Brief Overview of New York Discipline Codes

Initial Research Question

What are New York school districts required to do related to the issue of discipline in schools?
Every School District Must Have a Discipline Code

“[E]very school district within the state . . . shall adopt . . . a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers and other school personnel as well as visitors and shall provide for the enforcement thereof.

Education Law § 2801(2)

Every School District Must Have a Discipline Code

Code[s] of conduct shall include, at a minimum provisions regarding:

- Conduct, dress and language deemed appropriate and inappropriate
- Acceptable civil and respectful treatment of teachers, etc.
- The appropriate range of disciplinary measures which may be imposed for a violation
- Roles of teachers, administrators, other school personnel
- Standards and procedures to assure security and safety of students and school personnel

Education Law § 2801(2)(a)-(n)
Every School District Must have a discipline code contd.

- Shall include, at a minimum provisions regarding:

  - Detention, suspension, removal from classroom
  - Reporting and determining violations and discipline imposed
  - Procedures to ensure continued educational programing for students removed from classroom or school
  - Procedures for notification of code violations that constitute a crime and referral to Family or Criminal Court
  - Circumstances and procedures for referral to appropriate human services agency
  - Notification of Parents of disciplinary action

- Minimum Suspension Periods for

  - Students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom (may be reduced on a case by case basis)

  - Acts that would qualify the pupil to be defined as a violent pupil
Next Research Questions

- How are the minimum requirements of §2801 being translated into actual discipline policies and practices in New York School districts?
- What, if any, elements exist across Codes?

Positive Elements Across Codes

- “As a general rule, discipline will be progressive. This means that a student’s first violation will usually merit a lighter penalty than subsequent violations.”

- Various New York State Discipline Codes
Positive Elements Across Codes

- In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:
  - The student's age.
  - The nature of the offense and the circumstances which led to the offense.
  - The student's prior disciplinary record.
  - The effectiveness of other forms of discipline.
  - Information from parents, teachers and/or others, as appropriate.
  - Other extenuating circumstances.

*Various New York State Discipline Codes

Troubling Elements Across Codes

- Consequences of Violating the Dress Code
  - “Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.”

- Insubordination/failure to follow a reasonable request
  - Range of possible consequences from “parent notification” to a “1-5 day out of school suspension” to a “Superintendent’s Hearing/possible assignment to alternate program.”

- Teacher Removal of “Disruptive” Student
  - “A classroom teacher may remove a disruptive student from class for up to four days[.]”

*Various New York State Discipline Codes
Progressive Reforms Emerging

- Expanding the Concept of “Progressive Discipline”
  - “Progressive discipline does not seek punishment. Instead, progressive discipline seeks concurrent accountability and behavioral change.”

- Encouraging the Use of Guidance Interventions
  - Incorporating Restorative Justice Practices and Positive Behavioral Interventions and Supports into Disciplinary Policies

- Eliminating the Possibility of Suspension for One-Time, Low-Level Offenses
  - Eliminating the possibility of suspensions for behaviors such as tardiness, talking back to teachers or administrators, and being absent without an excuse.

*Various New York State Discipline Codes & Proposed Codes

Opportunities for Additional Reform

- Rethinking how we approach minor behavior infractions, such as:
  - insubordinate behavior, defiance, disobedience, disrespect, disruptive or rowdy behavior, classroom disruption, habitual tardiness or absences.
Opportunities for Additional Reform

- Rethinking the Definition of What it Means to be a “Disruptive Student.”

- Disruptive pupil.

- “…an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.”

  - Education Law § 3214

People Get Ready . . .

- there's a [change] a comin' . . . You don't need no baggage, you just get on board.