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
CITYWIDE STANDARDS
of Intervention and Discipline Measures

The Discipline Code and
Bill of Student Rights
and Responsibilities, K-12

Effective September 2012

CREATING SAFE, SUPPORTIVE AND INCLUSIVE SCHOOLS

PROMOTING POSITIVE STUDENT BEHAVIOR

Each school is expected to provide a positive school culture and climate that promotes student social/emotional growth and academic achievement. Providing students with multiple opportunities to participate in a wide range of extracurricular activities and at the same time, blended with using representative adults can help prevent negative behavior.

Examples can include: providing students with opportunities to share ideas and concerns and participate in schoolwide activities; student leadership development; student exemplars for all students; responsibility for schoolwide activities; self-esteem and curiosity; problem-solving; and developing schoolwide positive behavior systems. Such opportunities should be part of a comprehensive, strategic, and continuous process to prevent and intervene, provide students with the experiences, strategies, skills, and support they need to thrive.

Effective social-emotional learning helps students develop essential skills for life, including recognizing and managing emotions; developing caring and concern for others; establishing positive relationships; making responsible decisions; and handling challenging situations constructively and effectively. 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, Administration, 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, collective circles, anger management, stress management, and/or communication skills acquisition; the use of alternative instructional materials and/or methods; enrichment services; alternative class placements, 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 student 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 resolving problematic behavior. Progressive discipline does not seek punishment. Instead, progressive discipline seeks consistent accountability and behavioral change.

The goal is prevention of 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 new strategies and skills to use in the future;
- understand the progression of more stringent consequences if the behavior recurs.

Determining the Disciplinary Response

School officials must consider the documents (the Discipline Code) when determining which disciplinary measures to impose. In determining how to best address inappropriate conduct, it is necessary to outline the nature and scope of the behavior in which the conduct occurred:

- the student’s age and maturity;
- the student’s disciplinary record (including the nature of any prior violations);
- the nature and scope of the behavior;
- the environment in which the conduct occurred;
- the frequency or duration of the behavior;
- the number of persons involved or affected by the behavior;
- the student’s past behavior;
- the student’s IEP (Behavioral Intervention Plan) and 504 Accommodation Plan, if applicable.

Every reasonable effort should be made to correct student misconduct 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 interventions, prevent disruption to students’ education, and promote the development of a positive school culture.

PROGRESSIVE DISCIPLINE

Infraction Levels

The CCHS Code of Conduct 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-6 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-6.

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, or 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 leased by the NYC DOE;
- at school-sponsored events and
- at school-related school property when such behavior can be demonstrated to negatively affect organizational processes or programs or the health, safety, morals, or welfare of the school community.

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

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 consider less severe disciplinary responses and use guidance interventions.

Progressive Infraction Levels

<table>
<thead>
<tr>
<th>Level 1</th>
<th>Unacceptable/Inappropriate Behavior</th>
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<tbody>
<tr>
<td>Level 2</td>
<td>Disruptive Behavior</td>
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<td>Level 3</td>
<td>Disciplinary Violation</td>
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<tr>
<td>Level 4</td>
<td>Aggressive or Intimidating Behavior</td>
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<tr>
<td>Level 5</td>
<td>Seriously Physically Violent Behavior</td>
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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 misconduct despite prior interventions and/or prior reprimand of appropriate disciplinary measures.
### Types of Guidance Interventions

| Referring to Counseling Services for Situational Bullying | Restorative Measures: When a student engages in situational bullying, intervention or intervention of an active member or group of students, both the victim and the student who engaged in this behavior should be referred to separate appropriate counseling, support, and educational services provided by school staff. The expectations of the intervention are: make any necessary interventions or referrals for bullying, appropriate interventions for situational bullying, involvement for intervention. |
| Referring to Counseling Services for Youth Relationship Bullying | Restorative Measures: When a person experiences threatened or sexual physical violence, and/or sexual abuse to ensure a setting, the victim and the student who engaged in this behavior should be referred to separate appropriate counseling, support, and educational services provided by school staff. The expectations of the intervention are: make any necessary interventions, appropriate interventions for situational bullying, involvement for intervention. |

### RESTORATIVE APPROACHES

A restorative approach can be used as both a prevention and intervention measure. Restorative practices can help schools build relationships and empower community members to take responsibility for the well-being of others, provide on- and off-behavior, and cultivate habits and behaviors that lead students to engage in appropriate behavior and build relationships, increase the potential skills of those who have been affected, and provide students with the opportunity to be accountable for the damage they have created and able to repair the harm to the extent possible.

- What happened?
- Who was harmed or affected by the behavior?
- What needs to be done to make things right?

### TYPES OF RESTORATIVE APPROACHES

**Circle Process**
- Circles are effective as both a preventive and intervention strategy.
- Circles may be used as a regular practice in which a group of students (or faculty or students and staff) participate. A circle can also be used in response to a particular issue that affects the community. The circle process enables a group to build relationships and establish understanding and trust, creates a sense of community, learns 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 they disagree to arrive at a mutually acceptable agreement. The negotiation process includes asking permission to talk, active listening, and other conflict resolution communication skills.
- **Peer Mediation:** An impartial, third-party mediator (or in a school, a student who has been trained to serve in a peer mediator) facilitates the negotiation process between parties who see an issue so that they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to the conflicting viewpoints of both parties and helps the disputants work out a solution that meets both parties’ needs and desires. Collaborative negotiation is not used in situations in which an individual has been victimized (e.g., cases of harassment or bullying) by another.

### Progressive Ladders of Support and Disciplinary Consequences

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<thead>
<tr>
<th>Guidance Intervention Options</th>
<th>Significant Consequences</th>
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<tbody>
<tr>
<td>The student and/or appropriate staff member support services can provide an assignment in instructional or non-instructional area that is aligned to the student’s academic program and accommodations and support services.</td>
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<tr>
<td>• Teacher conferencing/ decentralized</td>
<td>• Assignment of a directive intervention (up to 3 days)</td>
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<td>• Peer mediation and/or referral</td>
<td>• Assignment of a directive intervention (up to 30 days)</td>
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<tr>
<td>• Guidance in classroom instruction</td>
<td>• Assignment of a directive intervention (up to 30 days)</td>
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<tr>
<td>• Individual behavior contract</td>
<td>• Referral to special education</td>
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<td>• Student-teacher contract</td>
<td>• Referral to Individualized Education Program (IEP)</td>
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<td>• Parent contact</td>
<td>• Referral to special education</td>
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<tr>
<td>• Individual and group counseling</td>
<td>• Referral to special education</td>
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<td>• Interfering Program</td>
<td>• Referral to special education</td>
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<tr>
<td>• Referral to school nurse or school health services for referral or support services</td>
<td>• Referral to special education</td>
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<tr>
<td>• Referral to Academic Intervention Services</td>
<td>• Referral to special education</td>
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<tr>
<td>• Referral to external mental health counseling provider for community-based services</td>
<td>• Referral to special education</td>
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<tr>
<td>• Referral to appropriate substance abuse counseling</td>
<td>• Referral to special education</td>
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<tr>
<td>• Referral to attendance intervention</td>
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<th>Disciplinary Response Options</th>
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<tr>
<td>The teacher can refer the student for either a high school or college program and support services and address the situation.</td>
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<td>• Referral to special education</td>
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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: 
- Refers the student to school counselor and/or IEP team and/or PRF and/or the student to the district office for evaluation of the student behavior intervention needs and options for future disciplinary consequences as needed to address the student’s behavior.

### Student Experiences Difficulty or Engage in Inappropriate Behavior

#### Potential Consequences for All Students

- The school provides comprehensive student support programs and individualized services, opportunities for social emotional learning, and/or support services and practices and practices, individualized support services and strategies, and intervention services for students who are involved in behavior and positive education to the school community. School has a system in place for early identification of students in need of intervention and support services.
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