

# STOLEN TIME

NEW YORK STATE'S SUSPENSION CRISIS

THE NEW YORK EQUITY COALITION

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“You’re just **stealing time** from [students]. So many fall behind and have trouble catching up. It’s pretty much setting them up for failure.”

## THE NEW YORK EQUITY COALITION



Elesha was walking down the hallway with her friends when a few of them started kidding around and pushing each other.<sup>1</sup>

One girl hit a boy with a binder. He responded by playfully shoving her back, causing her to lose her balance and fall over.

The girl got up and all of the students headed to class. Elesha thought nothing more about what happened — until the last period of the day when she was called to the office.

It turned out her friend had injured her finger, and since Elesha was with the group when it happened, administrators said she was partially responsible.

Her punishment: A 45-day suspension.

“We were just playing around,” she said. “But they said it was my fault.”



Rashawn was just five years old when his grandmother died, and the small child struggled with emotions like grief and sadness.

He carried that burden with him each day into the classroom, sometimes acting out or not following directions.

It was not long before he received his first suspension. And many more followed.

“I was acting out a lot,” Rashawn said. “I just didn’t know how to deal with it. I was just a little kid.”

Those incidents that piled up in elementary school haunted him through his time in the school system, in some cases, he believes, leading teachers to think nothing of suspending him again.

“It goes on your record and teachers start looking at you differently,” he said. “They look at you like you’re a bad person. After that first one, it seemed like every time I did something wrong I’d get suspended.”

By the time he reached middle school, Rashawn learned how to manage his emotions and hasn’t received a suspension since.

Yet he feels like some teachers still see him differently.

“Now, teachers who know me see that and say, ‘That’s not you,’” Rashawn said. “But others still see that and treat me differently.”



Elesha and Rashawn are not alone. Across New York State, school districts imposed out-of-school suspensions on more than 66,000 students in the 2016-17 school year — an average of at least one student a minute, every hour of the school day.<sup>2</sup>

At the most basic level, suspensions deprive a student of classroom instruction — even though students who are suspended may be most in need of academic engagement. And beneath the surface, suspensions can represent a step in the school-to-prison pipeline and reflect a school climate characterized by punishment and fear — rather than a caring and supportive environment created by skilled educators with high academic expectations.

Efforts to eliminate unnecessary suspensions and other exclusionary discipline measures are gaining momentum. The New York State Education Department (NYSED) and Board of Regents have committed to hold schools accountable for reducing suspensions as part of the state’s new accountability system. *Safe and Supportive Schools Act* legislation jointly sponsored by Assembly Education Committee

Chairperson Catherine Nolan and State Senator Velmanette Montgomery has a real chance at passage, supported by a diverse coalition of organizations. In addition, school districts including New York City are investing in restorative practices that give educators powerful alternatives to suspensions.

The time for urgency and action has come.

In this policy brief, The New York Equity Coalition adds its voice to the growing movement to protect students from exclusionary discipline. In the pages that follow, we explore new data on how New York school districts disproportionately target Black students with suspensions. We then point to specific policy solutions that can protect students, support educators, and improve the quality of education in our schools.

## WHY ARE SUSPENSIONS AN EQUITY ISSUE?

Out-of-school suspensions are just one piece of the exclusionary discipline picture — along with classroom removals, in-school suspensions, expulsions, summonses, and school-based arrests. This paper focuses on out-of-school suspensions because of the availability of data on its use and its importance in the current policy landscape. Most notably, schools will soon be held accountable for reducing the rates of out-of-school suspensions for all groups of students — making this an important public measure of school performance.

Research underscores the equity imperative of focusing on this issue:

- **Schools nationwide suspend Black students at a far greater rate than White students,<sup>3</sup> but Black students are *not* more likely to be disruptive in school.** A synthesis of available research noted that “investigations of student behavior, race, and discipline have yielded no evidence that African American overrepresentation in school suspension is due to higher rates of misbehavior, regardless of whether the data are self-reported, or based on analysis of disciplinary records.”<sup>4</sup>
- **Educators are more likely to discipline Black students for subjective reasons.** As one 2002 study concluded: “The majority of reasons for which white students are referred more frequently seem to be based on an objective event (e.g., smoking, vandalism) that leaves a permanent product. Reasons for black referrals to the office, on the other hand, are infractions (e.g., loitering, excessive noise) that would seem to require a good deal more subjective judgment on the part of the referring agent. Even the most serious of the reasons for office referrals among black students, *threat*, is dependent on perception of threat by the staff making the referral.”<sup>5</sup>
- **Adults’ implicit bias can be an important driver of disparities in student discipline.** Summarizing research from Stanford University, the NAACP Legal Defense and Educational Fund described how implicit — or subconscious — bias can work: Given the same records recounting student misbehavior, “teachers reported more negative responses to the misbehavior if it was by a student they believed to be Black, as opposed to a student they believed to be White. Teachers reported that the misbehavior was more severe, felt more hindered by it, and felt more irritated by the Black student. Teachers also expressed a desire to discipline the Black student more severely for the misbehavior and were more likely to anticipate that the Black student would be suspended in the future.”<sup>6</sup> Implicit bias is, of course, not unique to the education sector; however, actively combatting it is essential to ensuring that all students receive the quality education they deserve.
- **Suspensions and other forms of exclusionary discipline are associated with a wide range of negative outcomes for students.** In 2014, the U.S. Departments of Justice and Education found that “studies have suggested a correlation between exclusionary discipline policies and practices and an array of serious educational, economic, and social problems, including school avoidance and diminished educational engagement; decreased academic achievement; increased behavior

problems; increased likelihood of dropping out; substance abuse; and involvement with juvenile justice systems.”<sup>7</sup> A study of students in Florida found that “being suspended even once in 9th grade is associated with a two-fold increase in the risk for dropping out.”<sup>8</sup>

- **There is a growing movement to implement alternatives to suspensions through restorative practices.** Restorative practices take different forms, which are generally characterized

by being non-punitive “while retaining the ability to hold misbehaving students accountable” and as an approach that “keeps young people in school, addresses the root causes of the behavior issues, and repairs relationships between students.”<sup>9</sup> Although it is too soon for large-scale quantitative data on the impact of restorative practices, case studies and qualitative findings report “promising results... in terms of their impact on school climate, student behavior, and relationships between students and with staff”<sup>10</sup> (*see sidebar*).

## REDUCING SUSPENSIONS AT THE UNIVERSITY OF ROCHESTER EDUCATIONAL PARTNERSHIP AT EAST

During the 2013-14 school year, the suspension rate for Black and Latino students at Rochester’s East High School was 23 percent and 19 percent, respectively. But that was before the school came under new leadership and the oversight of the University of Rochester. By the 2016-17 school year, the overall suspension rate fell from 19 percent to 4 percent. For Black and Latino students, it dropped to 5 percent and 4 percent, respectively.

The school’s new leadership made addressing excessive suspensions a top priority, and invested resources into implementing restorative justice programs.

East used some of the additional funding it received as an Educational Partnership Organization (EPO) to hire counselors and social workers. Those social workers are the driving force behind implementing restorative practices at the school such as training for every staff member, including custodians, clerical workers, and security officers.

The shift has been a welcome one for students. “Basically, suspensions were the go-to response to any kind of discipline problem,” said Savannah, who attended East before the change. “I personally notice the difference, that there are a lot fewer suspensions. Instead, we talk about our problems, and what’s causing our feelings.”

## RESTORATIVE PRACTICES IN NEW YORK CITY

In 2016, New York City funded a new program piloting restorative practices as an alternative to punitive discipline in Brooklyn’s District 18, which includes Flatbush and Canarsie.

As part of the pilot, the district’s central office partnered with a non-profit that specializes in restorative practices, hired a district coordinator, and trained staff in every district school with the tools and philosophies needed to fully implement replacements to punitive discipline.

In the second year, restorative practices were rolled out to students across the district.

In 2017-18, District 18 saw a 19 percent reduction in suspensions and removals from 2016-17, while citywide suspensions and removals rose by nearly 6 percent.

In 2017, the program was expanded to three additional New York City districts.

*Data source for Rochester: New York State Education Department, unpublished 2013-14 and 2016-17 suspension data; analysis conducted by The Education Trust—New York.*

*Data source for New York City statistics: New York City Department of Education, “Suspension Reports,” <https://infohub.nyced.org/reports-and-policies/government/intergovernmental-affairs/suspension-reports>; analysis conducted by Educators for Excellence.*

## THE DATA: OUT-OF-SCHOOL SUSPENSIONS IN NEW YORK STATE

Using previously unpublished state data, The New York Equity Coalition finds a statewide crisis in the use of suspensions to exclude Black students from classroom instruction.

### OUR FINDINGS:

# 1 NEW YORK'S EDUCATION SYSTEM SUSPENDS BLACK STUDENTS AT A FAR GREATER RATE THAN THEIR WHITE PEERS.

New York State faces stark statewide racial disparities in how school districts impose out-of-school suspensions on students.

Outside of New York City, schools suspended more than 11 percent of Black students in 2016-17.<sup>11</sup> This represents *more than four times* the rate that schools suspended White students (*see Figure 1*).

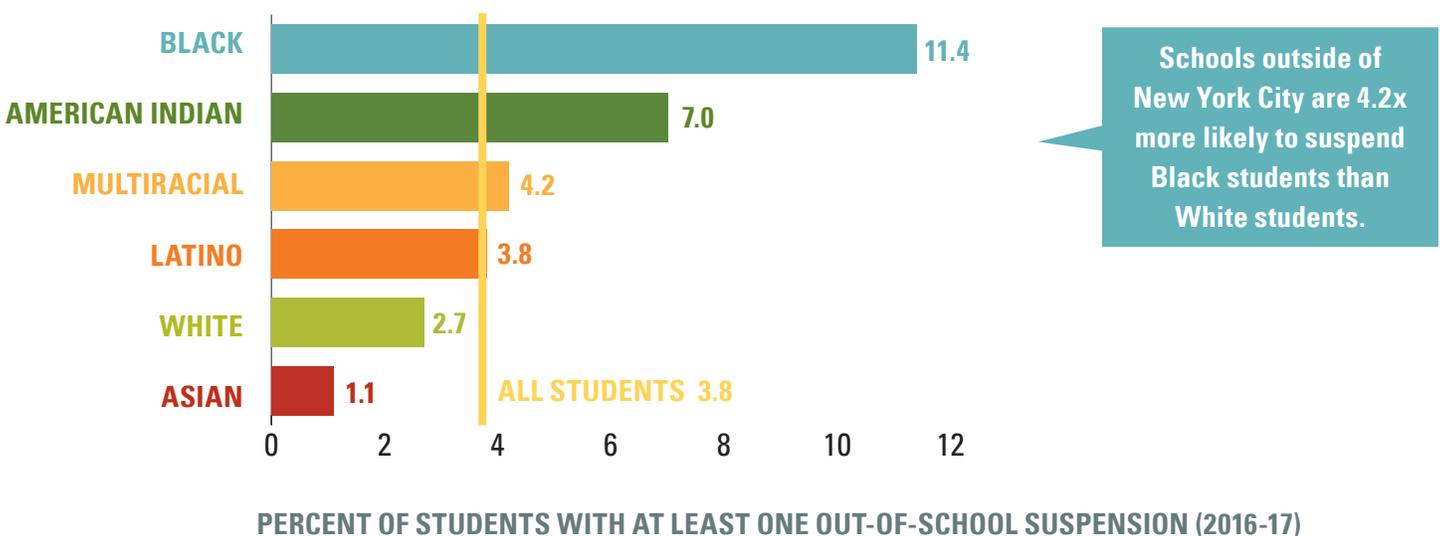
In New York City, the district suspended Black students at a rate *more than five times* that of their

White peers (*see Figure 2*). (Out-of-school suspensions in New York City are imposed at a lower overall rate and are described separately throughout this policy brief because the City imposes suspensions differently than most other school districts in New York; these differences are described in greater detail below.)

Other important elements of New York's disproportionate discipline system include:

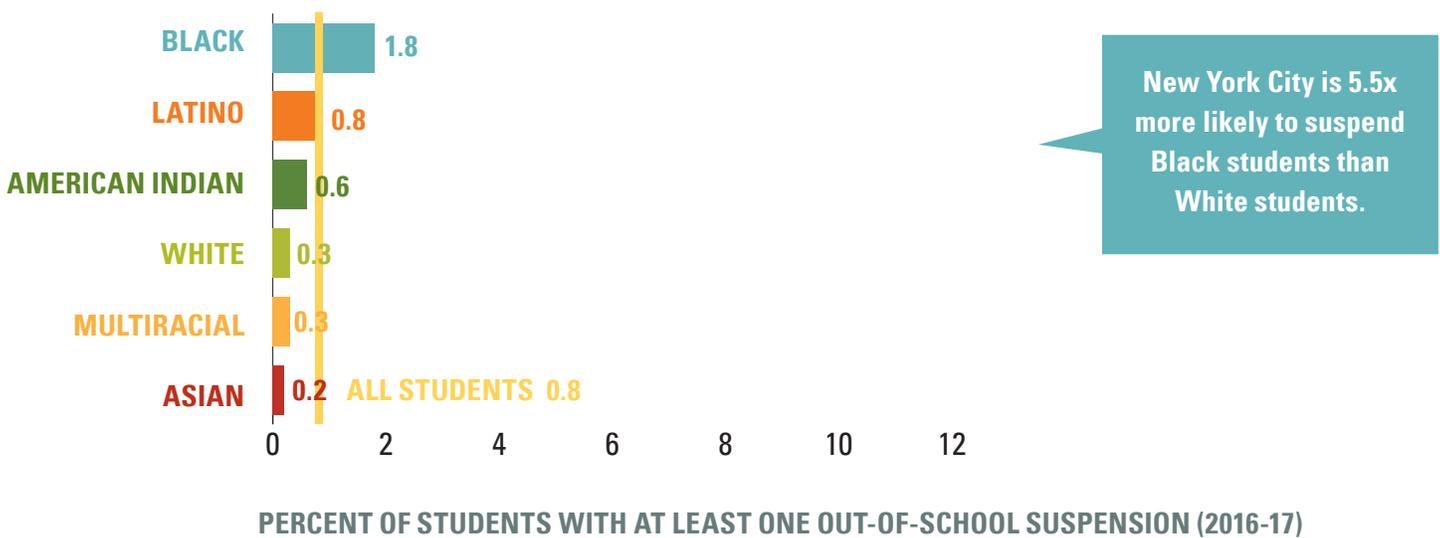
- **Suspension rates are highest in high schools, but racial disparities are greatest in elementary/middle schools.** Schools outside of New York City were nearly five times as likely to suspend Black elementary/middle school students and in New York City were more than six times as likely to suspend Black elementary/middle school students, compared to their White elementary/middle school peers. Suspensions in these early years can create the perception that a child is "trouble" from a very early age, and deprives students of instructional time when they should be developing the building blocks of future learning.
- **Schools impose the most disproportionate discipline on Black female students.** For

Figure 1: Percent of students outside of New York City with at least one out-of-school suspension



Source: New York State Education Department. Unpublished 2016-17 data. Analysis conducted by The Education Trust—New York.

Figure 2: Percent of students in New York City with at least one out-of-school suspension



Source: New York State Education Department. Unpublished 2016-17 data. Analysis conducted by The Education Trust—New York.

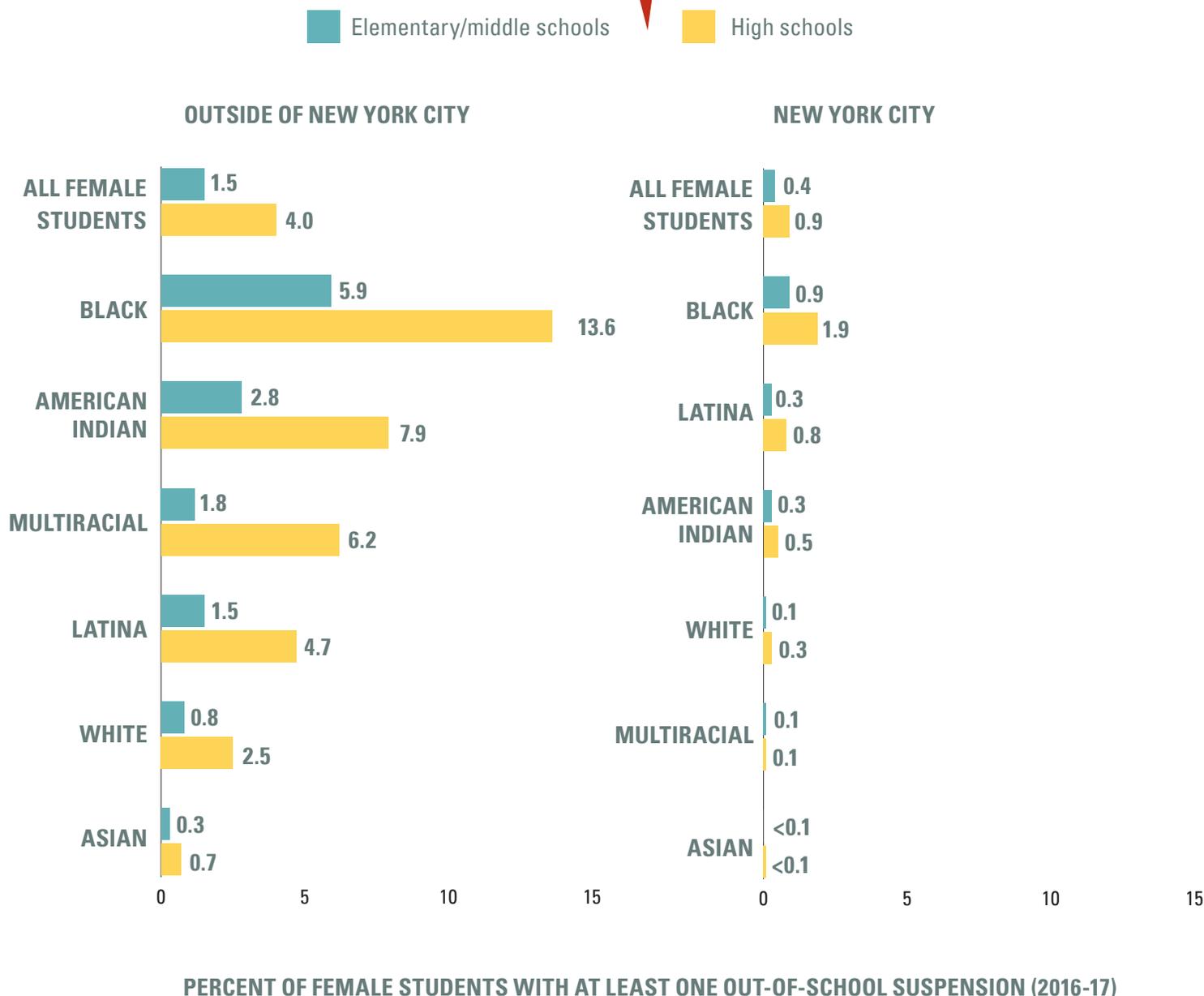
NEW YORK STATE SCHOOL DISTRICTS **SUSPENDED A STUDENT AT LEAST ONCE EVERY MINUTE** IN THE 2016-2017 SCHOOL YEAR.

example, elementary/middle schools outside of New York City were nearly eight times as likely to suspend Black female students as their White female peers, and in New York

City the district was nearly 11 times as likely to suspend Black female elementary/middle school students as their White female peers (see Figure 3).

**Figure 3: Percent of female students with at least one out-of-school suspension**

**Schools impose the most *disproportionate* discipline on Black female students, compared to their White female peers.**

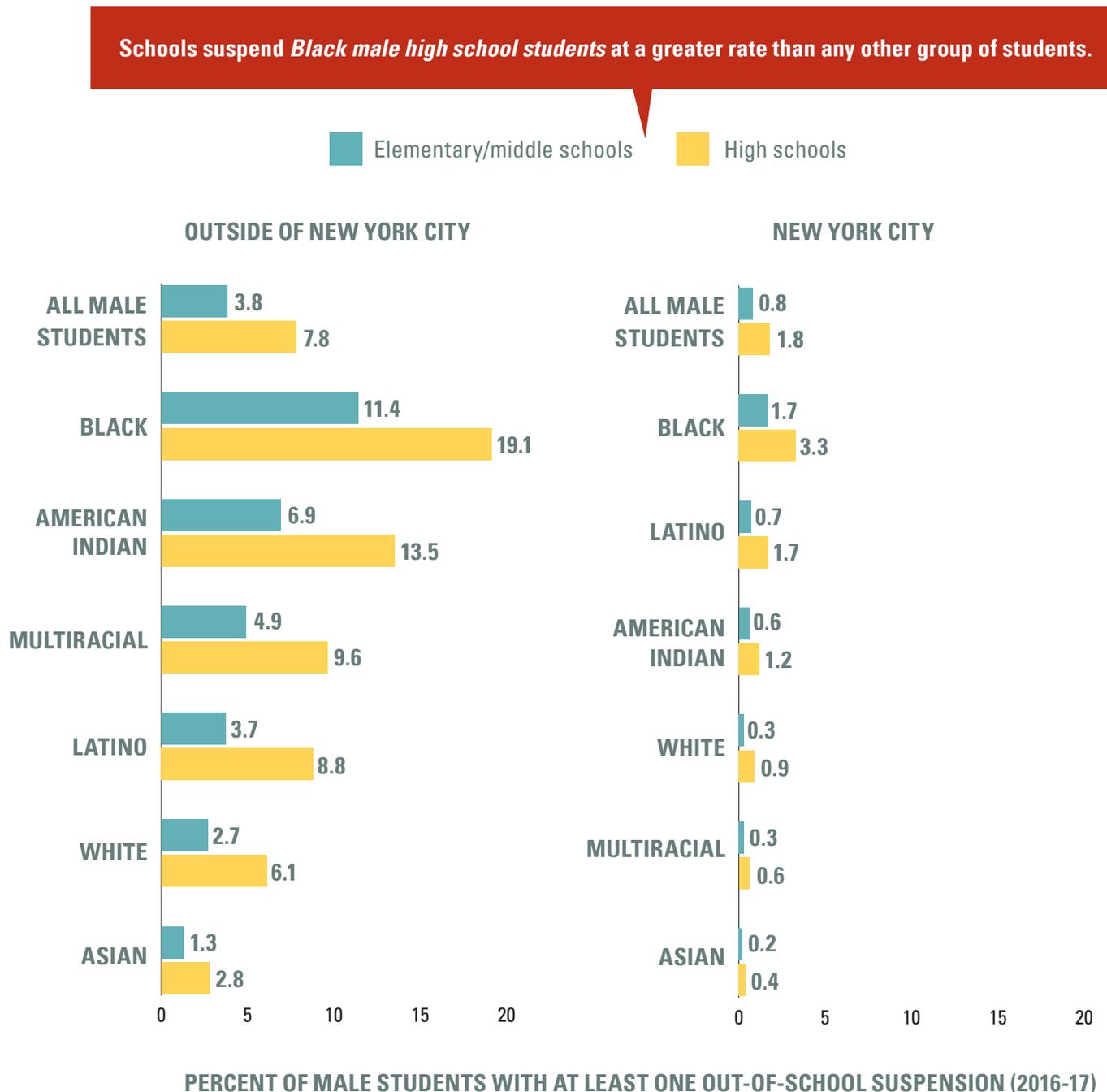


Source: New York State Education Department. Unpublished 2016-17 data. Analysis conducted by The Education Trust—New York.

- **Schools suspend *Black male high school students at a greater rate than any other group of students.*** Outside of New York City, schools suspended 19 percent of Black male high school students — or nearly one in five Black male students in high schools (*see Figure 4*).

These disparities are driven by two factors: high overall suspension rates in Big 4 and urban/suburban school districts — which together enrolled 60 percent of Black students outside of New York City — and disproportionate suspension of Black students across all need/resource classifications of school districts.<sup>12</sup>

**Figure 4: Percent of male students with at least one out-of-school suspension**



Source: New York State Education Department. Unpublished 2016-17 data. Analysis conducted by The Education Trust—New York.

# 2

**BIG 4 AND URBAN/SUBURBAN HIGH-NEED SCHOOL DISTRICTS HAVE THE HIGHEST OVERALL OUT-OF-SCHOOL SUSPENSION RATES — AND NEW YORK CITY HAS THE LOWEST.**

Across New York State, the chance that a school will impose at least one out-of-school suspension on a student varies widely based on the type of school district (see Figure 5).

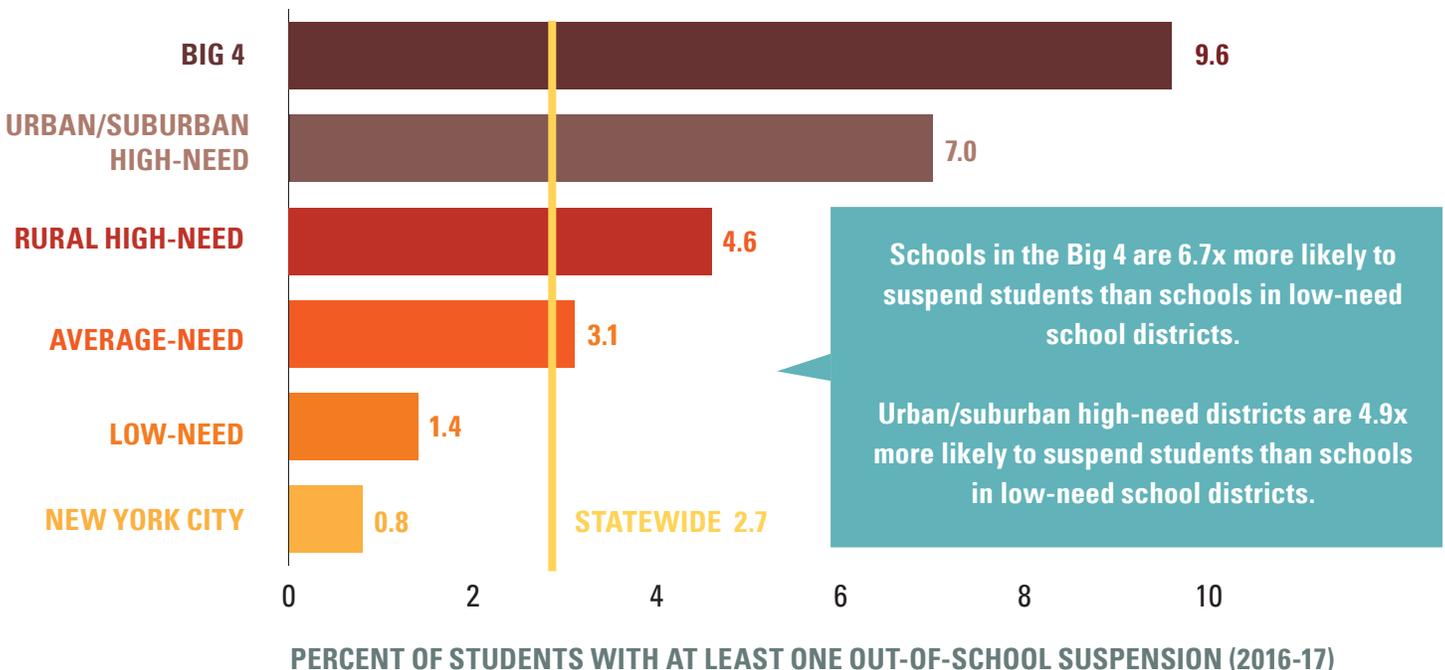
Schools in the Big 4 — Buffalo Public Schools, Rochester City School District, Syracuse City School District, and Yonkers Public Schools — were nearly seven times as likely to suspend students as schools in low-need school districts. Buffalo had the highest overall suspension rate among the Big 4 school districts, with an especially high suspension rate — 19 percent — for Black students (see Figure 6).

In addition, schools in urban/suburban high-need districts were nearly five times as likely to suspend students as schools in low-need school districts.

New York City imposed out-of-school suspensions at a lower rate than all other classifications of school districts in the state. In New York City, unlike in many other school districts, suspensions that last up to five days are considered “Principal’s Suspensions” and are *in-school* suspensions (and therefore are not captured in the data included in this policy brief). *Out-of-school* suspensions — which are “Superintendent’s Suspensions” — are limited to those that last more than five days.<sup>13</sup> Based on separate public data made available by New York City, out-of-school suspensions represented approximately 27 percent of all New York City suspensions in 2016-17.<sup>14</sup> It is important to note that in-school and out-of-school suspensions are both types of exclusionary discipline.

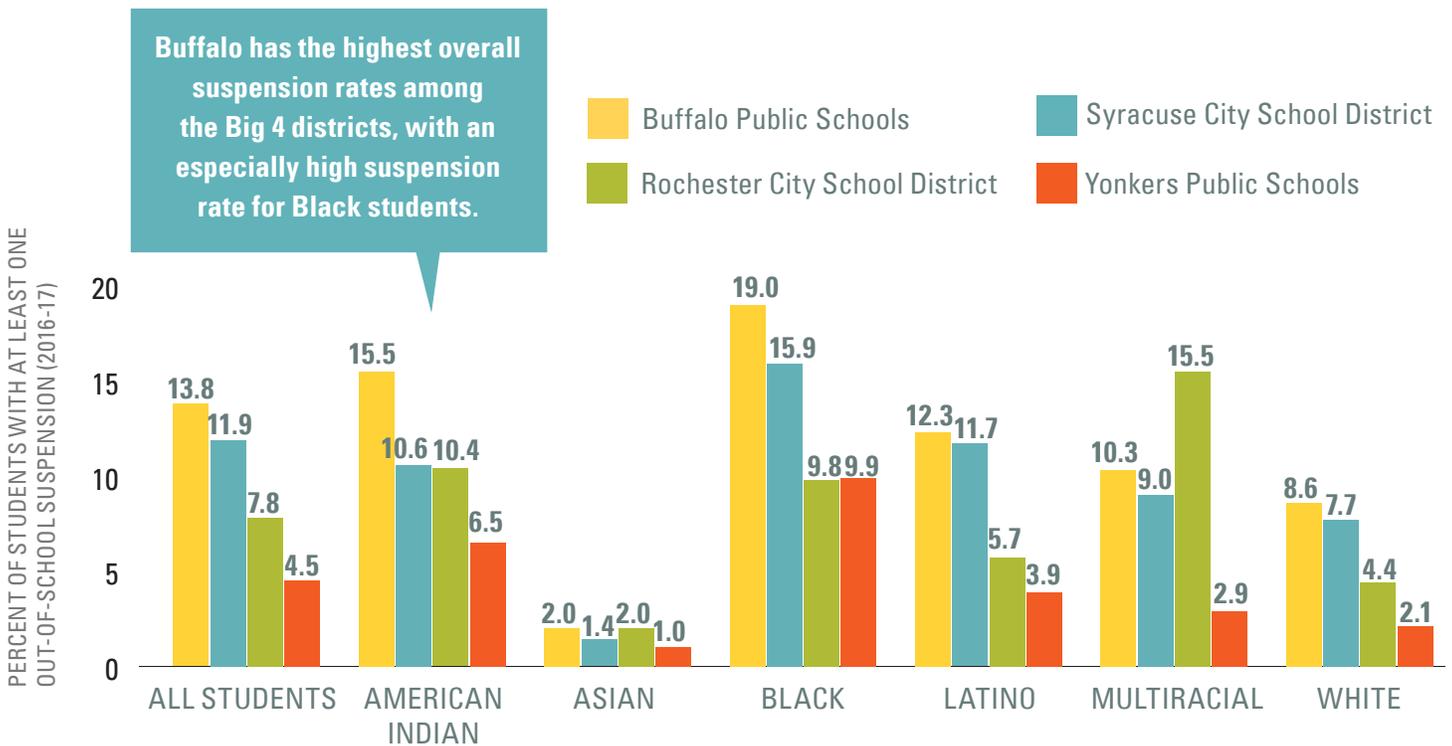
Even within the classifications of school districts with relatively lower overall suspension rates — low- and average-need school districts and New York City — the data reveal that the rate of imposing out-of-school suspensions is far higher in schools with more low-income students than in schools

**Figure 5: Percent of students with at least one out-of-school suspension by school district need/resource capacity category**



Source: New York State Education Department. Unpublished 2016-17 data. Analysis conducted by The Education Trust—New York.

**Figure 6: Percent of students with at least one out-of-school suspension in the Big 4 school districts**



Source: New York State Education Department. Unpublished 2016-17 data. N-sizes are less than 100 students for the following groups; American Indian and Multiracial students in Rochester and American Indian students in Yonkers. All others groups include more than 200 students. Analysis conducted by The Education Trust—New York.

with fewer low-income students (see Figure 7). This finding is consistent with national research showing a correlation between school poverty and overall discipline rates.<sup>15</sup>

### 3 LOW-NEED SCHOOL DISTRICTS AND NEW YORK CITY HAVE THE BIGGEST RACIAL DISPARITIES IN SUSPENSION RATES.

All classifications of New York school districts were at least twice as likely to suspend Black students as their White peers (see Figure 8).

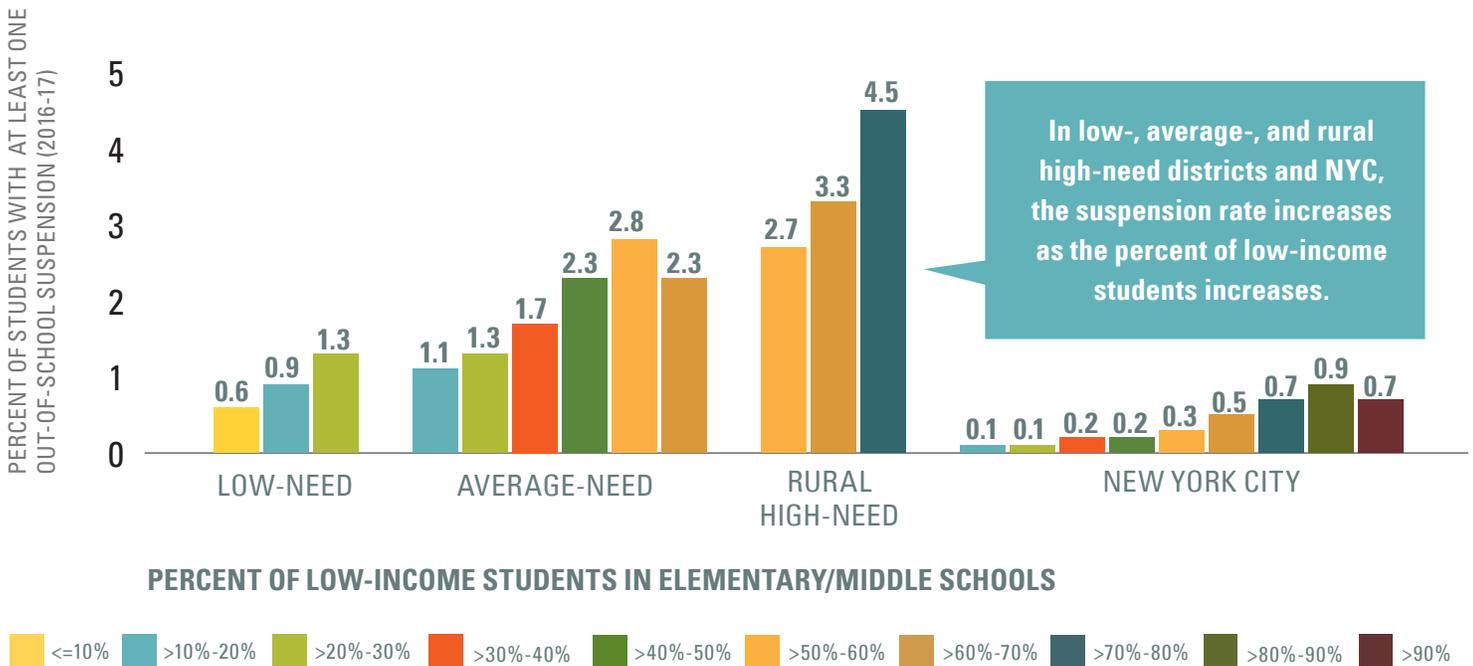
The disparity was greatest in New York City, where the district suspended Black students at a rate more than

five times that of White students. (As noted above, out-of-school suspensions are subject to a different policy in New York City than is typical statewide.)

Low-need school districts also displayed a large disparity in suspension rates. These school districts suspended Black students at a rate nearly five times that of White students. In low-need school districts, Black students represented 4 percent of the student body but 15 percent of all students who received at least one out-of-school suspension (see Figure 9).

It is notable, and has important policy implications, that these two very different types of school districts had *both* the lowest overall suspension rates *and* the greatest disparities in how suspensions are imposed on Black and White students.

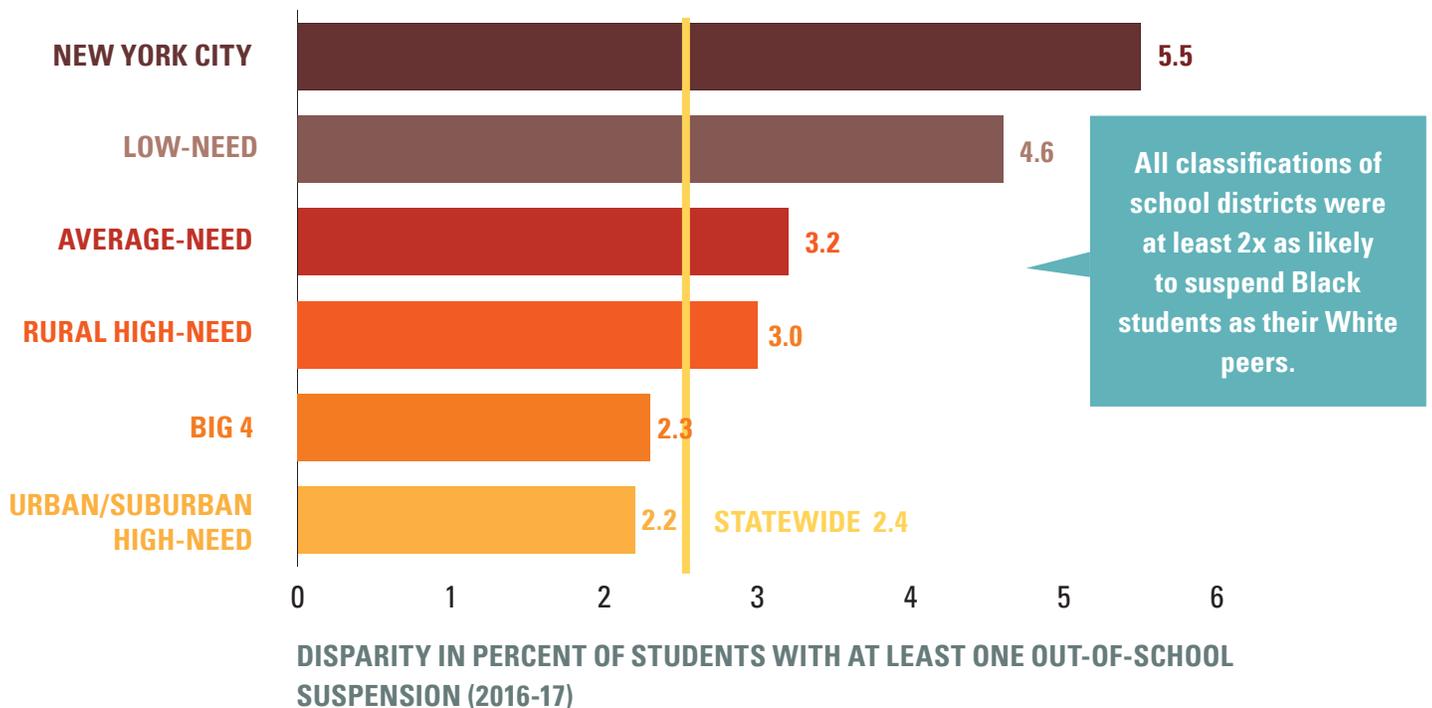
**Figure 7: Suspension rates by percent of low-income students enrolled in the school**



In low-, average-, and rural high-need districts and NYC, the suspension rate increases as the percent of low-income students increases.

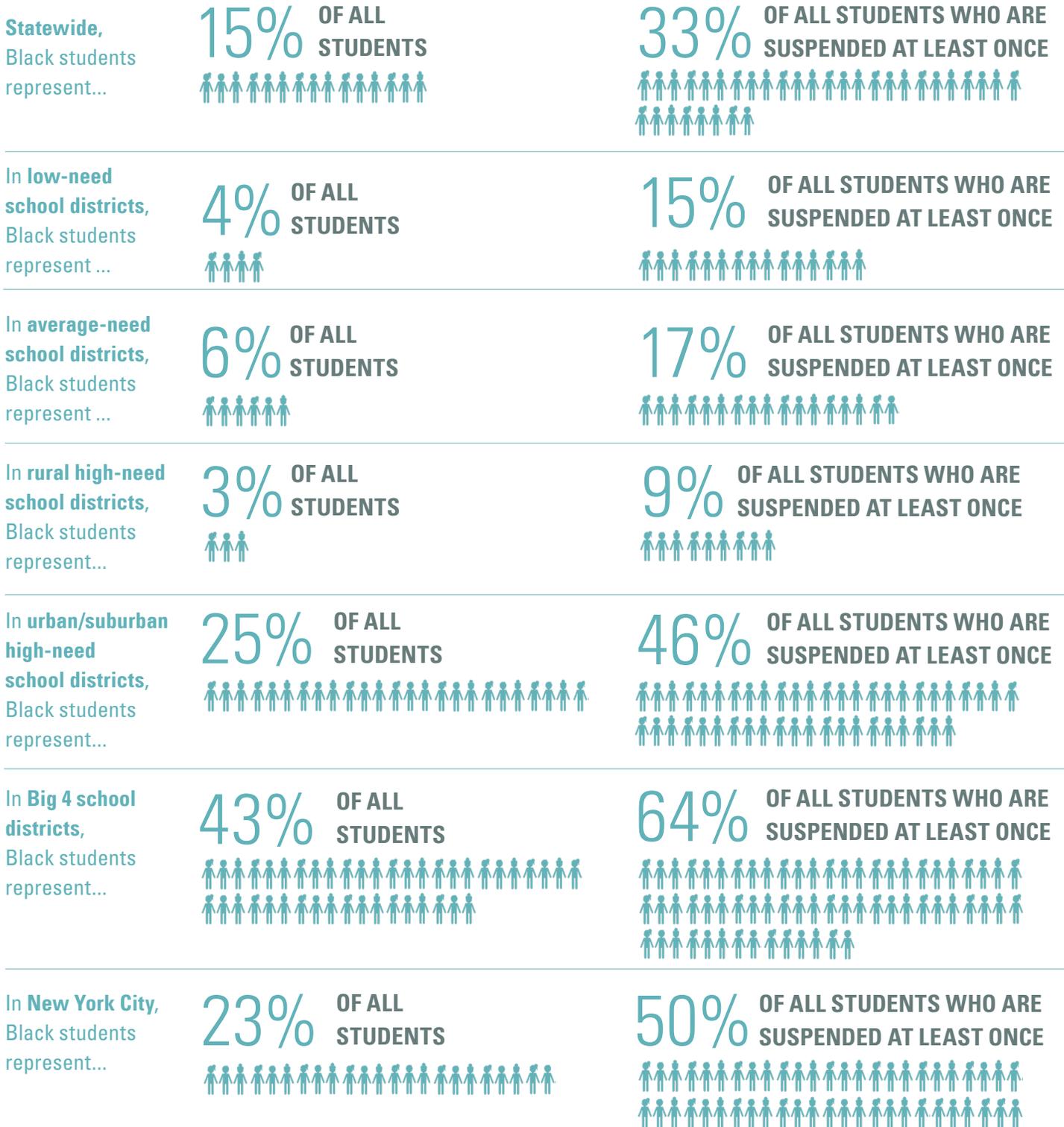
Source: New York State Education Department. Unpublished 2016-17 data. Schools with less than 20 low-income students excluded from analysis. Percent of students with one or more out-of-school suspension(s) is included when the number of elementary/middle schools is more than 20. Analysis conducted by The Education Trust--New York.

**Figure 8: Disparities in school suspension of Black students by school district need/resource capacity category**



Source: New York State Education Department. Unpublished 2016-17 data. Analysis conducted by The Education Trust--New York.

**Figure 9: Disproportionality in school suspension of Black students by school district need/resource capacity category**



Source: New York State Education Department. Unpublished 2016-17 data. Analysis conducted by The Education Trust--New York

**Edward, a teacher at a high-poverty school, said that for many years teachers at his schools relied heavily on suspending students, rather than addressing the underlying reasons for their behavior.**

**His school has a large population of students who live in shelters or foster homes, along with many who have incarcerated parents. Others come from neighborhoods where they are exposed to crime and drugs.**

**“Students who misbehave misbehave for a reason,” Edward said. “And there’s always a reason.”**

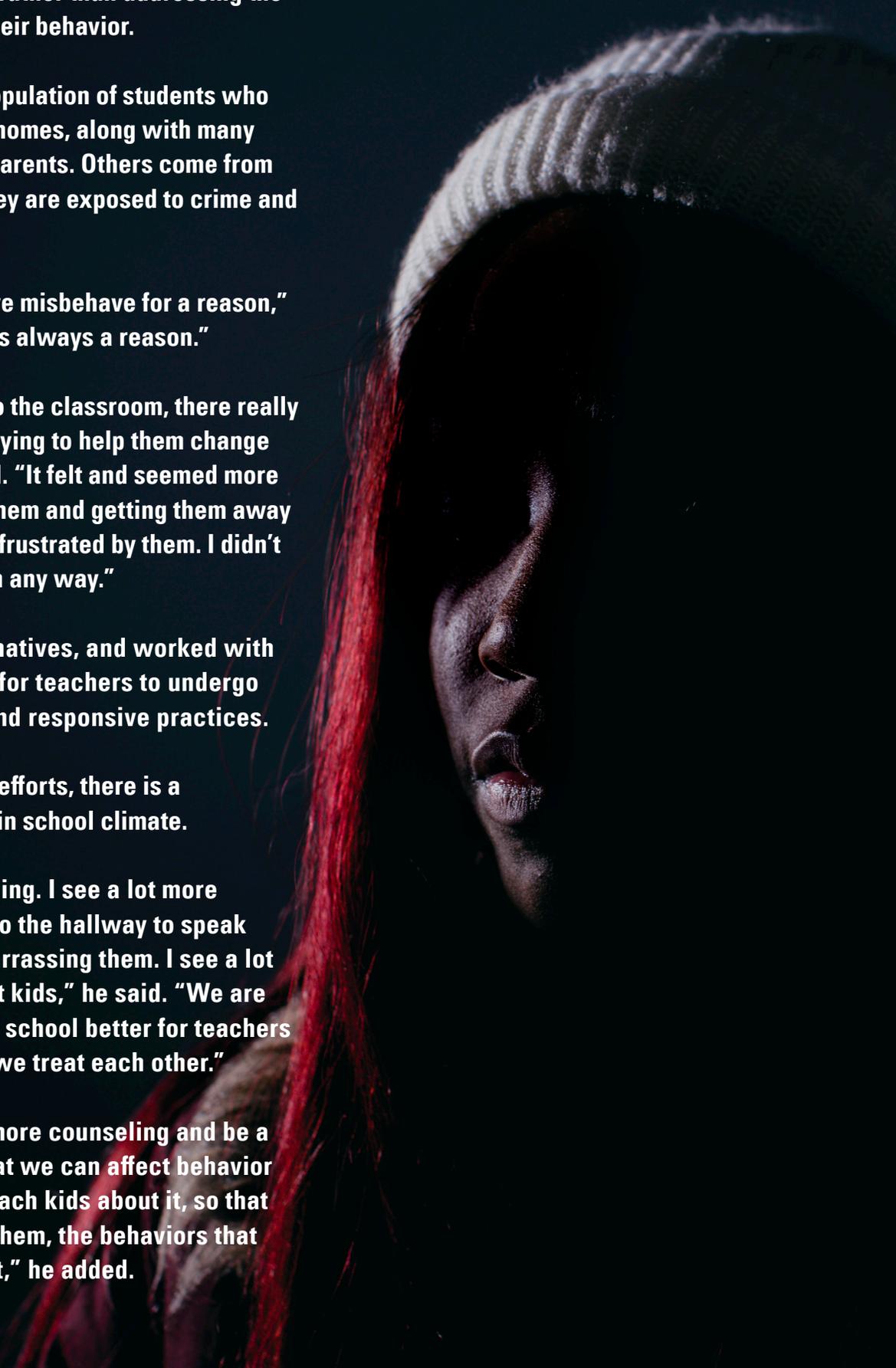
**“When kids went back to the classroom, there really wasn’t much by way of trying to help them change their behavior,” he added. “It felt and seemed more like a way of punishing them and getting them away from a teacher who was frustrated by them. I didn’t feel like it was helping in any way.”**

**So Edward sought alternatives, and worked with his principal to arrange for teachers to undergo training in restorative and responsive practices.**

**Several years into those efforts, there is a noticeably positive shift in school climate.**

**“I see a lot more explaining. I see a lot more teachers pulling kids into the hallway to speak to them, instead of embarrassing them. I see a lot more teachers smiling at kids,” he said. “We are really trying to make the school better for teachers and for kids by the way we treat each other.”**

**“The goal is to do a lot more counseling and be a lot more proactive so that we can affect behavior before it happens and teach kids about it, so that rather than suspending them, the behaviors that caused it no longer exist,” he added.**



## SHORT-TERM POLICY RECOMMENDATIONS

The New York Equity Coalition calls on education leaders across all branches of state government to make 2019 a turning point in moving towards the elimination of suspensions and other exclusionary discipline.

To achieve this goal, the coalition believes that policymakers should address the following three priorities:

### 1 HOLD SCHOOLS ACCOUNTABLE FOR REDUCING SUSPENSIONS AND OTHER EXCLUSIONARY DISCIPLINE.

We support and are grateful to NYSED and the Board of Regents for including out-of-school suspensions in the state's new accountability system under the Every Student Succeeds Act (ESSA). This important step will ensure that schools are held accountable for the out-of-school suspension rates of *all* groups of students.

#### As important next steps:

- We commend NYSED for **strengthening the draft ESSA regulations** regarding suspensions in response to public comments. **It is important that the Board of Regents approve this updated language and specific implementation timeline in the final regulations.** The updated draft regulation includes vital details on how the out-of-school suspensions accountability indicator will work and provides predictability to school districts and educators. The updated draft regulation specifies that the out-of-school suspensions accountability indicator will be implemented as follows:
  - 2017-18 suspension results will be used as the baseline to measure progress;
  - 2018-19 suspension results will be used to provide schools with a rating for each separate group of students for which the school is held accountable (e.g., low-income students, students of color, English language learners, and students with disabilities);
  - 2019-20 suspension results will be used to require schools that receive the lowest rating level for any group of students to develop an action plan; and
  - 2020-21 suspension results represent the first year that the out-of-school suspension indicator will be used as part of the methodology to determine the accountability status of schools and districts.<sup>16</sup>
- NYSED should commit to provide public data and then expand the accountability indicator to incorporate additional forms of exclusionary discipline, including but not limited to **classroom removals, in-school suspensions, expulsions, summonses, and school-based arrests.** We recognize that NYSED would have to implement additional data collection in order to make this change — a step that we recommend putting in place for the 2019-20 school year.
- To help schools implement smart policies that increase student engagement and safety, we support NYSED's work to implement a **statewide school climate survey** that can provide valuable data to educators and the public. In order to reach statewide implementation with adequate support for schools within the next year, NYSED should be provided with adequate resources to accomplish this important work.

# 2

## STRENGTHEN LAWS AND REGULATIONS TO STOP SUSPENSION ABUSE.

### How to do it:

- We support the provisions of the *Safe and Supportive Schools Act (A3873/S3036 in the last legislative session)*, which would generally ban suspensions in kindergarten through second grade, enact a cap on the total number of days a student can be suspended, and require school districts to use developmentally appropriate, graduated, and proportionate discipline and implement restorative practices.
- NYSED should also update its **regulations to encourage the use of developmentally appropriate and proportionate interventions and supports** in disciplinary matters, rather than unrestricted authority to suspend, and to expand the use of restorative practices to build and encourage positive behavior and school climate.
- In 2014, President Obama announced guidelines that made clear the U.S. Department of Education could find schools in violation of civil rights law for discriminatory disciplinary policies or disproportionate disciplinary rates. Unfortunately, the current administration has asked a task force to consider “repeal of the Obama Administration’s ‘Rethink School Discipline’ policies”<sup>17</sup> and the U.S. Secretary of Education has publicly expressed skepticism about their scope.<sup>18</sup> In response, state Attorneys General and civil rights leaders have mobilized to protect the guidelines.<sup>19</sup> New York should lead by **enacting and enforcing these provisions at the state level and investigate racial disparities** in how schools impose suspensions and other exclusionary discipline measures.
- NYSED should require **teacher and school leader preparation programs** to

include instruction in restorative practices, developmentally appropriate, graduated, and proportionate discipline practices; trauma-informed practices; and strategies to combat implicit bias. For example, the NAACP Legal Defense and Educational Fund points to the “wise feedback” intervention, which “is designed to improve communication between students and teachers in a very practical way. Researchers have found that students trust teachers more when teachers are thoughtful about how they provide critical academic feedback or ‘wise feedback.’ ‘Wise feedback’ is feedback that sets high standards for students, but assures students that they can meet those standards.”<sup>20</sup>

# 3

## INVEST IN SUPPORTIVE LEARNING ENVIRONMENTS FOR ALL STUDENTS.

### How to do it:

- NYSED should dedicate a portion of its **federal ESSA funding to implement restorative practices**, including professional development for educators. It should also require schools with high suspension rates overall or that are disproportionate for any subgroup of students to use ESSA funding for this purpose and to implement practices that address implicit bias.
- In the upcoming state budget process, state leaders should provide necessary funding to **support and expand restorative practices**, mental health services, and school counselors. The New York Equity Coalition’s earlier report, *Within Our Reach*, found that Latino and Black students are twice as likely as their White peers to attend a middle school without a single school counselor, and that 42 percent of Latino students and 40 percent of Black students attend high schools with more than 250 students for each school counselor, compared to 27 percent of White students.<sup>21</sup> ■

# THE TOLL SUSPENSIONS TAKE ON STUDENTS



Watching people get suspended for minor things stresses you out. You think it could be you the next time.



It is very hard to catch up when you miss even a few days of school. They don't make it easy for students to stay on track.



It just made me feel like it's the students against the adults.



I didn't feel like there was anyone at the school who would support me. It always seems to be whatever the teacher says, and no one listens to the students.



Once I came back, it was sort of hard to catch up. You lose out on the time. You lose out on the lessons. You just lose those days.



At the school I go to if you get in trouble they are on you. They have people watching to see what you do. I feel like they're just trying to get you again.

## IT DOESN'T HAVE TO BE THIS WAY



We want to make it so students know if they are having a problem they can rely on any staff member who they might have a relationship with.



Relationships are at the core of what we do.



It's about doing this with each other, not to each other.



When we sit down in a restorative justice circle, it's not adults and kids. We're all people.



We don't just suspend. There's a long process of parent outreach, student outreach, and interventions. The everyday behaviors are not enough to get someone suspended.

## DATA NOTE

Unless otherwise noted, all data findings in this policy brief are based on unpublished preliminary 2016-17 school-level Basic Educational Data System (BEDS) data provided by the New York State Education Department. Data reflect the number of students reported “suspended from school (not including in-school suspensions) for one full day or longer anytime during the school year.... A student is counted only once, regardless of whether the student was suspended one or more times during the school year.”<sup>22</sup>

The 2016-17 dataset included a total universe of 4,455 district-run schools (suspension data was not provided for charter schools).

The schools were categorized into elementary/middle and high schools using the grade organization codes found in the NYSED school directory. A school with a grade organization code of “1,” “2,” or “3” was counted as an elementary/middle school and a school with a grade organization code of “4,” “5,” or “6” was counted as a high school. In total, this resulted in 3,158 elementary/middle schools, 1,263 high schools, and 34 schools with either no grade organization code or a code of “0” or “8.” The 34 schools that could not be categorized as elementary/middle or high schools were excluded from our analysis.

Of the 3,158 total elementary/middle schools, the following schools were excluded from the analysis:

- 19 schools with no suspension data;
- 19 District 75 schools;
- 3 Special Act schools;
- 7 schools with a total enrollment of less than 50 students; and
- 24 schools with unreliable suspension data

(e.g., the number of students suspended by race/ethnicity exceeded the total enrollment of students by race/ethnicity, total suspensions exceeded the sum of suspensions by race/ethnicity, etc.).

In total, 3,086 (98 percent) of the 3,158 elementary/middle schools were included in the analysis.

Of the 1,263 total high schools, the following schools were excluded from the analysis:

- 10 high schools with no suspension data;
- 37 District 75 schools;
- 20 Special Act schools;
- 2 schools with a total enrollment of less than 50 students; and
- 23 schools with unreliable suspension data (e.g., the number of students suspended by race/ethnicity exceeded the total enrollment of students by race/ethnicity, total suspensions exceeded the sum of suspensions by race/ethnicity, etc.).

In total, 1,171 (93 percent) of the 1,263 high schools were included in the analysis.

Other important issues relating to suspensions — including suspension rates for students with disabilities and suspension rates for pre-kindergarten students — are beyond the scope of the dataset.

Analysis was conducted by The Education Trust–New York on behalf of The New York Equity Coalition.

## ENDNOTES

<sup>1</sup> The names of all students and teachers quoted in this policy brief have been changed.

<sup>2</sup> New York State Education Department, “2016-17 Public School Suspension Counts,” (Provided upon request by The Education Trust—New York). Findings are based on data from district-run schools and do not include charter schools. Additional information on data sources can be found in the Data Note at the end of the report.

<sup>3</sup> U.S. Government Accountability Office, “Discipline Disparities for Black Students, Boys, and Students with Disabilities,” (Washington, D.C.: March 2018). Available at: <https://www.gao.gov/assets/700/690828.pdf>.

<sup>4</sup> Russell Skiba, Suzanne Eckes, and Kevin Brown, “African American Disproportionality in School Discipline: The Divide Between Best Evidence and Legal Remedy,” *New York Law School Law Review* 54 (2009/2010). Available at: <http://www.indiana.edu/~equity/docs/Skiba%20et%20al%2054%204.pdf>.

<sup>5</sup> Russell J. Skiba, et al., “The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment,” *The Urban Review* 34, No. 4 (December 2002). Available at: <http://www.indiana.edu/~equity/docs/ColorofDiscipline2002.pdf>.

<sup>6</sup> NAACP Legal Defense and Educational Fund, Inc., “Locked Out of the Classroom: How Implicit Bias Contributes to Disparities in School Discipline,” (New York, N.Y.: 2017). Available at: [https://www.naacpldf.org/files/about-us/Bias\\_Reportv2017\\_30\\_11\\_FINAL.pdf](https://www.naacpldf.org/files/about-us/Bias_Reportv2017_30_11_FINAL.pdf).

<sup>7</sup> U.S. Department of Justice and U.S. Department of Education, “Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline,” (Washington, D.C.: January 8, 2014). Available at: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>.

<sup>8</sup> Robert Balfanz, Vaughan Byrnes, and Joanna Fox, “Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade,” (Los Angeles, CA: The Civil Rights Project, UCLA, 2013). Available at: <https://escholarship.org/uc/item/4sq993qd>.

<sup>9</sup> Trevor Fronius, et al., “Restorative Justice in U.S. Schools: A Research Review,” (San Francisco, CA: WestEd, 2016). Available at: [https://jprc.wested.org/wp-content/uploads/2016/02/RJ\\_Literature-Review\\_20160217.pdf](https://jprc.wested.org/wp-content/uploads/2016/02/RJ_Literature-Review_20160217.pdf).

<sup>10</sup> Ibid.

<sup>11</sup> Throughout this report suspension rates refer to the share of students on whom a school imposed at least one out-of-school suspension during the 2016-17 school year, unless otherwise noted. Additional information on data sources can be found in the Data Note at the end of the report.

<sup>12</sup> “Classifications” of school districts refer to the New York State Education Department’s categorization of school districts into the following need/resource capacity categories: New York City, large city (Big 4), urban/suburban high-need, rural high-need, average-need, and low-need.

<sup>13</sup> New York City Department of Education, “Chancellor’s Regulation A-443.” Available at: <https://www.schools.nyc.gov/docs/default->

[source/default-document-library/a-443-3-5-04-english](https://www.schools.nyc.gov/docs/default-document-library/a-443-3-5-04-english).

In addition, in New York City: “An elementary or middle school student (grades K-8), who is awaiting his/her superintendent’s suspension hearing, must be provided with a full-time instructional program. A high school student (grades 9-12), who is awaiting his/her superintendent’s suspension hearing, must be provided with a minimum of two hours per day of instruction. The instruction may be provided before school hours, after school hours or during school hours.... Once a superintendent’s suspension hearing has been held and if the student is thereafter placed on continued or extended suspension... the student must be provided with a full-time instructional program.”

<sup>14</sup> New York City Department of Education, “Student Discipline: 2016-17,” <https://infohub.nyced.org/reports-and-policies/government/intergovernmental-affairs/suspension-reports>, (downloaded November 24, 2018).

<sup>15</sup> U.S. Government Accountability Office, “Discipline Disparities for Black Students, Boys, and Students with Disabilities.”

<sup>16</sup> New York State Education Department, “Proposed Emergency Adoption of Amendments to Sections 100.2(ff), 100.2(m), 100.18, 100.19, and Part 120 of the Commissioner’s Regulations and the Addition of a New Section 100.21 of the Commissioner’s Regulations Relating to the Implementation of the State’s Approved Every Student Succeeds Act (ESSA) Plan,” (September 12, 2018; Revised September 16, 2018). See §100.21(b)(2)(xi), available at: <http://www.nysed.gov/common/nysed/files/essa-september-2018.pdf>.

<sup>17</sup> The White House, “Fact Sheet: President Donald J. Trump is Taking Immediate Actions to Secure Our Schools,” (Washington, D.C.: March 12, 2018). Available at: <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-taking-immediate-actions-secure-schools>.

<sup>18</sup> Betsy DeVos, “Listening Sessions on School Safety and Climate,” *Betsy’s Blog*, U.S. Department of Education, April 6, 2018, <https://blog.ed.gov/2018/04/betsys-blog-listening-sessions-school-safety-climate>.

<sup>19</sup> Office of the Attorney General, State of California, “Re: States’ opposition to withdrawal of School Discipline Guidance Package,” (Sacramento, CA: August 24, 2018). Available at: [https://ag.ny.gov/sites/default/files/federal\\_school\\_discipline\\_guidance\\_multistate\\_ag\\_letter\\_v.6\\_08.24.2018.pdf](https://ag.ny.gov/sites/default/files/federal_school_discipline_guidance_multistate_ag_letter_v.6_08.24.2018.pdf). Signatories include New York Attorney General Barbara Underwood.

The Leadership Conference on Human and Civil Rights, “Letter to Secretary DeVos: Preserve the School Discipline Guidance,” (Washington, D.C.: March 22, 2018). Available at: <https://civilrights.org/letter-to-secretary-devos-preserve-the-school-discipline-guidance>.

<sup>20</sup> NAACP Legal Defense and Educational Fund, Inc., “Locked Out of the Classroom: How Implicit Bias Contributes to Disparities in School Discipline.”

<sup>21</sup> “Within Our Reach: An agenda for ensuring all New York students are prepared for college, careers, and active citizenship,” (New York, N.Y.: The New York Equity Coalition, 2018). Available at: <https://equityinedny.edtrust.org/wp-content/uploads/sites/14/2018/05/Within-Our-Reach.pdf>.

<sup>22</sup> See: <https://data.nysed.gov/glossary.php?report=reportcards>.

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