



SCHOOL-JUSTICE PARTNERSHIPS IN NEW YORK

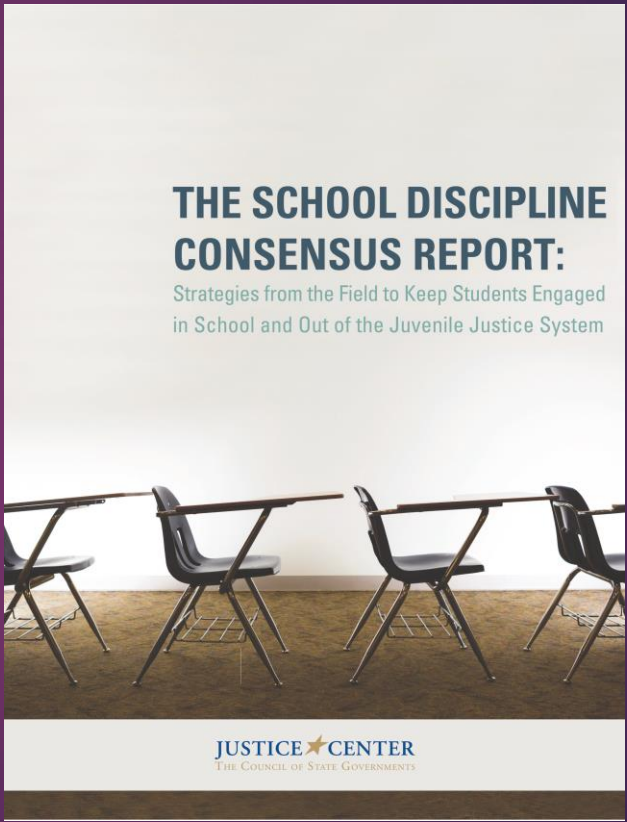
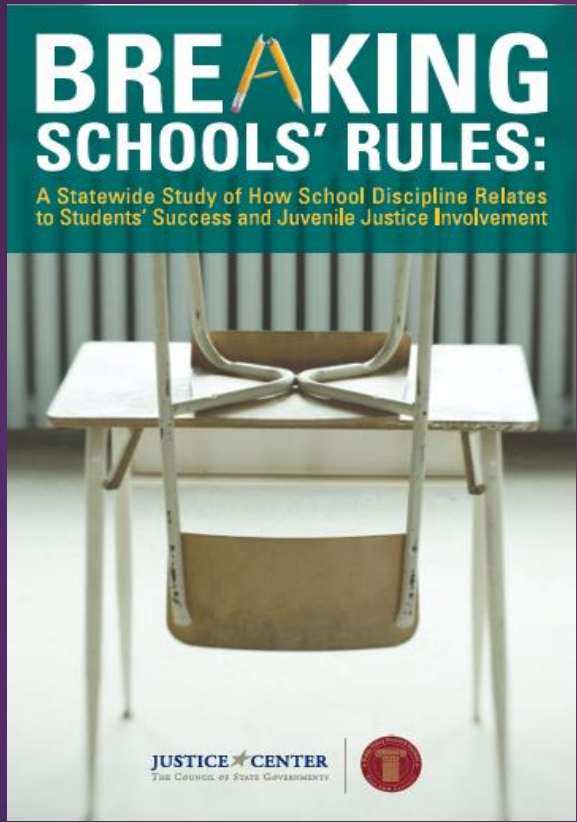
Kathleen DeCataldo, Esq., Executive Director
NYS Permanent Judicial Commission on Justice for Children

New York State Board of Regents Meeting

February 22, 2016

Discipline: Myth and Facts

- ▶ **MYTH:** There is really no evidence that the “school-to-prison pipeline” actually exists.
- ▶ **FACT: Consequences of school exclusion are devastating**
 - ▶ lower academic achievement
 - ▶ higher truancy
 - ▶ higher dropout
 - ▶ higher contact with the juvenile justice system
 - ▶ lower local and state economic growth
- ▶ **Bottom Line:** Suspension often the first step in a chain of events leading to these short- and long-term consequences



Highlights of Breaking Schools' Rules

- ▶ Majority of students suspended/expelled between 7-12 grades
- ▶ Just 3% of suspensions/expulsions based on misconduct where state mandates removal of student
- ▶ African-American students and students with particular educational disabilities especially likely to experience discretionary violations
- ▶ Suspension/expulsion increases likelihood of repeating a grade, dropping out or not graduating
- ▶ Discipline actions increase likelihood of JJ involvement, particularly with repeated discipline
- ▶ Campus discipline rates varied considerably from their expected rates

Risk of Justice System Contact

Youth with Discretionary Suspensions at Increased Risk of Contact with Justice System



VS.



Not Suspended

Discretionary Suspended

Source: Fabelo, T., M. D. Thompson, M. Plotkin, D. Carmichael, M.P. Marchbanks and E.A. Booth. 2011. *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*. New York: Council of State Governments Justice Center. <http://knowledgecenter.csg.org/kc/content/breaking-schools-rules-statewide-study>.

Texas Study Revealed

- ▶ Nearly **75%** of students qualifying for special ed services were suspended at some point during the study period (vs. 54.7% of peers)
 - ▶ Students identified having “emotional disturbance” especially likely to be suspended or expelled
 - ▶ Students with autism or mental retardation considerably less likely than identical students without disabilities to experience discretionary or mandatory school disciplinary action

Risk of Dropping Out

Youth with First Arrests
at Increased Risk of Dropping Out



No Arrest

VS.



Youth with First Arrest

Youth with Same Offense

Risk of Dropping Out

Youth with First Arrest and Court Appearance
at Greater Risk of Dropping Out



No Arrest

VS.



First Arrest and Court Appearance

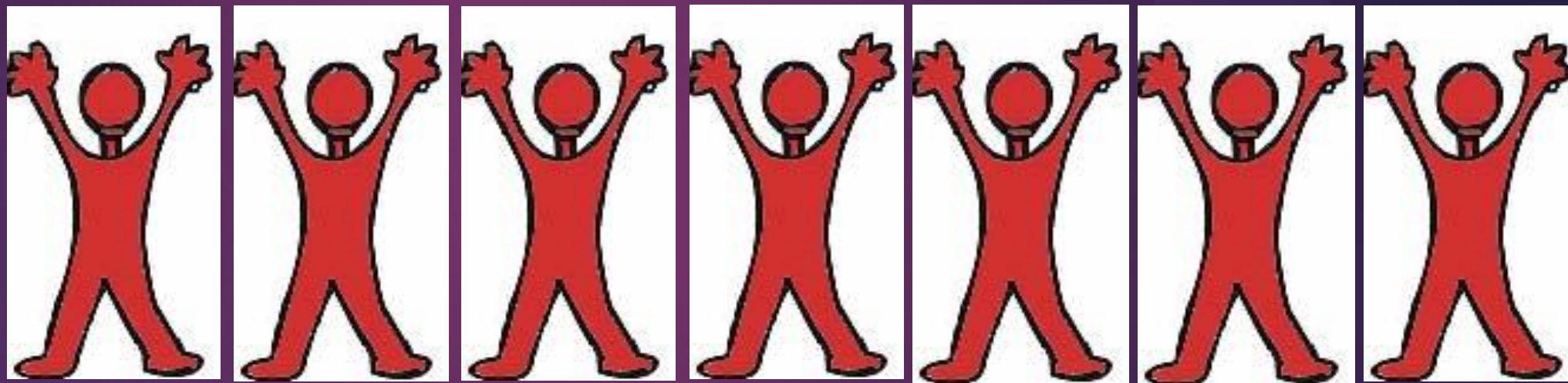
Youth with Same Offense

Risk of Adult Criminal Records

Youth with Juvenile Court Involvement
at Greater Risk of Future Adult Criminal Records



VS.



No Juvenile
Involvement

With Juvenile Involvement

Risk of Justice System Contact

Young Adults who Drop Out at Increased Risk of Contact with Justice System



VS.



Do Not Drop Out

Drop Out



Keeping Kids In School and Out of Court

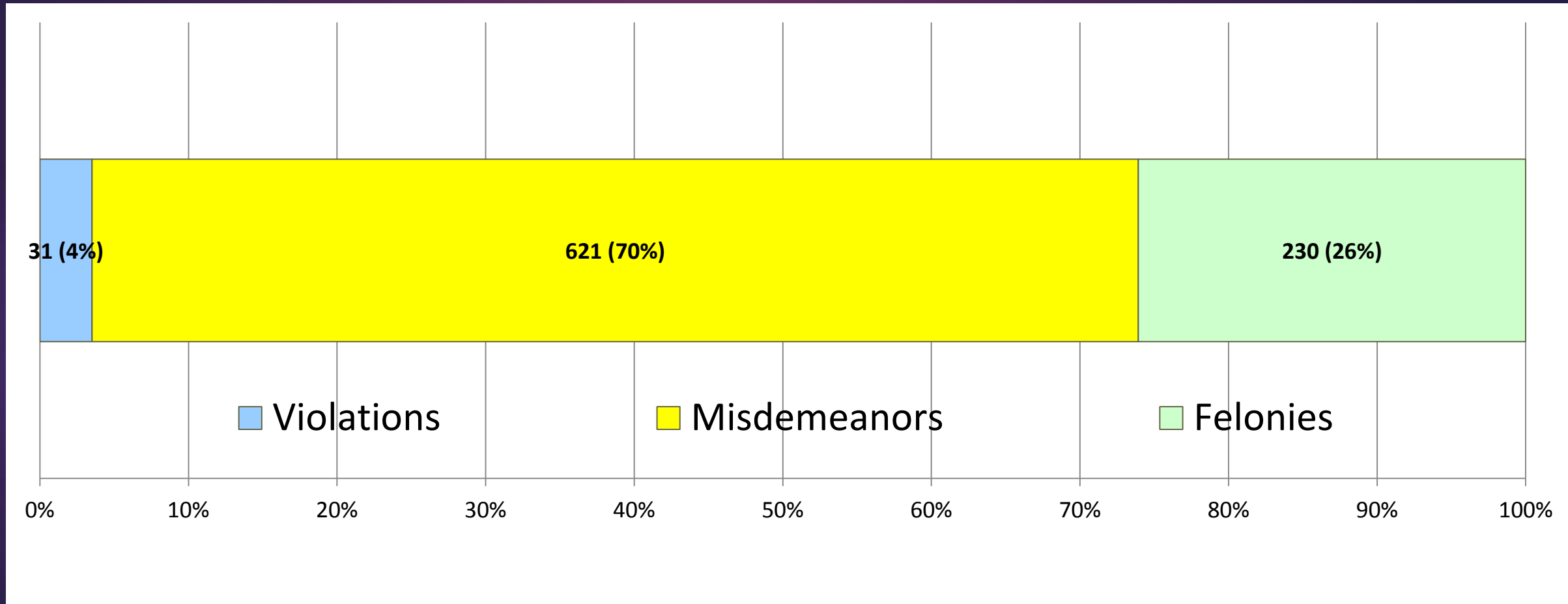
REPORT AND RECOMMENDATIONS

**New York City
School-Justice Partnership Task Force**

May 2013

Distribution of School-based Arrests by Offense Level: NYC Schools, 7/1/11-6/30/12 (N=882 arrests)

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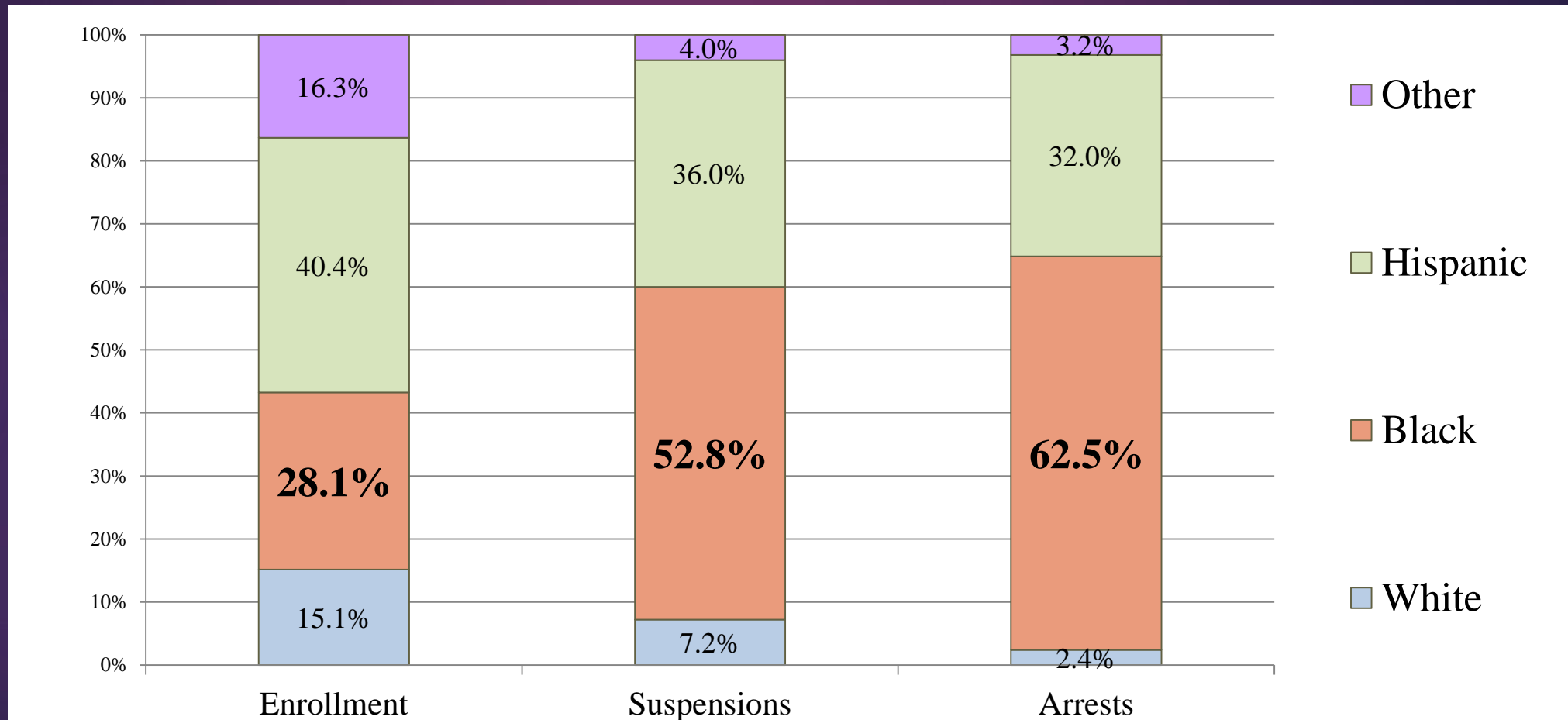
Source: NYPD, School Safety Act data.

NYC Students Receiving Special Education Services Over-represented In Suspensions

- ▶ Students with IEPs
 - ▶ 12% of enrollment
 - ▶ 32% of suspensions
 - ▶ **3.7 X** more likely suspended than peers (SY2012)

Disproportionate Suspensions and Arrests

Enrollment, Suspensions and Arrests by Race/Ethnicity: NYC Schools, SY2012

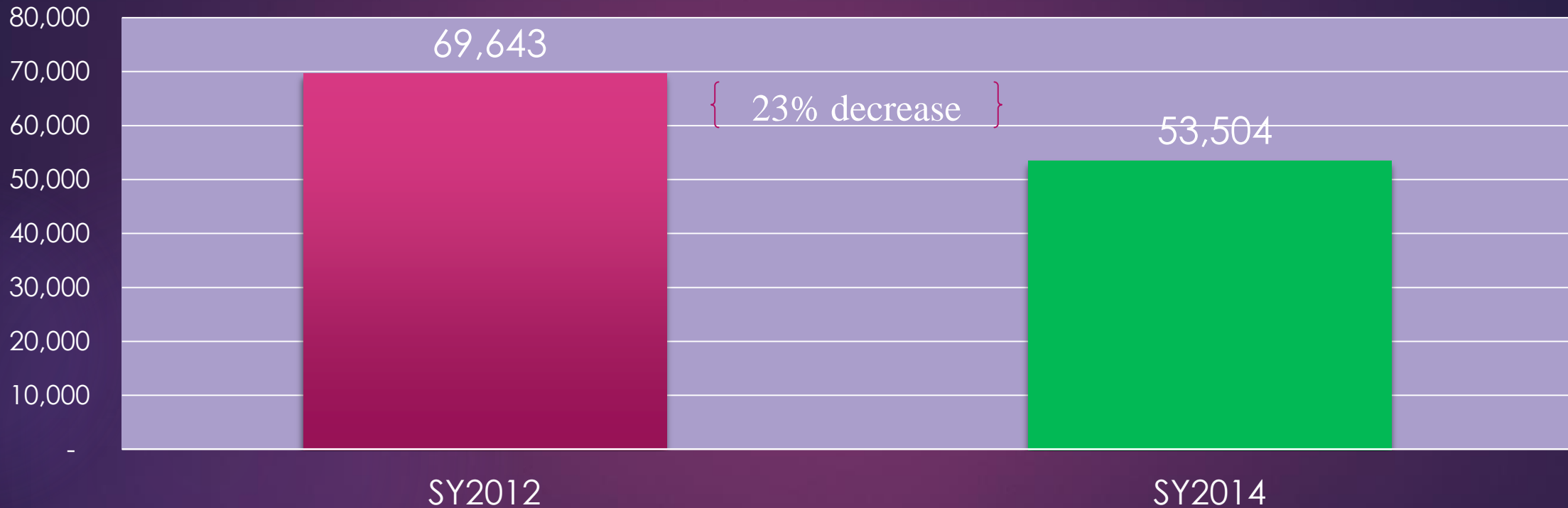


Source: Enrollment: New York City Department of Education, J-Form; Suspensions: New York City Department of Education, Student Safety Act data; Arrests: NYPD, Student Safety Act data.

Decrease Since Report Release

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Suspensions: NYC Schools, SY2012 vs. SY2014

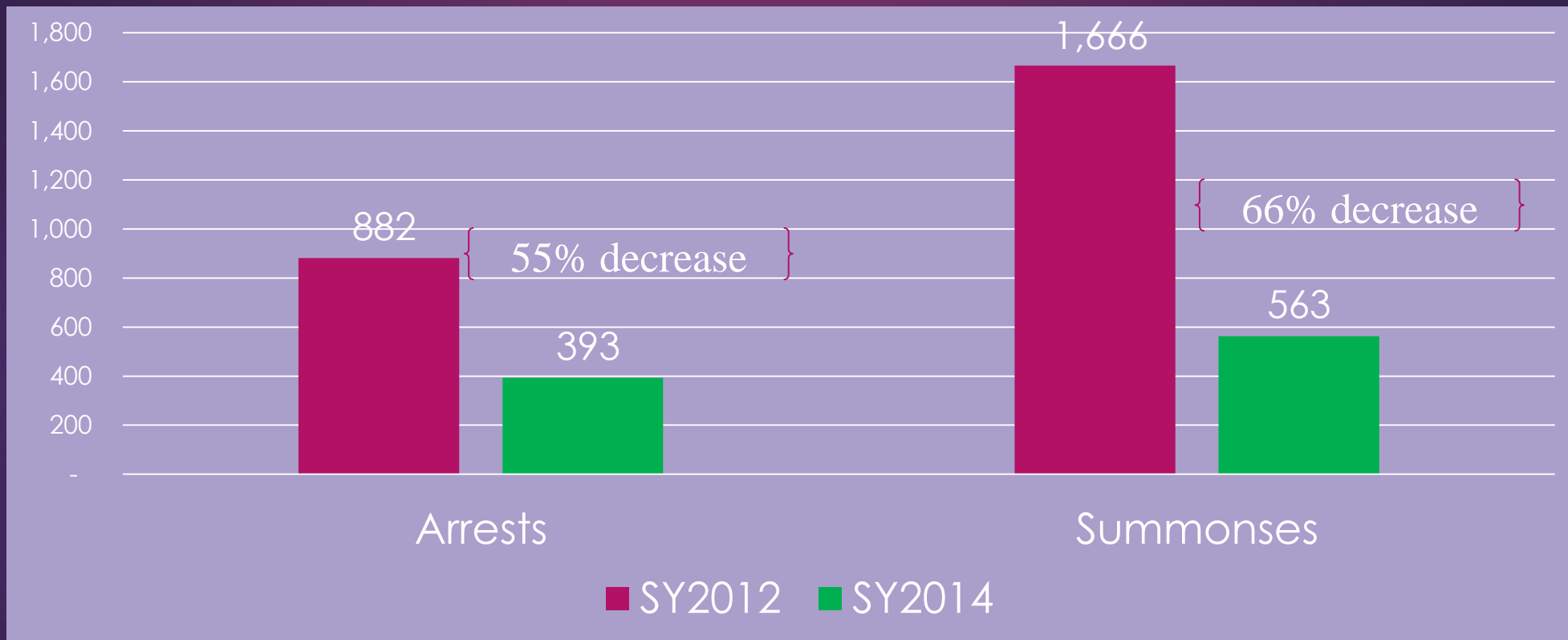


Source: Student Safety Act Reporting on Suspensions, NYC DOE.

- ✓ Black Students continue to be disproportionately suspended from school and at a slightly higher rate in SY2014
- ✓ Rate at which students with disabilities are suspended also increased slightly

Decrease Since Report Release

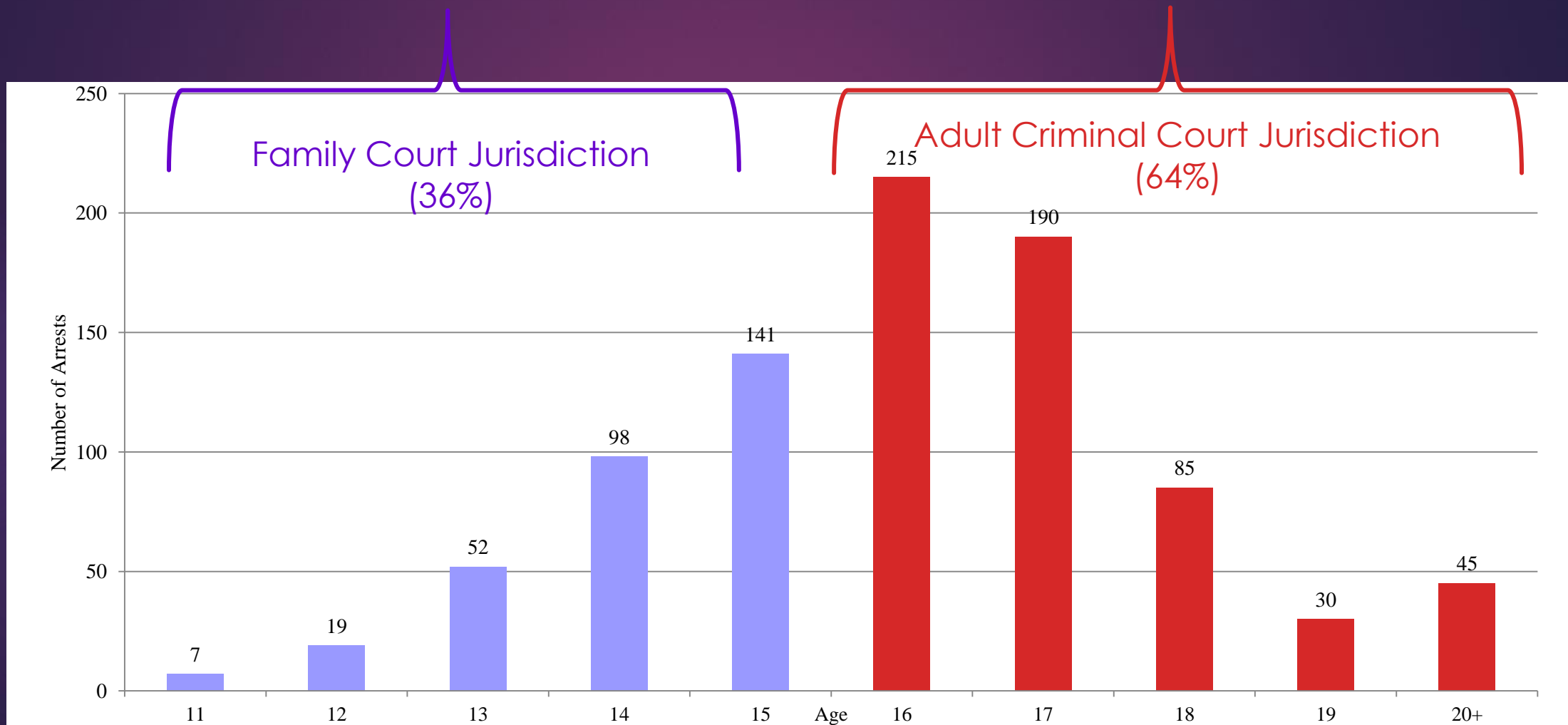
School-based Arrests and Summonses: NYC Schools, SY2012 vs. SY2014



Source: Student Safety Act Reporting on Arrests and Summonses, NYPD.

School-based Arrests By Age: NYC Schools, 7/1/11-6/30/12 (N=882 arrests)

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Source: NYPD, School Safety Act data.



SAFETY WITH DIGNITY

**COMPLETE REPORT BY THE MAYOR'S LEADERSHIP TEAM
ON SCHOOL CLIMATE AND DISCIPLINE**

PHASE I RECOMMENDATIONS



City of New York
Mayor Bill de Blasio
July 2015

PHASE ONE RECOMMENDATIONS

- Provide additional school climate supports, including staff and training, for schools with the highest numbers of suspensions, arrests and/or summonses Increase school climate supports system-wide
- Improve citywide and school-level data collection and use
- Memorialize in writing, policies and protocols within NYPD and DOE that promote de-escalation and integration between educators and agents
- Implement protocols and training to improve the scanning process and remove scanners where appropriate

DRAFT PHASE TWO RECOMMENDATIONS

◎ School Climate Working Group

- Update the School Discipline Code to:
 - Better communicate DOE's vision and expectations for discipline and climate
 - Clarify disciplinary protocols and procedures including documentation of guidance interventions
 - Improve access and ease of understanding by students and families
 - Further limit unnecessary classroom exclusion
- Improve supports for students returning to district schools from superintendent suspensions.

DRAFT PHASE TWO RECOMMENDATIONS

- **Resource Integration Working Group**
 - Implement a comprehensive mental health model in a subset of high-need schools.
 - Improve services for students returning from detention, placement or incarceration

DRAFT PHASE TWO RECOMMENDATIONS

- School Safety Working Group
 - Update the MOU between DOE and NYPD to codify:
 - Training requirements including de-escalation techniques and best practices for policing in schools for SSD personnel and patrol officers assigned to schools
 - Codify protocols for integrating School Safety Agents within the school community and relevant professional development for all school staff
 - Differentiate between disciplinary issues and actions warranting arrest and the role of school administration and staff to deal with student misconduct

School Climate & School Discipline: A Guidance Package

Safe and Supportive School Climates | Appropriate Consequences for Students | Fair and Equitable Discipline

In implementing school discipline policies, successful schools strive to achieve fairness and equity for all students.

- Consult the *Dear Colleague Letter* for guidance on schools' legal obligations under federal law to administer student discipline without discriminating on the basis of race, color, or national origin.

Research shows that creating a positive school climate can improve academics and enhance safety in the school and community.

- Reference the *Guiding Principles*, which draw on emerging research and best practices, to inform efforts to improve school climate and discipline policies.

<http://www.ed.gov/school-discipline/>

There are multiple ways to accomplish the goal of creating safe, supportive environments where all students can engage in learning.

- Use the *Directory of Federal School Climate and Discipline Resources* to learn about available Federal PK–12 school climate and discipline resources.

School discipline laws and regulations vary state to state.

- Use the *Compendium of School Discipline Laws and Regulations* to identify the laws and regulations related to school discipline in each of the 50 states, the District of Columbia, and Puerto Rico, and compare laws across states and jurisdictions.

This guidance package is part of a joint effort between the U.S. Departments of Education and Justice to help states, districts, and schools enhance school climate and improve school discipline practice (see *Overview of the Supportive School Discipline Initiative*).



The Guidance Package includes:

- A Dear Colleague Letter on Civil Rights and Discipline
- Guiding Principles for Improving Climate and Discipline
- A Directory of Federal School Climate and Discipline Resources
- A Compendium of School Discipline Laws and Regulations
- An Overview of the Supportive School Discipline Initiative

So what do we do – Education?

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- ▶ Relationship Building Approaches
 - ▶ Restorative Practices
 - ▶ My Teaching Partner
- ▶ Structural Interventions
 - ▶ PBIS
 - ▶ Threat Assessment
 - ▶ Changes to Codes of Conduct
 - ▶ MOUs between Law Enforcement and School Districts
- ▶ Emotional Literacy
 - ▶ Social and Emotional Learning Programs

RESTORATIVE APPROACHES- DEFINITIONS

Restorative practices – A framework for a **broad range** of restorative justice approaches that proactively build a school community based on cooperation, mutual understanding, trust and respect.

Restorative Justice – A theory of justice that emphasizes **repairing the harm**.

From: DIGNITY IN SCHOOLS CAMPAIGN MODEL CODEWEBINAR V: RESTORATIVE JUSTICE, http://www.dignityinschools.org/files/ModelCode_Webinar_RestorativeJustice.pdf

Slide Source: Gregory, Anne. 2015. Presented at the *Restorative Practices In Action: A Conference for School and Justice Practitioners*. Full presentation available online at http://nycourts.gov/ip/justiceforchildren/RestorativePracticesConference_PresentationsandResources.shtml. See Plenary 1, P1-Gregory.

RESTORATIVE APPROACHES to discipline

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Summary:

- Focuses on relationships
- Gives voice to the person harmed and the person who caused the harm
- Engages collaborative problem-solving
- Dialogue-based decision-making process
- An agreed upon plan leads to actions aimed at repairing the harm done.



Schiff, M. (2013). *Dignity, disparity and desistance: Effective restorative justice strategies to plug the "school-to-prison pipeline."* In Center for Civil Rights Remedies National Conference. Closing the School to Research Gap: Research to Remedies Conference. Washington, DC.

Slide Source: Gregory, Anne. 2015. Presented at the *Restorative Practices In Action: A Conference for School and Justice Practitioners*. Full presentation available online at http://nycourts.gov/ip/justiceforchildren/RestorativePracticesConference_PresentationsandResources.shtml. See Plenary 1, P1-Gregory.

From “deporting and disciplining” to “resolving and educating”

- ***Preventing discipline disparities:***
 - Offer supportive relationships,
 - Academic rigor,
 - Culturally relevant and responsive teaching,
 - Bias-free classrooms and respectful school environments
- ***Intervening when conflict occurs:***
 - Problem-solve,
 - Engage youth and families,
 - Reintegrate students after conflict.

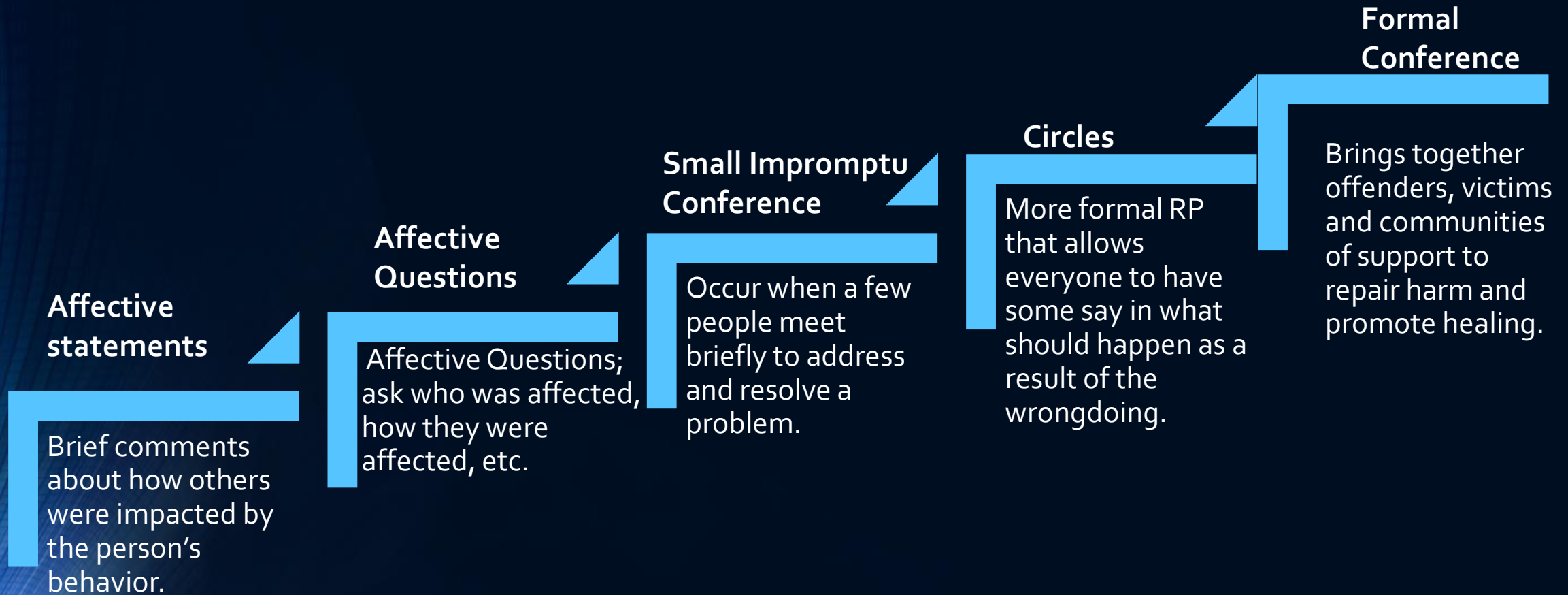
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Gregory, Bell, Pollock, (2014) Intervention Brief at <http://rtpcollaborative.indiana.edu/briefing-papers/>

Slide Source: Gregory, Anne. 2015. Presented at *the Restorative Practices In Action: A Conference for School and Justice Practitioners*. Full presentation available online at http://nycourts.gov/ip/justiceforchildren/RestorativePracticesConference_PresentationsandResources.shtml. See Plenary 1, P1-Gregory.

Restorative Practices Continuum from the *International Institute of Restorative Practices* (IIRP)

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Adapted from Costello, B. , Wachtel, J. & Wachtel, T. (2010). *Restorative circles in schools building community and enhancing learning*.

Slide Source: Gregory, Anne. 2015. Presented at the *Restorative Practices In Action: A Conference for School and Justice Practitioners*. Full presentation available online at http://nycourts.gov/ip/justiceforchildren/RestorativePracticesConference_PresentationsandResources.shtml. See Plenary 1, P1-Gregory.

So what do we do – Justice System?

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- ▶ Restore jurisdiction to the juvenile court
- ▶ Divert youth from the system
- ▶ Shift resources from incarceration to community-based alternatives
- ▶ Address racial and ethnic disparities in justice systems
- ▶ Respond more effectively to the mental health needs of young offenders
- ▶ Improve re-entry and aftercare programs for youth
- ▶ Ensure approaches meet sex-specific needs

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