



# Regulation of the Chancellor

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Category: STUDENTS

Number: [A-421](#)

Subject: PUPIL BEHAVIOR AND DISCIPLINE – VERBAL ABUSE

Pages: 1 of 4

Issued: 9/26/07

## SUMMARY OF CHANGES

This regulation defines and prohibits the use of verbal abuse upon students. It sets forth the reporting requirements for allegations of verbal abuse of students by Department of Education employees or other staff members.

### Changes:

- Contact information has been updated.



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## ABSTRACT

This regulation defines and prohibits the use of verbal abuse upon a student. The Chancellor may change this regulation consistent with applicable federal and state laws.

### **I. INTRODUCTION**

Verbal abuse of students is prohibited. Disruptive behavior by a student must never be punished by use of verbal abuse. 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**

Verbal abuse is not corporal punishment but is separately proscribed by this regulation. Prohibited verbal abuse includes:

- Language that tends to cause fear or physical or mental distress;
- Language that includes words denoting racial, ethnic, religious, gender, disability, or sexual orientation which tends to cause fear or physical or mental distress;
- Language that tends to threaten physical harm; or
- Language that tends to belittle or subject students to ridicule.

Nothing in this regulation, however, prevents a supervisor from counseling or disciplining an employee for inappropriate speech or 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 Department's policy and rules with respect to verbal abuse.

### **IV. REPORTING AN ALLEGATION OF VERBAL ABUSE**

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 verbal abuse. All allegations of verbal abuse of students by Department of Education employees, custodial employees, or others must be reported



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Category: STUDENTS

Number: A-421

Subject: PUPIL BEHAVIOR AND DISCIPLINE – VERBAL ABUSE

Pages: 2 of 4

Issued: 9/26/07

*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 attachment), and to whether the staff member who is alleged to have engaged in verbal abuse should be removed from the classroom pending further inquiry. Removal from the classroom pending investigation into allegations of verbal abuse will only occur in extreme cases.

If the supervisor is not the Principal or site supervisor and the alleged verbal abuse 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;
- Meet with the subject of the investigation and give him or her an opportunity to review statements from the victim(s);
- Evaluate all of the evidence and the credibility of all witnesses including the subject of the investigation before substantiating or unsubstantiating a complaint;
- The supervisor must reach and state the 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. Removal from the classroom pending investigation into allegations of verbal punishment will only occur in extreme cases. 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 (5) days after their removal.
- Supervisors should consult with OSI whenever technical assistance or other assistance is needed.

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<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 verbal abuse. If the person who is alleged to have engaged in verbal abuse 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.



# Regulation of the Chancellor

Category: STUDENTS

Number: **A-421**

Subject: PUPIL BEHAVIOR AND DISCIPLINE – VERBAL ABUSE

Pages: 3 of 4

Issued: 9/26/07

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 verbal abuse 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 verbal abuse, or the evidence does not support the allegation, the staff member must be so notified in writing by the Principal. 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. Reports

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 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 \_\_\_\_\_