



ADVOCATES FOR CHILDREN

Helping children succeed in school

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Testimony to be delivered to the Office of School and Youth Development, New York City Department of Education

Re: The New York City School Discipline Code 2012

**By Avni Bhatia, Advocates for Children of New York
June 21, 2011**

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My name is Avni Bhatia. I am a staff attorney at Advocates for Children of New York where I focus on helping students with behavioral challenges get the support they need to stay and succeed in school. I am also a member of Dignity in Schools New York.

Dignity in Schools New York is a coalition of youth, parents, educators, and advocates dedicated to shifting the culture of New York City schools away from punishment and exclusion and towards positive, school-wide approaches to discipline and safety that improve school climate, reduce conflict, and increase learning. Research shows that suspending a student does not eliminate problem behavior. Rather, following a suspension, problem behavior typically recurs. Students who are suspended are at much greater risk of failing classes, being retained a grade, becoming truant, and dropping out of school. At the same time, alternatives exist, and they work. In Denver Public Schools, the district-wide implementation of restorative practices



resulted in a 40% drop in out of school suspensions and a 68% drop in police tickets given to students in 2008-2009.¹

Dignity in Schools New York submitted recommendations to the Office of School and Youth Development for revisions to the Discipline Code. Our proposed revisions would lead to a reduction in the number of suspensions imposed on New York City students as well as an increase in the use of positive, constructive approaches to school discipline, making our schools safer, more effective learning environments.

We are pleased to see some of our recommendations reflected in the new draft of the Discipline Code. The changes made to the B24 and B37 infractions will help clarify that schools should not be imposing 30 to 90 day suspensions on students who have engaged in minor altercations, a problem we have seen time and again. The increased range of Disciplinary Responses for a few infractions gives principals the option not to suspend students for conduct that previously would result in an automatic suspension. And we are pleased that being found in possession of a laser pointer will no longer trigger an automatic suspension.

However, the draft revisions do not go far enough. There remains far too much discretion for school administrators to suspend students for long periods of time when doing so would be unnecessary and inappropriate. While we recommended that the disciplinary response to a Level 4 infraction should not exceed a 10-day suspension, the current draft of the Code allows schools to suspend middle and high school students for at least 90 school days for almost half of the 63 possible infractions.

¹ Advancement Project, Stop the Schoolhouse to Jailhouse Track. Available at <http://www.stopschoolstojails.org/padres-jovenes-unidos-denver.html>.



We know that the Office of School and Youth Development recognizes the importance of Guidance Interventions, particularly positive, school-wide approaches to discipline. We are pleased that OSYD has been conducting, and will continue to conduct, trainings on Positive Behavior Intervention and Supports and has been working closely with the office of PBIS. Particularly in light of the DOE's recognition of the importance of positive approaches to school discipline, we do not understand why the Discipline Code continues to focus on punitive measures rather than emphasizing Guidance Interventions. Dignity in Schools believes a tiered system should be created mandating that Guidance Interventions are used before suspensions are imposed on students in the vast majority of cases. At a minimum, the Discipline Code should explicitly state that schools should use Guidance Interventions prior to seeking suspensions whenever possible without jeopardizing school safety.

Until the Discipline Code requires more constructive approaches to school discipline and reserves suspensions for only the most serious offenses, schools that have traditionally relied on suspensions to respond to student behavior will continue to suspend students at alarming rates. We strongly urge the DOE to rethink its approach and use the Discipline Code to help create the positive, supportive learning environments our students deserve.