



Advocates for Children of New York

Protecting every child's right to learn

Summary of Changes to the NYC Discipline Code, Effective September 2019

The Department of Education (DOE) Citywide Behavioral Expectations to Support Student Learning, Effective Sept. 2019 ("Discipline Code") can be found here: <https://www.schools.nyc.gov/school-life/rules-for-students/discipline-code>

Changes to Range of Disciplinary Responses (for both K-5 and 6-12)

- Students **cannot be suspended for longer than 20 school days**, except when required by law or for Level 5 infractions that involve seriously dangerous and/or violent behavior (see pages 24-25).
- The new minimum and maximum Disciplinary Responses are:

		Grades K–2	Grade 3	Grades 4–5	Grades 6–12
LEVEL 1*	Min:	meeting with student	meeting with student	meeting with student	meeting with student
	Max:	1-day removal from class by teacher	4-day removal from class by teacher	4-day removal from class by teacher	4-day removal from class by teacher
LEVEL 2*	Min:	meeting with student	meeting with student	meeting with student	meeting with student
	Max:	1-day removal from class by teacher	4-day removal from class by teacher	4-day removal from class by teacher	4-day removal from class by teacher
LEVEL 3*	Min:	meeting with student	meeting with student	meeting with student	meeting with student
	Max:	1-day removal from class by teacher	4-day removal from class by teacher	6 to 10-day superintendent's suspension	11 to 15-day superintendent's suspension, only for infractions involving substantial damage to property or egregious situations
LEVEL 4*	Min:	meeting with student	parent conference	parent conference	parent conference
	Max:	1 to 5-day principal's suspension, only for certain infractions where behavior is repeated and involves physical violence	11 to 15-day superintendent's suspension	11 to 15-day superintendent's suspension	16 to 20-day superintendent's suspension
LEVEL 5*	Min:	parent conference	meeting with student or parent conference	meeting with student or parent conference	parent conference
	Max:	1 to 5-day principal's suspension, only for certain infractions where behavior is repeated and involves physical violence (except A60: superintendent's suspension over 20 days, subject to approval)	16 to 20-day superintendent's suspension (except A59 & A60: superintendent's suspension over 20 days, subject to approval)	16 to 20-day superintendent's suspension (except A59 & A60: superintendent's suspension over 20 days, subject to approval)	superintendent's suspension over 20 days, subject to approval

* Some infractions in each level have a higher minimum and lower maximum disciplinary response than listed above, please see the infraction charts in the Discipline Code (For K-5 pages 30-41; for 6-12 pages 30-40) for more specific information for each infraction.

- Schools do not have to suspend students for most infractions. The Discipline Code allows for less severe Disciplinary Responses such as parent conferences or formal restorative conferences for most infractions, except for some Level 4 and 5 infractions that involve physical violence or injury.
- For Superintendent’s Suspensions, the available suspension lengths are 6-10 days, 11-15 days, 16-20 days, or 21+ days (only for Level 5 infractions for grades 6-12 upon approval) (see page 23).
- Schools should now account for the student’s developmental age when determining whether a student has engaged in behavior covered by the Discipline Code (see page 29).
- For Level 5 infractions, the school can only request a suspension that is longer than 20 days when required by law or for “seriously dangerous and/or violent behavior.” All suspensions longer than 20 days must be approved by the Chancellor, their designee, or the Community Superintendent. (see pages 24 and 25)
- Level 5 infractions B51, B52, B54, B55 and B59, no longer cover any threats, attempts, or plans to engage in behavior. Only actual participation in certain behavior is a Level 5 infraction. Attempted behavior, plans, or threats are now Level 4 infractions.
- Most infractions involving the possession of a Category I weapon (other than a firearm, bomb, or other explosive) or a Category II weapon no longer require suspension. Non-punitive responses that keep students in school are now allowed and mitigating factors must be considered for possession of Category II weapons where harm is not intended (see pages 27 and 38).

Provision of Supports & Interventions, Restorative Practices

- For all Level 1, 2 and 3 infractions, the code states that schools can use Supports and Interventions *in lieu of* – instead of – Disciplinary Responses. For Level 4 and 5 infractions, Supports and Interventions can be used *in tandem with* – together with – Disciplinary Responses. (For K-5 see pages 30-41; for 6-12 see pages 30-40)
- For all superintendent suspensions, schools must hold a “welcome back” restorative circle before a student returns to school from a suspension. These circles will provide space for students, parents, and school staff to create a plan to help a student transition back to school. (see page 17 for more information)

Changes to Bullying Response (pages 13-15)

- The definition of bullying in the Discipline Code now aligns with the state’s Dignity for All Student’s Act (DASA).
- The Discipline Code encourages the use of restorative practices to prevent bullying.
- Individualized Support Plans are listed as a Support and Intervention for a student engaged in bullying behavior or being bullied.

Structural and Policy Changes

- The Discipline Code is now available online in a hyperlinked document to allow for parents and school staff to search and find specific information in the code easily.
- The Student Bill of Rights contains information on students’ rights to bathroom, locker, name, and pronoun use that aligns with their gender identity. (see pages 7-10)

- Detailed information on Supports and Interventions is now at the front of the Discipline Code and each Infraction Chart contains page numbers where parents and school staff can find detailed information on each support and intervention. (see pages 18-20)
- Elementary Schools will now receive training and support to teach students how to develop healthy relationships through Social Emotional Learning (SEL). SEL has been proven to improve students' academic performance by prioritizing communication, empathy and problem solving.
- All middle and high schools will implement Restorative Justice Practices, which recognize that outside factors often have a significant impact on students' day-to-day response and those responses must be addressed through multiple approaches.
- A new unit of 85 licensed clinical social workers will better support students facing crises.

» ADVOCACY TIPS «

1. Always check the Discipline Code to determine if the disciplinary response sought and/or imposed is allowed. Look for lower level infractions that might better describe the behavior alleged.
2. When a classroom removal or suspension is sought for behavior where the infraction code allows for a non-removal disciplinary response, advocate that the school use supports and interventions and a non-removal disciplinary response instead.
3. Advocate that schools use supports and interventions whenever a child is suspended from school or removed from class. For example, ask the school (and/or suspension hearing office) for fewer suspension days, as well as a restorative circle or conference, peer mediation, or conflict resolution.
4. When a student is suspended from school or removed from class, advocate for a restorative circle or conference ("welcome back circle"), peer mediation, or conflict resolution as an effective strategy to support a successful return to the student's regular program.
5. Contact a School Climate Manager or Director of Student Services at the Borough Office to help the student's school implement effective supports and interventions for the student. Borough Office information is here: <https://sites.google.com/a/strongschools.nyc/contacts/>.

***If you need help with school discipline,
please call the Jill Chaifetz Education Helpline:***
(866) 427-6033 (toll-free) • Monday—Thursday • 10am—4pm
www.advocatesforchildren.org

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