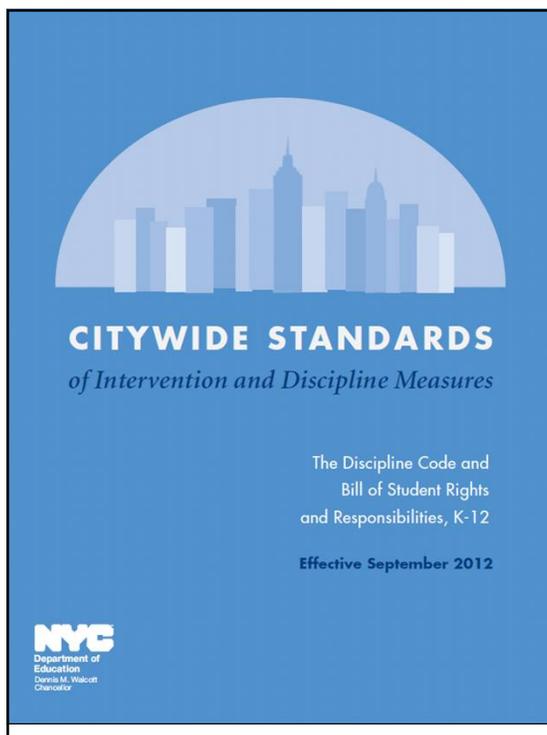


**Positive changes to
New York City's
Discipline Code**

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**Two themes to the
recent changes:**

- Expanding discretion
- Emphasizing restorative approaches and progressive discipline



CREATING SAFE, SUPPORTIVE AND INCLUSIVE SCHOOLS

PROMOTING POSITIVE STUDENT BEHAVIOR

Each school is expected to promote a positive school culture and climate that provides students with a supportive environment in which to grow both socially and academically. Schools are expected to take a proactive role in nurturing students' pro-social behavior by providing them with a range of positive behavioral supports as well as meaningful opportunities for social emotional learning.

Student engagement is integral to creating a positive school culture and climate that fosters students' social/emotional growth and academic achievement. Providing students with multiple opportunities to participate in a wide range of pro-social activities and, at the same time, bond with caring, supportive adults can help prevent negative behavior.

Examples can include: providing students with meaningful opportunities to share ideas and concerns and participate in schoolwide initiatives; student leadership development; periodic recognition of students' achievements in a range of academic and co-curricular areas; using corrective feedback; and developing schoolwide positive behavior systems. Such opportunities, coupled with a comprehensive guidance program of prevention and intervention, provide students with the experiences, strategies, skills, and support they need to thrive.

Effective social emotional learning helps students develop fundamental skills for life effectiveness, including: recognizing and managing emotions; developing caring and concern for others; establishing positive relationships; making responsible decisions; and handling challenging situations constructively and ethically. Such skills help prevent negative behaviors and the disciplinary consequences that result when students do not live up to behavioral standards.

School staff members are also responsible for addressing inappropriate student behaviors which disrupt learning. Administrators, teachers, counselors and other school staff are expected to engage all students in intervention and prevention strategies that address a student's behavioral issues and discuss these strategies with the student and his/her parent(s).

Intervention and prevention approaches may include guidance support and services to address personal and family circumstances; social/emotional learning, such as conflict resolution/peer mediation/negotiation, restorative circles, anger management, stress management, and/or communication skills acquisition; the use of alternate instructional materials and/or methods; enrichment services; alternate class placement; and/or development or review of functional behavioral assessments and behavioral intervention plans which should be developed and/or reviewed as an early intervention strategy.

If, at any time, school officials suspect that a student's difficulties may be the result of a disability which may require special education services, the student should be referred immediately to the Committee on Special Education.

Through the use of intervention and prevention strategies that engage students and give them a clear sense of purpose, school staff members facilitate students' academic and social-emotional growth and assist them in following school rules and policies.

PROGRESSIVE DISCIPLINE

Understanding discipline as a "teachable moment" is fundamental to a positive approach to discipline. Progressive discipline uses incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive discipline does not seek punishment. Instead, progressive discipline seeks concurrent accountability and behavioral change.

The goal is prevention of a recurrence of negative behavior by helping students learn from their mistakes. Essential to the implementation of progressive discipline is helping students who have engaged in unacceptable behavior to:

- understand why the behavior is unacceptable and the harm it has caused
- understand what they could have done differently in the same situation
- take responsibility for their actions
- be given the opportunity to learn pro-social strategies and skills to use in the future
- understand the progression of more stringent consequences if the behavior reoccurs

Determining the Disciplinary Response

School officials must consult this document (the Discipline Code) when determining which disciplinary measure to impose. In determining how to best address inappropriate conduct, it is necessary to evaluate the totality of the circumstances surrounding the conduct. The following facts must be considered prior to determining the appropriate disciplinary and/or intervention measures:

- the student's age and maturity;
- the student's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct, and the disciplinary and guidance intervention measures applied for each);
- the nature, severity and scope of the behavior;
- the circumstances/context in which the conduct occurred;
- the frequency and duration of the behavior;
- the number of persons involved in the behavior;
- the student's IEP, BIP (Behavioral Intervention Plan) and 504 Accommodation Plan, if applicable.

Every reasonable effort should be made to correct student misbehavior through guidance interventions and other school-based resources and the least severe disciplinary responses. Guidance interventions are essential because inappropriate behavior or violations of the Discipline Code may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, prevent disruption to students' education, and promote the development of a positive school culture.

PROGRESSIVE DISCIPLINE

Infraction Levels

The Citywide Standards of Intervention and Discipline Measures holds students accountable for their behavior. Infractions are grouped into five levels based on the severity of the infraction. Whenever possible and appropriate, interventions should begin with the lowest level of disciplinary response.

Principals, teachers, school staff, students and parents need to know the disciplinary measures that can be taken when a student misbehaves or substantially disrupts a classroom. The Discipline Code is divided into two sections Section A Grades K-5 and Section B Grades 6-12 to ensure that the age and general maturity of the student are considered. Some infractions may not apply to students in grades K-3.

Progressive Infraction Levels	
Level 1	Uncooperative/Noncompliant Behavior
Level 2	Disorderly Behavior
Level 3	Disruptive Behavior
Level 4	Aggressive or Injurious/Harmful Behavior
Level 5	Seriously Dangerous or Violent Behavior

Each level of infractions contains possible guidance interventions as well as a minimum to a maximum range of possible disciplinary responses that may be imposed by a teacher, principal, the Chief Executive Officer of the Office of School and Youth Development or other designee of the Chancellor or Community Superintendent.

Where and When the Discipline Code Applies

The standards set forth in the Discipline Code apply to behavior:

- in school during school hours,
- before and after school, while on school property,
- while traveling on vehicles funded by the NYC DOE,
- at all school-sponsored events and
- on other-than-school property when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community.

When misbehavior involves communication, gestures or expressive behavior, the infraction applies to oral, written or electronic communications, including but not limited to texting, e-mailing, and social networking.

The enumerated infractions are not all-inclusive. Students who engage in misconduct which is not listed are subject to appropriate disciplinary measures by the teacher, principal or the Chief Executive Officer of the Office of School and Youth Development or other designee of the Chancellor or Community Superintendent based on violation of school rules. To ensure that staff, students and parents are aware of all expected standards of behavior, school rules must be in writing and distributed along with the Discipline Code.

The Discipline Code provides graduated accountability measures for students who engage in repeated misbehaviors despite prior interventions and/or prior imposition of appropriate disciplinary measures.

More severe accountability measures will be imposed on those students who engage in a pattern of persistent misconduct. Whenever possible and appropriate, prior to imposing such penalties, school officials should exhaust less severe disciplinary responses and use guidance interventions.

Types of Guidance Interventions	
<p>Referral to Counseling Services for Bias-Based Bullying, Intimidation or Harassment: When a student or group of students engages in bias-based bullying, intimidation or harassment of another student or group of students, both the victim and the student who engages in this behavior should be referred to separate appropriate counseling, support and education services provided by school staff or a community-based agency. Neither mediation nor conflict resolution are, under any circumstances, appropriate interventions for bias-based bullying, intimidation or harassment.</p>	<p>Referral to Counseling Services for Youth Relationship Abuse or Sexual Violence: When one person uses a pattern of threatened or actual physical, sexual, and/or emotional abuse to control a dating partner, the school should refer both the victim and the student who engages in this behavior to separate appropriate school or community-based agencies for counseling, support, and education. Neither mediation nor conflict resolution are, under any circumstances, appropriate interventions for suspected relationship abuse.</p>

RESTORATIVE APPROACHES

A restorative approach can be used as both a prevention and intervention measure. Restorative processes can help schools build relationships and empower community members to take responsibility for the well-being of others, prevent or deal with conflict before it escalates, address underlying factors that lead youth to engage in inappropriate behavior and build resiliency, increase the prosocial skills of those who have harmed others, and provide wrong doers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible.

When used as an intervention measure, taking a restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions:

- What happened?
- Who was harmed or affected by the behavior?
- What needs to be done to make things right?
- How can people behave differently in the future?

TYPES OF RESTORATIVE APPROACHES

Circle Process: Circles are effective as both a prevention and intervention strategy. Circles may be used as a regular practice in which a group of students (or faculty or students and faculty) participates. A circle can also be used in response to a particular issue that affects the community. The circle process can enable a group to build relationships and establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, etc.

Collaborative Negotiation: Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom s/he disagrees to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

Peer Mediation: An impartial, third party mediator (in a school, a student who has been trained to serve as a peer mediator) facilitates the negotiation process between parties who are in conflict so that they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to the conflicting points of view that the disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is not used in situations in which one individual has been victimized (for example, in cases of harassment or bullying) by another.

Formal Restorative Conference: A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental, physical health, safety, and welfare of the individual who was harmed is of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle who have also been affected by the incident. The purpose of the conference is for the harm doer and the harmed to understand each other's perspective and come to a mutual agreement which will repair the harm as much as it is able to be repaired.

PROGRESSIVE LADDER OF SUPPORT AND DISCIPLINARY CONSEQUENCES

The ladder of supports and disciplinary consequences below illustrates a progressive response to inappropriate behavior. Student misbehavior may be handled on a case by case basis. In all cases, implementation of appropriate interventions and/or disciplinary consequences must take into account a number of factors including the nature and severity of the misconduct. In some cases, the use of primary consequences and/or the use of guidance interventions may be most suitable. In others, a student's misconduct may require or be most appropriately addressed by a targeted or significant disciplinary response along with guidance interventions.

Guidance Intervention Options	When a student engages in misconduct, support services are provided to address the student's needs either separately or coupled with disciplinary action. The goal is to foster social emotional growth and pro-social behavior and prevent future misbehavior.	Disciplinary Response Options
<p>For students serving a Superintendent's Suspension, student support services are provided in an alternate instructional site. Contact between the site and the student's home school is established to ensure academic progress and successful transition upon return.</p> <ul style="list-style-type: none"> • Teacher conference/classroom observation • Peer mediation and/or other behavioral supports including restorative approaches as applicable • Assignment of a Mentor/Coach • Guidance lesson(s) in classrooms • Individual behavior contract (elementary level) • Referral to Pupil Personnel Team • Guidance conference • Parent contact • Individual or group counseling • Mentoring Program • Referral to school nurse or school based health clinic or external health care provider • Referral for Academic Intervention Services • Referral to external mental health counseling provider or community based organization • Referral to appropriate substance abuse counseling • Referral to attendance teacher/coordinator 	<p>When a student engages in misconduct, support services are provided to address the student's needs either separately or coupled with disciplinary action. The goal is to foster social emotional growth and pro-social behavior and prevent future misbehavior.</p>	<p>Significant Consequences</p> <ul style="list-style-type: none"> • Assignment to alternate instructional site (1 year) • Assignment to alternate instructional site (up to 90 days) <p>Targeted Consequences</p> <ul style="list-style-type: none"> • Principal's Suspension (up to 5 days) • Removal from classroom by a teacher <p>Primary Consequences</p> <ul style="list-style-type: none"> • Individual behavior contract • Short term behavior progress reports • Referral to Pupil Personnel Team • Supervisor's conference with student • In school disciplinary actions • Parent Conference
<p>School counselor and/or support staff and/or administrator-student conference</p>		<p>Administrator and/or Dean-student conference.</p>
<p>Student Supports</p>		<p>Progressive Disciplinary Consequences</p>

The teacher contacts the parent and, depending on the nature and severity of the behavior and the age and maturity level of the student, takes one or more of the following steps: has a conference with the student, refers student to school counselor and/or PPT and/or refers the student to the deans' office (middle & high school level.) One or more interventions and/or options for primary disciplinary consequences are used to address the student's behavior.

Student Experiences Difficulty or Engages in Inappropriate Behavior

Universal Prevention for All Students

School provides a comprehensive student support program that includes guidance services, opportunities for social emotional learning, student engagement opportunities and prevention and intervention behavioral supports to encourage and motivate pro-social student behavior and positive connection to the school community. School has a system in place for early identification of students in need of intervention and/or support services.

Grade 6-12 LEVEL 4

Infractions – Aggressive or Injurious/Harmful Behavior	Guidance Interventions	Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions
<p>B35 Making socially suggestive comments, innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g. touching, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images)</p> <p>B36 Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff, including posting such material on the Internet</p> <p>B37 Engaging in physically aggressive behavior other than minor altercation as described under B24, which causes a substantial risk of or results in minor injury</p> <p>B38 Engaging in an act of coercion or threatening violence, injury or harm to another or others</p> <p>B39 ***Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury</p> <p>B40 Engaging in intimidating and bullying behavior, including cyber-bullying*** – threatening, stalking or seeking to coerce or compel a student or staff member to do something; engaging in verbal or physical conduct that derides another with humor, taunting and/or intimidation including through the use of epithets or slurs involving actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, religious practices, gender, gender identity, gender expression, sexual orientation or disability</p> <p>B41 Possessing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens, drug paraphernalia, and/or alcohol</p> <p>B42 Falsely activating a fire alarm or other disaster alarm (D-J only)</p> <p>B43 Making a bomb threat (D-L only)</p> <p>*** Students may also be excluded from the bus in per Chancellor's Regulation A-801. ***Engaging in intimidating and bullying behavior through electronic communication, such as texting, e-mail, instant messaging, etc.</p>	<ul style="list-style-type: none"> Parent outreach Intervention by counseling staff Guidance conference(s) Restorative Approaches Positive Behavioral Interventions and Supports (PBIS) Individual/group counseling Peer mediation Mentoring program Conflict resolution Development of individual behavior contract Short-term behavioral progress reports Referral to PPT (Dual Personnel Team) Community service (with parental consent) Referral to a Community Based Organization (CBO) Referral to appropriate substance abuse counseling services Referral to counseling services for youth relationship abuse or sexual violence Referral to counseling services for bias-based bullying, intimidation, or harassment <p>Supports for Students Transitioning From Suspension</p> <p>Students returning from suspension should be provided with supportive services to maximize their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meet the needs of the individual student.</p>	<p>D. Parent conference</p> <p>E. In-school disciplinary action (e.g. detention, exclusion from extracurricular activities or community functions)</p> <p>F. Removal from classroom by teacher (MAY be subject to removal from any classroom and teacher duties during a suspension or exclusion. Principals' suspension must be made if the incident requires subsequent behavior that would otherwise result in removal by student)</p> <p>G. Principal's suspension for 1-5 days</p> <p>H. Superintendent's suspension that results in immediate reinstatement</p> <p>I. Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days</p> <p>J. Superintendent's suspension that results in extended suspension for 30 to 90 school days with an automatic review for early reinstatement after 30 or 60 school days</p> <p>K. Superintendent's suspension that results in a one year suspension and assignment to an alternative program with an automatic review for reinstatement after 6 months</p> <p>L. Superintendent's suspension that results in a one year suspension and assignment to an alternative program without the opportunity for early reinstatement</p> <p>M. Expulsion (only for general education students who turned 17 prior to the beginning of the school year, which is July 1)</p>

Grade 6-12 LEVEL 5

Infractions – Seriously Dangerous or Violent Behavior	Guidance Interventions	Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions
<p>B52 Threatening to use or using force to take or attempt to take property belonging to another</p> <p>B53 Using force against, or inflicting or attempting to inflict serious injury against school personnel or school safety agents</p> <p>B54 Using extreme force against or inflicting or attempting to inflict serious injury upon students or others</p> <p>B55 Planning, instigating, or participating with another or others, in an incident of group violence</p> <p>B56 ***Engaging in threatening, dangerous or violent behavior that is gang-related</p> <p>B57 Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity</p> <p>B58 Selling or distributing illegal drugs or controlled substances and/or alcohol</p> <p>B59 Possessing or selling any weapon, other than a firearm, as defined in Category II</p> <p>B60 Using any weapon as defined in Category II to threaten or to attempt to inflict injury upon school personnel, students, or others</p> <p>B61 ***Using any weapon, other than a firearm, as defined in Category I, to threaten or to attempt to inflict injury upon school personnel, students, or others II, for students who have not completed the school year in which they turned 17, M for general education students who have completed the school year in which they turned 17.</p> <p>B62 ***Using any weapon, other than a firearm, as defined in Category I or II, to inflict injury upon school personnel, students, or others II, for students who have not completed the school year in which they turned 17, M for general education students who have completed the school year in which they turned 17</p> <p>B63 ***Possessing or using a firearm (I, for students who have not completed the school year in which they turned 17, M for general education students who have completed the school year in which they turned 17)</p> <p>* In determining whether the behavior is gang-related, school officials may consult with the Office of School and Youth Development's Gang Unit. ** This disciplinary measure may be modified on a case-by-case basis.</p>	<ul style="list-style-type: none"> Parent outreach Intervention by counseling staff Guidance conference(s) Restorative Approaches Positive Behavioral Interventions and Supports (PBIS) Individual/group counseling Peer mediation Mentoring program Conflict resolution Development of individual behavior contract Short-term behavioral progress reports Referral to PPT (Dual Personnel Team) Community service (with parental consent) Referral to a Community Based Organization (CBO) Referral to appropriate substance abuse counseling services Referral to counseling services for youth relationship abuse or sexual violence Referral to counseling services for bias-based bullying, intimidation, or harassment <p>Supports for Students Transitioning From Suspension</p> <p>Students returning from suspension should be provided with supportive services to maximize their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meet the needs of the individual student.</p>	<p>I. Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days</p> <p>J. Superintendent's suspension that results in extended suspension for 30 to 90 school days with an automatic review for early reinstatement after 30 or 60 school days</p> <p>K. Superintendent's suspension that results in a one year suspension and assignment to an alternative program with an automatic review for reinstatement after 6 months</p> <p>L. Superintendent's suspension that results in a one year suspension and assignment to an alternative program without the opportunity for early reinstatement</p> <p>M. Expulsion (only for general education students who turned 17 prior to the beginning of the school year, which is July 1)</p>

Encouraging Numbers

- On March 28, 2013, the DOE reported to the New York City Council that suspensions were down more than 36% as compared to last year
- Principal's suspensions and Superintendent's suspensions have both decreased

Remaining Challenges

- Incentivizing the use of restorative approaches
- Finding ways for all interested schools to implement restorative approaches
- Introducing effective restorative approaches in schools with high rates of suspension
- Implementing restorative approaches district-wide