

New York State Comptroller
THOMAS P. DiNAPOLI

New York City Public Schools

Oversight of Student Suspensions

August 2026 | Report 2023-N-3

Prepared by the Division of State Government Accountability

Audit Highlights

Objective

To determine whether New York City Public Schools (NYCPS) complies with Local Law 93 of 2015, NYCPS' A-443 suspension procedures, and other relevant regulations or laws pertaining to suspensions for students attending public schools in New York City (excluding charter schools/students); and whether suspended students are receiving the required academic instruction they are entitled to during periods of suspension. The audit covered school years 2019–20 through 2022–23 and included students who were disciplined in these 4 years.

About the Program

Schools are responsible for creating and maintaining a safe, orderly, and supportive learning environment for all students. By establishing system-wide rules; setting clear expectations for student behavior; responding to misconduct consistently; and using appropriate supports, interventions, and disciplinary actions, disciplinary policies help prevent disruptions, reduce safety risks, and promote a positive school climate.

NYCPS, the nation's largest public school system, serves more than 900,000 students across over 1,800 schools in grades K–12 throughout the five boroughs. Chancellor's Regulation A-443 (Regulation A-443) outlines the procedures schools must follow when disciplining students, including when students may be removed from class or suspended, requirements for notifying parents/guardians, timelines for conferences and hearings, supports and interventions (e.g., counseling, mentoring, social-emotional learning strategies), alternate instruction during suspensions, students' due process rights, and documentation requirements.

In addition to Regulation A-443, NYCPS' *Citywide Behavioral Expectations to Support Student Learning*, commonly known as the Discipline Code, has one set of guidelines for grades K–5 and another for grades 6–12. It defines expected standards of student behavior; identifies conduct that violates these standards; and describes permissible supports, interventions, and disciplinary responses schools may use to address misconduct. NYCPS provides additional guidance to schools on discipline procedures in its *Overview of Teacher Removal and Suspensions* (2022–23). NYCPS' Office of Safety and Youth Development (OSYD) is responsible for helping schools create and maintain a safe, orderly, and supportive school.

NYCPS disciplinary actions or responses (in this report, disciplines, disciplinary incidents, disciplinary actions, and disciplinary responses are used interchangeably) that address student misconduct, include teacher removals, principal suspensions, and superintendent suspensions.

- **Teacher Removal:** A teacher may remove a student from class for very disruptive behavior or behavior that interferes with instruction. Removals cannot exceed 1 school day for students in grades K–2 and up to 4 school days for students in grades 3–12. The

student is removed only from the specific classroom where the behavior occurred and may attend all other classes. Instruction is provided in an alternate location in the school.

- **Principal Suspension:** A principal may suspend a student for 1–5 school days for behavior that poses a clear and present danger of physical injury to the student, other students, or school personnel; or prevents the orderly operation of classes or other school activities. Instruction is provided in an alternate location in the school (in-school suspension).
- **Superintendent Suspension:** A principal may request a superintendent suspension for more serious offenses (e.g., using or possessing a weapon, selling or distributing illegal drugs or controlled substances, using extreme force against others, inflicting/attempting to inflict serious injury). These suspensions range from 6–20 school days. In limited situations, students may receive suspensions longer than 20 school days. Instruction is provided outside the student’s home school. Middle and high school students are assigned to an Alternate Learning Center (ALC), while elementary school students are assigned to a neighboring “buddy” school.

All incidents, interventions, and supports must be documented in NYCPS’ Online Occurrence Reporting System (OORS) for all parties involved regardless of whether a disciplinary response is imposed. NYCPS uses its Suspensions and Office of Hearings Online system (SOHO) to document all disciplinary responses.

During the 4 school years included in our audit (2019–20 through 2022–23), 54,565 students were involved in 88,356 incidents that resulted in a disciplinary response (some students received multiple disciplines). Although total student enrollment declined by 10% from 2019–20 through 2022–23, the number of disciplinary incidents increased by 66%.

Pursuant to Local Law 93 of 2015, NYCPS is required to provide suspension data to the City Council through both annual and biannual reports. The annual report on student discipline must report suspension data from the preceding school year and be submitted by October 31 each year.

Key Findings

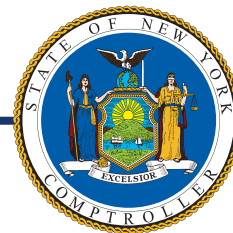
We identified several concerning trends and deficiencies in NYCPS’ administration of its student discipline program including:

- **High rate of students disciplined multiple times.** For the 4-year school period, 54,565 students had a total of 88,356 incidents that resulted in teacher removal, principal suspension, or superintendent suspension. Among these students, 16,605 (30%) were disciplined multiple times.
- **Lack of documented supports and interventions for 41% of students with multiple principal and/or superintendent suspensions.** Of the 16,605 students with multiple disciplinary actions, there was no record of supports and interventions for 6,735 (41%) students.

- Disparities in suspension length across racial/ethnic groups for the most frequent infractions. We found Black students received more disciplinary days, on average, compared with the other ethnic groups. For example, for intimidating and bullying behavior, Black and Hispanic students were disciplined an average of 5.75 and 4.66 days, respectively, compared with 3.88 days for White students and 3.61 days for Asian students.
- Failure to ensure all school staff completed all required behavioral supports training. In a judgmental sample of 20 schools (four schools from each of the five boroughs in school year 2022–23), all school staff who interact with students on a daily basis did not attend the required trainings related to behavioral supports.
- Suspensions exceeding the 20-day limit. We identified 113 students who received suspensions lasting more than 20 days involving 118 superintendent incidents, with suspensions ranging from 21–91 days.
- High absenteeism for students during superintendent suspensions. Attendance data for students with the most severe disciplinary actions (superintendent suspension) shows these students were absent, on average, 54% of the days they were assigned to receive instruction at alternative locations. Specifically, for the 11,878 students, with a total of 15,100 superintendent suspensions in grades 3–12, absenteeism rates ranged from 48% to 67%.
- Suspension notifications missing essential information. Regulation A-443 requires parents to receive written notification of principal or superintendent suspension within 24 hours. Many of the 134 suspension notifications (91 principal and 43 superintendent) provided to us for a sample of 59 students were missing information such as the date of the decision to suspend, the suspension start date, and the date the notification was issued to parents. Lacking this information, there is no assurance that notifications to parents met the required time frames.
- Inadequate documentation for suspension hearings and conferences. Regulation A-443 also requires principal-suspension conferences with parents and superintendent-suspension hearings to be held within 5 school days. However, for 80 of the 91 principal conferences and 12 of the 43 superintendent hearings, we could not determine whether the 5-day requirement was met because notices lacked the required dates to make this determination or the date provided could not be confirmed.
- High number of disciplinary incidents among selected students. For the 4-year period, 11 judgmentally selected students received 94 disciplinary actions, including teacher removals and principal/superintendent suspensions, ranging from two to 43 incidents per student. These students were removed from their regular educational program settings for 1–187 school days.

Key Recommendations

- Ensure appropriate supports and interventions are provided consistently to all students, especially those with high risk of being disciplined multiple times.
- Monitor length of suspensions assessed to ensure consistency across all racial/ethnic groups.
- Ensure all staff (including non-instructional staff) attend all mandated trainings, including those that address biases.
- Monitor the use of suspensions that exceed 20 days by identifying behaviors that lead to lengthy suspensions.
- Proactively monitor students' attendance at alternative learning locations during superintendent suspensions and assess reasons for and take actions to address low attendance.
- Ensure compliance with Regulation A-443 for 24-hour written notification and 5-day conference/hearing for principal and superintendent suspensions. In addition, provide written notification to parents as soon as an incident that results in disciplinary action occurs.



**Office of the New York State Comptroller
Division of State Government Accountability**

August 27, 2026

Kamar Samuels
Chancellor
New York City Public Schools
52 Chambers Street
New York, NY 10007

Dear Chancellor Samuels:

The Office of the State Comptroller is committed to helping State agencies, public authorities, and local government agencies manage their resources efficiently and effectively. By so doing, it provides accountability for the tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities, and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit entitled *Oversight of Student Suspensions*. This audit was performed pursuant to the State Comptroller's authority under Article V, Section 1 of the State Constitution and Article III of the General Municipal Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this report, please feel free to contact us.

Respectfully submitted,

Division of State Government Accountability

Contents

Glossary of Terms	9
Background	10
Audit Findings and Recommendations	13
High Rate of Students With Multiple Disciplinary Incidents	13
Supports and Interventions for Students With Multiple Disciplines	15
Racial Disparities in Length of Disciplines	15
Behavioral Supports Training for School Staff	17
Suspensions Exceeding 20-Day Cap	18
High Absenteeism Rate: Students With Superintendent Suspensions	19
Outdated NYCPS Website Information on Alternate Learning Centers	20
Compliance With Local Law Reporting	20
Sampled Students – Inadequate Documentation of Suspension Notifications and Excessive Disciplines	21
Recommendations	25
Audit Objective, Scope, and Methodology	26
Statutory Requirements	28
Authority	28
Reporting Requirements	28
Exhibit A	29
Exhibit B	39

Exhibit C _____ **42**

NYCPS Response and State Comptroller's Comments _____ **43**

Glossary of Terms

Term	Description	Identifier
NYCPS	New York City Public Schools	<i>Auditee</i>
ALC	Alternate Learning Centers	<i>Key Term</i>
ATS	Automate the Schools	<i>System</i>
Discipline Code	Citywide Behavioral Expectations to Support Student Learning for grades K–5 and 6–12	<i>Key Term</i>
OORS	Online Occurrence Reporting System	<i>System</i>
OSYD	Office of Safety and Youth Development	<i>Key Term</i>
Regulation A-443	Regulation of the Chancellor of New York City Public Schools A-443: Student Discipline Procedures	<i>Regulation</i>
SED	State Education Department	<i>State Agency</i>
SOHO	Suspensions and Office of Hearings Online system	<i>System</i>

Background

Schools are responsible for creating and maintaining a safe, orderly, and supportive learning environment for all students. One of the primary ways schools fulfill this responsibility is through discipline systems. By establishing system-wide rules; setting clear expectations for student behavior; responding to misconduct consistently; and using appropriate supports, interventions, and disciplinary actions, discipline policies help prevent disruptions, reduce safety risks, and promote a positive school climate.

New York City Public Schools (NYCPS), the nation's largest public school system, serves more than 900,000 students in grades K–12 across over 1,800 schools throughout the five boroughs. NYCPS' Office of Safety and Youth Development (OSYD) is responsible for helping schools create and maintain a safe, orderly, and supportive school. As noted on its website, OSYD recognizes that school safety, climate, and culture have a profound effect on students' academic achievement and behavior.

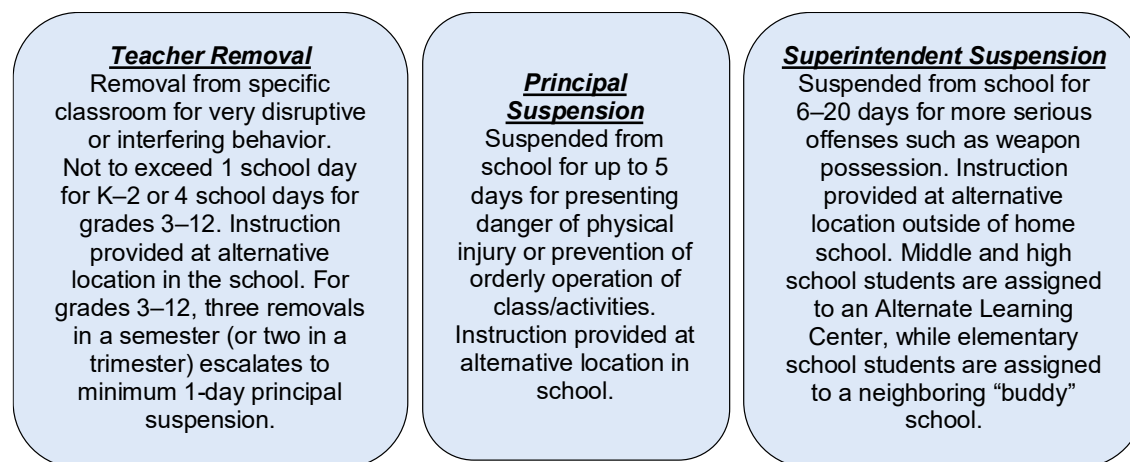
Chancellor's Regulation A-443: Student Discipline Procedures (Regulation A-443) outlines the procedures schools must follow when disciplining students in grades K–12. It specifies the circumstances under which a student may be removed from class or suspended, requirements for notifying parents/guardians, timelines for conferences and hearings, available supports and interventions, alternate instruction during suspensions, students' due process rights, and recordkeeping and documentation.

In addition to Regulation A-443, NYCPS has issued the *Citywide Behavioral Expectations to Support Student Learning*, commonly known as the Discipline Code, with one set of guidelines for grades K–5 and another for grades 6–12. It defines expected standards of student behavior; identifies conduct that violates these standards; and describes permissible supports, interventions, and disciplinary responses schools may use to address misconduct. NYCPS provides additional guidance to schools on disciplinary procedures in its *Overview of Teacher Removal and Suspensions* (2022–23), available through the Principals' Digest.

Disciplinary actions or responses (in this report, disciplines, disciplinary incidents, disciplinary actions, and disciplinary responses are used interchangeably) in NYCPS that address student misconduct include teacher removals, principal suspensions, and superintendent suspensions (see Figure 1).

All incidents, interventions, and supports must be documented in NYCPS' Online Occurrence Reporting System (OORS) for all parties involved, regardless of whether a disciplinary response is imposed. NYCPS uses its Suspensions and Office of Hearings Online (SOHO) system to document all disciplinary responses. Also, pursuant to Local Law 93 of 2015, NYCPS is required to report student discipline data to the New York City Council twice a year.

Figure 1
NYCPS Disciplinary Actions and Responses

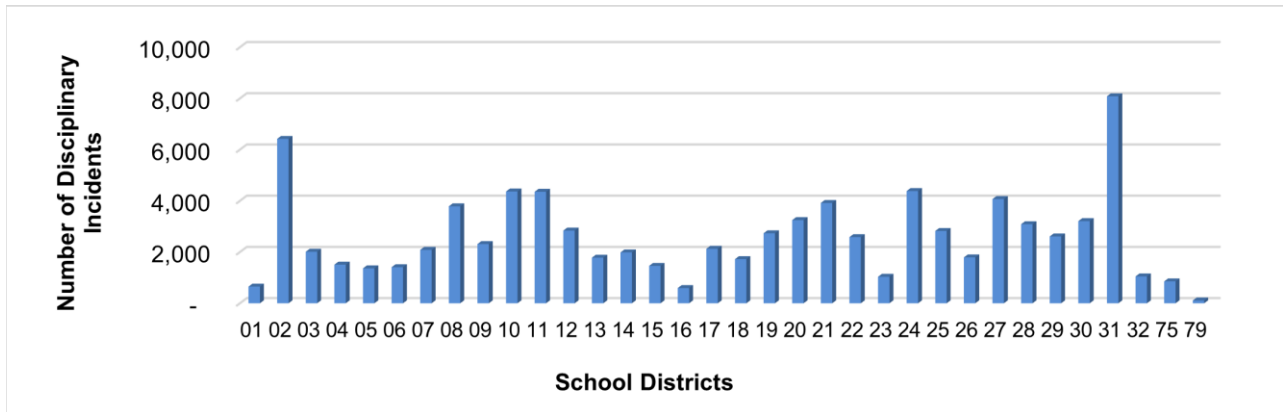


Note: Superintendent suspensions lasted more than 20 days in some cases.

We requested and obtained from NYCPS a dataset containing all disciplinary responses (teacher removals, principal suspensions, and superintendent suspensions) students received during the 4 school years included in our audit period (2019–20 through 2022–23). During this period, 54,565 students were involved in 88,356 incidents that resulted in a disciplinary response (some students received multiple disciplines [See Exhibit A]). Of these 54,565 students, 80% were Black and Hispanic while the remaining 20% were White, Asian, or other ethnicities. Further, while total student enrollment in K–12 declined by 10% for this 4-year period, the number of disciplinary incidents increased by 66%.

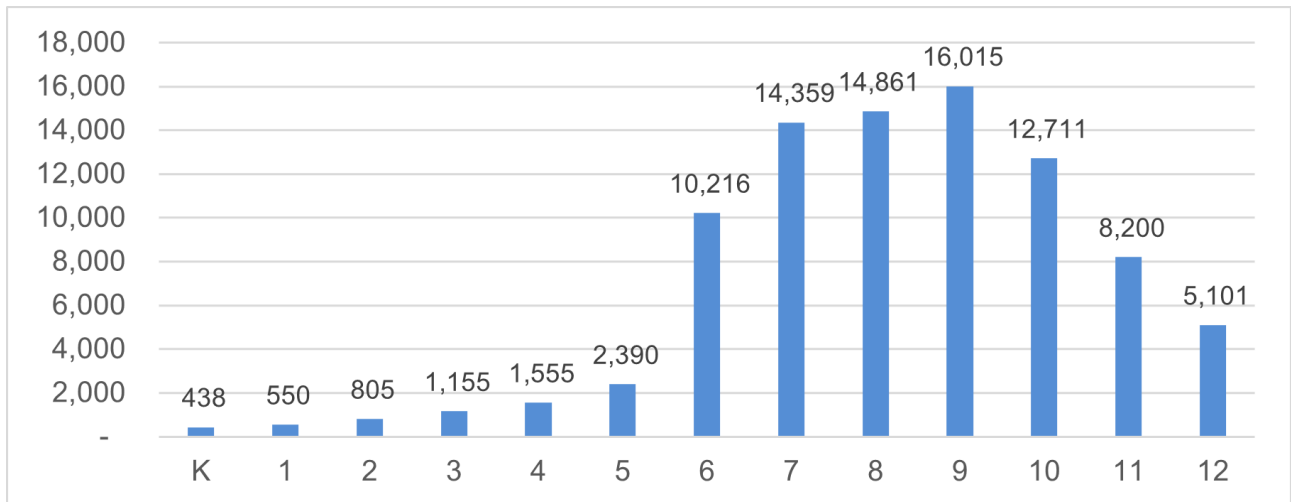
NYCPS is composed of 32 school districts (1–32) and two citywide districts (75 and 79) (see Exhibit B). Figure 2 shows the number of disciplinary incidents across these districts. While most districts fall within a moderate range of incidents—between 1,500 and 4,500 incidents over the 4-year period reviewed—two districts (2 and 31) have a much higher number of incidents compared to the others—over 6,000 and 8,000 incidents, respectively. Overall, the wide variation in disciplinary actions across the school districts may warrant further analysis by NYCPS to understand the underlying factors.

Figure 2
Disciplinary Incidents by School District



In addition, we analyzed the data by grade. As Figure 3 shows, the number of disciplinary incidents shows a gradual increase in the lower grades up to 5th grade, before they begin to increase significantly in grades 6–10, the middle to early high school grades, signaling the need for NYCPS to explore a more focused approach in providing supports and interventions to the students in these grades.

Figure 3
Disciplinary Incidents by Grade



Audit Findings and Recommendations

NYCPS has established regulations and policies, including Regulation A-443 and the Discipline Code, to guide the administration of its disciplinary program. However, our review found several concerning trends and deficiencies over the 4-year audit period that indicate the need for stronger monitoring and improvements to better support at-risk students. Among these issues, we identified high rates of students with multiple disciplinary incidents, often for similar aggressive behaviors; disparities in the length of disciplinary responses among racial/ethnic groups for the same infractions; and high levels of absenteeism at alternative learning locations where suspended students are assigned to during their suspensions. We also identified that not all staff at the sample schools completed the required trainings related to providing behavioral supports to students. In addition, we found instances where students received suspensions exceeding the 20-day limit, ranging from 21–91 days.

High Rate of Students With Multiple Disciplinary Incidents

While any single student removal from the classroom or suspension is concerning, the high rate of students with multiple incidents is even more alarming.

Our analysis of NYCPS discipline data (teacher removals, principal suspensions, superintendent suspensions) found that 54,565 students received at least one discipline during the 4-year audit period. Of these, 16,605 students (30%) were disciplined two or more times. As shown in Table 1, the majority of these students—15,326 (92%)—were disciplined between two and five times, while the remaining 1,279 students (8%) were disciplined six or more times.

As shown in Figure 4, among the 16,605 students who received multiple disciplines:

- 63% (10,459 students) received a principal (35%) or a superintendent suspension (4%), or both (24%).

Table 1
Students Disciplined Multiple Times

Number of Disciplinary Actions	Number of Students
2–5	15,326
6–9	1,058
10–19	215
20–29	4
30–43	2
Total	16,605

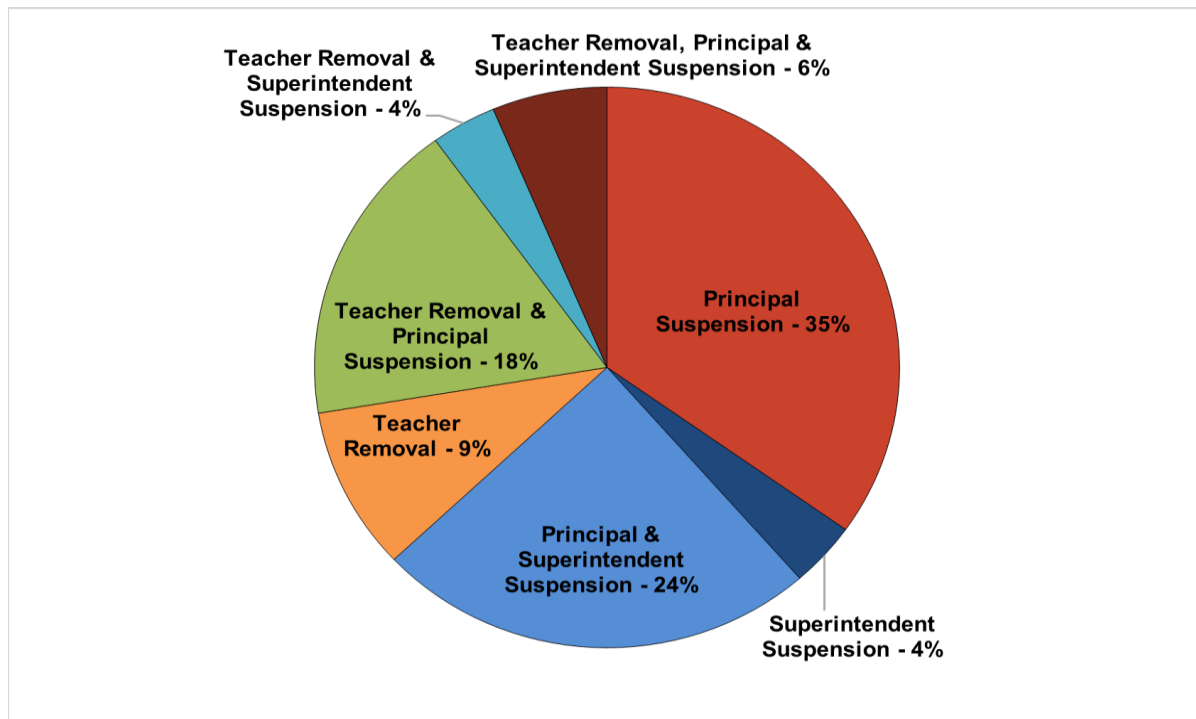
- 28% (4,585 students) received a combination of teacher removal and superintendent suspension (4%), teacher removal and principal suspension (18%), and teacher removal, principal suspension, and superintendent suspension (6%).
- 9% (1,561 students) received teacher removals multiple times.

Across all discipline types for these students, incidents involving altercations and physically aggressive behavior were the most common reasons for discipline.

The State Education Department (SED), in its report on *Recommendations for Reducing Disparities in and Reforming School Discipline in New York State*, stated that suspended students “are more likely to drop out of school and have subsequent involvement with the juvenile justice system; they are also less likely to enroll in postsecondary education.” SED also pointed out that “high rates of suspension have long-lasting impacts on student success, with frequent out-of-school suspensions predicting low academic achievement, course completion, and attendance.”

These possible outcomes outlined in the SED report are reflected in the patterns found in our analysis, which among other findings, show high rates of students receiving multiple disciplines and low attendance rates in alternative locations during suspension. Together, these signal that NYCPS may need to strengthen or expand the supports and interventions to better address student needs.

Figure 4
Students Disciplined Multiple Times



Supports and Interventions for Students With Multiple Disciplines

Both Regulation A-443 and the Discipline Code emphasize and encourage schools' use of supports and interventions rather than punitive disciplinary actions to address student misconduct. Used consistently and appropriately, supports and interventions help improve student behavior, lower the incidence of repeated misbehavior, and contribute to a more positive school environment. Examples of supports and interventions NYCPS provides include individual or group counseling, mentoring, social-emotional learning strategies, and the development of Functional Behavioral Plans. In addition, the Discipline Code requires all supports and interventions provided be documented in OORS.

Of the 16,605 students who received multiple disciplines, NYCPS' Automate the Schools (ATS) (the system used to record, among other things, student attendance) data shows that 10,295 students (62%) were still enrolled in NYCPS as of July 2024. The remaining 6,310 students (38%) were no longer enrolled because they graduated with a high school diploma/equivalent credential (3,158 students), while the rest (3,152 students) fell into other categories such as dropped out, transferred, or discharged to a school outside NYC.

We reviewed the provided data to determine whether these 16,605 students with multiple suspensions were provided with supports and intervention. We found that while 9,870 (59%) students were provided with at least one type of supports and intervention, such as counseling, peer mediation, or referral to external services, 6,735 (41%) students had no records indicating they have received any supports or intervention in OORS as required.

Racial Disparities in Length of Disciplines

The schools (and hearing officers, in the case of superintendent suspensions) have to follow Regulation A-443 and the Discipline Code, but have some discretion regarding the length of suspensions/removals based on various factors including, but not limited to, age and maturity of the student; disciplinary record; the nature, severity, and scope of behavior; circumstances/context; frequency and duration of behavior; the social emotional status/needs of those involved (e.g., family or community situations); and substance use or addiction.

During the 4 school years included in our audit (2019–20 through 2022–23), 54,565 students were involved in 88,356 incidents that resulted in a disciplinary response (some students received multiple disciplines).

For all 88,356 disciplinary responses imposed, we analyzed the length of suspension by racial group. Our analysis found racial disparities in the length of discipline persisted throughout the 4-year audit period, particularly for Black students.

There are multiple types of infractions under each discipline type. Infractions represent specific behaviors that violate the standards of behavior. Among the 88,356 disciplinary responses imposed to the 54,565 students, the 10 most frequent infractions across all three discipline types were:

- Altercation and/or Physically Aggressive Behavior
- Minor Altercation (Grades 6–12)
- Intimidating and Bullying Behavior
- Coercion/Threats
- Weapon Possession (Category I)
- Group Violence
- Minor Altercation (Grades K–5)
- Sexually Suggestive (Verbal/Physical)
- Controlled Substances, Illegal Drugs, or Alcohol
- Insubordination

Together, these infractions accounted for 72% (63,738) of all disciplinary responses. For these 10 most frequent infractions, we analyzed the length of discipline across racial groups. While the average discipline duration for all students was 5.12 days (based on the total number of removal days divided by the number of students involved in these 10 infractions), Black students received longer average discipline lengths than other groups for six of the 10 most frequent infractions.

For example:

- Altercation and/or Physically Aggressive Behavior: Black and Hispanic students were disciplined an average of 5.85 and 4.82 days, respectively, compared with 3.9 days for White students and 3.66 days for Asian students.
- Intimidating and Bullying Behavior: Black and Hispanic students were disciplined an average of 5.75 and 4.66 days, respectively, compared with 3.88 days for White students and 3.61 days for Asian students.

Table 2 illustrates the disparities in discipline length across racial groups for the 10 most frequent infractions (sorted in descending order).

Inequitable disciplines can cause rifts among students, erode student–teacher/principal trust, and contribute to an unsafe/discouraging school environment. As discussed further below, staff training is critical to not only addressing students’ behavioral needs but also ensuring discipline is fair and appropriate for students. NYCPS should take steps to ensure that annual trainings addressing bias in education are prioritized, if not mandated. Additionally, NYCPS should monitor schools that show such disparities in order to intervene in a timely manner and ensure training is given to all staff in those schools.

Table 2
Average Discipline Days Per Student

Code/Infraction	American Indian/Alaskan Native	Asian	Black	Hispanic	Multi-Racial & Unknown	White
B36 – Altercation/ Physically Aggressive Behavior	5.30	3.66	5.85	4.82	4.41	3.90
B24 – Minor Altercation	3.22	2.66	3.33	3.00	3.14	2.68
B39 – Intimidating and Bullying Behavior	4.83	3.61	5.75	4.66	4.02	3.88
B37 – Coercion/Threats	4.35	3.93	5.99	4.99	5.87	4.65
B58 – Weapon Possession	6.97	6.13	6.95	6.73	6.73	6.22
B54 – Group Violence	13.94	13.02	13.23	12.50	11.74	13.98
A24 – Minor Altercation	2.31	1.60	2.23	2.00	2.02	1.67
B34 – Sexually Suggestive (Verbal/Physical)	3.96	3.27	4.95	4.22	4.80	3.44
B41 – Controlled Substances, Illegal Drugs, or Alcohol	4.15	4.21	4.64	4.49	3.80	4.48
B21 – Insubordination	3.26	3.09	3.30	3.13	3.65	3.12

Note: Code A infractions are for students in grades K–5 and Code B infractions are for students in grades 6–12.

Behavioral Supports Training for School Staff

In its Discipline Code, NYCPS emphasizes the use of positive supports to help students develop essential social, emotional, and behavioral skills, and states that it will provide training to school and safety personnel on providing such supports. To determine whether NYCPS provided these trainings, we requested a list of behavioral supports-related trainings and the corresponding list of attendees for a sample of 20 schools during the 2022–23 school year, the most recent year within our audit scope.

NYCPS provided information for five trainings, noting that four were mandated during the 2022–23 school year. The fifth, *Crisis Training Protocols/Supports and Services*, was not required until the 2023–24 school year, after our scope period and, therefore, was excluded from this analysis. The four mandated trainings were:

- Student-to-Student Sexual Harassment
- Respect For All and Bullying Prevention Intervention and Reporting

- Suicide Intervention/Protocols/Supports Services
- Child Abuse and Neglect Intervention

According to Chancellor's Regulation A-411, all staff, including non-instructional personnel, are required to complete these mandated trainings by October 31 of each school year. However, our review found that not all staff at the sampled schools completed the four trainings for 2022–23, as required. At 18 schools, only two to four staff took a combination of these four trainings. At the remaining two schools, only two to three staff took a combination of three of these four trainings. None of the staff took the training on Child Abuse at these two schools. Moreover, none of these attendees completed all four mandated trainings.

It is important that all staff in student-facing roles at the schools, including teachers, lunch monitors, and maintenance and security personnel, receive all mandated trainings to ensure they are aware of available supports and interventions, and prevention strategies for assisting students in crisis.

NYCPS officials also provided a list of non-mandated trainings that they stated are available to schools, covering topics such as Implicit Biases in Education Across Race, Gender, Sexuality, and Culture; Restorative Circles Tier 1: Racial Equity Training; Understanding & Minimizing Implicit Bias; ADL-Anti-Bias Workshop; RFA Strategies & Tools for Confronting Bias; and Understanding Vicarious Trauma. However, NYCPS officials did not provide documentation identifying which schools and staff participated in these optional trainings. While these trainings are not required, given our earlier findings regarding disparities in discipline lengths, staff participation in these trainings would support NYCPS' goals of promoting school safety and improving school environment.

Suspensions Exceeding 20-Day Cap

In 2019, NYCPS implemented a policy capping school suspensions at 20 days, except when longer suspensions are required by law or when the infraction falls under Level 5 (Seriously Dangerous or Violent Behavior), as defined in the Discipline Code.

During the 4-year audit period, we found 11,910 students received 15,180 superintendent suspensions for more serious behavioral issues. These suspensions included 866 suspensions for 821 students that exceeded 20 days and were for Level 5 infractions. However, we identified 113 students who received 118 suspensions that exceeded 20 days that were not for Level 5 but were for Level 4 (Aggressive or Injurious/Harmful Behavior). These suspensions ranged from 21 to 91 days. We determined that NYCPS does not adequately monitor suspensions that exceed 20 days.

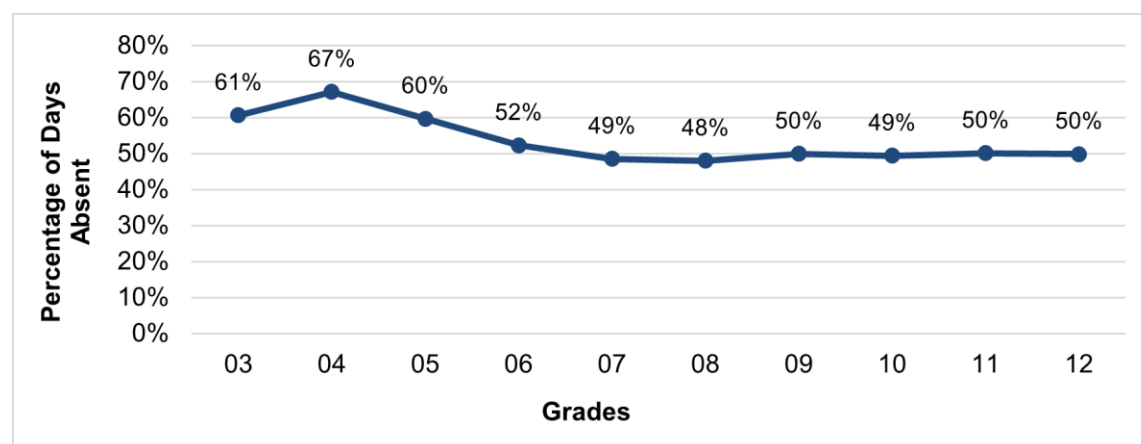
It is alarming to see a high number of students suspended for over 20 days and warrants further review of the supports and interventions provided to students who may have more significant behavioral needs.

High Absenteeism Rate: Students With Superintendent Suspensions

Regulation A-443 and the Discipline Code specify that a student removed from the classroom or suspended from school must still receive academic instruction. For superintendent suspensions, Section 3214 of the State Education Law stipulates that these suspended students receive instruction at an alternative setting. Students in elementary school (grades K–5) are assigned to attend a nearby “buddy” school, while students in middle and high school (grades 6–12) are assigned to attend an Alternate Learning Center (ALC), staffed by principals, assistant principals, teachers for core subjects, and special education staff. The goal of this requirement is to help students keep up with their studies while on suspension. Students who do not attend the assigned buddy school or ALC are marked absent in ATS.

Our review found high rates of absenteeism among students in grades 3–12, resulting in students missing critical instructional time. NYCPS data showed that 11,878 students in grades 3–12 received 15,100 superintendent suspensions (excludes 80 incidents with missing suspension day data). On average, students were absent for 54% of their suspension days. Absenteeism ranged from 48% in grade 8 to 67% in grade 4 (see Figure 5). Missing this amount of instruction days may cause students to fall behind academically, struggle to catch up, and potentially disengage from school.

Figure 5
ALC Suspension Period Absenteeism Per Grade (Grades 3–12)



Note: During this 4-year period, there was no superintendent suspension for students in grades K–2.

Furthermore, NYCPS officials stated that when a student’s suspension spans multiple school years, the data captures only the attendance days within the school year in which the suspension began; it does not capture attendance days into the new school year. Therefore, the actual absenteeism rate may be even higher than cited above.

Interviews with school and ALC officials identified several factors that contributed to low attendance, including students' refusal to attend; parents' concerns about distance to the ALC or safety; poor communication between the home school, parents, and the ALCs; language barriers; and confusion over when attendance requirements begin at the ALC. In response, NYCPS officials acknowledged that attendance, especially at ALCs, is an area in need of improvement. NYCPS officials, in May 2025, explained that they have developed additional attendance-monitoring supports over the past 18 months. While we acknowledge NYCPS' efforts, improved monitoring is only part of the solution. NYCPS should also use the resulting data to launch follow-up outreach to each student and their parents, emphasizing the importance of attending instruction at the assigned alternative setting.

Outdated NYCPS Website Information on Alternate Learning Centers

When we initially reviewed the ALC information posted on NYCPS' website, it listed 34 ALCs across the five boroughs. We requested the names and addresses for these 34 locations; however, the list provided to us did not match the information posted online. According to NYCPS officials, the website information was outdated, as some ALCs had closed while new ones opened. They informed us that, as of the 2024–25 school year, there were 24 ALCs, and provided an updated list. After we brought this matter to their attention, NYCPS updated its website to reflect the current 24 ALC locations (see Exhibit C). Maintaining accurate and up-to-date ALC information is critical for parents of students assigned to attend an ALC during the period of superintendent's suspension for helping to improve attendance.

Compliance With Local Law Reporting

Pursuant to Local Law 93 of 2015, NYCPS is required to provide suspension data to the City Council through both annual and biannual reports. The annual report on student discipline must report suspension data from the preceding school year and be submitted by October 31 each year. The biannual reports must report suspension data for the first 6 months of the current calendar year and the second 6 months of the prior calendar year, due on October 31 and March 31, respectively. These reports must include the number of suspensions citywide for each month, separated by principal and superintendent suspensions. We reviewed these reports for the 2021–22 school year and found that NYCPS was in compliance with Local Law 93 and reported suspension data as required. For example, in the annual report, NYCPS reports include disciplinary responses by school, further broken down in various categories such as race/ethnicity, gender, grade level, and Individualized Education Program (IEP) status.

Sampled Students – Inadequate Documentation of Suspension Notifications and Excessive Disciplines

Regulation A-443 has several required time frames for steps in the discipline process. Two key requirements we reviewed were:

- 24-hour written notification to parents for principal and superintendent suspensions
- Scheduling of principal conferences or superintendent hearings within 5 school days

We initially selected a sample of 291 students to review compliance with these requirements. However, due to the amount of time NYCPS took to provide us with the requested documentation, we limited our review to 61 of the 291 randomly selected students. In addition, for a closer review, we selected a judgmental sample of 11 students: 10 with the highest total discipline days in school year 2022–23 and one with the highest total number disciplines/discipline actions across the 4-year period. In total, we reviewed a sample of 72 students (61+11).

Among these 72 students, there were 185 disciplinary incidents: 51 teacher removals, 91 principal suspensions, and 43 superintendent suspensions. Because our review focused on the above two time frames, which only applied to principal and superintendent suspensions, the 51 teacher removals involving 13 students were excluded. Therefore, this analysis covers the 59 students with 91 principal suspensions and 43 superintendent suspensions.

Incomplete Written Notices of Suspension

Parents must receive written notice within 24 hours:

- For Principal Suspensions – Parents must receive written notice within 24 hours of the decision to seek a suspension or to suspend.
- For Superintendent Suspensions – Parents must receive written notice within 24 hours of the suspension (e.g., start date of the suspension).

The written notice must include pertinent information that the parents should be aware of such as the incident date, description of the incident leading to suspension, the suspension period, conference or hearing dates, the alternative learning location during the suspension period, and the student's due process rights.

To determine compliance with the 24-hour notice requirement, we reviewed available written notices for the 59 students who received the 91 principal suspensions and 43 superintendent suspensions. However, we could not determine whether the 24-hour requirement was met for all 91 principal suspensions, as the available notices lacked key dates: none of the notices included the date of decision to seek a suspension or to suspend. Additionally, 80 of the 91 notices did not include the date the notice itself was issued. We also could not determine whether the 24-hour requirement was met for all 43 superintendent suspensions because the required dates were missing or inaccurate on the available notices. In a number of instances, the notices included a

“notice date” that did not reflect the actual date issued and/or the suspension start date was unclear or missing.

Although Regulation A-443 requires notification within 24 hours of the decision to suspend (for principal suspensions) or within 24 hours of the suspension start date (for superintendent suspensions), prompt written notification when the incident occurs helps support student safety and behavioral improvement. In fact, NYCPS, in its *Overview of Teacher Removal and Suspensions* (guidance), instructs schools to notify parents within 24 hours of the incident for principal suspensions as well.

After we brought this to NYCPS officials’ attention, they emphasized the use of A-443 and stated the guidance is incorrect and that Regulation A-443 should be followed. However, the suspension notice template included in Regulation A-443 also reflects the use of the incident date. Regardless of notifying the parent within 24 hours of the decision, we encourage NYCPS to also notify the parents of the incident because this is an important measure of communication and can provide early intervention to students. Further, timely written notice after the incident occurs can help parents address behavior promptly, ensure students attend school while awaiting conferences or hearings, and reduce some delays in the suspension process.

Inadequate Documentation of Principal Conferences and Superintendent Hearings

Regulation A-443 requires:

- For Principal Suspensions: conference with parents within 5 school days of issuing the 24-hour suspension notice. This conference presents an opportunity to assess the facts surrounding the incident, determine whether a suspension is warranted, plan for the student’s return to their program, and prevent further disruption of the student’s education.
- For Superintendent Suspensions: hearing within 5 school days of the suspension date. A hearing is an opportunity for parents and students to present evidence and witnesses on their behalf and to question the school’s witnesses.

To determine compliance with the 5-day notice for the 91 principal suspensions and 43 superintendent suspensions, we reviewed available notices and found the following:

- For 80 of the 91 principal suspensions (88%), we could not determine whether conferences with the parents were scheduled within the required 5 days because the notices did not include the actual date they were issued, as noted earlier. For the remaining 11 principal suspensions, we found that nine conferences were scheduled within 5 school days. For the remaining two principal suspensions, the conferences were scheduled within 6 school days.
- For 12 of the 43 superintendent suspensions (28%), we could not determine timeliness for hearings due to the missing notice dates (the actual date issued, as mentioned

earlier). For the remaining 31 superintendent suspensions, our review found that the hearings were held within the 5-day time frame.

Ensuring principal conferences and superintendent hearings occur within 5 school days helps parents and students understand the proposed disciplines and decide if such suspension is warranted, which may reduce unnecessary disruption to a student's regular education setting, and can lead to providing supports to students in a timely manner.

Students With Excessive Suspension Days and Disciplines

We judgmentally selected 11 students for a closer review (10 had the highest total discipline days in a single school year, 2022–23, and one with the highest total number of disciplinary incidents across the entire 4-year period). These 11 students accounted for 94 disciplinary actions (teacher removals, principal suspensions, and superintendent suspensions), ranging from two to 43 incidents per student. Their individual removals and/or suspensions ranged from 1 to 187 days.

Table 3 shows how many times each of the 11 students was disciplined and the total number of discipline days across the 4-year period. We also noted that six of the 11 students had an IEP during at least one of the years reviewed (for one student, the IEP was created in school year 2023–24, after our review period). Although this group consists of only 11 students, we highlight these students to draw attention to their behavior patterns and reasons for discipline and whether they were provided supports and interventions.

Table 3

Judgmental Sample of Overall Total Disciplines and Discipline Days

Student	Number of Disciplines	Number of Days of Teacher Removals and Suspensions
1	12	338
2	5	248
3	7	245
4	5	242
5	7	228
6	3	198
7	2	192
8	4	190
9	4	189
10	2	186
11	43	86

We also requested and reviewed supporting documentation for the first 10 students for the disciplines that occurred in school year 2022–23 to review the supports and interventions provided to these students for their most recent infractions/disciplines considering they had the highest total number of discipline days. For the eleventh student, we reviewed supporting documentation for all 43 disciplines that occurred across the 4-year period (school years 2019–20 through 2022–23) to understand why this student had the highest number of total disciplines and what actions were taken to address recurring disciplines and prevent them from reoccurring.

While we reviewed records of disciplinary histories for all 11 students, below are detailed summaries for four students (Students 1, 2, 5, and 11) to highlight notable issues.

- Student 1 was disciplined 12 times for a total of 338 days between January 2020 and February 2023, beginning in 5th grade, for infractions involving aggression and weapon possession. Although the student received an IEP in school year 2023–24 (after our scope period), the documents provided for school year 2022–23 showed that restorative practices and Individualized Supports Plans were created in October and November 2022. However, no supports or interventions were documented in OORS for the disciplinary incident in school year 2022–23 involving possessing or using a firearm.
- Student 2 was disciplined five times for 248 days between May 2022 and April 2023, beginning in 6th grade, for infractions involving weapon possession and subsequent weapon use. According to provided OORS information, this student was not provided with any supports or interventions for any of these five disciplines/incidents.
- Student 5 was disciplined seven times for 228 days between October 2019 and March 2023, beginning in 7th grade, for infractions involving altercation and/or physically aggressive behavior, intimidation and bullying, and possessing a firearm. This student was also suspended for possessing a knife while already serving a previous suspension. NYCPS' data showed this student was provided with only one support/intervention (a Behavioral Intervention Plan) and only for the discipline/incident involving intimidating and bullying behavior. There were no supports or interventions documented for the remaining six disciplines/incidents in OORS.
- Student 11 was disciplined 43 times for 86 days between October 2020 and February 2023, beginning in 6th grade, for disruption, profanity, use of slurs, bullying, and similar behavior. This student had an IEP. School years 2019–20 through 2022–23 documents in OORS indicated counseling was provided and a Behavioral Intervention Plan was developed. This student was discharged from NYCPS in April 2023.

Multiple disciplinary responses with little to no corresponding supports and interventions may worsen student behavior rather than improve it. Timely, consistent, and adequate supports and interventions can help disciplined students reflect on their actions, grow, and make better choices in the future. NYCPS should ensure all schools are providing adequate supports and interventions to all students, especially when dealing with disciplinary action.

Recommendations

1. Ensure appropriate supports and interventions are provided consistently to all students, especially those with high risk of being disciplined multiple times.
2. Monitor length of suspensions assessed to ensure consistency across all racial/ethnic groups.
3. Ensure all staff (including non-instructional staff) attend all mandated trainings, including those that address biases.
4. Monitor the use of suspensions that exceed 20 days by identifying behaviors that lead to lengthy suspensions.
5. Proactively monitor students' attendance at alternative learning locations during superintendent suspensions and assess reasons for and take actions to address low attendance.
6. Ensure current information on the locations of ALCs are listed on NYCPS' website.
7. Ensure compliance with Regulation A-443 for 24-hour written notification and 5-day conference/hearing for principal and superintendent suspensions. In addition, provide written notification to parents as soon as an incident that results in disciplinary action occurs.

Audit Objective, Scope, and Methodology

The objectives of this audit were to determine whether NYCPS complies with Local Law 93 of 2015, NYCPS' A-443 suspension procedures, and other relevant regulations or laws pertaining to suspensions for students attending NYC Public Schools (excluding charter schools/students); and whether suspended students are receiving the required academic instruction they are entitled to during periods of suspension. The audit covered school years 2019–20 through 2022–23 and included students who were disciplined in these 4 years.

To accomplish our objective and evaluate related internal controls, we interviewed NYCPS officials, including staff in OSYD, individual schools, and alternative learning locations. We also interviewed officials from SED to gain an understanding of their relationship with NYCPS and the role their agency plays in providing supports to schools as it pertains to discipline. Additionally, we met with Advocates for Children of New York, a non-profit organization and New York University's Steinhardt School of Culture, Education, and Human Development to discuss matters involving suspended youth attending NYCPS. We also reviewed relevant State and local laws and regulations as well as written NYCPS policies and procedures pertaining to school and student discipline. We also obtained and reviewed student discipline data from NYCPS' OORS and SOHO and attendance information from ATS.

We used a non-statistical sampling approach to provide conclusions on our audit objectives and to test internal controls and compliance. We selected random and judgmental samples. However, because we used a non-statistical sampling approach for our tests, we cannot project the results to the respective populations, even for our random sample. Our samples, which are discussed in detail in the body of our report, include:

- A random sample of 291 of 54,565 students to test for compliance with selected portions of the Chancellor's Regulations and the Discipline Code. However, due to the amount of time it took for NYCPS to provide us with documents, we limited our review to 61 students.
- An additional judgmental sample of 11 of 54,565 students to review discipline documentation, selected based on total discipline days in the 2022–23 academic year and total discipline days for all 4 years. (We reported on the results of both this and the prior sample together in the body of the report, for a total of 72 students.) We reviewed records for 72 students to verify compliance with these requirements. Among these 72 students, there were 185 disciplinary incidents: 51 teacher removals, 91 principal suspensions, and 43 superintendent suspensions. Because our review focused on the above two time frames, which only applied to principal and superintendent suspensions, the 51 teacher removals involving 13 students were excluded. Therefore, this analysis covers the 59 students with 91 principal suspensions and 43 superintendent suspensions.

- A judgmental sample of 20 of 1,118 schools based on the top four schools in each borough with the highest number of suspensions (principal and superintendent combined) in school year 2022–23. We reviewed a list of school officials who attended mandated training for academic year 2022–23.

We obtained data from NYCPS' OORS, SOHO, and ATS systems. We assessed the reliability of the data by reviewing existing information, interviewing officials knowledgeable about the information in the various systems, and tracing data to and from source data. We determined that the data from these systems was sufficiently reliable for the purposes of this report. Certain other data in our report was used to provide background information. Data that we used for this purpose was obtained from the best available sources, which were identified in the report. Generally accepted government auditing standards do not require us to complete a data reliability assessment for data used for this purpose.

As part of audit procedures, the audit team used data visualization software to enhance understanding of our report.

Statutory Requirements

Authority

The audit was performed pursuant to the State Comptroller's authority as set forth in Article V., Section 1 of the State Constitution and Article III of the General Municipal Law.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

As is our practice, we notify agency officials at the outset of each audit that we will be requesting a representation letter in which agency management provides assurances, to the best of their knowledge, concerning the relevance, accuracy, and competence of the evidence provided to the auditors during the course of the audit. The representation letter is intended to confirm oral representations made to the auditors and to reduce the likelihood of misunderstandings. Agency officials normally use the representation letter to assert that, to the best of their knowledge, all relevant financial and programmatic records and related data have been provided to the auditors. They further affirm either that the agency has complied with all laws, rules, and regulations applicable to its operations that would have a significant effect on the operating practices being audited, or that any exceptions have been disclosed to the auditors. However, officials at the New York City Mayor's Office of Operations have informed us that, as a matter of policy, mayoral agency officials do not provide representation letters in connection with our audits. Therefore, we lack assurance that the information provided to us during the course of our audit was reliable, accurate, and complete.

Reporting Requirements

We provided a draft copy of this report to NYCPS officials for their review and formal comment. Their comments were considered in preparing this final report and are attached in their entirety at the end of the report. In their response, NYCPS officials generally agreed with the report's recommendations and indicated actions they have taken or will take to address them. Our responses to certain NYCPS comments are embedded within NYCPS' response as State Comptroller's Comments.

Within 180 days after final release of this report, we request that the Chancellor of the New York City Public Schools report to the State Comptroller, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons why.

Exhibit A

Overall Number of Students Disciplined per School Year

2019–2020	
B36 - Altercation and/or Physically Aggressive Behavior	4,619
B24 - Minor Altercation	3,388
B37 - Coercion/Threats	1,175
B39 - Intimidating and Bullying Behavior	1,171
A24 - Minor Altercation	1,039
B58 - Weapon Possession (Category I)	1,001
B54 - Group Violence	811
B34 - Sexually Suggestive (Verbal/Physical)	725
B41 - Possession of Controlled Substances or Prescription Medication w/o Authorization, Illegal Drugs, Drug Paraphernalia, or Alcohol	606
B45 - Reckless Behavior With Substantial Risk of Serious Injury	573
B21 - Insubordination	559
B28 - Vandalism/Graffiti	381
B07 - Disrupting the Educational Process	363
B15 - Profane, Obscene, Vulgar Language, or Gestures	316
B08 - Verbally Rude or Disrespectful	313
B49 - Using Controlled Substances w/o Authorization, Illegal Drugs, or Alcohol	308
B23 - Using Slurs (Bias)	297
B22 - Trespassing	290
B44 - Taking Property Without Authorization	289
B35 - Posting/Distributing Literature or Material Containing Threats	235
B52 - Using Force Against/Inflicting to/Inflicting Serious Injury to SSA or School Personnel	232
B29 - Possession of Property w/o Authorization	135
B57 - Selling/Distributing Illegal Drugs or Controlled Substance	118
A22 - Insubordination	110

B48 - Weapon Possession (Category II)	102
B42 - False Activation of Fire/Disaster Alarm	100
B46 - Reckless Behavior That Causes Serious Injury	99
B53 - Using Extreme Force Against/Inflicting to/Inflicting Serious Injury to Students or Others	97
B59 - Using Weapon (Category II) to Attempt Injury Upon School Personnel, Students, Others	88
B50 - Starting a Fire	75
B60 - Using Weapon (Category I) to Attempt Injury Upon School Personnel, Students, Others	73
B19 - Inappropriate Use of Electronic Technology	69
B61 - Using any Weapon Other Than a Firearm, Bomb, or Other Explosive, as Defined in Category I or II	60
B25 - Bringing Unauthorized Visitors to School	58
B47 - Inciting/Causing a Riot	57
B51 - Threatening/Using Force to Take Property	52
B55 - Threaten/Dangerous Behavior/Violence – Gang-Related	46
B33 - Engaging in Sexual Conduct	46
B31 - Scholastic Dishonesty	45
B62 - Possessing or Using a Firearm	39
A18 - Inappropriate or Unwanted Physical Contact	38
B56 - Engaging Physical Sexual Aggressive Behavior	37
B26 - Gang-Related Behavior	34
B17 - Misusing Property Belonging to Others	28
B16 - Lying to/Giving False Information	26
B14 - Gambling	19
A15 - Misusing Property Belonging to Others	17
B38 - Disruptive Behavior on the School Bus With Substantial Risks of Injury	16
B27 - Tampering/Altering Records or Documents	15
B43 - Making a Bomb Threat	10
A57 - Using Weapon (Category II) to Attempt Injury Upon School Personnel, Students, Others	10

A58 - Using Weapon (Category I) to Attempt Injury Upon School Personnel, Students, Others	6
A21 - Inappropriate Use of Electronic Technology	6
A14 - Lying to/Giving False Information	4
A19 - Violating DOE's Internet Policy	3
A54 - Engaging Physical Sexual Aggressive Behavior	2
School Year Total	20,431

2020–2021	
B36 - Altercation and/or Physically Aggressive Behavior	83
B24 - Minor Altercation	62
B58 - Weapon Possession (Category I)	62
B39 - Intimidating and Bullying Behavior	56
A24 - Minor Altercation	47
B37 - Coercion/Threats	27
B34 - Sexually Suggestive (Verbal/Physical)	25
B15 - Profane, Obscene, Vulgar Language or Gestures	23
B23 - Using Slurs (Bias)	19
B35 - Posting/Distributing Literature or Material Containing Threats	16
B41 - Possession of Controlled Substances or Prescription Medication w/o Authorization, Illegal Drugs, Drug Paraphernalia, or Alcohol	16
B45 - Reckless Behavior With Substantial Risk of Serious Injury	16
B54 - Group Violence	16
B07 - Disrupting the Educational Process	14
B28 - Vandalism/Graffiti	13
B31 - Scholastic Dishonesty	9
B08 - Verbally Rude or Disrespectful	8
B21 - Insubordination	8
B48 - Weapon Possession (Category II)	8
B60 - Using Weapon (Category I) to Attempt Injury Upon School Personnel, Students, Others	8

B19 - Inappropriate Use of Electronic Technology	7
B52 - Using Force Against/Inflicting to/Inflicting Serious Injury to SSA or School Personnel	7
B49 - Using Controlled Substances w/o Authorization, Illegal Drugs or Alcohol	5
A22 - Insubordination	4
B27 - Tampering/Altering Records or Documents	4
B44 - Taking Property Without Authorization	4
B46 - Reckless Behavior That Causes Serious Injury	4
A18 - Inappropriate or Unwanted Physical Contact	3
A58 - Using Weapon (Category I) to Attempt Injury Upon School Personnel, Students, Others	3
B33 - Engaging in Sexual Conduct	3
B43 - Making a Bomb Threat	3
B56 - Engaging Physical Sexual Aggressive Behavior	3
A21 - Inappropriate Use of Electronic Technology	2
B50 - Starting a Fire	2
B61 - Using any Weapon Other Than a Firearm, Bomb, or Other Explosive, as Defined in Category I or II	2
A14 - Lying to/Giving False Information	1
A15 - Misusing Property Belonging to Others	1
A19 - Violating DOE's Internet Policy	1
A57 - Using Weapon (Category II) to Attempt Injury Upon School Personnel, Students, Others	1
B17 - Misusing Property Belonging to Others	1
B22 - Trespassing	1
B29 - Possession of Property w/o Authorization	1
B55 - Threaten/Dangerous Behavior/Violence – Gang-Related	1
School Year Total	600

2021–2022	
B36 - Altercation and/or Physically Aggressive Behavior	6,584
B24 - Minor Altercation	3,877

B58 - Weapon Possession (Category I)	1,770
B37 - Coercion/Threats	1,538
B39 - Intimidating and Bullying Behavior	1,513
B54 - Group Violence	1,430
B34 - Sexually Suggestive (Verbal/Physical)	1,023
A24 - Minor Altercation	776
B45 - Reckless Behavior With Substantial Risk of Serious Injury	737
B41 - Possession of Controlled Substances or Prescription Medication w/o Authorization, Illegal Drugs, Drug Paraphernalia, or Alcohol	706
B21 - Insubordination	595
B28 - Vandalism/Graffiti	561
B49 - Using Controlled Substances w/o Authorization, Illegal Drugs or Alcohol	444
B23 - Using Slurs (Bias)	405
B22 - Trespassing	350
B48 - Weapon Possession (Category II)	317
B15 - Profane, Obscene, Vulgar Language or Gestures	303
B35 - Posting/Distributing Literature or Material Containing Threats	294
B52 - Using Force Against/Inflicting to/Inflicting Serious Injury to SSA or School Personnel	285
B07 - Disrupting the Educational Process	262
B44 - Taking Property Without Authorization	256
B60 - Using Weapon (Category I) to Attempt Injury Upon School Personnel, Students, Others	243
B53 - Using Extreme Force Against/Inflicting to/Inflicting Serious Injury to Students or Others	221
B08 - Verbally Rude or Disrespectful	218
B59 - Using Weapon (Category II) to Attempt Injury Upon School Personnel, Students, Others	158
B46 - Reckless Behavior That Causes Serious Injury	149
B57 - Selling/Distributing Illegal Drugs or Controlled Substance	149
B25 - Bringing Unauthorized Visitors to School	143
B29 - Possession of Property w/o Authorization	134
B42 - False Activation of Fire/Disaster Alarm	130

B33 - Engaging in Sexual Conduct	110
B50 - Starting a Fire	92
B61 - Using Any Weapon Other Than a Firearm, Bomb, or Other Explosive, as Defined in Category I or II	76
B19 - Inappropriate Use of Electronic Technology	68
B55 - Threaten/Dangerous Behavior/Violence – Gang-Related	58
A22 - Insubordination	56
B62 - Possessing or Using a Firearm	45
B26 - Gang-Related Behavior	41
B56 - Engaging Physical Sexual Aggressive Behavior	38
B47 - Inciting/Causing a Riot	37
B31 - Scholastic Dishonesty	35
A18 - Inappropriate or Unwanted Physical Contact	32
B43 - Making a Bomb Threat	30
B51 - Using Force to Take Property	27
A21 - Inappropriate Use of Electronic Technology	26
B16 - Lying to/Giving False Information	24
B17 - Misusing Property Belonging to Others	21
A58 - Using Weapon (Category I) to Attempt Injury Upon School Personnel, Students, Others	19
A19 - Violating DOE's Internet Policy	18
B38 - Disruptive Behavior on the School Bus With Substantial Risks of Injury	18
B27 - Tampering/Altering Records or Documents	12
A57 - Using Weapon (Category II) to Attempt Injury Upon School Personnel, Students, Others	8
B14 - Gambling	6
A15 - Misusing Property Belonging to Others	4
A54 - Engaging Physical Sexual Aggressive Behavior	2
A14 - Lying to/Giving False Information	1
A60 - Possessing or Using a Firearm	1
School Year Total	26,475

2022–2023	
B36 - Altercation and/or Physically Aggressive Behavior	6,868
B24 - Minor Altercation	4,742
B58 - Weapon Possession (Category I)	1,824
B54 - Group Violence	1,817
B39 - Intimidating and Bullying Behavior	1,809
B37 - Coercion/Threats	1,641
A24 - Minor Altercation	1,061
B34 - Sexually Suggestive (Verbal/Physical)	980
B41 - Possession of Controlled Substances or Prescription Medication w/o Authorization, Illegal Drugs, Drug Paraphernalia, or Alcohol	817
A33 - Altercation and/or Physically Aggressive Behavior	735
B21 - Insubordination	733
B45 - Reckless Behavior With Substantial Risk of Serious Injury	723
B40 - Intimidating and Bullying Behavior (Bias)	690
B23 - Using Slurs (Bias)	571
B49 - Using Controlled Substances w/o Authorization, Illegal Drugs or Alcohol	566
B28 - Vandalism/Graffiti	536
B48 - Weapon Possession (Category II)	452
B07 - Disrupting the Educational Process	450
B15 - Profane, Obscene, Vulgar Language or Gestures	348
B22 - Trespassing	341
B44 - Taking Property Without Authorization	332
B08 - Verbally Rude or Disrespectful	321
B35 - Posting/Distributing Literature or Material Containing Threats	319
A34 - Coercion/Threats	299
B52 - Using Force Against/Inflicting to/Inflicting Serious Injury to SSA or School Personnel	287
B60 - Using Weapon (Category I) to Attempt Injury Upon School Personnel, Students, Others	231
B29 - Possession of Property w/o Authorization	228

B53 - Using Extreme Force Against/Inflicting to/Inflicting Serious Injury to Students or Others	227
A36 - Intimidating and Bullying Behavior	217
B25 - Bringing Unauthorized Visitors to School	178
B57 - Selling/Distributing Illegal Drugs or Controlled Substance	178
B50 - Starting a Fire	161
B46 - Reckless Behavior That Causes Serious Injury	154
A56 - Weapon Possession (Category I)	141
B61 - Using Any Weapon Other Than a Firearm, Bomb, or Other Explosive, as Defined in Category I or II	139
B59 - Using Weapon (Category II) to Attempt Injury Upon School Personnel, Students, Others	125
B42 - False Activation of Fire/Disaster Alarm	117
A43 - Reckless Behavior With Substantial Risk of Serious Injury	97
B19 - Inappropriate Use of Electronic Technology	93
A07 - Verbally Rude or Disrespectful	90
A13 - Profane, Obscene, Vulgar Language or Gestures	89
A23 - Using Slurs (Bias)	83
A22 - Insubordination	78
A38 - Sexually Suggestive (Verbal/Physical)	74
B33 - Engaging in sexual conduct	72
B55 - Threaten/Dangerous Behavior/Violence – Gang-Related	63
B32 - Posting/Distributing Unauthorized Libelous Material	61
A18 - Inappropriate or Unwanted Physical Contact	60
A37 - Intimidating and Bullying Behavior (Bias)	60
A30 - Vandalism/Graffiti	59
A50 - Using Force Against/Inflicting to/Inflicting Serious Injury to SSA or School Personnel	59
B31 - Scholastic Dishonesty	59
A06 - Disrupting the Educational Process	55
A28 - Inappropriate or Unwanted Physical Contact	52
B47 - Inciting/Causing a Riot	52

B26 - Gang-Related Behavior	50
B51 - Using Force to Take Property	49
B56 - Engaging Physical Sexual Aggressive Behavior	42
B43 - Making a Bomb Threat	41
A46 - Weapon Possession (Category II)	40
B62 - Possessing or Using a Firearm	37
B30 - Violating DOE's Internet Policy	36
A32 - Posting/Distributing Literature or Material Containing Threats	33
A58 - Using Weapon (Category I) to Attempt Injury Upon School Personnel, Students, Others	29
A21 - Inappropriate Use of Electronic Technology	28
B27 - Tampering/Altering Records or Documents	28
A44 - Reckless Behavior That Causes Serious Injury	27
B38 - Disruptive Behavior on the School Bus With Substantial Risks of Injury	25
B16 - Lying to/Giving False Information	24
A51 - Using Extreme Force Against/Inflicting to/Inflicting Serious Injury to Students or Others	18
A48 - Starting a Fire	17
A40 - Taking Property Without Authorization	16
A52 - Group Violence	16
B17 - Misusing Property Belonging to Others	16
A26 - Possession of Property w/o Authorization	15
A41 - False Activation of Fire/Disaster Alarm	13
A57 - Using Weapon (Category II) to Attempt Injury Upon School Personnel, Students, Others	13
A35 - Disruptive Behavior on the School Bus With Substantial Risks of Injury	12
A39 - Possession of Controlled Substances or Prescription Medication w/o Authorization, Illegal Drugs, Drug Paraphernalia, or Alcohol	12
A59 - Using Any Weapon, Other Than a Firearm, Bomb, or Other Explosive, as Defined in Category I or II	11
A15 - Misusing Property Belonging to Others	7
A19 - Violating DOE's Internet Policy	6
A47 - Using Controlled Substances w/o Authorization, Illegal Drugs or Alcohol	6

B14 - Gambling	4
A25 - Bringing Unauthorized Visitors to School	2
A14 - Lying to/Giving False Information	1
A49 - Using Force to Take Property	1
School Year Total	32,664

Notes:

1. A student may have received multiple disciplinary actions in one or more school years.
2. Code A infractions are for students in grades K-5 and Code B infractions are for students in grades 6-12.

Exhibit B

List of NYCPS Districts By Borough

District	Location/Neighborhood
Manhattan	
1	East Village, Lower East Side, Chinatown
2	Chinatown, Battery Park, SoHo, Tribeca, West Village, Chelsea, Flatiron, Union Square, Gramercy Park, Stuyvesant Town, Cooper Village, Murray Hill, Kips Bay, Midtown South, Clinton, Turtle Bay, East Midtown, Lenox Hill, Upper East Side, Carnegie Hill, Yorkville
3	Morningside Heights, Central Harlem South, Upper West Side, Lincoln Square
4	East Harlem South, East Harlem North
5	Manhattanville, Morningside Heights, Central Harlem North, Polo Grounds, East Harlem South
6	Manhattanville, Hamilton Heights, Washington Heights South, Washington Heights North, Marble Hill, Inwood
Bronx	
7	Hunts Point, Mott Haven, Port Morris, Longwood, Melrose South, Mott Haven North, Morrisania, Melrose, East Concourse, West Concourse, Rikers Island
8	Morrisania, Melrose, Longwood, Hunts Point, Soundview, Bruckner, Castle Hill, Clason Point, Port Harding Park, Westchester, Unionport, Schuylerville, Throgs Neck, Edgewater Park, Pelham Bay, Country Club, City Island
9	Morrisania, Highbridge, Morris Heights, Tremont, Mount Hope, East Concourse, West Concourse, Claremont, Bathgate
10	Belmont, Claremont, Bathgate, Mount Hope, University Heights, Morris Heights, Fordham South, Kingsbridge Heights, Bedford Park, Fordham North, Van Cortlandt Village, Norwood, Spuyten Duyvil, North Riverdale, Fieldston, Riverdale
11	Parkchester, Westchester, Van Nest, Morris Park, Baychester, Williamsbridge, City Island, Eastchester, Wakefield, Woodlawn, Pelham Parkway, Allerton, Pelham Gardens, Bronxville, Co-Op City
12	East Tremont, West Farms-Bronx River, Parkchester, Crotona Park East, Soundview-Bruckner, Longwood, Hunts Point, and Morrisania-Melrose
Brooklyn	
13	Brooklyn Heights-Cobble Hill-Dumbo-Downtown Brooklyn, Fort Greene, Clinton Hill, Bedford, Prospect Hill

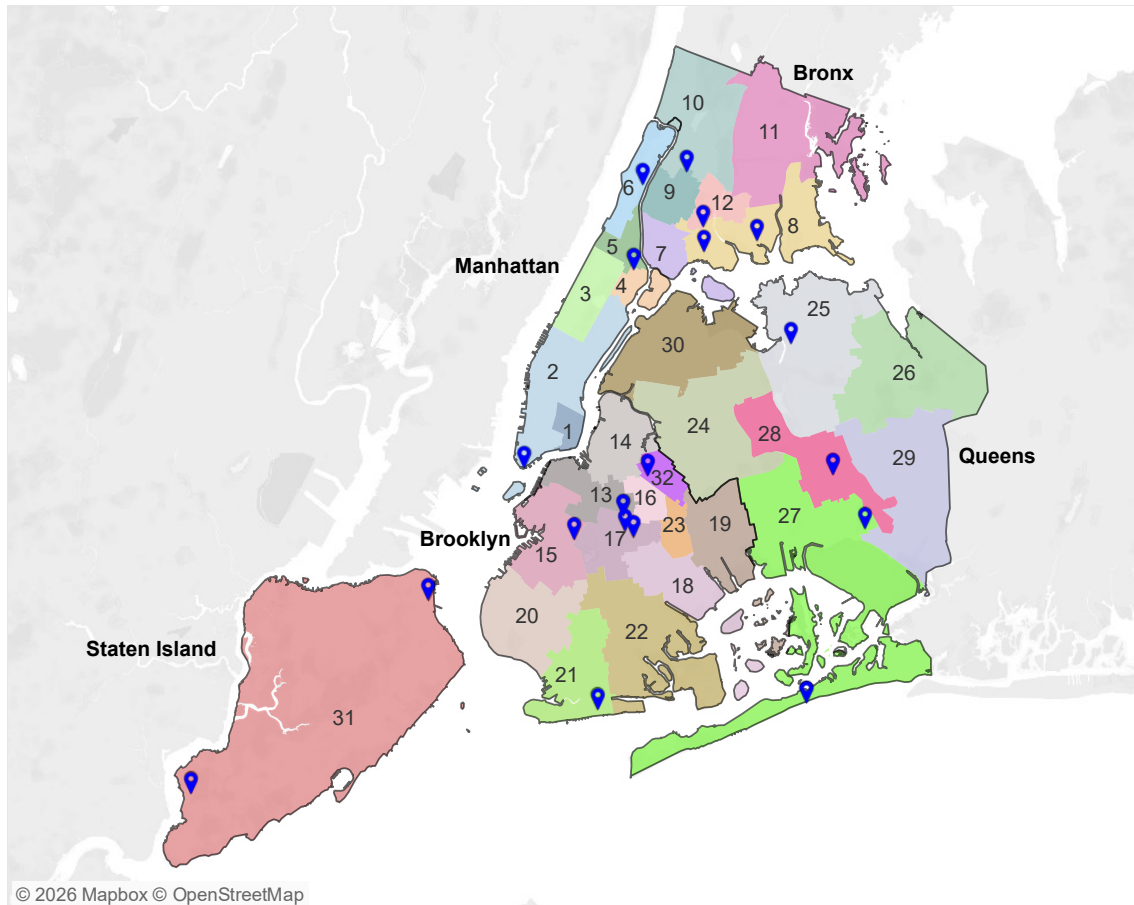
14	Williamsburg, East Williamsburg, Bedford, Bushwick South, North Side-South Side, Greenpoint
15	Carrol Gardens, Columbia, Red Hook, Dumbo-Downtown Brooklyn, Park Slope-Gowanus, Sunset Park West, Sunset Park East, Borough Park, Windsor Terrace, Kensington-Ocean Parkway
16	Stuyvesant Heights, Crown Heights North
17	Crown Heights North, Crown Heights South, Prospect-Lefferts Gardens-Wingate, Erasmus
18	East Flatbush, Farragut, Rugby-Remsen Village, Canarsie, Flatlands, East New York
19	East New York, Bushwick South, Cypress Hill-City Line, Starrett City
20	Bay Ridge, Kensington-Ocean Parkway, Borough Park, Sunset Park West, Sunset Park East, Bensonhurst West, Bath Beach, Dyker Heights
21	Midwood, Ocean Parkway South, Bensonhurst East, Gravesend, Homecrest, Brighton Beach, West Brighton, Sea Gate-Coney Island
22	Midwood, Flatbush East, Flatbush, Flatlands, Madison, Sheepshead Bay, Gerritsen Beach, Georgetown, Marine Park, Bergen Beach, Mill Basin
23	Ocean Hill, Brownsville
32	Bushwick North, Bushwick South
	Queens
24	Sunnyside-Woodside, Ridgewood, Middle Village, Glendale, Elmhurst-Maspeth, Elmhurst, Corona
25	Fort Totten-Bay Terrace-Clearview, Murray Hill, Whitestone, College Point, Fresh Meadows-Utopia, Jamaica Estates-Holliswood, Flushing, East Flushing, Queensboro Hill, Pomonok- Flushing Heights-Hillcrest, Kew Gardens
26	Pomonok-Flushing Heights-Hillcrest, Auburndale, Fresh Meadows-Utopia, Bayside-Bayside Hills, Oakland Gardens, Jamaica Estates-Holliswood, Queens Village, Bellerose, Glen Oaks, Floral Park-New Hyde Park, Douglas Manor, Douglaston, Little Neck
27	Woodhaven, Ozone Park, Lindenwood-Howard Beach, Richmond Hill, South Ozone Park, Baisley Park, Springfield Gardens North, Far Rockaway-Bayswater, Hammels-Arverne-Edgemere, Breezy Point-Belle Harbor-Rockaway Park
28	Rego Park, Forest Hills, Briarwood-Jamaica Hill, Jamaica, Jamaica Estates-Holliswood, South Jamaica, St. Albans
29	Jamaica Estates-Holliswood, Pomonok-Flushing Heights-Hillcrest, Jamaica, South Jamaica, St. Albans, Queens Village, Springfield Gardens South-Brookville, Rosedale, Laurelton, Cambria Heights
30	Astoria, East Elmhurst, Jackson Heights, Woodside, Hunters Point-Sunnyside-Maspeth, Queensbridge-Ravenwood-Long Island City, Astoria, Old Astoria, Ditmars-Steinway

	Staten Island
31	Charleston-Richmond Valley-Tottenville, Annadale-Huguenot, Prince's Bay, Eltingville, Great Kills, Rossville-Woodrow, Arden Heights, Oakwood, Todt Hill-Emerson Hill-Heartland Village- Lighthouse Hill, New Dorp-Midland Beach, Old Town-Dongan Hills-South Beach, Grasmere- Arrochar-Fort Wadsworth, Stapleton-Rosebank, West New Brighton, New Brighton-St. George, New Brighton-Silver Lake, Westerleigh, Port Richmond, Mariners Harbor-Graniteville, New Springville-Travis-Bloomfield, Grymes Hill-Clifton-Fox Hill
	Various Locations
75	Citywide Special Education Programs
79	Citywide - Alternative Schools and Programs

Note: Data for this table was compiled from the DOE website district map.

Exhibit C

Location of Alternate Learning Centers



Note: of the 24 ALCs, five share locations (same building) with the other ALCs. Therefore, this map shows 19 locations.

NYCPS Response and State Comptroller's Comments



March 4, 2026

Thomas P DiNapoli
State Comptroller
Office of the New York State Comptroller
Division of State Government Accountability
110 State Street, 11th floor
Albany, NY 12236

**Re: Oversight of Student Suspensions
(2023-N-3)**

Dear Mr. DiNapoli:

This letter constitutes the formal response of the New York City Public Schools (NYCPS) to the recommendations made by the Office of State Comptroller (Comptroller) in its draft audit report on the Oversight of Student Suspensions (Report). The safety and well-being of our students, staff, and school community members remains a top priority for NYCPS. Over the years, we have updated policies and implemented programs to equip our school communities to address student behavior in a less punitive, more supportive, positive manner and reduce the reliance of suspensions as a response to student behavior. Most recently, in school year (SY) 2019-2020, we updated our discipline code to include supports and interventions that should be used where appropriate and implemented additional measures requiring central approval for specific suspension requests (including suspensions for students in grades K-2, insubordination, as well as suspensions greater than 20 school days). We appreciate the efforts by the Comptroller's team and the recommendations made to address the use of suspensions in our schools to address student behavior and alternate instruction for students who have been suspended.

However, the findings in this Report do not accurately reflect the information shared with the Comptroller, which speaks to the complexity of our school district. We identified several

methodological limitations in the analysis that warrant careful consideration and context. Concerns included the timeframes selected, the absence of appropriate contextual baselines, and certain analytic assumptions underlying the findings.

State Comptroller's Comment – Our report accurately reflects our review, analysis, and verification of information provided by NYCPS officials and is consistent with applicable regulations and policies. NYCPS generally agreed with all seven of our audit recommendations.

In addition, the audit relied on a nonstatistical, judgmental sampling approach to review selected transactions and controls. Because this sample was not designed to be statistically representative, the results cannot be projected or extrapolated to NYCPS' overall operations, performance, or compliance rates. Therefore, the findings should only apply to the specific items examined and should not be interpreted as estimates of broader agencywide conditions.

State Comptroller's Comment – Consistent with auditing standards, the report's Objective, Scope, and Methodology section (p.26) clearly states that a non-statistical sampling approach was used for our tests and that the results cannot be projected. However, contrary to what NYCPS states, the findings from judgmental sampling are not restricted to the specific items sampled. According to guidance from the U.S. Government Accountability Office—the supreme audit institution of the United States—such sampling “seeks to systematically identify cases that will be useful for answering researchable questions.” In this case, as stated in the Methodology section of our report, it sought to provide conclusions on our audit objectives and to test internal controls and compliance. In keeping with the guidance, rather than stating that a certain percentage of cases had issues as a projection would do, we stated our testing generally identified weaknesses in internal controls and issues with compliance.

As detailed below, the Report draws conclusions based on comparisons between disciplinary actions that occurred during periods of COVID-related disruptions and those from normal school operations, conflates distinct types of disciplinary responses, and fails to account for factors beyond race that are required to determine appropriate disciplinary outcomes. These methodological flaws undermine the validity of the audit's conclusions.

State Comptroller's Comment – This is a mischaracterization of both the audit work conducted and the resulting findings and recommendations. The data provided by NYCPS showed students received disciplinary actions both before and during the COVID time frame and, therefore, this period warrants review. The audit did not conflate the different types of disciplinary responses. Rather, our report clearly explains, except where noted, that the analysis considered all three forms of discipline—teacher removals, principal suspensions, and superintendent suspensions. While a teacher removal is less severe than a suspension, it is still a disciplinary action, and the student is removed from the classroom because the behavior was serious enough to disrupt the learning environment and potentially may be part of a broader discipline pattern. While race may

not be the sole factor in determining disciplinary actions, it still is an important consideration, particularly where our analysis identifies disparities in the length of suspensions imposed for the same infraction.

The report does not adequately acknowledge that the vast majority of NYCPS students are never subject to disciplinary action in any given year. Absent this context, the presentation of percentage-based findings may unintentionally overstate the prevalence and systemic scope of the issues identified. For example, the total number of disciplinary actions in SY 2022-23 represents roughly 4% of total enrollment. This figure assumes, for illustrative purposes, that each disciplinary action involved a different student, which we know is not accurate, but it nonetheless demonstrates that the overall rate of disciplinary action in NYCPS is low.

State Comptroller's Comment – These statements are misleading and misrepresent the audit's objective, scope, and methodology. The audit focused on students who were disciplined during the 4-year period, which was clearly communicated to NYCPS officials in writing and during meetings throughout the audit. Our focus was on improving outcomes for students who have experienced disciplinary actions rather than assessing the overall rate of disciplinary action. In addition, our report presents relevant context by including both the total number of students enrolled in grades K–12 and the number of students subject to disciplinary actions during the 4-year period. Our report also distinguishes between students who were disciplined once and those who experienced multiple disciplinary actions.

In addition, among the students who did receive any disciplinary response during the audit period, approximately 70% experienced only one such action over the four-year period.

State Comptroller's Comment – Our report includes students who received a single disciplinary action as well as those who experienced multiple disciplinary actions. Regardless of whether a student is disciplined once or multiple times, any discipline that removes a student from the classroom should remain the primary concern.

Moreover, even this calculation overstates the rate of suspensions. The report treats as disciplinary actions three distinct types of progressive discipline used in New York City public schools. For purposes of the report, a teacher removal—which can be as short as one period or one half of a school day—is treated the same as a superintendent's suspension, which may extend up to one year. Teacher removals are intended to be an immediate response to certain disruptive behavior. By contrast, principal and superintendent suspensions are reserved for repeated or more serious misconduct and carry significantly different procedural requirements and durations. Each disciplinary response serves a distinct purpose within the framework of State law and Chancellor's Regulation A-443 and should be analyzed separately to provide a more accurate picture of how NYCPS addresses student behavior.

State Comptroller's Comment – Our report clearly states that the analysis includes all three forms of disciplinary actions, as they are reflective of students' behavior. Although a teacher removal is less severe than a suspension, the student is removed from the classroom because the behavior was serious enough to disrupt the learning environment and may also be part of a broader discipline pattern. Examining teacher removals with suspensions therefore provides a more complete picture of how often students are disciplined and the overall impact of those disciplinary actions.

The combination of categories also obscures important patterns in the data. Of the 16,605 students who experienced multiple suspensions during the audit period (less than 2% of student enrollment), over 7,000 (approximately 40%) had some combination of the three distinct levels of disciplinary responses. By combining these fundamentally different responses into one category, the report overlooks the central role of progressive discipline in addressing student misconduct.

State Comptroller's Comment – Examining the three types of disciplinary actions together does not obscure patterns in the data. Rather, it identifies behavioral concerns that may be part of a broader discipline pattern and provides a more complete picture of how often students are disciplined and the overall impact.

The report is also flawed in its assertion that there were 88,356 incidents resulting in disciplinary responses during the period analyzed. However, upon NYCPS' review, it was determined that the auditors had duplicated incidents in their analysis. For example, if five students were involved in one incident at school, the auditors grouped that as five incidents in their analysis. When duplicate records are removed, the actual number of unique incidents resulting in disciplinary responses is 64,366.

State Comptroller's Comment – 88,356 is based on data provided by NYCPS and represents the total number of times the 54,565 students were subject to disciplinary actions over the 4-year audit period. In contrast, the 64,366 does not capture the full scope of disciplinary actions experienced by the 54,565 students, thereby understating the overall impact. Throughout our report, the audit team consistently highlighted the number of unique students in each analysis to make clear that the incident totals reflect multiple disciplinary actions. Moreover, NYCPS officials note in their responses that each disciplinary case is reviewed based on the individual student's overall profile, including prior disciplinary incidents/actions. Our use of the 88,356 incidents aligns with this approach and provides a more accurate representation of the overall disciplinary impact.

The report is also fundamentally limited in its interpretation and use of data from school years 2019-2020 through 2022-2023. Each of the first three years in the audit period reflects unique and extraordinary conditions in NYCPS that the Report does not acknowledge. In SY 2019-2020, school buildings closed in March due to the COVID-19 pandemic. Although instruction continued remotely, the absence of in-person schooling significantly reduced the opportunity for student misconduct that might have led to disciplinary actions. Our data

reflects fewer than 20 disciplinary actions for the period April – June 2020. NYCPS remained largely remote in SY 2020-2021, with only limited in-building presence with strict student separation requirements. While buildings reopened in SY 2021-2022, there were still periods when classes shifted back to remote instruction due to spikes in COVID-19 cases.

State Comptroller's Comment – COVID temporarily disrupted normal disciplinary practices and created an environment of increased stress for students. Numerous studies have noted that it also had lasting changes in the broader school climate. Understanding these changes gives insight into what is happening now because it provides insight into whether disciplinary patterns are part of recovery from the pandemic, evidence of ongoing underlying problems, or signs that schools have shifted to a different pattern post-pandemic.

There is data reflecting a full school year of typical student operations only for SY 2022-2023. Nonetheless, although SY 2019-2020 school year only contains six and a half months of in person instruction (September through mid-March), the Report asserts a 66% increase in suspensions from SY 2019-2020 to SY 2022-2023. During the audit process, NYCPS requested that this statement be removed, yet the revision was not made, and the underlying data is not presented to allow for meaningful review. Because SY 2019-2020 is not an appropriate baseline, citing a 66% increase in disciplinary responses over this period is misleading and lacks proper contextual grounding. Extrapolating the six and a half months from SY 2019-2020 into a full school year leads to an increase of approximately 7% between SY 2019-2020 and SY 2022-2023. A comparison that spans years with dramatically different instructional models does not yield meaningful conclusions about trends in student behavior or NYCPS' disciplinary practices.

State Comptroller's Comment – We requested and reviewed student suspension data for SY 2019–2020 through SY 2022–2023. Although the 2019–2020 school year consisted of only 6.5 months of in-person instruction, students still experienced suspensions during remote learning. Disregarding suspensions that occurred during remote instruction would overlook part of students' experiences. Our statement that suspensions increased by 66% over the 4-year period is accurate and reflects the full time frame analyzed.

In multiple instances, conclusions are drawn without adequate consideration of policy, data constraints, or the multivariate nature of student disciplinary outcomes. The report characterizes the number of students with “multiple” disciplinary incidents as a “high rate,” but this conclusion is not supported by the distribution of actions within that category. Of the 16,605 students identified as having “multiple” incidents in the Report, 15,326 or 92%, received only 2–5 disciplinary actions over a four-year period. This equates to fewer than two actions per year, which is not consistent with a high frequency of repeated disciplinary behavior.

State Comptroller's Comment – Our analysis supports the conclusion we reached. As NYCPS points out, “the vast majority of NYCPS students are never subject to disciplinary action in any given year”; therefore, it should be of concern that 92% of these students received two to five disciplinary actions over the 4-year period.

By grouping students with 2–5 actions together with students who received 10, 20, or even more than 30 actions, the Report combines fundamentally different patterns of behavior into a single category. This framing overstates the prevalence of significant repeat discipline and obscures the fact that most students in the “multiple” category had relatively low numbers of incidents over the audit period.

State Comptroller's Comment – Our report clearly distinguishes students with two to five disciplinary actions from those with a higher number of incidents.

To avoid misinterpretation, we request that the Comptroller disaggregate the 2–5 category when discussing repeat disciplinary actions. Distinguishing occasional repeat disciplinary actions from high-frequency cases is essential for accurately assessing student behavior and for understanding where targeted supports and interventions may be needed.

State Comptroller's Comment – The report clearly describes those with two to five disciplinary actions separately from those with higher numbers and, thus, disaggregation is not warranted or necessary. Students with multiple disciplinary actions may be good candidates for targeted supports and interventions.

We also request that the Comptroller correct the conclusion stated at the top of page 12. The report asserts that 6,310 students who received multiple disciplinary actions were no longer enrolled, but that figure aggregates several fundamentally different outcomes, most notably, students who graduated alongside students who dropped out. Because this section raises a valid concern that repeated disciplinary actions may be a precursor to dropping out of school, the analysis should be refined to separate students who are known to have graduated or received a diploma from those who exited without graduating. Of the 6,310 students cited, nearly 3,000 earned a high school diploma, and an additional 130 earned a high school equivalency (GED). The remaining 3,300 students left NYCPS for a range of reasons, including over 1,400 discharges to schools outside of New York City. Accordingly, while NYCPS recognizes the broader national concerns regarding potential links between discipline and dropout risk, the data presented—without disaggregating graduates and other non-dropout exits—does not support the conclusion implied in this section.

State Comptroller's Comment – We revised our report to include a breakdown for the 6,310 students. Additionally, our reference to 6,310 is not intended to establish a link between disciplinary actions and dropouts, although NYCPS officials acknowledge that such a potential risk may exist.

The Report next identifies racial disparities in the lengths of disciplinary actions. The NYCPS submits that the findings regarding suspension lengths by race/ethnicity are not accurately presented, as the methodology used produces inflated averages. The audit methodology calculated average removal days by dividing total removal days by the number of unique students. However, removal days are associated with disciplinary responses rather than with students as unduplicated entities. As a student may be subject to multiple disciplinary responses, using an unduplicated student count does not accurately measure average suspension length and results in an inflated average when multiple removals occur.

State Comptroller's Comment – Our analysis does not result in inflated averages. To determine the average length of suspension for each race/ethnicity group, we divided total suspension days by total students across all discipline types and compared the resulting averages for the same infraction. It is unclear how NYCPS' explanation would result in a more appropriate calculation. Although NYCPS officials disagree with our methodology, they did not provide support showing they did an analysis using their approach.

The appropriate denominator for this calculation is the total number of disciplinary responses that resulted in removal days. In addition, the audit calculation included teacher removals that may represent school periods, half-days, or full days, further limiting analytical accuracy. As a result, the methodology overstated the average and failed to account for key factors relevant to disciplinary outcomes, such as the student's age, maturity, prior disciplinary history, the circumstances surrounding the incident, and applicable IEP, BIP, or Section 504 accommodations. The report compares suspension lengths without adjusting for other factors or testing whether the differences are statistically meaningful. Accordingly, it is unclear whether the small differences shown are real patterns or simply a random variation.

State Comptroller's Comment – Again, as clearly stated in our report, the average suspension lengths were calculated across all discipline types combined, based on student race/ethnicity and the infraction code, without consideration of other factors. We encourage NYCPS officials to conduct a similar analysis that incorporates the additional factors they cite.

NYCPS prioritizes equitable and developmentally appropriate disciplinary practices. When using a valid comparison period of academic years 2018–2019 through 2022–2023, the average number of removal days for Black and Hispanic students decreased by 3.3% and 6.2%, respectively, while increases of 6.9% and 4.2% were observed for Asian and White students. Overall, the average number of removal days declined by 4.1% during this period.

State Comptroller's Comment – We stand by our results and the methodology used to demonstrate disparities in length of suspensions across race/ethnicity groups. NYCPS officials failed to provide any supporting documentation for the percentage increases or

decreases they cite, nor did they provide the resulting average length of suspensions by race/ethnicity group based on their calculations.

The auditors also identified 118 suspensions that exceeded 20 days but were purportedly not for Level 5 infractions, the only level in the discipline code that would support an extended suspension. We have reviewed the 118 cases and found that all but six cases received suspensions for Level 5 infractions.¹ NYCPS determined that the Comptroller relied on the incident infraction code to classify incident levels in their analysis of suspensions exceeding the 20-day cap, rather than the actual charges imposed and/or sustained. Accordingly, using the incident infraction code to determine disciplinary severity without accounting for what charges were sustained does not align with the system design or disciplinary reporting standards and results in an inaccurate, inflated finding of 118 suspensions. While there were six students who were charged under Level 4 and were at an alternative location for more than 20 days, this was largely due to adjournments of hearing days. As a result of adjournments, the students were not returned to their regular placement until more than 20 days had passed despite a disciplinary response of “immediate reinstatement.”

State Comptroller’s Comment – In determining that 118 suspensions exceeded 20 days, we relied on information provided by NYCPS officials, which indicated these suspensions were classified as Level 4 infractions, not Level 5, and, therefore, should not have resulted in suspensions longer than 20 days. However, they did not provide documentation to support their claim that only six of the 118 suspensions were Level 4.

With the changes to the discipline code in 2019 and earlier, considerable steps have been taken to limit the length of suspensions, while reserving longer suspensions only for the most egregious infractions, including suspensions for certain weapons possessions, which per the federal Gun Free Schools Act requires a one-year suspension subject to modification on an individualized basis. As the corrected data will reflect, these changes have effectively capped suspensions for all but the most egregious cases.

State Comptroller’s Comment – Although NYCPS officials make reference to the data being corrected per their review, they did not provide any documentation to substantiate or support this claim.

With respect to training, the Report misrepresents the degree of training that occurs annually with respect to four key regulations designed to ensure student safety. We agree on the importance of training school staff annually about particular Chancellor’s Regulations as well as other topics related to student behavior and safety in schools. All schools are required to report in their consolidated plan that staff have been trained in accordance with the applicable regulation and plans cannot be certified without this representation.

¹ Of the six students, four had their suspension hearings delayed in part due to parent adjournments. One student’s suspension officially lasted 21 days because day 21 was the last day of the school year, and the student would start the new school year at a different school.

State Comptroller's Comment – Our report did not misrepresent the degree of training that occurs annually. In addition to the four mandated trainings, the report indicates optional trainings on related topics NYCPS makes available to schools. However, as noted in our report, NYCPS officials did not provide documentation showing which schools and staff participated in the optional trainings. Further, while NYCPS officials state that schools must certify in their consolidation plan that staff were provided with the required training, no consolidated plans were provided for the sample of 20 schools. In fact, the documentation that was provided for these schools showed that not all school staff completed all four required training courses.

The data provided to the Comptroller for 20 schools only addresses training of school designees or liaisons. These reports do not reflect the turnkey training of all staff that happens at the school thereafter. The data shows that designees in 18 schools were trained in all four areas. In the remaining two schools, a designee completed three of the four training courses. We respectfully request that this section of the Report be corrected to explain that the training data reviewed only referred to designee training.

State Comptroller's Comment – The Chancellor's Regulations state that all school staff are required to take the four required trainings. Therefore, we asked NYCPS officials to provide us support, including the names and job titles, for all staff at the sampled 20 schools who attended these trainings. As stated in our report, documentation provided by NYCPS officials showed that, at the 20 sampled schools, not all staff completed the four trainings, as required. Further, although NYCPS officials assert that turnkey training was provided to all staff by school designees or liaisons, they did not provide support for this assertion.

Lastly, NYCPS strongly agrees with the importance of regular school attendance. However, the Report pays scant attention to the information provided by NYCPS regarding the efforts to improve attendance of suspended students. In addition to regular monitoring, during the audit we also described for the Comptroller the guidance shared with Alternate Learning Center (ALC) staff about outreach protocols, which include the following:

To ensure effective outreach, sites must designate staff roles for attendance monitoring, ideally conducted by individuals familiar with the students. Outreach should be strategic and proactive, identifying patterns that affect attendance and developing site-wide intervention strategies. Teachers play a crucial role in monitoring attendance in the classroom and should collaborate on solutions.

Outreach involves multiple means of communication, including phone calls, emails, text messages, and supervisor-approved professional social media accounts. Staff should consult with others who work with students, such as Social Workers, Guidance Counselors, and community-based organizations (CBOs) to coordinate intervention

efforts. All outreach efforts must be documented in ATS, ensuring accurate records of student status, contact information updates, reasons for non-attendance, and intervention strategies.

Each ALC principal created an attendance plan with engagement strategies, and professional development is offered to address, among other things, barriers to attendance. We acknowledge that additional work remains but note the steps NYCPS has underway. These efforts were shared with the Comptroller during the preliminary draft stage of the audit but are not reflected in the Report.

State Comptroller's Comment – We take exception to the claim that “scant attention” was given to the information provided by NYCPS. This characterization is inaccurate and does not reflect the audit work performed. We reviewed and considered all information provided by NYCPS officials, including both written information and explanations provided during meetings. This included information from an ALC official regarding procedures he has implemented/will implement, and which he indicated could be adopted across all ALCs. Our findings on student attendance during periods of suspensions at an ALC are based on our analysis of attendance data. We are pleased that NYCPS officials are making improvements to their monitoring of attendance for students assigned to ALCs as described above.

We additionally note the need for context regarding the conclusions reached about attendance following suspension. The report cites that in grade 4, there was an absence rate of 67%, without mentioning that only 64 students overall were subject to disciplinary action, while in grade 8, the 54% absence rate applied to a far larger number of incidents (3,532 incidents for 2,288 students). While neither rate of absence is acceptable, it is misleading to include these percentages on the same chart without context for the public.

State Comptroller's Comment – The report accurately presents absenteeism rates for grades 3 through 12 and highlights the grades with the lowest and highest percentages of absences, regardless of the number of students or disciplines each had during the period. As NYCPS officials acknowledged, low attendance, regardless of the number of students, is a cause for concern and should be addressed.

The importance of student attendance is reflected in the NYCPS' concerted and largely successful efforts to shorten suspensions including caps on the number of days for most incidents at 20 days (except for Level 5 infractions or as required by the Gun Free Schools Act). For elementary school students, the average length of suspension was 9 days or fewer, for middle school, 11-12 days, and for high school, 14.8 days or fewer.

NYCPS takes the concerns raised in the audit seriously. We agree with the importance of ensuring consistent disciplinary practices, robust documentation of support, meaningful monitoring of equity and improved outcomes for students who experience disciplinary

actions, the discipline code reflects our commitment to supports and interventions together with disciplinary actions.

The report should reflect appropriate caveats about data completeness, sampling limitations, and analytical constraints, in particular, it should be made clear that findings from a judgmental review of a small number of cases should not be extrapolated to the universe of students subject to discipline. If this section is retained, the report should acknowledge the risk that readers may overgeneralize these limited findings to the full population of students, leading to inaccurate conclusions.

State Comptroller's Comment – Consistent with auditing standards, our report clearly describes the sampling methodology used: sample sizes and the use of random and judgmental samples. We further note that the results of non-statistical sampling cannot be projected to the respective populations.

This balanced approach would enhance the report's usefulness for policymakers and support ongoing efforts to address student discipline in a meaningful way.

State Comptroller's Comment – Our report is balanced and is based on our thorough review of the information provided by NYCPS officials. Its conclusions and recommendations provide useful information and insight for readers, policymakers, and NYCPS officials to strengthen oversight over student suspensions and improve student outcomes.

Response to Recommendations

Recommendation 1. *Ensure appropriate supports and interventions are provided consistently to all students, especially those with high risk of being disciplined multiple times.*

Response. NYCPS agrees with this recommendation as providing appropriate supports and interventions is current practice. Student misbehavior is addressed on a case-by-case basis. The ladder of support and disciplinary responses in the Discipline Code illustrates the expectation for a progressive approach to inappropriate student behavior.

When schools administer any intervention or support in response to a behavioral incident, they may document it in the Online Occurrence Reporting System (OORS), regardless of whether a disciplinary response is imposed.

State Comptroller's Comment – The Discipline Code does not indicate “may;” rather, it states, “All incidents, interventions, and supports must” be documented in the Online Occurrence Reporting System (OORS) for all parties involved, where appropriate, regardless of whether or not a disciplinary response is imposed.

These entries may be made for students listed as “accused,” “victim,” or “witness” in the OORS report. We acknowledge that gaps remain in the documentation of interventions and are actively exploring system enhancements to strengthen the visibility and tracking of the progressive ladder of supports and disciplinary responses. We are working on introducing pre-suspension alerts encouraging the use of supports and interventions in lieu of, or in tandem with, in-school disciplinary responses.

Recommendation 2. *Monitor length of suspensions assessed to ensure consistency across all racial/ethnic groups.*

Response. The NYCPS agrees with this recommendation as monitoring suspension lengths is current practice.

Every school and superintendent team have access to monthly suspension reports, which include student name, grade, incident infraction code, start and end dates, number of suspended days, and IEP status. Additionally, suspension office staff who make the decisions about length of superintendent suspensions have access to system-wide suspension data to inform their decisions. We acknowledge that disparities in suspensions among students of color do exist. However, we have taken steps over the years through policy updates and increased monitoring to address the disparities.

As noted earlier in our response, the audit’s analysis of suspension lengths by race and ethnicity does not account for population sizes, significant testing, or the multiple factors required by law when determining an appropriate disciplinary response. Because the analysis relies solely on race as the analytic lens, the reported differences in suspension length may not accurately reflect actual patterns.

State Comptroller’s Comment – We clearly state in our report that the analysis of disparities in discipline length is based on race/ethnicity. We also indicated that while schools must follow the Regulations and the Discipline Code, they have some discretion in determining discipline length based on various factors. The results of our analysis highlight areas where inequitable disciplines may exist and may warrant further review.

Recommendation 3. *Ensure all staff (including non-instructional staff) attend all mandated trainings, including those that address biases.*

Response. The NYCPS agrees with this recommendation as it is current practice.

Staff who serve in specific liaison roles are required to attend the mandated trainings identified in the Report and then turnkey training to relevant staff. Since SY 2024-25, we have enhanced our consolidated plan (where information is captured) to verify that liaisons attended the mandated trainings. Consolidated plans cannot be approved by the Superintendent team if liaisons have not attended mandated trainings. In addition, schools must confirm that training was turnkeyed to staff in the consolidated plan.

State Comptroller's Comment – As noted in our report, documentation provided by NYCPS officials showed that, at the 20 sampled schools, not all staff completed the four trainings required by the Chancellor's Regulations. In addition, while NYCPS officials asserted that liaisons provide turnkey training to relevant school staff and that schools confirm this in their consolidated plans, they did not provide documentation to support this occurred at the 20 sampled schools.

Recommendation 4. *Monitor the use of suspensions that exceed 20 days by identifying behaviors that lead to lengthy suspensions.*

Response. The NYCPS agrees with this recommendation as it is current practice.

As stated above, every school and superintendent team has access to monthly suspension reports, which includes student name, grade, incident infraction code, start and end dates, number of suspended days, and IEP status. Suspension office staff are aware of and apply the limitations on the length of suspensions. In addition, in SY 2019-2020, NYCPS implemented a new policy requiring central approval for suspension decisions for more than 20 days .

Recommendation 5. *Proactively monitor students' attendance at alternative learning locations during superintendent suspensions and assess reasons for and take actions to address low attendance.*

Response. The NYCPS agrees with this recommendation as it is current practice.

Each ALC monitors attendance and has a suspension plan to guide interventions to address student attendance. Additionally, NYCPS has already taken steps to strengthen attendance monitoring for students assigned to ALCs during superintendent suspensions. Beginning in 2023–2024, NYCPS implemented a centralized attendance tracking system that flags nonattendance in real time and prompts immediate outreach to families. ALC staff conduct same day follow-up for any student who does not report, document reasons for absence, and coordinate with referring schools to address barriers such as transportation, scheduling conflicts, or family needs.

State Comptroller's Comment – We are pleased that, while our audit was ongoing, NYCPS proactively made improvements to its monitoring of attendance for students assigned to ALCs during superintendent suspensions. However, NYCPS officials failed to share the majority of these ongoing efforts with the audit team.

Working in coordination with the NYCPS' Alternative Schools District (*i.e.*, District 79 in the Report), the ALCs will undertake a comprehensive study in Spring 2026 to examine the root causes of low student attendance to strengthen ongoing support efforts.

Recommendation 6. *Ensure current information on the locations of ALCs are listed on NYCPS' website.*

Response. The NYCPS agrees with this recommendation as we have updated all ALC location information to ensure accuracy and clarity on the NYCPS website.

This includes current addresses and contact information for each site. To maintain accuracy going forward, NYCPS has established a quarterly review process to verify that all posted information reflects any programmatic or site-based changes. This ensures that families, schools, suspension office staff, and community partners have reliable, up-to-date information about ALC locations.

Recommendation 7. *Ensure compliance with Regulation A-443 for 24-hour written notification and 5-day conference/hearing for principal and superintendent suspensions. In addition, provide written notification to parents as soon as an incident that results in disciplinary action occurs.*

Response. The NYCPS agrees in part and will take the recommendation under advisement by exploring system enhancements to include all pertinent dates and information outlined in Chancellor’s Regulation A-443.

However, NYCPS does not agree with the recommendation to provide written notification to parents immediately following an incident, as schools must be afforded sufficient time to conduct thorough investigations. Additionally, existing procedures already provide written notification to parents of disciplinary actions through suspension notices.

State Comptroller’s Comment – The time afforded to schools to conduct thorough investigations does not preclude providing prompt written notification to parents when an incident occurs. Existing procedures require written notification only after a suspension decision is made. As noted in our report, timely written notification at the time of the incident improves communication, enables parents to promptly address behavior, and supports early intervention.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Rampersant', with a stylized flourish at the end.

Mark Rampersant

Chief of Safety and Prevention Partnerships



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