



# **Recommendations for Reducing Disparities in and Reforming School Discipline in New York State**

December 2022

# RECOMMENDATIONS FOR REDUCING DISPARITIES IN AND REFORMING SCHOOL DISCIPLINE IN NEW YORK STATE

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## EXECUTIVE SUMMARY

In August 2019, the New York State Education Department (NYSED) Office of Student Support Services engaged a group of key stakeholders – The Safe Schools Task Force (the Task Force or SSTF) – to explore a broad range of issues related to school safety in New York State, including the effect of exclusionary discipline on students. In response to multiple tragedies that exposed racial inequities and led to widespread civil unrest, the Task Force considered how to address structural inequities and bias in the application of school discipline. In April 2021, based on input from members, the Task Force began to focus on the topic of exclusionary discipline and disproportionate disciplinary practices. This charge is reflective of the goals of the Board of Regents and the State Education Department.

The Task Force was aided by Kristen Harper, a nationally recognized expert on education policy and Director of Policy and Outreach at Child Trends. Ms. Harper and her colleagues provided the Task Force with national and state specific data from the United States Department of Education Civil Rights Data Collection (CRDC). The data reveal that exclusionary discipline in New York is administered in a biased and inequitable manner. This trend has persisted over many years in New York State. The rate of suspension has barely changed—by about one percent—from 2011 through 2017. And, as recognized by the Board of Regents in a January 2019 resolution, racial disparities in student discipline rates persist in New York and the nation and students with disabilities and students who identify as LGBTQ (lesbian, gay, bisexual, transgender, queer and/or questioning) are also at higher risk for suspension and expulsion.

The Child Trends analysis of CRDC data for 2015-2016, the most recent year for which complete data was then available,<sup>1</sup> indicate the following:

- In schools with at least one White and one Black student, Black students were disciplined at a higher rate in New York State.
- In schools with at least one student who received services under the Individuals with Disabilities Education Act (IDEA) and one general education student, students with disabilities were more likely to be suspended.

These inequities are intersectional; *i.e.*, black male students with disabilities are more than two times more likely to be suspended than their white counterparts with disabilities and almost ten times more likely to be suspended as a white student without disability. The CRDC data for New York State further reveal that on average, 23 days of instruction are lost due to out-of-school (OSS) suspension for every 100 students, which rises to 32 days for American Indian/Alaska Native (AIAN) students and 47 days for black students.

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<sup>1</sup> Data from the U.S. Department of Education is typically released several years after its collection.

Any solution to this polycentric issue can only be accomplished through meaningful collaboration between the Legislature, Executive, school leaders, and families. In addition to budgetary and statutory support from the Legislature and Executive, NYSED will continue to work with its partners in the Office of Children and Family Services, Office of Mental Health, and Department of Health to ensure the availability of services and supports for students whose behavior results in disruption to classroom environments. The voices of families, students, and school communities affected by suspension will also be essential.

In addition to this long-term, structural work, the Task Force has developed short-term recommendations to reduce the use of exclusionary discipline and promote alternative tools for use by local administrators. The recommendations in this report address the disparities experienced by students of color, students with disabilities, and LGBTQIA+ youth.

Below are the most significant goals for State and local officials that underlie the recommendations:

- To acknowledge that exclusionary discipline, whether classroom removal, short-term or long-term suspension, whether in-school or out of school suspension, has long-term, cumulative, and negative effects on students—especially our students of color and with disabilities—and does nothing to solve the underlying issues or root causes that caused the initial misbehavior.
- To reform the disciplinary framework, including the Education Law, by:
  - restricting the use of exclusionary discipline for the youngest students, except under extraordinary circumstances;
  - limiting the use of exclusionary discipline for subjective, minor infractions;
  - limiting the length of time students may be suspended that may only be exceeded in extraordinary circumstances; and
  - reframing existing statutory language to shift from a retributive, punitive structure to one that helps students to learn from their mistakes and receive the supports they need to stay in class.
- To make long-term State and local investments to build the capacity of staff and ensure appropriate supports are available to students to enable them to succeed. Educators must be supported to enact this change beginning with staff preparation programs and continuing through in-service professional development. To finally move toward long-lasting change, permanent directed funding for necessary staff, professional development, and access to supports must be allocated through the State budget process.

These goals are reflected in the Task Force's ***Recommendations for Reducing Disparities and Discipline Reform in New York State***. The recommendations build upon the goals and provide a roadmap to improve the climate and culture in our

schools. This, in turn, will ensure that all students are able to receive the supports they need to stay in their class, develop the skills needed to excel in school and life and learn from their mistakes in a school where they feel welcome valued and respected.

The recommendations are organized into four major categories and detailed herein. The categories are:

- Training and Preparation;
- Changes in Practice;
- Codes of Conduct; and
- Data Collection & Analysis.

#### *Recommendations Related to Training and Preparation*

- Amend State regulations regarding pre-service training and certification requirements for school-based professionals (e.g., administration, teachers, counselors, aides).
- Allocate permanent Legislative funding to develop and deliver training and preparation in effective school discipline. Training should address systems and policies that move from punishment and exclusion to proactive and developmentally appropriate alternatives that support youth, promote a positive school climate, and facilitate access to educational opportunities. Training should be evaluated on a regular and ongoing basis. Funding should allow for equitable school and district participation.
- Develop and implement plans at colleges, universities, and local school districts to recruit, prepare, graduate, and retain diverse teaching candidates, leaders, and counselors.

#### *Recommendations Related to Changes in Practice*

- Amend the New York State Education Law to reframe the punitive model of discipline as a system of proactive, developmentally appropriate, positive, and supportive practices that allow children to learn from their mistakes.
- Support educators in creating environments that provide proactive, developmentally appropriate, positive, and supportive alternatives to discipline that allow children to learn from their mistakes.
- Support schools in building community understanding, buy-in and participation in school level changes in practice.

### *Recommendations Related to Codes of Conduct*

- Amend the New York State Education Law and Commissioner’s regulations to provide model language regarding school discipline that demonstrates inclusivity, cultural responsiveness, proactive, developmentally appropriate, positive, and supportive language.
- Amend the New York State Education Law and Commissioner’s regulations to reduce exclusion and require proactive and supportive discipline responses for misbehavior.
- Codes of Conduct should move away from a culture of punishment toward a focus on building a positive, inclusive climate that addresses inequities for students and families who have been traditionally marginalized.

### *Recommendations Related to Data Collection & Analysis*

- Create a technical assistance center/provider to facilitate implementation of these recommendations and the recommendations from other workgroups.
- Develop a Data Analysis Toolkit to facilitate implementation of these recommendations. The Toolkit should support schools & districts in using collected data collaboratively for analysis and goal setting to improve practices that will prevent the use of exclusionary discipline. Additional NYSED personnel will be essential to create systems necessary to integrate existing data collection systems, conduct data analysis, and to provide schools and districts with disaggregated discipline data reports that align with the Toolkit.
- Ensure best practices and responsible use of data collection and reporting.
- Collect additional key data variables at the school and district level in addition to the detailed demographic data provided by NYSED to schools. Software and/or programming tools will be needed at the school and/or district level that allow the creation of disaggregated reports. The reports should be used for analysis and goal setting by schools and districts and should not be reported to NYSED.

Systemic reform is not easy. But it is worth it; the Task Force believes that educational leaders have a responsibility to ensure that all students have an opportunity to learn. “Punishment for its own sake does not reform; it only creates cycles of resentment and distrust.”<sup>2</sup> It is time for New York’s policies and practices to break those cycles—to create learning environments that are safe and welcoming, that do not exclude, punish, or shame. We thus present ***Recommendations for Reducing Disparities in and Reforming School Discipline in New York State*** to the Board of Regents for its consideration.

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<sup>2</sup> *Appeal of B.A.*, 62 Ed Dept Rep, Decision No. 18,209.

## INTRODUCTION

The SSTF grew out of the Department’s efforts to ensure that students remain in the classroom to the greatest extent possible. In its Every Student Succeeds Act (ESSA) plan, the Board of Regents committed to minimizing punitive exclusionary practices to align with the ESSA mandate to create State and district-level plans to avoid “the overuse of discipline practices that remove students from the classroom” (20 USC §§ 6311 [g] [1] [c] [iii], 6312 [b] [11]). New York State’s approved plan recognized several goals for school districts, such as “reduc[ing] the overuse of punitive and exclusionary responses to student misbehavior.”<sup>3</sup>

In a January 2019 resolution, the Board of Regents “reaffirm[ed] its commitment to ensuring that all students have equitable access to learning opportunities in safe and supportive school environments free from discrimination, harassment, and bias including reducing dependence on exclusionary school discipline and increasing equity in education for all students.”<sup>4</sup>

In support of this resolution, the Board of Regents cited the following research-based findings:

- racial disparities in student discipline rates persist in New York State and the nation;
- students with disabilities and students who identify as LGBTQ (lesbian, gay, bisexual, transgender, queer and/or questioning,) are also at higher risk for suspension and expulsion;
- suspension can be the first step in a series of events leading to lower student academic achievement, higher truancy rates, higher dropout rates, and higher rates of contact with the juvenile and adult justice systems;
- the use of exclusionary discipline (*i.e.*, removing students from their learning environment) adversely impacts school climate overall, fails to make students feel safer, and can have a negative effect on other students’ academic performance and achievement;
- the quality of the school climate is one of the most critical predictive factors in any school’s capacity to promote student achievement; and
- exclusionary school discipline does not effectively manage student behavior and the American Psychological Association has concluded that “zero-tolerance policies” fail to make schools safer.

Joint guidance issued by the State Education Department and the New York State Office of the Attorney General on August 29, 2019 “urge[d] all districts to fully evaluate whether they over-rely on exclusion as a form of discipline.” This guidance cautioned that “over-reliance on exclusionary discipline and disparities in its use leave

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<sup>3</sup> New York State Department of Education, ESSA Plan (Jan. 12, 2018), available at <http://www.nysed.gov/common/nysed/files/programs/essa/nys-essa-plan.pdf>

<sup>4</sup> New York State Board of Regents, Resolution (January 14, 2019), available at [https://www.regents.nysed.gov/common/regents/files/Resolution\\_0.pdf](https://www.regents.nysed.gov/common/regents/files/Resolution_0.pdf)



school districts in New York vulnerable to liability under a host of federal and state laws ....”<sup>5</sup>

With this as a backdrop, and at the urging of Task Force members, the SSTF convened to create a set of recommendations<sup>6</sup> to transform the systems, policies, and practices that guide and support how school staff respond to student behavior. The Task Force’s belief is that students are acquiring the skills and knowledge necessary to make responsible, ethical decisions. Schools must play a critical role in teaching and cultivating these skills. This, in turn, will promote access to education and success. This goal cannot be accomplished within a punitive paradigm that principally relies upon exclusionary discipline.

## ***Context and Practical Application***

The Task Force fully considered the practical aspects associated with implementing changes, including perceived barriers and challenges. Primarily, concerns around the proposed reforms concerned adults’ beliefs that exclusionary practices keep schools “safe” by removing the source of the threat or disruption, discourage bad behavior (*i.e.*, don’t act out or you’ll be suspended) and promote “accountability.” Many of these concerns, even if intuitive, have been consistently proven to be ineffective by research.

The context and impact of collective trauma—much of the Task Force’s work was against the backdrop of the COVID-19 pandemic—underscored the need to embed a trauma-responsive lens throughout all recommendations. Reactive, punitive approaches to discipline and the absence of strong, positive relationships in the school environment can create a lack of trust and diminished feelings of safety and empowerment. In turn, this can lead to an increase of acting-out behaviors. During (and following) the pandemic, many schools moved to a “trauma-responsive” framework, or approach that moves *from* reactive *to* responsive and provides a foundation for educators to separate a triggered emotional response from a desired developmentally supportive response (Keels, 2018).

The use of exclusionary discipline constitutes a reactive adult response to student behavior that removes or excludes a student from the classroom or school environment. It does not repair, mediate, or provide support. The Task Force believes that exclusionary responses to student misbehavior, in most instances, ignore the root causes of student behavior, fail to provide support and interventions to the teacher for

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<sup>5</sup> <http://www.p12.nysed.gov/sss/documents/oag-sed-joint-guidance-school-discipline.pdf>; Appeal of N.V.D., on behalf of her daughter, from action of the Board of Education of the Williamsville Central School District regarding student discipline. Decision No. 17,985 (April 22, 2021)

[http://www.counsel.nysed.gov/Decisions/volume60/d17985#\\_ftn2](http://www.counsel.nysed.gov/Decisions/volume60/d17985#_ftn2)

<sup>6</sup> Although the Task Force met on nine occasions and worked toward consensus on the recommendations, full consensus was not achieved on all recommendations. The members of the Task Force invested enormous time in thoughtful discussions that led to this report. We thank them for their valuable and thoughtful input and perspectives, which ensured these recommendations were tempered by real world concerns. We will address those concerns throughout this report.

developing an effective response to student behavior, and fail to provide students with alternative methods of communication to meet their needs. Additionally, exclusionary discipline does nothing to prevent recurrence of the behavior.

To implement these recommendations, educators will need professional development and ongoing local and State support to build their capacity to meet and address students' social, emotional, and behavioral health needs. Training and coaching on proactive, developmentally appropriate behavior management strategies must begin early and continue through in-service professional development. Programs must assist educators in moving to a proactive mindset and philosophy, understanding developmental needs and abilities, and responding to student misbehavior in a manner that prioritizes modeling and teaching positive skills and behaviors.<sup>7</sup> Support for the field must also include methods for staff to understand and address student behaviors, mechanisms to determine student and staff needs, and resources thereto. Schools are also encouraged to enhance partnerships between educators and school-based support staff (e.g., counselors and social workers) and meet ratio requirements from national organizations such as the National Association of School Psychologist, the National Association of School Social Workers, and American School Counselor Association.

Family engagement is woven throughout the recommendations. Engaging with families and caregivers as partners in education is a critical component of supporting students' behavioral health and creating a safe and supportive school environment. Collaboration with parents should be culturally responsive and prioritize relationships. A recent study demonstrates that those schools that proactively engage parents and families as partners in the learning community through frequent, positive communication are more effective in supporting positive behavior and academic engagement (Nese & McIntosh, 2016).

## **School Safety and Accountability**

Historically, schools have relied on the use of exclusionary discipline (i.e., classroom removal, in- or out-of-school suspension, or expulsion) to address Code of Conduct violations and challenging behavior presented by students. The reliance on this method leads to significant negative outcomes for students and fails to support their development and success. The following studies concluded that exclusionary discipline leads to:

- *An increased likelihood of dropout:* For ninth grade students, a suspension decreased their odds of graduating high school by 23 percent. Each subsequent suspension decreased the odds by an additional 20 percent (Balfanz et al., 2015).
- *A reduced likelihood of postsecondary enrollment:* A suspension in grade nine decreases a student's likelihood of enrolling in post-secondary

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<sup>7</sup> Effective systems and practices include multi-tiered systems of support, restorative practices, social emotional learning, and engagement with families.

schooling by 16 percent; each subsequent suspension decreased the odds by 12 percent (Balfanz et al., 2015).

- *An increased likelihood of involvement in the juvenile justice system:* When suspended for a discretionary offense (i.e., the code of conduct did not mandate suspension), a student’s likelihood of juvenile justice contact within the subsequent academic year increased threefold (Fabelo et al., 2011).
- *An increased likelihood of future behavioral incidents:* In middle school youth, the use of out-of-school suspension led to increased behavioral incidents for four years after the initial incident (LiCalsi, Osher, & Bailey, 2021).

The unintended consequences of exclusionary discipline go beyond individual students. Several studies demonstrate exclusionary discipline does not keep school communities safe or deter students from more severe violations. Indeed, studies suggest that there is weak evidence that suspension serves as a deterrent whatsoever (Massar et al., 2015; Steinberg et al., 2015). A more detailed summary of this literature is provided herein under the heading *From Research to Policy & Practice: Exclusionary Discipline*.

## **Local Control and Discretion**

School leaders are responsible for implementing codes of conduct and deciding when to remove or suspend students. Disciplinary philosophies fall along a continuum of reactive, “get tough” approaches, to proactive and restorative practices. Specific outcomes depend on the school culture, situational context, and discretion of the district/school leader

Research on local discretion in decision-making shows that punitive approaches to school discipline do not result in safer environments or reduce serious or severe behavioral incidents (Sorensen et al., 2021). Consistent with prior research, students in schools with high rates of exclusion were more likely to be involved with the juvenile justice system and less likely to graduate. Additionally, the greater the discretion at the school level, the greater the disparities in the use of exclusion Sorensen et al. (2021) found that disparities persisted most often in the discretionary decisions regarding minor incidents of misbehavior. Overall, Black students were excluded at higher rates than White students, perpetuating inequities for students of color.

## ***The Case for School Discipline Reform***

The Safe Schools Task Force worked with [Kristen Harper](#), a nationally recognized expert on education policy. Ms. Harper is the Director of Policy and Outreach at Child Trends at Child Trends, the nation’s leading research organization

focused on improving students' lives, especially those of marginalized communities. In an initial presentation, Ms. Harper and Emily Fulks, Child Trends Policy Analyst, provided the Task Force with a research and data-based foundation for its work. This research was informed by data from the Civil Rights Data Collection (CRDC) maintained by the United States Department of Education Office for Civil Rights.<sup>8</sup> Their presentation addressed the following key topics:

- The Prevalence of school discipline & harms associated with exclusion
- Research on school discipline reform
- Trends in discipline policy
- Policy levers to advance reform

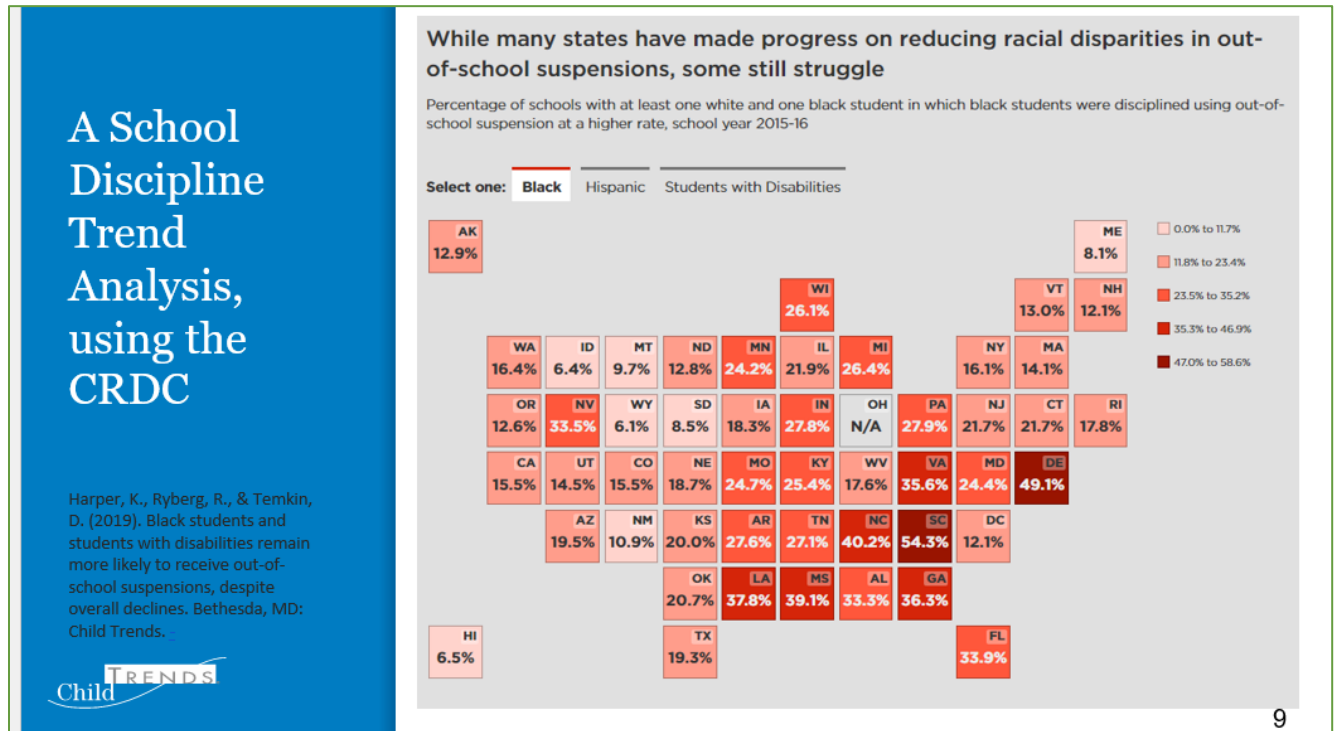
The following are selected data points presented by Ms. Harper and Ms. Fulks to the Safe Schools Task Force in April 2021.

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<sup>8</sup> Since 1968, the CDRC has collected information on education and civil rights issues from public schools across the country, including school discipline data. CRDC is a required, biennial collection of district and school-level data. Local education agencies across the nation provide data on civil rights indicators, including access to courses and programming, staffing, and aspects of the school environment (e.g., school discipline, and bullying, harassment, and discrimination). Data are disaggregated by gender, race/ethnicity, and disability status to determine if equity and opportunity are evident or if significant disparities exist.  
<https://www2.ed.gov/about/offices/list/ocr/data.html>

## A School Discipline Trend Analysis: Using CRDC Data<sup>9</sup>

**Figure 1:** The percentage of schools with at least one White and one Black student in which Black students were disciplined using Out-of-School Suspension at a higher rate during school year 2015 – 2016.

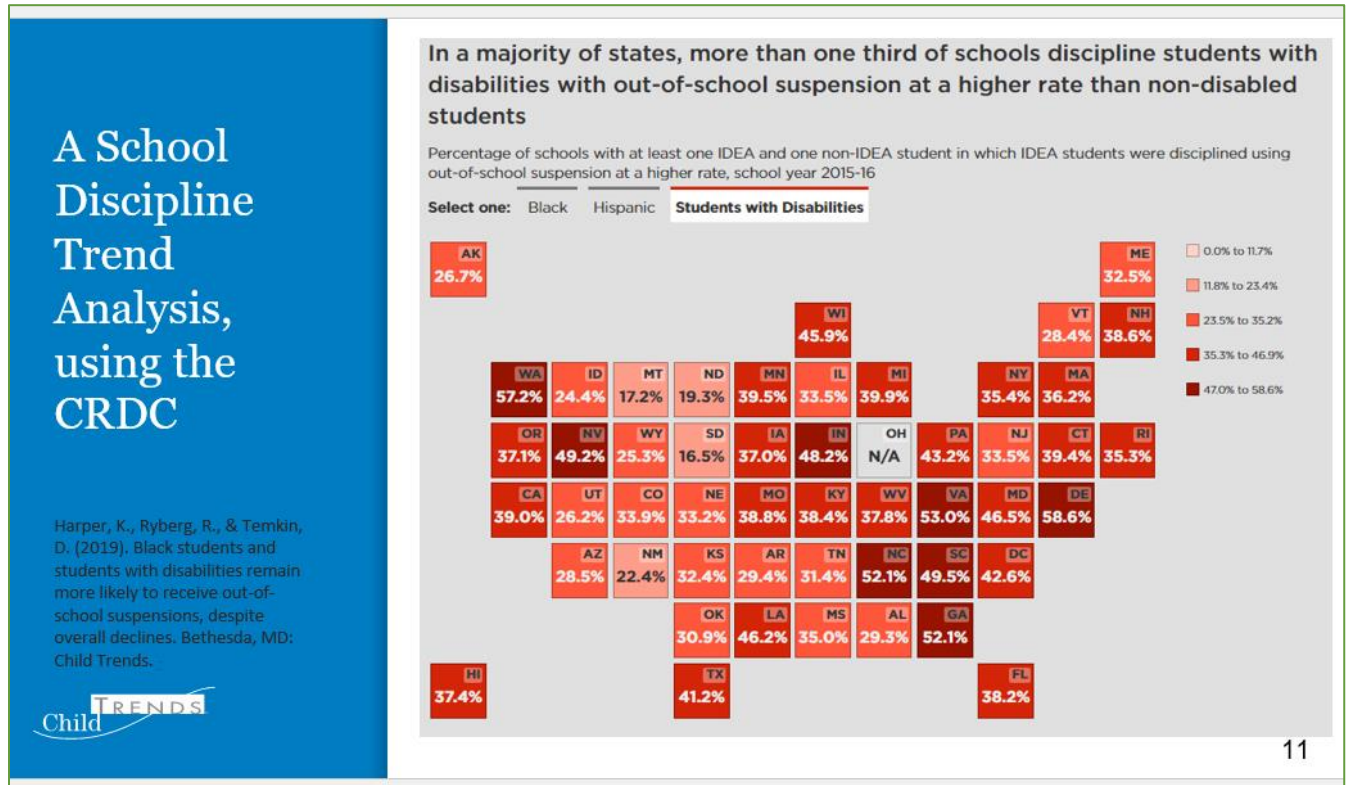


### Key Finding:

Using the CRDC data for 2015 – 2016, in New York, 16.1 percent of schools with at least one White and one Black student disciplined **Black students at a higher rate.**

<sup>9</sup> Harper, K., Ryberg, R., & Temkin, D. (2019). Black students and students with disabilities remain more likely to receive out-of-school suspensions, despite overall declines. Bethesda, MD: Child Trends. [\[Link\]](#)

**Figure 2:** The percentage of schools with at least one Individuals with Disabilities Education Act (IDEA) student and one non-IDEA student in which IDEA students were suspended at a higher rate during school year 2015 – 2016.



**Key Finding:**

Using the CRDC data for 2015 – 2016, in New York, 35.4 percent of schools with at least one Individuals with Disabilities Education Act (IDEA) student and one non-IDEA student **suspended IDEA students at a higher rate.**

**School Discipline Data Analysis: New York State between 2011-2019<sup>10</sup>**

To learn more about school discipline in New York, at the Child Trends presentation analyzed New York State data, separated by district size (small, medium, and New York City), disciplinary outcomes (in-school and out-of-school suspension), and by student sub-group (eight groups, identified below).

**Table 1:** District Level Data Analysis Variables for New York State

District Level Data Analysis Variables for New York State		
District Sizes	Disciplinary Outcomes	Sub-Groups of Students
<ul style="list-style-type: none"> <li>• Small districts (3 schools or fewer)</li> <li>• Medium districts (at least 4 schools)</li> <li>• NYC</li> </ul>	<ul style="list-style-type: none"> <li>• In-school suspension (ISS)</li> <li>• Out-of-school suspension (OSS)</li> <li>• Days missed due to OSS per 100 students.</li> </ul>	<ul style="list-style-type: none"> <li>• American Indian and Alaska Native (AIAN)</li> <li>• Asian</li> <li>• Black</li> <li>• Hawaiian/Pacific Islander</li> <li>• Hispanic</li> <li>• Two or more races</li> <li>• Black boys with disabilities</li> <li>• White boys with disabilities</li> </ul>

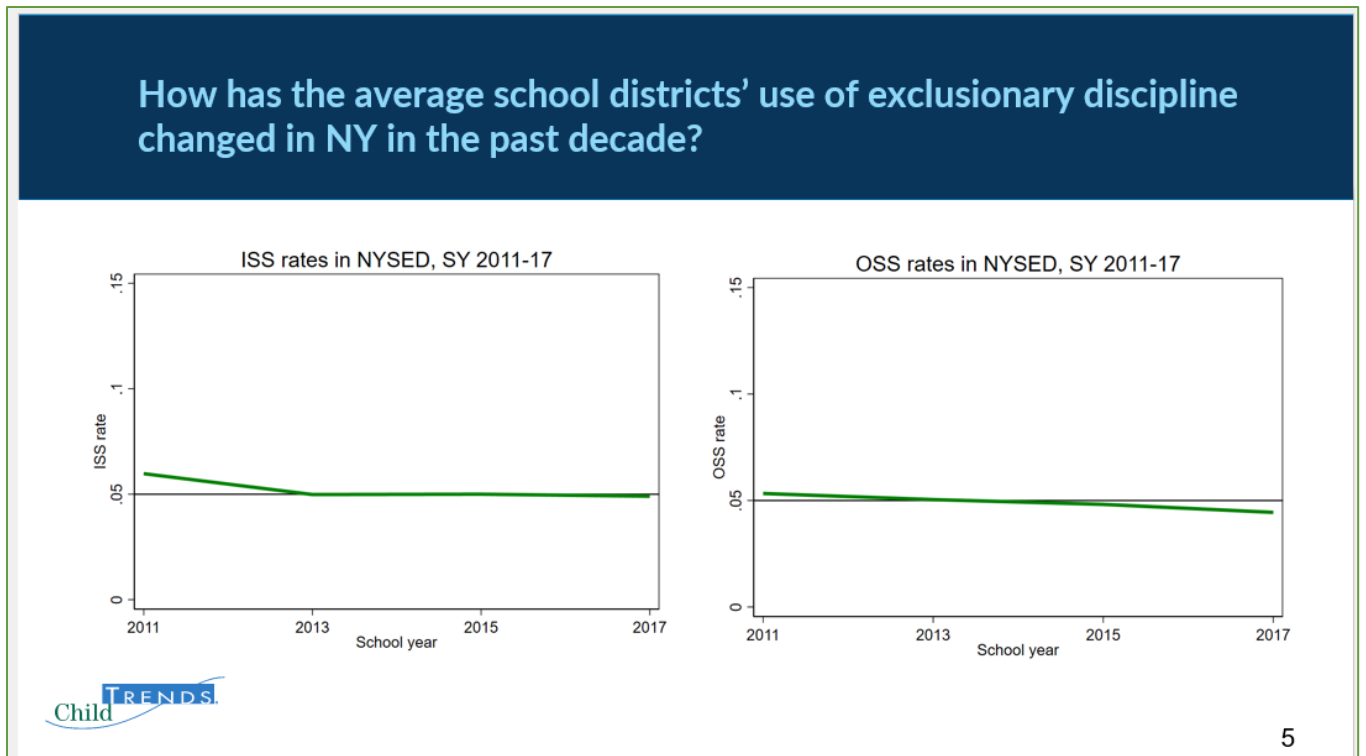
The presentation centered around the following data analysis questions:

1. Have districts’ use of exclusionary discipline changed in NY in the past decade?
2. Does the use of exclusionary discipline vary by size of district?
3. How do districts’ use of exclusionary discipline vary by student characteristics?
4. How many days of school do students miss due to out-of-school suspension?

The following are selected data points from the presentation to the Safe Schools Task Force in October 2021.

<sup>10</sup> This section includes School Discipline in New York, 2011-2017: *A presentation to the New York State Education Department Safe Schools Task Force presented by Renee Ryberg, PhD, Research Scientist, October 29, 2021 and S. Massey, M. Chen, R. Kauffman, & W. Tu (2022). Investigating Potential Correlates with In-and Out-of-School Suspensions in New York State Public Middle, Junior-Senior High, and High Schools*

**Figure 3:** In-School Suspension (ISS) and Out-of-School Suspension (OSS) Rates in New York State between 2011- 2017.

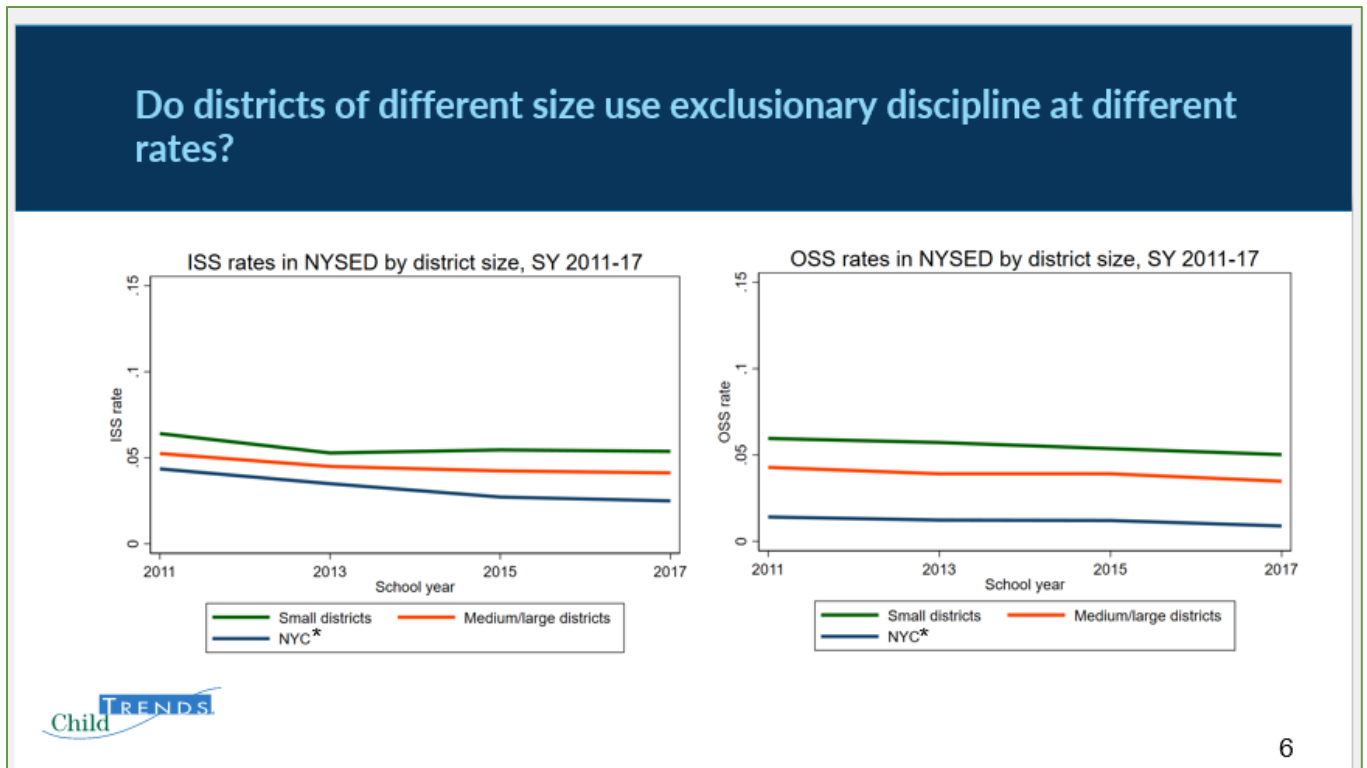


**Key Finding:**

Using the CRDC data for New York State between 2011 – 2017, ISS rates decreased by about 1% over this time period, while the rates of OSS decreased by less than 1 percent over the same time period, **The percentage of ISS and OSS showed very little change between 2011 – 2017.**



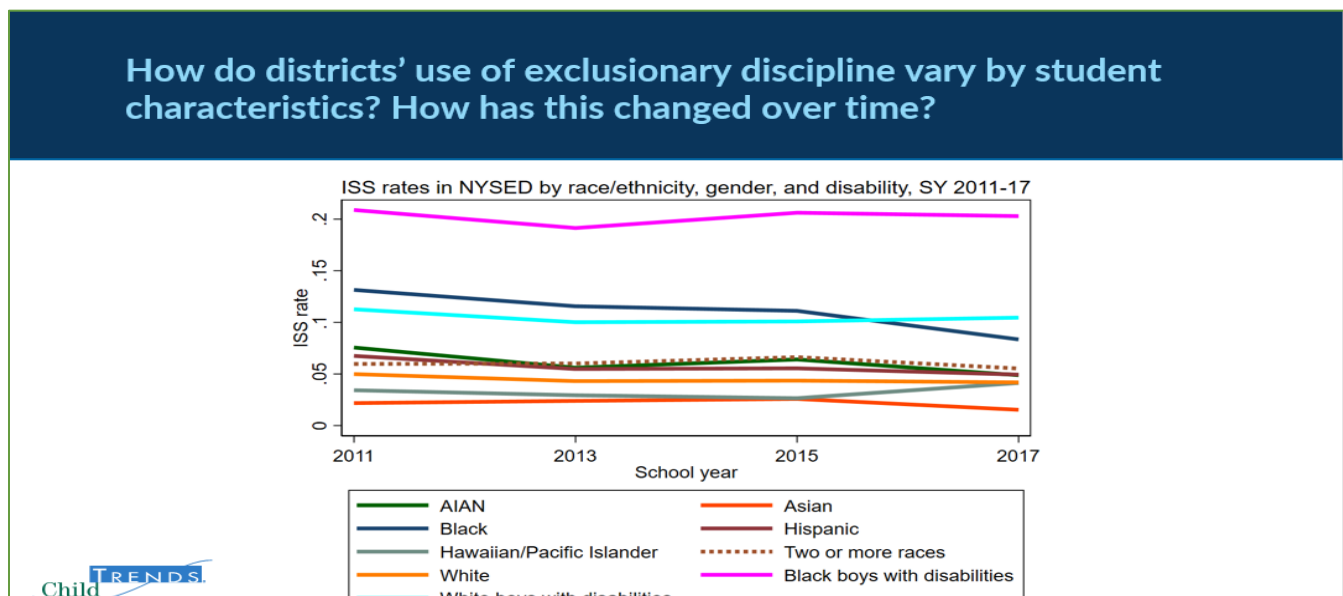
**Figure 4: In-School Suspension (ISS) and Out-of-School Suspension (OSS) Rates in New York State by District Size between 2011- 2017.**



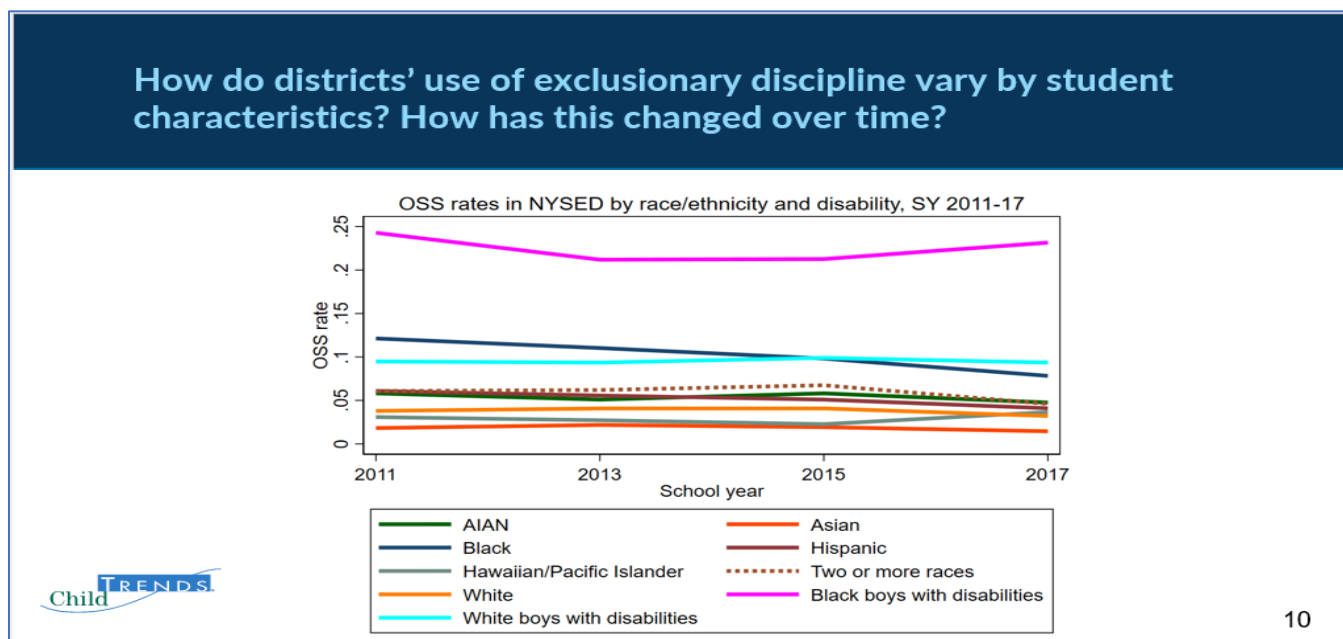
**Key Finding:**

Using the CRDC data for New York State between 2011 – 2017, **consistently over time small districts (green data line) seem to rely more on both ISS and OSS suspension than medium/large districts (orange data line) and NYC (blue data line).**

**Figure 5: In-School Suspension (ISS) Rates in New York State by Race/Ethnicity, Gender, and Disability between 2011- 2017.**



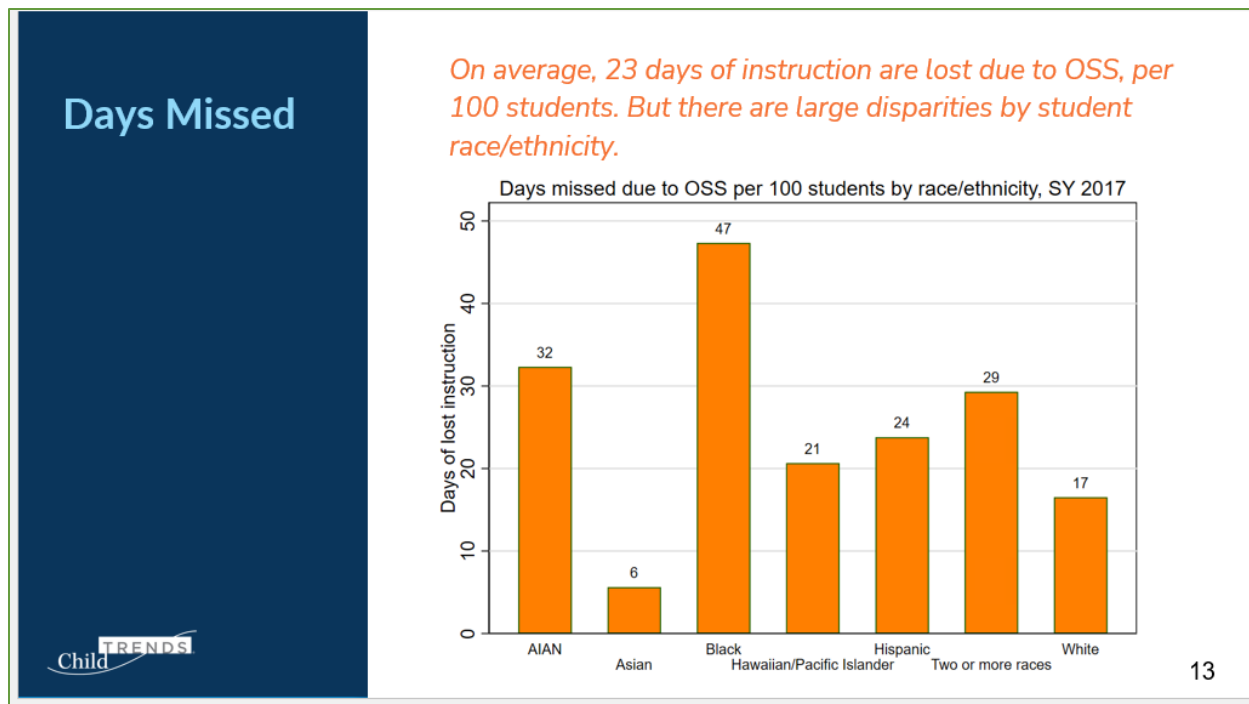
**Figure 6: Out-of-School Suspension (OSS) Rates in New York State by Race/Ethnicity, Gender, and Disability between 2011- 2017.**



**Key Finding:**

Using the CRDC data for New York State between 2011 – 2017, for both ISS and OSS, **districts disproportionately suspend Black boys with disabilities (purple line), and the rate has not changed over time.**

**Figure 7: Lost Instruction Time due to Out-of-School Suspension (OSS) in New York State by Race/Ethnicity between 2011- 2017.**



### Key Finding:

Using the CRDC data for New York State between 2011 – 2017, on average, 23 days of instruction are lost due to OSS for every 100 students. Black students miss on average 47 days of instruction due to OSS for every 100 students, and AIAN students miss 32 days.

### Overall Findings

The presentation data indicated a pervasive pattern of disparity in exclusionary discipline in New York State, with Black students facing significantly higher rates of both in-school and out-of-school suspensions. Further the data show Black boys with disabilities are suspended at more than twice the rate of any other demographic, and Black students missing nearly three times as many school days as white students due to the use of Out of School Suspension (or OSS).<sup>11</sup>

Considering these disparities, the Task Force recommendations aim to minimize the use of exclusionary discipline for all students and promote alternative tools that can be used at the discretion of local administrators. The goal is to equip local

<sup>11</sup> School Discipline in New York, 2011-2017: A presentation to the New York State Education Department Safe Schools Task Force presented by Renee Ryberg, PhD, Research Scientist, October 29, 2021.

administrators and districts with the means to respond to student behavior and keep schools safe without resorting to practices that have a significant negative impact on students' access and opportunity.

### **Additional New York State Exclusionary Discipline Data**

A preliminary report “*Investigating Potential Correlates with In-and Out-of-School Suspensions in New York State Public Middle, Junior-Senior High, and High Schools*” (2022) (Appendix A), reviewed in-school and out-of-school suspensions separately for schools in NYC and outside of NYC from 2012-2013 through 2018-2019. For schools in NYC, the study looked at whether students' race, gender, or economic status have any relationship to the proportions of those being suspended either in-school or out-of-school. Also investigated was the relationship of the school characteristics (proportions of non-white students, large/median/small enrollment size, proportions of non-white male/female teachers) with the rates of suspensions. For schools outside of NYC, in addition to these variables, except for enrollment size, it also looked into two additional variables: the classroom size and the population density around the school.

Analyses revealed that students' race, gender, and economic status all related to their odds of being suspended. The odds of Black male students without economic disadvantage receiving an *in-school* suspension (see Appendix XX Tables 3 and 5) were between 2.4 (in NYC) to 2.9 (outside of NYC) times those of White male students without economic disadvantage. And the odds of Black male students without economic disadvantage receiving an *out-of-school* suspension (see Appendix XX Tables 4 and 6) were between 3.3 (in NYC) to 3.5 (outside of NYC) times those of White male students without economic disadvantage.

Students *with* economic disadvantage also had higher odds of being suspended compared to students without economic disadvantage. However, this effect was found to be stronger for White students than Black. Although being economically disadvantaged further increased Black students' odds of being suspended, the odds ratio (OR) of Black to White male students with economic disadvantage experiencing an *in-school* suspension decreased from 2.4 to 1.3 in NYC and from 2.9 to 1.7 outside of NYC. Similarly, the odds ratio (OR) of Black to White male students with economic disadvantage experiencing an *out-of-school* suspension decreased from 3.3 to 1.9 in NYC and from 3.5 to 2.0 outside of NYC.

White female students were less likely to be suspended than White male students. The odds of White female students without economic disadvantage experiencing an *in-school* suspension or an *out-of-school* suspension were both about 50% (in NYC) to 40% (outside of NYC) of those of White male students without economic disadvantage.

However, racial disproportionality in suspensions was observed for female students as well. The odds of Black female students without economic disadvantage experiencing an *in-school* suspension are about 1.8 (in NYC) to 1.7 (outside of NYC)

times of those of White male students without economic disadvantage, and over 3.8 times those of White female students. For *out-of-school* suspensions the results are similar. The odds of Black female students without economic disadvantage experiencing an *out-of-school* suspension are about 2.0 (in NYC) to 2.2 (outside of NYC) times of those of White male students without economic disadvantage; over 4.4 times those of White female students. In other words, Black male students with economic disadvantage have the greatest odds and White female students without economic disadvantage have the lowest odds of being suspended.

These observed racial differences also varied across school grade levels (e.g., middle school, high school), with greatest racial disproportionality appearing in middle school.<sup>12</sup>

Several other variables were found to have some relationship to *in-school* and *out-of-school* suspensions. In general, proportion of non-White students, proportions of non-white male/female teachers, large/median/small enrollment size (in NYC), and average classroom size (outside of NYC) all related to odds of *in-school* and *out-of-school* suspensions. The population density of a school's enrollment zone (outside of NYC) did not appear to relate to odds of *in-school* but did to *out-of-school* suspension.

## ***From Theory to Practice: Reform Efforts Enacted by the New York City Department of Education***

Some districts are far along in the journey of moving away from exclusionary discipline. Mark Rampersant, Holly Bedwell, and Kenyatte Reid from the New York City Department of Education's (NYC DOE) Office of Safety and Youth Development (OSYD) delivered a presentation to the SSTF entitled "***Promoting a Positive School Culture and Climate: New York City Department of Education's Discipline Code.***"

The team at OSYD began their reform efforts by acknowledging a problem with disproportionate discipline. They agreed to several key principles discussed in this report, including the fact that suspension is an adult response to student behavior; suspensions negatively impact students and their opportunities later in life; supports must be available for students and staff before resorting to suspension; school climate improvement initiatives must be undertaken; and there must be changes to the discipline code definitions of infractions and possible consequences.

NYC DOE used a three-pronged approach, focusing on:

**People:** The mindset and knowledge of school-based staff, examining thoughts about discipline, punishment and harm.

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<sup>12</sup> Although subset analyses were carried out for the three different school grade levels, and are presented here, these differences should be interpreted cautiously due to the smaller sample sizes and the possibility of important variables being omitted due to smaller cell sizes.

**Practices:** Teaching school-based staff how to hold children truly accountable for their actions, and most times that does not happen by way of punishment (*i.e.*, suspension or removal).

**Policy:** Examining and re-writing policies which fostered wide racial disparities.

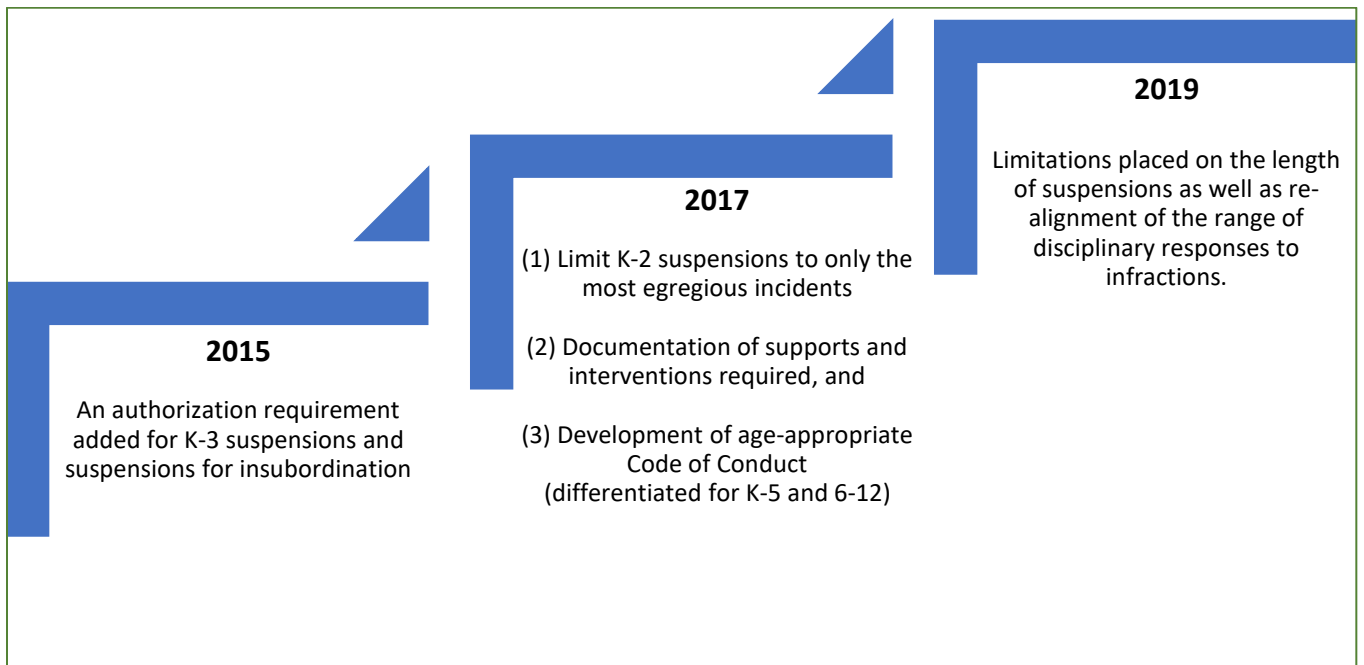
This task was not easy; NYC DOE operates 1,800 schools that serve over one million students. The OSYD presentation to the Task Force offered a snapshot of their multi-year comprehensive reform journey, as described below.

### What We Saw: Responses to Student Behavior

The OSYD team took a data driven approach to discipline reform to determine who is being suspended and on what grounds. The biggest areas of concern were: (1) suspensions of K-2 students; (2) suspensions for insubordination; (3) disproportionate suspension rates for students of color; and (4) disproportionate lengths of suspension for students of color.

### History of Changes to the Discipline Code

To ensure that everyone in the school community understood student behavioral expectations and focused on student needs, NYC DOE decided to amend its code of conduct (the “Discipline Code”). NYC DOE engaged stakeholders through public comment periods and public hearings held in each borough. Adoption occurred in phases over time (2015, 2017, 2019). Changes included:



## School Climate Initiatives

Simultaneously, NYC DOE built staff capacity in their schools by providing professional development to staff and implementing positive supports for students, including restorative practices, social and emotional learning, therapeutic crisis intervention, counseling, and de-escalation.

## Progress in School Climate

Analysis of data collected in 2013 – 2014 compared to data collected in 2018-2019 (prior to pandemic school closings) revealed the following progress:

- **Decrease in suspensions:** the total number of suspensions decreased by 39%.
- **Decrease in suspensions of K – 2 students:** the number of suspensions of K-2 students decreased by almost 98%.
- **Decrease in suspensions for insubordination:** the number of suspensions for insubordination decreased by almost 93%.
- **Decrease in suspension across racial groups:** the suspension of Black students decreased by 8%.
- **Decrease in average length of suspension across racial groups:** the gap in the length of suspensions for Black students decreased by a difference of 10 days (from an average length of 29 days for Black students and 19 for White students, to an average of 11.8 days for Black students and 11.1 for White students).

The trend of decline continued in the 2021 – 2022 school year. As reported by *Chalkbeat* in November 2022, the most recent data analysis shows that suspensions in New York City decreased by 23 percent from the rates reported during the 2018 -2019 school year (Zimmerman, 2022).

In summary, NYC DOE implemented discipline reforms by adopting less punitive disciplinary policies, promoting the use of supports and interventions, and building capacity by embedding school climate initiatives in schools (including restorative practices and social and emotional learning to give staff and students the tools and training to improve student behaviors).

## ***Process Overview: The Safe Schools Task Force***

The recommendations presented in this report aim to address these disparities, minimize the use of exclusionary discipline, and promote alternative strategies. In so doing, we strived to develop policies and supports that would guide districts and schools to cultivate safe environments without the use of punitive practices. These preliminary recommendations were organized into four major categories to address

disproportionate exclusionary discipline for students of color, students with disabilities, and LGBTQIA+ youth:

- Training and Preparation;
- Changes in Practice;
- Codes of Conduct; and
- Data Collection & Analysis.

In subsequent meetings, Task Force members participated in one of four committees, each devoted to one of these four categories. After considering the research presented by Child Trends and examples of successful discipline reforms from other states, each group developed and refined their list of recommendations as to how state law (New York State Education Law §§ 2801, 3214) could be amended to change how discipline is used in New York State and the actions necessary to support and sustain these changes.

A timeline of Safe Schools Task Force activities is presented in Appendix B, and a list of participating Member Organizations is presented in Appendix C.



## FROM RESEARCH TO POLICY & PRACTICE: EXCLUSIONARY DISCIPLINE

### ***What is exclusionary discipline and why is it harmful?***

Exclusionary discipline is an adult response to student behavior that includes removal or exclusion from the classroom or school environment. The use of exclusionary school discipline is intended to address student misbehavior and conduct violations. It is embodied within “zero tolerance” approaches to promoting school safety (Boccanfuso & Kuhfeld, 2011).

Research has demonstrated that exclusionary discipline has harmful impacts on educational and social outcomes for young people. When students are suspended, for example, they are more likely to drop out of school and have subsequent involvement with the juvenile justice system; they are also less likely to enroll in postsecondary education (Losen & Martinez, 2013; Fabelo et al., 2011; Balfanz et al., 2015; Rosenbaum, 2018). High rates of suspension have long-lasting impacts on student success, with frequent out-of-school suspensions predicting low academic achievement, course completion, and attendance (Chu & Ready, 2018; Noltemeyer et al., 2015). While many studies focus on out-of-school suspension, removal from the classroom (e.g., in-school suspensions), too, results in lower grade point averages and an increased risk of dropout (Cholewa et al., 2018).

### ***Is exclusionary discipline primarily a concern for elementary and secondary schools? What is the impact in early childhood settings?***

In 2015, the U.S. Departments of Health and Human Services and Education released a joint policy statement addressing the use of expulsion and suspension in early childhood settings. The agencies deemed it consistent with their missions to “prevent, limit, and eventually eliminate” exclusionary discipline practices (U.S. Department of Health and Human Services and Education, 2015). Additionally, seventeen states have enacted specific policies related to suspensions from pre-K to third grade (Kelley et al., 2020). While some of these policies limit use of suspension for young children, many include exceptions (e.g., in the case of physical assault, bodily injury, emotional distress, posing a “direct threat” to health and safety) or impose time limits (e.g., for no more than three days). While this issue is occasionally addressed in legislation, many such laws only apply to publicly-funded preschools (Loomis et al., 2022).

The use of suspension and expulsion is especially detrimental in early childhood. Exclusion from school in a formative developmental period contributes to persistently negative outcomes for youth, causes undue family stress, and interferes with referral and identification processes for special education and mental health (U.S. Departments of Health and Human Services and Education, 2015).

## ***Are the impact(s) of exclusionary school discipline consistent across subgroups?***

As discussed herein, research continues to reveal significant disparities and persistent inequities. Disciplinary disproportionality occurs when disparately high rates of classroom removals, suspension, expulsion, or school arrests are used to respond to students from specific subgroups. Extensive research shows that students of color, students with disabilities, and LGBTQIA+ youth do not misbehave more often, but receive more frequent, harsher disciplinary actions than their peers for the same rule violations (O'Conner et al., 2011; Losen et al., 2015; Snapp & Russell, 2016). This is especially true when the behavior in question is subjective or discretionary in nature, calling attention to the biased treatment of marginalized youth.

Research examining discipline disparities has framed the issue in the context of several factors: student behavior and/or attitudes, socioeconomic status, school and student demographics, staff perspectives and values, and competencies in classroom management. However, no single variable has emerged as the sole contributing factor (Welsh & Little, 2018). Studies do, however, continue to illustrate that racial disparities in school discipline persist as a result of discretionary decision-making at the school level (Huang & Cornell, 2017).

Several approaches to reducing exclusionary discipline have proved effective. Staff must analyze and target the root cause(s) of disparities and inequity in their school, which may be complex and interwoven with school culture and context (Cruz et al., 2021). Teachers must possess the knowledge and skills to recognize their biases around race and culture, understand the cultural lens(es) through which they view events, and utilize a range of culturally relevant and responsive teaching strategies. Strong, positive relationships with students and partnerships with families are essential, as they provide the foundation for effective communication and collaboration. On a school-wide level, a multi-tiered approach must be used to support students' academic, social-emotional, and behavioral development. Finally, effective strategies for reintegration into the classroom must be used that remediate conflict and minimize lost instructional time (Gregory et al., 2017). Schools cannot take on this important charge alone. Ultimately, they must be guided by state-level policies and professional development to address systemic barriers and implement practices that disrupt inequities impacting marginalized youth.

## ***What are states doing to address discipline reform?***

Several states, including California, Washington, Delaware, and Indiana, have enacted legislation to address exclusionary school discipline (Rafa, 2019). New laws and policies include grade level suspension restrictions, limitations by length or violation type, data collection/reporting requirements (including disaggregation of discipline data), as well as suggested alternative practices (Kelley et al., 2021).

In some cases, state-level reform efforts in exclusionary discipline are integrated with legislation addressing related topics such as mental health. For example, in 2022 Massachusetts passed Chapter 177 of the Acts of 2022, An Act Addressing Barriers to Care for Mental Health. This Act limits early childhood exclusion and requires education and care centers to engage stakeholders as partners in the change process. Further, it obligates the use of “alternative remedies” (e.g., restorative justice, collaborative problem solving, positive behavior supports, and trauma-sensitive models) in schools and requires school-level decision-makers to leverage appropriate interventions and strategies and document progress prior to suspension.

Important considerations for reforming state-level policy include what a student *may* or *must* be suspended for, when and how alternative practices will be applied, and how training programs for school professionals will be funded and implemented (Rafa, 2019). Research suggests that when local policies concerning school discipline are framed as proactive, supportive strategies, they can lead to reductions in suspension rates over time (Camacho & Krezmien, 2020). However, equitable access to services and supports by students can be impacted by implicit bias, exclusionary discipline policies at the state and/or local levels, educator stress and burnout, and a lack of trauma-informed school practices (Simmons et al., 2018). These findings further underline the critical importance of not only introducing legislation and amending policies, but also providing adequate staffing, training, ongoing technical assistance, and resources at the school level to ensure their success.

### ***How can school professionals shift their practice toward proactive, supportive responses to student behavior?***

Schools have explored several program-based approaches to address the use of exclusionary discipline. Overall, these programs have emphasized school-wide preventive efforts, repairing harm, and the use of social-emotional or mental health supports to address student needs without punitive consequences for low-level, non-violent infractions.

School-wide positive behavior supports (SW-PBIS) has a long history and research base relevant to school discipline. SW-PBIS is a multi-tiered system of support framework that seeks to establish a positive and healthy school culture through the effective use of data and implementation of a continuum of behavioral supports (Center on PBIS, 2022). Similarly, a multi-tiered system of support (MTSS) ensures an accessible, high-quality learning environment for all students while serving to identify students who are at-risk or in need of targeted or intensive intervention as early as possible. Through effective use of data and teaming strategies, staff can identify those who need support and use evidence-based interventions to address these concerns. School-based interventions (e.g., academic supports, counseling, mentoring, and skills training) can all be coordinated through the implementation of SW-PBIS and are considered effective alternatives to suspension (Valdebenito et al., 2019). SW-PBIS training and implementation are correlated with reductions in overall office discipline

referrals and suspensions, as well as improvements in student behavior at the elementary and secondary levels (Bradshaw et al., 2010; Flannery et al., 2014).

School climate improvement strategies can also remediate a harsh disciplinary environment characterized by exclusion and punishment. Researchers encourage *authoritative* school climates—those that offer clear, ambitious expectations (“demandingness”) while simultaneously providing warmth and emotional support (“responsiveness”) (Huang & Cornell, 2018). Promoting a positive school climate can improve student self-concept and increase their motivation to learn while reducing the frequency of substance abuse and student absenteeism, (Thapa et al., 2013). Further, when students perceive their school environment as safe and supportive, they are less likely to engage in peer victimization and violence at school (Steffgen et al., 2013). Intentional and meaningful efforts to improve school climate – such as school climate surveys, climate strategies and interventions – can create environments where students are more connected and less likely to engage in behavior that leads to suspension or expulsion.

One example of proactive, supportive discipline with an “authoritative approach” is the use of restorative practices. School-wide restorative practices can be used to build community, strengthen relationships, and manage conflict or harm. The use of a circle process is central to restorative practices, as are accountability and the adoption of shared values and respect for, and relationships within, the community. Implementing restorative practices school-wide can lead to reductions in the rate of office discipline referrals and suspension, but the literature is unclear as to its impact on classroom removal and disparities (Gregory & Clawson, 2016; Anyon et al., 2016). Although additional research is needed, training teachers in the principles of restorative practices, affective communication strategies, and conflict resolution would improve their overall classroom management skills and increase their ability to leverage these strategies.

Other relevant strategies include social emotional learning (SEL) strategies to improve relationships at school, specific curricula (e.g., anti-gang, life skills, anti-discrimination), student leadership and participation, school-wide events and activities, and participatory decision-making (Voight & Nation, 2016). Social-emotional learning embedded in subject area curriculum, teaching practices, school climate, discipline policies, and adult practice shows positive effects on outcomes for students, including reduced emotional distress, improved engagement, and improved academic achievement (Durlak et al., 2011; Taylor et al., 2017; Sklad et al., 2012). Researchers and policymakers have recently turned their attention to the growing field of transformative social and emotional learning: a form of SEL at the intersection of citizenship, social justice, and SEL competencies (Jagers et al., 2019).

## RECOMMENDATIONS FOR DISCIPLINE REFORM IN NEW YORK STATE

The following ***Recommendations for Reducing Disparities and Reforming School Discipline in New York State*** were developed with the collaborative input of the Safe Schools Task Force and are intended to address the patterns and practices of exclusionary discipline.

Throughout the process, the Safe Schools Task Force intentionally and continually grounded our workgroups in the following propositions, the product of collaboration and the “why” of our work:

- We recognize punitive approaches to addressing student behavior are not just ineffective, but harmful.
- We reflect on what we envision for our schools and work to refine, evaluate, and finalize recommendations for state-level policies that will address disproportionate exclusionary discipline.
- We approach our work by addressing the “elephant in the room”: that these facets of our educational system have disproportionately negative impacts on particular groups of students (and families):
  - Boys
  - Students of color (particularly Black and Latino students)
  - Students of low socio-economic backgrounds
  - Students who identify as LGBTQIA+
  - Students with disabilities
- We do so while remembering to keep students and families at the center of our work.
- We do so while leaning into discomfort and pushing our growing edge.
- We do so while remembering that “suspensions are adult decisions on how to respond to student misbehavior.”

Reflective of these themes, the comprehensive compilation of ***Recommendations for Reducing Disparities and Reforming School Discipline in New York State*** is organized into the following four categories:

- Training and Preparation
- Changes in Practice
- Code of Conduct Revisions
- Data Collection & Analysis

It is important to note that all recommendations considered the varying stakeholder positions and that all workgroup members were engaged in formulating the recommendations without requesting an endorsement from their member organization.

## ***Recommendations Related to Training and Preparation***

- 1. Amend State regulations regarding pre-service training and certification requirements for school-based professionals (e.g., administration, teachers, counselors, aides).**
  - a. Preparation programs must include content that explores the cycle of implicit bias and how implicit bias, at various systemic levels, impacts the educational experiences, opportunities, and outcomes for students—especially students of color, students who identify as LGBTQIA+, and students with disabilities.
    - Provide guidance and resources regarding best practices for integrating curriculum and learning experiences geared toward reducing the impact of implicit bias and provide instruction concerning using disaggregated data to recognize disparities in discipline practices.
  - b. Review State Education Department accreditation standards and criteria for approving teacher preparation programs (undergraduate and graduate) to ensure that program curricula include the knowledge, skills, attitudes for promoting a safe and supportive school environment.
    - Enhance or increase coursework and/or learning opportunities geared toward working with diverse stakeholders, such as family and community engagement; culturally responsive and sustaining education; welcoming and affirming environments; preventing and addressing bullying, harassment, and discrimination; supporting families experiencing temporary housing or housing insecurity; students in foster care; immigrant students; students/parents<sup>13</sup> with limited English proficiency; English Language Learners; students in the juvenile/criminal justice system.
    - Enhance or increase coursework and/or learning opportunities geared toward supporting students in the classroom environment, such as trauma-informed education; classroom management; de-escalation; preventing and addressing bullying, harassment, and discrimination; community building and prosocial classroom environment; restorative practices; function-based thinking and behavior support plans; healing-centered schools; collaborative problem solving.
  
- 2. Allocate permanent Legislative funding to develop and deliver training and preparation in effective school discipline. Training should address systems and policies that move from punishment and exclusion to proactive and developmentally appropriate alternatives that support youth, promote a positive school climate, and facilitate access to educational opportunities. Training should be evaluated on a regular and ongoing basis. Funding should**

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<sup>13</sup> Throughout the recommendations, the use of the term “parent” is intended to be inclusive of any adult caregiver who acts as a guardian and provides care for a student. This includes a biological or adoptive parent, guardian, legal custodian, or caregiver with legal authority to make decisions on behalf of the child.

## **allow for equitable school and district participation.**

- a.** The State Education Department will provide access to a continuum of training, resources, and support to implement alternatives to exclusionary discipline at the classroom and school level. Specifically, it will:
  - Provide high-quality training materials that include case studies, curriculum, and toolkit resources.
  - Utilize evidence-based professional development approaches that include moving beyond single workshops or webinars to embedded professional development, coaching, technical assistance, and implementation support.
  - Provide examples of best practices, facilitators and barriers, and strategies for effective implementation of alternatives.
  - Consider the development of a statewide Center or coordinated regional supports that provide on-site/remote professional development, technical assistance, and support to implement evidence-based alternatives to exclusionary discipline.
  - Consider contextual differences (e.g., language, race/ethnicity, cultural background, representation of youth with disabilities) between urban, suburban, and rural districts in developing such resources.
  
- b.** The State Education Department will support districts in providing ongoing in-service professional development programs to all school professionals to support the sustainability of new practices and efforts to build capacity.
  - The State Education Department will provide resources to implement an annual training at the local level for school professionals (e.g., school board members, superintendents, building leaders, teachers, counselors, security/School Resource Officers, aides) that includes the following topics: Codes of Conduct, approaches to school discipline, goal(s)/objective(s) to reduce overall suspension, discipline disproportionality, and how implicit bias impacts the educational experiences, opportunities, and outcomes for students—especially students of color, students who identify as LGBTQIA+, and students with disabilities.
  - The State Education Department will develop and provide the following:
    1. a comprehensive training package for district and school administration, faculty, and staff that explores the causes and impacts of exclusionary discipline and discipline disparities, as well as research-based alternatives.
    2. training and/or resources on the history of school discipline, understanding and breaking the cycle of implicit bias, how to address race and racism in the school environment, and the prevalence and impact of trauma on youth.
    3. training and/or resources on peer-reviewed or other relevant research that explores exclusionary discipline practices and the impact on the school environment and outcomes for students, including the harmful impact of school policing practices on outcomes for youth.



4. training and/or resources on alternatives to exclusionary discipline that are positive, proactive, and culturally responsive, such as: positive behavior supports, restorative justice models, collaborative problem solving, and conflict mediation or resolution strategies; positive behavior supports; multi-tiered systems of support; function-based thinking and behavior support plans
    - Districts will provide continuing and/or ongoing training and support to faculty, staff, and administration to address staff turnover and/or change(s) in positions.
  - c. The State Education Department will develop training that include research-based and actionable strategies that schools and school systems can use to reduce disparities, promote equity, and stimulate changes in practice.
    - Schools/school systems will measure outcomes of professional development initiatives and programs by examining student data, shifts in practice, and changes at the systems-level (e.g., policies).
    - Schools/school systems will utilize continuous improvement cycles and ongoing problem solving to evaluate implementation efforts, adjust/re-calibrate the approach, and assess progress toward goals/objectives.
  - d. The State Education Department will replicate best practices in professional development at the system and practice levels, as shown by research or comparable evidence-base.
    - The State Education Department will identify models for state-funded programs (e.g., grant programs, pilot programs and initiatives) that have shown to be effective, such as regional centers.
  - e. The State Education Department will work to ensure adequate staffing to enhance collaboration across departments and offices, as well as public and private agencies, to ensure consistency, continuity, and integration of efforts.
- 3. Develop and implement plans at colleges, universities, and local school districts to recruit, prepare, graduate, and retain diverse teaching candidates, leaders, and counselors.**
- a. Invest in model demonstrations and infrastructure to recruit diverse candidates for undergraduate and graduate programs in education or related fields (e.g., expand the successful New York State My Brother's Keeper Teacher Opportunity Corp and other "grow your own" programs, teacher residency programs, revisiting preparation, and licensure pathways).
  - b. Partner with Historically Black Colleges and Universities (HBCU) and/or university teacher preparation programs that primarily serve students of color.
  - c. Retain high-quality teachers by supporting their needs and improving conditions of the profession. Support may include policies and processes that welcome diverse perspectives and experiences, facilitating relevant professional

development, providing competitive salaries, and improving access to instructional resources.

- d.** Use existing data and/or require further data collection and public reporting on progress toward teacher diversity goals at the university level (e.g., teacher candidate outcomes disaggregated by race/ethnicity) as well as within schools and school systems that hire, employ, and retain teachers.

## ***Recommendations Related to Changes in Practice***

- 1. Amend the New York State Education Law to reframe the punitive model of discipline as a system of proactive, developmentally appropriate, positive, and supportive practices that allow children to learn from their mistakes.**
  - a.** The Education Law should be amended to minimize negative impacts on student outcomes.
    - Suspensions should be prohibited for our youngest students in Pre-K through third grade. Targeted professional development on proactive, developmentally appropriate de-escalation strategies should be required in staff preparation programs and professional development.
    - Limit suspension so that it is only used for serious infractions and after a variety of supportive interventions have been exhausted. Interventions should include consultation with school-employed mental health professional and/or other student support team members.
    - Establish an internal review process if a student has been subject to an in-school and out-of-school suspension more than three times during a school year.
    - Limit the length of long-term suspensions to 20 days per incident unless required by federal Law. In the most extreme circumstances, permit a school district to seek an extension of the suspension in connection with a the long-term suspension hearing. The district would be required to demonstrate why it would be unsafe for the student to return within the 20-day period.
    - Allow alternatives to a Superintendent’s Hearing such as mediation and restorative processes, to occur prior to the hearing.
    - A suspension cannot be imposed upon the student’s return to school for the same incident that the student was referred to the juvenile justice system, if the student did not attend school for the same length of time or longer than the original suspension imposed.
    - During a long-term suspension, the school district, in partnership with the family, must establish conditions to repair the harm and ensure the safe return of the student to the school community.
  - b.** If a student is suspended, the school must review the student’s needs and current supports, in consultation with their family, to ensure access to appropriate services for a supportive, restorative return to the school community.
    - Provide sufficient academic instruction, special education services (where appropriate), access to instructional support, and monitoring, so that the student’s academic progress is not compromised.

- Ensure access to local and state exams during any period of suspension in a manner that ensures the safety of anyone who may have been harmed.
  - Provide parameters and transition supports for suspended students to re-enter the classroom and/or school environment. Prior to students' return, review the conditions under which the exclusion occurred; determine if any harm occurred and how it can be repaired; and identify the tools and practices to create a supportive and welcoming environment (including the use of transition circles that engage student, family, and staff to set student expectations and determine supports). Re-entry should ensure a safe transition back into the school community for all students and school community members.
- c. Require those charter schools that have not already done so to incorporate New York State Education Law and Commissioner's regulations regarding discipline.
  - d. For students attending special programs outside of their home district, establish clear procedures for responding to student misbehavior. These procedures must include communicating with both parents and the home district in a timely manner to develop re-entry strategies that will ensure a safe transition back into the special program for all students and school community members.
2. Support educators in creating environments that provide proactive, developmentally appropriate, positive, and supportive alternatives to discipline that allow children to learn from their mistakes.
    - a. Support ongoing coaching and professional development to address the root causes of disproportionate use of exclusionary discipline. Professional development topics include implicit bias, restorative practices, culturally responsive classroom management strategies, and trauma-responsive school culture and climate.
    - b. Provide professional development to strengthen the fidelity by which multi-tiered systems of supports are implemented, including universal and schoolwide preventive strategies. Schools must provide adequate support staff to address student social, emotional, and behavioral health needs using recommended ratios from national organizations such as the National Association of School Psychologists, the National Association of School Social Workers, and the American School Counselor Association to address student behaviors and to determine and address needs for additional support.
    - c. Advance multi-agency coordination of services based on trauma-informed practices and systems of care, including wrap-around services. This should include mental health, substance use/misuse, family counseling, and

academic services that will support the educational, health and safety needs of students and their families.

- d. At the school level, undertake data collection and analysis efforts that engage the entire school community to define root causes of the disproportionate use of exclusionary discipline, including classroom removal.
- e. Create a feedback system at the local level that facilitates engagement of the entire school community in continuing data analysis and goal setting for continuous improvement. The process should reveal/reduce the disproportionate use of exclusionary discipline, maximize responsiveness to community and families about systemic inequity, and provide an opportunity to formally share concerns.

**3. Support schools in building community understanding, buy-in and participation in school level changes in practice.**

- a. Reframing community understanding and buy-in for the harmful impact of exclusionary discipline and the need for change, goals to reduce exclusionary discipline, and how taking these steps will improve overall school climate and safety.
- b. Engaging the entire school community in defining root causes of disproportionate exclusionary discipline and creating a feedback system of data analysis and goal setting for continuous improvement.

## ***Recommendations Related to Codes of Conduct***

- 1. Amend the New York State Education Law and Commissioner's regulations to provide model language regarding school discipline that demonstrates inclusivity, cultural responsiveness, proactive, developmentally appropriate, positive, and supportive language.**
  - a. Remove all biased language that disproportionately impacts traditionally marginalized groups, including, but not limited to, BIPOC (Black and Indigenous People of Color), LGBTQIA+, and students with disabilities.
  - b. Remove subjective language that facilitates a biased interpretation of events, including language that alludes to student intent. For example, conduct that is “disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.”
  - c. Differentiate between “suggested” and “mandated” responses to student misbehavior.
  - d. Delete language such as “disruptive,” “violent,” “juvenile delinquent.” Emphasize person-first language (i.e., using “students who disrupt the learning environment” rather than “disruptive students”).
  - e. Delete terms derived from criminal law or that have a criminal connotation, including the commission of an offense, perpetrator, offender, punishment. Modify threatening language that implies exclusion is a means to correct behavior.
  - f. Limit exclusionary discipline and eliminate mandatory punishments for minor misbehavior such as tardiness, lateness, truancy, and dress code violations.
  - g. Prohibit suspensions of younger students.
  - h. Mandate consideration of the developmental ability of individual students when engaged in misconduct, irrespective of their age.
  - i. Utilize inclusive language to reflect different family structures (i.e., replace “parent” with “parent or caregiver”).
  - j. Include language that encourages emotional supports to proactively foster a school community based on cooperation, communication, trust, and respect.
  - k. Require alternatives to school discipline and alternatives to suspension, such as restorative practices. Require that a series of alternatives be documented and exhausted in non-exigent situations before resorting to suspension.
  - l. Promote trauma-informed alternatives to In-School Suspension (ISS) and Out of School Suspension (OSS).
  
- 2. Amend the New York State Education Law and Commissioner’s regulations to limit exclusion and require proactive and supportive discipline responses for misbehavior. Codes of conduct should move away from a culture of**

**punishment toward a focus on building a positive, inclusive climate that addresses inequities for students and families who have been traditionally marginalized. Codes should:**

- a. Require that when a violation of the code of conduct occurs, the school conduct an evaluation of the supports provided to the student prior to the incident to determine effectiveness of the intervention and determine additional preventive measures that can be provided to avoid recurrence of behavior.
- b. Require the implementation of positive supports for students including restorative practices, social and emotional learning, therapeutic crisis intervention, counseling, and de-escalation.
- c. Before suspension is resorted to as a form of discipline, except in exigent circumstances, conduct an evaluation of supports a student would need to be able to stay in school.
- d. Provide support, promote healing, and conflict resolution, and the use of proactive interventions (e.g., restorative practices) that repair harm rather than use punishment to shape student behavior.
- e. Use evidence-based and evidence-informed alternatives to suspension.
- f. When a suspension is necessary to protect the safety of the school community, schools must evaluate the necessary supports for the student to successfully reintegrate a student into the learning environment, as well as those needed to prevent the recurrence of behavior(s) that led to suspension.
- g. Identify the process for supported re-entry and reconnection.
- h. Improve the nature and quality of alternative instruction.

## ***Recommendations Related to Data Collection & Analysis***

- 1. Create a technical assistance center/provider to facilitate implementation of these recommendations and the recommendations from other workgroups.**
- 2. Develop a Data Analysis Toolkit to facilitate implementation of these recommendations. The Toolkit should support schools & districts in using collected data collaboratively for analysis and goal setting to improve practices that will prevent the use of exclusionary discipline. Additional NYSED personnel will be essential to create systems necessary to integrate existing data collection systems, conduct data analysis, and to provide schools and districts with disaggregated discipline data reports that align with the Toolkit.**
  - a. The Toolkit should support districts in outlining a clear process for school discipline documentation, analysis of data, and for determining interventions and support for students and staff. The State Education Department will promote inter and intra-school communication and sharing of processes with school staff (e.g., Code of Conduct, training, local policies)
  - b. The Toolkit should help schools identify patterns of disproportionality and set goals to eliminate inequities and decrease the use of suspension. The Toolkit resources should provide a process to help schools analyze data, develop goals, and continually review progress (Plan, Do, Study, Act) and should include the following guidance and analysis resources:
    - Guidance on the composition of school-based teams to analyze data and set goals to improve identified disparities. Teams should be representative of the racial and ethnic composition of the school and should include families, student representatives, administrators, teaching staff, counseling staff, special education staff, and community members.
    - A process for engaging the school community in identifying the issues impacting students of color and students with disabilities and in creating solutions.
    - Guidance on strategies to message data points; this should include messaging to school and district staff to build understanding within the greater school community.
    - Guidance on the Family Educational Rights and Privacy Act and confidentiality of student data.
    - Guidance and analysis tools to help schools create goals that will maximize time in a student's regularly scheduled educational program, provide support to student(s) and staff, and improve practices to prevent suspension.



- Analysis tools to help schools determine if the same students are being removed repeatedly and provide guidance for goal setting to support student(s) and staff and result in improved practices that will prevent the use of exclusionary discipline.
- Analysis tools to help schools define and determine the root causes of school exclusion.
- Analysis tools to differentiate between schools within a district and explore if schools within the district are administering the same type of sanction in a similar way.
- Analysis tools to help schools identify professional development and practitioner needs
- Data collection tools to measure the effectiveness and intended outcomes of professional development providers and sessions. This could include participant feedback surveys, process and implementation measures, and indicators to measure the impact on the school community.
- Analysis tools to determine the extent implemented and need to expand restorative practices and other programs and initiatives.
- Analysis tools that help make connections between school climate data and other school-level data (i.e., MTSS, attendance, academic performance, referrals to special education).
- Recommendations for building a Community of Practice between schools and within a district to share implementation ideas, best practices, resources, facilitate observational site visits for students and staff to enhance the exchange of ideas.

### **3. Ensure best practices and responsible use of data collection and reporting.**

- a. The data reports should leverage existing data collection efforts and sources to prevent repetitive reporting by schools and districts (*i.e.*, CRDC and NYSED Student Information Repository System [SIRS]).
- b. Data collected by the state should be provided to schools in a manner that includes detailed school-level demographic information: race, ethnicity, disabilities, temporary housing status, socioeconomic data, free & reduced school lunches, gender/sex (include trans and nonbinary), and staff demographics. The data should be intersectional to allow for detailed subgroup analysis (*i.e.*, capable of identifying Black male students with disabilities). The school-level data report is intended to be used by schools for analysis and goal setting that will result in improved practices that will prevent the use of exclusionary discipline, not as a public reporting and/or accountability measure.

- c. Data analysis should follow a consistent methodology and should provide consistent disaggregation parameters.
- d. Data reports should describe the reasons for data collection, analysis, and reporting to ensure the reports are used as intended and to avoid public shaming and/or the punitive use of data.
- e. Communication with the field should include coaching strategies to facilitate analysis and goal setting that will result in improved practices that will prevent the use of exclusionary discipline.
- f. All data collection and reporting systems should include safeguards to ensure the privacy of students and staff.
- g. NYSED should report data analysis to the NYS Legislature to inform local funding opportunities and to create opportunities for the creation and/or enhancement of supports provided by community-based programs (i.e., mental health and wellness, restorative practices, conflict resolution).
- h. NYSED should research and publish information on the econometrics of the school to prison pipeline and how it impacts students, the local community, and the state.

**4. Collect additional key data variables at the school and district level in addition to the detailed demographic data provided by NYSED to schools. Software and/or programming tools will be needed at the school and/or district level that allow the creation of disaggregated reports. The reports should be used for analysis and goal setting by schools and districts and should not be reported to NYSED.**

- a. Guidance from NYSED will be needed to support district use of local student management systems and software/reporting tools to allow schools and districts to prepare disaggregated reports to be used for analysis and goal setting.
- b. Reporting processes should address any staff concerns regarding staff identification and expressly state that staff level reporting is intended for personal goal setting and to determine professional development needs.
- c. The additional data variables that should be collected and analyzed at the local level include:
  - Data to identify any repetitive exclusionary discipline of students (including classroom removal, ISS, and OSS).
  - The reason(s) for classroom removal, suspension/violation (e.g., specific code of conduct violations). Analyses should be able to determine patterns

of suspensions for absences, tardiness, or subjective infractions, suspensions for youngest students.

- The conditions that led to the referral (i.e., times of day, locations, situations). Data should allow for disaggregation to identify and address the reasons for removal.
- Classroom management supports available for staff, and classroom management requests made by staff. This should include supports and/or training that are available to those requesting student classroom removal.
- The number and type of proactive interventions provided to a student **after** classroom removal and **before** a suspension. Data analysis should allow schools to determine if other interventions were tried prior to exclusionary discipline. This would include multi-tiered preventive interventions and responsive support provided based on student need (i.e., conflict resolution, peer mediation, guidance counseling, restorative circles, behavior support plans, guidance for working with all students including students with disabilities).
- Interventions provided to support academic progress when a student is not in the classroom. Examples include modifying schedules, learning remotely, any academic support provided to the student. Interventions should ensure that more than just homework is provided for academic engagement.
- Referrals and engagement of the School Resource Officer in situations that involve discipline of the student.

## CONCLUSION

The *Recommendations for Reducing Disparities in and Discipline Reform in New York State* contained herein represent the collective effort of the Safe Schools Task Force. They acknowledge the inequity of the current paradigm of student discipline and recommend holistic, sustainable change developed in conjunction with school communities. These reforms include elimination of exclusionary discipline for young students, reframing mindsets and language as learning opportunities; and moving from a reactive model of retribution to a proactive model of support.

This work, however, cannot occur in isolation. It will require collaboration between NYSED and its partner agencies, as well as students, families, and school leaders. It is the hope of the Task Force that the observations, data, and analysis contained in this report will inform these conversations.

## GLOSSARY OF TERMS

*The following Glossary of Terms is presented to ensure consistent understanding of the terms used throughout the Report and in the Recommendations.*

**Alternatives to Suspension:** Alternative disciplinary approaches such as restorative justice, adding social and emotional learning to curricula, implementing positive behavioral intervention and support frameworks, building, and sustaining community partnerships, replacing suspension rooms with learning centers, and assembling intervention teams to help struggling students and their families  
*Source: U.S. Department of Education, Guiding Principles: A Resource Guide for Improving School Climate and Discipline*

*Retrieved from <https://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf> in November 2022.*

**Culture of Punishment:** a focus on criminal justice practices and punishment in a school setting that negatively impacts student safety and learning.

**Exclusionary Discipline:** any type of school disciplinary action that involves removal or excludes a student from his or her regular instruction

*Source: U.S. Department of Education, Guiding Principles: A Resource Guide for Improving School Climate and Discipline*

*Retrieved from <https://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf> in November 2022.*

**Implicit Bias:** a mental process that stimulates negative attitudes about people who are not members of one's own "in group." Implicit racial bias leads to discrimination against people who are not members of one's own racial group. Implicit bias operates in what researchers call our "implicit mind," the part of the brain that we commonly call the "subconscious" or the "unconscious." This means that implicit bias can operate in an individual's mind without a conscious awareness of this process.

*Source: National Education Association*

*Retrieved from <https://www.nea.org/resource-library/implicit-bias-microaggressions-and-stereotypes-resources> in September 2022.*

**In-School Suspension:** is a removal from instruction and/or activities in the same setting as class/age peers as a disciplinary purpose but remains under the direct supervision of school personnel.

*Source: New York State Education Department*

*Retrieved from <https://www.p12.nysed.gov/sss/documents/SSECGlossaryofTerms11.10.21.pdf> in November 2022.*

**Mediation:** form of conflict resolution usually involving a trained impartial third party to resolve an issue compassionately and peacefully.

**Parent:** The term "parent" is intended to be inclusive of any adult caregiver who acts as a guardian and provides care for a student. This includes a biological or adoptive parent, guardian, legal custodian, or caregiver with legal authority to make decisions on behalf of the child.

**Protective Factors:** individual or environmental characteristics, conditions, or behaviors that reduce the effects of stressful life events. These factors also increase an individual's ability to avoid risks or hazards and promote social and emotional competence to thrive in all aspects of life, now and in the future.

*Source: The Centers for Disease Control and Prevention (CDC)*

Retrieved from <https://www.cdc.gov/healthyyouth/protective/index.htm> in September 2022.

**Repair the Harm:** considered a step of a repair process in which the person who caused harm is expected to repair the harm that they did to the fullest extent possible, knowing well that not all of the harm can be repaired. The repair principle replaces thoughts of revenge and punishment, instead focusing on moving forward in a more positive direction. It is through working to repair the situation that the person who caused harm is able to regain their self-respect and respect for others.

Source: *The Conflict Center*

Retrieved from <https://conflictcenter.org/the-5-rs-of-restorative-justice/> in September 2022.

**Restorative Practices:** an alternative to traditional disciplinary actions that center on punishment for misbehavior and breaking rules. Restorative practices focus on resolving conflict, repairing harm, and healing relationships. These include proactive schoolwide strategies to create a sense of belonging, and agency. Restorative processes include circles, conflict resolution programs, peer-led practices, and tribunals to respond to incidents that cause harm.

Source: *Next Generation Learning Challenges*

Retrieved from <https://www.nextgenlearning.org/equity-toolkit/school-culture> in November 2022.

**Root Cause:** an issue that has specific underlying causes, can reasonably be identified, under the control or sphere of influence of leaders, and has potential recommendations for preventing recurrences of associated challenges Source: Rooney, James J.; Vanden Heuvel, Lee N. (2004). *Root Cause Analysis for Beginners*. ABSG Consulting Inc., Knoxville, TN as referenced in a footnote by the U.S. Department of Education

Retrieved from <https://oese.ed.gov/resources/oese-technical-assistance-centers/state-support-network/resources/using-root-cause-analysis-part-continuous-improvement-process-education/> in September 2022.

**Safe Transition Back to School:** reintegration; the community allows the person who caused harm to accept responsibility and begin the reintegration process. Reintegration encourages collaboration of the community and the person who caused harm rather than turning toward coercion and isolation. This process recognizes the assets the person who caused harm brings to the table and what they have learned through the process. By accepting responsibility and agreeing to repair the harm, the person who caused harm creates space and trust to be reintegrated into the community.

Source: *The Conflict Center*

Retrieved from <https://conflictcenter.org/the-5-rs-of-restorative-justice/> in September 2022.

**School Community:** the various individuals, groups, businesses, and institutions that are invested in the welfare and vitality of a public school and its community—i.e., the neighborhoods and municipalities served by the school. In many contexts, the term encompasses the school administrators, teachers, and staff members who work in a school; the students who attend the school and their parents and families; and local residents and organizations that have a stake in the school's success, such as school-board members, city officials, and elected representatives; businesses, organizations, and cultural institutions; and related organizations and groups such as parent-teacher associations, "booster clubs," charitable foundations, and volunteer school-improvement committees

Source: *The Glossary of Education Reform*

Retrieved from <https://www.edglossary.org/school-community/> in September 2022.

**School Resource Officer (SRO):** school personnel, security personnel and law enforcement who are deployed in schools for school safety and/or security.

**Teacher (or Classroom) Removal:** the removal of a disruptive pupil from the teacher's classroom pursuant to the provisions of Education Law §3214(3-a).

Source: *New York State Education Department*

Retrieved from <https://www.p12.nysed.gov/sss/documents/SSECGlossaryofTerms11.10.21.pdf> in November 2022.

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# APPENDIX A: PRELIMINARY REPORT ON CORRELATES OF IN- AND OUT-OF-SCHOOL SUSPENSIONS IN NEW YORK STATE SCHOOLS

## Investigating Potential Correlates with In- and Out-of-School Suspensions in New York State Public Middle, Junior-Senior High, and High Schools

Preliminary<sup>14</sup> Report Prepared for Kathleen R. DeCataldo, Esq.  
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The current report combines data from the New York State Education Department (NYSED) data archive (<https://data.nysed.gov>), U.S. Census data (<https://factfinder.census.gov>), and geospatial resources documenting school enrollment zone boundaries, to create multivariate multilevel logistic regression models to explore racial disproportionality in exclusionary discipline practices (i.e., in-school and out-of-school suspensions) in schools and school districts across New York State; adjusting for the possible influence of other variables, including: overall school enrollment and student diversity, male and female teacher diversity, and the population density of the community where each school is located and their interactions with student race, gender, and economic disadvantage status.

### Sample Selection

Archival data were acquired through a Data Use Agreement between Binghamton University and NYSED for the 2012-2013 school-year through the 2018-2019 school year. Not all variables of interest were reported by every school for every year. In order for the data from a particular school year, for a particular school, to be included in the sample or in particular analyses, the school must have reported all the following for that year: student enrollment, number of out-of-school suspensions, number of in-school suspensions, and student economic disadvantage data. If a school was missing any of these variables for a particular school year, that school year for that school was excluded from the analyses. Student enrollment, out-of-school suspensions, and economic disadvantages data were all available only for 2012-2013 to 2018-2019 school years. In-school suspension data were available only for 2017-2018 and 2018-2019 school years.

### Inclusion and Exclusion Criteria

As mentioned above, only those public schools in NY state with complete student enrollment, out-of-school suspension, in-school suspension, and student economic disadvantage data in one or more of the 7-school-

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<sup>14</sup> This report should be treated as a preliminary snapshot of ongoing analyses in a larger program of research. It is not intended as a stand-alone report or final product. Any questions about these findings should be directed to Dr. Sean Massey at [smassey@binghamton.edu](mailto:smassey@binghamton.edu).

year intervals (i.e., 2012-2013 to 2018-2019 school years) were included in the sample. In addition, several exclusion criteria were applied to ensure the integrity of the sample:

1. Charter schools and schools that failed to provide information to NYSED. Charter schools are operated differently than the typical public schools and cannot be treated the same as other public schools. Similarly, schools without any information were excluded.
2. Schools that enroll only Pre-K, early grades/elementary, or students with special needs in general, particular grade levels correspond to student age and corresponding psychological developmental milestones which can impact on conduct and create different challenges for teachers and school administrators. Students in elementary schools are typically in pre- or early-adolescence, whereas middle school and junior high students have entered into the throws of the “storm and stress” (Casey et al., 2010) of adolescence. Although the challenges of adolescence continue through high school, high school students, on average, have improved levels of impulse and self-control, while struggling with a variety of other developmental challenges - i.e., family disaffiliation, need for identification, etc. Because most of the variables being explored in this study were reported at the school level, and were not broken down by individual grade (or corresponding age groups), and low-level of out-of-school suspensions expected from early childhood, it was necessary to exclude schools enrolled only pre-K, early grades/elementary schools. Similarly, schools enrolled only special needs students were also excluded. The majority of excluded schools were elementary schools.
3. Schools that enroll only K through 12. This was necessary because of the developmental differences of students in elementary school and those in middle schools and above. As mentioned above, student characteristics for schools that combined grades K to 12 are reported for each school as a whole, and cannot be separated.
4. Schools with no student enrollments for any of the following racial groups: White, Black, and other race (consists of races other than Black or White). The main focus of this study is to explore whether there continues to be racial disparity in out-of-school suspensions after adjusting for other variables, and we cannot make the comparisons in schools that fail to enroll students from those racial groups.
5. Schools with overall suspension rates greater than 70%. Schools that reported suspending more than 70% of those enrolled were likely to have either incurred reporting errors, or be severe anomalies, hence they were excluded.

Table 1 and 2 summarize the characteristics of the schools and the students included in our analysis set separately for schools in NYC and those outside of NYC.

### **Student Characteristic Variables**

**Race.** The BEDS system allows administrators to report student enrollments using the following race categories: White, Black, Asian, Native American, Latino, and Multi-race. Due to the reporting of Latino as a separate race category, rather than an intersectional ethnicity, it was assumed that White and Black students were non-Latino. In addition, because fewer students fell into the race categories: Asian, Native American, or Multi-race, students who were reported to be White or Black, or Latino retained their BEDS designated categories, and students who were reported as being in the categories: Asian, Native American, or Multi-race were combined into the category “Other Race”.

**Gender.** The BEDS system allows administrators to report student enrollments using the following gender categories: Male, Female.

**Economic Disadvantage (ECD).** Student status as economically disadvantaged is also included in the annual BEDS report by school administrators. Economic Disadvantage data for schools in New York State were not available prior to the 2012-2013 school year.

Student economic disadvantage was expressed as a percentage by dividing the total number of students who were reported as being economically disadvantaged by the total number of students enrolled during that school year. Student Economic Disadvantage status was calculated by Race of Student (Native American, Black, Latino, Asian, White, Multi-race) and Student Gender (male, female) for 2012-2017 school years. The number of students with or without economic disadvantage for each race and gender category were only available for 2017-2018 and 2018-2019 school years.

**Out-of-school Suspension (SUSP).** The total number of students who experienced 1 or more out-of-school suspensions each year are included in the BEDS report by school administrators the year following when they occur. These data are available from 2012-2013 to 2018-2019 school years.

The rate of out-of-school suspension was also reported as a percentage by dividing the total number of students who were reported to have experienced one or more out-of-school suspensions by the total number of students enrolled for that school year. Out-of-School Suspensions are calculated by Race of Student (Native American, Black, Latino, Asian, White, Multi-race), Student Gender (male, female), and Student Economic Disadvantage Status.

**In-school Suspension (ISSUSP).** The total number of students who experienced 1 or more in-school suspensions each year are included in the BEDS report by school administrators. These data are available from 2017-2018 to 2018-2019 school years.

The rate of in-school suspension was also reported as a percentage by dividing the total number of students who were reported to have experienced one or more in-school suspension by the total number of students enrolled for that school year. In-School Suspensions are calculated by Race of Student (Native American, Black, Latino, Asian, White, Multi-race), Student Gender (male, female), and Student Economic Disadvantage Status.

### **School Characteristic Variables**

**Enrollment.** Information on student enrollments is reported annually on Basic Education Data System (BEDS) Day by school administrators. These data are initially marked as “preliminary”, and individual schools can make modifications to these data to correct missing or incorrect information, until they are finalized by NYSED. Data availability for schools can vary for various reasons, including: date school was established, decisions to consolidate or close a school, incomplete reporting by school administration, etc. Total enrollments for each school year were calculated by Race of Student (Native American, Black, Latino, Asian, White, Multi-race), Student Gender (male, female), and Student Economic Disadvantage Status.

**Grade-level.** Each of the schools included in this study were categorized as: Middle Schools, Junior High Schools, Junior-Senior High Schools and High school, based on the grade-levels taught. Middle Schools were those schools that might include as early as 5th grade, but must include both 6th and 7th grades, and might include up to 8th grade. Junior High Schools might include as early as 6th grade, but must include both 8th and 9th grades. Junior-Senior High Schools might start as early as 6th grade, but must include 7th or 8th grade, and any configuration of 9th - 12th grades. High Schools must include at least 2 grades levels between 9th and 12th. Because there is considerable overlap in grades included in Middle Schools and Junior High Schools, it was decided that these two groups should be combined into a single “Middle School” category. Hence, all schools were classified into three categories according to the grade-level of students they enrolled: Middle Schools (which includes both Middle and Junior High Schools), Junior-Senior High Schools (which includes schools that enroll both junior and senior high school students), and Senior High Schools.

**School by Enrollment Size.** Total enrollments for each school year were classified into three enrollment size categories: Small Enrollment (300 students or fewer), Medium Enrollment (between 301 and 1000 students) and Large Enrollment (more than 1000 students).

**Student Diversity.** The percentage of students who identify as a race other than White was calculated by dividing the total number of students who identify as a race other than White by the total number of students enrolled for that school-year.

Other descriptive data sets related to public schools in New York State were downloaded from the NYSED data portal or requested as part of the DUA for the 2012-2013 to 2018-2019 school years. These include average classroom size and school location.

**Teacher Diversity.** The percentage of teachers who identify as a race other than White was calculated by dividing the total number of teachers who identify as a race other than White by the total number of teachers for that school-year separately for male and female teachers.

**School Classroom Size.** Average classroom sizes for each school were estimated by gathering classroom size data reported to NYSED by each school for particular courses/subjects corresponding to particular grade levels. For Middle Schools, the average number of students in each 8th grade English class was used to represent the average overall classroom size for that school. For Senior High Schools, the average number of students in 10th grade English class was used. For Junior-Senior High Schools, the average of 8th and 10th grade English class sizes was used. If a school was missing an average classroom size for the corresponding English class, classroom sizes of Mathematics, Science, and Social Sciences, in that order, were used as a substitute. If a school was missing classroom size for a particular school-year, a value was imputed from other year(s) reported for the same school. For schools that failed to report classroom size every year, a classroom size was randomly selected from all schools with similar enrollment sizes. Separate imputations were carried out for schools in NY City and outside of NY City.

**GIS and Census Data.** Geographic boundaries for the Enrollment Zones for each school and school district in New York State were acquired from NYSED, the National Center for Education Statistics (NCES), the School Attendance Boundary Information System (SABINS), and NYC Open Data. Although these GIS shapefiles provided boundaries for the majority of elementary, middle, junior and senior high, and high schools across the state of New York, enrollment zones for a small number of regional schools in predominantly rural areas had to be interpolated from the enrollment zone boundaries of adjacent schools, and by using maps provided by the individual districts (accessed via school websites).

**Population Density at School Location.** For each school, the number of people per square mile (ppsm) living within each school enrollment zone was derived by overlaying GIS-defined enrollment zone shape files for each school with population statistics from the U.S. Census (2010) for that geographic area. Population density at school location was categorized into very rural (1-500 ppsm), rural (501-1000 ppsm), urban (1001-2500 ppsm), large city (2501-5000 ppsm), and mega city (>5000).

## **Analyses and Results**

The proportions of In-school and out-of-school suspensions were fitted separately for schools in NYC and outside of NYC in separate models. For schools in NYC, we investigate whether students' race, gender, or economic status have any relationship to the proportions of those being suspended either in-school or out-of-school. In addition, we also investigate the relationship of the school characteristics (proportions of non-white students, large/median/small enrollment size, proportions of non-white male/female teachers) with the rates of suspensions. For schools outside of NYC, in addition to the variables mentioned above, except for



enrollment size, we also looked into two additional variables: the classroom size and the population density around the school.

Analyses revealed that students' race, gender, and economic status all related to their odds of being suspended. The odds of Black male students without economic disadvantage receiving an in-school suspension (see Tables 3 and 5) were between 2.4 (in NYC) to 2.9 (outside of NYC) times those of White male students without economic disadvantage. And the odds of Black male students without economic disadvantage receiving an out-of-school suspension (see Tables 4 and 6) were between 3.3 (in NYC) to 3.5 (outside of NYC) times those of White male students without economic disadvantage.

Students with economic disadvantage also had higher odds of being suspended compared to students without economic disadvantage. However, this effect was found to be stronger for White students than Black. Although being economically disadvantaged further increased Black students' odds of being suspended, the odds ratio (OR) of Black to White male students with economic disadvantage experiencing an in-school suspension decreased from 2.4 to 1.3 in NYC and from 2.9 to 1.7 outside of NYC. Similarly, the odds ratio (OR) of Black to White male students with economic disadvantage experiencing an out-of-school suspension decreased from 3.3 to 1.9 in NYC and from 3.5 to 2.0 outside of NYC.

White female students were less likely to be suspended than White male students. The odds of White female students without economic disadvantage experiencing an in-school suspension or an out-of-school suspension were both about 50% (in NYC) to 40% (outside of NYC) of those of White male students without economic disadvantage.

However, racial disproportionality in suspensions was observed for female students as well. The odds of Black female students without economic disadvantage experiencing an in-school suspension are about 1.8 (in NYC) to 1.7 (outside of NYC) times of those of White male students without economic disadvantage, and over 3.8 times those of White female students. For out-of-school suspensions the results are similar. The odds of Black female students without economic disadvantage experiencing an out-of-school suspension are about 2.0 (in NYC) to 2.2 (outside of NYC) times of those of White male students without economic disadvantage; over 4.4 times those of White female students. In other words, Black male students with economic disadvantage have the greatest odds and White female students without economic disadvantage have the lowest odds of being suspended.

These observed racial differences also varied across school grade levels (e.g., middle school, high school), with greatest racial disproportionality appearing in middle school.<sup>15</sup>

Several other variables were found to have some relationship to in-school and out-of-school suspensions. In general, proportion of non-White students, proportions of non-white male/female teachers, large/median/small enrollment size (in NYC), and average classroom size (outside of NYC) all related to odds of in-school and out-of-school suspensions. The population density of a school's enrollment zone (outside of NYC) did not appear to relate to odds of in-school but did to out-of-school suspension.

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<sup>15</sup> Although subset analyses were carried out for the three different school grade levels, and are presented here, these differences should be interpreted cautiously due to the smaller sample sizes and the possibility of important variables being omitted due to smaller cell sizes.

Table 1. Middle Schools, Junior-Senior High and Senior High Schools in New York City

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Schools	680	714	730	733	737	713	702
Enrollment	471,962	476,249	476,887	474,769	476,145	361,871	354,322
Out-of-School Suspensions	6,893 <i>0.015</i>	7,109 <i>0.015</i>	7,011 <i>0.015</i>	6,940 <i>0.015</i>	6,514 <i>0.014</i>	6,797 <i>0.019</i>	5,849 <i>0.017</i>
Economically Disadvantaged Students	367,717 <i>0.779</i>	352,525 <i>0.740</i>	348,726 <i>0.731</i>	340,836 <i>0.718</i>	343,353 <i>0.721</i>	294,859 <i>0.815</i>	284,874 <i>0.804</i>
<b>Student Race</b>							
Black	135,060 <i>0.286</i>	134,001 <i>0.281</i>	130,443 <i>0.274</i>	125,859 <i>0.265</i>	122,125 <i>0.256</i>	96,738 <i>0.267</i>	93,345 <i>0.263</i>
White	64,376 <i>0.136</i>	64,934 <i>0.136</i>	65,823 <i>0.138</i>	66,740 <i>0.141</i>	67,725 <i>0.142</i>	46,396 <i>0.128</i>	44,808 <i>0.126</i>
Hispanic	186,672 <i>0.396</i>	189,946 <i>0.399</i>	191,210 <i>0.401</i>	190,397 <i>0.401</i>	191,647 <i>0.402</i>	157,768 <i>0.436</i>	154,572 <i>0.436</i>
Other Race	85,854 <i>0.182</i>	87,368 <i>0.183</i>	89,411 <i>0.187</i>	91,773 <i>0.193</i>	94,648 <i>0.199</i>	60,969 <i>0.168</i>	61,597 <i>0.174</i>
Asian Pacific Islander	80,980 <i>0.172</i>	81,217 <i>0.171</i>	81,421 <i>0.171</i>	82,279 <i>0.173</i>	84,139 <i>0.177</i>	55,594 <i>0.154</i>	56,475 <i>0.159</i>
Native American	2,672 <i>0.006</i>	3,113 <i>0.007</i>	3,716 <i>0.008</i>	4,119 <i>0.009</i>	4,603 <i>0.010</i>	2,379 <i>0.007</i>	2,393 <i>0.007</i>
Mixed Race	2,202 <i>0.005</i>	3,038 <i>0.006</i>	4,274 <i>0.009</i>	5,375 <i>0.011</i>	5,906 <i>0.012</i>	2,996 <i>0.008</i>	2,729 <i>0.008</i>
Total	471,962	476,249	476,887	474,769	476,145	361,871	354,322
<b>Student Gender</b>							
Male	239,850 <i>0.508</i>	242,824 <i>0.510</i>	243,778 <i>0.511</i>	242,949 <i>0.512</i>	244,225 <i>0.513</i>	200,811 <i>0.555</i>	198,282 <i>0.560</i>
Female	232,112 <i>0.492</i>	233,425 <i>0.490</i>	233,109 <i>0.489</i>	231,820 <i>0.488</i>	231,920 <i>0.487</i>	161,060 <i>0.445</i>	156,040 <i>0.440</i>
Total	471,962	476,249	476,887	474,769	476,145	361,871	354,322
<b>School Size (Enrollment)</b>							
Large	115 <i>0.169</i>	113 <i>0.158</i>	115 <i>0.158</i>	113 <i>0.154</i>	112 <i>0.152</i>	105 <i>0.147</i>	109 <i>0.155</i>
Medium	424 <i>0.624</i>	440 <i>0.616</i>	435 <i>0.596</i>	450 <i>0.614</i>	457 <i>0.620</i>	431 <i>0.604</i>	429 <i>0.611</i>
Small	141 <i>0.207</i>	161 <i>0.225</i>	180 <i>0.247</i>	170 <i>0.232</i>	168 <i>0.228</i>	177 <i>0.248</i>	164 <i>0.234</i>
Total	680	714	730	733	737	713	702
<b>Population Density (Enrollment Zone)</b>							
Less than 500	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>
501-1000	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>
1001-2500	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>	0 <i>0.000</i>
2501-5000	1 <i>0.001</i>	1 <i>0.001</i>	1 <i>0.001</i>	1 <i>0.001</i>	1 <i>0.001</i>	1 <i>0.001</i>	1 <i>0.001</i>
Over 5000	679 <i>0.999</i>	713 <i>0.999</i>	729 <i>0.999</i>	732 <i>0.999</i>	734 <i>0.999</i>	712 <i>0.999</i>	701 <i>0.999</i>
Total	680	714	730	733	735	713	702

Table 2. Middle Schools, Junior-Senior High and Senior High Schools Outside of New York City

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Schools	1111	1114	1116	1121	1127	971	1082
Enrollment	850540	843813	841647	840352	836745	624175	720021
Out-of-School Suspensions	54205 0.064	50162 0.059	48744 0.058	47442 0.056	46978 0.056	40239 0.064	48220 0.067
Economically Disadvantaged Students	274822 0.323	289328 0.343	308945 0.367	323363 0.385	331116 0.396	271787 0.435	310234 0.431
Student Race							
Black	89644 0.105	87140 0.103	86817 0.103	87971 0.105	86419 0.103	59332 0.095	71514 0.099
White	603363 0.709	591063 0.700	579333 0.688	566286 0.674	553553 0.662	433877 0.695	480395 0.667
Hispanic	105366 0.124	110566 0.131	117693 0.140	125194 0.149	132807 0.159	96715 0.155	123573 0.172
Other Race	52167 0.061	55044 0.065	57804 0.069	60901 0.072	63966 0.076	34251 0.055	44539 0.062
Asian Pacific Islander	38922 0.046	40046 0.047	41103 0.049	42373 0.050	43680 0.052	21330 0.034	28306 0.039
Native American	4190 0.005	4179 0.005	4100 0.005	3996 0.005	3902 0.005	2729 0.004	2932 0.004
Mixed Race	9055 0.011	10819 0.013	12601 0.015	14532 0.017	16384 0.020	10192 0.016	13301 0.018
Total	850540	843813	841647	840352	836745	624175	720021
Student Gender							
Male	433111 0.509	429881 0.509	429272 0.510	429626 0.511	428408 0.512	336965 0.540	386129 0.536
Female	417429 0.491	413932 0.491	412375 0.490	410726 0.489	408337 0.488	287210 0.460	333892 0.464
Total	850540	843813	841647	840352	836745	624175	720021
School Size (Enrollment)							
Large	269 0.242	264 0.237	266 0.238	261 0.233	259 0.230	207 0.213	241 0.223
Medium	706 0.635	713 0.640	703 0.630	705 0.629	709 0.629	612 0.630	673 0.622
Small	136 0.122	137 0.123	147 0.132	155 0.138	159 0.141	152 0.157	168 0.155
Total	1111	1114	1116	1121	1127	971	1082

Table 2 (cont.). Middle Schools, Junior-Senior High, and Senior High Schools Outside of New York City

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
<b>Population Density (Enrollment Zone)</b>							
Less than 500	326	326	327	328	328	302	316
	0.294	0.293	0.294	0.293	0.293	0.313	0.294
501-1000	186	187	186	188	188	165	184
	0.168	0.168	0.167	0.168	0.168	0.171	0.171
1001-2500	154	156	157	157	156	136	150
	0.139	0.140	0.141	0.140	0.140	0.141	0.140
2501-5000	136	136	136	136	136	106	131
	0.123	0.122	0.122	0.122	0.122	0.110	0.122
Over 5000	307	307	308	310	310	255	293
	0.277	0.276	0.276	0.277	0.277	0.265	0.273
Total	1109	1112	1114	1119	1118	964	1074
<b>Community Type</b>							
Large-Medium City	73	73	74	75	79	58	74
	0.066	0.066	0.066	0.067	0.070	0.060	0.068
Large-Medium District	719	721	719	721	723	620	698
	0.647	0.647	0.644	0.643	0.642	0.639	0.645
Small City	319	320	323	325	325	293	310
	0.287	0.287	0.289	0.290	0.288	0.302	0.287
Total community	1111	1114	1116	1121	1127	971	1082

Table 3. In-School-Suspensions for Schools in New York City.

	All Schools	Middle Schools	Senior High Schools	Junior-Senior High Schools
	OR	OR	OR	OR
Black Students (White Male)	<b>2.387</b> ***	<b>3.391</b> ***	<b>2.046</b> ***	<b>2.289</b> ***
Hispanic Students (White Male)	<b>1.525</b> ***	<b>1.818</b> ***	<b>1.267</b> ***	<b>1.575</b> ***
Other Race Students (White Male)	1.092	0.946	1.130	<b>1.373</b> ***
Female Students (White Male)	<b>0.468</b> ***	<b>0.390</b> ***	<b>0.612</b> ***	<b>0.405</b> ***
Economically Disadvantaged Students (Non-ECD)	<b>1.872</b> ***	<b>1.933</b> ***	<b>1.745</b> ***	<b>1.906</b> ***
Student Diversity	<b>0.953</b> **	0.970	0.973	0.943
Female Teacher Diversity	0.980	<b>0.935</b> ***	1.005	0.991
Male Teacher Diversity	0.986	<b>0.959</b> **	1.009	1.027
Large Schools (Medium)	<b>0.719</b> ***	0.901	<b>0.591</b> ***	<b>0.684</b> **
Small Schools (Medium)	<b>1.117</b> **	1.033	<b>1.198</b> ***	<b>1.260</b> *
2019 School Year (2018)	<b>0.829</b> ***	<b>0.779</b> ***	<b>0.832</b> ***	<b>0.864</b> ***
Interaction: Black Female Students	<b>1.573</b> ***	<b>1.624</b> ***	<b>1.365</b> ***	<b>1.675</b> ***
Interaction: Hispanic Female Students	<b>1.423</b> ***	<b>1.452</b> ***	<b>1.246</b> ***	<b>1.618</b> ***
Interaction: Other Race Female Students	1.062	1.055	0.887	<b>1.477</b> ***
Interaction: Econ Disadvantaged Black Students	<b>0.558</b> ***	<b>0.501</b> ***	<b>0.579</b> ***	<b>0.586</b> ***
Interaction: Econ Disadvantaged Hispanic Students	<b>0.461</b> ***	<b>0.440</b> ***	<b>0.493</b> ***	<b>0.461</b> ***
Interaction: Econ Disadvantaged Other Race Students	<b>0.433</b> ***	<b>0.526</b> ***	<b>0.440</b> ***	<b>0.303</b> ***

Note: Estimates for school diversity and teacher diversity reflect a 10% change; Odds ratios between any specific group with white male students without economic disadvantage are calculated by multiplying the interaction estimate with those of all interacting variables -- e.g., to calculate the odds ratio comparing Black female students to White male students, both without economic disadvantage, you would multiply 2.387 (being Black) x 0.468 (being Female) x 1.573 (Interaction for being both Black and Female), resulting in an odds ratio of 1.756).

Table 4. Out-of-School Suspensions for Schools in New York City

	All Schools	Middle Schools	Senior High Schools	Junior-Senior High Schools
	OR	OR	OR	OR
Black Students (White Male)	<b>3.323 ***</b>	<b>5.585 ***</b>	<b>2.630 ***</b>	<b>2.604 ***</b>
Hispanic Students (White Male)	<b>2.286 ***</b>	<b>3.916 ***</b>	<b>1.929 ***</b>	<b>1.564 ***</b>
Other Race Students (White Male)	<b>1.241 **</b>	<b>1.809 ***</b>	0.931	1.369
Female Students (White Male)	<b>0.462 ***</b>	<b>0.520 ***</b>	<b>0.394 ***</b>	<b>0.466 ***</b>
Economically Disadvantaged Students (Non-ECD)	<b>2.000 ***</b>	<b>2.552 ***</b>	<b>1.806 ***</b>	<b>1.784 ***</b>
Student Diversity	1.017	<b>1.075 **</b>	1.008	<b>0.916 *</b>
Female Teacher Diversity	1.006	0.967	1.030	<b>1.056 *</b>
Male Teacher Diversity	1.020	<b>1.039 **</b>	1.011	0.980
Large Schools (Medium)	<b>0.667 ***</b>	<b>0.767 **</b>	<b>0.487 ***</b>	<b>0.645 ***</b>
Small Schools (Medium)	<b>1.401 ***</b>	<b>1.174 *</b>	<b>1.426 ***</b>	<b>1.672 ***</b>
2019 School Year (2018)	<b>0.882 ***</b>	<b>0.911 ***</b>	<b>0.886 ***</b>	<b>0.829 ***</b>
Interaction: Black Female Students	<b>1.320 ***</b>	1.281	<b>1.592 ***</b>	1.115
Interaction: Hispanic Female Students	1.155	1.217	1.192	1.018
Interaction: Other Race Female Students	1.084	0.967	1.158	1.244
Interaction: Econ Disadvantaged Black Students	<b>0.586 ***</b>	<b>0.434 ***</b>	<b>0.620 ***</b>	<b>0.733 **</b>
Interaction: Econ Disadvantaged Hispanic Students	<b>0.414 ***</b>	<b>0.297 ***</b>	<b>0.419 ***</b>	<b>0.580 ***</b>
Interaction: Econ Disadvantaged Other Race Students	<b>0.442 ***</b>	<b>0.328 ***</b>	<b>0.605 ***</b>	<b>0.353 ***</b>

Note: Estimates for school diversity and teacher diversity reflect a 10% change; Odds ratios between any specific group with white male students without economic disadvantage are calculated by multiplying the interaction estimate with those of all interacting variables -- e.g., to calculate the odds ratio comparing Black female students to White male students, both without economic disadvantage, you would multiply 3.323 (being Black) x 0.462 (being Female) x 1.320 (Interaction for being both Black and Female), resulting in an odds ratio of 2.027).

Table 5. In-School Suspensions for Schools Outside of New York City

	All Schools	Middle Schools	Senior High Schools	Junior-Senior High Schools
	OR	OR	OR	OR
Black Students (White Male)	<b>2.948 ***</b>	<b>3.518 ***</b>	<b>2.729 ***</b>	<b>2.699 ***</b>
Hispanic Students (White Male)	<b>2.073 ***</b>	<b>2.128 ***</b>	<b>1.950 ***</b>	<b>2.560 ***</b>
Other Race Students (White Male)	<b>1.340 ***</b>	<b>1.387 ***</b>	<b>1.254 ***</b>	<b>1.613 ***</b>
Female Students (White Male)	<b>0.409 ***</b>	<b>0.335 ***</b>	<b>0.469 ***</b>	<b>0.402 ***</b>
Economically Disadvantaged Students (Non-ECD)	<b>2.489 ***</b>	<b>2.596 ***</b>	<b>2.509 ***</b>	<b>2.298 ***</b>
Student Diversity	<b>0.859 ***</b>	<b>0.849 ***</b>	<b>0.833 ***</b>	<b>0.896 ***</b>
Female Teacher Diversity	<b>0.821 ***</b>	0.964	<b>0.595 ***</b>	<b>0.754 ***</b>
Male Teacher Diversity	<b>1.112 ***</b>	<b>1.112 ***</b>	<b>1.474 ***</b>	0.973
Average Classroom Size	<b>1.085 ***</b>	<b>1.164 ***</b>	0.997	<b>1.194 ***</b>
Population Density 500-1000 (<500)	1.068	1.085	<b>1.462 *</b>	0.741
Population Density 1000-2500 (<500)	0.922	0.817	1.101	1.151
Population Density 2500-5000 (<500)	0.949	0.875	1.117	1.451
Population Density over 5000 (<500)	0.969	1.012	1.045	1.130
2018-2019 School Year (2017-2018)	<b>0.698 ***</b>	<b>0.736 ***</b>	<b>0.651 ***</b>	<b>0.773 ***</b>
Interaction: Black Female Students	<b>1.435 ***</b>	<b>1.598 ***</b>	<b>1.275 ***</b>	<b>1.672 ***</b>
Interaction: Hispanic Female Students	<b>1.339 ***</b>	<b>1.557 ***</b>	<b>1.220 ***</b>	<b>1.302 ***</b>
Interaction: Other Race Female Students	<b>1.276 ***</b>	<b>1.531 ***</b>	<b>1.138 **</b>	<b>1.287 **</b>
Interaction: Econ Disadvantaged Black Students	<b>0.592 ***</b>	<b>0.557 ***</b>	<b>0.607 ***</b>	<b>0.575 ***</b>
Interaction: Econ Disadvantaged Hispanic Students	<b>0.563 ***</b>	<b>0.507 ***</b>	<b>0.618 ***</b>	<b>0.496 ***</b>
Interaction: Econ Disadvantaged Other Race Students	<b>0.820 ***</b>	<b>0.856 **</b>	<b>0.839 ***</b>	<b>0.630 ***</b>

Note: Estimates for school diversity and teacher diversity reflect a 10% change; Estimates for class size reflect a 10 student increase; Odds ratios between any specific group with white male students without economic disadvantage are calculated by multiplying the interaction estimate with those of all interacting variables -- e.g., to calculate the odds ratio comparing Black female students to White male student both without economic disadvantage, you would multiply 2.948 (being Black) x 0.409 (being Female) x 1.435 (Interaction for being both Black and Female), resulting in an odds ratio of 1.728).

Table 6. Out-of-School Suspensions for Schools Outside of New York City

	All Schools	Middle Schools	Senior High Schools	Junior-Senior High Schools
	OR	OR	OR	OR
Black Students (White Male)	<b>3.466 ***</b>	<b>4.238 ***</b>	<b>3.187 ***</b>	<b>3.297 ***</b>
Hispanic Students (White Male)	<b>2.241 ***</b>	<b>2.399 ***</b>	<b>2.179 ***</b>	<b>2.333 ***</b>
Other Race Students (White Male)	<b>1.409 ***</b>	<b>1.608 ***</b>	<b>1.284 ***</b>	<b>1.730 ***</b>
Female Students (White Male)	<b>0.409 ***</b>	<b>0.379 ***</b>	<b>0.425 ***</b>	<b>0.408 ***</b>
Economically Disadvantaged Students (Non-ECD)	<b>2.995 ***</b>	<b>3.438 ***</b>	<b>2.924 ***</b>	<b>2.667 ***</b>
Student Diversity	<b>0.967 ***</b>	0.984	0.982	<b>0.908 ***</b>
Female Teacher Diversity	<b>0.974 ***</b>	<b>0.920 ***</b>	0.998	0.945
Male Teacher Diversity	<b>1.024 **</b>	<b>1.032 **</b>	0.989	<b>1.104 **</b>
Average Classroom Size	1.000	1.035	1.010	0.953
Population Density 500-1000 (<500)	0.987	1.044	1.019	0.889
Population Density 1000-2500 (<500)	<b>0.784 ***</b>	<b>0.783 **</b>	<b>0.776 **</b>	1.394
Population Density 2500-5000 (<500)	<b>0.795 ***</b>	0.884	<b>0.705 ***</b>	1.557
Population Density over 5000 (<500)	0.982	1.027	0.908	1.334
2018-2019 School Year (2017-2018)	<b>1.068 ***</b>	<b>1.137 ***</b>	<b>1.092 ***</b>	<b>0.912 ***</b>
Interaction: Black Female Students	<b>1.578 ***</b>	<b>1.459 ***</b>	<b>1.637 ***</b>	<b>1.584 ***</b>
Interaction: Hispanic Female Students	<b>1.357 ***</b>	<b>1.522 ***</b>	<b>1.275 ***</b>	<b>1.394 ***</b>
Interaction: Other Race Female Students	<b>1.368 ***</b>	<b>1.545 ***</b>	<b>1.264 ***</b>	<b>1.492 ***</b>
Interaction: Econ Disadvantaged Black Students	<b>0.575 ***</b>	<b>0.543 ***</b>	<b>0.563 ***</b>	<b>0.666 ***</b>
Interaction: Econ Disadvantaged Hispanic Students	<b>0.481 ***</b>	<b>0.444 ***</b>	<b>0.476 ***</b>	<b>0.552 ***</b>
Interaction: Econ Disadvantaged Other Race Students	<b>0.695 ***</b>	<b>0.679 ***</b>	<b>0.708 ***</b>	<b>0.544 ***</b>

Note: Estimates for school diversity and teacher diversity reflect a 10% change; Estimates for class size reflect a 10 student increase; Odds ratios between any specific group with white male students without economic disadvantage are calculated by multiplying the interaction estimate with those of all interacting variables -- e.g., to calculate the odds ratio comparing Black female students to White male students, both without economic disadvantage, you would multiply 3.466 (being Black) x 0.409 (being Female) x 1.578 (Interaction for being both Black and Female), resulting in an odds ratio of 2.239).



## APPENDIX B: SAFE SCHOOLS TASK FORCE TIMELINE OF ACTIVITIES APRIL 2021 - PRESENT

The Safe Schools Task Force met nine times virtually via Zoom between April 2021 and July 2022. Meeting agendas incorporated both large and small workgroup activities designed to educate and engage stakeholders and foster the development of policy recommendations. A timeline of activities for the Task Force meetings between April 2021 and July 2022 can be found in the table below

Meeting Date	Activity	Agenda Highlights*
April 22, 2021	<b>Stakeholder Engagement &amp; Education: Understanding the Problem</b>	<p><b>Presentations: Understanding the Problem</b></p> <p><b>The Case for School Discipline Reform</b></p> <p><i>Presentation by Kristen Harper and Emily Fulks from Child Trends</i></p> <ul style="list-style-type: none"> <li>Part I: The prevalence of school discipline &amp; harms associated with exclusion</li> <li>Part II: Research on school discipline reform</li> <li>Part III: Trends in school discipline policy</li> <li>Part IV: Policy levers to advance reform</li> </ul> <p><b>Promoting a Positive School Culture and Climate NYC DOE Discipline Code</b></p> <p><i>Presentation by Mark Rampersant, Holly Bedwell, and Kenyatte Reid from NYC DOE Office of Safety and Youth Development</i></p> <ul style="list-style-type: none"> <li>I. What We Saw- Responses to Student Behavior Taking a data driven approach to discipline reform: who is being suspended and for what?</li> <li>II. History of Changes to Discipline Code</li> <li>III. School Climate Initiatives</li> <li>IV. Progress in School Climate</li> </ul>
May 11, 2021	<b>Stakeholder Engagement &amp; Education: Setting our Course</b>	<p><b>What steps can SED take to drive down our discipline rates?</b></p> <ul style="list-style-type: none"> <li>• Discipline data: understanding the information and using it for reform</li> <li>• Professional Development</li> <li>• Understanding behavioral supports and interventions, and what supports are available for teachers</li> <li>• Collaboration between organizations and agencies</li> </ul> <p><b>What information do we need as a group?</b></p> <ul style="list-style-type: none"> <li>• What is working in discipline reform?</li> <li>• What are the priority areas of discipline reform that should be addressed?</li> <li>• What are the elements of school safety and how is discipline reform related?</li> </ul>

Meeting Date	Activity	Agenda Highlights*
		<ul style="list-style-type: none"> <li>• What are priority professional development topics for teachers?</li> <li>• How do we change the framework of discipline in a comprehensive yet collaborative way?</li> </ul>
July 30, 2021	<b>Stakeholder Engagement &amp; Education: Understanding Current Conditions</b>	<p><b>Building a Framework for Discipline Reform</b></p> <ul style="list-style-type: none"> <li>• Review of existing National Frameworks</li> <li>• Review of NY’s current discipline laws and regulations (including the Code of Conduct)</li> <li>• Discussion/activity to determine priority areas of reform</li> </ul> <p><b>Deeper Dive into an Existing Framework</b>  U.S. Department of Education, <i>Guiding Principles: A Resource Guide for Improving School Climate and Discipline</i>  Guiding questions:</p> <ul style="list-style-type: none"> <li>• What are key considerations for New York State?</li> <li>• Which action step(s) are a high priority for New York?</li> <li>• What is missing?</li> </ul>
October 29, 2021	<b>Stakeholder Engagement &amp; Education: Using Data to Inform our Process</b>	<p><b>Discipline Data Presentation</b> – to ground the group in the “why” of the work  Presentation by Renee Ryberg from Child Trends</p> <p><b>Small Group Discussion</b></p> <ul style="list-style-type: none"> <li>• What do you observe?</li> <li>• What surprised you?</li> <li>• What does the data suggest for New York State school discipline policy?</li> <li>• Name your most powerful takeaway and how it shifts your perspective on school discipline policy.</li> </ul> <p><b>Implicit Bias Workshopping</b> – to delve into root causes and focus on equity  The Cycle of Implicit Bias (referencing the work of Powell, John A. (2015).  Presentation by Kristen Harper from Child Trends</p> <p><b>Small Group Workshopping</b> – reflect and explore questions focused on the cycle of Implicit Bias</p> <ul style="list-style-type: none"> <li>• What additional examples are there from your role/system?</li> <li>• What change(s) in New York State policy can address discipline disparities?</li> </ul>

Meeting Date	Activity	Agenda Highlights*
December 10, 2021	<p><b>Policy Development:</b>  <b>Drafting Policy Recommendations</b></p>	<p><b>Drafting Policy Recommendations from the Task Force</b></p> <ul style="list-style-type: none"> <li>• Training &amp; Preparation</li> <li>• Changes in Practice</li> <li>• Data Collection &amp; Analysis</li> <li>• Codes of Conduct</li> </ul> <p><b>What policies are missing?</b></p> <p><b>Which policy changes are we committed to and want to prioritize?</b></p> <p><b><i>The Cycle of Implicit Bias: Additional Examples</i></b>, Presentation by Kristen Harper from Child Trends</p> <ul style="list-style-type: none"> <li>• To what extent do our policy suggestions address the Cycle of Implicit Bias?</li> </ul>
April 1, 2022	<p><b>Policy Development:</b>  <b>Refining our Draft Recommendations</b></p>	<p><b>Review of current NYS Ed Law 3214 and 2801</b></p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>• What change(s) in New York State policy can address discipline disparities?</li> <li>• What policies are missing?</li> <li>• Which policy changes are we committed to and want to prioritize?</li> <li>• To what extent do our policy suggestions address the Cycle of Implicit Bias?</li> </ul> <p><b>What is happening in other states?</b></p> <ul style="list-style-type: none"> <li>• What's your reaction?  <i>(Is this what you had in mind? What stood out to you, surprised you, or do you have additional questions about?)</i></li> <li>• Should we explore this further in NY?</li> <li>• How could this build on what is happening in NY?  How do we know if it does or could work in NY?</li> </ul>
May 9, 2022	<p><b>Policy Development:</b>  <b>Editing our Draft Recommendations</b></p>	<p><b>Drafting Recommendations</b></p> <ul style="list-style-type: none"> <li>• Each small workgroup focused on one area of NYS policy for reform: Training &amp; Preparation, Changes in Practice, Data Collection &amp; Analysis, Codes of Conduct</li> <li>• Each workgroup worked to refine, come to consensus, and finalize each of our recommendations to be presented to the <b>Policy Development: Editing our Draft Recommendations</b> Board of Regents for consideration</li> </ul>

Meeting Date	Activity	Agenda Highlights*
June 2, 2022	<p><b>Policy Development:</b>  <b>Evaluating our Recommendations</b></p>	<p><b>Drafting Recommendations</b></p> <ul style="list-style-type: none"> <li>• Each small workgroup continued to focus on one area of NYS policy for reform: Training &amp; Preparation, Changes in Practice, Data Collection &amp; Analysis, Codes of Conduct</li> <li>• Each workgroup worked to finalize each of our recommendations to be presented to the Board of Regents for consideration.</li> <li>• Participant reaction to the recommendation <ol style="list-style-type: none"> <li>1. This recommendation <b>accurately reflects</b> our conversation about what steps need to be taken.</li> <li>2. I have a <b>suggested edit/revision</b> to improve for this recommendation.</li> <li>3. This recommendation <b>does not accurately reflect</b> our conversation about steps that need to be taken.</li> </ol> </li> </ul>
July 26, 2022	<p><b>Policy Development:</b>  <b>Finalizing our Recommendations</b></p>	<p><b>Finalizing Recommendations</b></p> <p><b>A shift in thinking:</b></p> <p>Recommendations to the Board of Regents:</p> <ul style="list-style-type: none"> <li>• Are made by the NYSED Office of Student Support Services.</li> <li>• Consider our varying stakeholder positions.</li> <li>• Our stakeholders are engaged in formulating the recommendations, without requesting an endorsement.</li> </ul> <p><b>Workgroup Themes</b></p> <ul style="list-style-type: none"> <li>• Current laws must be amended.</li> <li>• To make sustainable changes: the issue must be understood, and solutions must engage the whole school community.</li> <li>• Our younger students must not be removed. Removals cannot be subjective. The length of time for removal must be limited.</li> <li>• Mindsets and language must be reframed: from punishing to learning; from removing to supporting; from reactive to proactive.</li> <li>• Proactive &amp; supportive alternatives to removal are needed: for students, for educators.</li> <li>• Implementation will require funding, guidance, support, professional development, and ongoing review.</li> </ul> <p><b>Meeting Process</b></p>

Meeting Date	Activity	Agenda Highlights*
		<ul style="list-style-type: none"> <li>• Participants joined their same workgroup in a breakout room. Training &amp; Preparation, Changes in Practice, Data Collection &amp; Analysis, Codes of Conduct</li> <li>• Facilitators rotated through each breakout room and presented the recommendations. Participants remained in their breakout room and reviewed the three other areas of NYS policy for reform.</li> <li>• Participant reaction to the recommendations: <ul style="list-style-type: none"> <li>▪ Does this recommendation take steps to address disproportionate exclusionary discipline?</li> <li>▪ Offer suggestions for improvement in the phrasing or make a proposal to clarify intent. “If not this, then...”</li> <li>▪ Comments will be considered by NYSED staff before they present to the Board of Regents.</li> </ul> </li> </ul>

*\*Agendas and meeting summary notes for each meeting are available upon request.*

## APPENDIX C: SAFE SCHOOLS TASK FORCE MEMBER ORGANIZATIONS

Invitations to the Safe Schools Task Force meetings were extended to representatives from the following organizations in New York State:

Advocates for Children  
Albany City School District  
Alliance for Quality Education  
Amsterdam High School  
Association for Educational Safety and Health Professionals  
Berkshire Union Free School District  
Child Trends  
Children's Defense Fund New York  
Commission on Economic Opportunity  
Conference of Big 5 School Districts  
East Greenbush Central School District  
Eastern Suffolk Board of Cooperative Educational Services (BOCES)  
Empire Justice Center  
Empire State School Administrators Association  
Erie 1 Board of Cooperative Educational Services (BOCES)  
Erie County Sheriff's Office  
Fulton Central School District  
Gay, Lesbian & Straight Education Network (GLSEN)  
Former Governor Cuomo's Office, Governor Hochul's Office  
Healthy Schools Network, Inc.  
Ithaca City School District  
Lockport Central School District  
Mental Health Association in New York State, Inc.  
Nassau County Assistant District Attorney Office  
New York Association of School Psychologists  
New York City Department of Education  
New York City Police Department  
New York Civil Liberties Union  
New York State Assembly  
New York State Association for Pupil Transportation  
New York State Catholic Conference  
New York State Center for School Safety  
New York State Center for School Safety, Safe and Supportive Technical Assistance Center  
New York State Congress of Parents and Teachers  
New York State Council of School Superintendents  
New York State Counselor's Association

New York State Department of Health  
New York State Division of Criminal Justice Services  
New York State Division of Homeland Security  
New York State Education Department  
New York State Office of Children and Family Services  
New York State Office of Mental Health  
New York State Permanent Judicial Commission on Justice for Children  
New York State Police  
New York State Probation  
New York State School Board Association  
New York State School Counselor's Association  
New York State School Social Worker's Association  
New York State Small Cities School District Association  
New York State United Teachers' Association  
Oceanside Central School District  
Oneida Board of Cooperative Educational Services (BOCES)  
Oneonta Central School District  
Oswego Board of Cooperative Education Services (BOCES)  
Putnam Northern Westchester Board of Cooperative Educational Services (BOCES)  
Rural Schools Association of New York State  
Saratoga Springs City School District  
School Administrators Association of New York State  
State University of New York, University at Albany School of Education  
Troy City School District

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