

SOLUTIONS NOT SUSPENSIONS

April 16, 2020

Betty A. Rosa, Chancellor
Board of Regents
New York State Education Building
89 Washington Avenue
Albany, NY 12234

Dear Chancellor Rosa:

We are a statewide group of education attorneys, advocates and organizers, families and young people, including the members of the Solutions Not Suspensions Coalition. Together, we work to improve school climate and stop the school-to-prison and school-to-deportation pipelines. The primary focus of the Solutions Not Suspensions Coalition has been working to pass the Solutions Not Suspensions Act, (S. 767/ A. 1981), which would end suspensions for K-3 students, use restorative justice and other alternative discipline in place of harsh and ineffective removals from school, limit the amount of time that a student can be out of school to 20 days, and provide access to work and alternative instruction during the suspension so that students who are suspended can get back on track. While every signatory to this letter does not work on legislative advocacy, all share the same goals with regard to school climate.

Today, we write to you in the hopes that we may work together to minimize the long-term traumatic impact of the COVID-19 health pandemic on students and school communities. We are calling on you, on behalf of all New York school children, to adopt policies to ensure every child has the best possible chance to make up for this year's lost classroom time. Schools are currently closed in New York State through May 15 and in New York City through the end of the school year. As we approach return dates, school districts will face the difficult task of resuming in-person learning and rebuilding their school communities. We are calling on you, on behalf of all New York school children, to take immediate steps to compel all districts to promote equity and togetherness in their handling of school discipline and student mental and behavioral health. We are also sharing this letter publicly so districts can act on their own immediately.

In this time of crisis, giving students a sense of community, stability, and belonging goes a long way toward managing emotions and stressors. To that end, we propose the following measures to help minimize additional trauma, stigma and isolation for students. Accordingly, we ask that you issue statewide guidance, consistent with mental health and CDC recommendations as well as restorative justice principles, which include:

- **Immediate reinstatement of all students to their home classes**, regardless of suspension or discipline status, so they can benefit from the same remote instruction as their peers and remote access to their regular teachers. Further stigmatization and isolation of suspended students, the vast majority of whom have disabilities, are young

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people of color, have adverse childhood experiences (ACEs), or are otherwise marginalized, serves no meaningful purpose;

- **Permanent withdrawal of suspensions pending at the time remote instruction began.** There is no value in postponing suspensions to a later date or to next school year, only extended harm;
- **A moratorium on new suspensions** during periods of remote learning. Students experiencing stress and trauma need support now more than ever;
- **Expanded availability of counseling** and other mental / behavioral health services for all students to lessen the impact of the health crisis and help students maintain a sense of safety and normalcy;
- **Expanded behavior supports and interventions** in lieu of suspensions and discipline throughout this remote learning period and in the long term;
- **Development of a trauma-informed plan for the successful return of all students** so that they have a fresh start and regain a sense of community after this crisis;
- **Reaffirmation that students with 1:1 behavior paraprofessionals on their IEPs/504 Plans must have access to remote paraprofessional support during remote instruction** and that paraprofessionals should receive training through school districts and NYSED via interactive trainings/webinars to learn how to effectively support students remotely.

Keeping students connected to school communities is more important now than ever. In an April 2020 survey of New York parents, 89 percent expressed concern about their children staying on track academically.¹ Students who miss 20 days or more in a single year have a dramatically reduced chance of graduating, and this prolonged period of remote learning is taking a toll on every child. For students who served suspensions or had suspensions pending before schools closed, this toll is even greater.

New York's overreliance on suspension hurt young people even before the pandemic: in the 2015-2016 school year, students across New York State lost 686,000 days of instruction to suspension, often for minor misbehavior.² In 2017-18, New York's education system imposed out-of-school suspensions on an average of at least one student every minute of every school day.³ Further, suspensions are used in a discriminatory manner against students of color, violating their civil rights: statewide, 1-in-5 Black boys and 1-in-7 Black girls were suspended from school in the 2015-16 school year. Students with disabilities, who are likely to have the hardest time making up for lost school days, account for more than a third of suspensions, often in violation of their due process and IDEA rights.

Many of the students we represent have already missed a great deal of instruction and class time due to suspensions, and are now missing in-classroom instruction because of the pandemic. The challenges faced by students across the State as they transition to remote

¹ The Education Trust, <https://newyork.edtrust.org/covid-19/#learn>, April 8, 2020.

² U.S. Department of Education, [Civil Rights Data Collection](#)

³ Source: Analysis is based on unpublished 2017-18 district-level suspensions data provided by the New York State Education Department and conducted by The Education Trust–New York

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instruction are magnified for those already hurt the most by draconian discipline-- students with disabilities, those from low-income households, and students of color.

We all want New York's students to succeed. We believe by implementing the provisions above, we can move towards a fairer New York and help students return to school with a fighting chance. We would welcome the opportunity to discuss this request with you and would be happy to set up a conference call or remote meeting to discuss these issues as soon as possible. For follow-up, please contact Johanna Miller at jmiller@nyclu.org or (212) 607-3352.

Very truly yours,

Solutions Not Suspensions Coalition

Advocates for Children of New York
Alliance for Quality Education
Brooklyn Defender Services
Bronx Defenders
Children's Defense Fund New York
Committee for Hispanic Children & Families (CHCF)
Families Together in New York State
Girls for Gender Equity
The Long Island Advocacy Center
Make The Road New York
New York Civil Liberties Union
Student Advocacy
Westchester Children's Association
Urban Youth Collaborative
 Future of Tomorrow
 Make the Road New York
 Sistas and Brothas United
 Rockaway Youth Task Force

Non-Member Signers

The Brotherhood-Sister Sol
Karen A. Riley, Executive Director/Chief Attorney, Children's Rights Society, Inc.
Dignity in Schools New York
The Education Trust--New York
Legal Services NYC
Neighborhood Defender Service of Harlem
Open Buffalo
Partners for Dignity and Rights
Restorative Justice Initiative
Teachers Unite
United Way of New York City