



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 programming 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

## + Every School District Must have a discipline code contd.

- Shall include, at a minimum provisions regarding:
  - 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.**