



Testimony of

Moira Flavin

Policy Associate for Early Childhood Education, Education, and Youth Services
Citizens' Committee for Children

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Good morning. My name is Moira Flavin and I am the Policy Associate for Early Childhood Education, Education, and Youth Services at Citizens' Committee for Children of New York (CCC). CCC is a 68-year-old independent, multi-issue child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated and safe. I would like to thank Chair Jackson, as well as the members of the Education Committee, for holding today's hearing to discuss the Department of Education's data on student suspensions. We also thank the Council for passing Introduction 442, a bill requiring the DOE to release the data, as we feel that is an important first step in addressing this important issue.

CCC is troubled by the number of children being suspended from New York City's public schools, and by the racial disproportionality within that figure. We feel strongly that it is counterintuitive to remove students from school when successful educational outcomes result from engaging children and youth in school.

CCC is committed to finding effective ways to keep youth engaged in school, so that they can graduate college and career ready, rather than on track to drop out, or worse, to end up in the juvenile justice system. We have long advocated for quality education for all of New York City's children, and know that students are not being educated if they are regularly removed from the classroom. Furthermore, certain groups of students are disproportionately affected by schools' punitive disciplinary practices.

CCC is a member of the New York City School-Justice Partnership Task Force: Keeping Kids in School and Out of Courts, an initiative coordinated by Judge Judith Kaye, the New York Permanent Judicial Commission on Justice for Children and Advocates for Children. Through this work, we have learned a great deal about New York's suspension data, as well as data and programmatic initiatives from other states.

In my testimony today, I will highlight some of the most concerning NYC suspension data, discuss the negative effects of suspensions on student outcomes, and cite examples of interventions schools both in New York and nationwide have implemented to decrease student suspensions. Lastly, I will also offer CCC's recommendations to inform efforts to decrease suspensions in New York City.

New York City Department of Education data show that the number of suspensions increased to 73,441 in the 2010-2011 school year, up from 71,721 the previous school year. Further, the data show that while students are receiving fewer superintendents' suspensions, which remove students from school for six days to several months (depending on the seriousness of the infraction), many more students are receiving principals' suspensions, which last for one to five days and are handed down for more minor offenses. Moreover, students of color and students with special needs are more likely than their peers to be suspended. For example, though Black students make up roughly a third of the student population citywide, more than half of students suspended last year were Black. Latino students make up about 40 percent of total students, and about 37% of suspended students were Latino. Special education students make up approximately 17% of the student population citywide, and yet they accounted for nearly

a third of all students suspended. Data for some specific schools in New York City show higher numbers of suspensions than students enrolled, while others show the frequent use of suspensions to discipline very young elementary school children, including kindergarteners.¹

Research shows that students who are suspended are much less likely to be successful in school. A groundbreaking study released in 2011 followed nearly 1 million Texas students and showed suspensions to be correlated with grade repetition, lower graduation rates, and a greater likelihood of involvement in the juvenile justice system.² Other studies have found that youth not in school are more likely to fight, use drugs and alcohol, and engage in risky sexual behavior.³ Furthermore, a high rate of suspensions within schools is not associated with students and teachers feeling safer there.⁴ Incidentally, the New York Civil Liberties Union reports that, while the number of school safety officers has increased from 3,200 to over 5,000 since 2000, there are still only 3,000 guidance counselors in all of New York City's public schools.⁵ It is clear that New York City's efforts to address students' behavior punitively have not been successful and we need to pursue restorative justice models to better support students.

There are a number of promising practices in place at schools and districts across the nation aimed at reducing the number of suspensions and keeping students engaged in school. For example, Positive Behavioral Interventions and Supports (PBIS) has been successfully implemented in schools in New York City, along with other cities nationwide.⁶ In fact, Los Angeles Unified School District has implemented PBIS in all of its schools throughout LA County. PBIS is a systems approach that seeks to establish a school culture and individualized behavioral supports necessary for all students to achieve academic and social success. Schools using PBIS define, teach, and reinforce expectations for appropriate behavior before misconduct occurs, and provide targeted, supportive interventions for the most at-risk students.

In New York City, there are currently approximately 200 schools using PBIS. The Department of Education is studying suspension rates in schools that have implemented PBIS and culturally sensitive PBIS and it appears that there is a positive impact on reducing schools suspensions. For example, the DOE has reported that, of the 14 NYC schools with PBIS that were also cited as Persistently Dangerous by the State, 9 (64%) showed decreases in total suspensions, and 12 (86%) were removed from the Persistently

¹ See <http://www.nytimes.com/schoolbook/2011/11/01/city-reports-more-suspensions-but-serious-crimes-declined/> November 1, 2011.

² School Discipline Study Raises Fresh Questions. *The New York Times*. July 19, 2011
<http://www.nytimes.com/2011/07/19/education/19discipline.html>

³ Center for Disease Control, 1994 <http://www.cdc.gov/mmwr/preview/mmwrhtml/00025174.htm>

⁴ Steinberg, Allensworth and Johnson, 2011
http://www.solutionsthatworkpa.org/uploadedFiles/External_Sites/Solutions_That_Work/SafeEnvironment.pdf

⁵ New York's Pushout Crisis: Why Students Don't Graduate. *Gotham Gazette*, September 2011.
<http://www.gothamgazette.com/article/education/20110927/6/3611>

⁶ Los Angeles Unified School District and Baltimore County are also examples of school districts that have implemented PBIS and successfully decreased the number of suspensions.

Dangerous list. Further, of the 16 schools cited by the State for disproportional rates of suspensions of students with disabilities that have been in NYS PBIS for more than a year, 14 (88%) saw significant reductions or no increase in suspensions.⁷

Restorative justice approaches have also shown to be successful in reducing the number of suspensions in schools. These models are cooperative approaches to discipline that include all stakeholders. For example, West Philadelphia High School, on Pennsylvania's "Persistently Dangerous Schools" list for six years, implemented restorative justice techniques in 2007 and saw a 52% decrease in violent acts and serious incidents from 2007-2008 compared to the prior year, and an additional 40% in 2008-2009. West Philadelphia High School also saw decreases in the number of students suspended and the number of students suspended multiple times over two years.⁸ Cole Middle School, in West Oakland, California, is another example of a school that saw decreases in student suspensions after implementing restorative justice initiatives. At Cole, suspensions declined by 87% and expulsions were reduced to zero during the implementation of restorative justice as an alternative to a zero-tolerance policy.⁹

New York City's public school children deserve a quality education that prepares them for academic success, college success and career success. It is unlikely that this can be accomplished when children and youth are consistently removed from the classroom. Furthermore, the racial disproportionality of this practice, as well as the frequency of suspensions of special needs children, is very alarming. CCC recommends the City consider the following strategies to decrease the number of suspensions and better engage students in school:

- Consider implementing, in a culturally competent way, Positive Behavioral Interventions and Supports (PBIS) citywide.
- Require individual schools to release their suspension data so that the DOE can look for trends and provide support to schools as necessary and the public dialogue about this important issue can continue.
- Offer training and support to teachers on classroom management techniques as a way to prevent suspensions from occurring.
- Invest in hiring social workers and guidance counselors to help students address social, emotional, and behavioral issues in supportive ways.
- Expand the number of schools with school-based mental health services.
- Explore restorative justice models such as youth mediation or youth court, as ways to involve youth in decision-making within their schools.
- Promote youth civic engagement throughout the school day and in extracurricular activities in order to better connect students to their schools and communities.

⁷New York City PBIS Technical Assistance Center Update: Adaptation, Alignment and Integration. National PBIS Leadership Forum, October 2011.

www.pbis.org/common/cms/documents/Forum11.../E7_Moorthy.ppt

⁸Improving School Climate: Findings from Schools Implementing Restorative Justice. International Institute of Restorative Practices, 2009. <http://www.safersanerschools.org/pdf/IIRP-Improving-School-Climate.pdf>

⁹School-Based Restorative Justice as an Alternative to Zero-Tolerance Policies: Lessons from West Oakland. December 2010. http://www.law.berkeley.edu/files/11-2010_School-based_Restorative_Justice_As_an_Alternative_to_Zero-Tolerance_Policies.pdf

- Continue to support and strengthen alternative programs, such as transfer schools, Young Adult Borough Centers, and Learning to Work and GED programs.

CCC thanks the City Council Education Committee for holding this important hearing. Ensuring the success of all New York City public school students requires us to continue to analyze the suspension data critically and invest in programs shown to be effective in keeping students engaged in school. CCC strongly believes that it is counterintuitive to suspend students from school when the goal is to get them connected to the school community and on track for success.

Thank you for the opportunity to testify.