

Comparison Education Law/Safe Schools Task Force Report/S.1040-A.5691

Current Education Law	NYSED Safe Schools Task Force Recommendations	Solutions not Suspensions Bill (S.1040/A.5691)
<p>Education Law §2801 currently prescribes the parameters of school codes of conduct. The entire section is focused on punitive discipline, including classroom removal, suspension and referral to law enforcement and criminal complaints and zero tolerance provisions. There is no reference to any interventions other than classroom removal and suspension and no reference to positive interventions.</p> <p>Education Law §3214 prescribes the requirements for student suspension and transfer, including capping suspensions at 180 days, due process requirements, labels students as disruptive, violent or school delinquent, with associated zero tolerance provisions and includes no reference to other interventions or supports designed to allow the student to remain in or return to the classroom as the earliest possibility.</p>	<ol style="list-style-type: none"> 1) Remove subjective language that facilitates a biased interpretation of events, including language that alludes to student intent. For example, conduct that is “disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.” 2) Delete language such as “disruptive,” “violent,” “juvenile delinquent” and required consequences. 3) Delete terms derived from criminal law or that have a criminal connotation, including the commission of an offense, perpetrator, offender, punishment. 4) Require consideration of the developmental ability of individual students when engaged in misconduct, irrespective of their age. 5) Include language that encourages emotional supports to proactively foster a school community based on cooperation, communication, trust, and respect. 6) Except in exigent circumstances, require alternatives to school discipline and alternatives to suspension, such as restorative practices. Require that a series of alternatives be documented and exhausted in non-exigent situations before resorting to suspension. 	<ol style="list-style-type: none"> 1) Requires using the least severe action to respond to student misconduct before imposing a removal or suspension, which may include restorative practices and social emotional supports. 2) Deletes language such as disruptive,” “violent,” “juvenile delinquent” and required consequences. 3) Prohibits suspensions for willful disobedience, tardiness, dress code, etc. 4) Requires consideration of nature and impact of student misconduct, including student’s age, ability to speak or understand English, physical health, mental health disabilities, student’s prior conduct, effectiveness of prior interventions. 5) Prohibits suspension of Pre-K – Grade 3, except if required by federal law. 6) Limits the length of a suspension to 20 days unless required by federal law. 7) Requires creation of an educational plan for academic instruction and student re-entry within 24 hours of student suspension.

	<p>7) Promote trauma-informed alternatives to In-School Suspension and Out of School Suspension.</p> <p>8) Recommends prohibition of suspensions of student in grades Pre-K – Grade 3, except in limited, exigent circumstances.</p> <p>9) Limit the length of suspensions, unless required by federal law but permits an extension of the suspension period if it is unsafe for the student to return to school.</p> <p>10) Provide sufficient academic instruction, special education services (where appropriate), access to instructional support, and monitoring, so that the student’s academic progress is not compromised.</p> <p>11) Recommends that if a student is suspended, the school review the student’s needs and current supports, in consultation with their family, to ensure access to appropriate services for a supportive, restorative return to the school community.</p> <p>12) The Safe Schools Task Force Report recognizes that its recommendations are a significant change in practice for many schools. As such, it recommends permanent, targeted legislative funding to support schools in hiring appropriate staff and funding for professional development to implement the changes.</p> <p>13) Support ongoing coaching and professional development to address the root causes of disproportionate use</p>	<p>8) Requires new due process requirements for both short and long-term suspension.</p> <p>9) Requires professional development for school personnel, school security and law enforcement on the use of interventions, and graduated/proportionate discipline.</p> <p>10) Applies to Charter Schools.</p>
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	<p>of exclusionary discipline. Professional development topics include implicit bias, restorative practices, culturally responsive classroom management strategies, and trauma-responsive school culture and climate.</p> <p>14) Provide professional development to strengthen the fidelity by which multi-tiered systems of supports are implemented, including universal and schoolwide preventive strategies.</p> <p>15) Create or leverage data systems to identify disparities and patterns of code of conduct violations and discipline administered.</p> <p>16) Recommends allowing alternatives to a Superintendent's hearing such as mediation.</p> <p>17) Applies to Charter Schools.</p>	
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