



The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

The Honorable Brian A. Benjamin  
Lieutenant Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

February 23, 2022

Dear Gov. Hochul and Lt. Gov. Benjamin,

We write to you as the Solutions Not Suspensions Coalition, a statewide coalition of education attorneys, advocates, organizers, families and young people working to advance policies that improve school climate and student learning. Namely, we are advocating for the Solutions Not Suspensions Act (A.5197/ S.7198), which is recommended in the New York State Black, Puerto Rican, Hispanic and Asian Legislative Caucus' 2022 People's Budget and is included in New York City Public Advocate Jumaane Williams' 2022 leading state recommendation to establish healing-centered schools.

We were pleased that you recognized in your State of the State priorities the need to move away from ineffective and discriminatory exclusionary discipline practices, such as suspensions, and have included funding for positive school climate programs. But more must be done. According to the Black, Latino and Asian Caucus' 2022 People's Budget, "in New York State, Black students are twice as likely to be suspended for minor misbehaviors than their white peers." It continues that:

For far too long, schools across the country and New York turned to zero-tolerance school discipline policies using harsh and punitive discipline and policing for young people, especially Black and Brown youth. Criminalizing normal youthful behavior has created a school-to-prison pipeline pushing students in front of police officers, prosecutors, and judges instead of guidance counselors, social workers and principals. The racial disparities in suspensions, expulsions, and arrests in schools have created two very different learning experiences for Black and Latino youth, LGBTQ youth, and students with disabilities and their white peers.

While several other states have enacted policies to eliminate or reduce punitive discipline, our state law on school discipline still relies heavily on removing students from their school communities as punishment. This breaks the bonds between students and teachers and has a demonstrated biased impact on our students. Across New York, students of color, students with disabilities, and gender non-conforming students continue to be disproportionately suspended and removed from their schools, overwhelmingly for minor infractions or behaviors that are typical for children and youth.

The Solutions Not Suspensions Act (A.5197/ S.7198) is a necessary step to ensure the state's most vulnerable and marginalized students – Black students, Native students, Latinx students, students with disabilities and gender non-conforming students – are no longer pushed out of school because of ineffective and biased discipline policies. It is for this reason that New York City Public Advocate Jumaane Williams included the Solutions Not Suspensions Act as part of his proposal to establish healing-centered schools.

The Solutions Not Suspensions Act correctly establishes that suspensions are the last resort to student misbehavior, never the first. Instead, it promotes methods, such as those referenced in your State of the State book, that are designed to hold students accountable while helping them learn from their mistakes. Importantly, this bill would allow our state to take a big step away from the biased policies of the past.

Specifically, the bill will:

- End the use of suspensions for K-3 students;
- Promote the use of restorative justice and other successful discipline techniques;
- Limit the amount of time that a student can be out of school to 20 school days, and guarantee access to appropriate work and instruction so that students who are suspended can stay on track academically;
- Prohibit suspensions for the most minor infractions, like tardiness, dress code violations and insubordination, which are better addressed in school; and
- Ensure the law on student behavior and school discipline applies equally to both charter and district school students.

Deeper investments in approaches that meet the needs of the whole student are long overdue. As outlined in State of the State, there are many successful models that schools and districts can implement to create positive school environments. Alongside locally-led initiatives, however, the state has an important role to play in protecting students' civil rights and ensuring all students are receiving their right to an education. Especially as students adjust back to in-person schooling and are carrying with them nearly two years of trauma, loss and disrupted learning, we must protect the most marginalized students from school pushout and further disconnection from their school community.

We are counting on you to support this important legislation and we would love the opportunity to meet with you. Please contact Toni Smith-Thompson ([tsmiththompson@nyclu.org](mailto:tsmiththompson@nyclu.org)) or 212-

607-3348) to set up a meeting. Please note, we will be publishing this letter on our coalition website [www.solutionsnotsuspensionsny.org](http://www.solutionsnotsuspensionsny.org) after February 28.

Sincerely,

The Solutions Not Suspensions Coalition

Advocates for Children of New York  
Alliance for Quality Education  
Brooklyn Defender Services  
The Bronx Defenders  
Center for Family Representation  
Children's Defense Fund-NY  
The Children's Agenda  
Citizen Action of New York  
Committee for Hispanic Children & Families  
Families Together  
Girls for Gender Equity  
The Legal Aid Society  
Mobilization for Justice  
The New York Civil Liberties Union  
Urban Youth Collaborative  
    Future of Tomorrow  
    Make The Road New York  
    Sistas and Brothas United  
We the Parents - Buffalo  
Westchester Children's Association  
The Wright Group  
YWCA Brooklyn