



Legislation Text

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Res. No. 983

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.8396, legislation regarding the development of school codes of conduct and the treatment of students subject to certain disciplinary actions.

By Council Members Reynoso, Espinal, Gibson, Menchaca, Richards, Torres, Rodriguez and Chin (by request of the Manhattan Borough President)

Whereas, In response to a surge in juvenile crime during the 1980s, school officials across the country adopted zero tolerance disciplinary policies and increased the number of police patrolling public schools, according to the New York Times; and

Whereas, One unintended consequence of such policies is that many students have been pushed out of school and into the criminal justice system, a phenomenon referred to as the “school-to-prison pipeline”; and

Whereas, According to the New York Civil Liberties Union (NYCLU), the school-to-prison pipeline disproportionately targets youth of color and youth with disabilities and operates both directly and indirectly; and

Whereas, NYCLU states that schools directly send students into the pipeline through zero tolerance policies that involve the police in relatively minor incidents which often lead to arrests, juvenile detention referrals, and even criminal charges and incarceration; and

Whereas, In addition, schools indirectly push students towards the criminal justice system by excluding them from school through suspension, expulsion, and other punitive measures; and

Whereas, To address the question of how best to keep more students in school and out of courts, the New York State Permanent Judicial Commission on Justice for Children (“Commission”) is leading a multi-tiered strategy (national, state, regional and local) to promote school-justice partnerships - an emerging strategy

to reduce the number of children entering the justice system by improving educational engagement and outcomes through innovative practices; and

Whereas, The Commission, chaired by former Chief Judge Judith Kaye, convened the New York City School-Justice Partnership Task Force (“Task Force”) in 2011 in collaboration with Advocates for Children of New York; and

Whereas, In its 2013 report, the Task Force cited national research which shows that students who are suspended are more likely to be retained a grade, more likely to drop out, less likely to graduate and more likely to face involvement in the juvenile or criminal justice systems, thereby placing them at higher risk for poor life outcomes; and

Whereas, Additionally, suspensions and school-related court involvement also generate significant costs - for extra years of schooling, for justice system involvement, and for families and society; and

Whereas, Further, the Task Force report cited a growing body of research which suggests that suspensions are ineffective at improving safety and academic outcomes, as students in schools with lower suspension rates feel safer and have better academic outcomes than those in schools with high suspension rates; and

Whereas, The Task Force made a number of recommendations to keep students safely in school while avoiding suspensions, arrests and summonses through the use of positive interventions, such as restorative justice practices, to resolve student misbehavior; and

Whereas, In January 2014, just months after publication of the Task Force report, the U.S. Departments of Education and Justice jointly released a guidance package on school discipline calling on schools to create positive school climates and reduce use of exclusionary discipline practices, and encouraging development of alternative disciplinary approaches such as restorative justice; and

Whereas, In response to the work of the Commission and others regarding school discipline, New York State Assemblymember Catherine Nolan introduced legislation in October 2015 that reflects the emerging

national research and best practices promoted by the Commission and would codify them into New York state law; and

Whereas, According to the Queens Gazette, in describing the bill Assemblymember Nolan stated that “[t]his common-sense legislation is designed to reduce suspensions and keep students in school” that “[t]he goal of the legislation is to reverse the disturbing school-to-prison pipeline, which starts with excessive use of suspensions, often for minor infractions... an issue that disproportionately affects students of color” and that “[t]he most recent data from the New York State Report Card shows that 94,877 students were suspended during the 2012-2013 school year, which is more than 500 suspensions per day... [e]ven children in kindergarten have been subject to suspensions for typical age-level behavior”; and

Whereas, The bill sponsored by Assemblymember Nolan, A.8396, would update provisions regarding the creation, publication and content of public school codes of conduct and would lay out guidelines for disciplining and suspending students; and

Whereas, More specifically, A.8396 would amend Education Law in regards to the purpose and content of school codes of conduct and require that codes of conduct be developed collaboratively with members of the school community; and

Whereas, In addition, A.8396 would amend sections of the law regarding procedures for suspending or disciplining a student; and

Whereas, Further, A.8396 would require the State Education Commissioner to provide technical assistance to school districts and to allow the State Education Department to authorize resources to school districts for that purpose; and

Whereas, Updating State Education Law to reflect the latest national research and best practices on school discipline would help keep students in New York State and New York City in school and out of the criminal justice system thereby improving their potential life outcomes; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass

and the Governor to sign A.8396, legislation regarding the development of school codes of conduct and the treatment of students subject to certain disciplinary actions.

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JA
1/27/16