The SUSPENSION SPIKE:

CHANGING THE DISCIPLINE CULTURE IN NYC'S MIDDLE SCHOOLS

NEW YORK CITY COMPTROLLER
JOHN C. LIU

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About Beyond High School NYC

Beyond High School NYC is a major initiative launched by Comptroller John C. Liu to increase the proportion of New Yorkers with higher education to 60 percent by the year 2025 through strategic investments in public education.

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About the New York City Comptroller's Office

The New York City Comptroller, an independently elected official, is the Chief Financial Officer of the City of New York. The mission of the office is to ensure the financial health of New York City by advising the Mayor, the City Council, and the public of the City's financial condition. The Comptroller also makes recommendations on City programs and operations, fiscal policies, and financial transactions. In addition, the Comptroller manages the assets of the five New York City Pension Funds, performs budgetary analysis, keeps the City's accounts, audits City agencies, manages the City's debt issuance, and registers proposed contracts. His office employs a workforce of more than 700 professional staff members. These employees include accountants, attorneys, computer analysts, economists, engineers, budget, financial, and investment analysts, claim specialists, and researchers, in addition to clerical and administrative support staff.

Photos on pages 39-41 courtesy of International Institute for Restorative Practices

Introduction

Research findings have established that a middle school pattern of even mild behavioral issues, either alone, or in conjunction with several other factors including absenteeism and academic performance in English and Mathematics, is an early warning that a student may be on the path to potentially dropping out of school. The Department of Education's current disciplinary approach, rooted in "zero-tolerance" philosophy, relies heavily on punitive measures, including suspensions, as a response to a wide array of behaviors. In the 2011-2012 school year, more than 18,000 suspensions were meted out to students in grades 6 through 8 attending standalone middle schools. Yet, lengthy and repeated suspensions for disruptive behavior such as speaking disrespectfully to a teacher or fellow student result in lost learning days, contribute to students' feelings of alienation from school, and perhaps most importantly, do little or nothing to address the root causes of the behavior. Moreover, there are significant racial, ethnic, and other disparities in suspension rates.

Maintaining a calm, respectful, and secure school climate is critical to the success of New York City's approximately 210,000 middle school students. Middle school is the last chance to "catch up" on both the academic and social-emotional skills needed to be successful in high school. Accordingly, concerns about improving New York City's middle school grades are well-deserved. Despite the myriad studies and good intentions, however, the middle school years have not received the same sustained focus and resources as educational reforms targeted at younger children. In particular, the interplay between school climate and behavioral issues and its relationship to academic achievement merits greater attention at a time when graduating from high school and pursuing post-secondary educational attainment is more important than ever.

Violent, disruptive behavior that compromises the safe and supportive learning environment that all students deserve is not acceptable. The proposals in this report identify a range of positive approaches to promoting a safe and considerate learning environment for middle school students, teachers, and administrators that recognize the social-emotional and behavioral issues of this age group, particularly for students most at risk of eventually dropping out. A pilot program to introduce a whole-school climate change program based on the principles of restorative justice offers new tools for addressing and repairing the harm created by behavioral issues. Increasing the availability of school counselors and social workers would provide critical front-line support for struggling students. To advance these recommendations, system-wide changes should be made to the Department of Education's Discipline Code, the oversight of School Safety Agents, and the collection of data on suspensions and arrests.

NEW YORK CITY MIDDLE SCHOOLS AT A GLANCE

New York City's almost 210,000 middle school students are spread among 515 different schools containing some combination of 6th, 7th, and/or 8th grades. These grades can be found in four configurations: elementary/K-8; standalone middle school; middle/high school; and K-12 schools. As is true nationally, the most common configuration is a standalone middle school predominantly covering grades 6 through 8.[1] Just under three-quarters of middle school students in NYC attend this type of school.

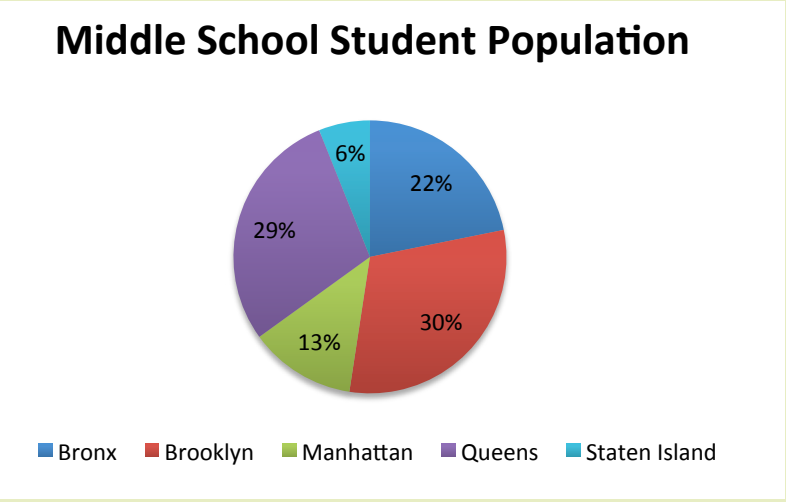
New York City Middle School Students

		STUDENTS		TOTAL	
School Type	**6th Grade**	**7th Grade**	**8th Grade**	**Students**	**Schools**
Elementary/K-8	12,996	10,402	9,704	33,102	160
Standalone Middle Schools	50,459	51,611	53,828	155,898	268
Middle/High School	6,713	6,659	6,762	20,134	85
K-12	250	220	208	678	2
TOTALS	**70,418**	**68,892**	**70,502**	**209,812**	**515**

Source: New York City Department of Education.

The distribution of middle school students across New York City mirrors that of the population of the City as a whole.

Borough Breakout



Source: New York City Department of Education.

1 Balfanz, Robert, Herzog, Liza, and Mac Iver, Douglas J., "Preventing Student Disengagement and Keeping Students on the Graduation Path in Urban Middle-Grades Schools: Early Identification and Effective Interventions," *Educational Psychologist*, 42(4), 2007, pp. 223–235.

Why Middle School?

Specific Behavioral and Educational Challenges

The middle school years—which generally cover the ages from 11 through 14—are a period marked by momentous physical, emotional, and social development for most students that create a unique set of educational challenges. The onset of puberty in these school years results in an onslaught of physical changes ranging from growth spurts to acne. Many teens exhibit a heightened concern about their appearance and the pace and appropriateness of changes to their bodies, especially in comparison to their peers.[2]

While the outward physical changes of the early teen years are readily apparent, the changes in the brain are no less dramatic. Recent research has overturned the long-standing belief that the brain is fully formed at a young age. Instead, neuroscientists have found that the adolescent brain changes in stages over many years. Indeed, the maturation of the pre-frontal cortex, associated with regulating mood, attention, impulse control, and the ability to plan ahead and to anticipate the consequences of one's behavior, continues until as late as age 24.[3]

In contrast, the part of the brain that is believed to have a significant role in producing emotional, aggressive, instinctual, and impulsive behavior develops far earlier. According to Dr. Andrew Garner, a member of the American Academy of Pediatrics Committee on Psychosocial Aspects of Child and Family Health: "Many neuroscientists think that this mismatch in brain maturity may explain a lot of adolescent behavior."[4]

For most children, the middle school years coincide with the first stages of these physical and emotional changes, playing havoc with learning and behavior patterns. Students may become deeply absorbed in contemplating and contending with the developmental challenges described above. As a result, they may be oblivious to the feelings of others and "completely unaware of the impact—positive and negative—that their behavior has on others."[5] Indeed, as one California school district noted: "[m]isconduct is part of the developmental process of every young person."[6]

2 "Your Teenager's Physical Development," *American Academy of Pediatrics*, HealthyChildren.org, http://www.healthychildren.org/English/ages-stages/gradeschool/puberty/Pages/Your-Teenagers-Physical-Development.aspx?nfstatus=401&nftoken=00000000-0000-0000-0000-000000000000&nfstatusdescription=ERROR%3a+No+local+token, accessed on 5/28/2013.

3 "What's Going On in the Teenage Brain?," *American Academy of Pediatrics*, HealthyChildren.org, http://www.healthychildren.org/English/ages-stages/teen/Pages/Whats-Going-On-in-the-Teenage-Brain.aspx, accessed on 5/28/2013.

4 Ibid.

5 Costello, Bob, Wachtel, Joshua, and Wachtel, Ted, "The Restorative Practices Handbook for Teachers, Disciplinarians, and Administrators," *International Institute for Restorative Practices*, Bethlehem, Pennsylvania, 2009, p. 13.

6 Kidde, Jon and Alfred, Rita, "Restorative Justice: A Working Guide for Our Schools," *Alameda County Health Care Services Agency*, School Health Services Coalition, 2011, p.5, http://healthyschoolsandcommunities.org/Docs/Restorative-Justice-Paper.pdf.

MIDDLE SCHOOLERS:

- Want to feel respected by teachers and other students.
- Feel like adults and want to be treated like adults, including being held accountable for their actions, but they still need help regulating their behavior and becoming more responsible.
- May lack empathy.
- May not realize the consequences of their actions.
- Are highly sensitive and easily embarrassed or ashamed, such as when a teacher yells at them in front of the class or they get back a paper with a bad grade, and may become angry or lash out in response.
- May be responding not to something happening in the moment but to something that happened earlier in the day or is ongoing such as homelessness, or lacking suitable clothes to wear to school.
- Need help identifying more appropriate responses.
- Are often very sorry and remorseful once they recognize the impact of their behavior on teachers and fellow students.
- Can feel annoyed and frustrated with other students who misbehave and interfere with their concentration in class.
- Can feel disappointed with themselves because they hurt their own chances to do well in school.
- Want to do well in school until they become convinced that they can't.[7]

All of these competing instincts can result in cruel behavior like making mean remarks or insulting fellow students and teachers. For example, students can be highly critical of teachers' lessons and style. Many students will complain that they are "bored," although recent research suggests that this may actually be an expression of anxiety over work that is too hard.[8] Some students will "act out" in class, yet experience fear and anger when sent for punishment.

Bullying is a specific negative behavior that has received growing attention from policymakers, educators, and parents, and seems to be especially prevalent in the middle school years.[9] Bullying is defined as unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance and is repeated, or has the potential to be repeated, over time.[10] Bullying occurs among many types of students and for a variety of reasons. Lesbian, Gay, Bisexual, Transgender, and Queer students are frequent targets, as are Asian students, who self-reported the highest levels of bullying in a classroom or outside on school grounds in a national survey.[11] Students who are bullied are more likely to avoid coming to school.

7 Costello, Bob, et. al., Op. Cit.

8 Sparks, Sarah D., "Studies Link Students' Boredom to Stress," *Education Week*, October 9, 2012, http://www.edweek.org/ew/articles/2012/10/10/07boredom_ep.h32.html?qs=Studies+link+student.

9 New York State's *Dignity of All Students Act*, which took effect in July 2012, focuses on discrimination and harassment, including bullying.

10 "What is Bullying?," *stopbullying.gov*, http://www.stopbullying.gov/what-is-bullying/definition/.

11 "The 2011 National Climate Study: Experiences of LBGT Youth in Our Nation's Schools, Executive Summary," *Gay, Lesbian & Straight Education Network*, September 5, 2012, p. 22, http://www.glsen.org/cgi-bin/iowa/all/news/record/2897.html. The survey found that, "on all of the indicators of school climate in the survey, middle school students fared worse than high school students and had fewer LGBT related resources and supports." For information about bullying and Asian students, see "Student Reports of Bullying and Cyber-Bullying: Results From the 2009 School Crime Supplement to the National Crime Victimization Survey," *National Center for Education Statistics*, August 2011, Table 2.1, http://nces.ed.gov/pubs2011/2011336.pdf, accessed on June 1, 2013.

Although it may not always be obvious, adolescents care deeply about how they are treated and viewed by the adults they respect. Being told that they are "bad" as opposed to being told that they are acting badly can cause them to shut down. Given teens' lack of impulse control and judgment, parents, teachers, and other trusted adults play a crucial role in helping them to consider potential consequences before taking action.[12] These relationships provide essential support in navigating the tricky emotions and new situations that mark these years.

Also, for a small percentage of teenagers, the passage through adolescence is far more difficult and the imbalance between self-regulation and impulsiveness may have severe repercussions. These students may more likely be involved in behaviors that pose a danger to themselves and to others, including violence, substance abuse, and even suicide.

While most emotional and behavioral problems seen in adolescence are not indicators of an underlying pathology, it is critically important for adults to recognize teens exhibiting more significant warning signs and pursue appropriate interventions, including professional help, to address the underlying problems.

Predictive Problems

In addition to new physical, social, and emotional challenges, early adolescence usually coincides with a transition to a new school in sixth grade, accompanied by changes from familiar elementary school practices. For example, students are physically switching classes and teachers throughout the day and facing more complex academic demands. In high-poverty neighborhoods, middle school students are more likely to experience larger classes and fewer resources than in elementary school. High turnover among middle school principals and teachers is common and can create a more chaotic environment. Without a comprehensive, customized evidence-based response, this unique combination of factors can lead to disengagement with school, with potentially devastating long-term consequences.[13]

Robert Balfanz, a nationally-recognized expert on dropping-out, has identified four "flags" for students at-risk, particularly in high-poverty middle schools: 1) failing mathematics grades, 2) failing English grades, 3) behavior problems, or 4) absenteeism.[14] These factors can, as early as 6th grade, serve as early warning indicators of a higher propensity to eventually drop out of school. Exhibiting any of these factors, alone or in combination, are early signals that a student is potentially on the path to not graduating from high school.[15] Given the compelling predictive power of these indicators, how successfully middle schools address these concerns may have lasting implications for college and career readiness.[16]

12 "Teenage Brain," *American Academy of Pediatrics*, Op. Cit.

13 Balfanz, Robert , et. al., "Preventing Student Disengagement," Op. Cit.

14 Other researchers have also found course grades, attendance, and misbehavior in the middle grades to be powerful predictors. See Barrington and Hendricks, 1989, Lloyd, 1974, Morris, Ehren, and Lenz, 1991 in Balfanz, et.al., as cited in "Preventing Student Disengagement," p. 226.

15 Balfanz, Robert,"Putting Middle Grades Students on the Graduation Path: A Policy and Practice Brief," *National Middle School Association*, June 2009. See also: Suarez, Ray, "School Reform Program Targets Students at Risk of Falling Behind, Dropping Out," *PBS NewsHour*, March 11, 2013, http://www.pbs.org/newshour/bb/american-graduate/jan-june13/pledge_03-11.html, and Balfanz, Robert, et. al.,"Preventing Student Disengagement," p. 229, Op. Cit. Most students had either one or two indicators, with the most common combination being either failing math or English in conjunction with either poor attendance or misbehavior.

16 A few New York City middle schools, such as the Arts Academy at The New School for Leadership and the Arts (MS 244, Bronx) have adopted "dashboards" for each student based on the four Balfanz indicators. See also: 'Policy Briefing Recap: Strategies to Improve Outcomes for Middle School Students," *Citizens' Committee for Children*, December 12, 2012, http://www.cccnewyork.org/blog/policy-briefing-recap-strategies-to-improve-outcomes-for-middle-school-students/, and "In Middle School, Can Data Prevent Dropouts?," *PBS NewsHour*, July 17, 2012, http://www.pbs.org/newshour/rundown/2012/07/can-data-prevent-high-school-dropouts-in-middle-school.html.

Dropping out of high school is associated with life-long negative impacts at the individual and societal levels. A study by the New York City Office of the Comptroller, *Beyond High School: Higher Education as a Growth and Fiscal Strategy for New York City*, found that high school dropouts living in New York City earned $13,385 on average, or less than a quarter as much as a New Yorker with a bachelor's degree.[17]

Additionally, over their working lives, high school dropouts will pay 66 percent less in City income taxes, relative to a bachelor's degree holder.[18] Moreover, high school dropouts are more likely to be incarcerated, a phenomenon that has been dubbed "the school-to-prison" pipeline.

A recent study by the Research Alliance for New York City Schools found that only 42 percent of low-achieving students (based upon 7th grade test scores) graduated on time between 2009 and 2011, as compared with 76 percent of all other students. In addition, the authors noted that the 7th graders were highly concentrated in low-income communities, particularly in the Bronx and Brooklyn.[19] A second Research Alliance study concluded that "students [in New York City middle schools] whose attendance and achievement decline during this time period are less likely to graduate after four years of high school."[20]

In New York City, efforts to improve middle school attendance and English and math performance have received relatively limited attention and resources, given the severity of the problem. For example, in 2010, Mayor Bloomberg launched a campaign to combat chronic absenteeism in 50 schools citywide, including the use of "Success Mentors" (mostly volunteers) to monitor and encourage students with high numbers of absences to come to school. Citing the program's success, the initiative was expanded in 2012, using school staff as mentors, to reach another 50 schools, only 10 of which were middle schools.[21] In September 2012, the Department of Education (DOE) announced the expansion of its "Middle School Quality Initiative." The program provided restricted funding to 32 middle schools and resources to implement a reading comprehension assessment, *Degrees of Reading Power*, as well as other broader literacy initiatives. Three middle schools were designated as models for "grade level teaming, young adolescent literacy, or their use of the Early Indicators of High School Success Framework." In April 2013, DOE announced additional literacy training at 49 under-performing middle schools.[22]

In addition to grades and absenteeism, Professor Balfanz also points to a student record of misbehavior—receiving one suspension in sixth grade and/or receiving an unsatisfactory

17 "Beyond High School: Higher Education As a Growth and Fiscal Strategy for New York City," *New York City Comptroller's Office*, September, 2012, p. 10.

18 Ibid., p. 11.

19 Nathanson, Lori, Corcoran, Sean, and Baker-Smith, Christine, "High School Choice in New York City: A Report on the School Choices and Placements of Low-Achieving Students," *The Research Alliance for New York City Schools*, April 2013, http://steinhardt.nyu.edu/research_alliance/publications/HSChoice_April2013.

20 Kieffer, Michael, Marinell, William, and Stephenson, Nickisha, "Navigating the Middle Grades and Preparing Students for High School Graduation," *The Research Alliance for New York City Schools*, June 2011, http://steinhardt.nyu.edu/scmsAdmin/media/users/jnw216/RANYCS/WebDocs/MiddleGradesTransitions-WorkingBrief-Final.pdf.

21 Cramer, Philissa, "More Students Get Attendance Mentors in Program's Third Year," *Gotham Schools*, September 12, 2012, http://gothamschools.org/2012/09/12/more-students-get-attendance-mentors-in-programs-third-year/.

22 "Middle School Quality Initiative," *New York City Department of Education*, School Allocation Memorandum, FY 2013, No. 51, August 2, 2012, http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy12_13/FY13_PDF/sam51.pdf, and Khrais, Reema, "Extra Help for Middle Schools Gains Traction," *The New York Times*, SchoolBook, April 24, 2013, http://www.schoolbook.org/2013/04/24/extra-help-for-middle-schools-gains-traction-but-slowly.

final behavioral grade in any course—as a red flag for potential problems with high school completion. Looking at data from Philadelphia, Balfanz found that only 17 percent of sixth graders who received an in-school suspension ultimately graduated from high school within one year of the expected date. Fully 50 percent of non-high school graduates in the sample had been rated unsatisfactory for behavior in at least one sixth grade class.[23]

Current Approach to Behavior Management: Over-Reliance on Suspensions and Arrests

Although there have been some recent incremental changes in DOE's Discipline Code and approach to school safety, the current disciplinary scheme, rooted in the "zero-tolerance" philosophy, relies heavily on punitive measures, including mandatory suspensions and arrests, as a response to a wide array of behaviors.

The range of punishments available to New York City school officials is contained in the DOE's *Citywide Standards of Intervention and Discipline Measures: The Discipline Code and Bill of Student Rights and Responsibilities, K-12* and several regulations promulgated by the New York City Schools Chancellor or the New York State Education Department.[24] The Discipline Code, ("the Code") which is reviewed annually, reflects DOE's decisions about what constitutes an infraction and the sanctions for specific infractions, consistent with all applicable federal and state laws.

The Code consists of five levels, each encompassing progressively more serious behavior and a wider range of responses. In its introductory section, the Code counsels the use of less severe disciplinary responses and guidance interventions whenever possible and appropriate prior to imposing the more severe accountability measures. There is no requirement, however, for administrators to follow the advice.[25] Suspensions are one of the possible disciplinary responses available at every level for students in 6th through 12th grades.[26]

23 Balfanz, et. al. "Preventing Student Disengagement," Op. Cit., p. 228.

24 See, for example: "Student Discipline Procedures," *New York City Department of Education*, Chancellor's Regulations A-443, March 5, 2004, and "Security in the Schools," Chancellor's Regulations A-412, November 8, 2006, "The Safe Schools Against Violence in Education ("SAVE") Act," L. 2000, ch. 181; and New York Education, Section 3214 (2009).

25 "Citywide Standards of Intervention and Discipline Measures: The Discipline Code and Bill of Student Rights and Responsibilities, K-12," *New York City Department of Education*, September 2012, p. 5.

26 Ibid., pp. 23-29. For Level 1 and 2 offenses, the student must have committed the infraction three times in a semester before suspension is an option in the case of a reoccurrence. Students as young as 5-year-olds can be suspended. See: Lestch, Corinne and Monahan, Rachel, "Dozens of 4- and 5-year-olds suspended from New York City schools last year," *The New York Daily News*, November 16, 2012, http://www.nydailynews.com/new-york/education/dozens-4-5-year-olds-suspended-schools-year-article-1.1203575.

Progressive Infraction Levels

Level 1	Uncooperative/Noncompliant Behavior
Level 2	Disorderly Behavior
Level 3	Disruptive Behavior
Level 4	Aggressive or Injurious/Harmful Behavior
Level 5	Seriously Dangerous or Violent Behavior

Source: New York City Department of Education.

There are two types of suspensions: principal's and superintendent's. A principal's suspension can last for one to five days "when a student's behavior presents a clear and present danger of physical injury to the student, other students or school personnel, or prevents the orderly operation of classes or other school activities." A superintendent's suspension may result in a suspension of more than five days. The typical time periods are six to 10 days, 30 to 90 days with an automatic review after 30 or 60 days, and a one-year suspension with or without the possibility of early reinstatement. Chancellor's Regulation A-443 establishes the due process rights for both types of suspensions.

According to the Code, students receiving a principal's suspension "must be provided with alternate instruction including homework and class work," while recipients of a superintendent's suspension receive instruction at an alternate educational site.[28] The Department of Education maintains 38 Alternate Learning Centers throughout the four boroughs (excluding Staten Island) for this purpose.[29]

While educators, including teachers, principals, and superintendents, manage school discipline, the School Safety Division has primary jurisdiction over safety issues. Since 1998, New York City's School Safety Agents (SSAs) have worked under the authority of the New York City Police Department; in that time, the citywide force has grown from 3,200 to approximately 5,000.[30] No breakdown is available of the number of SSAs assigned to middle schools.[31] School Safety Agents are classified as "peace officers": they are allowed to make arrests, issue summonses, and carry out all the duties of a police officer, but they are not permitted to carry a gun. Their duties and role within the school safety structure has, in practice, varied widely from school to school. Approximately 190 armed police officers are also stationed at schools.[32]

27 Ibid., p. 5.

28 Ibid., pp. 13-14.

29 "Alternate Learning Center Directory, (September 2012-June 2013)," *New York City Department of Education*, Office of Safety and Youth Development, http://schools.nyc.gov/NR/rdonlyres/9982ED27-EE5C-41F3-8D3D-6E1E9F4F1CA9/141371/ALCDirectory31313.pdf, accessed on June 1, 2013.

30 Ofer, Udi, "Criminalizing the Classroom: The Rise of Aggressive Policing and Zero Tolerance Discipline in New York City Public Schools," *New York Law School Review*, Volume 56, 2011-2012, p.1383 for historical data, and NYPD Staffing Report to City Council, 2013, provided by NYCLU, for current staffing.

31 New York City Office of the Comptroller, Bureau of Budget, emails from Comptroller staff, April 16, 2013 and June 13, 2013 for current individuals within this job title.

32 Ofer, Op. Cit., p. 1383, and email from NYCLU, June 12, 2013, put the staffing number at 192 officers.

Middle School Suspension Trends

The 2011 Student Safety Act requires the DOE to provide annual and biannual data reports on school suspensions to the New York City Council.[33] The first full year of data, covering the 2011-2012 school year, have recently become available.[34] An examination of the data covering the middle school years reveal a growing reliance on suspensions during this critical educational and developmental period, as well as which students are most likely to get suspended, the most common reasons for being suspended, the relative frequency of principal's and superintendent's suspensions, where the suspended students go to school, and some of the potential implications of these findings.

Except as otherwise indicated, the following highlights some key suspension-related findings for New York City standalone, general education, non-charter middle schools for the 2011-2012 school year. (See Appendix A for further information about methodology):

NEW YORK CITY STANDALONE MIDDLE SCHOOLS AT A GLANCE

The 268 standalone middle schools constitute 74 percent of total middle school enrollment.

Approximately 60 percent of 6th-8th grade students are enrolled in standalone middle schools located in Brooklyn and Queens. Although Queens has only 18 percent of the city's standalone middle schools, 30 percent of standalone middle school enrollment citywide is found in the borough.

NYC Standalone Middle Schools

	SCHOOLS		STUDENTS	
Borough	**Number**	**Percent**	**Enrollment**	**Percent**
Bronx	77	29%	32,823	21%
Brooklyn	85	32%	48,321	31%
Manhattan	48	18%	16,612	11%
Queens	47	18%	46,065	30%
Staten Island	11	4%	12,077	8%
TOTAL	**268**	**100%**	**155,898**	**100%**

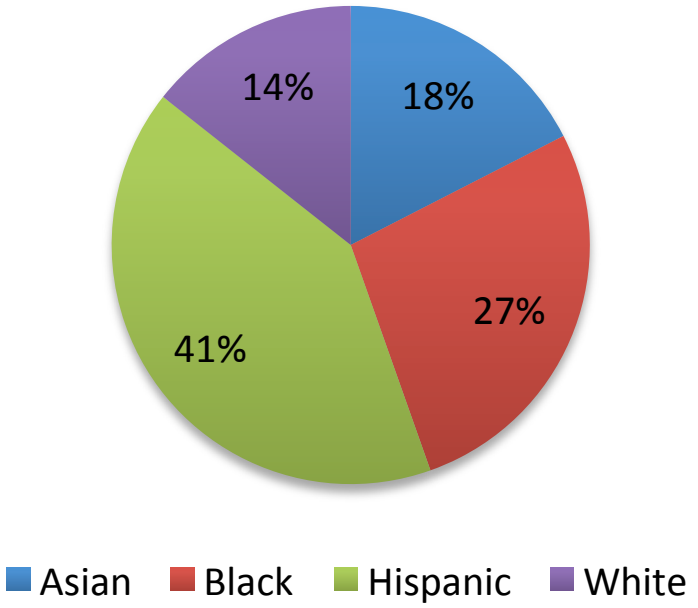
Source: New York City Department of Education.

33 New York City Administrative Code sec 8-1101, et seq.
34 "Annual Report on Student Discipline, 2011-2012," *The New York City Council.*

Participation in free and reduced price lunch is often used as a proxy for poverty rates. The average rate for all 268 standalone middle schools is 71.7 percent.[35]

The racial and ethnic breakdown of middle school students in standalone schools is comparable to that of the school system as a whole. Black and Hispanic students comprise 68 percent of the total standalone middle school population. Moreover, black and Hispanic students are highly concentrated in certain schools: fully 59 percent of standalone middle schools have a combined black and Hispanic population of 90 percent or more and 48 percent have a student population that is 95 percent or more black and Hispanic. Looking at black and Hispanic percentages separately, 14 middle schools have an enrollment where at least 90 percent of the students are black and 9 middle schools have a student body that is at least 90 percent Hispanic.[36]

Standalone Middle School Students, by Race and Ethnicity



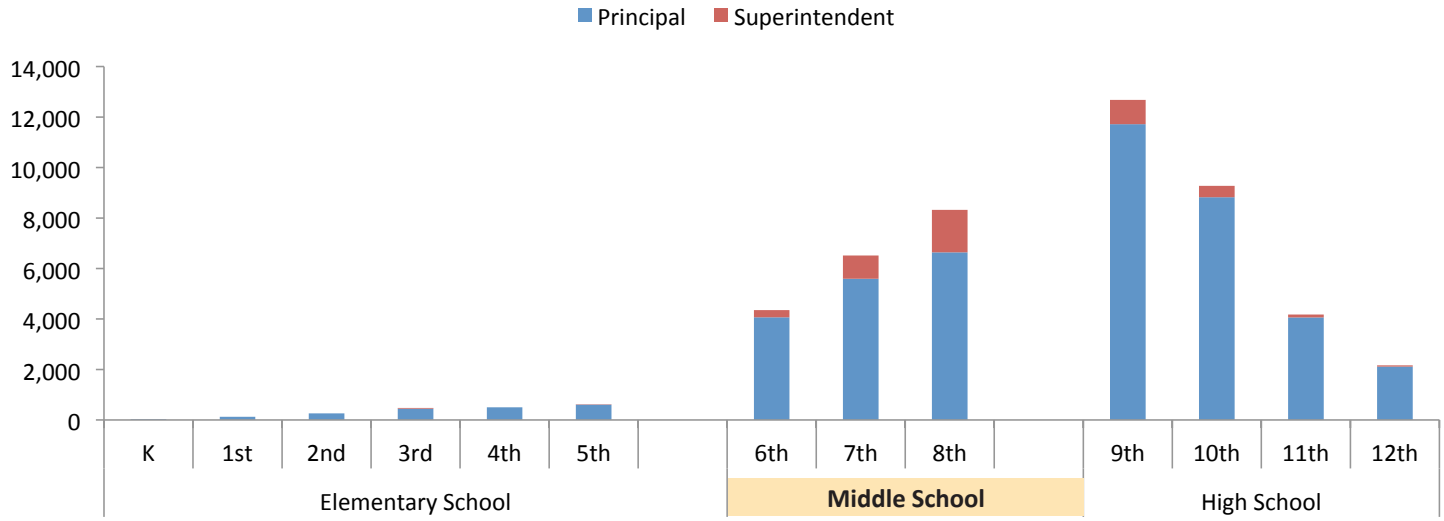
Source: New York City Department of Education.

35 New York City Department of Education, "School Demographics and Accountability Snapshot, 2011-2012." Does not include schools in District 75 or District 79 or charter schools, http://schools.nyc.gov/Accountability/data/default.htm.

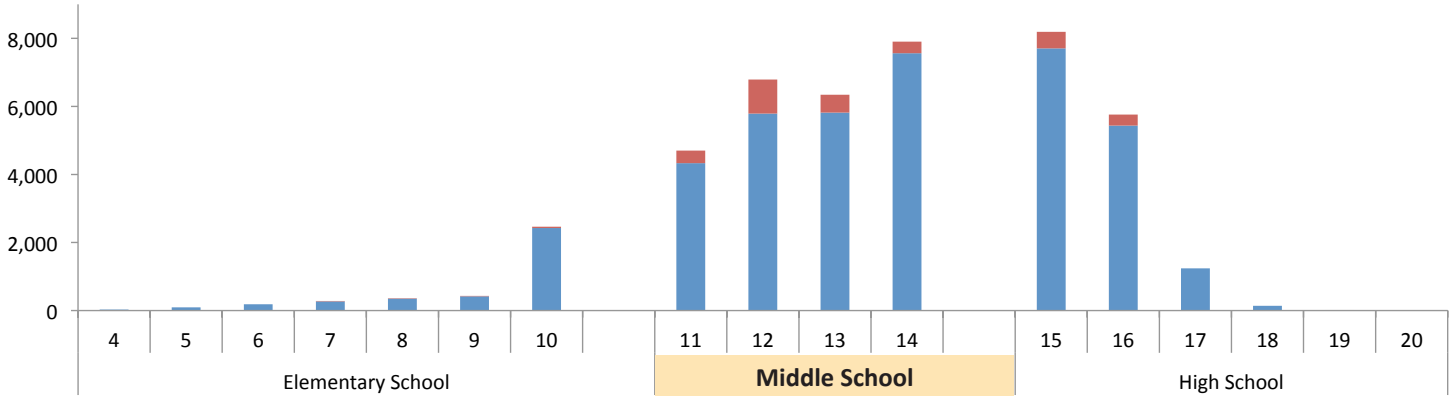
36 Ibid.

Suspensions increase dramatically beginning in the 6th grade. In 2011-2012, there were 623 principal's or superintendent's suspensions reported for 5th graders, while 4,353 such suspensions were meted out to 6th graders. Suspensions peaked in 9th grade at 12,678, and tenth graders received 23 percent fewer suspensions than 9th graders.[37]

Suspensions by Grade



Suspensions by Age



Source: New York City Council, Annual Report 2011-2012.

37 "Annual Report on Student Discipline, 2011-2012," Op Cit. The Annual Report only includes grade-level data for 44,958 principal suspensions, yet the Council's summary spreadsheet reports that there were 54,351 principal suspensions. Similarly, the number of superintendent suspensions for which there is grade-level data is 4,517, compared to 10,401 overall superintendent suspensions. It is possible that if all suspensions had grade-level data attached, the proportions by grade would change. For more information about the middle school suspension data and methodology, see Appendix A.

Middle school students received 68 percent more suspensions than high school students. A typical student in middle school ranges in age from 11 to 14. In 2011-2012, a total of 25,737 suspensions were reported for students between those ages. There were 15,331 total suspensions for high school students between the ages of 15 and 18, a decrease of 40 percent from middle school.

Superintendent suspensions are highest for 12-year-olds. Notably, the most superintendent suspensions, which are longer in duration and served away from the student's home school, occurred among 12-year-olds (1,003), but the most principal suspensions occurred among 15-year-olds (7,705), a proportion of which are in a middle school grade.[38] Given the high rate of superintendent suspensions among 12-year-olds, it is perhaps not surprising that over 40 percent of all superintendent suspensions reported for grades K through 12 occurred in standalone middle schools.

Of the top 20 infractions leading to suspension, students were about as likely to be suspended for a lower level infraction as a higher one. Eleven of the top 20 infractions were classified as Levels 2 or 3, while nine were categorized as Level 4 or Level 5 violations. Moreover, 48 percent of principal's suspensions were classified as Levels 2 or 3, while 52 percent of principal's suspensions were labeled Level 4 infractions. All of the superintendent's suspensions were for Level 4 or 5 infractions.[39] "Fights or physical aggression" as the top reason for a New York City middle school suspension is consistent with national trends, as are two of the remaining top five infractions—disobedience and disrespect (insubordination) and attendance issues (leaving class or school premises without permission).[40] "Abusive language," another top reason nationally, has its closest analog in 7th-ranked, "profane, obscene, vulgar language or gestures." If horseplay is also considered a form of fighting, only bullying appears in the top five in New York City but not among the most common offenses nationwide. None of the top five infractions involve truly serious or dangerous activity—bringing weapons or drugs into school.[41] The top 24 infractions leading to a suspension in NYC middle schools follow:

38 "Annual Report on Student Discipline, 2011-2012," Op. Cit. The Annual Report only provides age-level data for 41,803 principal suspensions. However, the Council's summary spreadsheet reports that there were 54,351 principal suspensions. Similarly, the number of superintendent suspensions for which there is age data is 3,127, compared to 10,401 superintendent suspensions. It is possible that if all suspensions had age-level data attached to it, the proportions by age would change.

39 Only 50 percent of the standalone middle school suspensions had an non-redacted infraction code. Suspensions are redacted, or not reported, when the number in a given school is less than 10 for a certain category. Therefore, when 9 or fewer suspensions were given to students for a certain infraction, such as "horseplay," these suspensions are not reported in the DOE's Excel spreadsheet, and an "r" is used as a placeholder.

40 Losen, Daniel J. and Skiba, Russell J., "Suspended Education: Urban Middle Schools in Crisis," *Southern Poverty Law Center*, September 2010. Losen and Skiba analyzed U.S. Department of Education data from 9,000 middle schools nationwide.

41 Ibid., p. 9, cite studies by Costenbader and Markson, 1994; Dupper and Bosch, 1996; Imich, 1994; Menacker, Hurwitz and Weldon, 1994; Skiba, et. al., 1997; and Stone, 1993.

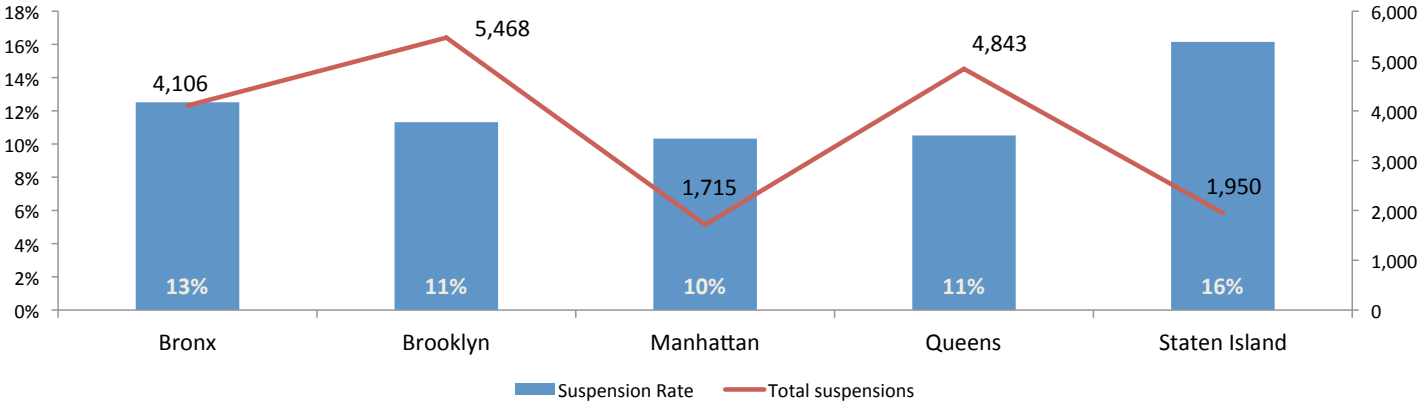
Infractions Leading to Principal and Superintendent Suspensions in Middle Schools, 2011-2012

Most Common	Code	Level	Infraction	Principal	Super-intendent	Total
1	B37	4	Altercation and/or Physically Aggressive Behavior	3,434	207	3,641
2	B24	3	Horseplay	1,707	0	1,707
3	B21	3	Insubordination	1,378	0	1,378
4	B40	4	Intimidating and Bullying Behavior	411	58	469
5	B20	2	Leaving Class or School Premises w/o Permission	378	0	378
6	B45	4	Reckless Behavior with Substantial Risk of Serious Injury	249	157	406
7	B15	2	Profane, Obscene, Vulgar Language, or Gestures	215	0	215
8	B19	2	Persistent Level 1 Behavior	154	0	154
9	B38	4	Coercion/Threats	122	10	132
10	B59	5	Weapon Possession (Category I)	0	90	90
11	B55	5	Group Violence	0	76	76
12	B35	4	Sexually Suggestive (Verbal/Physical)	87	0	87
13	B28	3	Vandalism/Graffiti	69	0	69
14	B51	4	Persistent Level 3 Behavior	36	0	36
15	B41	4	Possession of Controlled Substances or prescription medication w/o Authorization, Illegal Drugs, or Alcohol	34	0	34
16	B34	3	Persistent Level 2 Behavior	31	0	31
17	B16	2	Lying to/Giving False Information	28	0	28
18	B23	3	Using Slurs (Bias)	23	0	23
19	B29	3	Possession of Property w/o Authorization	17	0	17
20	B26	3	Gang Related Behavior	16	0	16
21	B53	5	Using Force Against/Inflicting to/Inflicting Serious Injury to SSA or School Personnel	0	15	15
22	B36	4	Posting/Distributing Literature or Material Containing Threats	14	0	14
23	B50	4	Using Controlled Substances w/o Authorization, Illegal Drugs, or Alcohol	10	0	10
24	B32	3	Scholastic Dishonesty	10	0	10
TOTAL				**8,423**	**613**	**9,036**

Source: New York City Council, Annual Report 2011-2012.

Some boroughs had significantly higher total suspensions or suspension rates than others. Brooklyn had the most suspensions (5,468), but Staten Island had the highest rate of suspensions (16%)—the number of suspensions relative to enrollment. Manhattan had only a third of the number of suspensions (1,715) in Brooklyn and also had the lowest rate of suspensions (10%). The average suspension rate citywide was 12 percent.

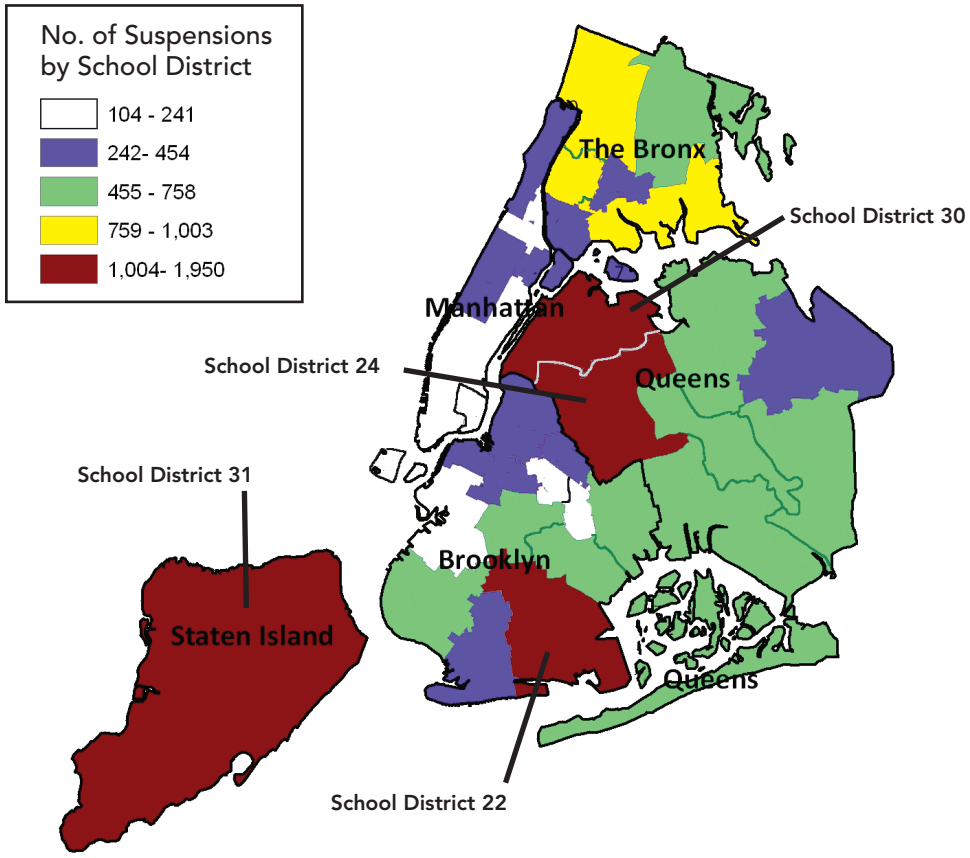
Borough Breakout of Middle School Suspensions by Rate and Number



Sources: New York City Council, Annual Report 2011-2012; New York City Department of Education.

Some school districts had significantly higher suspension numbers than others. Although Brooklyn had the highest number of suspensions, two Queens districts—24 and 30—had the highest number of standalone middle school suspensions, between 1,004 and 1,950 per year. Other districts with similarly high levels of suspensions included District 22 in Brooklyn and District 31, the only district in Staten Island. In the Bronx, 50 percent of the districts reported between 759 and 1,003 suspensions. Manhattan did not have any districts in the top three suspension frequency categories.

Number of Suspensions in Standalone Middle Schools, by School District, 2011-2012



Sources: New York City Council, Annual Report 2011-2012.

A small proportion of middle schools awarded a significant share of total suspensions. Below are charts showing the top five schools in each borough based upon both suspension number and rate. The 25 schools ranked by number of suspensions represent 9.3 percent of the 268 standalone middle schools, but account for 32.5 percent (5,883) of all suspensions at these 268 schools (18,082). In Staten Island, the top 5 schools comprised 73 percent of all suspensions in the borough, while in Manhattan and Queens, the top 5 represented about 32 percent of borough-wide suspensions.[42] The school that reported the highest number of suspensions (467), Roy H. Mann in Brooklyn, had an average of 2.6 suspensions per school day.

Ranking schools by the number of suspensions relative to the enrollment produces a list of schools that only partially overlaps with the rankings based upon number of suspensions. Staten Island and Manhattan have four and three schools, respectively, that appear on both lists.

42 The top 30 standalone middle schools that reported the most suspensions in 2011-2012 represented 11 percent of standalone middle schools and 22 percent of their enrollment but accounted for 39 percent of the 18,082 non-redacted suspensions in standalone middle schools that year.

Middle Schools by Total Suspensions

CITYWIDE	
Number of Suspensions	**18,082**

BRONX		
Rank	Middle School	# Suspensions
1	JHS 118 WILLIAM W NILES	268
2	IS 339 SCHOOL OF COMM. TECH.	241
3	JHS 22 JORDAN L MOTT	204
4	JHS 131 ALBERT EINSTEIN	197
5	JHS 127 THE CASTLE HILL	147
	Bronx Total Number of Suspensions	**4,106**

BROOKLYN		
Rank	Middle School	# Suspensions
1	JHS 78 ROY H MANN	467
2	IS 68 ISAAC BILDERSEE	279
3	JHS 166 GEORGE GERSHWIN	198
4	ANDRIES HUDDE	186
5	JHS 234 ARTHUR W CUNNINGHAM	182
	Brooklyn Total Number of Suspensions	**5,468**

MANHATTAN		
Rank	Middle School	# Suspensions
1	JHS 54 B00KER T WASHINGTON	156
2	JHS 167 ROBERT F WAGNER	121
3	GLOBAL NEIGHBORHOOD SECONDARY SCHOOL	94
4	NEW DESIGN MIDDLE SCHOOL	93
5	JHS 45 JOHN C ROBERTS	90
	Manhattan Total Number of Suspensions	**1,715**

QUEENS		
Rank	Middle School	# Suspensions
1	IS 145 JOSEPH PULITZER	363
2	IS 61 LEONARDO DA VINCI	327
3	MS 137 AMERICA'S SCHOOL OF HEROES	309
4	ALBERT SHANKER SCHOOL FOR VISUAL AND PERFORMING	291
5	JHS 194 WILLIAM CARR	241
	Queens Total Number of Suspensions	**4,843**

STATEN ISLAND		
Rank	Middle School	# Suspensions
1	IS 72 ROCCO LAURIE	427
2	I S 51 EDWIN MARKHAM	369
3	I S 61 WILLIAM A MORRIS	342
4	I S 2 GEORGE L EGBERT	158
5	IS 27 ANNING S PRALL	133
	Staten Island Total Number of Suspensions	**1,950**

*Middle Schools by Suspension Rate**

CITYWIDE	
Suspension Rate	**12%**

BRONX		
Rank	Middle School	Suspension Rate
1	BRONX MATHEMATICS PREPARATORY SCHOOL	37%
2	IS 339 SCHOOL OF COMM. TECH.	33%
3	SCHOOL OF PERFORMING ARTS	32%
4	JHS 22 JORDAN L MOTT	31%
5	EAST FORDHAM ACADEMY FOR THE ARTS	31%
	Bronx Suspension Rate	**13%**

BROOKLYN		
Rank	Middle School	Suspension Rate
1	KNOWLEDGE AND POWER PREP VII MS	101%
2	ELIJAH STROUD MIDDLE SCHOOL	73%
3	THE URBAN ASSEMBLY SCHOOL FOR THE URBAN ENVIRONMENT	58%
4	JHS 166 GEORGE GERSHWIN	44%
5	JHS 78 ROY H MANN	44%
	Brooklyn Suspension Rate	**11%**

MANHATTAN		
Rank	Middle School	Suspension Rate
1	NEW DESIGN MIDDLE SCHOOL	83%
2	GLOBAL NEIGHBORHOOD SECONDARY SCHOOL	53%
3	JHS 13 JACKIE ROBINSON	37%
4	JHS 45 JOHN C ROBERTS	37%
5	THE URBAN ASSEMBLY INSTITUTE FOR NEW TECHNOLOGIE	36%
	Manhattan Suspension Rate	**10%**

QUEENS		
Rank	Middle School	Suspension Rate
1	ALBERT SHANKER SCHOOL FOR VISUAL AND PERFORMING	53%
2	IS 250 THE ROBERT F. KENNEDY COMMUNITY MS	30%
3	IS 59 SPRINGFIELD GARDENS	26%
4	COLLABORATIVE ARTS MIDDLE SCHOOL	26%
5	WATERSIDE SCHOOL FOR LEADERSHIP	26%
	Queens Suspension Rate	**11%**

STATEN ISLAND		
Rank	Middle School	Suspension Rate
1	IS 51 EDWIN MARKHAM	41%
2	IS 72 ROCCO LAURIE	29%
3	IS 61 WILLIAM A MORRIS	27%
4	IS 2 GEORGE L EGBERT	16%
5	IS 49 BERTHA A DREYFUS	15%
	Staten Island Suspension Rate	**16%**

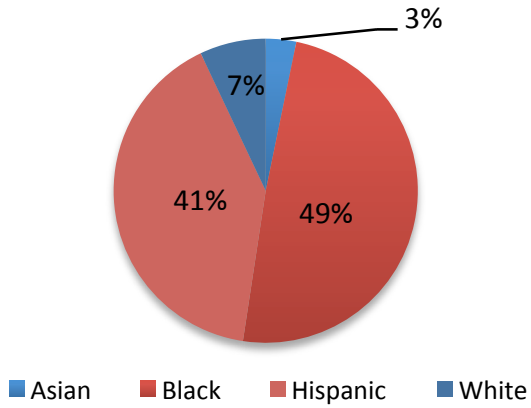
Source: New York City Council, Annual Report 2011-2012.

*Suspension rates are calculated by dividing the number of suspensions by enrollment. This differs from the New York State Report Card's definition of suspension rate, which is the percent of students in a school who were suspended. That particular rate is not possible to calculate with the New York City data provided by City Council because the Council only reports the number of suspensions, not the number of students suspended.

Black and Hispanic students, males, and special education students were substantially more likely to be suspended than their female, white, Asian, and general education counterparts. For example:

On average, Hispanic and black students comprise 90 percent of the students suspended. Together, Hispanic and black students received the most suspensions (90%) with black students receiving the greatest share (49%).[43] This translates to an average suspension rate of 90 black and Hispanic students each school day, based on an average of 100 total suspensions per school day for all standalone middle schools.[44] Historical data on middle school suspensions consistently showed black students receiving the most suspensions (about 50%) and Hispanic students receiving between 35 percent and 40 percent.[45]

Suspensions by Race and Ethnicity



Source: New York City Council, Annual Report 2011-2012.

These disparate outcomes are consistent with national middle school trends. In 15 out of 18 large urban school districts, black males were the most likely to be suspended and in 14 districts, white females were the least likely to be suspended based on the number of students in a given racial, ethnic and/or gender group suspended compared to that group's total population.[46]

Males received 2/3 of all suspensions, but the female share started to increase in middle school. Girls received 23.7 percent of suspensions in standalone elementary schools, 32.7 percent in standalone middle schools and 35.2 percent in high school.[47] Historical data on New York City middle school suspensions from 2002 to 2008 showed the share of girls being suspended started to rise at an increasing rate in middle school, just as it did in 2011-2012.[48]

43 Based on 15,629 non-redacted suspensions in 2011-2012. From 1999 through 2008, black students consistently received the largest share of suspensions of all racial and ethnic groups, between 47 and 54 percent.

44 The average number of middle school suspensions received per school day, by race and ethnicity, uses data from the 268 middle schools. Due to redactions, only 15,629 suspensions are reported in the racial/ethnicity category for these schools. According to that data set, 90% of suspensions were given to black or Hispanic middle school students and 10% were given to Asian and white students. The number of suspensions per day by race is obtained by applying those rates to our estimate for number of suspensions per day of 100, which was obtained by dividing the 18,082 unredacted suspensions earned by students in the 268 standalone middle schools by 180 school days. For instance, since 90% of the 15,629 suspensions in middle schools were given to blacks and Hispanics, 90 suspensions are given to black and Hispanic middle school students every day (90% * 100 suspensions).

45 Department of Education raw suspension data for 2001-2008 provided to Comptroller's office staff by the New York Civil Liberties Union.

46 Losen, Daniel J. and Skiba, Russell J. , Op. Cit., p. 6.

47 Based on 13,875 non-redacted suspensions in 2011-2012. Data from the 2002-2003 through the 2007-2008 academic years show that the female share of suspensions consistently increased from elementary to middle to high school. On average, females accounted for 16.7 percent of 5th grade suspensions in a given academic year, compared to 22.2 percent of 6th grade suspensions, 27.9 percent of 8th grade suspensions, and 34.8 percent of 12th grade suspensions.

48 Historical data results: In 4th grade, girls tended to earn about 12 to 15 percent of total suspensions. This share increased to about 21 to 24 percent of all suspensions in

Suspensions for special education students were about three times greater than those for their peers.

The principal's suspension rate (five or fewer days) for special education students—students with an Individualized Education Program (IEP)—was about three times that of general education students and the superintendent's suspension rate (more than five days) was about 3.5 times greater.[49] Historically, special education students accounted for about 30 percent of total middle school suspensions in a given academic year, yet these students only comprised about 13 percent to 16 percent of total enrollment, a disparity that was also present in the 2011-2012 data.[50]

Suspensions: General Education versus IEP Students

		General Education			IEP		
Suspension Type	**# Schools**	**Suspensions**	**Enrollment**	**Rate**	**Suspensions**	**Enrollment**	**Rate**
Principal	123	7,608	78,502	9.7%	4,235	15,775	26.8%
Superintendent	62	1,293	37,969	3.4%	1,011	8,406	12.0%

Source: New York City Council, New York City Department of Education.

The Controversy Over Suspensions

The belief that punishment changes behavior, deterring wrongdoers from future misdeeds and discouraging other would-be offenders, is the basis for school discipline policies. Proponents of zero-tolerance policies maintain that heavy use of suspensions, including mandatory suspensions for a wide variety of infractions, rather than those that are most serious, will improve student behavior and/or school safety. Claims that the approach improves academic achievement have also been made. "Zero-tolerance" policies emerged in the mid-1990s and were originally focused on serious breeches such as guns in schools, and later drugs and violent crime. In recent years, many schools nationwide have relied on mandatory student suspensions as the primary or exclusive means to address a significantly wider range of behavior issues.[52]

The use and over-use of suspensions has become an increasingly controversial disciplinary approach. Key stakeholders nationwide, including those who favor zero-tolerance strategies, are now actively questioning whether the drawbacks of a zero-tolerance approach to suspensions,

6th grade, then to 27 to 30 percent in 8th grade, and finally to about 33 to 37 percent in 12th grade.

49 A group's suspension rate was calculated by dividing suspensions by total enrollment for that group—in this case 11,843 non-redacted Principal's Suspensions and 2,304 non-redacted Superintendent's Suspensions. The data only includes schools with 10 or more general education and/or special education suspensions. In addition, the data did not show disparities for ELL and non-ELL students, however, the ELL data is highly redacted: only 123 out of 268 standalone middle schools and only 131 out of ALL schools report non-redacted principal suspensions.

50 New York City Department of Education, *Demographic and Accountability Snapshot*, provides enrollment data from the 2005-2006 through the 2011-2012 academic years for special education students, so it only covers three academic years in this analysis. This dataset does not go back further.

51 "Annual Report on Student Discipline, 2011-2012." Op. Cit., for suspension data. "School Demographics and Accountability Snapshot, 2011-2012," Op. Cit., for enrollment data.

52 Skiba, Russell J., "Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice History," Indiana Education Policy Center, 2000, http://www.indiana.edu/~safeschl/ztze.pdf.

including mandatory suspensions, outweigh its benefits. Concerns focus on a number of factors, including equity issues in its application, effectiveness, and its impact on school climate.

Equity Issues

Work by national organizations and a number of researchers, such as the Southern Poverty Law Center, the Advancement Project, Professor Russell Skiba, Director of The Equity Project at Indiana University and Daniel J. Losen, J.D., Senior Education Law and Policy Associate for The Civil Rights Project at UCLA have documented the over-reliance on suspensions as an outgrowth of zero-tolerance policies and its implications.[53] These include a pattern of racial and ethnic disparities in suspensions whereby black and Hispanic students consistently receive a disproportionate share of suspensions. Yet, according to Losen and Skiba, a body of academic research has found "no evidence that African-American over-representation in school suspension is due to higher rates of misbehavior."[54]

Not only are these disparities inequitable, they may also be illegal. Recently, the United States Department of Education has announced investigations of possible civil rights violations stemming from suspension policies in the Fall River, Massachusetts school district,[55] in Seattle,[56] and in six Florida school districts.[57] Last year, the Oakland (California) School District was the subject of a civil rights investigation by the U.S. Department of Education into its high suspension and expulsion rates, particularly among black boys,[58] and has agreed to five years of federal suspension monitoring.[59] The chart below shows the suspension rates by race and ethnicity for the nation's 20 largest school districts. Racial and ethnic disparities in suspensions are evident in all of the large school districts.

53 For example, see: Southern Poverty Law Center, http://www.splcenter.org/get-informed/publications/suspended-education#.UZEH7KK-pcs; "Go Directly to Jail…Do Not Pass Go: Racial Disparities in School Discipline," *Advancement Project*, March 8, 2012, http://www.advancementproject.org/blog/entry/go-directly-to-jail...do-not-pass-go-racial-disparities-in-school-disciplin; and Losen, Daniel J., and Martinez, Tia Elena, "Out of School and Off Track: The Overuse of Suspensions in American Middle and High Schools," The Civil Rights Project, University of California Los Angeles, April 8, 2013, http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/out-of-school-and-off-track-the-overuse-of-suspensions-in-american-middle-and-high-schools.

54 Losen, Daniel J. and Skiba, Russell J., Op. Cit., p. 10, citing McCarthy and Hoge, 1987; McFadden, et al., 1992; Shaw and Braden, 1990; Wu et al., 1982.

55 "U.S. Department of Education Investigates Out-of-School Suspensions at Fall River Public Schools," *American Civil Liberties Union*, December 10, 2012, http://www.aclum.org/news_12.10.12.

56 Dornfeld, Ann, "Federal Probe Targets Uneven Discipline At Seattle Schools," *National Public Radio*, March 7, 2013, http://m.npr.org/news/front/173739119?start=10, accessed on April 8, 2013.

57 "Feds to Probe Racial Bias Claims in Florida Schools," *USA Today*, May 9, 2013, http://www.usatoday.com/story/news/nation/2013/05/09/racial-bias-department-education-investigation/2146297/.

58 Brown, Patricia Leigh, "Opening Up, Students Transform a Vicious Circle," *The New York Times*, April 4, 2013, http://www.nytimes.com/2013/04/04/education/restorative-justice-programs-take-root-in-schools.html?pagewanted=all.

59 Tucker, Jill, "Oakland Schools To Get Suspension Monitor," September 27, 2012, http://www.sfgate.com/education/article/Oakland-schools-to-get-suspension-monitor-3901025.php.

Discipline in the 20 Largest U.S. School Districts, Breakdown by Race

STUDENTS SUSPENDED COMPARED TO STUDENT ENROLLMENT, 2009-2010

(Students without disabilities receiving one or more out of school suspensions)

	DISTRICT	STATE	STUDENTS SUSPENDED & STUDENT ENROLLMENT	WHITE	AFRICAN AMERICAN	HISPANIC	ASIAN/ PACIFIC ISLANDER	AMERICAN INDIAN
1	NEW YORK CITY PUBLIC SCHOOLS	NY	Suspensions	8%	46%	42%	2%	1%
			Enrollment	14%	30%	40%	15%	0.4%
2	LOS ANGELES UNIFIED SCHOOL DISTRICT	CA	Suspensions	4%	26%	67%	3%	0.4%
			Enrollment	9%	9%	75%	7%	0.3%
3	CHICAGO PUBLIC SCHOOLS	IL	Suspensions	3%	76%	20%	0.3%	0.3%
			Enrollment	9%	45%	42%	4%	0.2%
4	DADE COUNTY PUBLIC SCHOOLS	FL	Suspensions	4%	50%	46%	0.3%	0.1%
			Enrollment	9%	25%	65%	1%	0.1%
5	CLARK COUNTY SCHOOL DISTRICT	NV	Suspensions	25%	25%	45%	5%	1%
			Enrollment	34%	14%	42%	10%	1%
6	BROWARD COUNTY PUBLIC SCHOOLS	FL	Suspensions	17%	59%	23%	1%	0.3%
			Enrollment	28%	39%	29%	4%	0.3%
7	HOUSTON INDEPENDENT SCHOOL DISTRICT	TX	Suspensions	3%	45%	51%	1%	0.4%
			Enrollment	8%	26%	63%	3%	0.3%
8	HILLSBOROUGH COUNTY PUBLIC SCHOOLS	FL	Suspensions	25%	46%	28%	1%	0.2%
			Enrollment	44%	23%	30%	3%	0.3%
9	FAIRFAX COUNTY PUBLIC SCHOOLS	VA	Suspensions	28%	27%	31%	13%	0.3%
			Enrollment	48%	11%	20%	22%	0.3%
10	PHILADELPHIA CITY SCHOOL DISTRICT	PA	Suspensions	7%	78%	14%	1%	0.1%
			Enrollment	13%	62%	17%	7%	0.2%
11	PALM BEACH COUNTY PUBLIC SCHOOLS	FL	Suspensions	20%	57%	22%	1%	1%
			Enrollment	38%	29%	29%	3%	1%
12	ORANGE COUNTY PUBLIC SCHOOLS	FL	Suspensions	16%	54%	29%	1%	0.2%
			Enrollment	34%	28%	33%	5%	0.5%
13	GWINNETT COUNTY PUBLIC SCHOOLS	GA	Suspensions	16%	43%	32%	4%	1%
			Enrollment	34%	28%	26%	11%	0.5%
14	DALLAS INDEPENDENT SCHOOL DISTRICT	TX	Suspensions	3%	48%	48%	0.3%	0.5%
			Enrollment	4%	25%	69%	1%	0.4%
15	MONTGOMERY COUNTY PUBLIC SCHOOLS	MD	Suspensions	17%	52%	27%	5%	0.1%
			Enrollment	38%	23%	23%	17%	0.3%
16	WAKE COUNTY PUBLIC SCHOOLS	NC	Suspensions	25%	57%	17%	2%	0.3%
			Enrollment	57%	24%	12%	7%	0.3%
17	SAN DIEGO UNIFIED SCHOOL DISTRICT	CA	Suspensions	12%	24%	57%	7%	0.5%
			Enrollment	24%	11%	48%	17%	0.4%
18	CHARLOTTE-MECKLENBURG SCHOOLS	NC	Suspensions	14%	75%	10%	0.5%	0.5%
			Enrollment	33%	44%	17%	5%	0.4%
19	PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS	MD	Suspensions	2%	87%	10%	1%	0.4%
			Enrollment	4%	71%	20%	3%	0.4%
20	DUVAL COUNTY PUBLIC SCHOOLS	FL	Suspensions	22%	72%	6%	1%	0.1%
			Enrollment	42%	46%	8%	4%	0.2%

Source: U.S. Department of Education.
Note: School districts listed in size order.

60 "Civil Rights Data Collection," *U.S. Department of Education*, March 2012, http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf. The chart represents 2009-2010 suspension data for the entire New York City school system, rather than 2011-2012 suspension data for middle schools alone. Therefore, results may vary somewhat from those discussed elsewhere in this report. In addition, the National Center for Education (NCES), a division of the U.S. Department of Education (U.S. DOE), annually publishes a ranking of school districts by enrollment. Although not included in this U. S. DOE chart, Hawaii was ranked among the 20 largest school districts in 2009-2010 by NCES. There is also some slight variation between the two lists in the order of five rankings. See: http://nces.ed.gov/pubs2013/2013307/tables/table_04.asp.

Likewise, the substantial growth in the use of suspensions in New York City has brought the national controversy regarding equity issues to the local level. Suspensions in New York City rose from 43,937 in the 1999-2000 school year to almost 74,000 in the 2008-2009 school year, and continued at approximately that level through 2010-2011.[61] In 2011-2012, suspensions dropped 5 percent to 69,643, an increase of 37 percent from a decade earlier.[62] Not only have the sheer numbers of suspensions risen sharply, but New York's middle school and system-wide suspension data also reveal disparities like those seen in the other large school districts, raising similar questions about fairness in the allocation of this disciplinary measure. For example, in the chart above, suspensions of black and Hispanic students in New York occurred at more than five times the rate among white students and twenty times the rate among Asian students.[63] Black and Hispanic students made up 70 percent of the New York City school system, but received 88 percent of the suspensions.

Moreover, the middle school suspension data also demonstrated equity issues related to whether a student has a disability, where a student attends school, and the nature of the infraction. Students with disabilities, or those enrolled in some New York City school districts or certain standalone middle schools were more likely to be suspended, while those who committed less serious infractions were about as likely to be suspended as those whose offenses were more serious. National and state research on school suspension patterns has found similar inequities.[64]

Effectiveness

Academic outcomes and deterrence value are important factors in considering the effectiveness of suspensions.

Academic Outcomes: While proponents of the zero-tolerance use of suspensions point to its value in changing behavior, the data suggests that suspensions, including those in middle school, are associated with negative outcomes. As discussed previously, Robert Balfanz, an expert on the dropout issue, found that suspensions are a "moderate-to-strong predictor" of school dropout.[65]

On average, New York City students drop out of school at a lower rate than the national average, but the numbers are still unacceptably high if we hope to dramatically improve the percentage of New Yorkers with post-secondary educational attainment. Nationally, where the legal age for dropping out varies among states, approximately 1 in 4 students

61 Miller, Johanna, et. al.,"Education Interrupted: The Growing Use of Suspensions in New York City's Public Schools," *New York Civil Liberties Union and the Student Safety Coalition*, January 2011, p. 15, http://www.nyclu.org/files/publications/Suspension_Report_FINAL_noSpreads.pdf, and "Briefing Paper for Oversight Hearing: Examining School Climate and Safety," *New York City Council Human Services and Governmental Affairs Divisions*, April 15, 2013, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1326517&GUID=4B192B42-E95B-4EEE-A21C-65B99149F820&Options=&Search=.

62 "Briefing Paper for Oversight Hearing: Examining School Climate and Safety," Op. Cit., p.19.

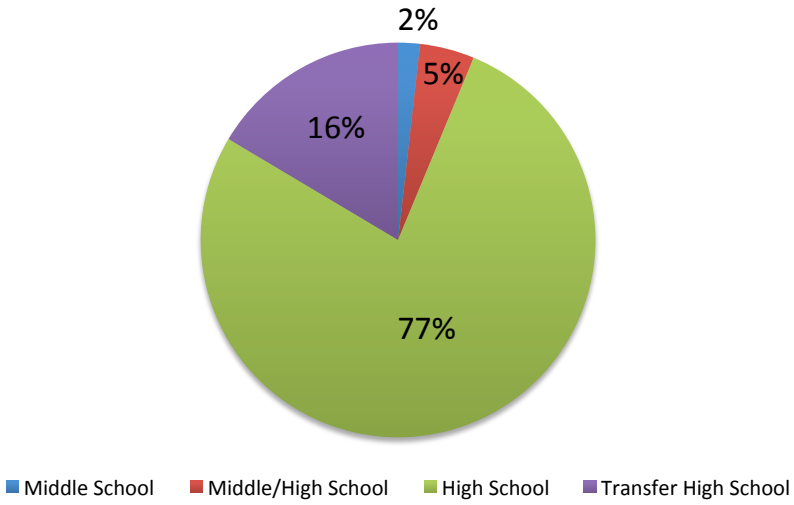
63 The combined percentage of suspensions for black and Hispanic students in standalone middle schools in 2011-2012 was almost identical (90 percent) to the 88 percent for the entire New York City district.

64 Losen, Daniel J., and Martinez, Tia Elena, Op. Cit. Analysis of national data found that one in five secondary school students with disabilities was suspended (19.3%), nearly triple the rate of all students without disabilities (6.6%) and Fabelo, Tony, et. al., "Breaking School Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement," July, 2011, http://csgjusticecenter.org/wp-ontent/uploads/2012/08/Breaking_Schools_Rules_Report_Final.pdf. The authors found that suspension and expulsion rates among schools—even those schools with similar student compositions and campus characteristics—varied significantly and only 3 percent of the disciplinary actions were for conduct for which state law mandates suspensions and expulsions; the remainder of disciplinary actions was made at the discretion of school officials, primarily in response to violations of local schools' conduct codes.

65 Losen, Daniel J. and Skiba, Russell J., Op. Cit., p. 10, citing Balfanz, 2003.

drop out annually.[66] The New York City four-year dropout rate for the 2007 cohort (i.e., the Class of 2011) was 12 percent.[67] In fact, approximately 2 percent of New York City dropouts in 2010-2011 were students in standalone middle schools. Of the City's 268 standalone middle schools, nearly half (49%) had a student drop out that year.[68] Moreover, nearly 2,700 students in the 6th to 8th grades exceeded the standard age for that school level, a risk factor for dropping out.[69]

2010-2011 NYC Public School Dropouts



Source: New York State Education Department.

Indeed, the New York City student sub-groups that are receiving a high proportion of middle school suspensions are largely the same groups that are most likely to drop out of school. Boys are more likely to drop out than girls, black and Hispanic students are more likely to drop out than white and Asian students, and students in special education and/or English Language Learners are more likely to drop out than general education students.

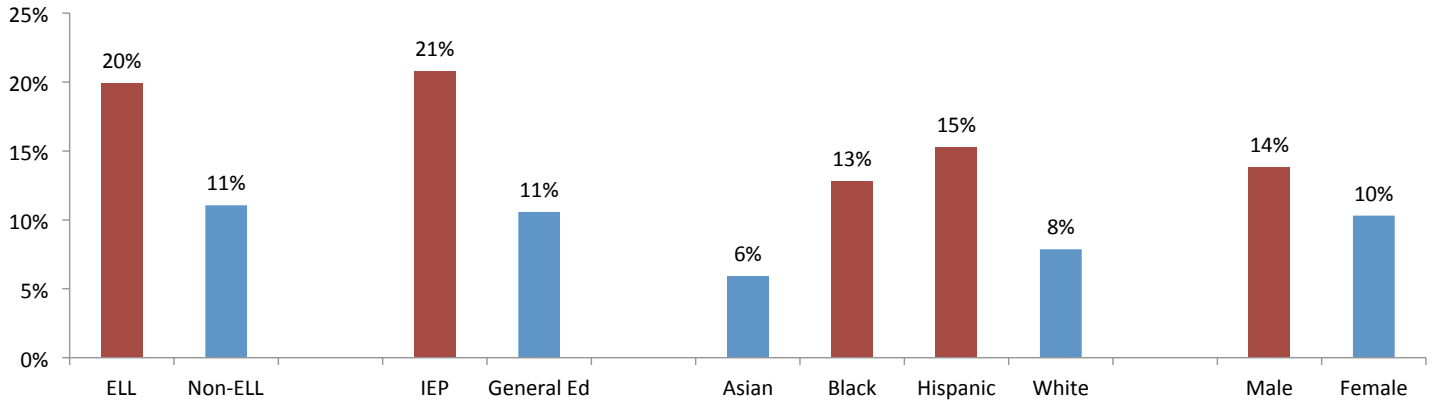
66 In New York City, students must remain in school until age 17. Both New York City and Buffalo require minors to attend school from the age of 6 until the age of 17. Each district in New York State is authorized to require minors between 16 and 17 who are not employed to attend school. There were 613,379 dropouts from high school (grades 9 through 12) with an overall event dropout rate of 4.1 percent across all 49 reporting states and the District of Columbia in 2007–08, or approximately 16.4 percent over 4 years, compared to New York City's rate of 12 percent. For more on the national and event dropout rates, see: Downey, Maureen, "New National Dropout Rates: 25 percent of all students; nearly 40 percent of black and Hispanic kids fail to graduate on time," *Atlanta Journal Constitution*, June 2, 2010, http://blogs.ajc.com/get-schooled-blog/2010/06/02/new-national-dropout-rates-25-percent-of-all-students-nearly-40-percent-of-black-and-hispanic-kids-fail-to-graduate-on-time/.

67 4-Year Dropout Rate, "Graduation Results: Cohorts of 2001 through 2007 (Classes of 2005 through 2011) Graduation Outcomes," *New York City Department of Education*, http://schools.nyc.gov/Accountability/data/GraduationDropoutReports/default.htm, accessed on April 9, 2013. Data does not include Districts 75 and 79 or charter schools.

68 "New York State Report Card," *New York State Department of Education*, 2011, https://reportcards.nysed.gov/. Of that total, 290 students (2%) were in standalone middle schools. It is possible that a fair amount of the 44 students who dropped out of K-8 schools and at least a small portion of the 723 students who dropped out of middle/high schools were also middle school students. Data also does not include 2 students each who dropped out of elementary and K-12 schools. The 16,225 dropouts only includes schools from the 2010-2011 list of dropouts provided by the State Report Card which also matched with the list of schools from the 2011-2012 Demographics and Accountability Snapshot. There were an additional 146 dropouts from 10 schools that were not included in the snapshot.

69 In 2012, 5,566 students in 3rd through 8th grade were overage or previously retained in 768 schools. The 268 standalone middle schools accounted for 2,671 of these students, or 48 percent. In comparison, 45 percent of overage/previously retained students were in Elementary schools or K-8 schools, 6 percent were in Middle/High Schools, and less than one percent were in high schools. "School Allocation Memorandum No. 50, FY13," New York City Department of Education, April 18, 2013, http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy12_13/FY13_PDF/sam50.pdf. For a fuller discussion of this issue, see also: "Stuck in the Middle: The Problem of Overage Middle School Students in New York City," Advocates for Children, July 2008, http://www.advocatesforchildren.org/Stuck%20in%20the%20Middle(final).pdf?pt=1. NYC DOE's Achievement Now Academies description notes that the middle school program is targeted to students who are 15 or more years old in the 7th or 8th grade, http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy12_13/FY13_PDF/sam69.pdf.

2007 Cohort (Class of 2011) Dropouts



Source: New York City Department of Education, 2012.

Suspensions can lead to lost learning time with potentially serious academic repercussions. Anecdotal evidence from New York City advocates who represent suspended students suggests that many of their clients do not receive their class work contrary to DOE requirements, and/or do not come to school for some or all of the suspension, which leads to falling behind in class and also increases the likelihood of contact with the juvenile justice system. The further behind a student falls, the more likely they are to feel that they will be unable to catch up.

Moreover, the feelings of exclusion and stigma among suspended students can pave the way for more misbehavior and further suspensions in what can become a negative downward spiral. Research shows that students who arrive in 9th grade under-skilled and/or overage from being held back are most likely to drop out.[70] A student interviewed by the Center for Community Alternatives offered a sobering analysis of the cumulative impact of suspensions on student behavior: "'It makes people feel like they can't do nothing with their life. They just drop out.'"[71]

Deterrence Value: Recent and historical New York City middle-school suspension data raise questions about the value of suspensions as a deterrent. Many of the patterns seen in the 2011-2012 data were consistent with data from the 2002-2003 school year through the 2007-2008 or 2008-2009 school years. If suspensions were an effective deterrent, as students received more severe punishments or saw others receiving these sanctions, they would presumably stop committing these offenses.[72] Instead, suspensions increased with each successive grade in middle school and overall middle school suspensions also rose steadily for almost a decade. Researchers have also raised questions about the deterrent value of suspensions. A review of the suspension literature noted that "Longitudinal studies

70 Balfanz, et. al. "Preventing Student Disengagement," Op. Cit.

71 Lumumba, Rukia, "Testimony presented before The New York City Council Committees on Public Safety, Education and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," *Center for Community Alternatives*, April 15, 2013, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1326517&GUID=4B192B42-E95B-4EEE-A21C-65B99149F820&Options=&Search.

72 Monahan, Rachel and Marzulli, John, "Brooklyn Family to sue city after son blinded by bullies in brutal assault at Roy H. Mann Junior High School," *The New York Daily News*, June 18, 2012, http://www.nydailynews.com/new-york/brooklyn/brooklyn-family-sue-city-son-blinded-bullies-brutal-assault-roy-h-mann-junior-high-school-article-1.1098129. Roy H. Mann Junior High School had the most suspensions of any middle school in Brooklyn and citywide in the 2011-2012 school year. A student there was blinded in one eye in June 2012 allegedly by other students shouting anti-gay epithets.

have shown that students suspended in sixth grade are *more* likely to receive office referrals or suspensions by eighth grade, prompting some researchers to conclude that suspension may act more as a *reinforcer* of rather than a punisher for inappropriate behavior."[73]

Impact on School Climate

The impact of suspensions on school climate is a significant factor in assessing its value for addressing discipline issues.

High suspension rates do not make students or teachers feel safer. As New York City sixth graders transition from elementary to middle school, many of them experience a marked change in the school climate related in part to the change in approach to discipline. Sixth graders were much more likely to receive a suspension than 5th graders, especially the more serious and longer superintendent suspensions. Overall, at least 100 suspensions occurred on average every school day in New York City's standalone middle schools in 2011-2012.[74]

Based on 2012 DOE student and teacher survey responses, students at middle schools with higher suspension rates (the number of suspensions divided by the number of middle school students) are more likely to report that they feel unsafe, both in and out of the classroom. They are also more likely to report that factors contributing to an unsafe school climate such as bullying, gang activity, physical fights, and drugs are present; that the discipline code is unfair; and that their school lacks a person or program to help resolve conflicts. Teachers at these schools also consistently rate their schools lower on a variety of safety metrics.[75] Academic research has found similar negative associations between suspensions and school climate.[76]

In New York City, advocates have voiced their concerns about the rationale for the DOE's suspension policies as well as its implementation. The local chapter of the national Dignity in Schools Campaign, a citywide coalition of parents, students, attorneys, and educators, has been actively involved in calling attention to the issues. Organizations such as the Urban Youth Collaborative and the New York Civil Liberties Union have provided first-hand testimony and produced policy and legal analysis demonstrating the impact of the current policies. Individual parents have also sued the DOE regarding their child's suspension.[77]

73 Losen, Daniel J. and Skiba, Russell J., "Suspended Education," p. 10, citing studies by Tobin, Sugai, and Colvin, 1998 and Raffaele Mendez, 2003.

74 Based on 18,082 suspensions earned by students in the 268 standalone middle schools for 180 school days.

75 "New York City School Survey, Results from the 2012 School Survey," Master File-Community Schools, Student Responses to Questions 13 and 14, *New York City Department of Education*, http://schools.nyc.gov/Accountability/tools/survey/default.htm.

76 American Psychological Association Zero Tolerance Task Force, "Are zero tolerance policies effective in the schools? An evidentiary review and recommendations," *American Psychologist*, 63, 2008, pp. 852-862, http://www.apa.org/pubs/info/reports/zero-tolerance.pdf and Skiba, R.J., & Rausch, M.K. (2006). "Zero tolerance, suspension, and expulsion: Questions of equity and effectiveness," in C.M. Evertson, & C.S. Weinstein (Eds.), *Handbook for Classroom Management: Research, Practice, and Contemporary Issues*, Mahwah, NJ: Lawrence Erlbaum Associates, pp. 1063-1089, http://www.indiana.edu/~equity/docs/Zero_Tolerance_Effectiveness.pdf. The authors note that schools with higher rates of school suspension have been found to pay significantly less attention to school climate.

77 For more on the New York City chapter of the Dignity in Schools Campaign, see: https://www.google.com/#sclient=psy-ab&q=dignity+in+schools+new+york&oq=Dignity+in+Schools&gs_l=hp.1.1.0l4.2119.6013.0.8036.18.10.0.8.8.1.305.1471.5j2j2j1.10.0...0.0...1c.1.16.psy-ab.IjGDYoVFFUg&pbx=1&bav=on.2,or.r_qf.&bvm=bv.47534661,d.dmg&fp=2b0a5e8fa05996e1&biw=1506&bih=583. Most recently, a May 2013 press conference featured testimony by Urban Youth Collaborative students about the impact of suspensions on their lives; For more details, see http://www.urbanyouthcollaborative.org/. See also: "Safety with Dignity: Alternatives to the Over-Policing of Schools," *New York Civil Liberties Union, Annenberg Institute for School Reform and Make the Road New York*, July 2009, and "Education Interrupted: The Growing Use of Suspensions in New York City's Public Schools," Op. Cit.

Middle School Student Arrest Trends

The 2011 Student Safety Act requires the New York City Police Department to report on student arrests in addition to requiring the DOE to report on school suspensions.[78] There were 882 arrests in New York City public schools, an average of five per day, during the 2011-12 school year. The police issued another 1,666 summonses for illegal conduct.[79] Most of these were for minor offenses such as talking back to a School Safety Agent (SSA) or a 7-year-old allegedly stealing $5 from a classmate.[80]

The most recent arrest data available (see table below) shows that between January 1, 2012 and December 31, 2012, there were a total of 131 arrests on or near school grounds of youth between ages 11 and 14, the typical middle school ages. This represented 17.3 percent of total SSA arrests in 2012. Fully 61 percent of the arrests of 11 to 14 year-olds were for misdemeanors, which represent less serious violations. Fourteen-year-olds were arrested at 10 times the rate of 11-year-olds for misdemeanors and 13 times the rate for felonies.

2012 School Safety Agent Arrests, by Age

	11-Year-Olds*	12-Year-Olds	13-Year-Olds	14-Year-Olds	Total
Misdemeanors	4	11	24	41	**80**
Felonies	2	6	17	26	**51**
Total Arrests	**6**	**17**	**41**	**67**	**131**

Source: New York City Police Department.
Note: Total Arrests for ages 11-20+ CY 2012 were 759. *Includes 1 ten-year-old.

The Controversy Over Student Arrests

While national and local zero-tolerance policies are being reappraised and reworked to some extent, recent events have also produced a call for more police and greater security in schools. In the wake of the tragedy at Sandy Hook Elementary School, an analysis of over 450 bills submitted in state legislatures since the school shootings in Newtown, Connecticut found "a host of solutions, including arming teachers, adding police officers, and improving school buildings."[81]

The Department of Education's Discipline Code authorizes building personnel to oversee its implementation. In practice, however, there have been numerous incidents reported in the media where school administrators, teachers and/or parents felt that School Safety Agents (SSAs) exceeded their authority and acted inappropriately, including arresting a 14-year-old

78 "Quarterly Reports: Administrative Code-14-152," *New York City Police Department*, 2011-2012. The report also includes non-criminal incident activity.
79 Ibid.
80 Lieberman, Donna, "Schoolhouse to Courthouse," *The New York Times*, December 8, 2012; Montero, Douglas, et. al., "Cops handcuff and interrogate boy, 7, for hours over missing $5," New York Post, January 30, 2013, http://www.nypost.com/p/news/local/cops_are_cuff_guys_with_kid_eaRQ39892kXQndMJkDgY9J, and Kemp, Joe and Wills, Kerry, "Demonstrators Marched on a Bronx Police Stationhouse to Protest Treatment of 7-year-old," *The New York Daily News*, February 1, 2013.
81 "School Safety Legislation Since Newtown," *Education Week*, May 23, 2013, http://www.edweek.org/ew/section/multimedia/school-safety-bills-since-newtown.html?cmp=ENL-EU-NEWS1, accessed on June 9, 2013.

and holding her in custody without access to a parent for almost 24 hours, handcuffing a 5-year-old who threw a temper tantrum, or arresting a principal trying to stop a student from being arrested.[82] Some steps have been taken recently to address the adequacy of SSA training. Advocates and community members have been invited to participate in trainings to help SSAs better understand the developmental, cultural, and legal implications of arresting students.[83]

Student arrests, when the behavior is not criminal in nature but the action is a violation of the Discipline Code, are particularly controversial, such as arresting an 11-year-old for writing on a desk[84] or talking back to a School Safety Agent. It is unlikely that a school official handling the same incidents would have called for an arrest. Moreover, research shows that adding police officers in schools increases the number of school-based arrests, but it does not lower the level of violence.[85] In 2010, the New York Civil Liberties Union filed a class action lawsuit challenging the policies and practices of the NYPD School Safety Division, particularly wrongful arrests and excessive use of force.[86]

Arresting students for misconduct that should be handled through the Discipline Code can result in serious consequences, including a criminal record and miscarriages of justice.[87] The mere experience of the arrest and subsequent booking process charges can be traumatic. For those who plead guilty or are found guilty, this early involvement with the juvenile justice system can set students on a path to future incarceration, in what has become known as "the school-to-prison pipeline."[88] One New York City parent testified at a recent New York City Council hearing about the hazards associated with the current approach: "Policing doesn't educate kids, but criminalizes them…A social worker can help get at the root of the problem as opposed to incarcerating a young person and turning them into a criminal."[89]

Although many of the charges are ultimately dismissed, students who are arrested or receive a summons miss learning time while being held at the police department, and when any subsequent legal proceedings occur.[90] Moreover, if a student fails to appear for a court hearing, even for a misdemeanor charge, an arrest warrant is automatically generated.[91]

82 "B.H., et. al. v. City of New York," *New York Civil Liberties Union*, January 20, 2010, http://www.nyclu.org/files/releases/FiledSTPPComplaint-1.20.10.pdf and Herman, Randi, "Testimony presented before The New York City Council Committees on Public Safety, Education and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," *The Council of School Supervisors and Administrators*, April 15, 2013, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1326517&GUID=4B192B42-E95B-4EEE-A21C-65B99149F820&Options=&Search.

83 Sokoloff-Rubin, Emma, "Community Members Carve Out a Role in School Guards' Training," GothamSchools, May 17, 2013, http://gothamschools.org/2013/05/17/community-members-carve-out-a-role-in-school-guards-training/#more-104062.

84 "B.H., et. al. v. City of New York," Op. Cit.

85 Fowler, Deborah, "Texas' School to Prison Pipeline: Ticketing, Arrest, and Use of Force in Schools," *Texas Appleseed*, December 2010, http://www.texasappleseed.net/images/stories/reports/Ticketing_Booklet_web.pdf, and Eckholm, Erik, "With Police in Schools, More Children in Court," *The New York Times*, April 12, 2013, http://www.nytimes.com/2013/04/12/education/with-police-in-schools-more-children-in-court.html?pagewanted=all&_r=0.

86 "B.H., et. al. v. City of New York," Op. Cit.

87 Suvall, Cara, "Testimony presented before The New York City Council Committees on Public Safety, Education and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," *Bronx Defenders*, April 15, 2013, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1326517&GUID=4B192B42-E95B-4EEE-A21C-65B99149F820&Options=&Search. For example, the testimony noted that if a student pleads guilty to a minor charge like disorderly conduct, they are required to pay a fee of $120; if they are unable, the negative rating appears for 7 years on credit reports. Also, if the student's parent is applying for public housing, the student's disorderly conduct charge will make the family ineligible for public housing for 3 years.

88 Hing, Julianne, "The School-to-Prison Pipeline Gets Its First-Ever Airing in the Senate," *ColorLines*, December 13, 2012. http://colorlines.com/archives/2012/12/the_school-to-prison_pipeline_comes_before_the_senate.html. On December 12, 2012, the U.S. Senate Judiciary Committee held the first-ever national hearing on the school-to-prison pipeline issue.

89 Sanchez, Lynn, "Testimony presented before The New York City Council Committees on Public Safety, Education and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," *New Settlement Parent Action Committee*, April 15, 2013, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1326517&GUID=4B192B42-E95B-4EEE-A21C-65B99149F820&Options=&Search.

90 "B.H., et. al. v. City of New York," Op. Cit.

91 Suvall, Cara, Op. Cit.

The combined presence of SSAs, metal detectors, and police officers in schools can create a negative, unhealthy school climate.[92] Students at an April 2013 New York City Council oversight hearing on school climate and safety offered moving testimony about how this approach can make school feel like a jail rather than a welcoming environment that encourages learning.[93] An analysis of 15 years of research concluded that the presence of metal detectors may make students feel less safe.[94]

Of bills introduced by states in the wake of the Newtown shootings, only 65 address issues of school climate and student supports.[95] Yet, a recent meta-analysis of more than 200 studies and literature reviews found that "sustained positive school climate is associated with positive child and youth development, effective risk-prevention and health-promotion efforts, student learning and academic achievement, increased student graduation rates, and teacher retention."[96]

In addition to suspensions and arrests, Bronx Legal Services and other advocacy groups have called attention to another costly and controversial means to remove students with behavior issues from school. At some elementary and middle schools, when a student is exhibiting what the school considers to be uncontrollable behavior, school personnel have been calling 911 and having the youth taken by ambulance to the emergency room for a psychiatric evaluation. In most cases, the examination reveals no cause for hospitalization and the student is released to return to the same school. A second practice, placing a disruptive student for up to five days in a separate classroom, has also raised questions. Although the student is placed in a classroom within his or her school during a "teacher removal," students have reported being removed multiple times during the school year and not receiving their classwork or instruction.[97]

92 Conroy, Brian J., "Testimony presented before The New York City Council Committees on Public Safety, Education and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," *Commanding Officer, School Safety Division, New York Police Department*, April 15, 2013. The testimony stated that 78 sites at New York City intermediate and high schools have full-time metal detectors, 8 sites have part-time or random scanning, and all remaining intermediate schools are subject to unannounced scanning.

93 Testimony of Benia Darius, student at Bushwick School for Social Justice, Malik Ayala, student at an "impact" school in the Bronx, and Malik Yusuf, youth leader at DRUM,"The New York City Council Committees on Public Safety, Education and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," April 15, 2013, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1326517&GUID=4B192B42-E95B-4EEE-A21C-65B99149F820&Options=&Search.

94 Hankin, Abigail, Hertz, Marci, and Simon, Thomas, "Impacts of Metal Detector Use in Schools: Insights From 15 Years of Research," *Journal of School Health*, 2011, 81, pp. 100-106, http://www.edweek.org/media/hankin-02security.pdf\. The study also found that "[t]here is insufficient data in the literature to determine whether the presence of metal detectors in schools reduces the risk of violent behavior among students."

95 "School Safety Legislation Since Newtown," Op. Cit.

96 Thapa, Amrit, Cohen, Jonathan, Guffey, Shawn, and Higgins-D'Alessandro, Ann, "A Review of School Climate Research," *Review Of Educational Research*, April 19, 2013, cited in Shah, Nirvi, "School Climate Matters," May 8, 2013, http://blogs.edweek.org/edweek/rulesforengagement/2013/05/school_climate_matters.html?cmp=ENL-EU-NEWS2.

97 Mar, Nelson, "Testimony presented before The New York City Council Committees on Public Safety, Education and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," *Legal Services NYC-Bronx*, April 15, 2013, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1326517&GUID=4B192B42-E95B-4EEE-A21C-65B99149F820&Options=&Search.

Recommendations

The New York City middle school suspension and arrest data call into question both the effectiveness and fairness of relying too heavily on removing students with behavior problems from their school and community. Indeed, although the number of suspensions in NYC schools has recently started to decrease slightly, arrests were up in 2012 compared to 2011. Regardless of the trends, testimony from the school principals' union, teachers, legal advocates, parents, youth organizations, and students at a recent City Council oversight hearing on school climate and safety noted that the annual totals—over 69,000 suspensions and 759 arrests—are unacceptably high.[98]

Experts have concluded that suspensions and arrests are more likely to create ongoing negative behavior. Indeed, an extensive body of empirical research has demonstrated that punitive and zero-tolerance approaches, such as mandatory suspensions, are neither helpful nor effective as disciplinary strategies.[99] Being separated from school neither helps students understand how their acts have affected others nor provides them a reason or the tools to behave differently in the future. This is a particularly important consideration when the offender is a middle school student, given their tendency towards impulsivity, strong emotional responses, and a lack of empathy. Another variable that is rarely considered when punishing students is the perspective of the victim. An arrest or a suspension of the offending student may still leave the victim unsatisfied since the impact on them has not been directly acknowledged or addressed. In fact, the victim is sometimes suspended or arrested himself when there is no time or willingness to understand the facts behind an incident. Victims may also worry about reprisal from the offender or seek retribution themselves.[100]

To be sure, no one is suggesting that school safety be sacrificed or that students should not be held responsible for bad behavior. Without a doubt, students cannot learn and teachers cannot teach in an environment where they feel unsafe.[101] A student who harms a teacher or fellow student is behaving in an unacceptable manner. What is needed, however, is a more equitable balance between holding a student accountable and providing the appropriate supports needed for the student to do so. This requires a new and better approach to behavior management than what is currently operating in New York City public schools.

98 "Briefing Paper of the Human Services and Governmental Affairs Divisions for Oversight: Examining School Climate and Safety," Op. Cit., for arrest data.

99 American Psychological Association Zero Tolerance Task Force, "Are Zero Tolerance Strategies Effective in Schools?: An Evidentiary Review and Recommendations," *American Psychologist*, 63, 2008, pp. 852-862, http://www.apa.org/pubs/info/reports/zero-tolerance.pdf and Losen, Daniel J., and Martinez, Tia Elena, Op. Cit.

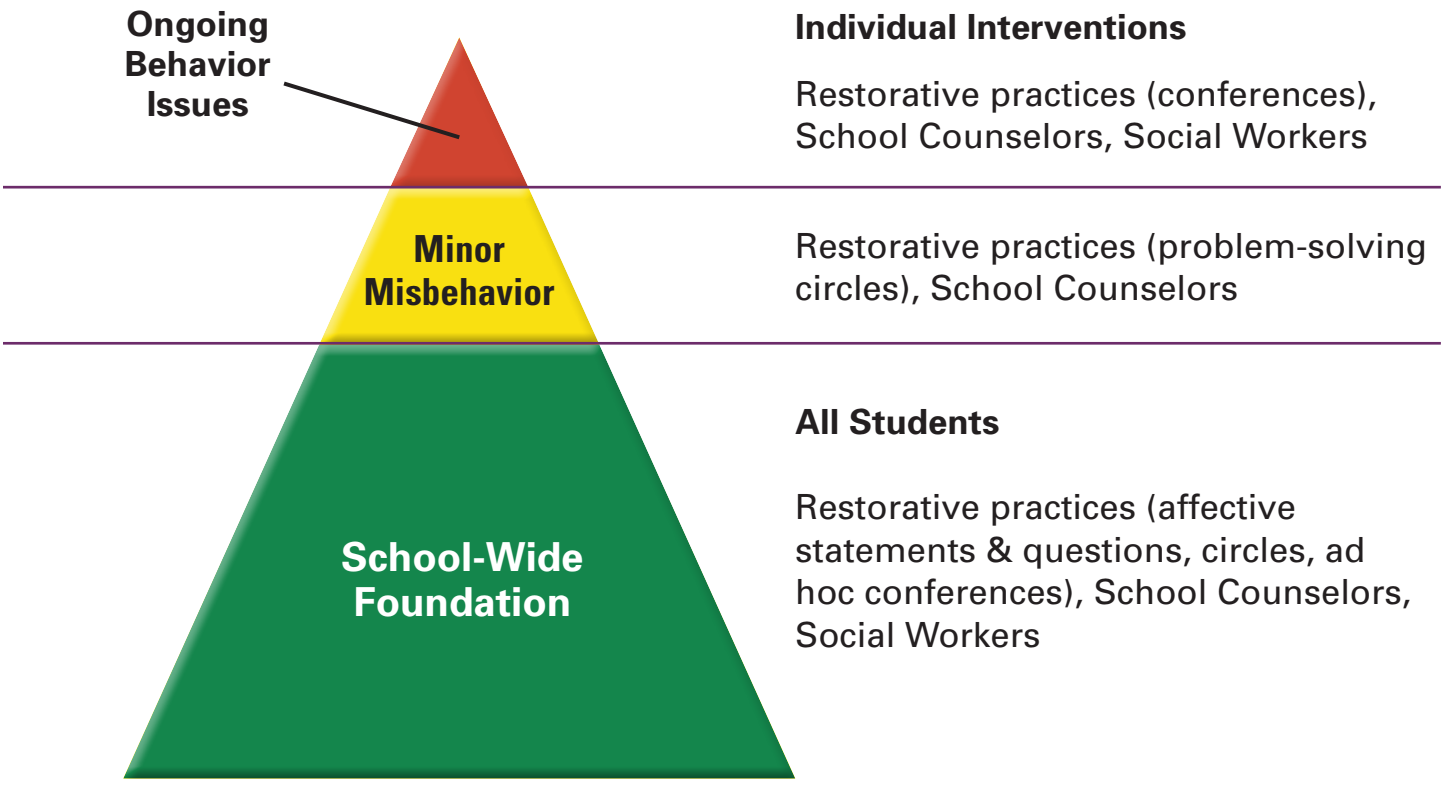
100 Costello, Bob, et.al, "Restorative Practices Handbook," Op. Cit., pp. 62-63.

101 Villavilencio, Adriana, "Beating the Odds: Lesson from Turnaround Middle Schools," *Education Update Online*, May/June 2012, http://www.educationupdate.com/archives/2012/MAY/HTML/spot-beatingtheodds.html, citing "Learning from Turnaround Middle Schools: Strategies for Success," *The Research Alliance for New York City Schools (RANYCS)*. The study found that addressing safety and discipline was a major concern in a survey of NYC middle school personnel. Principals and teachers cited the importance of establishing order in their school buildings as essential for improvement because minimizing discipline issues freed teachers to direct more time, energy, and resources towards instruction. See also: Lacoe, Johanna R.,"Too Scared to Learn?: The Academic Consequences of Feeling Unsafe at School," http://www.aefpweb.org/sites/default/files/webform/Lacoe_School%20Safety_3.2012.pdf. This study of New York City middle school students who reported feeling unsafe in school found a measurable impact on academic achievement.

The following recommendations recognize that some level of conflict—students with students, students with teachers—is unavoidable in the middle school community. There are, however, ways to turn these inevitable clashes into "teachable moments," a more fitting response in an education setting and one that is also more developmentally appropriate for middle schoolers struggling with the effects of puberty. These approaches not only give students ways to understand and make amends for negative behavior but also seek to reduce the severity and frequency of future incidents, create a more positive school climate, improve educational outcomes, and help keep students on the path to high school graduation and beyond. Relatively speaking, the cost of these critical investments is small compared to the DOE's $20 billion budget.

A New Approach to Behavior Management

The following recommendations seek to create a multi-tiered, multi-faceted approach to establishing and maintaining a positive middle school climate, one that combines "high levels of nurturing and support with high levels of expectation and accountability."[102] The pyramid below helps visualize what types of interventions might be used, by whom, and under which circumstances. Further details on each are discussed below.



102 Costello, Bob, et.al, "Restorative Practices Handbook," Op. Cit., p. 51.

Bring Restorative Practices to NYC Middle Schools

One promising approach to creating a positive school climate and more effectively addressing behavior issues is known as "restorative practices." The terms "restorative justice" and "restorative practices" are often used interchangeably, although restorative justice can be thought of as a subset of restorative practices.[103] Restorative justice can only come *after* wrongdoing has happened. Restorative practices, on the other hand, include formal and informal processes that take place *before* a wrong occurs, by seeking to build community and relationships that will reduce or prevent incidents.

Restorative justice has its origins in the criminal justice system, where research has documented its effectiveness. It is now being used within families, workplaces, and neighborhoods, as well as in schools and in many locations throughout the United States and the rest of the world, including the United Kingdom, Canada, and Australia.[104] Minnesota was a pioneer in using restorative justice in a school setting, providing state funding starting in 1998.[105] As part of its recent series "Rethinking Discipline," *Education Week* highlighted restorative justice programs in Baltimore and Chicago schools.[106] Schools in Denver and Portland, Oregon also have programs.[107]

After an initial positive experience six years ago, twenty-one Oakland schools recently adopted restorative practices following a U.S. Department of Education civil rights investigation of racial bias in the district's suspension policies. The Alameda County School Health Services Coalition, where Oakland is located, has published a 42-page "working guide" to restorative justice for its schools.[108] There is no data available to determine how many schools in New York City use restorative practices but at least two schools, a high school in Manhattan and an elementary school in Brooklyn, have been part of a two-year whole-school training process, and a number of others have had some exposure to the basic concepts.[109]

103 Wachtel, Ted, "Defining Restorative," *International Institute for Restorative Practices*, IIRP Graduate School, 2012, p. 1.

104 For example, when then-Archbishop Dolan served in Milwaukee, he employed restorative justice principles by compensating victims of abuse who were no longer legally eligible for monetary damages and publishing the names of the priests against whom there were credible allegations of abuse. See: http://restorativejustice.org/ and http://online.wsj.com/article/SB10001424127887324077704578358901510746168.html. New York City probation officers working with juvenile offenders have been trained to use restorative practices informally with youth and their families. See Costello, Bob, et. al., "Restorative Practices Handbook," Op. Cit., p. 7. The Center for Court Innovation testified that its youth courts and peer jury model operate based upon restorative justice principles. See: Fishman, Naomi, "Testimony presented before The New York City Council Committees on Public Safety, Education and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," *The Center for Court Innovation*, April 15, 2013, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1326517&GUID=4B192B42-E95B-4EEE-A21C-65B99149F820&Options=&Search.

105 Kidde, Jon and Alfred, Rita, Op. Cit., p. 18.

106 Shah, Nirvi, "'Restorative Practices': Discipline But Different," *Education Week*, October 16, 2012, http://www.edweek.org/ew/articles/2012/10/17/08restorative_ep.h32.html.

107 Brown, Op. Cit.

108 Kidde, Jon and Alfred, Rita, Op. Cit. See also: Shah, Nirvi, "Restorative Justice' Offers Alternative Discipline Approach," *Education Week*, January 4, 2013, http://www.edweek.org/ew/articles/2013/01/10/16policy-side-vaka.h32.html?qs=restorative+justice. Provides a personal story of a student in Oakland, California who was moved to a school of last resort for students with discipline issues and experienced the restorative justice approach.

109 The two schools are: The High School for Arts, Imagination and Inquiry and P.S. 28, The Warren Prep Academy. Other schools with some exposure to restorative practices include: Humanities Preparatory Academy, East Side Community High School, Vanguard High School, James Baldwin School, Bushwick School for Social Justice, Urban Assembly School for Green Careers, Lyons Community School, and Morris Academy for Collaborative Studies.

How Restorative Practices Work

Restorative practices start with the premise that students who misbehave do not always realize the effects of their behavior, even behavior that appears intentionally harmful. Accordingly, conflict or bad behavior becomes an opportunity to teach and for students to learn about the repercussions for the victim and the wider community without any judgment about whether they should already have "known better." Helping the offender understand those consequences creates empathy, a quality often lacking in middle schoolers. In turn, empathy is more likely to motivate a change in future behavior than traditional punitive punishments.[110]

Punitive punishments like suspensions do not require the wrongdoer to take real responsibility for what they have done nor does it provide resources or guidance to help the student behave differently in the future. Telling a middle school student, "Don't do that,"—the primary message of this type of punishment—is generally not sufficient to stop the behavior, as evidenced by the rising number of suspensions in New York City middle schools between 6th and 8th grades. Given their education mission, schools are well-suited to teach students with behavior problems how to change and help them to do so, while also addressing the negative consequences of their behavior for the victim and the larger school community. Given that young teens are highly motivated and strongly want to fit into the school community, middle schools offer a particularly fertile environment for the use of restorative practices.

Restorative practices recognize that when a wrong has been committed, the offender needs to be re-integrated back into the community to avoid alienation, which, as discussed previously, could also lead to repeat offending. To do so, the offender must be held accountable. This requires acknowledging the true consequences of their behavior through supervised face-to-face encounters with the people they have harmed.[111] The final step is to repair the harm created by their act and have a plan for how to ensure that the offense will not be repeated. There is no "right" answer to how to do this. Rather it is the process of working together to heal the harm that leads to true accountability and makes a response restorative or not.[112] This type of approach, one that provides adult support but also requires the student to take the active lead in solving the problem, fits well with middle schooler's developmental needs.

Needless to say, there are no solutions or practices that will permanently eliminate conflicts between teachers and students or among students.[113] As Alameda County observed in its restorative justice manual for schools, "[p]rograms and curriculum come and go; restorative practices go deeper. They result in a whole new way of thinking."[114] In short, restorative practices are a way of being and relating that can be used on an ongoing basis

110 Costello, Bob, et. al., "Restorative Practices Handbook," Op. Cit., pp. 52-53.
111 Ibid., p. 7.
112 Ibid., p. 68.
113 Ibid., p. 16.
114 Kidde, Jon and Alfred, Rita, Op. Cit., p. 5.

to establish and maintain a healthy, safe school climate that allows all students to reach their academic potential.[115]

Types of Restorative Practices

Affective Statements

From the least formal to the most formal, restorative practices include: affective statements; affective questions; small ad hoc conferences; circles and problem-solving circles; and conferences.[116] The most informal practice, which forms the foundation for all the practices, is known as "affective statements." These statements communicate one person's feelings about another's actions or words—both positive and negative—in a respectful manner meant to preserve dignity and foster mutual understanding. Teachers and students share their feelings so that each knows how the actions of the other affect them. For example, a teacher might tell a student at the end of the day that she feels happy about how hard he worked on an in-class project that day. If things did not go well that day, she might tell him that she was surprised by his disruptive behavior in class that day because she worked very hard on preparing the lesson and she knows that he is capable of doing better.

Affective Questions

The next level up is known as "affective questions." Typical discipline-related questions seek to answer: What happened? Who is responsible? Who needs to be punished? What punishment should they receive? With affective questions, the focus is to understand what happened from all perspectives and strengthen relationships moving forward. The wrongdoer might be asked: What happened? What were you thinking at the time? What have you thought about since then? Who has been affected by what you've done and in what way? What do you think you need to do to make things right? The victim or victims most directly affected could be asked: "What did you think when you realized this happened? What impact has this had on you and others? What has been the hardest part for you? What do you think needs to happen to make things right?"[117] These types of questions enable misbehaving students to consider the impact of their behavior and to learn empathy for those whom they have affected.[118] The questions also help the affected student identify how they have been impacted. The ultimate goal is to bring students together to speak to one another and find solutions.

115 Wachtel, Ted, Op. Cit. and Jon Kidde and Rita Alfred, Op. Cit., p.9.

116 The approaches described in this section, as well as the structure of the continuum, are drawn from the work of the International Institute for Restorative Practices (IIRP), a graduate school located in Pennsylvania. Other Restorative Justice practitioners share the basic principles but may use different terminology and implementation details. For example, IIRP believes that no single school staff member should be responsible for implementing restorative practices because it undermines the collaborative model. However, many schools using restorative justice do designate a person to serve as the Restorative Justice Coordinator.

117 Costello, Bob, et. al., "Restorative Practices Handbook," Op. Cit., p. 16.

118 Ibid., p. 18.

Ad Hoc Conferences

The mid-point of the intervention continuum is ad hoc conferences. A small spontaneous hallway conference with the parties involved in response to a relatively minor incident such as knocking a student's books down can resolve a problem quickly and keep it from escalating.[119] Depending on the situation, a teacher or other adult can ask the questions directly to each student in private or in front of other students. The cumulative impact of these informal practices—affective statements, affective questions and quick conferences—can be substantial as they spread throughout the school community and change the dynamic. In addition, authority figures such as teachers and administrators learn to interact differently with students in these situations. Their role becomes less about discipline and more about facilitation.[120]

Affective statements and questions, circles, and ad hoc conferences are used by everyone at a middle school to establish and maintain a positive school climate, as illustrated in the green section of the pyramid on page 30.

Problem-Solving Circles

Circles are a tool for building relationships and addressing some behavioral problems in a classroom and a school community. The request for a circle can originate with the teacher or the students and both students and teachers participate. To start, the teacher poses a question, and everyone responds in turn going around the circle, including the teacher. To maintain order, participants sometimes pass an object from one person to the next to symbolize whose turn it is to speak. The circle approach and the use of a "talking piece" have their roots in the traditions of indigenous peoples, such as Native Americans. During the go-around, only the teacher may interact with the speaker or ask a clarifying question. Circles can also be used for a quick "check-in" or "check-out" at the beginning or end of the day as a community-building exercise.[121]

Building on this foundation, "problem-solving circles" can be used when misbehavior "involves or affects a larger group of students or when the teacher wants to address a pattern of behavior rather than a specific instance…"[122] For example, a circle might be initiated to address a problem such as chronically disruptive behavior. These circles allow other students to say for themselves how they were affected by the actions of disruptive students and to offer alternative approaches for the future. As illustrated in the yellow section of the pyramid above, problem-solving circles are used as a targeted intervention for students exhibiting mild to moderate behavior problems.

With regard to repairing the harm, the problem-solving circle recognizes that anyone affected by misbehavior may need to express their feelings and receive acknowledgment

119 Ibid., p. 21.
120 Ibid., p. 6, p. 22.
121 Ibid., pp. 21-28.
122 Ibid., p. 28.

that what happened was unfair and undeserved.[123] They may also want restitution, to see the offender held accountable, and a guarantee of future safety. Apologies, for example, are important but only if they are truthful, freely offered, and backed up by real changes in behavior.[124] Some misbehaving students may be uneasy with this new level of personal responsibility. Schools using restorative practices have reported instances where a student may ask to be suspended because it is easier to be punished than to figure out how to heal the damage created by their actions. Asking the right questions and encouraging suggestions from other students can help the misbehaving student develop ideas on how to repair the harm.[125] It is this transition by the wrongdoer from a passive to an active role, from being suspended to making amends, that creates true accountability.

Ideally, circles would become a regular part of all middle school classes, not only to deal with behavior problems, but as a daily technique to improve communication and build community.[126] Accordingly, even where a suspension is warranted, using restorative practices as an added measure may be appropriate. A suspension itself is not restorative, but having a circle when the student is reinstated helps the student to re-integrate back into the school community.[127] It can also be restorative for the class to have a circle without the offender, if the individual or individuals are unwilling or unable to participate. This gives classmates a chance to express their feelings, determine ways that they can help heal the harm for the victim, and help restore a sense of well-being.

Conferences

When intensive intervention is needed, the most formal technique, conferencing, is the preferred approach. Conferencing might be appropriate, for example, after a physical fight. "Restorative conferences are formal responses to wrongdoing where all those involved and affected by an incident come together with a trained facilitator to explore what happened, who was affected, and what needs to be done to make things right."[128] To be fully restorative, the offender(s), the victim(s), and their family and friends, or others who care about both parties, must be present.

Family group decision-making, which has been used more in the criminal justice and social services fields, is starting to be adopted in school settings to deal with ongoing behavioral issues, including bullying. As the most intensive intervention, this conference type can be an alternative to suspension and teach students a non-violent way to resolve conflict. At these conferences, a group of professionals such as the school social worker, school counselor, dean and, if relevant, the probation officer, meet with the student, his family and friends. They lay out the problem, the likely consequences if the problem continues, including legal

123 Some practitioners also refer to a related version of these circles as "fairness committees."
124 Costello, Bob, et. al., "Restorative Practices Handbook," Op. Cit., pp. 58-59.
125 Ibid., pp. 54-57.
126 Ibid., p. 6.
127 Kidde, Jon and Alfred, Rita, Op. Cit., p. 25.
128 Costello, Bob, et. al., "Restorative Practices Handbook," Op. Cit., p. 33.

consequences, describe what resources are available to help, and then leave the room. The student, family, and friends, including neighbors and religious leaders, talk and develop a written plan. The plan is then presented to the initial group for approval. Ideally, at least one of the school participants should be empowered to accept or reject the plan.[129]

Some other examples of infractions that might be handled in this way include fights or other Level 4 and 5 violations of the DOE Discipline Code, including criminal activity, such as drug possession, that might have also generated police involvement. Organizing and holding such a conference involves a time commitment and is usually handled by someone who is part of the school's administration. In addition, the facilitator should be someone who was not directly involved. The facilitator uses scripted restorative questions with the participants in a particular order and guides the process but otherwise allows all the participants to carry out the discussion and make decisions.[130]

Bullying incidents can be especially tricky because of the courage required for the victim to confront the wrongdoers. Some experts on youth behavior also argue it is an inappropriate response because the wrongdoer has great power and the victim feels powerless, although others believe these situations can be handled sensitively within the restorative practices framework.[131] Moreover, since the parties could cross paths at any time in the school or community, it may be preferable to have a supervised, guided encounter that meets the needs of both sides.[132]

As illustrated in the red section of the pyramid above, conferences are part of the highest level of targeted intervention and are intended for students with ongoing behavior issues.

Evidence in Support

Studies of restorative justice have found very positive outcomes for victims and offenders alike, including reductions in reoffending.[133] Evaluations of schools using restorative practices, mostly conducted by the schools themselves or the trainers, have reported encouraging outcomes, including reductions in the number of fights, fewer classroom and cafeteria disruptions, and significant reductions in suspensions. For example, Cole Middle School in Oakland reported a 20 percentage point reduction in suspensions three years after implementation and a 40 percentage point reduction in students suspended more than once, from 60 percent to 20 percent.[134]

The International Institute for Restorative Practices has published outcomes for six "client" schools in Pennsylvania, including West Philadelphia High School, a school classified as persistently dangerous by the state.[135] Violent acts and serious incidents dropped 40

129 Costello, Bob, et. al., "Restorative Practices Handbook," Op. Cit., pp. 36-37.
130 Ibid., p. 34.
131 Brown, Op. Cit., and NYC Comptroller staff meeting with representatives of the Gay, Lesbian, and Straight Education Network, April 1, 2013, and Costello, Bob, et. al., "Restorative Practices Handbook," Op. Cit., pp. 21, 61.
132 Ibid., pp. 53-54.
133 Ibid., p. 7.
134 Kidde, Jon and Alfred, Rita, Op. Cit., p. 17.
135 The school was eventually closed and then recently re-opened in a new building location.

percent in the second year after implementation of restorative practices, and suspensions decreased by 50 percent.[136] In one Minnesota middle school evaluation, out-of-school suspensions dropped by 50 percent by the third year after the program started.[137] After the Denver Public Schools adopted new discipline policies that use restorative practices, police tickets in schools decreased by 68 percent, and suspensions were reduced by 40 percent.[138] According to *Education Week*, Christian Fenger Academy High School in Chicago, "where most students come from low-income families and most are African-American, reports that it has reduced its suspensions by 75 percent in the last three years."[139] Moreover, City Springs, a combined elementary and middle school in Baltimore, saw a one-year drop in suspensions from 86 per year to 10.[140] Here in New York City, an elementary school using restorative practices reported that the number of students sent to the principal's office fell from 100 per month to two or three.[141]

A principal in Baltimore also reported an improvement in academic achievement, as measured by state assessment tests. The number of students learning on grade level tripled. She attributed the improvement to the change in school culture: extra teaching time was created by the decrease in distractions from behavior issues.[142] Other schools using restorative practices also have reported positive impacts on academic performance.

Challenges and Rewards

Using restorative practices requires administrators and teachers to take on different roles and responsibilities. Administrators are relieved of some of the pressure to "fix" things when wrongdoing occurs. Actively involving those affected by wrongdoing not only meets their needs better than traditional responses, but it also creates collective responsibility. For both teachers and administrators, the approach necessitates a transition from imposing rules and solving problems to being a facilitator. Their job is to ask the right questions. Administrators still have input, but making conflict resolution a collaborative process gives everyone a stake in the outcome and makes them more likely to follow through.[143]

Teachers and school leaders may have concerns about this shift in their job description. It can be difficult to give up control and allow students to have a say in how they will make things right. By actively engaging students in this process, adults are changing the typical dynamic from doing things *to* students or *for* students to doing things *with* students.[144] Moreover, educators might view practices such as conducting circles as taking precious time

136 Lewis, Sharon, Editor, "Improving School Climate: Findings from Schools Implementing Restorative Practices," *International Institute for Restorative Practices,* Bethlehem, Pennsylvania, 2009, http://www.iirp.edu/pdf/IIRP-Improving-School-Climate.pdf.

137 "In-School Behavior Intervention Grants Final Report 1999-2001," *Minnesota Department of Children, Families and Learning*, 2001, Roseville, MN, http://www.doc.state.mn.us/rj/documents/CommissionerChristineJax.pdf.

138 "Building Safe, Supportive and Restorative School Communities in New York City," Summer 2011, http://www.nesri.org/sites/default/files/FINAL_DRAFT_CaseStudies_SchoolClimate_Rev.pdf.

139 Shah, Nirvi, "'Restorative Practices': Discipline But Different," Op. Cit.

140 Mirsky, Laura, "Restorative Practices: Whole-School Change to Build Safer, Saner School Communities," *International Institute for Restorative Practices, Restorative Practices* E Forum, May 26, 2011, http://www.iirp.edu/iirpWebsites/web/uploads/article_pdfs/93801_Whole-School-Change.pdf.

141 Mirsky, Op. Cit.

142 Ibid.

143 Costello, Bob J., et. al., "Restorative Practices Handbook," Op. Cit., pp. 64-68.

144 Ibid., p. 6.

away from classroom learning. If the techniques are effective, however, they could actually increase teaching time in the long run, reducing interruptions caused by behavioral issues and increasing opportunities for students to remain in class and keep up with classwork, rather than serving detention.[145] Additionally, as the collaborative approach of restorative practices takes hold, schools using the techniques have reported improved relationships between teachers and between teachers and administrators.

Of course, restorative practices are not always effective. Moreover, they can and do require a sustained commitment of several years to implement and ongoing reflection to improve and customize the approach to each school's needs. Given the resource shortfalls in most New York City schools, staff may have legitimate concerns about finding the time to learn and carry out the practices. In addition, some school staff, parents, and external observers may prefer the current reliance on suspensions as the most efficient way to deal with certain behavioral issues. Indeed, a recent editorial in the *New York Daily News* mocked the use of restorative practices: "Once there was command authority with consequences. Now, there's psychobabble and touchy-feely gobbledegook."[146]

Supporters of restorative practices point out that the "command-and-control" approach to punishment only works when someone in authority is watching. In contrast to this type of external control, "Restorative methods impose a consequence rather than a punishment… A consequence dramatically improves the chance that positive attitudes and behaviors will be internalized and that young people will behave well, not merely out of fear, but because they want to feel good about themselves and have a positive connection to others."[147]

A wide array of local stakeholders, including The Coalition For Asian American Children and Families, The Legal Aid Society, New York Civil Liberties Union, Teachers Unite, Make the Road New York, the Center for Court Innovation, Advocates for Children, DRUM, the New Settlement Parent Action Committee, the National School Climate Center, The Dignity in Schools Campaign, Bronx Defenders, the Center for Community Alternatives, and the Children's Defense Fund have all expressed support for an expanded approach to restorative practices in New York City schools.[148] In May 2013, former New York State Chief Judge Judith Kaye, working with a task force of experts, released a report on ways to keep students in school and out of the criminal justice system which recommended measuring and monitoring the implementation of restorative practices as an incentive to increase its usage.[149]

145 Shah, Nirvi, "'Restorative Practices': Discipline But Different," Op. Cit.

146 *New York Daily News*, "Department of Education is taking the discipline out of suspension process: New rules replace authority with feel-good prattle," *Opinion*, September 3, 2012, http://www.nydailynews.com/opinion/department-education-discipline-suspension-process-article-1.1149349#ixzz25ViVQZ8v.

147 Costello, Bob J., et. al., "Restorative Practices Handbook," Op. Cit., p. 77.

148 "Testimony presented before The New York City Council Committees on Public Safety, Education, and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," New York City Council, April 15, 2013, http://legistar.council.nyc.gov/Calendar.aspx, accessed on June 2, 2013.

149 "Keeping Kids in School and Out of Court: Report and Recommendations," *New York City School-Justice Task Force*, May 2013, p. vii, http://www.nycourts.gov/ip/justiceforchildren/PDF/NYC-School-JusticeTaskForceReportAndRecommendations.pdf.

Safer Saner Schools

Some New York City Department of Education teachers and a handful of its schools have already adopted restorative practices as an alternative to or as a supplement to traditional disciplinary approaches. Indeed, the DOE Discipline Code for the current school year expanded the list of restorative approaches.[150] Often, a teacher or administrator who has read about the techniques or attended some training introduces the concepts in their school. In other cases, an outside group provides training to some or all of the staff at a specific school. There appears to be an appetite among school personnel to expand these efforts. Teachers Unite, a group of New York City educators who offer study groups and training in restorative justice, attracted more than 100 attendees to a January 2013 professional development session.[151]

The current piecemeal method has several drawbacks. If the person spearheading the implementation leaves, the commitment to continuing these practices can wane. Moreover, it can be difficult for one person to find the time and gain the staff commitment at their school to conduct the training and the follow-up. If only some staff use the practices, students face an inconsistent set of behavioral norms and consequences, which undermines fairness and efficacy. Moreover, a "stealth" approach may not be successful or effective; the leadership of the school must first demonstrate to students, school staff, parents, and the community that it "buys in" to the use of restorative practices. One study found that principals who believed that suspensions could be reduced if the school climate was positive had lower suspension rates and used preventive measures more frequently.[152] Lastly, it takes ongoing effort and technical assistance to implement the restorative justice practices, as with any new methodology, and training alone may not be sufficient.

Overcoming people's natural concerns about this type of change requires time as well as a strong, shared vision about why the change is needed and the support needed to implement the change.[153] Accordingly, this study recommends that the Department of Education pilot an approach known as "whole-school climate change" at 30 middle schools reporting the greatest number of suspensions, that express a desire to improve their school's climate. Priority should be given to schools whose demographic profiles contain high concentrations of students at risk for dropping out, including significant proportions of students living in poverty, black or Hispanic students, and/or special education students. If successful, the pilot should be expanded to 100 additional middle schools. For the pilot, the International Institute of Restorative Practice's (IIRP) "Safer Saner Schools" program offers a promising solution. **Investing in this restorative practices program at the 30 middle schools with the highest suspensions (See Appendix B on page 53) would cost approximately $633,000 per year for the two-year pilot and $2.1 million per year to expand the Safer Saner Schools program to 100 additional middle schools in the following two years.**[154]

150 "Citywide Standards," Op. Cit., p. 7.

151 Meeting with Teachers Unite and NYC Comptroller staff, January 16, 2013.

152 Losen, Daniel J. and Skiba, Russell J., Op. Cit., p. 10, citing a study by Skiba, et. al. (2003) and Sparks, Sarah D., "School Climate: Missing Link in Principal Training?" *Education Week*, March 6, 2013, discusses the role principals play in school climate and its connection to student achievement.

153 Costello, Bob J., et. al., "Restorative Practices Handbook," Op. Cit., pp. 79-97.

154 Estimated costs based on International Institute for Restorative Practices' "Safer Saner Schools" program. Pilot in Years 1 and 2 at 30 middle schools with high

The International Institute for Restorative Practices, a graduate school based in Bethlehem, Pennsylvania, grew out of work done by two sister organizations that developed and ran a school based on restorative practices for delinquent and at-risk youth in Pennsylvania.[155] IIRP has conducted almost 150 restorative justice trainings at elementary, middle, and high schools over the last five years in large, urban, and semi-urban school districts, including Philadelphia, Detroit, San Francisco, and Baltimore. It has also trained the staff of the New York City Probation Department in a range of restorative practices, including restorative conferences. The Safer Saner Schools program is currently operating in over 20 schools in more than a half-dozen states.[156] In New York City, Warren Prep Academy, an elementary school located in the Bedford-Stuyvesant neighborhood of Brooklyn, and the High School for Arts, Imagination, and Inquiry, a high school sited within the Martin Luther King High School complex on Manhattan's Upper West Side, are using the Safer Saner Schools program.

This study recommends that the DOE pilot an approach known as "whole-school climate change."

The Safer Saner Schools program offers comprehensive training and implementation support for schools seeking to adopt restorative practices. The program seeks to train everyone who works at the school, including teachers, administrators, support personnel, and others such as School Safety Agents, cafeteria workers, and custodians to help support the change in school culture. This approach to training offers at least two benefits. First, by training the whole school, rather than an intervention targeting those students who are in crisis, the school is more likely to achieve a paradigm shift. Second, by emphasizing school-wide prevention practices and using restorative practices to manage difficulties, as illustrated in the pyramid above, there should be fewer students requiring intense intervention.[157]

The initial professional development session is an introduction to restorative practices. The next 3-hour session with all staff is held early in the first year of the program to engage the school in developing a 2-year implementation plan. School staff members are trained in how to create and conduct Professional Learning Groups. These Groups provide a mechanism for ongoing collaboration between staff and the administration throughout the implementation process. A second professional development session on how to use "circles" effectively for a broad range of behavioral and academic purposes ideally happens early in Year 1. IIRP follows up with monthly calls to the school leadership and Professional Learning Groups and provides on-site consulting days. It also supports ongoing evaluation of progress,

suspension rates includes training and ongoing support for 80-90 staff. The cost for a 2 year-program: 30 schools x $42,200/2=$633,000 (FY 2014), $633,000 (FY 2015). Costs to expand program to 100 middle schools with high suspension rates/behavioral issues in Years 3 and 4 are calculated as follows: 100 x $42,200/2=$2.110 million (FY 2016), $2.110 million (FY 2017). Does not include travel expenses.

155 Costello, Bob J., et. al., "Restorative Practices Handbook," Op. Cit., pp. 3-4.

156 This number includes ten of the most challenging secondary schools in Philadelphia in an effort recently funded by philanthropic support from the Philadelphia Foundation. Also, IIRP is partnering with the Newark public school district in a district-wide phased-in implementation beginning with two high schools and training for school security and city police.

157 Kidde, Jon and Alfred, Rita, Op. Cit., p. 10.

including comparative discipline data. Supporting materials including restorative justice-related books, videos, flashcards, and posters are provided to participants.

In Year 2, ongoing consultation calls with school leadership and staff continue and a greater emphasis is placed on achieving 100 percent staff participation, refining skills, evaluation, and sustainability. Two additional professional development days are scheduled in Year 2, if not completed in Year 1, to learn how to facilitate restorative conferences and a session on how to effectively engage and empower families using restorative practices. The training includes the use of scripted, open-ended questions for the facilitator and realistic role playing exercises that promote empathy by giving trainees a chance to experience the perspectives of each type of participant: offender, victim, parent, friend or classmate, and the facilitator.[158] Lastly, significant efforts are devoted to developing a sustainability plan to ensure that school staff will continue implementation after the training ends and embedding restorative practice into the staff's vocabulary and the school's daily life. As part of this effort, several current staff are selected to learn how to train staff members who are hired after the two-year program ends.

As noted previously, finding the time to learn and carry out restorative practices is a legitimate concern, especially amid the many demands placed on New York City middle school administrators, teachers, and other school staff. Other schools that have successfully implemented restorative practices can serve as a vital resource for solutions to the time management issues.

Because every school community is unique, each school participating in the program will develop its own vision of what needs to change and how to assess that change. Quantitative measures such as reduced disciplinary incidents, fewer suspensions, and less absenteeism and truancy are some possible metrics. Qualitative improvements are also expected, including a more positive school culture, improved relationships among students, between students and teachers, among teachers, and between teachers and administrators. The Safer Saner Schools program is a tool. To be successful, stakeholders—students, teachers, administrators, support staff, and parents—must be committed to implementing the change and continuously reflecting on and improving their practice. [159] Moreover, schools may want to explore other tools that complement restorative practices, such as peer mediation, social-emotional learning curricula, and Positive Behavioral Intervention and Supports (PBIS).[160]

158 Costello, Bob J., et. al., "Restorative Practices Handbook," Op. Cit., pp. 34-36.

159 For program description and costs, see: "Safer Saner Schools: Whole-School Change Through Restorative Practices: Program Overview," http://www.iirp.edu/pdf/WSC-Overview.pdf, and "Safer Saner Schools Program: Whole-School Change (Two-Year Cost)."

160 The Morningside Center for Teaching Social Responsibility (http://www.morningsidecenter.org/) and The Peace Institute (http://nypeace.org/) offer programs in conflict resolution and peer mediation that have been used successfully in New York City schools. Other important social-emotional skills include concentrating on a task or transitioning smoothly from one to another and identifying one's own and others' emotions and social cues. PBIS is already used in District 75 of the New York City Department of Education, which focuses on the education of students with disabilities. For more information on PBIS, see: http://www.pbis.org/school/what_is_swpbs.aspx.

Increase School Counselors and Social Workers

The journey between childhood and adolescence can be especially rocky for youngsters who are already facing other challenges in their life, such as poverty, neighborhood safety, and housing instability. As the President of the National School Climate Center recently observed, "Student behavioral problems—those that result in suspensions or arrests—typically signal unmet needs…[T]he vast majority of behaviorally disordered students are signaling that they are in trouble and need help…"[161] For all children, but especially those most at-risk, experts agree that the single most important success factor is the presence of strong adult relationship(s).[162] Having someone to talk to at school when needed may be the difference between a behavior incident that leads to a suspension and the ability to regain self-control and remain in the classroom to continue learning.

The adults at the other end of these relationships do not have to be professional staff members such as teachers or administrators. A trusted secretary or cafeteria worker may be the perfect confidante. The key is the trusting relationship with the student and providing all school staff with appropriate training on how to respond.

Realistically, however, most adults in a school building are busy much of the time, and they are not always able to talk at the moment the student needs them. Creative scheduling, such as having a teacher on duty every period to consult with students, can help bridge some of the gap and stretch existing resources. In some cases, however, a student's needs may extend beyond what the current staff feels qualified or able to provide. Accordingly, while every staff member in a school needs to be ready and available to respond to students, supplementing this core strength with additional professional staff devoted to providing student support is essential, as a matter of sheer numbers, expertise, and the strength of their

161 Cohen, Jonathan, "Testimony presented before The New York City Council Committees on Public Safety, Education, and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," National School Climate Center, April 15, 2013, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1326517&GUID=4B192B42-E95B-4EEE-A21C-65B99149F820&Options=&Search.

162 For example, see Cramer, Philissa, Op. Cit., and Camblin, Sharon J., "The Middle School Grades: Putting All Students on Track for College," *Pacific Resources for Education and Learning*, April 2003, p. 4, and Sparks, Sarah D.,"Social-Emotional Needs Entwined with Students' Learning, Security," *Education Week*, January 10, 2013, http://www.edweek.org/ew/articles/2013/01/10/16environment.h32.html?INTC=EW-QC13-EM. Describes the importance of having more adults who play positive roles and are visible in the schools.

connections.[163] These support staff work at the critical nexus of the unique developmental, academic, and behavioral issues found in the middle school years, but current staffing levels are inadequate compared to the demand for and importance of these functions.[164]

School Counselors

School counselors, also known as "guidance counselors," are professional educators with a mental health perspective. They must be certified by the New York State Education Department (SED) and have a master's degree.[165] School counselors work with administrators, parents, and the community to create a caring, supportive school-wide climate as illustrated in the green section of the pyramid on page 30. Through a comprehensive developmental school counseling program, middle school counselors can work with all students on the academic and personal behavioral skills needed to succeed in middle school and beyond. These include:

- Academic skills support
- Organizational, study, and test-taking skills
- Education in understanding self and others, including individual strengths and weaknesses
- Coping strategies
- Peer relationships and effective social skills
- Communication, problem-solving, decision-making, and conflict resolution
- Career awareness, exploration, and planning
- Substance abuse education
- Multicultural/diversity awareness[166]

According to the American School Counselor Association, middle school counseling programs are "essential for students to achieve optimal personal growth, acquire positive social skills and values, set appropriate career goals, and realize full academic potential to become productive, contributing members of the world community. "[167]

As illustrated in the yellow section of the pyramid on page 30, middle school counselors are often the initial staff person to step in to address early signs of behavior issues, such as a first-time suspension, and work to reduce the likelihood of further disciplinary problems. Counselors collaborate with teachers to identify at-risk students and develop a plan to help the student be successful. In addition to working directly with the student on social-

163 In the wake of the December 2012 school shooting incident at Sandy Hook Elementary School in Newtown, Connecticut, President Obama, while offering funding for safety personnel, also proposed a package of supports that included counselors, psychologists, and social workers for schools. These professionals can intervene early to provide direct in-school help to students who are exhibiting some behavior problems or provide more intensive assistance to students with ongoing, serious behavioral issues. See: http://www.whitehouse.gov/issues/preventing-gun-violence#what-we-can-do.

164 Kazansky, David,"Testimony presented before The New York City Council Committees on Public Safety, Education, and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," *United Federation of Teachers*, April 15, 2013, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1326517&GUID=4B192B42-E95B-4EEE-A21C-65B99149F820&Options=&Search. The UFT Director of School Safety testified that "…where key counseling professionals are present in the schools, their caseloads are bursting and the needs of students are not met."

165 "School Guidance Counselors in New York City Public Schools," New York City Department of Education, Office of Youth Development and United Federation of Teachers Guidance Counselor Chapter, http://schools.nyc.gov/NR/rdonlyres/E87396C8-B32F-43A0-9309-A6F533B60B53/24834/UFTguidanceBrochure1.pdf, accessed on June 2, 2013.

166 "Why Middle School Counselors," http://www.schoolcounselor.org/content.asp?contentid=231.

167 "Why Middle School Counselors," Ibid.

emotional skills, increasing resiliency, and conflict resolution, school counselors may also hold a conference with the student's parents and teachers.[168]

New York City's school counselors are also responsible for facilitating a student's return to school following a suspension or time in the juvenile justice system, a time-consuming responsibility, especially in the larger middle schools. They also provide counseling to individuals and small groups as well as crisis intervention.[169]

In consultation with teachers, administrators, and parents, they also judge when a higher level of intervention is needed. Examples of when such referrals might be needed include repeated suspensions or an ongoing, serious problem such as substance abuse. In these cases, the school counselor may refer the student to other mental health professionals in the school or community.

In addition to social and personal development, New York City's middle school counselors have many other academic responsibilities, including reviewing transcripts, New York State ELA and math assessment results, and graduation requirements with students and their guardians as well as transition planning and processing of applications to high schools. A recent study found that low-performing New York City middle school students tend to wind up in low-performing high schools. The study called for more school counselors to help these students understand their secondary school options.[170]

Unfortunately, given their time-consuming responsibilities and generally high caseloads, many middle school counselors are often not able to provide students with enough individualized attention to meet their academic and social-emotional developmental needs. The shortage of middle school counselors and the consequences are not limited to New York City. Recently, the Seattle teacher's union president cited the lack of school counselors "to help kids work out their problems" as a factor in the district's reliance on suspensions, now the subject of a U.S. Department of Education investigation.[171]

Middle school counselors currently have an estimated average caseload of 629 students. Some middle schools have considerably higher caseloads than others. There are close to 210,000 middle school students attending NYC public schools, and currently about 334 school counselors serving these students. **To meet the American School Counselor Association's recommended student-to-counselor ratio of 250:1, NYC would need to hire an additional 505 school counselors.** Based on an NYC DOE average salary plus benefits of $109,000, **the annual cost when fully implemented for the additional school counselors is $55 million.**[172]

168 United Federation of Teachers Guidance Counselor Chapter, Op. Cit.

169 For more information on the roles and responsibilities of school counselors at the high school level, see: "The Power of Guidance," *Office of the New York City Comptroller*, October 2012, http://www.comptroller.nyc.gov/bureaus/opm/reports/2012/Power_of_Guidance_Oct_PDF.pdf.

170 Nathanson, Lori, et. al., Op. Cit.

171 Dornfeld, Ann, Op. Cit.

172 This figure was developed as follows: 209,812 students in grades 6-8 divided by 250 = 839 total counselors needed. After netting out the current staffing of 334 counselors, the deficit is 505 school counselors. Average salary plus benefits equals $109,000; $109,000 x 505 equals $55 million. Based on a four-year phase in of 25%/50%/75%/100%. Sources: Comptroller's Office Estimate: 6-8 enrollment: "School Demographics and Accountability Snapshot" (DOE); Recommended ratio: American School Counselor Association; Number of school counselors: United Federation of Teachers; Salary: The City of New York Adopted Budget FY 2013.

Social Workers

School social workers appear at the top tiers in the hierarchy of interventions (see red zone in the pyramid on page 30). Access to school psychologists and referrals to off-site mental health services can also be targeted responses for students exhibiting moderate-to-severe behavior issues. Social workers are part of a school team that monitors students' academic and behavioral success and helps determine which students need more intensive assistance. While social workers are part of school-wide prevention efforts, such as restorative practices, their expertise is vital to efforts targeted at small group and individual interventions.[173]

School social workers are licensed professionals with graduate degrees and are specially trained to work in a school setting. Because school social workers are able to work with and directly observe students in the school setting, their perspective can be especially valuable. By collaborating with in-school resources, families, and community-based organizations, social workers are able to lead efforts to improve a student's academic achievement as well as their social, emotional, and behavioral skills.[174] Many social workers view their mission as helping to reduce or eliminate barriers to equal educational opportunity for all students, but especially those groups that have suffered from disparities in achievement, graduation rates, and college attendance. As such, it is important for school social workers to be culturally competent—able to work in an environment with a community of diverse racial, ethnic, linguistic, religious, and other backgrounds.[175]

Social workers can make valuable contributions to the goal of creating a positive school climate. They can serve as a bridge between the school, home, and community, facilitating understanding about the factors in each that are affecting a student's behavior. Other important roles include training parents, staff, and community members to identify and remove barriers to learning and collaborating in the establishment of initiatives to promote student well-being.

Small group and short-term interventions might focus on academic and social-emotional concerns as a way to address problematic behavior. For example, a middle school student who has been suspended for the first time might be referred to a school social worker to participate in small group sessions with other students to learn anger-management techniques to prevent a re-occurrence. The strategies are intended to be straightforward to implement and able to produce a quick turnaround in the student's ability to be successful in school. Social workers also assist with other barriers, such as the need for low-cost or free eyeglasses to help a student who has been acting out in class to be able to see the blackboard and stay focused.[176]

173 "NASW Standards for School Social Work Services," *National Association of Social Workers*, http://www.naswdc.org/practice/standards/NASWSchoolSocialWorkStandards.pdf.
174 Ibid.
175 Ibid.
176 Ibid.

For students who have not responded successfully to school-wide initiatives to create a positive climate or to short-term, targeted interventions, a third approach is indicated, one that is individualized and longer-term. This type of assistance is intended for students that have chronic, serious issues with behavior (or academics or social-emotional problems). It may not be possible to entirely alleviate the causes of the problems, but a social worker tries to limit as much as possible its impact on the student's ability to function at school and to build upon the student's strengths. The student's family members may be part of the team as the social worker helps build their capacity to assist the student. The social worker might also identify and help make the connection to community resources to further improve the situation, such as a psychiatrist for evaluations of the need for medication.[177]

Today in New York City, there are currently approximately 1,323 school social workers working in the public school system. **This study recommends adding 232 social workers to bring the average student-to-social worker ratio in grades 6-8 to the recommended 400:1.[178] The annual cost when fully implemented for the additional middle school social workers is $26.5 million.**

Other mental health interventions aimed at improving school climate as a means to improving academic outcomes, such as Turnaround for Children, also deserve further consideration. Turnaround for Children, founded in 2002, is a program developed by Dr. Pamela Cantor, a psychologist. Geared towards schools in high poverty neighborhoods, the program deploys a three-person team to partner with administrators, teachers, and social workers at a group of schools for 3 to 5 years. All Turnaround schools employ a social worker to provide direct services and establish partnerships with community-based providers. The Turnaround social worker serves as a consultant to the school social workers on how best "to help with the psychological and emotional needs of children facing the adversities of poverty."[179] The program is still small and replicating it widely might present challenges, however, as a targeted intervention for certain high needs middle schools, the approach is promising. While the Turnaround model calls for a partnership with a community-based mental health agency, expanded access to school-based mental health clinics, which are an especially important resource for students with ongoing behavioral issues, exposure to trauma, and crisis intervention, is also needed.[180]

177 Ibid.

178 Comptroller's Office Estimates: By allocating the 1,323 social workers based on the proportion of students in middle school grades, the estimated number of social workers available at the middle school level is 292. The FY14 budget does not provide a breakout of the number of social workers by school level. We assumed that they are equally distributed by grade. According to the NYC DOE Demographics and Accountability Snapshot, there were 209,812 6th to 8th graders in 2011-2012. If we divide that by the total number of students (917,919), then 6th to 8th graders represent 22% of all students. 22% * 1,353 social workers = 292 social workers for 6th-8th graders. There should be 209,812/400 = 524 social workers for this group based on the 400:1 ratio, leaving a deficit of 232. Average salary plus benefits equals $114,409; $114,409 x 232=$26.5 million, phased in over a 4-year period at a rate of 25%/50%/75%/100%. Social worker ratio from http://sswaa.affiniscape.com/associations/13190/files/School%20Social%20Worker%20Staffing%20Needs%20Ratio.pdf.

179 "Turnaround for Children at a Glance," Turnaround for Children, and email to Comptroller staff, January 31, 2013.

180 Mar, Nelson, Op. Cit. Mr. Mar testified that 40 school-based mental health clinics closed in 2012 in New York City be re-opened at a cost of $4.8 million.

The following two recommendations are not exclusive to middle schools; they are, however, key components of any strategy to achieve the recommended results.

Empower Principals to Oversee School Discipline and Safety

With restorative practices and more school counselors and social workers in place, it would be appropriate to revisit the current Discipline Code and require the use of these types of alternative interventions before resorting to suspensions, except under extreme circumstances. Russell Skiba, an education policy researcher, has noted that given the developmental propensity of middle school students to misbehave, discipline that teaches appropriate behavior is in order: "Yet it also stands to reason that fair and effective discipline in middle schools would maintain safe and orderly learning environments without removing large percentages of students…[through suspensions]."[181]

State education officials in Michigan and Maryland have begun moving away from mandatory suspensions for certain infractions.[182] The Michigan State Board of Education issued a resolution calling on local school districts to "implement or expand the use of proven alternative behavior management strategies like restorative practices… which allow educators to address disciplinary matters correctively, rather than punitively, reducing suspensions." In Maryland, new regulations ban zero-tolerance policies with automatic consequences.[183]

The most recent revisions in the DOE Discipline Code took some steps towards reform, including emphasizing the use of progressive discipline and guidance interventions, an expanded list of restorative practices, and clarification of what constitutes "insubordinate behavior.[184] NYC DOE needs to go further and **adopt the recommendations of the Dignity in Schools Coalition: The group's eight proposed reforms include:**

- Eliminating suspensions as a disciplinary response for minor misbehaviors in Levels 1-3 of the Code (see page 8) and enforce the ban;
- Mandating the use of positive interventions such as counseling and restorative circles in all schools as an alternative to non-legally mandated suspensions, prior to required suspensions, and upon a student's return to school after a suspension to help with reintegration;
- Eliminating long-term suspensions of more than 10 days; and
- Requiring schools to uphold student's due process rights.[185]

181 Losen, Daniel J. and Skiba, Russell J., Op. Cit., p. 11.

182 "End Zero Tolerance Battle Continues in Maryland, Georgia, New York City," *Restorative Works Learning Network*, July 26, 2012, http://restorativeworks.net/2012/07/end-zero-tolerance-maryland-georgia-new-york-city/.

183 "State Board of Education Resolution to Address School Discipline Issues Impacting Student Outcomes,' Department of Education, State of Michigan, June 12, 2012, http://www.michigan.gov/documents/mde/Final_Resolution_School_Discipline_Issues_Impacting_Student_Outcomes_389055_7.pdf. The resolutions calls on school districts statewide to adopt policies without mandated suspensions for issues that do not involve a weapon. "Maryland Board of Education preliminarily approves regulations reforming student discipline, banning zero tolerance policies with automatic consequences," *NSBA Legal Clips*, August 2, 2012, http://legalclips.nsba.org/?p=15609. The new regulations require local school boards to adopt a rehabilitative philosophy toward discipline and teach students positive behavior. Zero tolerance policies with automatic consequences would be banned, and long-term suspensions and expulsions are referred to as a last resort.

184 "Briefing Paper for Oversight Hearing: Examining School Climate and Safety," Op. Cit., p. 12.

185 "Building Safe, Supportive, and Restorative School Communities in New York City," *Dignity in Schools Campaign*, Summer 2011, http://www.nesri.org/sites/default/

Moreover, the respective roles of school personnel and School Safety Agents with regard to acts of misbehavior versus criminal activity need to be clarified and enforced. Principals need to be fully empowered with the authority to oversee discipline and School Safety Agents in their school. The Council of School Supervisors and Administrators, the organization representing New York City DOE principals, has voiced its support for re-defining current practice to allow principals to make the decision about whether a student behavior incident should be handled at the school level through the Discipline Code or requires involvement by law enforcement.[186] Current efforts to expand training for School Safety Agents should be maintained to facilitate a better understanding of their role and how to carry it out.

Although charter schools are not covered by the Discipline Code, reports by attorneys and in the media have noted that charter school discipline policies can be much harsher than what is permissible in DOE schools.[187] Stories of students suspended repeatedly and/or pushed out entirely have appeared with regularity. Additional oversight is needed to determine the extent of the problem and whether these policies are carried out in a legally acceptable and appropriate manner.

Revise the Student Safety Act

While the 2011 Student Safety Act has brought much-needed transparency and accountability, revisions are needed in order to fully understand the suspension and arrest issues at the middle school level. Specifically, the content and format of the data currently provided by the DOE and the NYPD hinders analysis or the ability to draw certain conclusions with confidence.

Several legal organizations that represent students who have been suspended or arrested have recommended the following changes:

- Include citywide totals for each of the reporting categories currently mandated under City law: race/ethnicity; gender; grade level at the time of imposition of discipline; age of the student as of December 31st of the school year during which discipline is imposed; whether the student is receiving special education services or is an English Language Learner; disciplinary code infraction; and length of suspension.[188]
- Require schools with less than nine suspensions to report aggregate suspensions to alleviate the extensive undercounting in the current data.[189] According to one analysis, 34 percent of the data required under the Act is redacted by the Department of Education, including the total number of citywide suspensions.[190]

files/FINAL_DRAFT_CaseStudies_SchoolClimate_Rev.pdf and "A Model Code on Education and Dignity: Presenting a Human Rights Framework for Schools," *Dignity in Schools Campaign*, August 2012, http://www.dignityinschools.org/files/DSC_Model_Code.pdf and Lumumba, Rukia, Op. Cit.

186 Herman, Randi, Op. Cit. and Medina, Jennifer, "Police Arrest a Student, Then Her Principal, Too," *The New York Times*, October 10, 2007.

187 Dufresne, Bernard, "Testimony presented before The New York City Council Committees on Public Safety, Education, and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," *Advocates for Children*," April 15, 2013, and Mar, Op. Cit.

188 Ginsburg, Nancy, "Testimony presented before The New York City Council Committees on Public Safety, Education, and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," *Legal Aid Society,* April 15, 2013, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1326517&GUID=4B192B42-E95B-4EEE-A21C-65B99149F820&Options=&Search.

189 Ibid.

190 Miller, Johanna,"Testimony presented before The New York City Council Committees on Public Safety, Education, and Juvenile Justice Oversight Hearing: Examining

- Include reports of arrests and summonses that are recorded by local precinct officers when they are called into schools to handle incidents rather than the School Safety Agents.[191]

- Require that schools report what actions were taken by law enforcement in response to incidents that were categorized as non-criminal, which include those that are not considered a felony or misdemeanor, and that "fall within one of the following types: dangerous instruments; fireworks; trespass; disorderly conduct; harassment; loitering; or possession of marijuana."[192]

- Require that the DOE report all schools or categories where there are zero suspensions to allow a closer examination of the relevant disciplinary policies.[193]

- Change the minimum number of suspensions required for redaction from 9 to 5, per the U.S. Office of Management and Budget recommended method of de-identifying confidential records through redaction.[194]

- Require that DOE report all "teacher removals" and emergency medical service removals, practices that may be used to take the place of suspensions without being classified as such.[195]

- Require that DOE report the number of students suspended for all the categories required for reporting the number of suspensions. In addition, DOE should report the total number of students suspended citywide by the number of suspensions (e.g., number of students suspended once, number of students suspended twice, etc.) and also broken down by all the mandated categories.[196]

- Require the NYPD to report arrests and summonses by school in addition to the current borough patrol format.[197]

In addition to reporting on suspensions and arrests, schools should also provide data on their use of positive interventions and make all reports readily accessible to the public to increase transparency and accountability. Currently, the suspension and arrest reports are only available upon request.

School Climate and Safety," *New York Civil Liberties Union*, April 15, 2013.

191 Ibid., and Suvall, Cara, Op. Cit.

192 Miller, Op. Cit.

193 Ibid.

194 Ibid.

195 Mar, Op. Cit. Data obtained through a FOIL request to DOE and Emergency Medical Services (EMS) by Bronx Legal Services showed more than 9,600 calls to EMS related to discipline infractions between 2009 and 2012.

196 Mar, Op. Cit.

197 Koppel, Jaime Tackett, "Testimony presented before The New York City Council Committees on Public Safety, Education, and Juvenile Justice Oversight Hearing: Examining School Climate and Safety," *Children's Defense Fund*, April 15, 2013.

Conclusion

In recent years, politicians, parents, and policymakers have aimed a laser-like focus on school accountability, with strong attention to metrics such as test scores and graduation rates. Often overlooked in these school-improvement efforts is the issue of school climate and culture. Behavioral problems, absenteeism, and low-achievement are often symptoms of a stormy school climate that does not provide a positive, developmentally appropriate, learning environment for students. A greater emphasis on creating a positive school climate through a collaborative effort among school leadership, teachers, staff, students, and parents can be a critical missing ingredient needed to improve academic outcomes. Starting with the most at-risk middle schools, the New York City school system should seek to move from punitive suspensions as a primary response to wrongdoing to the promotion of positive behavior. By providing the supports needed to teach students how to understand the impact of and make amends for negative behavior, stakeholders can help create a positive and safe school climate that encourages all students to reach their full academic potential. The individual and societal returns from investing in keeping students in school to become college and career ready are clear.

Appendix A: School Suspension Data

Overview

Pursuant to the 2011 Student Safety Act, the DOE supplies the City Council with 2 types of reports on school suspension data. For the reporting periods of January 1st to June 30th and July 1st to December 31st, the DOE generates a PDF of principal and superintendent suspensions per month citywide. At the end of an academic year, the DOE releases a PDF with citywide suspension totals by type (principal vs. superintendent), as well as suspension totals for select student subgroups including race/ethnicity, presence of Individualized Education Program, gender, and English Language proficiency.

The DOE also releases an Excel workbook that provides suspension data by school in several tabs. The first tab has suspension totals by school divided by principal and superintendent suspensions for non-charter schools. The next eight tabs each provide the number of principal and superintendent suspensions by school for one of eight variables (race/ethnicity, gender, grade, age, IEP, ELL, infraction, and suspension length).[198]

The New York State Department of Education also publishes school suspension data in its School Report Cards.[199] At the time analysis for this report was conducted, the most recent data available was for the 2009-2010 academic year. The State data has several significant limitations:

- No breakdown between principal and superintendent suspensions
- No detail about suspension length, race/ethnicity, gender, IEP, etc.
- Provides only number of students suspended, not total number of suspensions.

Focus on Standalone Middle Schools

Due to the data's presentation, it is only possible to study one variable at a time. For instance, one can use the "Grade Level" tab in the Excel workbook to tabulate the number of suspensions reported for 6th-8th grade students in each school. However, it is not possible to determine how many of those 6th-8th grade suspensions were earned by males vs. females, IEP vs. non-IEP students, or black vs. Hispanic students, etc. since those metrics are in different tabs. Therefore, to understand suspension trends among subgroups of just middle school students, we could only analyze suspensions in standalone middle schools. Data from New York City Department of Education District 75 (Special Education) and District 79 (Alternative Schools and Programs) as well as charter schools are not included in this analysis.

Redactions and Suspension Rates

Suspensions by school are redacted whenever the total for any given data point is less than 10.[200] This greatly limits analysis for any particular subgroup because data is lost. Since the school is a small unit of analysis, suspensions in a given category, such as principal suspensions for IEP students, are often less than 10 and thus redacted. Hence, there appear to be fewer suspensions for IEP students when they are tabulated by school than when reported citywide.

The amount of lost data is presented in Table 1, which compares the DOE's citywide subgroup suspension totals with the subgroup totals by school, tabulated from the DOE's Excel workbook. As mentioned above, citywide totals are provided in a PDF for suspension type, race/ethnicity, IEP status, gender, and ELL status. However,

198 The last tab has a citywide total for number of post-suspension voluntary and involuntary transfers.
199 Available at: https://reportcards.nysed.gov/.
200 New York City Administrative Code sec 8-1101, et seq.

grade, age, infraction type, and suspension length are excluded from the citywide reporting and only reported by school in the Excel workbook, with redactions. Without the citywide totals, it is not possible to calculate the percentage of missing data for these four variables.

Citywide, there were 69,643 suspensions, which decreases due to redactions when different subgroups are tabulated by school. For instance, 4,891 suspensions are redacted in school-level tabulations by type. This represents 7 percent of citywide suspensions. When suspensions are tabulated by race in schools, 20 percent of the citywide total are redacted, compared with 31 percent for IEP status and gender, and 69 percent for ELL status.

Underreporting of Suspensions by School due to Redactions

CATEGORY	CITYWIDE	BY SCHOOL	REDACTIONS	% MISSING
Suspension Type				
Principal	56,385	54,351	2,034	4%
Superintendent	13,258	10,401	2,857	22%
TOTAL	**69,643**	**64,752**	**4,891**	**7%**
Race/Ethnicity				
American Indian	370	28	342	92%
Asian	2,371	1,186	1,185	50%
Black	36,740	30,970	5,770	16%
Hispanic	25,078	20,220	4,858	19%
White	4,995	3,191	1,804	36%
Multiracial	81	0	81	100%
Unknown	8	0	8	100%
TOTAL	**69,643**	**55,595**	**14,048**	**20%**
IEP				
No IEP	47,177	32,147	15,030	32%
Yes IEP	22,466	16,060	6,406	29%
TOTAL	**69,643**	**48,207**	**21,436**	**31%**
Gender				
Female	21,644	16,364	5,280	24%
Male	47,999	31,391	16,608	35%
TOTAL	**69,643**	**47,755**	**21,888**	**31%**
ELL Status				
ELL	6,414	3,188	3,226	50%
Non-ELL	63,229	18,591	44,638	71%
TOTAL	**69,643**	**21,779**	**47,864**	**69%**

Source: New York City Council, Annual Report 2011-2012.
*Slated for closure in 2013
**Also known as "Knowledge and Power Preparatory Academy VII Middle School"

As a result, our analysis of the 268 standalone middle schools undoubtedly is missing suspensions, and we do not know if the proportions missing are the same as they are citywide. When we tabulate the principal and superintendent suspensions for the 268 schools, we find that there are a total of 18,082 suspensions (13,907 principal and 4,175

superintendent). The non-redacted suspensions for the standalone middle schools account for approximately 28 percent of total non-redacted suspensions in all schools citywide, although enrollment in standalone middle schools is only 16 percent of total DOE enrollment.[201] A total of 515 schools have some combination of 6th, 7th, and/or 8th grade students, and total suspensions for those three grades, where available, are 19,193. Accordingly, the standalone middle schools account for 94 percent of the middle school suspension data.

Given our analysis of citywide data, we must assume that the 18,082 suspensions reported at these schools is an undercount. When suspensions at these schools are tabulated by other metrics, more redactions occur. Fifteen percent of the 18,082 are redacted when racial/ethnic categories are broken out. Fifty percent are redacted for infractions, 23 percent are redacted for gender, and 22 percent are redacted for IEP.

Underreporting of Suspensions in 268 Middle Schools Due to Redactions

	PRINCIPAL	SUPERINTENDENT	TOTAL	% MISSING FROM TOTAL
All 268 Middle Schools	**13,907**	**4,175**	**18,082**	**N/A**
Reporting by Category				
Race	12,394	2,965	15,359	15%
Infraction	8,423	613	9,036	50%
Gender	12,157	1,718	13,875	23%
IEP	11,843	2,304	14,147	22%

Source: New York City Council, Annual Report 2011-2012.

In addition to the issue of redactions, another data limitation concerns suspension rates. The DOE data does not include the number of students suspended, making it impossible to calculate the average number of suspensions per student. This report uses a proxy measure of suspension rates to allow for a comparison between schools based on the relative proportion of suspensions. This rate is calculated as the number of reported suspensions in a school divided by the school enrollment.

Data Integrity

It is worth noting that the classification of an infraction and, in some cases, even the type and duration of the discipline measure administered, are somewhat subjective. For example, when a detention or classroom removal lasts more than 1 day, it is technically considered a suspension, although many school officials may not enter the event as such in the DOE's official database. Similarly, what one administrator might characterize as "horseplay," a Level 3 infraction in the 2011-2012 data, another might consider an example of a Level 4 offense: "altercation and/or physically aggressive behavior." A 2007 NYC Comptroller's audit of the database system used by the Department of Education to record suspensions found "a wide variation from school to school in the reporting of incidents and in the consistent reporting of similar incidents and concluded a significant reason for the variation is the large amount of discretion that administrators have in categorizing incidents at their schools." In addition, the audit found that DOE has weak controls to ensure that data is entered.[202] As such, there may be schools, that, for a variety of reasons, have under-reported the number of suspensions whereas other schools may have scrupulously entered every disciplinary measure.

201 Enrollment and school numbers, "School Demographics and Accountability Snapshot, 2011-2012," *New York City Department of Education*. Does not include District 75, District 79, or charter schools.

202 "Audit Report On The Department Of Education's Reporting Of Violent, Disruptive, And Other Incidents At New York City Public High Schools," MG06-140A, *New York City Office of the Comptroller*, September 19, 2007.

Appendix B: Top 30 Schools by Number of Suspensions

30 Middle Schools with the Most Suspensions, 2011-2012

RANK	SCHOOL	BOROUGH	TOTAL NUMBER
1	J.H.S. 078 Roy H. Mann	Brooklyn	467
2	I.S. 072 Rocco Laurie	Staten Island	427
3	I.S. 051 Edwin Markham	Staten Island	369
4	I.S. 145 Joseph Pulitzer	Queens	363
5	I.S. 061 William A Morris	Staten Island	342
6	I.S. 061 Leonardo Da Vinci	Queens	327
7	M.S. 137 America's School of Heroes	Queens	309
8	Albert Shanker School for Visual and Performing Arts	Queens	291
9	I.S. 068 Isaac Bildersee	Brooklyn	279
10	J.H.S. 118 William W. Niles	Bronx	268
11	I.S. 339	Bronx	241
12	J.H.S. 194 William Carr	Queens	241
13	I.S. 73 - The Frank Sansivieri Intermediate School	Queens	222
14	J.H.S. 022 Jordan L. Mott	Bronx	204
15	J.H.S. 166 George Gershwin*	Brooklyn	198
16	J.H.S. 131 Albert Einstein	Bronx	197
17	I.S. 010 Horace Greeley	Queens	190
18	J.H.S. 190 Russell Sage	Queens	188
19	Andries Hudde	Brooklyn	186
20	J.H.S. 234 Arthur W. Cunningham	Brooklyn	182
21	J.H.S. 217 Robert A. Van Wyck	Queens	180
22	I.S. 059 Springfield Gardens	Queens	175
23	I.S. 5 - The Walter Crowley Intermediate School	Queens	173
24	I.S. 093 Ridgewood	Queens	158
25	I.S. R002 George L. Egbert	Staten Island	158
26	MS 596 Peace Academy**	Brooklyn	157
27	J.H.S. 054 Booker T. Washington	Manhattan	156
28	I.S. 285 Meyer Levin	Brooklyn	156
29	J.H.S. 220 John J. Pershing	Brooklyn	153
30	J.H.S. 278 Marine Park	Brooklyn	149

Source: New York City Council, Annual Report 2011-2012.
*Slated for closure in 2013
**Also known as Knowledge and Power Preparatory Academy VII Middle School

Appendix C: Glossary of Terms and Acronyms

Ad hoc Conferences

Ad hoc conferences are at the mid-point of intervention in the range of restorative practices (see "Restorative Practices on page 61") used in schools. When a minor incident occurs between students, such as one student knocking another's books down in the hallway, staff responds immediately with a spontaneous ad hoc conference to prevent an escalation of the conflict. Depending on the situation, a teacher or other adult can ask the questions directly to each student in private or in front of other students.

Affective Statements

An affective statement is the most informal on the restorative practice (see "Restorative Practices on page 61") spectrum. It involves communicating one's feelings about another's actions or words—both positive and negative—in a respectful manner meant to preserve dignity and foster mutual understanding.

Affective Questions

Affective questions are one level above affective statements in the spectrum of restorative practices (see "Restorative Practices"). Their goal is to bring students together to speak to one another, understand what happened from all perspectives, and find solutions. They enable misbehaving students to consider the impact of their behavior and to learn empathy for those whom they have affected, while also helping the affected student identify how they have been impacted. In contrast, typical discipline-related questions seek to answer: What happened? Who is responsible? Who needs to be punished? What punishment should they receive?

ALCs: Alternate Learning Centers

The New York City Department of Education's Alternate Learning Centers (ALCs) provide an educational setting for students who are serving a Superintendent's Suspension for up to one year. Each borough other than Staten Island has a principal that oversees 5-9 sites (Brooklyn is split in half). Each site has a site supervisor, four core content area teachers, one special education teacher, one counselor, one paraprofessional, and one school aide. The goal is to provide continuity of education for students and allow them to re-enter their home school without falling behind academically.

http://schools.nyc.gov/Offices/ALC/default.htm

Beyond High School NYC

Beyond High School NYC is a major initiative launched by Comptroller John C. Liu to increase the proportion of New Yorkers with higher education to 60 percent by the year 2025 through strategic investments in public education.

CBOs: Community Based Organizations

A community based organization is a public or private nonprofit (including a church or religious entity) that is representative of a community or a significant segment of a community, and is engaged in meeting human, educational, environmental, or public safety community needs.

http://nnlm.gov/sea/funding/cbodef.html

Chancellor's Regulation A-443

This Chancellor's Regulation contains disciplinary procedures for all students, whether in general or special education, grades K-12.

"The Code" (Citywide Standards of Intervention and Discipline Measures: The Discipline Code and Bill of Student Rights and Responsibilities, K-12)

"The Code" outlines the Department of Education's criteria for behaviors that constitute an infraction and their accompanying sanctions. The Code is consistent with all applicable federal and state laws. It consists of five levels, each encompassing progressively more serious behavior and a wider range of responses. The Code counsels the use of less severe disciplinary responses and guidance interventions whenever possible and appropriate prior to imposing the more severe accountability measures, but there is no requirement for administrators to follow the advice.

Conferences

Conferences are a formal and intensive intervention in the spectrum of restorative practices (see "Restorative Practices on page 61") that might be used to address a serious wrongdoing such as a physical fight. All those involved and affected by an incident come together with a trained facilitator to explore what happened, who was affected, and what needs to be done to make things right.

DOE: Department of Education

The New York City Department of Education (DOE) is the largest system of public schools in the United States, serving about 1.1 million students in over 1,700 schools.

http://schools.nyc.gov/default.htm

D75: District 75

District 75 (D75) provides citywide educational, vocational, and behavioral support programs for students who are on the autism spectrum, have significant cognitive delays, are severely emotionally challenged, sensory impaired, and/or multiply disabled. District 75 consists of 56 school organizations, home and hospital instruction, and vision and hearing services. District 75 schools and programs are located at more than 310 sites in the Bronx, Brooklyn, Manhattan, Queens, Staten Island, and Syosset, New York.

http://schools.nyc.gov/Offices/District75/default.htm

D79: District 79

District 79 Alternative Schools and Programs (D79) help students under 21 years old who have experienced an interruption to their studies to stay on track to a high school or high school equivalency diploma, build the skills to succeed in post-secondary opportunities, and gain the social-emotional skills necessary to become confident and productive members of society. District 79 has a diverse portfolio of programs for justice-involved youth, student parents, and GED students.

http://schools.nyc.gov/Offices/District79/default.htm

ELA: English Language Arts

English Language Arts refers to the annual New York State standardized tests that assess English language skills of students in grades 3 through 8. The scoring scale is 1-4, with levels 1 and 2 meaning students have not met proficiency standards.

Elementary/K-8 School

This report defines elementary/K-8 schools as those with any combination of grades between pre-K and grade 8, so long as they include at least one of the middle school grades (6, 7, and 8). For instance, elementary/K-8 schools include those offering grades PK-7, K-7, 3-8, K-8, PK-8, K-6, etc. There are 160 such public schools in New York City. Grade levels were obtained from the Department of Education's Demographics and Accountability Snapshot for the 2011-2012 academic year.

ELL: English Language Learner

The New York City Department of Education defines English Language Learners as students who speak a language other than English at home and score below proficient on English assessments when they enter the New York City school system.

http://schools.nyc.gov/Academics/ELL/default.htm

GLESN: Gay, Lesbian & Straight Education Network

The Gay, Lesbian & Straight Education Network (GLSEN) strives to assure that each member of every school community is valued and respected regardless of sexual orientation or gender identity/expression. GLSEN believes that such an atmosphere engenders a positive sense of self, which is the basis of educational achievement and personal growth. Since homophobia and heterosexism undermine a healthy school climate, GLSEN works to educate teachers, students, and the public at large about the damaging effects these forces have on youth and adults alike. GLSEN recognizes that forces such as racism and sexism have similarly adverse impacts on communities and supports schools in seeking to redress all such inequities.

http://www.glsen.org/cgi-bin/iowa/all/about/history/index.html

High School

High Schools are those primarily containing grades 9-12.

IEP: Individualized Education Plan/Program

An Individualized Education Program (IEP) describes the special education and related services specifically designed to meet the unique educational needs of a student with a disability. An IEP is the guiding document for a student's educational program. It includes all of the goals, objectives, present levels of performance, and related services that are recommended for the student.

http://schools.nyc.gov/Offices/District75/Departments/IEP/default.htm

IIRP: International Institute for Restorative Practices

The International Institute for Restorative Practices Graduate School (IIRP) is a private standalone accredited graduate school in Bethlehem, Pennsylvania. It is a relatively new graduate school, but the organization itself has for some time been an integral part of a large worldwide movement of scholars, policy-makers, and practitioners advancing the fields of restorative justice and, more broadly, restorative practices. IIRP is dedicated to the advanced education of professionals at the graduate level and to the conduct of research that can develop the growing field of restorative practices, with the goal of positively influencing human behavior and strengthening civil society throughout the world.

http://www.iirp.edu/

JHS: Junior High-Intermediate-Middle School

JHS is a synonym for standalone middle school.

K-12 School

K-12 schools include those with all grades from kindergarten through 12th grade. There are two such schools in the DOE. Grade levels were obtained from the Department of Education's Demographics and Accountability Snapshot for the 2011-2012 academic year.

Middle/High School

Middle/high schools include those with middle (6-8) and high school (9-12) grades. There are 85 such schools, the majority of which (79) contain all grades 6 through 12. The remaining 6 schools do not have all grades 6 through 12 because they are either phasing in the middle or high school grades. Grade levels were obtained from the Department of Education's Demographics and Accountability Snapshot for the 2011-2012 academic year.

MSQI: Middle School Quality Initiative

The Middle School Quality Initiative (MSQI) is a comprehensive program that focuses on strengthening literacy instruction in all middle school grades. It grew out of a task force convened in 2007 by the City Council, which ultimately created the Blueprint for Middle School Success, currently used by the DOE. It was introduced in

2011 at 18 schools for instruction in grades 6-8. As of April 2013, it works with 49 schools across the City. School leaders, teachers, and networks receive professional development on Common Core-aligned literacy strategies and promising practices. MSQI schools also receive targeted funding for literacy-focused training and instructional materials. In the fall of 2013, 40 additional schools will take part in the initiative—bringing the total number of MSQI participating schools to 89. By year three, the expansion will benefit approximately 12,000 additional students.

http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2012-2013/042913_qualityinitiative.htm

Non-Redacted Suspensions

Non-redacted suspensions refer to suspensions that are reported by schools in the Department of Education Excel dataset because there were at least 10 suspensions in that category.

NYC Success Mentor Corps

The NYC Success Mentor Corps is a research-based, data-driven mentoring model that seeks to improve attendance, behavior, and educational outcomes for at-risk students in low-income communities citywide. Success Mentors are trained to serve as advisors, motivators, connectors, confidence-builders, and early warning systems for chronically absent students at risk of getting off track – both in school and in life. Mentors are typically matched with 10-15 target students, who they see in school at least three times a week. Mentor responsibilities are determined by what research shows are the most effective practices for engaging at-risk students and their families. These include personally greeting students in the morning to make them feel welcomed and noticed, calling home every day a child is absent, and connecting students and families with a wide range of services to help them overcome barriers to success. http://www.nyc.gov/html/truancy/html/smc/smc.shtml

PBIS: Positive Behavioral Interventions and Supports (also referred to as "School-Wide PBIS")

PBIS provides an operational framework to improve student academic and behavior outcomes. It attempts to do so by ensuring that all students have access to the most effective and accurately implemented instructional and behavioral practices and interventions possible. PBIS is not a curriculum, intervention, or practice, but rather a decision-making framework that guides selection, integration, and implementation of the best evidence-based academic and behavioral practices for improving important academic and behavior outcomes for all students. In general, School-Wide PBIS emphasizes four integrated elements: (a) data for decision making, (b) measurable outcomes supported and evaluated by data, (c) practices with evidence that these outcomes are achievable, and (d) systems that efficiently and effectively support implementation of these practices.

http://www.pbis.org/school/what_is_swpbs.aspx

Principal's Suspension

According to the NYC DOE's Disciplinary Code, a principal's suspension can last for one to five days when a student's behavior presents a clear and present danger of physical injury to the student, other students or school personnel, or prevents the orderly operation of classes or other school activities. Suspended students must be

provided with alternate instruction including homework and class work.

http://schools.nyc.gov/NR/rdonlyres/F7DA5E8D-C065-44FF-A16F-55F491C0B9E7/0/DiscCode20122013FINAL.pdf

Problem-Solving Circle

The Problem-Solving Circle is a key restorative practice (see "Restorative Practices" below) that is used as a tool for building relationships in a classroom and school community and addressing some behavioral problems. The request for a circle can originate with the teacher or the students and both students and teachers participate. To start, the teacher poses a question, and everyone responds in turn going around the circle, including the teacher. To maintain order, participants sometimes pass an object from one person to the next to symbolize whose turn it is to speak. The circle approach and the use of a "talking piece" have their roots in the traditions of indigenous peoples, such as Native Americans. During the go-around, only the teacher may interact with the speaker or ask a clarifying question. Circles can be used for a quick "check-in" or "check-out" at the beginning or end of the day as a community-building exercise.

Redacted Suspensions

Redacted suspensions refer to suspensions that are not reported in the Department of Education's Excel dataset because the total number of suspensions in a given category is less than 10. The DOE claims that it does not report these suspensions to protect student privacy and to remain compliant with the Family Educational Rights and Privacy Act. When schools have 9 or fewer principal's and superintendent's suspensions, the totals for each type would appear as "r" and not contribute to the overall count of suspensions. Other schools might have at least 10 suspensions for each of these two types and thus report these totals. However, they might have less than 10 for a given subcategory, resulting in under-reporting when more detailed analysis is conducted. For instance, a school might report that there were 15 principal's suspensions and 10 superintendent's suspensions, but when it reports suspensions by grade, the numbers may be redacted if the number for a grade is less than 10. Redacted, or unreported, suspensions result in significant loss of data.

Restorative Justice

This term is sometimes used interchangeably with "restorative practices," (see "Restorative Practices" below) but restorative justice refers specifically to ways of addressing wrongdoing after it occurs. Instead of just being punished, wrongdoers are held accountable by involving them in face-to-face encounters with the people they have harmed.

Restorative Practices

Restorative practices refer to formal and informal approaches to behavior that are taken both before and after a wrong occurs, by seeking to build community and relationships that will reduce or prevent incidents. The key restorative practices include affective statements; affective questions; small ad hoc conferences; circles and problem-solving circles; and conferences.

Safer Saner Schools Whole-School Change Program

This program was developed by the International Institute for Restorative Practices (IIRP). Its goal is to provide a cost-effective way to achieve lasting change that enhances and builds relationships between students, staff and parents, improves student behavior, reduces violence and bullying, and creates a sense of community. Unlike piecemeal efforts using varied approaches that lack an explicit focus, IIRP helps school leadership and staff develop a customized plan based on their own needs and goals. Everyone on the school staff has a say and a role in implementation. Several staff are selected and trained as professional development instructors to ensure program sustainability. The Whole-School Change Program involves 11 Essential Elements, including affective statements, restorative questions, fair process, small impromptu conferences, proactive circles, responsive circles, and restorative conferences. Staff teams, working in small professional learning groups, focus on understanding and using these elements.

http://www.safersanerschools.org/

School Counselors

School counselors are professional educators required to be certified by the New York State Education Department (SED), licensed by DOE, and have a master's degree. They work with all students on academic and personal behavioral skills, including organization, work habits, time management skills, communication, coping skills, peer relationships, and substance abuse education. School counselors also work with Special Education students on their Individualized Education Plans. They collaborate with teachers, administrators, parents, and students.

http://www.schoolcounselor.org/content.asp?contentid=231

SED: New York State Education Department

The New York State Education Department is part of the University of the State of New York, one of the most complete, interconnected systems of educational services in the United States. The SED's mission is to raise the knowledge, skill, and opportunity of all the people in New York. Its vision is to provide leadership for a system that yields the best educated people in the world. The SED contains several branches, including the Office of P-12 Education, which is most relevant to this report.

http://usny.nysed.gov/about/

SSA: School Safety Agent

School Safety Agents (SSAs) are part of the New York City Police Department's School Safety Division. According to the official job posting, some of their official responsibilities include patrolling designated areas of school buildings and surrounding areas; responding to altercations between students and other persons, and attempting to separate the involved persons and resolve conflicts; identifying persons violating Department of Education Rules and Regulations; apprehending persons violating the Penal Law and notifying the proper administrative personnel; and preparing reports and testifying in regard to these violations at Superintendent's or Principal's hearings and/or in court.

http://www.nyc.gov/html/dcas/downloads/pdf/noes/201303323000.pdf

SSD: School Safety Division

The mission of the School Safety Division (SSD) is to provide a safe environment, conducive to learning, where students and faculty can be free from hostility and disruptions which can negatively impact the educational process. The New York City Board of Education, Division of School Safety merged with the New York City Police Department on December 20, 1998. The School Safety Division has approximately 5,000 school safety agents and just under 200 uniformed police officers covering more than 1.1 million students in the New York City public school system throughout the five boroughs. The SSD is comprised of four areas of management: Patrol Operations, Support Services, Administrative Operations and Investigations, all of which report to the Commanding Officer of the School Safety Division.

http://www.nyc.gov/html/nypd/html/school_safety/school_safety_overview.shtml

School Social Worker

School social workers are licensed professionals with graduate degrees and are specially trained to work in a school setting. Because school social workers are able to work with and directly observe students in the school setting, their perspective can be especially valuable. By collaborating with in-school resources, families, and community-based organizations, social workers are able to lead efforts to improve a student's academic achievement as well as their social, emotional, and behavioral skills.

School-to-Prison Pipeline

The "School-to-Prison" pipeline refers to the phenomenon in which students are arrested for misconduct and through this early involvement with the juvenile justice system are set on a path to future incarceration.

Standalone Middle School, or "Middle School"

The standalone middle school is the most common configuration of the 515 NYCDOE schools that have 6th-8th grade students. There are 268 standalone middle schools that are characterized by having only grades 6, 7, and 8, with a few exceptions. Ten of the 268 schools have all middle school grades plus a 5th grade; eight schools have one or two middle school grades but not all three; one school has grades 6, 7, and 8 plus a kindergarten; and one has grades 6, 7, and 8 plus a kindergarten and 1st grade. Grade levels were obtained from the Department of Education's Demographics and Accountability Snapshot for the 2011-2012 academic year.

Superintendent's Suspension

According to the NYC DOE's Disciplinary Code, a superintendent's suspension may result in a suspension of more than five days. The typical time periods are six to 10 days, 30 to 90 days with an automatic review after 30 or 60 days, and a one-year suspension with or without the possibility of early reinstatement. The Code also stipulates that a student who receives a superintendent's suspension must be provided with the opportunity for a hearing at which the student may present evidence and witnesses on his/her behalf and to question the school's witnesses. Students serving a superintendent's suspension spend the suspension at an Alternate Learning Center (see "Alternate Learning Center on page 57").

http://schools.nyc.gov/NR/rdonlyres/F7DA5E8D-C065-44FF-A16F-55F491C0B9E7/0/DiscCode20122013FINAL.pdf

Zero-Tolerance Policies

"Zero Tolerance" in schools refers to the policy of consistently enforcing punishments, such as suspensions, in an effort to promote discipline. While zero tolerance was initially used in response to infractions related to weapon use, drug and alcohol use, and violent acts in the school setting, over time, it has come to refer to policies that mandate pre-determined, typically harsh punishments for significantly less egregious violations than those for which the policy was originally intended.

http://www.nasponline.org/resources/factsheets/zt_fs.aspx

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