

**Advocates for Children of New York**  
Protecting every child's right to learn

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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 2012-2013**

**By Avni Bhatia, Advocates for Children of New York  
June 5, 2012**

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My name is Avni Bhatia. I am a staff attorney and Skadden Fellow 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 (DSC-NY).

Today I am going to speak about Dignity in Schools New York's overall impressions of this year's draft Discipline Code. Over the past several years, our campaign has been meeting with the Office of School and Youth Development to ask for changes to the Discipline Code that would lead to a shift away from schools' use of punishment and exclusion and towards positive, school-wide approaches to discipline and safety that improve school climate, reduce conflict, and increase learning. Our members are pleased that the draft of the 2012-2013 Discipline Code contains the most significant changes we have seen to the Code since we began meeting with OSYD. We applaud the DOE's work to reflect in this draft a concrete move away from harsh, punitive policies and towards more constructive approaches to discipline.



DSC-NY appreciates the new formatting of the first sections of the Code and believes the changes will make the Code more accessible to students, teachers, parents, and other members of school communities. We are pleased with the new sections on Progressive Discipline and Restorative Approaches, which encourage schools to approach discipline in more positive ways. However, we recommend the addition of information about how individual schools can implement these approaches, including training and contact information for OSYD so that schools can receive support in the use of positive discipline practices. Without training as well as active, ongoing support from the DOE, we worry that even schools with the best of intentions will not have the resources to implement progressive, restorative, and positive approaches to discipline. While we had hoped that this year's Code would mandate that Guidance Interventions are used before suspensions are imposed on students in the vast majority of cases, we believe this year's Discipline Code at a minimum should explicitly state in the Progressive Discipline Ladder as well as each page of the list of infractions in the Code that schools should use Guidance Interventions prior to seeking suspensions whenever possible without jeopardizing school safety, should always start with the lowest level disciplinary response available, and that suspension should be a last resort, and in very limited cases.

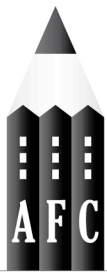
With regard to the list of infractions, Guidance Interventions, and Disciplinary Responses, we applaud the elimination of classroom removal as an option for most Level 1 infractions, as well as the elimination of principal's suspensions as an option



for Level 2 infractions. These changes will result in fewer students being excluded from valuable learning time in their classrooms and will ensure that schools do not discipline students harshly for the most minor misbehavior. Similarly, we are pleased to see the movement of B20 from a Level 3 to a Level 2 infraction, as well as the reduction of maximum suspension time for A22, B21, and B22 to 5 days instead of 10.

However, we believe that additional changes are needed to stem the school-to-prison pipeline and create positive learning environments for our students. We strongly believe that suspensions should be entirely eliminated as a Disciplinary Response for all Level 3 infractions. The infractions listed under Level 3 are, for the most part, minor, and it is not appropriate to exclude students from their classrooms for multiple days for these non-violent, non-aggressive offenses. And for Levels 4 and 5, 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. There remain 25 infractions in the draft Code for which students in grades 6-12 can be suspended for an entire year.

Until the Discipline Code *requires* more constructive approaches to school discipline, explicitly reserves suspensions for only the most serious offenses, and limits the number of days that students can be excluded from school, schools that have traditionally relied on suspensions to respond to student behavior will continue to suspend students at alarming rates. We recognize the importance of the steps that



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have been made in this year's draft Code and strongly urge the DOE to go further to use the Discipline Code to help create the positive, supportive learning environments our students deserve.

Dignity in Schools New York will be submitting detailed, written recommendations in the coming days, to add to what we have said today. Thank you for the opportunity to testify.