

Common Sense Reform to School Discipline in New York State

Goal

Support higher academic achievement and graduation rates and protect students' civil rights by reducing the reliance on exclusionary discipline (i.e., suspensions and expulsions), especially in the youngest grades.

Solution

New York should shorten the maximum length of suspension from 180 to 20 school days (except when required by federal law) and only allow suspensions for the most serious behavior in Pre-Kindergarten through Grade 3. This can be accomplished by enacting the Solutions Not Suspensions bill.

Why It Works

Putting limits on a harmful and ineffective form of punishment (suspensions and expulsions) reduces barriers to academic and social gains for all students, but especially students of color, students with disabilities, and students from low-income families who are disciplined more often because of institutional and individual biases.



Introduction

Removing students from school as a form of punishment (suspension and expulsion) is known to be ineffective in changing behavior, harmful to students academically and socially, and used in biased ways that target students of color, students with disabilities, and students from low-income families. Despite consensus on these problems, New York State lawmakers have not passed limits on suspensions like dozens of other states. A bill that would create common sense limits on suspensions, known as **Solutions Not Suspensions**, has sat in the New York State Legislature for nine years without ever coming close to being made law.

This policy brief dives into two key provisions of the Solutions Not Suspensions bill:

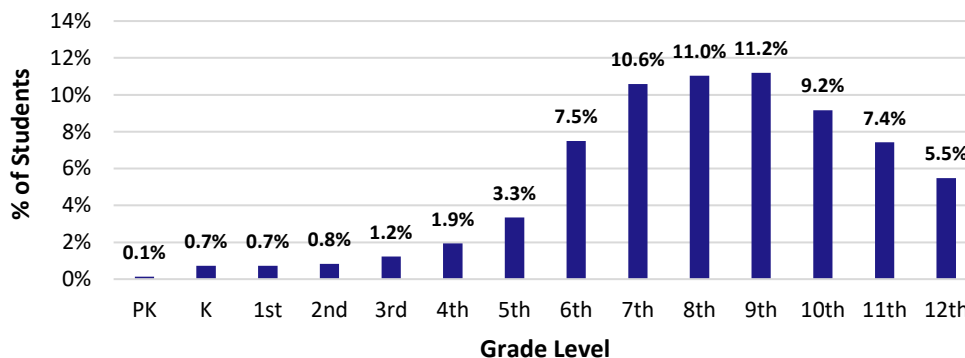
- Shortening the maximum length of suspension from 180 to 20 school days (except when required by federal law)
- Changing New York State law to only allow suspensions for the most serious behavior in Pre-Kindergarten through Grade 3

To explain why New York State should pass these two provisions, we summarize the research on suspensions, break down the most current available data on suspensions in New York State (2021-2022 school year), and list the laws other states have already passed. The implications of this information are clear: suspensions are harmful, other states have moved to limit suspensions, and New York State has a bill (Solutions Not Suspensions) to act on right now. After reading this policy brief, we hope you will join us and other advocates in pushing for passage of the Solutions Not Suspensions bill in 2024.

Current Suspension Policies Hold Kids Back

Schools should be welcoming and nurturing places where students thrive in their education and socially. But across New York State in the 2021-2022 school year, **135,599 students** of every age, even in Pre-Kindergarten, were not allowed to attend school because of suspensions and expulsions for a total of **894,469 days**. Among those were **6,187 children (Pre-K through Grade 3)** still learning basic literacy and numeracy who were suspended **23,780 days**. Even more students (**7,938**) were suspended for a total of **20 days or more**.

% of Students Suspended At Least Once
2021 - 2022



Percentage of students suspended at least once (OSS or ISS) by grade level in Pre-K through 12th grade statewide. All data were provided by NYSED from the 2021-2022 school year for public schools in New York state.

Research shows that suspensions and expulsions:

- Are associated with an average decrease in school trust of 47% and a decrease in identification with school of 54%. As a result, young students may form a negative association with school rather than a lifelong love of learning.¹
- May deprive young children of the benefits of participation in early childhood education which correlates with reductions in special education placement, being less likely to repeat a grade, and increases in high school graduation rates.²
- Are associated with lower math and reading scores for each additional day of suspension, meaning longer suspensions are more harmful.³
- Do not positively change or improve a child's behavior.
- More often are used on boys, children of color, and children with disabilities.⁴
- Increase children's risk of failing at school, not graduating, and going to jail or prison.⁵

¹ Pyne, J. (2019). <https://doi.org/10.1177/0038040718816684>

² McCoy et al. (2017). <https://doi.org/10.3102/0013189X17737739>

³ Lacoë, J., & Steinberg, M. P. (2019). <https://doi.org/10.3102/0162373718794897>

⁴ US Department of Education, Office for Civil Rights. (2019).

<https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>

⁵ Monahan, K.C., VanDerhei, S., Bechtold, J. & Cauffman, E. (2014) <https://doi.org/10.1007/s10964-014-0103-1>

Many suspensions are unnecessary when used for minor offenses that could be handled without removing children from schools like being late to class or dress code violations. When incidents do require a more serious response, suspension should be a last resort. Suspensions are ineffective at changing behavior and harmful to students, both academically and emotionally. Teachers and school staff should have the tools to deal with challenging behaviors through age appropriate, restorative (healing relationships and repairing harm), and trauma-informed interventions that address what students are dealing with at home and in the community.

Reducing suspensions is a civil rights issue, because we know suspensions are used far more often and for longer periods on children of color, children with disabilities, and children from low-income families. These differences are not explained by differences in student behavior, but likely are the result of individual and institutional biases.

New York State should use discipline practices in schools that help students learn from their mistakes, not ones that make students fall behind in their classwork, feel isolated from their friends, and make them more likely to end up in prison or jail. The Solutions Not Suspensions bill would put the necessary guard rails on the use of suspensions in New York state and should be adopted by state lawmakers and signed by the governor immediately.

A Closer Look at Long-Term Suspensions

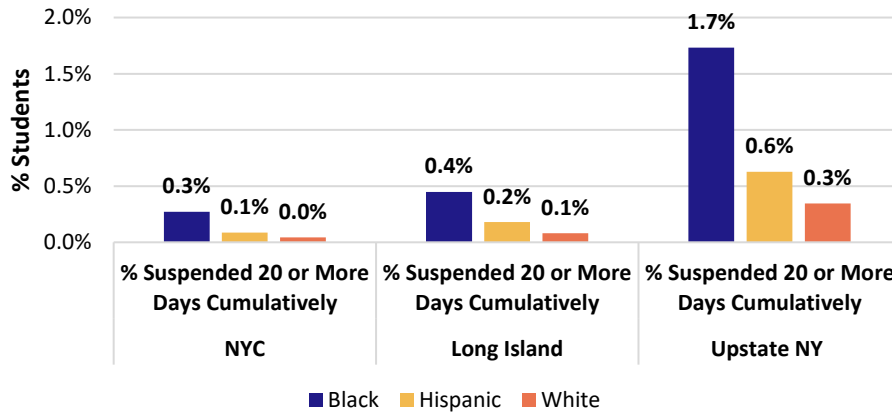
Long-Term Suspensions Widen Achievement Gaps Across New York

Research has consistently shown that suspensions are more likely to be used on boys, children of color, children with disabilities, and children from low-income families because of personal and institutional biases. Long-term suspensions fall even more heavily on these groups of students compared to their peers and are more damaging academically and socially than short-term suspensions.

- **7,938 students** were suspended 20 or more days in New York State in the 2021-2022 school year.
- **Nearly 2% of Black students Upstate** (outside of New York City and Long Island) were suspended 20 or more days during the school year.
- **Black students were 6.4 to 5 times more likely to be suspended** 20 or more days in a school year than white students across New York State.⁶
- **Students with disabilities were 3.5 to 2.4 times more likely to be suspended** 20 or more days in a school year than general education students across New York state.
- **94% of suspended days** in Pre-Kindergarten and Kindergarten (5,252 out of 5,601) were out of school suspensions (OSS).

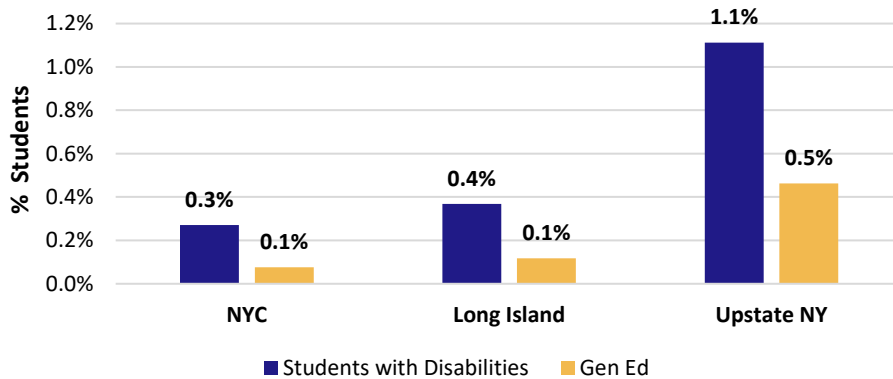
⁶ Suspension ratios are broken out by region because suspension rates vary significantly by region, with suspensions in New York City being much lower than the rest of the state. New York City is home to a disproportionate share of the state's Hispanic population and to a lesser extent the Black population. Therefore, statewide comparisons misrepresent the size of disparities by race, which are much higher at a regional level.

% of Students Suspended by Race, Region and Length of Suspension 2021 - 2022



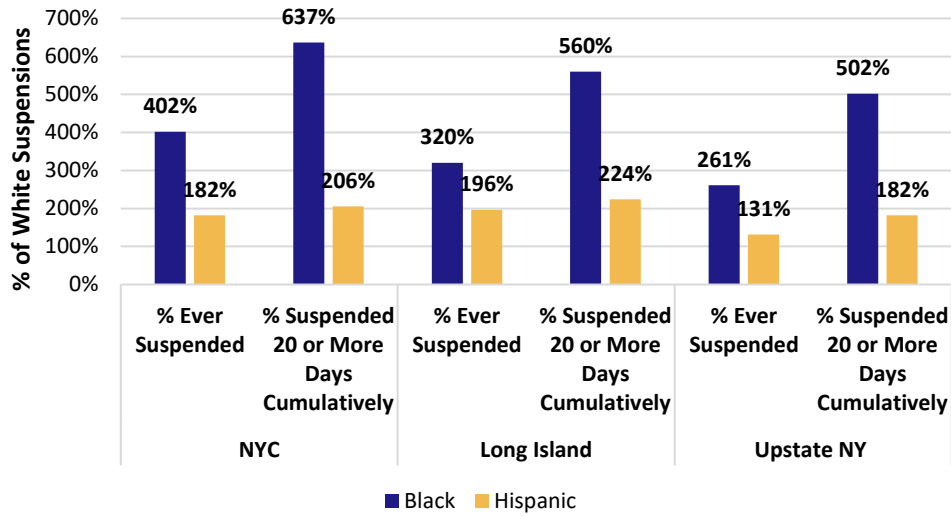
Percentage of students suspended 20 or more days cumulatively (ISS or OSS), broken out by region and race in New York state. Long Island is defined as Suffolk and Nassau County. Upstate includes all counties outside NYC and Long Island. All data were provided by NYSED from the 2021-2022 school year for public schools in New York state.

% of Students Suspended 20 or More Days Cumulatively by Learning Classification 2021 - 2022



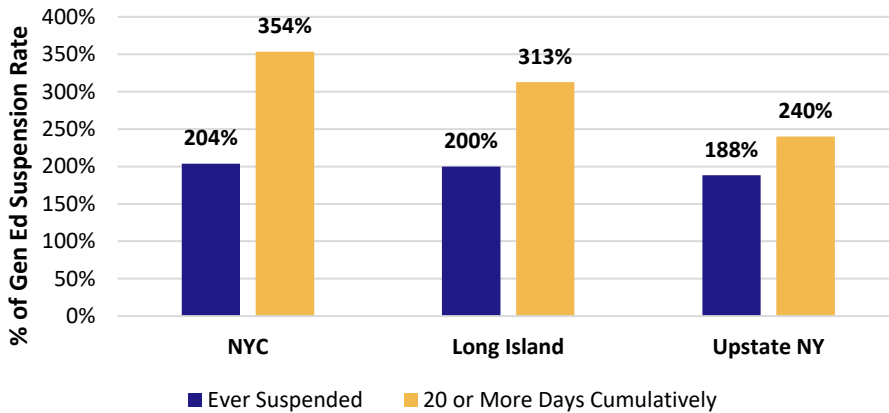
Percentage of students suspended 20 or more days cumulatively (ISS or OSS) by disability status, broken out by region in New York state. Long Island is defined as Suffolk and Nassau County. Upstate includes all counties outside NYC and Long Island. All data were provided by NYSED from the 2021-2022 school year for public schools in New York state.

Ratio of Racial Disparities by Region 2021 - 2022



Ratio of suspension rates for Black and Hispanic students compared to the suspension rate of White students. Categories include the percentage of students suspended at least once (OSS or ISS) and percentage of students suspended 20 or more days cumulatively during the school year (OSS or ISS). Long Island is defined as Suffolk and Nassau County. Upstate includes all counties outside NYC and Long Island. All data were provided by NYSED from the 2021-2022 school year for public schools in New York state.

Ratio of Disparity by Disability Status by Region 2021 - 2022



Ratio of suspension rates for students with disabilities compared to general education students. Categories include the percentage of students suspended at least once (OSS or ISS) and percentage of students suspended 20 or more days cumulatively during the school year (OSS or ISS). Long Island is defined as Suffolk and Nassau County. Upstate includes all counties outside NYC and Long Island. All data were provided by NYSED from the 2021-2022 school year for public schools in New York state.

Limiting Suspensions to 20 Days Reduces Harm and Still Allows Schools Flexibility

A suspension of any length is potentially harmful for a student, but the longer a suspension is, the more likely a student will fall behind and drop out of school. For this same reason, shortening the length of a suspension will make it more likely a student will be able to finish their coursework and graduate on time.

- Under current law, a child may be suspended for up to an entire school year (180 school days) in New York state for one incident, which is 6 times as long as the proposed limit of 20 school days (1 month).
- A suspension of 180 days is no more effective in changing student behavior than a suspension of 20 days.
- 20 days is long enough to plan for a child’s re-entry into the school community in the rare case school officials think 20 days is necessary.
- Under the most serious circumstances, removing a student for more than 20 days will still be possible, including those required by federal law.

New York State Has Fallen Behind Other States in Limiting the Length of Suspensions

Twenty-four states have already passed laws to limit the length of suspensions like Ohio and South Carolina.⁷

- 24 states have passed laws placing some type of limit on the number of days a student may be suspended from a high of 90 days to a low of 3 days.
- 21 states have limited suspensions of 25 days or fewer.

Summary of State Laws That Limit the Length of Suspensions	
State	Limitations on Length of Suspension
Arkansas	10 day limit
California	20 cumulative day limit with exceptions
Colorado	25 day limit
Connecticut	In school suspension limit of 10 consecutive days; 50 days total in one school year and/or 15 times
Idaho	5 day limit, superintendent may extend up to 15 days for safety concern
Indiana	10 day limit, superintendent may extend for interference with an educational function or school purpose & physical injury to another
Kansas*	90 day limit
Maine	10 day limit
Massachusetts*	90 day limit
Minnesota	10 day limit
Montana	10 day limit with possible extension to 20 days if safety concerns

⁷ This summary of state laws was created using information collected by [The Children’s Equity Project at Arizona State University \(2023\)](#) and cross referenced with the [Discipline Compendium from the National Center on Safe Supportive Learning Environments \(2023\)](#) as well as the [Education Commission of the States \(2021\)](#).

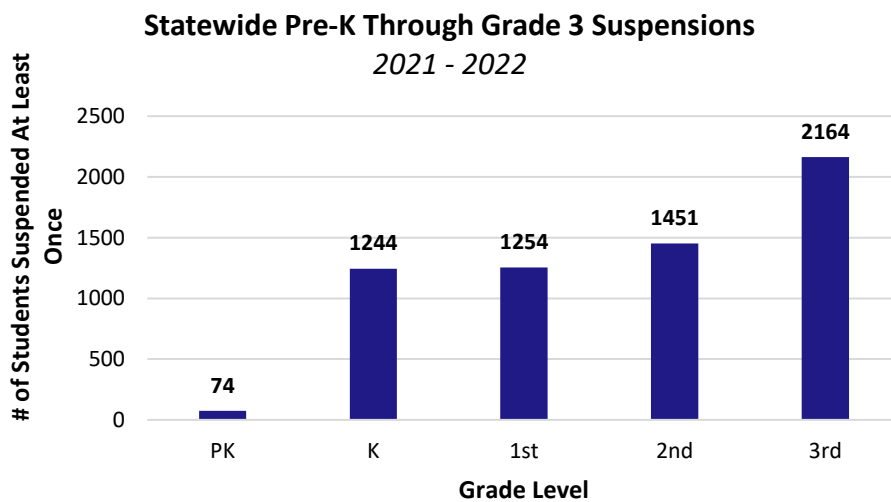
Nebraska	5 day limit with school board ability to extend
New Hampshire	20 day limit
North Dakota	10 day limit; 20 days for alternative education
Ohio	10 day limit
Oregon	10 day limit
South Carolina	10 day limit for any one offense; 30 day limit in one school year
Tennessee	10 day limit with possibility of extension pending school leadership petition and board of education decision
Texas	3 day limit on code of conduct violations
Vermont	10 day limit
Virginia*	*45 day limit
Washington	10 cumulative day limit for grades K-4 short-term suspensions; 15 cumulative day limit for grades 5-12 short-term suspensions
Washington, D.C.	20 day cumulative limit; 5 consecutive day limit for grades K-5; 10 consecutive day limit for grade 6-12
Wisconsin	15 consecutive day limit

*indicates significantly weaker restriction than SNS

A Closer Look at Pre-K to Grade 3 Suspensions

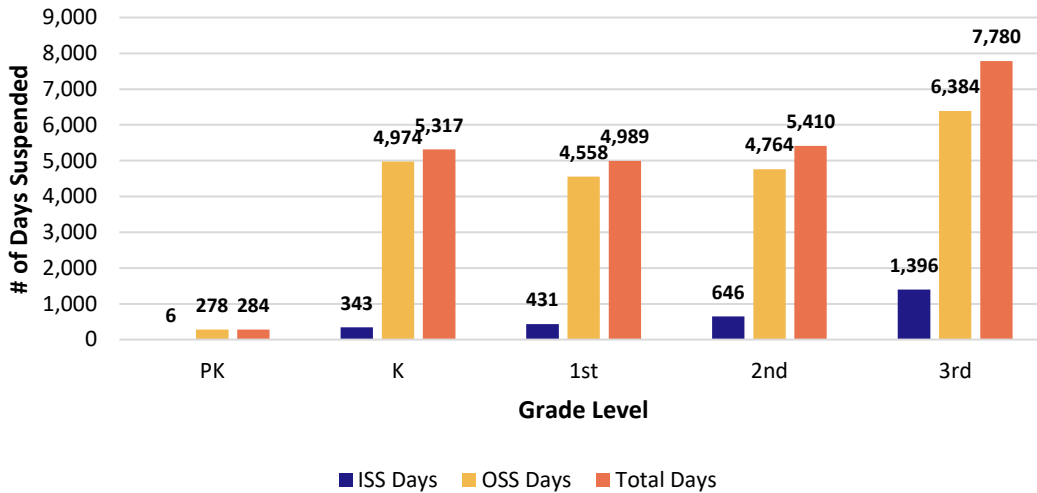
Too Many Lost Days of Instruction in Pre-Kindergarten through Grade 3

- **6,187 students** were suspended in Pre-Kindergarten through Grade 3 across New York state in the 2021-2022 school year.
- **23,780 days** of instruction were lost for children in Pre-Kindergarten through Grade 3.
- **72 of the 74 reported Pre-Kindergarten suspensions** happened Upstate (outside New York City and Long Island).



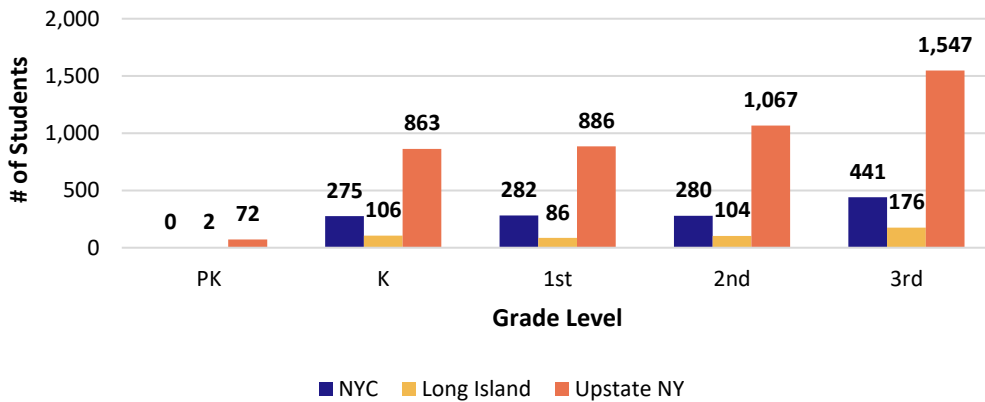
Total students suspended at least once (OSS or ISS) by grade level in Pre-K through Grade 3 statewide. All data were provided by NYSED from the 2021-2022 school year for public schools in New York state.

Statewide Count of Days Suspended in ISS/OSS in Pre-K Through Grade 3 2021 - 2022



Total days students were suspended by grade level in Pre-K through Grade 3 statewide, broken out by OSS and ISS days. All data were provided by NYSED from the 2021-2022 school year for public schools in New York state.

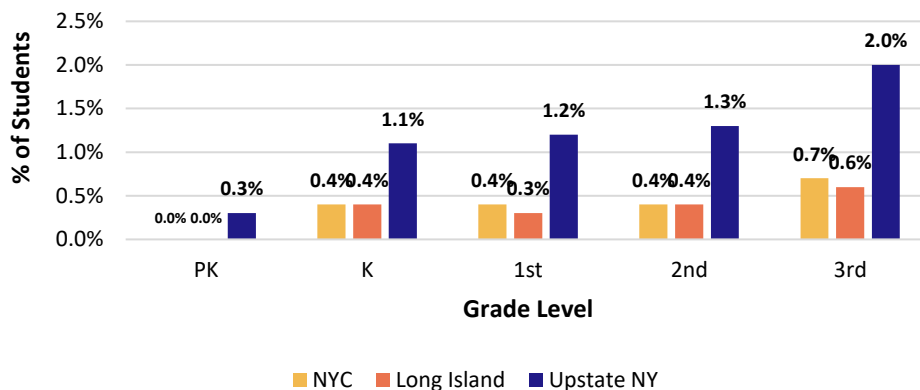
Number of Students Suspended At Least Once by NYS Region and Grade 2021 - 2022



Total students suspended at least once (OSS or ISS) by grade level in Pre-K through Grade 3 statewide, broken out by region. Long Island is defined as Suffolk and Nassau County. Upstate includes all counties outside NYC and Long Island. All data were provided by NYSED from the 2021-2022 school year for public schools in New York state.

% of Pre-K Through Grade 3 Students Suspended by Grade and NYS Region

2021 - 2022



Percentage of students suspended at least once (OSS or ISS) by grade level in Pre-K through Grade 3 statewide, broken out by region. Long Island is defined as Suffolk and Nassau Count. Upstate includes all counties outside NYC and Long Island. All data were provided by NYSED from the 2021-2022 school year for public schools in New York state.

Limiting Suspensions on Children in Pre-Kindergarten Through Grade 3 Sets Students Up for Success

A child’s first experience with formal education should be a positive experience that sets them up for a lifelong love of learning. Though the number of suspensions in Pre-Kindergarten through Grade 3 are far fewer than in Grades 6 to 12, they may have an outsized impact on students’ attachment to school and their ability to develop strong literacy and numeracy skills.

School districts must invest in alternative forms of discipline in these early grades to foster positive relationships and attachments to school and keep students on track academically in their crucial formative years.

New York State Has Fallen Behind Other States in Limiting Suspensions in the Early Grades

New York does not put any limitations on suspensions based on grade level or the age of the student. This puts New York behind states like Texas and 14 others.⁸

- 15 states have already passed laws placing some type of meaningful limit on suspensions in the early grades.

⁸ This summary of state laws was created using information collected by [The Children’s Equity Project at Arizona State University \(2023\)](#) and cross referenced with the [Discipline Compendium from the National Center on Safe Supportive Learning Environments \(2023\)](#) as well as the [Education Commission of the States \(2021\)](#).

- 9 of those states have laws that are very similar to limiting suspensions in Pre-K to Grade 3 to only the most extreme cases.

Summary of State Laws That Limit Suspensions by Grade Level		
State	Grade Levels	Exceptions and Specific Provisions
Arkansas*	K-5th	Limits out of school suspension for K-5 except when student poses a physical threat or causes a serious disruption that cannot be addressed through other means
California	PreK-5th	
Colorado	PreK-2nd	Except in cases of weapon possession, drug use/possession, or endangering the health/safety of others.
Connecticut*	PreK-2nd	*Only limit on out of school suspensions
Georgia*	Pre-K-3rd	*Suspensions limited to no more than five days for these grades
Kentucky	K-3rd	Exceptional cases where there are safety issues for the child or others
Louisiana	PreK-5th	Prekindergarten through five shall not be suspended or expelled from school or suspended from riding on any school bus for a uniform violation that is not tied to willful disregard of school policies.
Maine	PreK-5th	Except as provided under subsection 9-A or unless the principal determines that there is an imminent danger of serious physical injury to the student or others and less restrictive interventions would be ineffective
Maryland	PreK-2nd	
Minnesota*	PreK	Exception for ongoing serious safety threat
New Jersey	PreK-2nd	
Ohio	Pre-K-3rd	Exceptions for serious offenses or to protect the health and safety of others
Oregon	PreK-5th	Except violations related to physical harm, threatening behavior or legal requirements.
Texas	K-3rd	May not be placed in out-of-school suspension, with safety exceptions
Vermont	Under age 8	Except if the student poses an imminent threat of harm or danger to others in the school
Virginia*	Pre-K-3rd	*No more than three days for pre-K-3rd
Washington D.C.*	PreK-8th	*K-8 (physical harm or emotional distress)

**indicates significantly weaker restriction than the Solutions Not Suspensions bill*

New York State Should Act Now

State lawmakers and the Governor should pass the Solutions Not Suspensions bill. The Solutions Not Suspensions bill would:

- Change New York State law to only allow suspensions for the most serious behavior in Pre-Kindergarten through Grade 3
- Shorten the maximum length of suspension from 180 to 20 school days (except when required by federal law)
- Require school codes of conduct to include restorative approaches to discipline, to proactively foster a school community based on cooperation, communication, trust, and respect
- Require that students who are suspended receive academic instruction and the opportunity to earn credit, complete assignments, and take exams
- Require charter schools to follow state education law on student behavior and school discipline

State lawmakers must also make sure schools are adequately funded through Foundation Aid and any additional supports that are needed to properly implement these reforms. Doing nothing is not an option. New York should follow the lead of other states and make common sense reforms to school discipline.

Learn more about the Solutions Not Suspension bill at:

<https://www.solutionsnotsuspensionsny.org/sns-bill>