



Advocates for Children of New York

Protecting every child's right to learn

Press Release

For Immediate Release

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New Study Finds Discipline Policies of Many NYC Charter Schools Deny Students Rights

February 12, 2015 (NEW YORK CITY) — Under the United States Constitution, as well as federal and New York state laws, students and their parents have the right to a specific process prior to suspension or expulsion from any public school, including charter schools. Yet, a significant number of New York City's charter schools have discipline policies that fail to meet the legal requirements, leading to violations of students' and parents' civil rights.

Today, Advocates for Children of New York releases a report, [**Civil Rights Suspended: An Analysis of New York City Charter School Discipline Policies**](#), with key findings that we have made after reviewing 164 New York City charter school discipline policies obtained through Freedom of Information Law requests.

Of the 164 New York City charter school discipline policies we reviewed:

1. 107 permit suspension or expulsion as a penalty for any of the infractions listed in the discipline policy, no matter how minor the infraction.
2. 82 permit suspension or expulsion as a penalty for lateness, absence, or cutting class, in violation of state law.
3. 133 fail to include the right to written notice of a suspension prior to the suspension taking place, in violation of state law.
4. 36 fail to include an opportunity to be heard prior to a short-term suspension, in violation of the U.S. Constitution, New York State Constitution, and state law.
5. 25 fail to include the right to a hearing prior to a long-term suspension, in violation of the U.S. Constitution, New York State Constitution, and state law.
6. 59 fail to include the right to appeal charter school suspensions or expulsions, even though state law establishes a distinct process for charter school appeals.
7. 36 fail to include any additional procedures for suspending or expelling students with disabilities, in violation of federal and state law.
8. 52 fail to include the right to alternative instruction during the full suspension period, in violation of state law.

“Charter schools can discipline their students, but they must uphold their students’ rights and provide a fair discipline process,” said Kim Sweet, Executive Director of Advocates for Children. “Without these basic protections, students may be kicked out of school for very minor misbehavior or based on allegations that are in fact unfounded. They miss valuable time in school and can have trouble re-integrating and catching up.”

“My son’s charter school suspended him for 23 days during the year when he got demerits for behaviors such as chewing gum and talking out of turn,” said Shirley Paulino, former charter school parent. “He received little to no instruction during that time. My son has a disability, and he needed support, not suspension, to address his behaviors.”

Last year, the U.S. Department of Education issued guidance to charter schools concerning their obligation to comply with federal civil rights laws, including laws regarding student discipline. The Department noted disparities in the use of suspension and expulsion that negatively impact students of color and students with disabilities and warned that students miss valuable instruction time when excluded from school.

This report includes recommendations for state legislators to consider as they discuss raising the cap on charter schools and ensuring that charter schools serve high-needs students, such as provisions to clarify the legal obligations of charter schools regarding school discipline and to require reporting of charter school suspensions and expulsions. The report also recommends, among other things, that charter school authorizers ensure that all charter schools have discipline policies that meet federal and state legal requirements. It recommends that charter school authorizers develop a model discipline policy with input from community stakeholders; identify best practices and innovative, positive approaches to discipline; and provide training to charter school staff.

“We hear from parents who celebrated winning the charter school lottery only to have their students face repeated suspension or expulsion from school with no opportunity to challenge it,” said Paulina Davis, Staff Attorney at Advocates for Children. “Students do not give up their civil rights when they enter charter schools. We urge the State to ensure that all charter schools have discipline policies that meet legal requirements.”

To read the full report, [click here](#).

About Advocates for Children of New York (AFC)

Since its founding in 1971, Advocates for Children of New York has been protecting the education-related needs of children most at risk of academic failure or school-based discrimination due to such factors as poverty, disability, race, ethnicity, language barriers, immigration status, homelessness, or involvement in the child welfare or juvenile justice system. AFC’s mission is to promote access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds. AFC uses integrated strategies to advance systemic reform, empower families and communities, and advocate for the educational rights of individual students.

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