



## Legislation Text

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### Res. No. 416

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.5197/ S.7198, to amend the education law in relation to school climate and codes of conduct on school property and disciplinary action following violation of such codes of conduct.

By Council Members Avilés, Joseph, Louis, Hanif, Marte, Richardson Jordan, Restler and De La Rosa

Whereas, Current New York State (NYS) law controlling school discipline relies on policies that exclude students from school through suspension, expulsion, and other punitive measures; and

Whereas, These punitive and exclusionary discipline practices have been shown to have a disproportionately negative effect on disadvantaged groups, particularly students of color and students with disabilities; and

Whereas, The disparate impact of these exclusionary discipline practices is especially severe in New York City (NYC) schools; and

Whereas, According to an analysis by Advocates for Children of New York (AFC) of the NYC Department of Education (DOE)'s suspension data report for the 2019-20 school year, 50.7% of superintendent's long-term suspensions, along with 41.0% of principal's suspensions, went to Black students, who comprised only 21.6% of the public school population; and

Whereas, Further, the AFC analysis found that students with disabilities, who comprise approximately 20% of the student population, received 44.8% of long-term suspensions and 39.1% of principal's suspensions in 2019-20; and

Whereas, Numerous research studies, including a 2021 report by American Institutes for Research, show that suspension is ineffective as a tool to improve student behavior and has been linked to a host of

negative outcomes, including poor grades, chronic absenteeism, grade retention, dropping out, and incarceration; and

Whereas, In January 2014, the U.S. Departments of Education and Justice jointly released School Discipline Guidance calling on schools to reduce use of ineffective school discipline policies causing disparate impacts and to adopt fair, age-appropriate, positive alternatives, such as restorative justice, to exclusionary practices including classroom removals, suspensions and expulsions; and

Whereas, In 2018, the New York State Board of Regents adopted these recommendations, but they have not been codified in State law; and

Whereas, The goal of A.5197, sponsored by Assemblymember Nolan, and its companion bill S.7198, sponsored by Senator Jackson, is to reform school discipline policies to ensure the application of fair and equitable school discipline for all students; and

Whereas, A.5197 and S.7198 would amend State Education Law to require schools to develop a code of conduct to promote and sustain a safe, respectful, and supportive school environment; and

Whereas, More specifically, the bills call for codes of conduct that include a range of age-appropriate graduated disciplinary measures, including restorative practices, and require schools to use the least severe action necessary to respond to a code violation; and

Whereas, In addition, A.5197 and S.7198 would end the use of suspensions for students in pre-K through grade 3 and prohibit suspensions for most minor infractions, like tardiness, dress code violations, leaving school without permission, and “willful disobedience” such as use of foul language or refusal to follow directions; and

Whereas, Further, the legislation would limit the length of long- term suspensions to 20 school days, down from 180 days, and require alternate instruction be provided during removal so that students who are suspended can stay on track academically; and

Whereas, Updating State Education Law to reflect the latest research and best practices on school

discipline, including the use of positive interventions, such as restorative justice practices, to resolve student misbehavior would help keep NYC students 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.5197/ S.7198, to amend the education law in relation to school climate and codes of conduct on school property and disciplinary action following violation of such codes of conduct.

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JA  
10/12/2022