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CDF-NY Urges the City to Address Continuing Disparities in School Discipline and Encourage Schools to Utilize the Least Exclusionary Discipline Options

NEW YORK, NY – An analysis of the Student Safety Act data [released October 31, 2016](#) shows a significant drop in suspensions of New York City public school students in school year 2015-16, and 298 schools reporting zero classroom removals or suspensions of any kind. We urge the Department of Education (“DOE”) to use this data as a tool to provide targeted and focused support and interventions to those schools with high rates of classroom removals, suspensions, and EMS calls as well as to schools with high disparities in these areas.

In 2015, Mayor de Blasio announced a series of policy initiatives to improve the climate and culture of New York City public schools, and two phases of recommendations from the Mayor’s Leadership Team on School Climate and Discipline (“MLT”) are now public. [CDF-NY testified before the DOE this August](#) in support of changes to the Discipline Code, and we continue to call on the city to invest in restorative and supportive alternatives to punitive, exclusionary discipline. As we await a Discipline Code that would ban suspensions for students in grades K-2, we urge the city to increase supports to those schools most actively utilizing suspensions for this population.

Given that there were 1,752 classroom removals reported for students in kindergarten, first, and second grade in school year 2015-16, we further urge the City to utilize alternatives to removing students from classrooms. Replacing the 562 principal’s suspensions and 239 superintendent’s suspensions with classroom removals would not go far enough to encourage developing teacher-student relationships or social emotional learning approaches to prevent disruptive behaviors.¹ Ample research demonstrates that removals - detaching students from classmates and their teachers - result in lost learning time, student frustration and mistrust, difficulties for families, and models exclusion as the only way to resolve conflict.² It is important not only to educate school leaders and staff about the negative consequences of school suspension but also to convince them of the viability of alternatives to exclusionary discipline as a response to harm, “disruption,” or “insubordination.”

During the 2015-16 school year, there were 4,817 classroom removals for students in grades K-5, and 7,126 classroom removals for students in grades 6-12. Of all reported exclusions girls experienced, 19% were classroom removals, while of all reported exclusions boys experienced, 26% were classroom removals.

With the 11,943 classroom removals, 2,106+ instances (~18%) were reported under Level 1 infractions of the Discipline Code. All Level 1 infractions allow for a range (A through E below) of possible disciplinary responses to be used in addition to guidance interventions, before reaching “removal from classroom by teacher.”

- A. Admonishment by pedagogical school staff
- B. Student/teacher conference
- C. Reprimand by appropriate supervisor (e.g., assistant principal, principal)
- D. Parent conference
- E. In-school disciplinary action (e.g., formal restorative conference, detention, exclusion from extracurricular activities, or communal lunchtime)

For students in grades 6-12, classroom removals make up less of a proportion of all discipline responses (17%) when compared to students K-5 (59%), demonstrating a reliance on the more exclusionary disciplinary tools for this student population. We call on the DOE to closely monitor the reliance on the most exclusionary disciplinary option. CDF-NY has long asked the DOE to explicitly require the use of guidance interventions before issuing a disciplinary response. We understand that one [proposed change to the Discipline Code](#) would make it a requirement to document guidance supports and interventions for Level 1-3 infractions, and we encourage the DOE to also subject documentation to review. There are methods to deter or remedy harmful student behaviors prior to resorting to a removal or suspension, and we ask that the DOE codify that classroom and school exclusions be a last resort.

In Grades K-5 there were 2,282 principal's suspensions, with the most common Discipline Code infractions falling under "Altercation" or "Minor Altercation."

Across principals and superintendent's suspensions there is considerable overlap in the most frequently utilized discipline code infractions: A33; A43; A34. We urge the DOE and school administrators to use the Student Safety Act data to evaluate the exercise of discretion by school leaders in their disciplinary decision making, since the impact of these decisions can influence student engagement and achievement and affect student perceptions of justice and fairness.³

In Grades 6-12, there were 24,840 principal's suspensions, making up 60% of all reported disciplinary responses for students in grades 6-12.

The second most common principal's suspension fell under B24, "Minor Altercation" for which there is a range of options beginning with "Admonishment by pedagogical staff." For Infraction B24, 5,158 principal's suspensions (nearly 20 percent of all principal's suspensions across all grades) were given, with 1,912 classroom removals being utilized for the same infraction. Discretion delegated to school leaders must be structured through clear and specific discipline plans and policies, and subject to review or systematic monitoring to ensure that discretion is exercised with the most restorative option in mind.

In the 2015-16 school year, 54% of classroom removals were for two (27%), three (16%), or four days (11%), and 33% of the 27,122 principal's suspensions were for the maximum allowable duration of five days.

Disparities are greatest for Black students and students with disabilities in the most exclusionary categories, superintendent's suspension and students with 2 or more suspensions or removals. While Black students make up 27.1% of the DOE's student population, they make up 54.4% of all superintendent's suspensions and 52.5% of students with 2 or more suspensions or removals (while also 49% of all classroom removals, and 47.7% of principal's suspensions). While students with disabilities make up 18.7% of the DOE's student population, they make up 43% of all superintendent's suspensions and 43% of students with 2 or more suspensions or removals (while also 40% of classroom removals, and 37% of principal's suspensions). The systemic implementation of restorative practices at the classroom, school, district, and city level, coupled with the reform offered through the Discipline Code, can play a key role in addressing disproportionality in discipline outcomes.

While the data shows that there is some improvement, CDF-NY urges the city to develop focused efforts to eliminate disparities and allow all youth access to a meaningful education. In an increasing number of schools, educators and communities are working to implement evidence-based alternatives, like restorative justice, that reduce the demand for exclusionary discipline. Through increased transparency, solution-oriented collaboration and the targeted provision of services and supports, the city can move toward preventative, proactive solutions to harm and disruption that happens in schools.

Top Five Incidents by Infraction Code for Grades K-5

Level	Discipline Code	Infraction	Number of Classroom Removals	Percent of Classroom Removals
3	A24	Minor Altercation	1,900	39%
4	A33	Altercation and/or Physically Aggressive Behavior	991	21%
1	A06	Disrupting the Educational Process	252	5%
3	A22	Insubordination	240	5%
4	A34	Coercion/Threats	238	5%

Level	Discipline Code	Infraction	Number of Principal's Suspensions	Percent of Principal's Suspensions
4	A33	Altercation and/or Physically Aggressive Behavior	922	40%
3	A24	Minor Altercation	326	14%
4	A34	Coercion/Threats	212	9%
4	A43	Reckless Behavior with Substantial Risk of Serious Injury	204	9%
4	A36	Intimidating and Bullying Behavior	147	6%

Level	Discipline Code	Infraction	Number of Superintendent's Suspensions	Percent of Superintendent's Suspensions
4	A33	Altercation and/or Physically Aggressive Behavior	249	22%
5	A56	Weapon Possession	182	16%
4	A43	Reckless Behavior with Substantial Risk of Serious Injury	177	16%
5	A50	Using Force Against/Inflicting to/Inflicting Serious Injury to SSA or School Personnel	141	13%
4	A34	Coercion/Threats	76	7%

Top Five Incidents by Infraction Code for Grades 6-12

Level	Discipline Code	Infraction	Number of Classroom Removals	Percent of Classroom Removals
3	B24	Minor Altercation	1,912	27%
3	B07	Disrupting the Educational Process	1,068	15%
3	B21	Insubordination	960	13%
2	B15	Profane, Obscene, Vulgar Language or Gestures	764	11%
1	B08	Verbally Rude or Disrespectful	587	8%

Level	Discipline Code	Infraction	Number of Principal's Suspensions	Percent of Principal's Suspensions
4	B36	Altercation and/or Physically Aggressive Behavior	7,375	30%
3	B24	Minor Altercation	5,158	21%
4	B37	Coercion/Threats	1,788	7%
4	B39	Intimidating and Bullying Behavior	1,773	7%
3	B21	Insubordination	1,530	6%

Level	Discipline Code	Infraction	Number of Superintendent's Suspensions	Percent of Superintendent's Suspensions
5	B58	Weapon Possession	1,805	19%
4	B36	Altercation and/or Physically Aggressive Behavior	1,367	15%
5	B54	Group Violence	878	9%
4	B45	Reckless Behavior with Substantial Risk of Serious Injury	787	8%
4	B39	Intimidating and Bullying Behavior	698	7%

Endnotes

¹ J.A. Durlak, R.P. Weissberg, A.B. Dymnicki, R.D. Taylor, K.B. Schellinger, "The impact of enhancing students' social and emotional learning: a meta-analysis of school-based universal interventions," *Child Development* 82 (2011): 474–501.

² Texas Appleseed, "Banning Classroom Removals for Young Children Policy Guide," (Austin: Author, 2016), <https://www.texasappleseed.org/sites/default/files/Yg-Stud-SuspensionBanPolicyGuide.pdf>.

³ Nora M. Findlay, "Discretion in Student Discipline: Insight into Elementary Principals' Decision Making," *Educational Administration Quarterly* 51, no. 3 (2015): 472-507.