



Department of Education

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Overview of Changes to the Discipline Code for Grades K-5 and 6-12

The NYC Department of Education (NYCDOE) is committed to ensuring that our schools are safe, secure, and supportive learning environments for all students and staff. All school community members—teachers, students, administrators, parents, counselors, social workers, safety personnel, related service providers, cafeteria, custodial, and bus staff—have a shared responsibility to treat one another with mutual respect.

The purpose of this document is to provide an overview of the proposed changes to the Grades K-5 and 6-12 Discipline Codes. These changes incorporate the ongoing feedback that the NYCDOE received in the 2018-19 school year. This summer, the NYCDOE will continue to engage with students, staff and community members to gather additional feedback on the proposed changes. More detailed proposed edits will be posted in the coming weeks.

The NYCDOE places an emphasis on safe and supportive school communities, because when we keep students in the classroom instead of relying on suspensions, they will succeed academically. Currently in the Discipline Code, a Superintendent's suspension can result in a student being removed from their school for up to one school year to an alternate instructional site for Grades K-5 or an alternative learning center (ALC) for Grades 6-12, depending on the age of the student and the nature of the behavior. In the 2017-18 school year, the average length of a Superintendent's suspension was 18.7 school days. However, research does not demonstrate that there is a strong relationship between the length of a suspension and subsequent positive change in behavior. While the alternate instructional sites and ALCs provide a full schedule of academic programming, there is a disruption to instructional continuity when students are required to attend a different location than their regular school. These changes will therefore focus on keeping students in their classroom and minimizing the interruption of instruction due to suspensions.

Teachers and school communities will be supported through these changes. The NYCDOE will provide all elementary schools with access to Social-Emotional Learning (SEL) curriculum, in partnership with National University System's Sanford Harmony program. In addition, we will phase in Restorative Justice (RJ) practices into all middle and high schools, providing students with the tools they need to name their emotions, overcome conflicts, and repair relationships. Teachers and school leaders will receive extensive support to ensure that disciplinary responses are fair and consistent in addressing student behavior in a manner which enables students to learn from their mistakes and be accountable for their actions.

Summary of Proposed Changes

The proposed changes will:

1. Provide more options for disciplinary responses, supports, and interventions.
 - a. Include the Re-entry Circle as a type of restorative practice. A Re-entry Circle is a process designed to formally welcome the returning student back into the school community and to establish a support system.
 - b. Add the Individualized Support Plan (ISP), which is an intervention that can be used for misconduct, including cases of bullying, harassment, and intimidation.
 - c. Expand the range of disciplinary responses to include less severe responses for some behavioral infraction codes.
2. Minimize interruption of academic instruction due to suspensions. Removing students from their school for extended periods as a result of Superintendent's suspensions or principal's suspensions is a disruption to their education.

The Discipline Code requires disciplinary responses that reflect the needs of schools, hold students accountable for behavioral expectations, reduce interruption to instruction, and support school staff to foster safe environments. Therefore, a Superintendent's suspension may not exceed 20 school days, except in cases that involve serious or violent incidents, or those required by law.

To ensure that extended suspensions are imposed fairly, any extension beyond 20 school days will require the approval of the Senior Executive Director of the Office of Safety and Youth Development or another Chancellor designee.

3. Align the Discipline Code to existing NYCDOE policy. Revise the Bill of Student Rights and Responsibilities to include students' right to be addressed by the name and pronoun that corresponds to their gender identity and to use bathrooms and locker rooms in accordance with their gender identity.
4. Update Bullying Information.
 - a. The code will clarify that behavior does not have to be repeated to constitute bullying.
 - b. Include additional information about how parents and students can report bullying behavior.
5. Make Other Important Changes.

As student dignity, respect, and responsible behavior are integral to safe and supportive schools:

 - a. Revise the Mission Statement to include the goal to serve the needs of the whole child.
 - b. Move the Bill of Student Rights and Responsibilities to an earlier section from its current location at the end of the Discipline Code.