

Community Service as Alternative School Discipline Option S.5405 (Farley)

June 2, 2015

THE COUNCIL SUPPORTS this proposal to allow disciplinary discretion by school officials to assign community service to a student in place of school suspension.

This proposed legislation offers expanded discretion to boards of education, boards of trustees or sole trustees, superintendents of schools, district superintendents of schools, and principals in administering discipline in public schools. Allowing for the assignment of community service in place of school suspension allows for added community and student enrichment value to school disciplinary actions.

Presently, no legal authority exists that would allow for assignment of community service as a form of punishment. Community service has sometimes been agreed upon informally to reach a resolution, but there is no legal authority to impose this. Suspension from classes (either in-school or out of school) has traditionally been the only tool available to school officials. While this option has its useful applications in minimizing student disruption and keeping order in schools, it is not necessarily the best option in every situation.

Suspension from school detracts from classroom learning time and can be a motivating factor for some students to *seek* disciplinary action. In certain school districts, suspension has been noted as falling disproportionately upon racial minority students, leading to questions of harsher penalties for those students based upon race.

Community service has been documented as providing a constructive and effective form of punishment in many cases.¹ It does not detract from classroom time, provides an overall benefit to the community, promotes good civic behavior in students, and reduces rates of recidivism. It is also a form of punishment which forces surrender of personal time by students and exacts a negative consequence on undesired behavior.

As the representative organization for the state's school superintendents, THE COUNCIL supports expanded options for superintendent discretion. One size almost never fits all situations. Having options for alternative disciplinary actions can only help what is the extremely difficult job of being a school superintendent. This legislation advances the goal of providing expanded discretion to superintendents to progress learning objectives and provide a safe learning environment for students.

THE COUNCIL Supports this legislation and urges lawmakers to adopt it immediately.

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Center for Alternative Sentencing and Employment Services (CASES), Community Service Sentencing Project. In a 1995 CSSP survey of New York City Criminal Court judges, 74% of judges found the use of the community service sentencing project to be "very valuable." Not a single judge rated the program as "not valuable." Available at: <http://www.vera.org/sites/default/files/resources/downloads/1587b.pdf>