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Tuesday, October 30, 2018

Dear Honorable Mayor Bill de Blasio and Chancellor Richard Carranza,

We are deeply concerned by the racial disparities in the length of suspensions for similar infractions revealed in the Independent Budget Office (IBO) Report: *When Students of Different Ethnicities Are Suspended For the Same Infraction Is the Average Length of Their Suspension the Same?* The IBO's research unearthed a number of troubling conclusions:

- Black students received longer suspensions on average for 8 of the top 10 infractions;
- Compared with the ethnic group suspended for the fewest days on average, black students were suspended for roughly *twice* the number of days for bullying, reckless behavior, and altercations.

The new publicly released data in the IBO report provides the Chancellor with an opportunity to move the Department of Education beyond identifying the racial inequities in school discipline to taking concrete steps to change the policies and practices leading to these inequities. Youth-led organizations, parent advocates, educators, and civil rights advocates have proposed comprehensive reforms to reduce and eliminate the racial disparities found across discipline enforcement and outcomes. These disparities are not intractable, and in keeping with the Mayor and Chancellor's vision of Equity for All, we urge the Department of Education to set a timeline for adopting reforms to ensure fair and equitable discipline policies and practices in all schools and for all children, especially our most vulnerable students.

To reduce the disparities in the length of suspensions for similar infractions, ***the Chancellor should shorten the windows for length of Superintendent Suspensions and limit the length of long-term suspensions from 180 days to 20 days.*** Current suspension terms have wide windows, *from 11-29 days for certain infractions, and 30-59 days for other infractions.* ***The DOE should shorten suspension terms to 11-15 days and 16-20 days.*** In addition, keeping with recent state legislation introduced by Assemblymember Catherine Nolan, Chair of the Education Committee, the DOE should ***cap all Superintendent Suspensions to 20 days***, excluding federally mandated suspensions. Adopting these reforms to reduce the racial disparities in the length of suspensions would help reassure our students, parents, and communities that the Department of Education is willing to address equity across the system. **The DOE needs to put forth a comprehensive plan to address the racial inequities and disparities across discipline practices and outcomes.**

New York City has codified a school discipline system with inherent racial biases and inequities mirrored in our juvenile and criminal justice systems. Since the Department of Education and New York Police Department began collecting and publicly reporting school discipline and policing outcomes the data has



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consistently shown black students are disproportionately, suspended, arrested, issued a summons, detained by the NYPD for Juvenile Reports, and handcuffed during emotional distress. Black girls are 10.4 times more likely to be arrested and 6.3 times more likely to receive a summons than their white peers. Black boys are 5.6 times more likely to be arrested and 9 times more likely to receive a summons. In the 2014-15 school year, black students accounted for 58% of all arrests and 51.7% of all suspensions. The latest available data shows black students continue to make up 58% of all arrests and 47% of all suspensions.

While there are certain aspects of the criminal justice system the city cannot control, school discipline is completely under the purview of city agencies – the Department of Education and New York Police Department. Changing discriminatory policies and practices that have already been identified will support the development of safe and supportive learning environments for all students. In 2015, the City convened the multi-stakeholder and multi-agency Mayor’s Leadership Team on School Climate and Discipline. The Leadership Team was informed by the concept that all of our schools need to move away from punitive responses to student behavior that have been proven to be ineffective at improving student behavior and school climate. It was also guided by the understanding that suspensions and arrests increase students’ chances of being held back in school, dropping out and entering the juvenile justice system. The following recommendations were included in the Leadership Team’s report:

- Reduce the frequency and duration of suspensions and minimize arrests and referrals to the justice system for school-based disciplinary offenses.
- Reduce disparities by race, gender, disability and LGBT status in student discipline, arrests and summonses.
- Implement strategies and supports to specifically reduce disparities in discipline and school-based arrests/summonses.

The Department of Education and New York Police Department should adopt policy reforms put forth by the youth-led organizations, school discipline advocates, and civil and legal advocates that participated on the Leadership Team that will advance the aforementioned recommendations.

***Eliminate suspensions for insubordination/defying authority.*** In 2014, former President Obama’s Department of Justice and Department of Education released a Dear Colleague Letter on Guidance on School Discipline encouraging school districts to eliminate the use of suspensions for minor subjective infractions because of the research demonstrating they drive racial disparities. Chancellor Carranza’s former district, the San Francisco Unified School District has eliminated suspensions for insubordination/defying authority, as well as the Los Angeles Unified School District.



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***Mandate guidance interventions before the use of suspensions.*** The increase in schools using alternatives to punitive school discipline models, expanding restorative practices, and positive behavioral supports has been a step in the right direction. To address the implicit and explicit biases in the system and discipline process, it is imperative to create protocols across the system that will create the opportunity for schools to reflect on the severity, harshness, and impact of discipline responses.

***Eliminate the use of summons, arrests, and juvenile reports for low-level offenses (misdemeanors) and violations.*** Black and Latinx students account for 90% of all summons and 92% of all arrests. Many of these students are being punished twice for the same incident by two different systems within our schools. Students often receive Superintendent Suspensions for incidents *and*, after serving their suspensions, they also receive a summonses for the same incidents which force them into the criminal justice system. This is not a matter of ensuring school safety. Schools have the opportunity to develop a plan to address any harm and support their social, emotional, and mental health needs. There is no reason to continue to funnel them into summons court, usually two months later, where a missed court date will result in their warrant, or a fine levied against them will bring unneeded financial strains on families. Our schools should be the place where we create robust and comprehensive intervention and diversion programs to break the cycle of mass incarceration in communities of color. The City continues to increase programs designed to keep our youth out of the juvenile and criminal justice systems, including Restorative Justice and mediation programs, community based diversion programs, and in Brooklyn and Manhattan, the District Attorney Offices continue to expand their youth diversion programs. Students accused of low-level offenses (misdemeanors) should be connected to diversion programs.

In addition to the policy reforms needed, the Department of Education has to end the criminalization of students of color in emotional distress. 95% of child-in-crisis incidents where the NYPD is involved and a child is brought to an emergency room involves children of color. Black students make up 49% of those incidents. A 4 year-old- black student is the youngest student handcuffed/restrained during a child-in-crisis incident. Students of color are 100% of all children under the age of 12 handcuffed during these incidents. These numbers do not reflect all child-in-crisis incidents, as the number of children brought to a precinct instead of a hospital during these interactions is not captured. The NYPD is not the proper agency to intervene with students, let alone a 4-year-old child, during emotional distress. As proposed by the Mayor's Leadership Team, the Department of Education should fund a mental health pilot that will create a network of mental health services that will pair schools with a mental health network to help them de-escalate during crisis moments, and create mental health support teams staffed by mental health professionals.

The reduction in suspensions, summons, and arrests over the past five years has shown the city can reduce interactions between students and police and the criminal justice system while sustaining safe and



supportive school communities. The continued racial disparities and inequities in school discipline outcomes demonstrates policy reforms have to directly address systemic biases and discrimination. The city has recently taken bold positions on reforms needed to desegregate schools. It is time for the city to advances policy reforms necessary to make sure all students are treated fairly and equitably within all of our schools.

Sincerely,

The Progressive Caucus of the New York City Council

Sincerely,

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Chair of the Council's Education Committee

Council Member Ben Kallos  
Co-Chair of the Progressive Caucus

Council Member Carlos Menchaca  
Vice-Chair of the Progressive Caucus

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