

Recommendations for the BPS Code of Discipline

Submitted by
BPON Taskforce: Code of Discipline Subcommittee
Center for Law and Education (CLE)
Parent Members of CLE's Family School-Level Change Initiative¹
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Statement

We urge the Boston Public Schools to adopt and enforce a Code of Discipline that is based on the core belief that students have the right to a high-quality education and should not be punished by denying them the opportunity to learn.

We recognize that too many of our students are suspended or expelled from school each year, often for minor offenses, and that students of color and students with disabilities are particularly affected by these policies. Students who have been suspended or expelled miss out on important instruction and are more likely to fail their classes, be held back, and drop out of school. We also know that once students drop out of school, they have fewer opportunities to find work, earn lower salaries, and have higher rates of incarceration.

To stop this cycle and to address these systemic problems, we recommend that BPS revise its discipline policies to reflect the following basic principles:

- Promote a climate of respect in our schools in which all members of the school community feel valued.
- Limit the exclusion of students from their usual classroom instruction as a discipline response by using exclusion only in the most extreme circumstances and as a last resort.
- Address discipline issues through the use of prevention strategies, interventions, and supports for students and families.
- Make sure that discipline is implemented in a fair and equitable manner that protects the rights of students.
- Reduce the criminalization of student behavior/challenges.
- Involve families and students in decisions about discipline.

We appreciate the opportunity to comment on the BPS Code of Discipline, but we feel that parents, as key stakeholders in their children's education, should have been given more time to share their feedback. We are also distressed that there are no parents on the BPS Code of Discipline committee. We hope that this is only the beginning and that as BPS continues to work on making improvements to the Code over the coming months, parents and students will be provided multiple and meaningful opportunities to participate in the process and to express their views.

¹ Supported by the Boston Foundation.

We urge BPS to commit to revising the Code again in 2010, after there has been a real opportunity for parent and student input. During the 2009-10 school year, BPS should hold a series of workshops for parents to help them understand the new Code as well as training sessions for teachers and staff to explain the new discipline policies and procedures. In addition, BPS should schedule several community forums to allow parents and students the opportunity to share their views with respect to the new Code as well as discipline in general. Finally, BPS should convene a Taskforce/Advisory Group, which would include parents, students and other community members, to monitor implementation of the new Code and to make recommendations for further revision of the Code.

Specific Recommendations

All of our recommendations reflect the core belief that students have the right to a high-quality education and should not be punished by denying them the opportunity to learn. We have organized our specific recommendations under the six basic principles described above:

(1) Promote a climate of respect in our schools in which all members of the school community feel valued.

- Require schools to establish a climate of respect by setting expectations at the beginning of the year for all members of the school community – administrators, teachers, parents, and students. The expectations should be clearly communicated, posted, and distributed so that everyone knows what is expected of them and what they can expect of others.
- Make sure that each school has in place at the beginning of the school year a School-Family Compact, as required under Title I, describing how the school, parents, and students will share responsibility for high student achievement. The expectations for respect described above should be included in the compact. BPS should hold schools accountable for not having in place a School-Family Compact.
- Talk to teachers and other staff about the language and tone they use when speaking to students and parents. Students sense when teachers are being condescending and do not respect them. Encourage the use of language that is positive rather than disrespectful.
- Provide teachers and students with conflict resolution training – either in the form of workshops or integrated into the curriculum.
- Develop a policy on bullying and intimidation to be included in the Code. Bring in specialists to provide workshops for students and staff on the subject.
- Provide teachers and staff with cultural competency training.
- Encourage schools to show their students that they are respected and validated as human beings. Students should be given more privileges, a greater voice in decision-making, and an opportunity to contribute to making improvements to the school. Recognizing

that students make mistakes, teachers and staff should help students learn from their mistakes.

- Involve students in selecting their own school privileges. Many of the BPS students who have been talking about discipline have laughed that the consequence “loss of privileges” is included in the Code because they feel that they do not have any privileges. Privileges are part of a climate of high expectations and help prepare students for adulthood.

(2) Limit the exclusion of students from their usual classroom instruction as a response to discipline by using exclusion only in the most extreme circumstances and as a last resort.

- Emphasize throughout the Code the core belief that students have the right to a high-quality education and should not be punished by denying them the opportunity to learn.
- When exclusion from the student’s usual classroom instruction is necessary in the most extreme circumstances and as a last resort after non-exclusionary alternatives have been considered and documented, minimize the negative impact of the exclusion on the student’s learning by:
 - Limiting the length of the exclusion,
 - Having the student remain in the school building whenever possible and, as needed, allowing the student to have access to support services,
 - Continuing to provide the student with instruction so that s/he has the opportunity to make up any missed work, assignments, or tests and does not fall further behind.
- Learn from other urban school districts that are using more positive, less exclusionary approaches to discipline – Chicago, L.A., and Denver. Bring in educational experts to assist with the implementation of such approaches.
- Examples of specific changes that should be made to the Code:
 - Add a new paragraph in the **Forward (p. 3)** to reflect the core belief. Currently, the Forward has one sentence, which states: “It is the policy of the Boston Public Schools to attempt to resolve disciplinary problems by every means short of exclusion from school.” This sentence should be expanded.
 - Add a new section called **“Progressive Discipline Approach” (p. 9)** to state up front that the discipline consequences in the Code fall along a continuum, ranging from non-exclusionary to the most exclusionary – informal conferencing, non-exclusionary alternatives, temporary removal, extended removal, suspension, disciplinary transfer, expulsion. Include the statement: “Every effort should be made to resolve discipline problems without resorting to exclusion.” Current sections 3 and 4 should be reversed so that the range of discipline options will follow directly behind one another.

- Expand the list of alternative solutions to discipline that are included in Section 5, **“Alternative Solutions to Disciplinary Problems”** (p. 12). Include the statement, “It is the policy of BPS to avoid, whenever possible, the exclusion of students from their usual classroom instruction as a response to discipline problems and to promote, instead, the use of alternative approaches to discipline.”
- Make changes to the list of expellable and suspendable offenses in Section 7, **“Grounds for Suspension, Disciplinary Transfer, Alternative Program Placement, or Expulsion”** (p. 14).

- **Change language from “will result” in suspension/expulsion to “may result” in suspension/expulsion** – in order to move away from the one-size-fits-all model of zero tolerance and reflect the discretion that is currently given to school officials under state law.
- **Remove certain offenses from the list of suspendable offenses** – Because exclusion should be limited to the most extreme circumstances, anything less than that should not be considered a suspendable offense (e.g., violations pertaining to the dress code, smoking, cell phones).

Section 7.9.4 – Excessive Cutting of Classes (see below) should be removed.

Section 7.11 – Repeated and Flagrant Violations should be removed. This category is overly broad and results in students being suspended for minor offenses or because someone at the school has labeled them “troublemakers.”

Section 7.12 – Referrals to the BPS Counseling & Intervention Center should be removed. It is illogical to expel a student for failing to attend CIC, which is intended to provide counseling and intervention, when this student is already on the way to being expelled for committing an expellable offense.

Add a new sub-section at the end of Section 7 to be called **“Response to Truancy, Tardiness, and Cutting of Classes.”** This section should state: “Although each school may establish consequences for truancy, tardiness, and cutting of classes, such behavior shall not result in suspension, long-term suspension, indefinite suspension, disciplinary transfer, alternative education.” It is illogical to punish students who have missed class by having them miss additional class time.

- Revise the Cell Phone policy to allow for use of a cell phone in case of an emergency. Encourage schools to use discretion when finding a student with a cell phone. Consider these to be part of a list of privileges that can be lost if abused.
- Change Section 8, **“Procedures for Emergency Suspension”** (p. 20) to reflect the fact that there must be an actual emergency for a school to impose an emergency suspension. Delete Section 8.1.1 because it is overly broad and does

not reflect the fact that there must be an immediate emergency. Change Section 8.1.2 as follows: “The student’s conduct presents a clear and immediate threat to the physical safety of himself/herself or others or is so extremely disruptive as to make the student’s removal necessary to preserve the instructional process...”

- Modify the definition of suspension in Section 9, “**Suspension: Definition and Procedures**” (p. 21) to acknowledge the connection with education: “Suspension means the short-term exclusion of a student from *usual classroom instruction and other* regular school activities.”

(3) Address discipline issues through the use of prevention strategies, interventions, and supports for students and families.

- Emphasize throughout the Code that every effort should be made to use alternative solutions to discipline.
- Provide teachers and staff with professional development that focuses on how schools can address discipline as an education issue – for example, what interventions can teachers try in the classroom?
- Make sure that the Student Support Office is used as a support and resource for students, including students who need to leave or be removed from the classroom, not a punishment. If a student needs someone to talk to during the day, the student should be able to go to the Student Support Office. This office should not use the number of times a student is sent to there as a reason to suspend the student.
- When a student needs to speak to a guidance counselor or other support person, try to assign the student to a person the student can relate to. Teachers and staff in the building can be resources to build long-term relationships with students.
- Provide students with support in how to address social/emotional issues (particularly for older students) – help them understand how their emotions affect how they learn.
- Make sure teachers are providing instruction in a manner that addresses where a student is currently functioning and what his/her strengths are so that the teacher can teach to the student’s strengths.
- Provide supports to families with older children, as is done for families with younger children through programs such as Head Start. Promote the use of intervention services, in particular appropriate mental health, counseling, and wrap-around services. “Wrap-around” involves the use of a range of supports and services, including mental health and counseling services, to address the needs of the student and family through a community-based, collaborative process. Supports may include behavioral interventions, reading interventions, community mentors, or basic assistance for families in areas such as housing, childcare, or healthcare.
- Change the role of the Counseling and Intervention Center (CIC). Currently, instead of being used as a valuable resource, CIC is inappropriately being used as a holding pen for

students on their way to being expelled. The model should change to become a source of support to help students learn how to understand the intent and motive behind their actions and how to take positive steps toward improving their actions. Ideally, CIC could be used as a means to provide counseling and support services for all children, not just those involved in discipline issues.

(4) Make sure that discipline is implemented in a fair and equitable manner that protects the rights of students.

- Strengthen BPS monitoring and oversight of the discipline practices of individual schools to make sure that discipline is implemented fairly at all schools and for all students in the same school.
- Clearly state in the Code, and in materials for students and parents, the specific due process rights that students have so that students, parents, and school staff are aware of these rights and when they apply:
 - (1) The student must be advised of the charges against him/her;
 - (2) The student must be informed of the nature of the evidence against him/her and provided copies of any written statements;
 - (3) The student must be given an opportunity to provide his/her side of the story and to be heard in his/her own defense;
 - (4) The student must not be punished except on the basis of substantial evidence;
 - (5) The student must be permitted the assistance of a lawyer in disciplinary hearings;
 - (6) The student must be permitted to confront and cross-examine the witnesses against him/her; and
 - (7) The student has the right to an impartial hearing officer.
- Make sure that emergency suspensions are used for real emergencies only. For other incidents, parents must be called to a hearing before the student may be suspended.
- Clarify Section 9.4, “Procedures Preceding the Suspension Hearing” (p. 23). The process that takes place before the suspension hearing is confusing and should be clarified.
- A new section 9.4.7 should be added to state, “In advance of the hearing, the student shall have the right to obtain any documentary evidence, including any witness statements, which will be presented at the hearing.”
- Revise Section 9.5.4, “Witnesses” (p. 24). Consistent with the new section above, Section 9.5.4 should be changed to state that in the event that a statement of a witness who will not be present at the hearing will be introduced into evidence, the student must be given the opportunity to review this statement prior to the hearing.
- Provide teachers and staff with professional development on how to implement discipline policies in a fair and equitable manner. Have students act out different scenarios as part of this training so that teachers and staff can experience real situations.

(5) Reduce the criminalization of student behavior/challenges.

- Include a new section in the Code concerning the role of police in schools. State clearly that every effort should be made to address discipline issues within the school system, including use of support staff and parents, without making referrals to law enforcement that may result in children having criminal records. Include school police in appropriate school-wide professional development programs such as cultural competency training.
- Make sure that disability-related behavior/challenges are addressed as an education issue and are not the basis for referral to law enforcement. Involve BPS behavioral specialists and parents in this process.
- Inform students and parents about students' rights in relation to police in schools. Students and parents need to be made aware that arrest is a possibility for some offenses. This should be stated clearly in the Code, while also emphasizing that every effort should be made to address discipline issues within the school without resorting to involvement by law enforcement.
- Clarify the role of principals in making determinations about referrals to court based on situations at school. Where there is evidence of court referrals being a problem, the issue ought to be considered and addressed in the School-Family Compact as the ramifications of school-based arrests are significant.

(6) Involve families and students in decisions about discipline.

- Require schools to develop and implement a Parent Involvement Policy, as required under Title I. This policy describes how parents will participate as equal partners in the development of the School Improvement Plan, which should, as necessary, reflect the data and make the connection between school climate, school exclusion, and learning.
- Commit to continuing to work on the Code with community input over the course of the next year (to be revised again in 2010). Hold community forums and create a Taskforce/Advisory Council, which would include parents, students and other community members, to focus on monitoring implementation of the Code and continuing to revise the language in the Code.
- Involve parents in the design of training for school personnel about implementing the Code. Part of the training should focus on how school staff can work better with parents.
- Help parents understand the information in the Code by developing a series of parent-friendly and student-friendly materials on specific issues relating to school discipline. Involve community groups and advocates in this process. To the extent possible, make sure that the Code is translated into other languages spoken by families.

- Require each school to provide at least two trainings per year for parents on the BPS Code and school discipline. Involve advocates in the implementation of this training.
- Designate one person in the Office of Family and Student Engagement to be responsible for answering parents' questions concerning the discipline process. At the beginning of each year, provide parents with an organizational chart outlining the different BPS offices with the correct names filled in under each position for their child's school so that parents will know who to contact for different issues.
- Encourage teachers to contact parents early on when students begin to experience discipline issues in school and not wait until situations get out of control. Similarly, when students begin to struggle in class, teachers should not wait for progress reports to let parents know. Also, teachers should be encouraged to contact parents when good things happen, not just problems.
- Encourage, as appropriate, schools to involve parents in coming up with specific interventions and supports to help with their own child's discipline issues.
- Try to make it as easy as possible for the parent and school to communicate. For example, hold meetings during lunch or after 4 or 5pm, when it is easier for working parents to attend. When parents are unable to come in to the school, use phone conferencing. To contact parents, use email. Create a form that parents can give to their employer to show proof that they are missing work in order to attend a meeting at school about their child.