



**Advocates for Children of New York**  
Protecting every child's right to learn

**Testimony to be given at the City Council Oversight Hearing on Examining School  
Climate and Safety**

**Sponsored by the Committee on Education, jointly with the Committee on Public  
Safety and the Committee on Juvenile Justice.**

**By Bernard Dufresne, Advocates for Children of New York  
April 15, 2013**

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My name is Bernard Dufresne. I am a staff attorney in Advocates for Children of New York's School Justice Project where I focus on helping students with behavioral challenges get the support they need to stay and succeed in school.

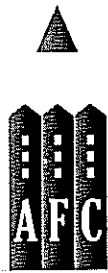
Advocates for Children is also a member of the Dignity in Schools Campaign - New York.

We are pleased with the recent improvements to the NYC Department of Education's Discipline Code, especially with the strategies included to promote positive school culture and progressive discipline. Additionally, we are encouraged to see that the Student Safety Act data show a reduction in the number of overall suspensions in New York City during the first half of the 2012-2013 school year. Nevertheless, the Department of Education must continue to reduce its reliance on student suspensions as a way to deal with student misbehavior, especially for students with disabilities. The data show that, in the 2011-2012 school year, there were 69,643 suspensions. Of the total number of suspensions during that time, nearly one-third were served by students with disabilities, even though students with disabilities



represent only 12% of the student population. School staff members who work with students with disabilities and students with behavioral challenges must be properly trained on the use of guidance interventions and techniques for keeping those students engaged and in their classrooms. After all, research shows that students who are suspended are at much greater risk of failing classes, being retained a grade, becoming truant, dropping out of school, and becoming court-involved.

Two weeks ago, Advocates for Children filed a New York State Complaint against the New York City Department of Education for the City's systemic failure to properly address the behavioral needs of students with disabilities. We found that the City has failed to provide students with disabilities with the behavioral assessments and individualized behavior management plans required by law to help determine the causes of their behaviors and effective ways to address them. For example, one student I worked with received four superintendent's suspensions over the course of a year, resulting in over 150 days at a suspension site. Despite the student's recognized behavioral challenges stemming from his disability, the schools and suspension sites he attended during that time did not assess his behavioral needs or develop an individualized behavior management plan to address those needs, in violation of the law. When the student returned from a suspension, his home school failed to implement any meaningful supports and again and again, the use of suspensions was often the first option as opposed to the last resort. As a result of these multiple, long-term suspensions, the youth fell behind academically and became court-involved.



Though this is only one account, we included 20 similar stories in our complaint, and national data show that this cycle of suspensions, without guidance interventions and appropriate behavioral supports, pushes youth, disproportionately those of color, into the school to prison pipeline.

While the Department of Education has taken steps to increase the use of positive alternatives to suspensions in recent years, until these alternatives become priorities and are seen as key investments, school discipline will continue to be a major hurdle in the education of our youth. Such investment requires the foresight to provide the resources today to expand the number of schools that utilize restorative approaches and train school staff on classroom management, proper techniques for addressing behavioral challenges, and how to assess a student's behavior and develop an effective behavior plan. Therefore, we ask the City Council to allocate more funding to support effective behavioral supports and training in New York City schools and allow our youth to fulfill their academic potential.

While my testimony today has focused on the City's traditional public schools, I must mention that Advocates for Children has received calls from parents of students attending charter schools who are facing expulsions or long-term suspensions that are far more severe than the punishments that traditional public schools in the City are allowed to impose, relying on discipline policies that fail to comport with the law. We ask the City Council to join us in calling on charter school



authorizers to review and revise charter school discipline policies to ensure that charter schools do not trample on students' rights.

Thank you very much for the opportunity to testify and we look forward to working with you to prioritize school climate and safety in New York City.