

# Board of Education of the City of New York

September 16, 1994

Honorable James F. Brennan  
Member of Assembly  
44th A. D. Kings County  
416 7th Avenue  
Brooklyn, N. Y. 11215

Dear Assemblyman Brennan:

On behalf of Chancellor Ramon C. Cortines, I would like to thank you for sending a copy of the comments by David K. Roemer concerning school discipline. We welcome all thoughtful contributions as we work to improve our high schools.

Sincerely yours,

John J. Ferrandino  
Supervising Superintendent  
Division of High Schools

## **Open letter to the New York State Legislature from a New York City high school teacher:**

I have recently read the proposed legislation entitled "School Safety Act of 1994", which was introduced in the Assembly, and the New York State Senate Introducer's Memorandum in support of the "School Safety and Educational Enhancement Act of 1994". I was a teacher at Erasmus Hall High School in Brooklyn from 1990 to 1994. Erasmus Hall High School is a school with a very poor safety record and I am writing to share with you my views and opinions about the proposed laws. The following open letter is organized in three parts:

**A) A law which would improve public education in New York City.**

**B) An examination of the drop-out problem.**

**C) Comments on the Introducer's Memorandum.**

### **A. New Legislation**

**1) Method of distributing education funds.**

Change New York State's method for distributing education funds so that it is based on the number of students enrolled instead of the daily attendance of students. The current method encourages the New York City Board of Education to increase daily attendance at the expense of safety and discipline in the schools. The current formula can be criticized on other grounds as well. There is a lawsuit pending arising from the inequity of New York City receiving only 34 percent of State funds, even though it educates 37 percent of New York State's children.

**2) AIDP Funding.**

Eliminate the Attendance Improvement and Dropout Prevention program which has the effect of encouraging and supporting the New York City Board of Education's current drop-out prevention practices. These practices are addressed in parts B and C. The gist of my criticism lies in the distinction between "enrollment" and "dropping out." A student who is frequently truant, cuts classes, does not pay attention in class, does no homework, disrupts classes, and fails most of his or her classes has "dropped-out" although he or she is still "enrolled" in the school. The Board of Education is more concerned with increasing enrollment than with decreasing dropping-out.

**3) Illegalize metal detectors in schools.**

Metal detectors are used for security by airports and court houses because these facilities are open to the general public. The authorities have no control over individuals who choose to take an airplane trip or enter a court house. No self-respecting school principal would admit that his or her students are not under his or her control. Metal detectors are for principals who are not interested in having a purposeful well-behaved student body.

**4) Use private and parochial schools.**

A student going to a "zoned school," or neighborhood school, who can show the school does not enforce its discipline code, should be given the right to transfer to any private, parochial or public school of its choice. If the student enrolls in a non-public school the Board of Education should help pay the tuition.

## **B. The Dropout Problem**

### **1) General Background**

It is generally accepted that about a quarter of all youth leave school before graduating. This drop-out rate has remained steady since the mid-1960s. (It was not until 1950 that the dropout rate fell below 50%.) Even though the drop-out rate hasn't increased in recent decades there has been a change in the world and national economies that makes not having a high school diploma a serious disadvantage for a young person. This is why there has been such a large increase since the 1960s in high school graduates who go to college. The drop-out rates of young people with socioeconomic disadvantages is much higher than 25 percent.

A student is considered "at risk of dropping out" when he or she has poor attendance, failing grades, poor behavior, a troubled life at home, and a variety of other traits or indicators. We can narrow and focus the drop-out problem by asking what educational strategies should be followed to 1) keep "at risk" students in school and 2) prevent students from becoming "at risk."

Concerning the first question, there is general agreement about how to help "at risk" students. Such students should attend schools or sub-schools with a small and dedicated staff who provide innovative or "alternative" educational programs that meet the special needs of these students. Class sizes should be small and extra guidance, counseling and support services should be provided. An example of an innovative policy is letting students accumulate partial credits for work done in a course instead of the standard practice of failing students who don't get a grade of 65.

To prevent students from becoming "at risk", it is also generally agreed, any strategy which improves student academic achievement will be effective. A student who succeeds in passing most of his or her classes will usually graduate, notwithstanding any attendance, discipline or family problems there may be.

In New York City, "tracking" is a major factor in the educational experience of our children. This is the practice of placing students into different curriculums or programs based on perceived or actual differences in academic ability. In elementary schools and middle schools there is sometimes even a gradation from the "best" to the "worst" classes.

In high schools this selection process happens naturally because students can choose the rigorousness of their academic program. Furthermore, New York City students are free to go to any high school which will accept them. High schools have different themes, special programs and admission requirements which are used to compete for the most promising students. While the central administration of the Board of Education places restrictions on the number of students each high school can freely select and the methods of selection that can be used, the result is that at certain schools the student population is made up almost entirely of students with poor attendance records, low reading and mathematics scores, and low grades. One might call these lower-tier schools, because most of its students were rejected by high schools with more demanding admission standards or were transferred to their "zoned high school" after a year or half-year of failing classes and misbehaving at a better school.

At these lower-tier high schools student performance and achievement is not high. A student who passes all its courses is considered a good student. Most students in the ninth grade who go to this type of school fail at least one or more courses. The failure rate for 10th graders is not as bad, because a 10th grader is, by definition, one who has succeeded in accumulating a certain number of credits.

### **2) Discipline in lower-tier schools.**

There is nothing in State Education Law, the Citywide Standards of Conduct and Uniform Disciplinary Measures of the New York City Board of Education (The Discipline Code), or the Chancellor's regulations that prevents any school in New York City from being safe and orderly. This proposition will make some persons uncomfortable since it shifts the blame from the socioeconomic and personal backgrounds of the students to the administrators of unsafe and disorderly schools.

State Education Law requires school districts to maintain order in classrooms by suspending and expelling delinquent or misbehaving students. Students are entitled to a fair hearing before being suspended from instruction, but the actual due process requirements are relatively rudimentary. Alternative instruction must be provided to 16 year-olds or younger who are suspended, and five Borough Outreach Centers have been established and are currently performing this function.

The New York City Board of Education in its administration of these lower-tier schools does not enforce its discipline code as a matter of policy. This is not a practice the Board of Education will admit. At Erasmus Hall High School 80 percent of the faculty signed a letter to Chancellor Cortines which complained about the lax discipline practices at the school. The Chancellor responded through the Brooklyn Superintendent who said: "We are all committed to enforcing the discipline code so that our schools are conducive to learning."

### **3) Is the Discipline Code enforced?**

Item 3 of The Discipline Code forbids "cutting classes." This is an excellent rule because high school subjects are generally taught as a series of topics or units. A unit may last for two or three weeks, and each day's lesson builds upon the previous day's lesson. This means if a student is absent for lesson #1 of the unit, it will be harder for that student to learn lesson #2. There is a strong correlation between failing a course and the number of days absent from class.

A computer printout of the names of students at Erasmus Hall High School who cut class in a two week period in May of 1994 shows that 1365 cut class at least 3 times. Since the average daily attendance is around 1500 this means that the overwhelming majority of students cut classes repeatedly, week after week. The actual breakdown is: 678 students cut classes 3 to 9 times; 449 students cut classes 10 to 19 times; 175 students cut classes 20 to 29 times; 42 students cut classes 30 to 39 times; and 18 students cut classes 40 to 64 times.

The extent of the administration's response to cutting is to send a postcard to the child's home. This means the burden of disciplining students who cut classes falls entirely on the parents of the child. This state of affairs is not consistent with the Discipline Code which stipulates the following interventions for cutting and other types of insubordination:

- student/teacher conference
- reprimand by dean or teacher
- letter or telephone call to home
- parent conference
- guidance conference with student and parent
- in-school disciplinary action
- Principal's suspension (5 days maximum)
- Superintendent's suspension (30 days maximum)
- transfer to another school

### **4) Should the rule against "cutting" be enforced?**

This non-enforcement of the rules against cutting is also not consistent with the wishes and needs of the parents whose children attend Erasmus Hall High School and the needs of the students themselves. When a school and the parents act together it produces a collaboration which strengthens both parties in their efforts to guide and modify the behavior of children.

After repeated reprimands and counseling, a school should summon the parents for a disciplinary counseling session. Such a demand for a conference creates a family crisis. There is the problem of taking time off work and getting someone to mind the other children. It provokes family discussions, and everyone involved becomes fully aware of the child's misdemeanors in a way which is fully realizable and comprehended. A form letter alleging a vague and easily deniable transgression will not have as great an impact.

This is not true for all families. For some parents a post card mailed from school, or a poor grade, will cause a family upheaval just as great as a summons to go to school. However, this is generally not the case for parents whose children attend a lower-tier high school. There are many reasons for this apart from the fact students will intercept and censor letters from school. One reason is that negative written notices from a school is nothing new to these parents. Also, different people respond differently to written communications. Some agonize over what the letter portends, others are inclined to throw letters from government agencies, bill collectors, and such into the waste basket.

The family crisis a summons to school creates is one that enhances the parents' standing with the child. The letter or summons means the child is in trouble with the school authorities. This places the child in the position of needing its parents to get him or her out of a predicament. If the parents refuse to go to school, they are giving the school its tacit approval to take what ever disciplinary action the school wants, for example, an out-of-school suspension.

The prospect and threat of suspension is a strong deterrent for cutting and will help children make the right decisions. Children want to be successful in school and know, or should know if they are being properly counseled, that cutting will diminish their chances for academic success. Students cut, nonetheless, because they are human beings and do not always follow their best inclinations and desires. Many are tempted to cut by the example and urgings of their peers.

### **5) Will suspending students for "cutting" discourage this behavior?**

Teachers and others frequently deride the deterrent benefit of suspensions by saying that the child is simply being given an unasked for vacation. This perception, however, is based on the current disciplinary practices which reserves suspensions for offenses such as fighting, weapons possession, and harassing teachers. This does not mean, however, that a school should not suspend students for cutting and other types of non-violent rule breaking. On the contrary, it is a necessary component in a rational and effective discipline policy.

While disciplining a student for cutting all members of the staff must be able to say truthfully that: "cutting is against the rules." This does not mean that cutting is not recommended, it means precisely that a student who doesn't obey this rule cannot attend school. It may be possible for a father to say to his son, "if you do such and such another time I will beat you to within an inch of your life" and not mean it. For an organization, with many different individuals involved in disciplining and counseling a child, any dissimulation destroys the counseling process. When certain behaviors are not truly prohibited and subject to the sanction of a suspension there is a general break down of rule enforcement. Teachers do not bother to call parents or write referrals. Assistant principals do not help with recalcitrant cases. Deans go through the motions of counseling a student, but do not demand apologies or make sure a student grasps the seriousness of its misbehavior.

The Discipline Code, with its emphasis on counseling and parental involvement, is designed to insure the child understands that flagrant and repeated cutting will ultimately result in its removal from the school and its placement at an "alternative school" or the Borough Outreach Center. Faced with this choice the bulk of the students enrolled, even at lower-tier high schools, will desist from cutting. We can count on this because children, despite how uninterested they may seem to be in their studies, all want to be admired by their families, to marry, to find employment, and to become respectable members of society. They know perfectly well that the proper roll for a person of their age is to attend a normal high school, and they will do what is necessary to prevent being excluded from their neighborhood school or the school of their choice.

### **6) Benefits of eliminating cutting and truancy.**

Since students at Erasmus take, on the average, 6 periods a day, the 1365 students who cut should have attended 81,900 classes in this two week period. A simple calculation shows the practice of attending school but not going to all classes reduces instruction time by over 20 percent.

Truancy is a special type of cutting where the student does not attend classes at all. It is not as easy to measure because the student may be legitimately ill or may be a victim of parental neglect. Assuming the truancy rate is 15 percent, the enforcement of the school rules against cutting and truancy has the potential of increasing instruction time by 35 percent at a typical lower-tier school.

## **7) Will this work with "at risk" students?**

A student who is truly "at risk" will not respond favorably to an attempt to strictly enforce the rules against cutting and truancy. Such a student will accept whatever disciplinary actions are taken rather than modify its behavior. If it means going to the Borough Outreach Center for 30 days, this type of student will either go or stay home. At New York City's own drop-out prevention programs, which have much experience in helping students like this, ultimatums and threats are not the focus of their counseling sessions with students.

There is another type of student whose attendance at lower-tier high schools has a large effect on discipline and safety at these schools. This type of student is seldom found at better high schools. To describe such students as being "at risk" is unduly optimistic because there is little chance the student will graduate within the next few years. An example is a student who is 17 years old and has attended high school for three years but has passed few courses. Such a student attends school for a variety of reasons: to get bus passes, socialize, and have adventures. It is just a matter of time before the disutilities of sporadic and desultory attendance outweighs the benefits, and the student stops coming to school altogether. Enforcing the rule against cutting will cause such students to stop coming to school.

There is another type of student who can be described as potentially "at risk" but is not "at risk" yet. This is the type of student who will benefit the most from a strict enforcement of the rules against cutting and truancy. This student's likelihood of graduating will depend on his or her developing good work habits and having positive and successful experiences in school. Cutting is not a positive experience. Cutters return to class not knowing what happened in their absence. Cutting will cause students to fail the course or get a low grade. By precluding this option, schools and parents will be promoting and supporting children in their true desires and goals.

## **C. The School Safety and Educational Enhancement Act of 1994**

### **1) The disruptive and/or violent behavior of a small percentage of students limits the ability of the majority of students to learn in a safe and positive atmosphere.**

This correctly describes the situation at Erasmus Hall High School and many other lower-tier high schools in New York City. It also describes the conditions for learning at Boys and Girls High School, which draws its students from one of the poorest areas of Brooklyn, before Frank Mickens became Principal and required his students to behave themselves while they were in school. The fault isn't the "behavior of a small percentage of students" but the behavior of a small percentage of principals. The sentence should read: Many of our high schools fail to provide our students with a safe and positive atmosphere.

### **2) ..by requiring school districts, in conjunction with the community, to take a new look at their standards for acceptable behavior and to define how those standards will be enforced and the penalties for violation of the standards.**

It is important to distinguish between two types of offenses: violent and non-violent. Non-violent offenses include cutting class, walking the halls, failing to follow a teacher's instructions in the classroom, speaking disrespectfully to a teacher, and coming to class late. Violent offenses include fighting, bringing weapons to school, and harassing a teacher.

A school is disorderly because the administration is unwilling to prohibit non-violent misbehavior. Enforcing the rules of civility and decorum will immediately cause students who come to school only to fool around to stop coming to school. This type of student is one of the main sources of disorder and violence in lower-tier schools. This point has been made by Thomas Sowell in his book *Inside Education* and Jackson Toby in an article entitled "Everyday School Violence: How Disorder Fuels It" which was published in the *American Educator*.

At Erasmus Hall High School approximately 10 percent of the enrollment could be described in this negative and pessimistic manner. Another 10 percent could be described as being "at risk." These are students who have difficulty following the regimen of a typical high school day. Making high behavioral demands on such students may be unfair given their personal backgrounds and prior educational experience. However, such students should not be regarded as hopeless and may succeed in an alternative school setting. This type of student is also a major source of disorder at lower-tier schools.

I hope it is now clear why the administrators of Erasmus Hall High School, and other similar schools, are unwilling to enforce the school rules against various types of non-violent behavior. It would mean reducing attendance rates by approximately 20 percent. Improving attendance is one of the major goals of the administration of many schools. The high school division generates lists measuring attendance rates, and small differentials can place a school at the bottom of the list.

**3) ...by requiring the State Education Department to develop appropriate resource material for distribution to school on how to reduce interpersonal violence.**

Another way of reducing "interpersonal violence", as I indicated above, is to enforce the various rules that require students to behave in a civil and mature manner. Uncivil behavior like the use of bad language, play fighting, horsing around, and so on frequently leads to disagreements and fights. Insubordination and other forms of showing disrespect to teachers and other adults fosters a lack of respect for authority and creates a disorderly environment.

Erasmus Hall High School will never suspend a student for talking in class or engaging in other acts of insubordination. The severest sanction against this type of non-violent rule breaking is to transfer the student to another class. This has a deleterious effect on the entire tone and atmosphere in the school, and the willingness and ability of the staff to enforce the Discipline Code.

Students who go to all of their classes and behave themselves are in school for the purpose of getting an education. Such students are under the control of the school's faculty and staff. They behave in a respectful and mature manner throughout the day. Students who are engaged in getting an education will not jeopardize their achievements by fighting and taking weapons to school.

If a well-behaved student is caught with a weapon, he or she will cooperate with whatever in-school disciplinary measures are administered and be grateful that the consequences were not worse. There is no need for metal detectors in a school filled with children under the control of the administration. This is why there are no metal detectors at Boys and Girls High School and many other schools in New York City. The dean of Midwood High School, many of whose students come from the same neighborhood as Erasmus Hall High School, once said to me: "There is no student here that we can't control".

Erasmus Hall High School screens its students with metal detectors because the administration has no desire to limit its enrollment to students it can control. The administration wants to increase daily attendance and is no more interested in enforcing a discipline code than the Transit Authority is interested in enforcing a dress code.

**4) The collection of data on school violence will highlight those districts experiencing safety or security problems and should assist the State Education Department in efforts to work with those districts on addressing the problem.**

Important data to collect and make available to the public for the purpose of monitoring the Board of Education would be the statistics on Superintendent's suspensions. These are suspensions for 6 days or longer and require a hearing at 362 Schermerhorn Street in Brooklyn. The data collected should be the following:

- type of offense
- length of suspension

- age of offender
- number of credits offender has accumulated
- disciplinary history of the offender

**5) Finally, by increasing the penalties for use and possession of weapons on school grounds, the bill seeks to emphasize that communities want their schools to be places where children are safe and where learning can occur in a safe environment.**

The Chancellor's Regulations have already been changed to allow the suspension of a student found with a weapon for a year. The Board of Education doesn't impose the maximum penalties. For weapons possession the suspension time is usually the minimum possible (6 days), and the student is transferred to another school. Leniency may be justifiable when the student is making progress toward graduation, however, it is rather liberally granted to students regardless of their age and academic/disciplinary record.

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