Policy Analysis

Solutions Not Suspensions

Ending Suspensions for Young Children

TheChildren'sAgenda

Smart Choices. Bold Voices.

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Executive Summary

PURPOSE

Out-of-school suspensions are used as a punitive, deterrent, or corrective response to a wide range of student behavior, even with children as young as 3 years old. However, research indicates that suspensions are ineffective and harmful and that they deepen academic inequities, especially for students of color and students with disabilities. This analysis summarizes the research and supplements with data from New York school districts and a sample of parents and early childhood educators to support enacting the Solutions Not Suspensions bill in the 2023 New York State legislative session.

METHOD

The Children's Agenda reviewed existing research and analyzed data from 600 parents who were polled in Monroe County, surveys of 124 early childhood and elementary educators, and disciplinary data from 15 New York public school districts.

FINDINGS

Suspension data from 15 school districts in the 2021 - 2022 school year indicate that **high rates of suspensions** and **disproportionate use of suspension** with students of color, students with disabilities and economically disadvantaged students persist.

There is **strong support from parents** (84%) in Monroe County for **eliminating suspensions in Pre-Kindergarten to Grade 3** for all but the most extreme circumstances.

A **majority of early childhood educators** (62%) who responded to a survey also support eliminating suspensions in Pre-Kindergarten to Grade 3.

There is a **evidence** from social science research indicating that **Restorative Justice in Education, Positive Behavioral Interventions and Supports,** and **Social-Emotional Learning** can **reduce the need for exclusionary discipline.**

RECOMMENDATIONS

New York State government should:

1. Pass the **Solutions Not Suspensions Act**
2. **Require** implementation of at least one **alternative intervention** in school codes of conduct
3. Implement the **NYS Culturally Responsive-Sustaining Education Framework**
4. Ensure **funding, support and professional development** to implement alternative interventions
5. Adopt **parallel legislation** and **supports** for **child care settings**
6. **Create greater transparency for equity and accountability** by recording all student removals from classrooms in districts' SIRS reports . Make those reports publicly available.

Introduction

A staggering 2.7 million students received out-of-school suspensions in the 2015-16 school year across the United States, and nearly 120,000 students were expelled.[1] Out-of-school suspensions and expulsions are used as a punitive, deterrent, or corrective response to a wide range of student behavior. Exclusionary discipline practices are prescribed to even some of our youngest learners, including 3- and 4-year-olds, in both school and child care settings.

A review of the research and recently collected data reveals that:

- **Suspensions are widely used.** The academic and mental health struggles of children during the pandemic have received ample media coverage, but the continued use of suspensions and expulsions after children returned to classrooms and child care settings has gone largely unnoticed.
- **Suspensions are ineffective and harmful.** Research shows that suspensions are linked to poorer performance in math and reading, increased emotional disengagement from school, lower rates of high school graduation and post-secondary education, as well as increased encounters with the criminal justice system during and after schooling.[2]
- **Suspensions deepen academic inequities between children.** Students of color, low-income students, and students with disabilities are suspended at higher rates, on average, than their peers, which increases their likelihood of negative outcomes.
- **Parents and teachers support alternatives.** In Monroe County, a recent poll found 84% of parents support eliminating suspension in Pre-Kindergarten through Grade 3 in all but the most extreme cases. A survey of early childhood and elementary educators found 62% support this change.
- **Effective alternatives exist**. Many states have begun adopting policies that ban or significantly limit the suspension and expulsion of Pre-Kindergarten to Grade 3 students and promote the use of alternative strategies for preventing and responding to behavioral issues.

The Children's Agenda recommends that Governor Hochul and the New York State Legislature enact the Solutions Not Suspensions bill in the 2023 New York State legislative session. This legislation would restrict the use of suspensions in Pre-Kindergarten to Grade 3 to only the most extreme circumstances, place further limits on the length of suspensions in all grades, and require changes to school discipline policies to promote evidence-based alternatives. Additionally, New York State should adopt regulations to end the use of exclusionary discipline in child care settings, protecting young children from suspensions throughout their early childhood education.

[1] US Department of Education, Office for Civil Rights. (2019). https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf

[2] Rosenbaum, J. (2020). https://doi.org/10.1177/0044118X17752208

Method

This report reflects the experiences of three groups of adults who each have a stake in how student discipline is approached.

600 parents in Monroe County were polled about their views on school suspensions

124 early childhood and elementary educators were surveyed about their views and practices

15 public school districts were examined for their practices of using suspensions

Parents across Rochester and Monroe County were surveyed in a telephone/text poll conducted by Global Strategy Group on behalf of The Children's Agenda from August 20 - September 4, 2022.[3] The poll included questions about parents' opinions on suspensions. A total of 600 parents were polled: 273 in Rochester and 327 in the suburbs. The method used to contact parents resulted in a sample that is representative of both city and suburban parents.

The Children's Agenda collected 124 anonymous online surveys from educators of children 0-8 years old in the Rochester region between July and September of 2022. The survey was sent electronically to the Child Care Council distribution list and to community-based Pre-K providers in Rochester. Outreach to elementary school teachers was done through Facebook, the Rochester Rank and File Educators group, and informal sharing of the link among teachers. The survey results skew toward child care settings and Pre-K teachers.

The Children's Agenda submitted FOIL requests to 23 school districts throughout New York, including all 18 in Monroe County and five key districts around the state (Buffalo, Syracuse, Yonkers, the Bronx, and Smithtown). At the time of publishing in October 2022, The Children's Agenda had received data from 15 school districts. Several districts did not provide all of the data requested in the FOILs.

[3] For a description of the survey methodology and summary of findings, see *Family Voices: Supporting Children Academically, Socially and Emotionally* at https://thechildrensagenda.org/wp-content/uploads/2022/09/Monroe-County-Parent-Poll-Aug-2022-INFOGRAPHIC.pdf

Policy & Practice

2.7 million K – 12 students received out-of-school suspensions and 120,000 were expelled in one school year.

The rise of exclusionary discipline practices in schools is often attributed to the introduction of "zero tolerance" discipline policies.[4] These disciplinary methods have resulted in more severe sanctions for a wide range of student behavior. **Over the past three decades, suspensions and expulsions have become common practice.** Data from the US Department of Education indicates that a staggering 2.7 million K-12 students received out-of-school suspensions in the 2015-2016 school year, while approximately 120,000 K-12 students were expelled with or without academic instruction.[5] The most recent report, capturing the 2017-2018 school year, shows only a two-percent decline in the use of exclusionary discipline practices overall.[6]

In the absence of legislative mandates, exclusionary discipline did not significantly decline.

Suspensions are used to respond to a wide range of student behavioral issues with **approximately half of suspensions in New York state (outside of New York City) being for "violent" behavior and the other half being for "disruptive" behavior**.[7]

The justification is that removing disruptive students from the classroom will help to maintain order or deter students from engaging in similar behavior in the future.[8] However, **our review found no research suggesting that exclusionary discipline practices are effective towards these goals or beneficial to student outcomes**.

There is, however, a substantial body of research that reveals a strong correlation between suspension and negative outcomes for suspended students in the short- and long-term.[9]

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[4] The Center for Public Justice (2018) explains that "Zero-tolerance policies require school officials to give students a specific, consistent, and harsh punishment, usually suspension or expulsion, when certain rules are broken" (par. 3). The USDOE defines zero-tolerance policies as "results in mandatory expulsion of any student who commits one or more specified offenses" (University of Maryland, Baltimore County, 2019, par. 5).

5 See U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection. (2019, April). https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf

[6] U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection. (2021, June). https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf

[7] NY State Education Department. (2017). https://www.p12.nysed.gov/irs/school_safety/school_safety_data_reporting.html

[8] Pyne, J. (2019). https://doi.org/10.1177/0038040718816684

[9] See pages 16 – 18 for research highlights.

Suspension Policies in New York

From birth to eight years old, a child may pass through three different systems where they could face exclusionary discipline: child care, Pre-Kindergarten, and the K-12 education system. These systems are related, but have different funding mechanisms, regulations, and workforces. **Protecting children and supporting early childhood educators along this continuum will require different approaches and sensitivity to the unique challenges in each setting.**

Child Care Programs

Child care programs are governed by the Office of Child and Family Services (OCFS), and do not fall under NYS's Education Law. **OCFS does not ban expulsions and suspensions in child care settings.** However, child care programs that provide educational services like Pre-Kindergarten must comply with the policies of the school district under which they are contracted. Under this arrangement, the New York City Department of Education (NYCDOE) has ended suspensions and expulsions in child care settings and Pre-Kindergarten programs that contract with them.

Pre-Kindergarten

In 2015, the New York State Education Department issued a field memo **encouraging school districts to end the practice of suspension and expulsion of Pre-Kindergarten students.**[10] Many school districts have adopted this policy. However, NYS Education Law was not changed, and school districts still have the legal discretion to suspend and expel students in Pre-Kindergarten.

K – 12 Schools

The authority to suspend students in a school setting is outlined in Education Law § 3214. In addition to **violent** incidents, a student may be suspended for any offense that is considered "**disruptive**" to the educational process. Most suspensions are authorized by school principals upon the recommendations of staff. Teachers do not individually have the legal authority to suspend students.

School districts in New York state are required to draft their own rules for suspensions under Education Law § 2801. Districts must annually revise and approve a school code of conduct. The code of conduct outlines suspension procedures in every individual school district and must be consistent with NYS law.

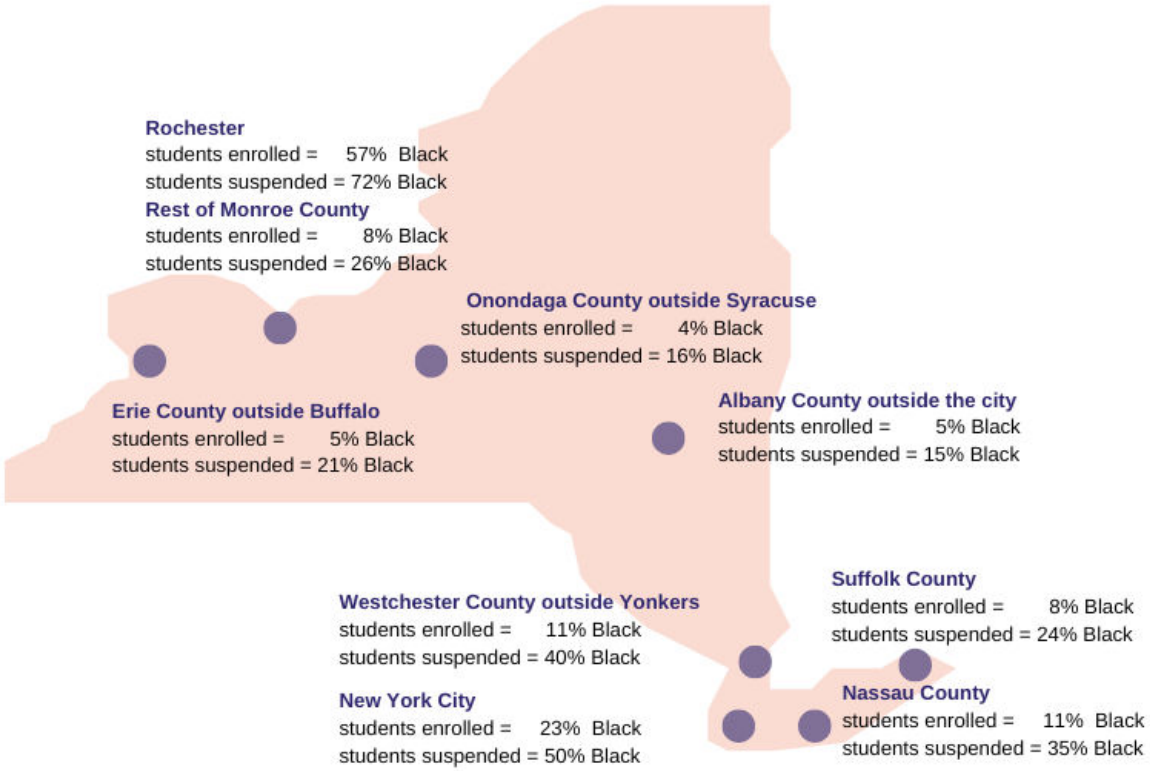
Suspension policies vary across ages with more protections for K – 12 children.

[10] New York State Education Department. (2015). https://www.p12.nysed.gov/specialed/publications/2015-memos/preschool-suspensions-expulsions-memo-july-2015.pdf

Suspension Practices in New York School Districts

Pre-Pandemic

The New York Equity Coalition issued the report *Stolen Time* that looked at exclusionary discipline practices across New York state during the 2016 – 2017 school year. They **found suspensions were highest in high needs districts**, with higher rates of suspension outside of New York City.[11] Across all districts, **students of color and students with disabilities had higher suspension rates than their white and general education peers**, with some of the worst disparities in New York City and low needs districts upstate. The map below highlights key findings from that report.



[11] New York Equity Coalition. (2018). https://equityinedny.edtrust.org/suspensions/

Remote Learning

The COVID-19 pandemic forced public schools in New York State to go fully remote in March 2020 through the end of the school year in June. **Few districts recorded any suspensions after schools went fully remote.** During the 2020-21 school year, some districts remained fully remote for most of the year, while other districts adopted a hybrid schedule that rotated in-person and remote learning, and others were fully in-person. Again, the **suspension data were artificially low** with students spending fewer days in school buildings.

Back in Schools

The 2021-22 school year was the first since the beginning of the pandemic with universal in-person learning. Some students were returning to their buildings after a year and a half at home, carrying with them the added stress and hardships of the pandemic. Suspensions returned to high levels.

In the 15 districts that provided data:

15,306

students were suspended at least once

134,712

days of school were lost to suspensions

Data from the 2021-22 school year confirms that in the 15 districts that provided data to The Children's Agenda, the use of suspensions rebounded following the return to fully in-person schooling. In these districts, there were wide ranges in the use of suspensions.

The percentage of students suspended at least once ranged from 2% - 17%. Rates in Buffalo, Rochester and Syracuse were higher than in 2016 – 2017.[12]

Districts with double-digit suspension rates:

Greece (17%) **Rochester (16%)** **East Irondequoit (13%)**
Syracuse (17%) **Buffalo (15%)** **Wheatland-Chili (13%)**

School District	Enrollment	Students Suspended At Least Once	% Students Suspended At Least Once	Days Lost to Suspension
Brighton	3,378	149	**4%**	1,182
Buffalo	30,474	4,578[13]	**15%**	61,351
Churchville-Chili	3,750	236	**6%**	2,038
East Irondequoit	2,799	367	**13%**	2,957
Greece	10,260	1,716	**17%**	Not provided
Hilton	4,299	194	**5%**	1,501
Honeoye Falls-Lima	2,087	71	**3%**	Not provided
Penfield	4,492	158	**4%**	461
Pittsford	5,505	118	**2%**	502
Rochester	24,893	3,833	**15%**	42,463
Rush Henrietta	5,498	Not provided	**Not Available**	4,737
Spencerport	3,564	257	**7%**	1,601
Syracuse	19,416	3,295[13]	**17%**	13,400
West Irondequoit	3,587	196	**5%**	2,519
Wheatland-Chili	670	88[13]	**13%**	Not provided

Rates of suspension have rebounded and are very high in some districts.

[12] New York Equity Coalition. (2018). https://equityinedny.edtrust.org/suspensions/
Buffalo 2016-17 = 14% 2020-21 = 15%
Rochester 2016-17 = 8% 2020-21 = 15%
Syracuse 2016-17 = 12% 2020-21 = 17%

[13] Because of how this district provided their breakouts of their data, there may be some duplicate counts of students who received both in-school and out-of-school suspensions.

Six districts provided data on both **unduplicated suspensions** (each student counted one time, even if they were suspended more than once) and **duplicated suspensions** (the total number of suspensions, including multiple suspensions for the same student). When looking at duplicated suspensions, the impact is even greater.

The fact that 2 – 3 times as many suspensions were imposed as students suspended indicates the use of multiple suspensions.

School District	Unduplicated Suspensions *# Students Suspended At Least Once*	Duplicated Suspensions *# Suspensions Imposed*
Buffalo	4,578[14]	8,086
Greece	1,716	4,054
Honeoye Falls-Lima	71	264
Rochester	3,833	9,045
Rush Henrietta	Not provided	1,064
Syracuse	3,295[14]	6,832

The use of multiple suspensions raises questions about the effectiveness of suspension at preventing further incidents of disruptive behavior.

[14] Because of how this district provided their breakouts of their data, there may be some duplicate counts of students who received both in-school and out-of-school suspensions.

Suspensions in Pre-Kindergarten – Grade 3

Districts that provided data broken out by grade level show that even some of the youngest students were excluded from classrooms.

A total of 606 Pre-Kindergarten – Grade 3 students were suspended.

- The **number of students** impacted was much greater in Buffalo and Rochester due to their enrollments. Together, 550 students in Pre-Kindergarten – Grade 3 were suspended.
- The district with the **highest rate** of Pre-Kindergarten – Grade 3 suspensions was Wheatland-Chili.

School District	PK – Grade 3 Enrollment	PK Students Suspended	K Students Suspended	Grade 1 Students Suspended	Grade 2 Students Suspended	Grade 3 Students Suspended	PK – 3 Students Suspended	% PK – 3 Students Suspended
Brighton	838	0	0	0	0	0	0	**0%**
Buffalo	10,174	22	67	70	72	109	340[15]	**3%**
Churchville-Chili	1,141	2	4	6	1	0	13	**1%**
Hilton	1,309	N/A	4	1	2	4	11	**1%**
Honeoye Falls-Lima	606	0	0	0	1	0	1	**0%**
Penfield	1,364	N/A	2	3	1	1	7	**1%**
Pittsford	1,531	N/A	0	1	0	1	2	**0%**
Rochester	9,077	0	24	25	61	100	210	**2%**
Spencerport	1,077	1	1	0	5	1	8	**1%**
West Irondequoit	1,041	0	0	2	0	2	4	**0%**
Wheatland-Chili	220	N/A	4	1	3	2	10[15]	**5%**

These data indicate that it may be beneficial to provide targeted support for districts that are more reliant on suspensions in Pre-Kindergarten – Grade 3.

[15] Because of how this district provided their breakouts of their data, there may be some duplicate counts of students who received both in-school and out-of-school suspensions.

Disproportionate Suspensions by Race/Ethnicity

Districts that provided data broken out by student race/ethnicity show that a pattern of racial disproportionality persisted. This was true for rural, suburban and urban districts.

Black students were 1.8 – 5.8 times more likely to be suspended than white students.

Districts with the highest disparities between Black and white students:

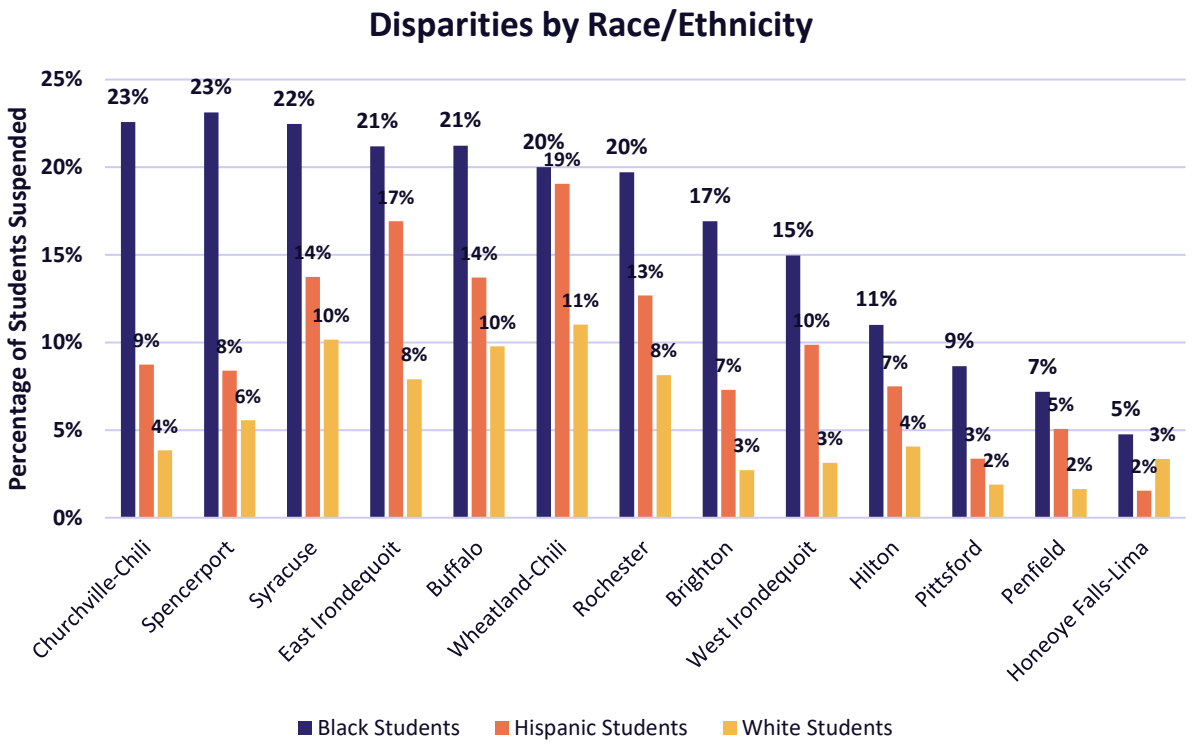
Churchville-Chili (5.8x)

Brighton (5.6x)

West Irondequoit (5x)

Pittsford (4.5x)

Hispanic students were also more likely to be suspended, although the disparities were smaller.



A consistent pattern of disproportionate use of suspension with Black and Hispanic students persists.

Disproportionate Suspensions by Learning Classification

Districts that provided data broken out by students with disabilities and their general education peers show that a pattern of disproportionality for these students also persists. This was true for rural, suburban and urban districts.

Students with disabilities were 1.5 – 5 times more likely to be suspended than general education students.

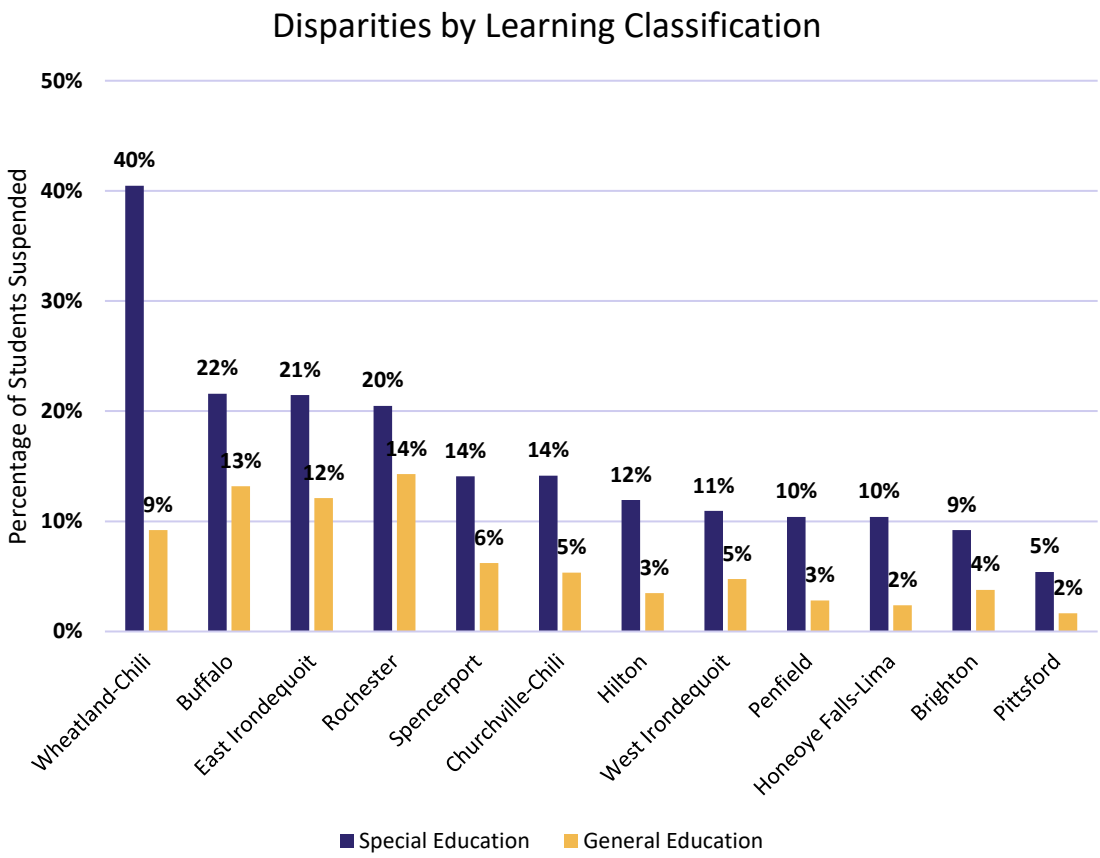
Districts with the highest disparities were:

Honeoye Falls – Lima (5x)

Wheatland-Chili (4.4x)

Hilton (4x)

Penfield (3.3x)



A consistent pattern of disproportionate use of suspension for students with disabilities persists in these districts.

Disproportionate Suspensions by Economic Status

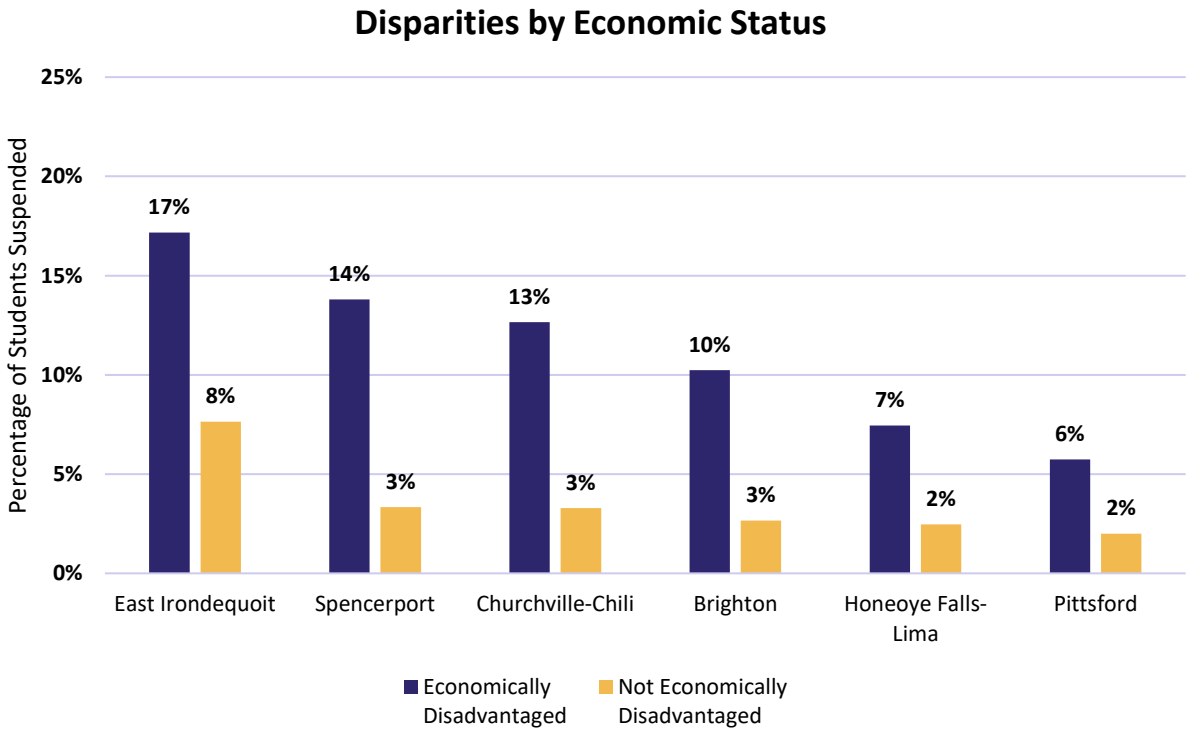
Districts that provided data broken out by student economic status show that a pattern of disproportionality for these students also persists. This was true for rural and suburban districts.

Students who are economically disadvantaged were 2 – 4.5 times more likely to be suspended than their non-economically disadvantaged peers.

Districts with the highest disparities were:

Spencerport (4.6x)

Churchville-Chili (4.3x)



A consistent pattern of disproportionate use of suspension with economically disadvantaged students persists in these districts.

Evidence That Suspensions Don't Work

Research demonstrates that exclusionary discipline is a harmful practice through its association with poorer academic performance, emotional disengagement, lower rates of educational attainment, and increased risk of delinquency. These detrimental outcomes begin to affect students during their school years and follow them well into their adult life.

Suspensions are related to:

Students having less trust in and identification with school

Lower reading and math scores

Lower rates of high school graduation and college completion

More encounters with the criminal justice system

One of many associations with exclusionary discipline practice is **increased emotional disengagement** from school. A recent study explored whether suspensions are useful, harmful, or benign to students' learning opportunities by measuring their correlation to academic attitudes and engagement.[16] The findings indicated that suspension is correlated to an average **decrease in school trust** by 47 percent and a **decrease in identification with school** by 54 percent.[17] This means that students who were suspended during the year were more likely to experience emotional disengagement from school than students who were not. The study also found that the number and length of suspensions had little significance; **a single suspension was sufficient to predict a change in the emotional engagement of a student** in the immediate future.

Suspensions are also correlated with **poorer academic performance**. A study in Kentucky revealed that suspended middle and high school students were more likely to have **lower reading and math scores on standardized tests** than those who were never suspended.[18] Additionally, a study in Philadelphia found that only **two days of out-of-school suspension**

[16] See Pyne, J. (2019). https://doi.org/10.1177/0038040718816684

[17] Pyne, J. (2019) measured 4 indicators of engagement: school trust, school belonging, external locus of control, and identification with school throughout the year in a representative sample of sixth and seventh grade students. School trust and identification with school were the 2 factors that had a statistically significant association with suspension.

[18] Morris, E. W. & Perry, B. L. (2016). https://doi.org/10.1093/socpro/spv026

(OSS) impacts students' academic achievement and that test scores **continually decline with each additional day a student is suspended**. [19]

Exclusionary discipline practices are also associated with **lower rates of high school graduation and completion of a college degree**. A recent study found that, twelve years after suspension, suspended youth were less likely to have earned bachelor's degrees or high school diplomas than their unsuspended peers of similar backgrounds. [20]

Most troubling, research tells us that suspensions are correlated **with increased encounters with the criminal justice system**. A student's chances of being arrested increased 2.1 times in the month after being suspended or expelled, compared to the rest of the school year.[21] Twelve years after suspension, "suspended youth were 30% more likely to have been arrested once…(and) 23% more likely to have been in prison…than similar non-suspended youth."

EQUITY

Exclusionary discipline may be harmful to all students, but **students of color,[22] low-income students,[23] students with disabilities,[24] multilingual learners,[25] and LGBTQ+[26] students bear a disparate burden** of these outcomes due to their overrepresentation in disciplinary removal from school. The US Department of Education's Office for Civil Rights' 2017-2018 report on disciplinary practices indicated that:

- Black students received suspensions and expulsions at more than twice the rate of their enrollment nationally.
- Students with disabilities represented 13.2% of student enrollment nationally and received 24.5% of out-of-school suspensions and 23.3% of expulsions.
- American Indian or Alaska Native students were disproportionately impacted by suspensions and expulsions.[27]

There is a substantial body of research that indicates a correlation between suspension and negative outcomes for students in the short and long-term.

[19] Lacoe, J., & Steinberg, M. P. (2019). https://doi.org/10.3102/0162373718794897
[20] Rosenbaum, J. (2020). https://doi.org/10.1177/0044118X17752208
[21] Monahan, K.C., VanDerhei, S., Bechtold, J. & Cauffman, E. (2014) https://doi.org/10.1007/s10964-014-0103-1
[22] US Department of Education, Office for Civil Rights. (2019). https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf
[23] Skiba, R. J., Peterson, R. L., & Williams, T. (1997).
[24] US Department of Education, Office for Civil Rights. (2019). https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf
[25] https://ies.ed.gov/ncee/rel/Products/Publication/3693
[26] https://www.glsen.org/sites/default/files/2021-04/NSCS19-FullReport-032421-Web_0.pdf
[27] US Department of Education, Office for Civil Rights. (2019). https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf

Exclusionary discipline can begin as early as preschool where it is imposed on some of our youngest learners, including 3- and 4-year-olds, in both **school and child care settings**. In the 2017-2018 school year, approximately 2,822 Pre-Kindergarten students were suspended in the United States.[28]

Exclusionary discipline practices may be particularly harmful to young children, given the formative role that early childhood education plays in youth outcomes. In a meta-analysis of 22 studies, researchers found associations between early childhood education and future educational outcomes. Participation in early childhood education correlates with reductions in special education placement, grade retention, and increases in high school graduation rates.[29] Removing children from classrooms or child care settings reduces their instruction and social interaction, which may hinder these positive associations.

It is important to recognize that child care is woefully underfunded. Child care workers are among the lowest paid employees in the state, with a median wage of $31,880 per year.[30] New York State policies, regulations and funding have provided insufficient resources to ensure appropriate staff compensation and universal access to training and supports. There are other differences between Pre-K – 12 education and child care that must be considered when working on solutions to exclusionary practices:

- Most families pay for child care directly out-of-pocket, unlike the public education system.
- Schools are required to provide instruction to all children, including those with disabilities – a mandate that does not apply to child care.
- Public access to data is much more limited in child care, creating a barrier to accountability and measuring the impact of new policies.
- Child care providers are under the constant threat of permanent closure from what is considered a very punitive approach to regulation enforcement by OCFS.

The child care sector has also been severely impacted by the COVID-19 pandemic.[31] Any policy reform in the child care sector must be paired with efforts to stabilize funding for child care and strengthen the workforce which has dwindled significantly during the pandemic.

[28] U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection. (2021, June). https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf
[29] McCoy et al. (2017). https://doi.org/10.3102/0013189X17737739
[30] NYS Department of Labor. (2021). https://dol.ny.gov/occupational-wages-0
[31] The Children's Agenda. (2022). https://thechildrensagenda.org/publications/rebuilding-our-future-child-care-closures-in-new-york-during-the-pandemic/

The Solution

The solution is to adopt a bill in the New York State Legislature known as the **Solutions Not Suspensions bill.** It calls for several key reforms:

1. **Require school codes of conduct to include restorative approaches** to discipline and to proactively foster a school community based on cooperation, communication, trust, and respect
2. **Limit the use of suspensions for students in Pre-Kindergarten through Grade 3** to only the most serious behavior
3. **Shorten the maximum length of suspension** from 180 to 20 school days per infraction (except when required by federal law)
4. **Prohibit suspensions for minor infractions** such as tardiness, dress code violations, minor misbehavior, etc.
5. **Require that students who are suspended receive academic instruction** and the opportunity to earn credit, complete assignments, and take exams
6. **Require charter schools to follow state education law** on student behavior and school discipline

Many states have recently begun to legislate a shift away from exclusionary discipline practices and towards alternative interventions for young children. Sixteen states (from across the political spectrum like Maryland, California, and Kentucky) have passed Pre-Kindergarten to Grade 3 school discipline legislation that limits the use of suspensions and expulsions.[32]

These states also support the use of alternative interventions, including but not limited to Restorative Justice in Education, Positive Behavioral Intervention and Supports, and Social and Emotional Learning.[33] Each of these approaches and associated evidence is described below.

[32] Fischer, A. (2019). https://www.ncsl.org/Portals/1/Documents/legisbriefs/2019/AprilLBs/school-discipline_14_v03_FINAL.pdf
[33] Education Commission of the States. (2021). https://reports.ecs.org/comparisons/school-discipline-policies-04

Approach	Whole School Engagement	Policies	Practices	Curriculum	Systems Change
Restorative Justice in Education	✓	✓	✓	✓	✓
Positive Behavioral Intervention and Supports	✓ + family, community	✓	✓		
Social and Emotional Learning	✓ + family, community		✓	✓	

RJE

Restorative Justice in Education

Restorative justice, derived from indigenous practices and initially implemented in criminal justice settings, has made its way into schools. Restorative Justice in Education (RJE) fosters a **whole-school approach** by involving students, staff, and administration, and shaping **policies, practices, curricula, and culture**. RJE is "proactive and responsive in nurturing healthy relationships, repairing harm, transforming conflict, and promoting justice and equity." It also strives to change **schools' structures from authoritative and hierarchical** to relationship- and **community-centered.**[34]

Research strongly suggests that the implementation of restorative justice is linked to lowered suspension rates. A randomized control trial conducted in Pittsburgh, Pennsylvania, found that the **days lost to suspension declined twice as much in schools utilizing RJE practices**, compared to schools without Restorative Justice programming. [35] Restorative Justice approaches have also been shown to lessen racial disparities in discipline practices.[36]

PBIS

Positive Behavioral Interventions and Supports

Positive Behavioral Interventions and Supports (PBIS) have been linked to lower rates of exclusionary discipline. PBIS is "an evidence-based, **tiered** framework for supporting students' behavioral, academic, social, emotional and mental health" with the goal of creating "a positive, predictive, equitable and safe **learning environments** where everyone thrives." The framework strives to create positive school culture by **engaging families, communities, staff, and**

[34] Gregory, A., & Evans, K.R. (2020). https://nepc.colorado.edu/publication/restorative-justice
[35] Augustine, C. H., Engberg, J., Grimm. G.E., Lee, E., Wang, E. L., Christianson, K. & Joseph, A. A. (2018). https://www.rand.org/pubs/research_reports/RR2840.html.
[36] Gregory, A. & Evans, K. R. (2020). https://nepc.colorado.edu/publication/restorative-justice

administration. PBIS prioritizes an evidence-based approach by **utilizing student data to inform their decision-making process and practices.**[37] In a 2008 study, the PBIS framework was implemented in 28 early childhood education programs and K-12 schools throughout New Hampshire. PBIS was associated with a reduction of 1,032 suspensions across all 28 schools, which helped to recover 1,701 days of learning.[38]

SEL

Social and Emotional Learning

Social and Emotional Learning (SEL) practices are another alternative intervention that may help **reduce the need for exclusionary discipline practices**. According to the Collaborative for Academic, Social, and Emotional Learning (CASEL) (2022), SEL is: "The process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to **develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions**."

SEL exercises are **built into the curricula of all subject areas** and applied across school, family, and community settings. In helping students to better manage their emotions, improve their communication skills, and strengthen relationships with others, SEL practices may help to reduce suspensions and expulsions by preventing student conflict and behavioral issues.

Evidence from social science research indicates that alternative approaches to managing student behavior and supporting student development can reduce the need for exclusionary discipline.

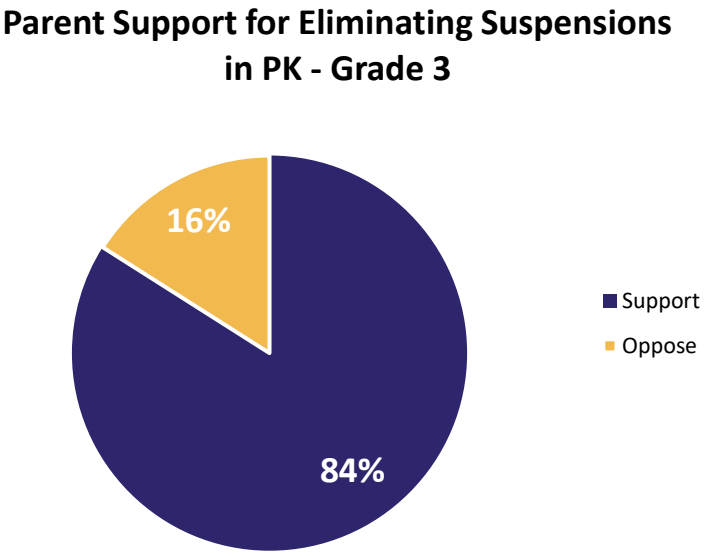
[37] Center on Positive Behavioral Intervention and Supports. (2022). https://www.pbis.org/pbis/what-is-pbis
[38] Muscott et al. (2008). https://doi.org/10.1177/1098300708316258

Public Support for Solutions Not Suspensions

Parents Support Ending Suspensions in Early Grades

The Children's Agenda commissioned a statistically valid poll of 600 parents in Monroe County, NY, from August 22 to September 4, 2022. We asked parents seven questions related to school discipline to see how concerned they were about suspensions and what reforms they would support.

- **More than 1 in 6 parents said they were concerned** about their child being suspended for a minor offense (17%). Black and Hispanic parents (26%) and parents of students with disabilities (28%) were significantly more concerned.
- **Parents expressed very strong support** (84%) for eliminating suspensions in Pre-Kindergarten to Grade 3 for all but the most extreme circumstances. Support was consistently high across all demographic groups, zip codes, and party affiliations.
- **Parents supported alternatives to suspensions** at similarly high rates, including behavioral interventions (87%), counseling (86%), and peer mediation (82%).



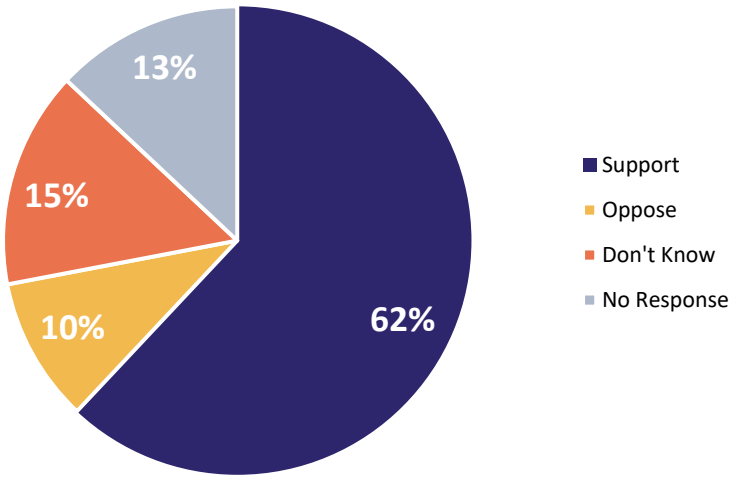
These findings are a clear signal to elected leaders that provisions in the Solutions Not Suspensions bill are overwhelmingly supported by parents.

Early Childhood Educators Support Alternatives to Suspension

To reform discipline practices in schools and child care settings, it is essential to have the support of professionals who educate children in classrooms, homes, and centers. The Children's Agenda collected 124 anonymous online surveys from educators and care givers of children 0-8 in the Greater Rochester region between July and September of 2022. A majority of the respondents worked in child care settings.[39]

Support for the Solutions Not Suspensions bill and eliminating suspensions in Pre-Kindergarten to Grade 3 in all but the most extreme cases was strong (62%) with very low opposition (10%). The fact that 28% of educators either said they did not know if they supported the bill or gave no response indicates that more awareness and understanding of the bill is needed among those who would be responsible for implementing alternative approaches to discipline in the classroom.

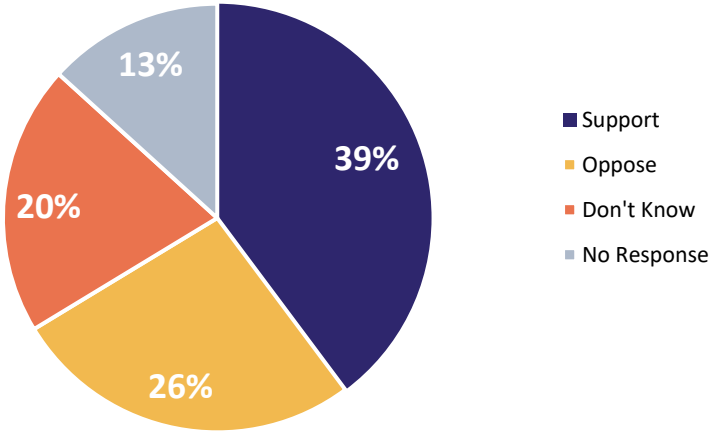
Educator Support for Solutions Not Suspensions Bill



[39] The survey provides a diverse sampling of opinion and feedback, but we do not claim the results are representative of all educators and care givers views or needs. The limitations of a convenience sample of educators may not adequately represent the extent to which these alternative practices are being used. It is possible that educators who responded to the survey are more concerned about the reliance on suspensions and are more likely to use alternative practices.

Support for similar legislation that would limit suspensions and expulsions in child care settings was more mixed. Practitioners may be more supportive of reform in theory, but hesitant when it could directly affect their own teaching or care giving.

Educator Support for Similar Legislation in Child Care Settings



Lower support for a Solutions Not Suspensions-type approach in child care settings may be explained by the open-ended responses describing concerns educators have with moving in this direction. Those concerns included:

- Accountability for parents
- Low pay and too many responsibilities
- Safety of staff and other students
- Disruption to the learning environment
- Resources to implement alternatives
- Not knowing where to get support
- Having the structure to meet each child's unique needs

There were comments that reflected concerns that exclusionary practices in child care cause harm. For example, one provider wrote:

> **"No child of any age should be suspended from any site. They are children and should be treated as children. Simply find a way to help that child and their parents before anything else."**

We also asked what **practices teachers and care givers were already using instead of suspensions**. Responses reflect widespread use of alternatives. The fact these practices were reported as already in use raises questions about why high suspension rates persist. This requires further investigation with a more representative sample of educators where educator reports can be directly associated with the suspension rates in their schools.

Does your child care program/school encourage the use of any of the following alternative discipline strategies/practices? Select all that apply.	**% of Educators Responding "Yes"**
Use at Least One Alternative	**96%**
Social Emotional Learning	**85%**
Positive Behavioral Interventions and Supports	**77%**
Peer Mediation	18%
Counseling	17%
Restorative Justice	13%
None	4%

When asked what alternative practices they would support being added at their program or school, the responses indicate **substantial interest in expanding these positive practices.** The most frequent response for new practices was **counseling** (44%). Overwhelmingly, respondents (86%) said they had the resources to effectively respond to behavioral issues. This would indicate resources are not a barrier to discipline reform in some settings. However, counseling is a practice that child care and Pre-Kindergarten programs are less likely to have access to than public K-12 schools without additional resources or cooperative agreements.

Of those not being used in your program/school, would you support the implementation of any additional strategies/practices? Select all that apply.	**% of Educators**
Counseling	**44%**
Positive Behavioral Interventions and Supports	**31%**
Social Emotional Learning	**24%**
Peer Mediation	18%
Restorative Justice	13%
None	4%

These responses indicate substantial support among some early childhood educators for positive practices as a way of managing behaviors.

Policy Recommendations

The Children's Agenda recommends that the New York State Legislature take the following actions to address the issues of harmful exclusionary discipline practices in young children:

1. **Pass the Solutions Not Suspensions Act** in its entirety.
2. **Require implementation of at least one alternative intervention strategy** in every school's code of conduct.
3. **Implement New York State's Culturally Responsive-Sustaining Education Framework**.[40]
4. **Ensure funding, support, and professional development** for educators to implement recommended alternative strategies.
5. Adopt **parallel legislation** to limit suspensions of children in child care settings and **strengthen oversight, support and coaching** capacity for providers.
6. **Create greater transparency for equity and accountability** by recording all student removals from classrooms and data disaggregated by grade level to the Student Information Repository System reports each district submits to the NYS Education Department. Make those reports publicly available.

Children are young for a short time, yet the trajectory of their lives can be altered during those early years. It is the responsibility of our education and child care systems to ensure children have positive, supportive experiences in school. It is incumbent upon the regulatory and funding systems to set parameters on policies and practices and to provide ample oversight, support and coaching to educators.

[40] Culturally Responsive-Sustaining Education Framework. (2021). https://www.regents.nysed.gov/common/regents/files/521bra7.pdf

Appendix: Method and Sample

Parent Demographics

Parents across Rochester and Monroe County were surveyed in a telephone/text poll conducted by Global Strategy Group on behalf of The Children's Agenda from August 20 - September 4, 2022.[41] The poll included questions about parents' opinions on suspensions. A total of 600 parents were polled: 273 in Rochester and 327 in the suburbs. The method used to contact parents resulted in a sample that is representative of both city and suburban parents.

Parents Responded to Poll	%[42]
Setting	
Rochester	46%
Suburbs	55%
Parent Race/Ethnicity	
Black/African-American	24%
Hispanic/Latino	14%
Asian-American/Other	3%
White	59%
Parent Gender	
Female	56%
Male	44%
Family Income	
Under $50,000	26%
$50,000 - $100,000	31%
Above $100,000	34%
Parent Education	
Did not complete high school	4%
Graduated high school	14%
Some college or technical school	20%
Associate's degree	16%
Bachelor's degree	23%
Advanced degree	23%
Has a child with a developmental delay or disability	26%

[41] For a description of the survey methodology and summary of findings, see *Family Voices: Supporting Children Academically, Socially and Emotionally* at https://thechildrensagenda.org/wp-content/uploads/2022/09/Monroe-County-Parent-Poll-Aug-2022-INFOGRAPHIC.pdf

[42] Percentages may not total to 100% due to rounding and no responses.

Educator Demographics

The Children's Agenda collected 124 anonymous online surveys from educators of children 0-8 years old in the Rochester region between July and September of 2022. The survey was sent electronically to the Child Care Council distribution list and to community-based Pre-K providers in Rochester. Outreach to elementary school teachers was done through Facebook, the Rochester Rank and File Educators group, and informal sharing of the link among teachers. The survey results skew toward child care settings and Pre-K teachers. A majority of respondents were between the ages of 26 and 35 years, although other age groups were represented as well. In addition, 87% of survey respondents identified as female.

The survey provides a diverse sampling of opinion and feedback, but we do not claim the results are representative of all educators and care givers views or needs. The limitations of a convenience sample of educators may not adequately represent the extent to which these alternative practices are being used. It is possible that educators who responded to the survey are more concerned about the reliance on suspensions and are more likely to use alternative practices.

Race	Number of Respondents	% of Respondents
White	36	29%
Black/African-American	45	36%
Hispanic/Latino	9	7%
Asian/Pacific Islander	2	2%
Other	2	2%
No response	30	24%

Setting	Number of Respondents	% of Respondents[43]
Infants and toddlers	100	72%
Pre-Kindergarten	109	78%
School age (K to Grade 3)	86	62%

[43] Totals to more than 100% due to some educators working with multiple age groups

School District Characteristics

In August 2022, The Children's Agenda submitted FOIL requests to 23 school districts throughout New York, including all 18 in Monroe County and 5 other key areas around the state (Buffalo, Syracuse, Yonkers, the Bronx, and Smithtown). Through these requests, school districts were asked to disclose

- Duplicated and unduplicated district-level suspension/expulsion data disaggregated by in-school and out-of-school suspensions
- Duplicated and unduplicated district-level suspension and expulsion data disaggregated by race/ethnicity, gender, disability status, and English Language Learner status from the 2019-2020, 2020-2021, and 2021-2022 academic years
- Duplicated and unduplicated district-level suspension/expulsion data disaggregated by grade-level for grades Pre-K through 12 from the 2019-2020, 2020-2021, and 2021-2022 academic years
- Cumulative missed school days due to suspensions/expulsions for each of the above categories

At the time of publishing in October 2022, The Children's Agenda had received data from 15 school districts. Several districts did not provide all of the data requested in the FOILs. Below is a summary of the available data for each district included in this report. The suspension data provided by districts provides an illuminating sample. However, we do not claim they are representative of all school districts in New York. The limitations of a convenience sample of districts may not adequately represent practices statewide.

District	Duplicated	Unduplicated	ISS/OSS	Race	Gender	Disability	ELL	Grade Level	Missed Days	All Years
Brighton		✓	✓	✓	✓	✓	✓	Partial	✓	✓
Buffalo	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Churchville-Chili		✓	✓	✓	✓	✓	✓	✓	✓	✓
East Irondequoit		✓	✓	✓	✓	✓	✓		✓	✓
Greece	Partial	Partial	✓	✓		✓		✓		
Hilton		✓	✓	✓	✓	✓	✓	✓	✓	✓
Honeoye Falls-Lima	✓	✓	✓	✓	✓	✓	✓	✓		✓
Penfield		✓	✓	✓	✓	✓	✓	✓	✓	✓
Pittsford		✓	✓	✓	✓	✓	✓	✓	✓	✓
Rochester	✓	✓		✓	✓	✓	✓	✓	✓	✓
Rush-Henrietta	✓		✓	✓	✓	✓	✓	✓	✓	✓
Spencerport		✓	✓	✓	✓	✓	✓	✓	✓	✓
Syracuse	✓	✓	✓	✓	✓				✓	✓
West Irondequoit		✓	✓	✓	✓	✓	✓	✓	✓	✓
Wheatland-Chili		✓		✓	✓	✓	✓	✓		✓

The districts included in this report vary in their size and enrollment demographics as described below.

District	Setting[44]	PK – 12 Enrollment	Student Demographics				
			Asian/ Pacific Islander	Black/ African-American	Hispanic/ Latino	Other	White
Brighton	Suburban	3,378	335	272	233	295	2,243
Buffalo	Urban	30,474	3,973	13,044	6,294	1,607	5,556
Churchville-Chili	Suburban	3,750	81	319	309	236	2,805
East Irondequoit	Suburban	2,799	72	571	692	237	1,227
Greece	Suburban	10,260	484	1,656	1,862	735	5,523
Hilton	Suburban	4,299	44	109	267	142	3,737
Honeoye Falls-Lima	Rural	2,087	27	21	65	67	1,907
Penfield	Suburban	4,492	141	209	257	233	3,652
Pittsford	Suburban	5,505	721	162	326	385	3,911
Rochester	Urban	24,893	665	13,146	8,277	642	2,163
Rush-Henrietta	Suburban	5,498	925	705	470	418	2,980
Spencerport	Suburban	3,564	64	199	310	202	2,789
Syracuse	Urban	19,416	1,302	9,275	2,869	1,834	4,136
West Irondequoit	Suburban	3,587	105	334	466	196	2,486
Wheatland-Chili	Rural	670	11	90	63	43	463

[44] As categorized by the US Department of Education (2022). https://nces.ed.gov/programs/maped/LocaleLookup/