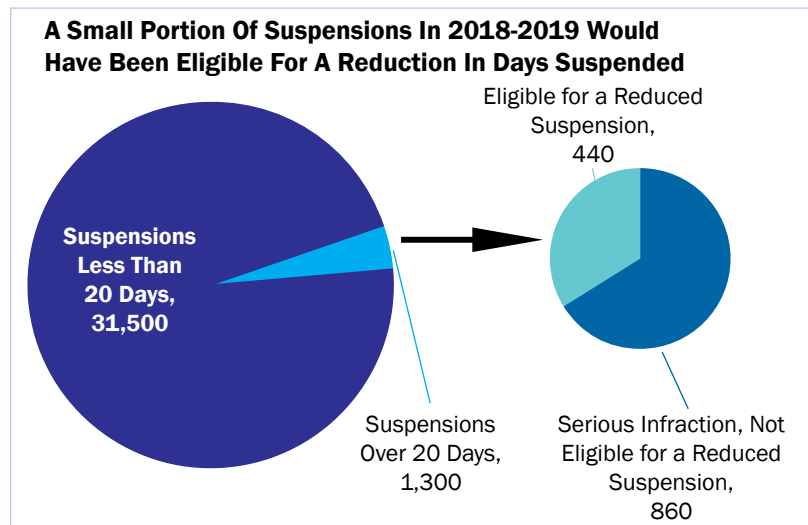


# Limiting School Suspension Days: How Many Suspensions Would Have Been Shortened?

In fall 2019, the Department of Education (DOE) implemented a policy capping school suspensions at 20 days, except for the most serious infractions. With in-school instruction shut down in March 2020 because of the pandemic and many students learning remotely full-time or part-time in the 2020-2021 school year, data on the full effects of this policy change are not available. However, we can ask how many suspensions would have been shorter had the policy existed in the 2018-2019 school year?



- In 2018-2019, there were approximately 32,800 school suspensions and about 1,300 were more than 20 days, or roughly 4 percent of all suspensions. After excluding about 860 involving the most severe infractions, we found that 440 suspensions (just over 1 percent) of all suspensions would have been shortened to 20 days.
- Among those eligible for a shortened suspension, the number of days suspended ranged from 21 to 63 days.
- Suspensions for five days or fewer represented 75 percent of all suspensions, with the largest share of suspensions being for five days (27 percent).
- Suspensions of 6-20 days represented 21 percent of all suspensions, with six days and 10 days being the most frequent days suspended in this range: 14 percent of suspensions were 6-10 days, and 7 percent were 11-20 days.

Five days is a critical threshold for student suspensions. Any suspension greater than five days is considered a superintendent suspension (although a small number of superintendent suspensions are for fewer than five days). According to New York State Law, students are entitled to an official hearing, which can include legal representation, questioning of witnesses, and various motions, similar to a court proceeding.<sup>1</sup> Of the approximately 8,900 superintendent suspensions, 95 percent were sustained by either taking a plea or by determination at a hearing.

Most students who receive a superintendent suspension are removed from their school and attend one of the city's 31 Alternative Learning Centers (ALC), which operated remotely for most of last year.<sup>2</sup> Reducing the time that students spend in ALCs and placing them back in classrooms was one of the main motivations for capping school suspensions at 20 days. These services also come at a cost. The total cost of superintendent suspensions in the 2018-2019 school year was \$39 million, which includes \$32 million on 34 ALCs and \$7 million on suspension and hearing offices.<sup>3</sup> Despite the 2019 policy change, closing three ALCs, and with many students attending school remotely at least part of this past school year, the DOE still spent \$34 million on superintendent suspensions in 2020-2021.

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NOTE: Data on the number and length of suspensions during the 2020-2021 school year are not yet available.

## ENDNOTES

<sup>1</sup>[https://newyork.public.law/laws/n.y\\_education\\_law\\_section\\_3214](https://newyork.public.law/laws/n.y_education_law_section_3214)

<sup>2</sup>Only students in grades 6-12 serve suspensions in ALCs. Students in grades K-5 remain at their school or go to a nearby school.

<sup>3</sup>Totals exclude pension costs and most fringe benefit expenses for staff at suspension offices and ALCs.