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# Regulation of the Chancellor

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Category: STUDENTS

Number: [A-420](#)

Subject: [PUPIL BEHAVIOR AND DISCIPLINE – CORPORAL PUNISHMENT](#)

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Issued: 9/26/07

## **SUMMARY OF CHANGES**

This regulation supersedes A-420 dated November 16, 2004.

It enforces Department of Education Bylaws and includes reporting requirements established under Regulations of the Commissioner §100.2(l)(3)(ii) concerning the use of physical force upon a student for punishment purposes.

### Eliminated Provisions:

- Reference to the use of language that belittles or subjects students to ridicule, or is abusive or threatening verbal communication, has been removed from this regulation. The issue of verbal abuse is dealt with in Chancellor's Regulation A-421.

### Changes:

- Contact information has been changed.



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## **ABSTRACT**

This regulation updates and supersedes Regulation of the Chancellor A-420, dated November 16, 2004, regarding prohibition of corporal punishment. It enforces Department of Education Bylaws and includes reporting requirements established under Regulations of the Commissioner §100.2(l)(3)(ii) concerning the use of physical force upon a student for punishment purposes. The Chancellor may change this regulation consistent with applicable federal and state laws.

### **I. INTRODUCTION**

Corporal punishment is prohibited. Disruptive behavior by a student must never be punished by use of physical force. Such behavior usually reflects underlying problems that require guidance intervention. School personnel should take steps to identify the problem(s) and, working closely with parents, help the student receive maximum benefit from the educational program offered at the school. Matters concerning student behavior should be addressed in accordance with Chancellor's Regulation A-443 and the Discipline Code.

### **II. DEFINITIONS**

Regulations of the Commissioner §100.2(l)(3)(i) define corporal punishment as any act of physical force upon a pupil for the purpose of punishing that pupil. Such term shall not mean the use of reasonable physical force for any of the following purposes:

1. to protect oneself from physical injury;
2. to protect another pupil or teacher or any other person from physical injury (e.g. breaking up a physical altercation without using excessive force);
3. to protect the property of the school or of others; or
4. to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts, provided that alternative procedures and methods not involving the use of physical force cannot be reasonably employed to achieve the purposes set forth in 1 through 3 above.

Further, the Bylaws of the City Department of Education state the following:

**NO CORPORAL PUNISHMENT SHALL BE INFLICTED IN ANY OF THE PUBLIC SCHOOLS, NOR PUNISHMENT OF ANY KIND TENDING TO CAUSE EXCESSIVE FEAR OR PHYSICAL OR MENTAL DISTRESS. VIOLATION OF THIS BYLAW SHALL CONSTITUTE GROUNDS FOR DISMISSAL.**



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This Bylaw remains in full force and effect and cannot be waived by prior approval or consent of parent or guardian. Nothing in this regulation, however, prevents a supervisor from counseling or disciplining an employee for inappropriate conduct that is not otherwise in violation of this regulation.

### **III. NOTIFICATION TO STAFF**

The Principal must bring to the attention of all members of the staff the Board's policy and rules with respect to corporal punishment.

### **IV. REPORTING AN ALLEGATION OF CORPORAL PUNISHMENT**

A. Report to the Office of Special Investigations:

Office of Special Investigations  
65 Court Street – Room 922  
Brooklyn, NY 11201  
Phone #: 718-935-3800  
Fax #: 718-935-3925/3927

The Chancellor's Office of Special Investigations is responsible for intake, evaluation, review, follow-up, and dissemination of information to various offices within this agency and other appropriate entities with respect to allegations of corporal punishment. All allegations of corporal punishment of students by Department of Education employees, custodial employees, or others must be reported *immediately* to the Office of Special Investigations by the supervisor or designee.<sup>1</sup> Telephone communication must occur before an investigation is commenced by the supervisor or designee.

At the time of the communication the supervisor will be advised whether to conduct an investigation or await an investigation by the Office of Special Investigations. Further instruction will be given with respect to completing the A-420/A-421 Form – Alleged Corporal Punishment and/or Verbal Abuse – Report of Investigation (see Appendix), and to whether the staff member who is alleged to have engaged in corporal punishment should be removed from the classroom pending further inquiry. If the supervisor is not the Principal or site supervisor and the alleged corporal punishment occurs on or around school property, the Principal or site supervisor must be notified. The Principal, in turn must notify the superintendent.

In the event the supervisor is instructed to conduct the investigation, the Office of Special Investigations will provide guidance and instruction at any stage of the inquiry, as needed.

In general, a supervisor should take the following steps, among others:

- Take written statements from the victim and all witnesses as quickly as practicable;
- Separate witnesses prior to taking such statements;

<sup>1</sup> For purposes of this regulation, "supervisor" means the person acting in a supervisory capacity to the Department of Education employee alleged to have engaged in corporal punishment. If the person who is alleged to have engaged in corporal punishment is not an employee of the Department of Education, the "supervisor" is the person who is in charge of the site where the incident is alleged to have occurred.



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- Meet with the subject of the investigation and give him or her an opportunity to review statements from the victim(s);  
and the credibility of all witnesses including the subject of the investigation before substantiating or unsubstantiating a complaint.
- The supervisor must reach and state a conclusion on the A-420/A-421 Form.
- During the course of the investigation, the employee should be removed from the classroom whenever appropriate to safeguard the health, welfare, and safety of students. In determining whether to remove a teacher, the supervisor should consider the prior record of the employee, the likely penalty should the allegations be substantiated, and any other factors relevant to this determination. An employee who has been removed from the classroom pending investigation shall be informed in writing of the nature of the investigation no later than five days after their removal.
- Supervisors should consult with OSI whenever technical assistance or other assistance is needed.

The A-420/A-421 Form, completed as instructed, and bearing an original signature of the site administrator, must be filed with the Office of Special Investigations no later than five (5) working days from the report of the incident. However, a supervisor must complete his or her investigation and determine whether discipline is warranted even if he or she fails to file the report within five (5) days. A duplicate of the A-420/A-421 Form must be forwarded to the Superintendent.

The A-420/A-421 Form (Alleged Corporal Punishment and/or Verbal Abuse – Report of Investigation) should be completed and transmitted by e-mail or fax to the Office of Special Investigations and the Superintendent. The accurate transmission of the completed form is the responsibility of the supervisor. If the A-420/A-421 Form is transmitted by e-mail, the Principal must print, sign, and maintain a hard copy.

Whether the investigation is conducted by the Office of Special Investigations or the supervisor, the person alleged to have engaged in corporal punishment must be afforded an opportunity to appear with representation and address the allegations upon 48 hours written notice prior to any action being recommended or taken.

The Principal, in consultation with the Superintendent, and with the Office of Legal Services, or the Office of Appeals and Review must take appropriate action against any staff member found to be in violation of the above Bylaw and this regulation.

When it has been concluded after an inquiry either by the supervisor or the Office of Special Investigations that the staff member has not committed corporal punishment, or the evidence does not support the allegation, the staff member must be so notified, in writing. If the employee was reassigned during the investigation and there is no other reason for reassignments, the employee must be returned to his or her regular assignment.

## B. Report to the State

The regulation of the Commissioner of Education regarding corporal punishment requires a semi-annual report to the Commissioner by January 15<sup>th</sup> and July 15 of each year. The report sets forth the substance of each complaint about the use of corporal punishment received by the local



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school authorities during the report period, the results of each investigation and the action, if any, taken by the local school authorities in each case.

The Summary Corporal Punishment/Verbal Abuse Form is to be completed by December 15<sup>th</sup> and June 15<sup>th</sup> of each year. It is to be signed by the Principal and forwarded to the appropriate Superintendent for signature. The Superintendent is to forward the form to the Office of Special Investigations, Corporal Punishment Unit by December 30<sup>th</sup> and June 30<sup>th</sup> of each year.

## V. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:  
718-935-3800

*Office of Special Investigations*  
NYC Department of Education  
65 Court Street – Room 922  
Brooklyn, NY 11201

Fax:  
718-935-3925/3927

OFFICE OF SPECIAL INVESTIGATIONS  
65 COURT STREET – ROOM 922  
BROOKLYN, NY 11201  
PHONE # 718-935-3800  
FAX # 718-935-3925/3927

**ALLEGED CORPORAL PUNISHMENT AND/OR VERBAL ABUSE  
REPORT OF INVESTIGATION**

Date of Report \_\_\_\_\_ Report Number \_\_\_\_\_

(Obtained from Office of Special Investigations (OSI)  
(718-935-3800))

**EMPLOYEE INFORMATION**

Name \_\_\_\_\_ File Number \_\_\_\_\_

Position \_\_\_\_\_ Social Security # \_\_\_\_\_

Home Address \_\_\_\_\_

Date of Birth \_\_\_\_\_ License(s) \_\_\_\_\_

School \_\_\_\_\_ District \_\_\_\_\_ Boro \_\_\_\_\_ Region \_\_\_\_\_

Years of Service \_\_\_\_\_

Tenured \_\_\_\_\_ Prob \_\_\_\_\_ CPT \_\_\_\_\_ PPT \_\_\_\_\_ Per Diem \_\_\_\_\_

**EMPLOYEE HISTORY**

Prior Adverse Ratings/Actions      Yes      No      If yes, explain, including date(s)

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Previous Allegations of Corporal Punishment or Verbal Abuse      Yes      No      If yes, explain, including date(s) and Report Number(s)

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**STUDENT (COMPLAINANT) INFORMATION**

Name \_\_\_\_\_ Grade \_\_\_\_\_ Age \_\_\_\_\_

Date of Birth \_\_\_\_\_

Has student made prior allegations? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, explain, including date(s) and report number(s)

Narrative of Student Performance (conduct, etc.)

**PARENT/GUARDIAN CONTACT INFORMATION**

Name \_\_\_\_\_

Address \_\_\_\_\_

Home Telephone \_\_\_\_\_

Business Telephone \_\_\_\_\_

Date Parent/Guardian Notified of Incident \_\_\_\_\_

School Staff Member who made Contact \_\_\_\_\_

**WITNESS INFORMATION**

Name \_\_\_\_\_ Position \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTE:** If witnesses are students, on a separate sheet of paper, please list the students' names with the contact information for their parent(s)/guardian(s).

**INCIDENT**

If student and/or staff members made written statements, copies of the statements *must* be attached.

Date of Incident: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

Description of Incident

After initial review of the incident, I concluded the following:

**ACTION TAKEN**

For investigations not conducted by the Office of Special Investigations, the following must be completed. If necessary, additional information can be included on a separate sheet of paper and attached.

\_\_\_\_\_ The allegations were not substantiated. The subject was so advised by letter dated \_\_\_\_\_

**OR**

\_\_\_\_\_ The allegations were substantiated.

**In all cases where an allegation of corporal punishment and/or verbal abuse has been substantiated or where it has been concluded that poor judgment was used, disciplinary action must be taken.**

***TENURED STAFF***

The subject is a \_\_\_\_\_ Tenured teacher \_\_\_\_\_ Tenured administrator

In the case of tenured teachers or tenured administrators, the punishment may include a verbal reprimand, letter of reprimand to file or charges under State Education Law §3020-a. If it has been determined that §3020-a charges might be warranted because of the serious or repetitive nature of the misconduct or other factors concerning the teacher's or administrator's performance, the Deputy Counsel, Administrative Trials Unit of the Office of Legal Services *must* be consulted. [(212) 374-7600]. Counsel should also be consulted if it is not clear what action may be appropriate.

\_\_\_\_\_ The subject was verbally reprimanded on \_\_\_\_\_ (date)

\_\_\_\_\_ The subject received a letter to file, a copy of which is attached, on \_\_\_\_\_ (date)

**OR**

\_\_\_\_\_ The Office of Legal Services was consulted on \_\_\_\_\_  
(date)

\_\_\_\_\_ Upon consultation, a letter to file, a copy of which is attached, was recommended.

\_\_\_\_\_ Upon consultation, a Technical Assistance Conference was scheduled for \_\_\_\_\_  
(date)

\_\_\_\_\_ Upon consultation, other action was recommended (explain on a separate sheet)

***NON-TENURED PEDAGOGUES AND OTHER STAFF***

In the case of a substantiated allegation against a non-tenured pedagogue or other staff member, the Office of Appeals and Review [(718) 935-2991] *must* be consulted before any further action is taken.

The Office of Appeals and Review was contacted on \_\_\_\_\_  
(date)

\_\_\_\_\_ Upon consultation, a letter to file, a copy of which is attached, was recommended.

\_\_\_\_\_ Upon consultation, the staff member was terminated on \_\_\_\_\_  
(date)

\_\_\_\_\_ Upon consultation, other action was recommended. (explain on separate sheet and attach)

Report Preparer's Signature \_\_\_\_\_ Title \_\_\_\_\_

Date Prepared \_\_\_\_\_