

Recommendations for the BPS Code of Discipline

**Submitted by Members of the Boston Student Advisory Council (BSAC) and
the Fifth Floor Student Government at The English High School
with Support from the Center for Law and Education
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The following is a statement submitted by members of the Boston Student Advisory Council (BSAC) together with members of the Fifth Floor Student Government at The English High School. The purpose of this statement is to make recommendations for changing the BPS Code of Discipline. Because every student has the right to a high-quality education, we believe that exclusion from that education should not be used as a punishment for discipline problems and should only be used in the most extreme circumstances and as a last resort after non-exclusionary alternatives have been tried and documented. Some of the recommendations in this statement come from the proposal made by the Fifth Floor Student Government at The English High School to revise the EHS school-based rules. We hope that BPS will continue to work with students and to examine and respond to our suggestions for revising and implementing the Code of Discipline.

General Recommendations:

- It is difficult for students to understand the Code as it is written. BPS should edit and clarify the provisions and help students understand what is in the Code and what their rights are.
- Policies should be shared with students at a school assembly so students have a chance to ask questions and develop an understanding of the different policies. Schools do not always give students enough information about rules and regulations. BSAC created a series of posters with BPS on students' rights (cell phone policy, student government), but the schools did not consistently hang them up.
- BPS Central Administration should monitor how schools are implementing the Code of Discipline to make sure that students are not being excluded from class instruction for minor offenses.
- There needs to be better communication between the school and students, particularly students who are not involved in school activities such as sports or student government. Students, in particular these students, are sometimes talked to negatively by teachers and staff. Students need and want more positive role models who will work with them at school.

- Students should be able to ask for someone whom they identify to speak on their behalf at a discipline hearing (teacher, administrator, someone the student trusts).
- Schools should consider the student's emotions about a situation that has happened at school. Sometimes the student's social life is troubled, and schools should take that into consideration when deciding on an appropriate punishment or whether punishment is even warranted.
- In deciding on an appropriate punishment, schools should think about how serious the violation is and what a reasonable non-exclusionary punishment might be. Schools should use discipline issues that come up as an opportunity to identify and work on problems at the school that may be having an impact on multiple students.
- BPS should make both students and school personnel aware that students are expected to be involved in the implementation of specific discipline strategies such as Youth Court. BPS should ask students' opinions about more ways for them to be involved.
- BPS should help schools increase their capacity to provide non-exclusionary alternatives to discipline such as Youth Court and Peer Mediation.
- BPS needs to look more closely at how schools are carrying out discipline policies. There is too much opportunity for schools not to follow the right procedures, and student protections are not consistently upheld.

Guiding Principles (p. 4):

BPS should use this new language for the Guiding Principles section –

THE FOLLOWING GUIDING PRINCIPLES are essential beliefs that will guide Boston Public School staff, students and families in the shared work of ensuring a positive school environment and improved student outcomes. These principles must be discussed, understood and embraced across the city to ensure maximized learning and growth opportunities for all children.

1. Every student has the right to a high-quality education based on a rigorous and engaging curriculum, effective instruction, and attention to individual learning needs.
2. Because every student is valued and respected and deserves the opportunity to graduate from high school with a diploma, it should be the expectation that students will not be punished by denying them the opportunity to learn.
3. Every effort will be made 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. Exclusion should be used only in the most extreme circumstances and only as a last resort.

4. Students will not be punished for behavior resulting from their disability. Student behavior will be addressed as an education issue.
5. The most effective way to address discipline problems is through student support, effective intervention, and prevention of recurring behavior.
6. Students learn best in a positive and safe environment in which all students, teachers, and parents feel welcomed and respected.
7. Schools will communicate, advertise, respect, and uphold students' rights, including their constitutional rights and those rights set forth in the Code of Discipline.
8. Teachers, students, parents, and administrators will all have a voice in decisions affecting the school community, including the development of school rules and regulations and the implementation of discipline practices.
9. Teachers, administrators, and other staff must model appropriate behavior at all times and must hold each other to high standards of professional behavior and personal responsibility. Ensuring the safety of all students and staff is the responsibility of all staff.
10. Recognition and respect for the diverse population in the schools and community are paramount. All children must be assured that they can learn in an environment designed to encourage critical thinking, discussion, and participation and that they will be treated in a fair, consistent and non-discriminatory manner.

Student Rights and Responsibilities (p. 5-7):

- On p. 5, the Code states that students have the right to an education of the highest standards (#2). The Code should describe what this means and explain how parents and students can use this right to work with teachers and administrators to improve student achievement for all students.
- On p. 6, the Code talks about the right to free election by secret ballot of their peers. The Code should mention that the Student Government needs to have a meaningful voice in what happens at the school. In many schools, this does not happen.
- On p. 6, the Code says that students have the right to participate in the development of rules and regulations (#8). This does not usually happen. There is no set procedure to allow students to participate in the development of school rules and regulations. BPS should require schools to provide documentation that they have involved students in the process for developing their school rules. Section 4.5 of the Code should also be changed to state that at the middle and high school levels the School-Based Rules Subcommittee must include students (p. 11) (The current version of the Code says that the Subcommittee “may” include students.)
- On p. 6, the Code states that students may exercise their First Amendment rights to free speech, assembly, press and association (#10). These are very important rights for

students, but there is no explanation about what these rights involve. The Code should explain these rights in more detail so that students can understand them. Students want to know what kind of action is considered appropriate and what, if any, consequences there are or may be for rallies, protests, and walkouts.

- On p. 7, the Code says that students have the right to present petitions, complaints, or grievances to appropriate school authorities regarding disciplinary and other school-related issues except where this Code provides for formal right of appeal (#12). The grievance process regarding discipline issues should be explained in more detail. The process for appealing suspensions should be simplified in a way that does not compromise the rights of students and is consistent with state and federal laws.
- On p. 7, the Code states that students have rights relating to personal privacy, including their own appearance, and searches of lockers, automobiles, or personal belongings (#14-15). These are also important rights for students with no explanation to help students understand what these rights mean – for example, the meaning of “reasonable cause.”
- The responsibilities of students, teachers, parents, and administrators should be written down in a contract so that everyone can know what is expected of them and be held accountable.

Responsibilities of Teachers and Administrators (p. 8):

- Some rules should apply to both teachers and students (using electronic devices, eating/drinking in the classroom, talking during exams etc.).
- The Code states that teachers should communicate with students and parents (p. 8). This statement needs to be more specific. The Code should add that teachers should communicate with students and parents about positive issues at school, and areas of potential need for assistance, not just discipline.
- Additional responsibilities should be added for teachers about providing high-quality instruction, addressing students’ individual needs, and engaging students in classroom instruction.
- BPS should remove the term “humanistic approach” from the Code (p. 8) because this term is vague and unclear.

Alternative Solutions to Discipline Problems (p. 12)

We recommend that BPS change this section by using the language in the Fifth Floor Student Government's proposal to revise the EHS school-based rules. We are interested in working with BPS to ensure schools properly implement non-exclusionary alternatives before suspending students. We also recommend the following specific changes to this section:

- **The section on “Denial of School-Provided Transportation” should be removed.** This provision serves as a disincentive to attend school, further excluding students and depriving them of their education. Using this alternative would affect families differently, depending on their income and available resources.
- **Detention.** The way that detention works now is not effective at all. Rather than sitting and doing nothing, students should be given the opportunity during detention to complete work and to talk to someone, who may be able to provide support, and to voice any concerns they might have. There should be a 3 day maximum limit placed on detentions for repeat offenders. Administrators should have to document that they took the following steps before imposing a detention:

Step 1: Administrator had a conversation with student about behavior (if no change in behavior takes place, move on to Step 2)

Step 2: Administrator had a conversation with student and parent about behavior (if not change in behavior takes place, move on to Step 3)

Step 3: Detention