisions of the Solutions not Suspensions Act, and calls for amending state education law to reduce the discriminatory use of suspensions.](#) The Task Force that created the recommendations included the New York State United Teachers Association (“NYSUT”), advocacy groups, experts in restorative justice, local school districts, district attorneys, police, and agencies representing everything from Mental Health & Children and Families, to Homeland Security & Criminal Justice.

Everyone is in agreement on the solutions, now it’s time to pass SNS!

The Problem:

Each day, an average of 766 NY students are removed from school through the use of suspensions. Suspensions are disproportionately used to remove Black & Brown students, students with disabilities, students from low-income households, and LGBTQ+ students from their classrooms. Yet, the research - including the SED report - has shown that suspensions do not make schools safer or help students learn from their mistakes. That’s why states across the country have already passed laws to change their school discipline policies, while NY lags behind with its punitive, ineffective approach to discipline.

The Solution: The Solutions not Suspensions Act or “SNS” (S1040) sets common sense statewide standards to keep students in the classroom and support teachers and administrators to use research-based alternatives such as restorative justice. Having the same standards throughout the state guarantees that every child has the same rights, regardless of their zip code.

What does SNS do?

- Cap the maximum length of suspensions from 180 days to 20 days (except when required by federal law)
- Limit the use of suspensions for children in pre-Kindergarten through 3rd grade
- Prohibit the use of suspensions for minor infractions, such as dress code violations or talking back
- Strengthen due process for students to ensure they have a fair suspension hearing and adult representation
- Guarantee suspended students can keep up with instruction through instruction and work in a detailed plan
- Applies to Charter Schools as well as truly public schools

What does the research say about suspensions?

Suspensions are Racist & Discriminatory: Statewide data from the NYS 2021-2022 school year shows:¹

- Students with disabilities were suspended 87% more often than students in the general education population
- Black students in upstate districts (excluding LI) were suspended 2.5X times as often as their white peers
- Latinx students on Long Island were suspended 45% more often than their white peers
- Students from low- income households were more likely to be suspended than wealthy students²

Suspensions Cause Learning Loss & Increase School Drop Out: In the most recent school year, we found that 913,811 days of instruction were lost in New York State because of suspensions. That's almost 1 million days in just a single school year. There is currently no limit to the number of days a child can be suspended.³ Research shows that for 9th graders, a *single* suspension reduced the chances they will graduate high school by 23%. Every additional suspension lowers the odds by another 20%, so just three suspensions cuts the chances of graduating by more than half (63% less likely). Isolating students instead of educating them is antithetical to the responsibility of the state and forces students to continuously fall behind.

Suspensions Increase the Likelihood of Involvement in the Juvenile Legal System

According to the State Ed. Depart Task Force Report: “When suspended for a discretionary offense (i.e., the code of conduct did not mandate suspension), a student’s likelihood of juvenile legal contact within the subsequent academic year increased threefold.”

Suspensions Increase the Risk of Deportation

According to the National Immigration Law Center, suspensions and referrals (to law enforcement) are often used by immigration authorities to deny immigration relief or citizenship status. For children who are seeking asylum, this means they can be detained and eventually deported without their families

Suspensions Increase Risk of Depression and Suicide: According to the American Academy of Child & Adolescent Psychiatry, since 2017, suicide has become the second leading cause of death for children 10-19 years old. Black youth are twice as likely to die by suicide than their

¹ The data was collected by the State Education Department. The SNS coalition requested and analyzed the data.

² Safe Schools Task Force Report: *Recommendations for Reducing Disparities in and Reforming School Discipline in New York State*, (p.20), Presented by the Office of Student Support Services, December 2022

³ Ibid.

white peers, and the AACAP goes on to say that this is driven in part by discrimination in our educational and juvenile justice system.⁴

Pass the Solutions not Suspensions Act and let 2023 be the year we see justice for our youth!

⁴https://www.aacap.org/aacap/Policy_Statements/2022/AACAP_Policy_Statement_Increased_Suicide_Among_Black_Youth_US.aspx