

NYC Department of Education - Citywide Behavioral Expectations Limiting Exclusionary Discipline in Public Schools



A citywide policy that reduces the maximum time that students can be suspended and standardizes the use of restorative disciplinary practices

The [Counselors Not Cops campaign](#), spearheaded by the [New York Chapter](#) of the Dignity in Schools Campaign, opposes the presence of police in New York City's schools and policing practices such as scanning, in-school arrests, and in-school summons. The campaign's 20 member organizations advocate for citywide investments in alternative strategies, such as supporting young people through restorative practices and increasing the number of guidance counselors and social workers in New York City's public schools.

The campaign expressed public opposition to New York City Mayor Bill De Blasio's preliminary 2020 budget for the New York City Department of Education in early 2019. The preliminary budget proposed to increase funding to the NYPD's School Safety Division by \$27 million, which would bring the overall budget for the division to more than \$314 million—the largest proposed budget for the NYPD's School Safety Division since it was created. "You get what you pay for and right now Mayor de Blasio is choosing to fund the criminalization of Black and Brown youth while refusing to invest in their success," said the campaign in this [2019 statement of opposition](#).

The campaign argued that the increase was particularly egregious given that the city was also proposing to double its school security budget—which funds infrastructure like metal detectors and surveillance cameras—bringing the budget to \$200 million. At the same time, the campaign contended that the city was inadequately funding essential student support systems and social services in schools, particularly support-staff positions such as guidance counselors and social workers. "There are still more NYPD school safety agents than there are guidance counselors and social workers combined," said the campaign.

Throughout the winter and spring of 2019, the Counselors Not Cops campaign outlined alternative funding options to increase student support services and decrease the police presence in the city's schools, collected signatures for its statement of opposition, advocated for the funding of restorative justice programs, provided public testimony, met with policymakers, and [participated in rallies at City Hall](#).

Following the hard-fought campaign, the New York City Council approved, in June 2019, a 2020 budget

that included funding for an additional 216 social workers in the city's schools. The new positions were also "baselined," meaning that they will be funded in subsequent city budgets.

In addition, the NYC Department of Education's [Citywide Behavioral Expectations](#) were revised to reduce the maximum length of out-of-school suspensions from 180 days to 20 days, with the exception of "Level 5 infractions that involve seriously dangerous and/or violent behavior where the circumstances warrant the imposition of a longer suspension."

The revised policy also articulates a commitment to using restorative justice practices in the city's middle schools and high schools:

"Every reasonable effort must be made to correct student behavior through counseling and other school-based interventions such as restorative practices. Supports and interventions are essential because inappropriate behavior or violations of the Discipline Code may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, foster resiliency, prevent disruption to students' education, and promote positive school culture. When a student's misconduct results in a placement out of the classroom, the school should consider, where appropriate, using the restorative welcome-back circle process as an effective strategy to support a successful return to the student's regular program."

Policy Language

[EXCERPT]

NEW YORK CITY DEPARTMENT OF EDUCATION

Citywide Behavioral Expectations

Superintendent's Suspension Policy

A superintendent's suspension may result in a period of suspension that exceeds five school days and may be sought for behavior for which a superintendent's suspension is authorized in the Discipline Code.

A student who receives a superintendent's suspension must be provided with the opportunity for a hearing at which the student has the opportunity to present evidence and witnesses on their behalf and to question the school's witnesses.

If the school proves the allegations and the suspension is upheld, the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may impose one of the following as set forth below and on the following pages.

Immediate Reinstatement

The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may reinstate the student to the suspending school immediately following the decision to uphold the suspension with a welcome-back circle upon return.

Suspension for a Fixed Period of 6-10 School Days

The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order the student's suspension from school for a fixed period of 6-10 school days during which the student must be provided with instruction at a location outside the school building. At the end of the suspension period, the student must be reinstated to their original school with a welcome-back circle upon return.

Suspension for a Fixed Period of 11-15 School Days

The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order the student's suspension from school for a fixed period of 11-15 school days during which the student must be provided with instruction at a location outside the school building. At the end of the suspension period, the student must be reinstated to their original school with a welcome-back circle upon return.

Suspension for A Fixed Period of 16-20 School Days

The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order the student's suspension from school for a fixed period of 16-20 school days during which the student must be provided with instruction at a location outside the school building. At the end of the suspension period, the student must be reinstated to their original school with a welcome-back circle upon return.

Acknowledgments

Organizing Engagement thanks Kate McDonough of the National Economic and Social Rights Initiative and Dignity in School Campaign-New York, Natalie Chap of the Dignity in Schools Campaign, and

Blythe Armitage for their contributions to developing this resource.

Creative Commons



This work by Organizing Engagement is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/). When excerpting, adapting, or republishing content from this resource, users should reference and link to Organizing Engagement and the organizations that developed the policy.