



**Comments for the Office of Safety and Youth Development,  
New York City Department of Education**

**Re: The Draft New York City School Discipline Code  
January 2017**

**By Charlotte Pope, Youth Justice Policy Associate**

The Children's Defense Fund's (CDF) Leave No Child Behind® mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities. Through CDF's Cradle to Prison Pipeline® Campaign—a national initiative to stop the funneling of children down life paths that often lead to arrest, conviction and incarceration—CDF-New York works to replace punitive school discipline and safety policies in New York City schools with social and emotional supports that encourage a positive school climate and improve educational and social outcomes for youth.

We would like to thank the Department of Education (DOE) for this additional opportunity to submit comments pertaining to the newest revisions to the Citywide Behavioral Expectations to Support Student Learning (The Discipline Code).

**Overview**

With this proposed Discipline Code the DOE and the City of New York have taken much needed steps to advance the safety and dignity of students in New York City's public schools, particularly the city's youngest students. We commend certain revisions made to the Code:

- The reduction in options to suspend students in grades K-2;
- The requirement to provide and document support services at all stages of the disciplinary process, including during suspension; and
- The restrictions made to the maximum disciplinary response for many infractions, including the reduction in the availability of the expulsion option.

At the same time, CDF-NY calls on the DOE to take further action as it finalizes the Code:

- (1) Remedy the new punishment discrepancy between second and third graders
- (2) Reverse changes that increase the maximum disciplinary response for students in grades four and five
- (3) End long term suspensions and, absent a twenty-day cap, provide additional opportunities for early reinstatement
- (4) Eliminate gang-related infractions across grades K through 5
- (5) Eliminate infraction B21
- (6) Reconsider disciplinary responses to certain weapons and incorporate a safe harbor provision
- (7) Invest in alternatives and ensure accessibility of all alternative disciplinary responses listed in the Code

We believe these recommendations are essential to build safe and supportive schools, further reduce the use of suspensions, and lessen disparities in the use of exclusionary discipline by race, disability status, sexual orientation, and gender identity.

**(1) Remedy the new punishment discrepancy between second and third graders**

For many infractions, the new courtesy extended to students in grades K to 2 has created a noticeable divide in the treatment of second graders as compared to third graders. We encourage the DOE to critically consider extending the disciplinary limitations to students in third grade and ultimately beyond. Research confirms that even in elementary schools racial discrimination contributes to higher rates of school punishment for Black students.<sup>1</sup> One study analyzing the discrepancy between individual referrals and total referrals concluded Black elementary school students faced a higher rate of multiple referrals, were more likely to receive out-of-school suspensions for all types of infractions tested, and were more likely to be suspended out-of-school for minor misbehavior.<sup>2</sup> Those students were also less likely to receive in-school suspension for disruption or noncompliance, and were less likely to receive moderate consequences for noncompliance or minor infractions.<sup>3</sup>

While the limitations of the Student Safety Act do not enable the public to disaggregate suspension infraction or grade level by race, all evidence suggests that the reduction in the maximum disciplinary option for students in these younger grades would contribute to the City's efforts to reduce racial and ability disparities.

#	Infraction	Grades K-2 Harshes Response	Grade 3 Harshes Response	Potential Difference
A32	Possessing or distributing, displaying, or sharing literature or material containing a threat of violence	(F) Removal from classroom by teacher for up to 1 day	(I) Superintendent's suspension that results in continued suspension for a fixed period of 6-10 days	10 Suspension Days
A33	Engaging in physically aggressive behavior	(F) Removal from classroom by teacher for up to 1 day	(L) Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	90 Suspension Days
A34	Engaging in an act of coercion or threatening or instigating violence	(F) Removal from classroom by teacher for up to 1 day	(L) Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	90 Suspension Days
A39	Possessing controlled substances or prescription medications without appropriate authorization	(E) In-school disciplinary action	(L) Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	90 Suspension Days
A40	Taking or attempting to take property belonging to another or belonging to the school without authorization	(F) Removal from classroom by teacher for up to 1 day	(L) Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	90 Suspension Days
A41	Falsely activating a fire alarm or other disaster alarm	(F) Removal from classroom by teacher for up to 1 day	(I) Superintendent's suspension that results in continued suspension for a fixed period of 6-10 days	10 Suspension Days
A42	Making a bomb threat	(F) Removal from classroom by teacher for up to 1 day	(I) Superintendent's suspension that results in continued suspension for a fixed period of 6-10 days	10 Suspension Days

<sup>1</sup> Ferguson, A.A. (2001). *Bad boys: Public schools and the making of Black masculinity*. Ann Arbor: University of Michigan Press.

<sup>2</sup> Skiba, R.J., Horner, R.H., Chung, C., Rausch, M.K., May, S.L., and Tobin, T. (2011). Race is Not Neutral: A National Investigation of African American and Latino Disproportionality in School Discipline. *School Psychology Review*, 40(1): 85-107.

<sup>3</sup> IBID

#	Infraction	Grades K-2 Harshest Response	Grade 3 Harshest Response	Potential Difference
A43	Creating a substantial risk of serious injury	(F) Removal from classroom by teacher for up to 1 day	(L) Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	90 <i>Suspension Days</i>
A44	Causing a serious injury	(G) Principal's suspension for 1-5 school days	(L) Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	90 <i>Suspension Days</i>
A45	Inciting/causing a riot	(F) Removal from classroom by teacher for up to 1 day	(L) Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	90 <i>Suspension Days</i>
A46	Possessing, displaying, or selling any weapon as defined in Category II	(F) Removal from classroom by teacher for up to 1 day	(L) Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	90 <i>Suspension Days</i>
A47	Using controlled substances or prescription medication without appropriate authorization	(D) Parent Conference	(L) Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	90 <i>Suspension Days</i>
A48	Starting a fire	(G) Principal's suspension for 1-5 school days	(J) Superintendent's suspension that results in an extended suspension for 11-29 school days	28 <i>Suspension Days</i>
A49	Threatening to use force or take or attempt to take property belonging to another	(G) Principal's suspension for 1-5 school days	(L) Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	89 <i>Suspension Days</i>
A50	Using force against, or inflicting or attempting to inflict serious injury upon students or others	(G) Principal's suspension for 1-5 school days	(L) Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	89 <i>Suspension Days</i>
A51	Using extreme force against or inflicting or attempting to inflict serious injury upon students or others	(G) Principal's suspension for 1-5 school days	(K) Superintendent's suspension that results in an extended suspension for 30-59 school days	58 <i>Suspension Days</i>
A52	Planning, instigating, or participating with another or others, in an incident of group violence	(G) Principal's suspension for 1-5 school days	(L) Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	89 <i>Suspension Days</i>
A55	Selling or distributing illegal drugs or controlled substances	(F) Removal from classroom by teacher for up to 1 day	(K) Superintendent's suspension that results in an extended suspension for 30-59 school days	59 <i>Suspension Days</i>
A56	Possessing or selling any weapon, other than a firearm, bomb or other explosive	(G) Principal's suspension for 1-5 school days	(K) Superintendent's suspension that results in an extended suspension for 30-59 school days	58 <i>Suspension Days</i>
A57	Threatening to use or using a weapon as defined in Category II	(F) Removal from classroom by teacher for up to 1 day	(K) Superintendent's suspension that results in an extended suspension for 30-59 school days	59 <i>Suspension Days</i>

#	Infraction	Grades K-2 Harshest Response	Grade 3 Harshest Response	Potential Difference
A58	Threatening to use or using a weapon, other than a firearm, bomb or other explosive, as defined in category I	(F) Removal from classroom by teacher for up to 1 day	(K) Superintendent's suspension that results in an extended suspension for 30-59 school days	59 <i>Suspension Days</i>
A59	Using any weapon, other than a firearm, bomb or other explosive, as defined in Category I or II	(G) Principal's suspension for 1-5 school days	(N) Superintendent's suspension that results in a one year suspension and assignment to an alternative program without the opportunity for early reinstatement	Nearly <i>one year</i>

**(2) Reverse changes that increase the maximum disciplinary response for students in grades four and five**

CDF-NY supports the changes to the Discipline Code that allow for the use of 11-29 day suspensions explicitly as a means to reduce the frequency of long-term suspensions and as a tool for discouraging the use of superintendent's suspensions lasting 30 days or more. We were discouraged to find occasions, outlined below, where the 11-29 day suspension option is being offered in place of a previous 10 day cap. We encourage the DOE to revise the proposed Code to return to the less punitive option.

#	Infraction	April 2015 Code <sup>4</sup> Harshest Response	Proposed Code <sup>5</sup> Harshest Response	Potential Difference
A27	Tampering with, changing, or altering a record	Superintendent's suspension that results in continued suspension for a fixed period of 6-10 days	Superintendent's suspension that results in an extended suspension for 11-29 school days	23 <i>Suspension Days</i>
A28	Engaging in inappropriate or unwanted physical contact	Superintendent's suspension that results in continued suspension for a fixed period of 6-10 days	Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	84 <i>Suspension Days</i>
A30	Engaging in vandalism, graffiti or other intentional damage to school property	Superintendent's suspension that results in continued suspension for a fixed period of 6-10 days <sup>6</sup>	Superintendent's suspension that results in an extended suspension for 11-29 school days	23 <i>Suspension Days</i>
A31	Posting or distributing libelous material or literature	Superintendent's suspension that results in continued suspension for a fixed period of 6-10 days	Superintendent's suspension that results in an extended suspension for 11-29 school days	23 <i>Suspension Days</i>

**(3) End long term suspensions and, absent a twenty-day cap, provide additional opportunities for early reinstatement**

We urge the DOE to fully adopt the recommendations of the Mayor's Leadership Team (MLT) and (a) examine best practices of other districts across the country, (b) analyze the impact of long-term suspensions on school environments and on students' academic trajectories in New York City schools, and (c) incorporate the results of the review in the Discipline Code.<sup>7</sup> We further ask that the Code cap

<sup>4</sup> Available at <http://schools.nyc.gov/NR/rdonlyres/CD69C859-524C-43E1-AF25-C49543974BBF/0/DiscCodebookletApril2015FINAL.pdf>

<sup>5</sup> Available at <http://schools.nyc.gov/NR/rdonlyres/4E252252-8068-4197-A114-D62F34822059/0/DisciplineCodeK5finaldraft.pdf>

<sup>6</sup> The Old Code includes the following clarification, "If there is substantial damage to property requiring extensive repair, the superintendent may impose a suspension for 30-90 school days," while the proposed code includes the following clarification, "J-L only if there is substantial damage to property requiring extensive repair," where L equals "Superintendent's suspension that results in an extended suspension for 60-90 school days"

<sup>7</sup> The Mayor's Leadership Team on School Climate and Discipline. (2016). *Maintaining the Momentum: A plan for safety and fairness in schools*. Retrieved from [http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT\\_Report\\_7-21-16.pdf](http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf).

long-term suspensions at 20 days to align with Assembly Bill A.8396, the Judge Judith S. Kaye Safe and Supportive Schools Act, passed by the New York State Assembly’s Education Committee last session. Too many infractions offer a one-year suspension option when students would be better served with supports and interventions. For instance B39 and B40, “engaging in harassing, intimidating and/or bullying behavior,” potentially carry a one-year suspension without opportunity for early reinstatement while the New York State guidance on the Dignity Act recommends preventative and non-punitive intervention, in response to incidents of discrimination and/or harassment, is the best way to achieve school environments free from harassment and discrimination.<sup>8</sup>

In absence of a cap, we strongly recommend that the DOE adopt the MLT recommendation to revise the process for considering early reinstatement of students who are suspended, such that reviews may be conducted upon student request or the request of the principal or parent. Such extended absences from traditional school settings temporarily deprive students of their rights to education.<sup>9</sup> The MLT reports, on average, students in New York City who receive suspensions of 30 days or more have lower attendance and graduation rates the year after they complete their suspension,<sup>10</sup> demonstrating that the temporary deprivation often turns into an absolute one.

**(4) Eliminate gang-related infractions across grades K through 5**

We acknowledge and appreciate that the maximum disciplinary response for infraction A29, “engaging in gang-related behavior,” was reduced from a 6-10 day Superintendent’s suspension to a removal from the classroom for up to 4 school days.<sup>11</sup> We also acknowledge that infraction A53, “engaging in threatening, dangerous or violent behavior that is gang-related,” is no longer applicable to students in grades K through 2, and that the maximum disciplinary response was restricted for those in grade 3 and those in grades 4 and 5. However, disciplinary responses to “wearing or displaying gang apparel and/or accessories” or “making gestures or signs” creates the misimpression that gestures alone indicate affiliation and that gang affiliation alone is a proxy for violence.<sup>12</sup> According to the Student Safety Act data, in the 2015-2016 school year there were five or fewer suspensions for gang-related infractions in the K-5 Code, as indicated by the use of the asterisk:

Code	Infraction	Response	Instances
K-5	A29: Engaging in gang-related behavior	Removal	*
K-5	A53: Engaging in threatening, dangerous or violent behavior that is gang-related	Removal	*
		Principal’s Suspension	*
6-12	B26: Engaging in gang-related behavior	Removal	*
		Principal’s Suspension	55
		Superintendent’s Suspension	*
6-12	B55: Engaging in threatening, dangerous or violent behavior that is gang-related	Principal’s Suspension	9
		Superintendent’s Suspension	102

The larger concern is that there is no definition for “gang-related,” and no public transparency about who or what will be considered “gang-related.” There is very little explanation aside from the addendum, “In determining whether the behavior is gang-related, school officials may consult with the Office of Safety and Youth Development’s Gang Unit” or the DOE webpage on “Gang Prevention and Intervention”<sup>13</sup> that states:

<sup>8</sup> The Dignity Act Task Force. (2012). The New York State Dignity for All Students Act (Dignity Act): A Resource and Promising Practices Guide for School Administrators & Faculty. Retrieved from [http://www.p12.nysed.gov/dignityact/documents/Dignity\\_For\\_All\\_Students\\_Act\\_Guidance.pdf](http://www.p12.nysed.gov/dignityact/documents/Dignity_For_All_Students_Act_Guidance.pdf).  
<sup>9</sup> Bitner, R.L. (2015). Exiled from education: Plyer V. Doe’s impact on the constitutionality of long-term suspensions and expulsions. *Virginia Law Review*, 101(3):763-805.  
<sup>10</sup> The Mayor’s Leadership Team on School Climate and Discipline. (2016). *Op. Cit.* at 26  
<sup>11</sup> Infraction A29 continues to be “for grades 4-5 only”  
<sup>12</sup> IBID  
<sup>13</sup> See <http://schools.nyc.gov/StudentSupport/NonAcademicSupport/GangPrevention/default.htm>.

*School administrators, parents, and guardians should know and understand the New York Citywide Standards of Discipline and Intervention Measures (Discipline code). Selected infractions may be indirect indicators of potential gang problems. Please review infractions A29, A54, B26, & B56 to learn about the disciplinary responses for gang-related activity in schools. There are several infractions that may signal the emergence of gangs and gang activity or can create an environment conducive to gang development.*

We must consider what criteria and protections are in place before individuals can be disciplined to prevent against profile-based use of these infractions.

**(5) Eliminate infraction B21**

CDF-NY is an active member of the Dignity in Schools Campaign - New York (DSC-NY), a citywide coalition of students, parents, educators, and advocates calling for positive, school-wide approaches to preventing and repairing harm in school that promote opportunities for meaningful learning. For too long, DSC-NY has insisted on the elimination of the option to suspend for B-21, “defying or disobeying” authority, with the support of countless student stories demonstrating the vague, catchall nature of the category. Characterizing certain student interactions with adults as “disobeying” fails to take into account the tolerance level of the adult and the context of each adult-student interaction under review. While we understand that the April 2015 Discipline Code instituted a level of internal DOE oversight, as long as schools are provided with the option of reporting student behaviors under defying authority, there will always be a question about whether administrators are misusing their authority to arbitrarily target certain students.<sup>14</sup>

**(6) Rethink disciplinary responses to certain weapons and consider incorporating a safe harbor provision**

In August CDF-NY submitted comments discouraging the increasing penalties in the Discipline Code for stun weapons.<sup>15</sup> There are countless explanations for why young people carry these devices, including as a means of self-protection specific to their own individualized safety concerns.<sup>16</sup> An alternative to zero-tolerance policies is for schools to take a proactive stance, focusing on the prevention of violence through comprehensive approaches to improve school climate.<sup>17</sup> We urge the DOE to shift away from disciplinary responses designed to exclude students, and consider adopting the safe harbor provision offered in jurisdictions across the country that would enable students to approach school officials and voluntarily surrender objects prohibited by the Discipline Code.

Grades K-2				
#	Infraction	Response	As defined in Category II	As defined in Category I
A46 & A56	Possessing, displaying or selling any weapon	Minimum	(D) Parent Conference	(D) Parent Conference
		Maximum	(F) Removal from classroom by teacher for up to 1 day	(G) Principal's suspension for 1-5 school days
A57 & A58	Threatening to use or using a weapon	Minimum	(D) Parent Conference	(D) Parent Conference
		Maximum	(F) Removal from classroom by teacher for up to 1 day	(F) Removal from classroom by teacher for up to 1 day

<sup>14</sup> Dupper, D.R. (2010). Does the Punishment Fit the Crime? The Impact of Zero Tolerance Discipline on At-Risk Youths. *Children & Schools*, 32(2):67-69.

<sup>15</sup> See <http://www.cdfny.org/research-library/publications/2016/public-hearing-on-proposed.pdf>.

<sup>16</sup> Cao, Liqun, Yan Zhang, and Ni He. "Carrying Weapons to School for Protection: An Analysis of the 2001 School Crime Supplement Data." *Journal of Criminal Justice* 36.2 (2008): 154-64.

<sup>17</sup> National Association of School Psychologists. (2008). *Zero tolerance and alternative strategies: A fact sheet for educators and policymakers*. Retrieved from [http://www.nasponline.org/educators/zero\\_alternative.pdf](http://www.nasponline.org/educators/zero_alternative.pdf).

We ask why Infraction A56 includes an increased punishment in cases of students in grades K-2 “repeatedly bringing in a weapon,” while that qualifier is absent in A46, A57, and A58. This qualifier increases the punishment for “possessing, displaying or selling any weapon” to a Principal’s suspension for 1-5 school days, while “using a weapon” carries the maximum response of a classroom removal. We recommend that the qualifier be removed, and the maximum disciplinary option be reduced to better align with the new emphasis on significantly revising the disciplinary responses for students in Grades K-2.

<b>Grade 3</b>				
<b>#</b>	<b>Infraction</b>	<b>Response</b>	<b>As defined in Category II</b>	<b>As defined in Category I</b>
A46 & A56	Possessing, displaying or selling any weapon	Minimum	(G) Principal’s suspension for 1-5 school days	(D) Parent Conference
		Maximum	(L) Superintendent’s suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	(K) Superintendent’s suspension that results in an extended suspension for 30-59 school days
A57 & A58	Threatening to use or using a weapon	Minimum	(D) Parent Conference	(D) Parent Conference
		Maximum	(K) Superintendent’s suspension that results in an extended suspension for 30-59 school days	(K) Superintendent’s suspension that results in an extended suspension for 30-59 school days

We encourage the DOE to reduce the minimum disciplinary response for A46 to Parent Conference.

<b>Grades 4 &amp; 5</b>				
<b>#</b>	<b>Infraction</b>	<b>Response</b>	<b>As defined in Category II</b>	<b>As defined in Category I</b>
A46 & A56	Possessing, displaying or selling any weapon	Minimum	(G) Principal’s suspension for 1-5 school days	(H) Superintendent’s suspension that results in immediate reinstatement
		Maximum	(L) Superintendent’s suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	(L) Superintendent’s suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days
A57 & A58	Threatening to use or using a weapon	Minimum	(H) Superintendent’s suspension that results in immediate reinstatement	(H) Superintendent’s suspension that results in immediate reinstatement
		Maximum	(L) Superintendent’s suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days	(L) Superintendent’s suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days

Grades 6 through 12				
#	Infraction	Response	As defined in Category II	As defined in Category I
A49 & A58	Possessing, displaying or selling any weapon	Minimum	(G) Principal's suspension for 1-5 school days	(I) Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days
		Maximum	(N) Superintendent's suspension that results in a one year suspension and assignment to an alternative program without the opportunity for early reinstatement	(O) Expulsion
A59 & A58	Using any weapon to threaten or to attempt to inflict injury	Minimum	(I) Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days	(I) Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days
		Maximum	(O) Expulsion	(O) Expulsion

There is considerable variability in maximum disciplinary responses applied to students at different grade levels in elementary school and encourage the DOE to consider adopting a similar variety of less exclusionary responses for students across grades 6 to 12. Research confirms that suspension at the middle school level may have significant long-term repercussions and one national-level study found that the likelihood a student being suspended increased from about 2.4% in elementary school to 11% in middle school.<sup>18</sup> Longitudinal studies have shown that students suspended in sixth grade are more likely to receive office referrals or suspensions by eighth grade, leading to conclusions that suspension may act more as a reinforcer than a deterrent for certain behaviors.<sup>19</sup> Further, an analysis of high school and middle school data in Florida suggested that middle school suspension rates tended to be higher than high school rates.<sup>20</sup> From a developmental perspective, it is not surprising that middle school students might be expected to behave different than their older peers.<sup>21</sup>

The school-level Student Safety Act data shows that middle schools with extraordinarily high suspension rates are not uncommon. More than twenty junior high schools have a suspension rate over 15 per 100 students, and more than 200 have a rate over 10 per 100, while the average district rate has been around 4.8 per 100 students<sup>22</sup>. We encourage the DOE to identify schools with high suspension rates and provide technical assistance on effective alternatives.

<sup>18</sup> Losen, D.J., and Martinez, T.E. (2013). *Out of School and Off Track: The Overuse of Suspensions in American Middle and High Schools*. Los Angeles, CA: The Center for Civil Rights Remedies, University of California Los Angeles. Retrieved from <http://files.eric.ed.gov/fulltext/ED541731.pdf>.

<sup>19</sup> Tobin, T., Sugai, G., and Colvin, G. (2000). Using Discipline Referrals to Make Decisions. *NASSP Bulletin*, 84(616):106-117.

<sup>20</sup> Florida State Department of Education. (1995). *Florida school discipline study: 1994 juvenile justice reform act. A report to the Florida legislature*. Tallahassee, FL: Author; See also Raffaele Mendez, L.M. & Knoff, H.M. (2003). Who gets suspended from school and why: A demographic analysis of schools and disciplinary infractions in a large school district. *Education and Treatment of Children*, 26, 30-51.

<sup>21</sup> Losen, D.J., and Skiba, R.J. (2010). *Suspended Education: Urban Middle Schools in Crisis*. Montgomery, AL: Southern Poverty Law Center. Retrieved from [https://www.splcenter.org/sites/default/files/d6\\_legacy\\_files/downloads/publication/Suspended\\_Education.pdf](https://www.splcenter.org/sites/default/files/d6_legacy_files/downloads/publication/Suspended_Education.pdf).

<sup>22</sup> Office of the Mayor. (2015, July). De Blasio Administration Announces Proposal to Make New York City Schools Safer With Fewer Student Arrests, Suspensions, and Summonses. New York, NY: Author. Retrieved from <http://www1.nyc.gov/office-of-the-mayor/news/508-15/de-blasio-administration-proposal-make-new-york-city-schools-safer-fewer-student>.



**(7) Invest in alternatives and ensure accessibility of all alternative disciplinary responses listed in the Code**

With the proposed revisions to the Discipline Code and movement toward a restorative approach to student discipline, teachers and administrators must be supported in implementing alternatives to suspensions and removals. CDF-NY strongly supports the City's more recent investments in interventions and restorative practices, as we believe the systemic implementation of restorative practices at every level of the City's education system, coupled with the reform offered through the Discipline Code, can play a key role in addressing persistent racial disproportionality in discipline outcomes. We ask that as the City continues efforts to reduce racial disparities in the application of discipline, the DOE make a concerted effort to provide schools, students, and families with information on all accessible tools and resources, and openly use the available data to evaluate and inform policy and practice change.

***Conclusion***

While we acknowledge and appreciate many changes offered in the DOE's draft Code, we urge the DOE to continue to reform school disciplinary policies and invest in alternative practices that can best foster safe and supportive schools. CDF-NY is eager to work with you to implement a new, long awaited, more equitable Discipline Code for NYC students and their communities. Thank you for carefully considering our comments.