



Advocates for Children of New York  
Protecting every child's right to learn



# NAVIGATING SCHOOL DISCIPLINE IN NEW YORK CITY

Presented by:  
Ross Baker  
School Justice Project



# Today's Training

2

Introduction



Types of Suspensions and  
Parent's Rights



Key Takeaways



Legal Protections for  
Students with Disabilities



# School-Based Supports

3

At-risk  
counseling

Informal  
behavior  
interventions

Crisis  
De-escalation  
Plans

STH Community  
Coordinators,  
Single Shepherd

School-based  
Mental Health  
Services

For a list of mental health programs by school, go to

<https://www.schools.nyc.gov/school-life/health-and-wellness/mental-health>



# School-Based Mental Health Services

4

Central Crisis  
Response Team

School  
Response  
Teams

School  
Mental  
Health  
Specialist  
Program

School MH  
Prevention &  
Intervention  
Program

Schools  
with Health  
& Hospitals  
MH Clinic  
Partnership

Community  
School  
Mental  
Health  
Program

School-  
Based  
Health  
Centers  
and Mental  
Health  
Clinics

For a list of programs, go to <https://www.schools.nyc.gov/school-life/health-and-wellness/mental-health>



# Finding Supports on School's Website

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Find a School - New York City De x

schoolsearch.schools.nyc

NYC Department of Education

Select Language

Powered by Google Translate

Home ▶ Find a School

## Find a School

Submit your feedback

School Name or Address

Grade

All

Borough

All

Search

Map Schools Filters

Each school has a DOE website that lists the specific mental health supports in each school:

Go to:  
[schoolsearch.schools.nyc](https://schoolsearch.schools.nyc)

Type in name of school or address and any information you have, then select "Search"



# Finding Supports on School's Website

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NYC Department of Education

Get Help Calendar Find a School Employees InfoHub TeachHub

Select Language Search...

Enrollment Learning School Life Get Involved Careers About Us

Home Find a School P.S. 046 Arthur Tappan

## P.S. 046 Arthur Tappan

District

2987 Frederick Douglass Boulevard, Manhattan, NY 10039

212-360-1519

212-360-1610

School Website

Overview School Quality Reports

School Number: M046

Accessibility: No Accessibility

Grades: PK,0K,01,02,03,04,05,06,07,08,SE

2020-2021 Enrollment: 490

Geographic District: 05

Borough: Manhattan

School Contacts and Information

Superintendent and District Contacts

Mental Health and Wellness

Click on Mental Health  
and Wellness tab!





# Finding Supports on School's Website



## Superintendent and District Contacts



## Mental Health and Wellness

Ask your Parent Coordinator, School Social Worker, or School Counselor for more information about your school's mental health program.

### School-Based Mental Health Clinic

New York Presbyterian Hospital: [212-305-0924](tel:212-305-0924)

### Community School

Finnisha Hughes: [212-380-1519](tel:212-380-1519), [fnughes@newyorkedge.org](mailto:fnughes@newyorkedge.org)

### NYC Mental Health for All

[Mental Health for All](#) is a central hub where every New Yorker can connect to care and find mental health resources for themselves and their loved ones. No matter the age, ZIP code, ethnicity, or gender, we want every New Yorker to be able to live their best life.

### NYC Well Hotline

NYC Well offers free-confidential-24/7 support for problems like stress, depression, anxiety, and drug or alcohol use. NYC Well services include: counselors who will respond without judgment; connection to suicide prevention, crisis counseling and emotional support for you or someone you care about; and referrals to Mobile Crisis Teams for people experiencing a behavioral health crisis. Text and chat available in English, Spanish, and Chinese; for service in other languages please call number provided below.

Talk: [1-888-NYC-WELL \(1-888-692-9355\)](tel:1-888-NYC-WELL)

For Relay Service for Deaf/Hard of Hearing: Call [711](tel:711)

Text WELL to 65173

Chat: [nyc.gov/nyowell](https://nyc.gov/nyowell)

### Crisis Supports

[Suicide Prevention Lifeline](#): [1-800-273-TALK \(1-800-273-8255\)](tel:1-800-273-TALK)

[Crisis Text Line](#): Text HOME to 741741

### Hite Site

[Hite Site](#) offers a citywide online search for mental health, social services, and healthcare agencies.



# Suspension and Discipline Work

8

- Help young people who are facing:
  - Juvenile and/or criminal justice system involvement
  - School suspension
  - Exclusion from school due to their behavior
  - Bullying behavior
- Advocate for alternatives to discipline and for behavior supports and services so students remain in school
- Participate in city and state-wide coalitions to reform school discipline policies and procedures, and advocate for investments in supports for students





# Students who are suspended are more likely to:

9

Miss class

Be held back a grade

Be suspended again

Drop out

Get arrested

# Suspensions are not Distributed Equally

10

- Black students comprise less than 20% of NYCPS enrollment but receive 47% of all Superintendent Suspensions
- Students with disabilities comprise 22.4% of the student population, but received 46.6% of Superintendent Suspensions
- Students in Foster Care were suspended more than quadruple the rate at which students not in Foster Care were suspended

See Our 2024-2025 School Year Suspension Data Report [Here](#)



# Your child is acting out in school.

## True or False:



The school can call you to come pick up your child early.



Your child needs a doctor's approval to come back.



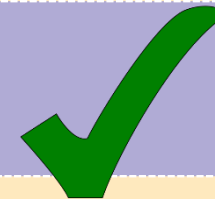
After a suspension, you have to meet with the principal before your child can come back to school



The principal can call EMS if they think your child is a danger to themselves and others



A student can be suspended for a year



# Types of Suspensions and Removals in NYC

12

Teacher's removal  
Principal's suspension  
Superintendent's Suspension





# The NYC Discipline Code

13



Department of  
Education

Chancellor Richard A. Carranza



## Citywide Behavioral Expectations to Support Student Learning Grades K–5

including the K–12 Student Bill of Rights and Responsibilities  
and the Discipline Code

**Effective September 2019**



Department of  
Education

Chancellor Richard A. Carranza



## Citywide Behavioral Expectations to Support Student Learning Grades 6–12

including the K–12 Student Bill of Rights and Responsibilities  
and the Discipline Code

**Effective September 2019**

#### **Level 4 Infractions – Aggressive or Injurious/Harmful Behavior**

- B33 Engaging in sexual conduct on school premises or at school-related functions (D–I)
- B34 Making sexually suggestive comments, innuendoes, propositions, or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images) (D–K)
- B35 Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff, including but not limited to posting such material on the Internet (D–K)
- B36 Engaging in physically aggressive behavior other than minor altercations as described under B24, which creates a substantial risk of or results in minor injury (D–K)
- B37 Coercing, threatening, planning, or instigating an act of violence, injury, or harm to other(s) (D–K)
- B38 Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury. **NOTE:** Students may also be excluded from the bus as per Chancellor's Regulation A-801. (D–K)
- B39 Engaging in harassing, intimidating, and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass. (D–K, G–K only, where behavior involves physical violence)



**Student supports and interventions may be used in tandem with disciplinary responses.**

**Supports and Interventions (see p. 13–15)**

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (see page 22)
- Guidance conference
- Individual/group counseling
- Individualized Support Plan (ISP)
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation (see page 17)
- Positive behavioral interventions and supports (PBIS)
- Referral to a community-based organization (CBO)
- Referral to counseling services for (bias-based) bullying, intimidation, or harassment
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to mental health support services
- Referral to Pupil Personnel Team (PPT)
- Restorative practices (see pages 16–17)
- Short-term behavioral progress reports
- Social emotional learning

**Range of Possible Disciplinary Responses\* (see pages 17, 21–25)**

- D. Parent conference
- E. In-school disciplinary response (e.g., formal restorative conference, exclusion from extracurricular activities, or communal lunchtime)
- F. Removal from classroom by teacher (subject to the requirement to impose a suspension at five or more semester or four or more trimester removals)
- G. Principal's suspension for one to five school days
- H. Superintendent's suspension that results in immediate reinstatement with a welcome-back circle upon return
- I. Superintendent's suspension that results in a suspension for a fixed period of six to ten school days with a welcome-back circle upon return
- J. Superintendent's suspension that results in a suspension for 11–15 school days with a welcome-back circle upon return
- K. Superintendent's suspension that results in a suspension for 16–20 school days with a welcome-back circle upon return

**\*NOTE:** Further details about **supports and interventions** can be found on **pages 13–15**. Further details about **disciplinary responses** can be found on **pages 23–24**.



# Types of Suspensions

16

## Teacher Removal

Up to 4 days

Parent can ask for meeting

Phone call

## Principal's Suspension

Up to 5 days

Principal holds conference

Written notice

## Superintendent's Suspension

From 6 – 20 days\*\*

Requires formal hearing

Written notice

\*\*20+ days:  
for some  
Level 5  
infractions  
ONLY

**No other removals are allowed!**





# Other Discipline

17

Can only  
be expelled  
if over 17  
and no IEP

Cannot use  
corporal  
punishment

Cannot  
transfer  
student  
without  
permission



# Principal's Suspension: Notice to Parent

18

## WRITTEN NOTICE IS REQUIRED

(in parent's language)

By personal  
delivery (within  
24 hours)

Reasons for  
suspension  
(including date, time,  
place of incident)

Date, time, and  
place of  
**suspension  
conference**

Statement of  
student's rights

Period of  
removal and  
alternative  
instruction

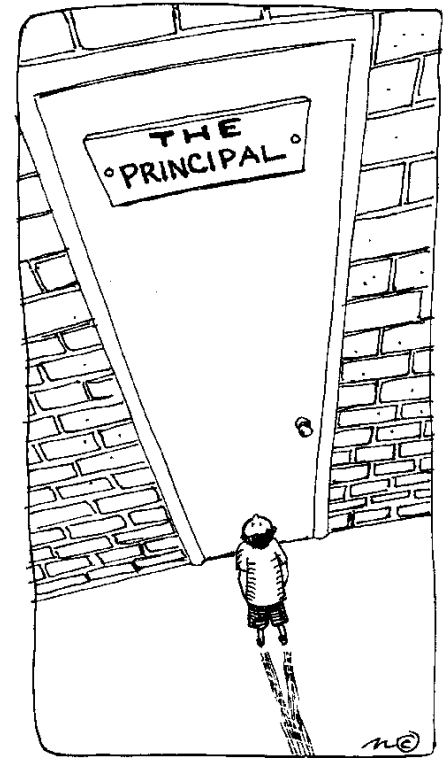




# Principal's Suspension Conference

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- Student must stay in class until suspension conference
  - Except if “threat of danger”
- Principal must attend conference
  - Decide if suspension is justified
- Parent's rights
  - Present student's version and question witnesses
  - Right to interpreter
  - Discuss plan to address behavior





# Superintendent's Suspension: Notice

20

School must get approval and call parent immediately

**Parent must get written notice within 24 hours, including:**

Reasons for suspension

Alternative school location

Details about hearing  
(scheduled within 5 school days)

Witness List

Parent's rights and places to call for help



**Lois Herrera**, Chief Executive Officer  
Chief Executive Officer of the Office of Safety and Youth Development

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**NOTICE OF SUPERINTENDENT'S SUSPENSION**

April 18, 2018

**Paula Parent**  
**123 1st Avenue**  
**Brooklyn, NY 11201**

Dear **Paula Parent**:

This is to inform you that at the request of the Principal, your child, **SAM STUDENT**, has been suspended from school by the Chief Executive Officer of the Office of Safety and Youth Development starting on, **04/19/2018**.

Your child is being removed from school prior to the suspension hearing because your child's continued presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If you would like to meet with the principal prior to the suspension hearing to discuss this incident, please contact the school.

During the suspension, your child is to report to the following alternate placement site: **88K992 ALC - Brooklyn Choices (718) 821-5484 located at 271 Melrose Street BROOKLYN, NY 11206**. During the suspension, your child has the right to receive homework and class work assignments. Furthermore, your child will be permitted to take any Citywide or State examinations that are administered during the suspension period for which no make-up examination is permitted by the testing authority, as well as to make up school examinations that may affect your child's academic record. Please contact the Dean(s)/Assistant Principal at your child's school to arrange to do so.

This letter contains critical information about the reasons for the proposed suspension, as well as key dates on which meetings will occur that will affect the outcome, length and services your child may receive if your child is suspended following the hearing.

**Suspension Hearing**

A Suspension Hearing Officer will conduct a hearing, after which the Hearing Officer will make findings of fact regarding the charges that appear below. A suspension hearing has been scheduled for:

**DATE: 04/25/2018**  
**TIME: 8:30 AM**  
**PLACE: Brooklyn Office of Student Suspensions**  
**335 Adams Street, 6th Floor**  
**Brooklyn, New York 11201-3724**  
**(718) 923-5120**

## Charge(s) for Superintendent's Suspension of Sam Student

On 4/17/18 at approximately 2:00 PM, Sam Student

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engaged in physically aggressive behavior as he swung his fist at Tina Teacher (teacher).

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This behavior constitutes a danger to the health, safety, welfare and morals of your child and others at the school.

Enclosures:      Notice of Student Rights  
                         Non-Binding Witness List  
                         Community/Legal Services  
                         Procedural Safeguards Notice

**RE: Sam Student**

### Non-Binding Witness List

1    Tina Teacher

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# Ask the school for the suspension packet!

23

Occurrence  
Report

Witness  
Statements,  
including from  
student

Records Cover  
Sheet

Evidence Voucher

Injury Reports

Video

Other School  
Records

The school must give it to you before the hearing.

# **RECORDS COVER SHEET – SUPERINTENDENT'S SUSPENSIONS**

(The information requested in this form is required for dispositional purposes. It must be filled out in its entirety by a school official and signed by the principal.)

Student's Name \_\_\_\_\_ OSIS: \_\_\_\_\_ DOB: \_\_\_\_\_ Age \_\_\_\_\_  
 School: \_\_\_\_\_ CFN \_\_\_\_\_ Principal's Name \_\_\_\_\_  
 School Contact: \_\_\_\_\_ E-mail: \_\_\_\_\_ School Phone# \_\_\_\_\_  
 Parent Name: \_\_\_\_\_ Address: \_\_\_\_\_  
 Telephone (Cell): \_\_\_\_\_ Telephone (Home): \_\_\_\_\_ Telephone (Work): \_\_\_\_\_

## **ACADEMIC RECORD**

Subject	Subject Code	Current Grades	Last Term's Grades
English			
Math			
Science			
Language			
Social Studies			
Phys. Ed.			
Other			
Other			

Grade: 7 Credits \_\_\_\_\_ Gen. Ed. \_\_\_\_\_ I.E.P. ☒

Current School Year Attendance

Absent 4 Late 11

## **SUSPENSION HISTORY**

Prior Principal's Suspensions/Teacher Removals		Prior Sustained Superintendent's Suspensions	
Date	Reason	Date	Reason
3/22/16	B 36		
1/25/16	B 39		
1/11/16	B 36		

## **Prior Transfers (If applicable)**

School			
Date	From	To	Reason(Safety/Suspension)



**Synopsis of Disciplinary Record (Check all that apply)**

☐ excessive cutting      ☐ truancy      ☒ loitering      ☐ gang related activity  
☒ causing a disturbance      ☒ harassment/students      ☒ insubordination  
☒ harassment/staff members      ☒ fighting      ☐ vandalism  
☐ other (EXPLAIN BRIEFLY) \_\_\_\_\_

**Prior guidance interventions and recommendations**

Dean Mediation, Meeting w/ Agency  
Refer for counseling

**School guidance recommendations (may use more than one)**

Anger management training \_\_\_\_\_      Refer for counseling \_\_\_\_\_  
Stress management training \_\_\_\_\_      Refer for family counseling \_\_\_\_\_  
Academic Intervention Services \_\_\_\_\_      At-risk behavior \_\_\_\_\_  
Refer for community based mental health interventions \_\_\_\_\_      Conflict Resolution \_\_\_\_\_  
Refer to school psychologist for evaluation \_\_\_\_\_      Substance abuse, health and at-risk behavior counseling \_\_\_\_\_  
Other (explain) \_\_\_\_\_

**PLEASE ATTACH TEACHER COMMENTS**

**STUDENTS WITH AN IEP/504 PLAN OR REFERRED FOR SPECIAL EDUCATION SERVICES**

(IEP must be provided)

Date of current IEP 3/16/16  
Student been referred for evaluation (but currently does not have an IEP) \_\_\_\_\_ Date of referral \_\_\_\_\_  
Date of most recent annual review \_\_\_\_\_  
Total days (current school year) the student has been removed/suspended from class \_\_\_\_\_  
Current placement/program/services \_\_\_\_\_  
504 Plan \_\_\_\_\_

**Principal's Recommendation**

☐ Immediate Reinstatement      ☒ Continued suspension for 6-10 days 10  
☐ Extended suspension for 30-90 days (indicate # of days) \_\_\_\_\_  
☐ LTS (one year no review)      LTS (one year with six month review) \_\_\_\_\_

Print Name \_\_\_\_\_

Principal's Signature \_\_\_\_\_



Insert Fax This Way

Do not write on back

Do not send cover sheets

Do not send multiple sheets at one time



1594841



## New York City Department of Education

## WRITTEN STATEMENT FORM

FAX completed forms to (718) 935-5860

ATS: 32K384

NAME C [REDACTED] C [REDACTED]		GENDER Female
STATUS Educational Assistant	DATE OF BIRTH	

## STATEMENT

About 8:30 am, on October 16, 2007, I went to the cafeteria to pick up my one to one student. As I waited for my one to one student to line up with his class, I was hit on my left ankle with a milk container. I saw [REDACTED] (student) throw it.



New York City Department of Education  
**OCCURRENCE REPORT**

DOE CONTROL NO.  
32K384-101607-0075

NYPD CONTROL NO.  
none supplied

ATS CODE 32K384	SCHOOL AND/OR PROGRAM NAME/NUMBER Frances E. Carter School			INCIDENT DATE & TIME 10/16/2007 1:30 PM	DURING SCHOOL HOURS? Yes
REPORT Original	BOROUGH Brooklyn	SUPERINTENDENCY 32	GEOGRAPHICAL DISTRICT 32	IS THIS REPORT FOR INFORMATION ONLY	

Occurrence Reported by: Ms. [REDACTED]  
Occurrence Data Entered at: 10/16/2007 at 3:12 PM  
Location of the Occurrence: Cafeteria  
Category: A51  
Contacts: NYPD was contacted but the date/time of contact was not provided  
Superintendent was not contacted

**Description of the occurrence**

A male student, [REDACTED] threw a full container of milk at a female Educational Assistant, [REDACTED] C [REDACTED], hitting her on the left ankle. In classroom #211 he picked up a chair and attempted to hit a female teacher, Ms. a male student, [REDACTED] to the floor and pushed a male student, [REDACTED] against the wall. [REDACTED] ran through out the building the building refusing to take direction from [REDACTED] Principal or [REDACTED] Guidance Counselor. Security Guard, [REDACTED] brought [REDACTED] to 116A where he was repeatedly cursed, kicked a chair, threw a table, kicked the walls and a file cabinet. PO [REDACTED] of the 83 pct responded. EMS transported him to Kings County Hospital. Attempted parental contact. Administrative action pending.

**Persons Involved**

**Suspects**

[REDACTED]

**Victims**

C [REDACTED] [REDACTED]



# Superintendent's Suspension Hearing: Options

28

Adjournment for Good Cause

Plead No Contest

Proceed with Hearing

# Superintendent's Suspension: Post-Hearing Decision



Hearing officer makes recommendation based on testimony and all documents in evidence

Within 2 days  
of hearing

parent must receive notification:

- whether charges are dismissed or sustained,
- if charge sustained, where student is assigned to attend school,
- how suspension will be reflected in student's records, including when expunged

Within 5 days  
of hearing

- hearing office must mail a full report of Findings and Disposition to the parent

Student remains at alternative education site pending decision, unless the parties agree otherwise

# If The Charges Are Sustained...



## Superintendent may:

For most  
infractions:

Immediately  
reinstate  
student to  
school

Continue the  
suspension for  
6-10, 11-15, or  
16-20 school  
days

For very serious behavior,  
only by DOE main office  
approval

Continue the  
suspension for more  
than 20 schools days up  
to 1 year (automatic  
review for 40 or more  
school days

Expulsion:  
only possible for  
students without IDEA  
protections who turned  
17 before the school  
year

- Recommend services
- Grant or deny school transfer, if parent requests

# Appeals



Must be in writing, and state grounds for appeal and relief requested

Extensions for good cause only

## 1<sup>st</sup> Level: Chancellor/Office of Legal Services

Timing:

Must file within 20 school days of date of decision or 10 school days from receipt of tape recording or hearing transcript, whichever is later



## 2<sup>nd</sup> Level: NYS Education Commissioner

Timing:

Must initiate within 30 days of decision, unless delay is excused by Commissioner for good cause shown in the petition



# Alternative Instruction

32

Homework

Classwork

Exams

Full time  
instruction\*

At student's school, a different school,  
or an Alternative Learning Center





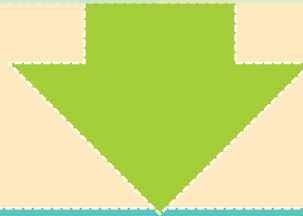
# Alternative Instruction

33

**During principal's suspension or while waiting for suspension hearing:**

**K-8:** full-time instruction

**High School:** at least 2 hours/day



**After suspension hearing**

All students who continue to be suspended have right to full-time instruction.



# Protections For Students With Disabilities

34

Expedited evaluations

Manifestation Determination  
Review (MDR)

Suspension plan

FBA & BIP



# Who Is a Student with a Disability for Discipline Purposes?

35

Students  
with IEPs

Students  
with 504  
Plans

School  
Deemed  
to Know



# Right to Expedited Evaluations

36

Suspended students must get expedited evaluations when:

Parent requests an initial  
evaluation

School is “deemed to know”  
student has a disability



Must be done within 15 days of parental consent



# What is an MDR?

37

Meeting to decide if the student's behavior was:

caused by the  
student's disability;

**OR**

a result of the school's  
failure to follow the  
student's IEP or BIP



# Is it a Manifestation?

38

## YES

- Student returns to school
- School must do:
  - Functional Behavioral Assessment (FBA)
  - Behavior Intervention Plan (BIP)

## NO

- Suspension continues
- School must:
  - Create a Suspension Plan
  - Consider doing an FBA and BIP



# When Must the School Hold an MDR?

39

When the student is suspended for  
11 or more days:

in a row

w/in 40 school  
days

+ a pattern



# What must the team review during the MDR?

40

IEP

FBA and BIP

Evaluations  
and teacher  
observations

Occurrence  
reports

Records from  
the parent

Other  
information



# Follow prompts on MDR Worksheet

## MANIFESTATION DETERMINATION REVIEW WORKSHEET

Meeting Date: \_\_\_\_\_ SOHO Case #: \_\_\_\_\_  
 Student Name: \_\_\_\_\_ Student OSIS: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ Current School: \_\_\_\_\_

**Please reference the Standard Operating Procedures Manual for Special Education Services chapter on Students with Disabilities Subject to Discipline (SOPM) found [here](#) while completing this Worksheet.**

*Complete this Worksheet in paper or electronically in SOHO at the MDR meeting. If the Worksheet is completed in paper at the meeting, the contents must be entered into SOHO within 24 hours of the meeting.*

*Include a response for all questions. Answers to these questions must be determined at the MDR meeting and must include the contributions of all meeting participants, including the parent(s) if present.*

### **MANIFESTATION DETERMINATION REVIEW TEAM**

*Enter names and other relevant information for all individuals present at the meeting. It is recommended that at least two school staff members attend the MDR meeting. The following people must participate in the MDR in person, unless otherwise indicated:*

- *A representative of the school district knowledgeable about the student and the interpretation of information about the student's behavior (e.g., school psychologist, social worker, guidance counselor);*
- *The parent (the parent may participate in person or by phone); and*
- *Other individuals as determined by the school district and/or the parent (other individuals may participate by phone if necessary).*

Name (and Signature)	Title	By Phone (Y,N)
Required member		



# Preparing for the MDR

42



Review all the documents



Make sure the student is getting all services on their IEP



Ask outside providers to participate



# Functional Behavioral Assessment (FBA)

43



## Function

- Why does the behavior occur?



## Behavior

- What behavior needs to change?



## Assessment

- When does the behavior occur? Where?
- How often? For how long?



# What goes in a BIP?

44

## Data from FBA

Classroom  
observations

Reports

Interviews



## BIP

Prevent behavior  
from occurring

Manage the  
behavior

Measure progress



# 5 School Discipline Takeaways

45

Schools should try to help students before suspending them

Notice must be in writing

Ask for principal's suspension conference

Always get the packet

No out of school suspensions!



# Wrapping up: Reminders!

46

- Fill out our survey.
- If you need help, ask!
- Call Our Helpline: 866-427-6033
  - Toll free
  - Monday-Thursday
  - 10am-4pm
- Email Us: [Info@advocatesforchildren.org](mailto:Info@advocatesforchildren.org)

