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New York City Department of Education Releases Revised Discipline Code, the “Citywide Behavioral Expectations to Support Student Learning”

NEW YORK, NY – In the Department of Education’s newest Discipline Code, released today, the city has taken great steps to restrict the use of suspensions for students in kindergarten through second grade. We commend these restrictions as well as the revisions made to the Code that introduce opportunities for early reinstatement and reduce the availability of the expulsion option. At the same time, CDF-NY calls on the DOE and the City of New York to ensure the accessibility of disciplinary alternatives. Restorative justice in particular, mentioned in the Code’s range of possible interventions, remains limited to too few schools and districts across the school system.

In the 2015-2016 school year, students lost 355,100 days of regular classroom instructional time due to suspensions and the average suspension lasted eight days.¹ Frequent use of suspension and exclusion to control student behavior creates a negative learning environment for all students,² disrupts school communities, and leads to socially fragmented environments, anxiety, and distrust.³ For these reasons, disciplinary procedures need to acknowledge and resist school pushout and make it easier for students to re-enter educational environments that provide high quality social and academic learning opportunities. Especially because we see in practice that as students get older there is an increase in the use of the most punitive responses, we encourage the DOE to critically consider extending the disciplinary limitations afforded to the city’s youngest students to those in grade three and beyond.

	Teacher Removals		Principals Suspensions		Superintendents Suspensions		All Discipline Responses	
K	413	73.6%	107	19.1%	41	7.3%	561	100%
1	653	73.2%	170	19.1%	69	7.7%	892	100%
2	901	68.5%	285	21.7%	129	9.8%	1,315	100%
3	938	67.2%	271	19.4%	186	13.3%	1,395	100%
4	898	49.3%	614	33.7%	311	17.1%	1,823	100%
5	1,014	45.3%	835	37.3%	391	17.5%	2,240	100%
6	1,456	31.5%	2,241	48.5%	920	19.9%	4,617	100%
7	1,842	28.0%	3,215	48.8%	1,529	23.2%	6,586	100%
8	1,601	23.8%	3,145	46.7%	1,995	29.6%	6,741	100%
9	907	9.7%	6,498	69.8%	1,901	20.4%	9,306	100%
10	749	10.0%	5,144	68.7%	1,598	21.3%	7,491	100%
11	358	8.9%	2,804	69.8%	857	21.3%	4,019	100%
12	213	8.2%	1,793	68.9%	598	23.0%	2,604	100%

Research has shown that exclusionary discipline is highly likely to be implemented for minor behaviors unrelated to school safety.⁴ Too often students face punishment not because of their involvement in violent incidents, but because of behavior labeled by administrators as disobedient, insubordinate, or disruptive,⁵ and students with disabilities and students of color tend to be punished more severely than their peers for the same offenses, especially for behavior like language use, disruption, and defiance.⁶ We have yet to adopt citywide discipline policies that understand and address the causes of student behavior, resolve conflicts and repair the harm done and restore relationships, even as evidence accumulates demonstrating positive behavioral and proactive approaches to discipline do more to foster student engagement in learning than do punitive discipline approaches.⁷

Principal's Suspensions for Grades 6-12			Teacher Removals for Grades 6-12		
B36 Altercation and/or Physically Aggressive Behavior	7,375	29.7%	B24 Minor Altercation	1,912	26.8%
B24 Minor Altercation	5,158	20.8%	B07 Disrupting the Educational Process	1,068	15.0%
B37 Coercion/Threats	1,788	7.2%	B21 Insubordination	960	13.5%
B39 Intimidating and Bullying Behavior	1,773	7.1%	B15 Profane, Obscene, Vulgar Language or Gestures	764	10.7%
B21 Insubordination	1,530	6.2%	B08 Verbally Rude or Disrespectful	587	8.2%

We especially urge the DOE to use all available data to help in formulating policies that end disparities in the use of punitive discipline and adopt the recommendations of the Mayor's Leadership Team on School Climate and Discipline that would potentially restrict long-term suspensions.⁸ The city must invest in preventative and positive approaches to discipline that support students and give teachers the tools to build a positive school community and to respond to conflict in ways that address students' needs. For the Discipline Code to be effective it must more holistically endorse an approach to discipline that improves school climate and responds to harm in constructive ways.

Endnotes

¹ 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.

² Osher, D., Poirier, J., Jarjoura, R., Brown, R., and Kendziora, K. (2014). Avoid Simple Solutions and Quick Fixes: Lessons Learned From a Comprehensive Districtwide Approach to Improving Student Behavior and School Safety. In D.J. Losen (Ed.), *Closing the school discipline gap: Equitable remedies for excessive exclusion* (pp. 192-206). New York, NY: Teachers College Press.

³ Perry, B.L., and Morris, E.W. (2014). Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools. *American Sociology Review*, 79(6): 1067-1087.

⁴ Losen, D.J., and Martinez, T.E. (2013). *Out of school and off track: The overuse of suspensions in American middle and high school*. Los Angeles, CA: University of California, Los Angeles.

⁵ Irby, D.J. (2013). Net-Deepening of School Discipline. *The Urban Review: Issues and Ideas in Public Education*, 45(2): 197-219.

⁶ Skiba, R.J., Horner, R.H., Chung, C.G., 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.

⁷ Sharkey, J.D., and Fenning, P.A. (2012). Rationale for designing school contexts in support of proactive discipline. *Journal of School Violence*, 11: 95-104.

⁸ The Mayor's Leadership Team on School Climate and Discipline. (2016). *Op. Cit.*