

**Presentation of the Nyack Public  
Schools' Recommended Code of  
Conduct to the Board of  
Education - June 17, 2008**

**Dr. Valencia F. Douglas,  
Superintendent of Schools  
Dr. Anne Roberts, Co-Chair  
Robert Fimmen, Co-Chair**

# **2007-2008 Code of Conduct Review**

- **Thank you to the Committee on the Code of Conduct:**
- **Robert Fimmen (Co-chair)**
- **Dr. Anne Roberts (Co-chair)**
- **Rita Borst (Parent)**
- **Tommy Devine (Head of Security)**
- **Dr. Lyn Engelberg (School Psychologist)**
- **Gloria Fleming (Parent)**
- **Cordis MacAlpin (Teacher)**
- **Kevin McLeod (Dean of Students)**
- **Ellen Rechenberger (Principal)**
- **Arlene Sirotko (Parent)]**
- **Kevin Sullivan (Teacher)**

# 2007-2008 Code of Conduct Review

## This spring's tasks were:

1. Utilizing the results of a comparison of the HS and MS Student handbooks with the COC, bring the handbooks into alignment with the district's Code of Conduct,
2. Review trends, research and our own data relating to the high school open/closed campus issue and make a recommendation to the BOE about this,
3. Review other districts' Codes of Conduct to see how they have incorporated gang-related offenses and consequences for them into their codes.

## **I. Alignment of the HS and MS Handbooks with the district Code of Conduct**

**We recommend that the following be added to the district Code of Conduct as a result of the alignment study:**

### **1. Disciplinary responses:**

- **Confiscation of electronic devices until the end of the school day**
- **Payment to restore damages for graffiti**
- **Revocation of parking or driving privileges**
- **Towing of car at owner's expense**
- **Revocation of open campus privileges**

# I. Alignment of the HS and MS Handbooks with the district Code of Conduct (cont'd)

## 2. Disciplinary infractions:

- Unauthorized use of school elevator
- Possession or use of lighters or matches
- Unauthorized vehicle on school property
- Failure to be in one's assigned place during a school-sponsored event off campus
- Being on another school campus during NHS or the other school's operating hours without proper authorization from both schools
- Verbal abuse/verbal assault
- Forgery
- Violations of suspension or AIP (misbehavior in the AIP room, returning to the building or to the campus, or going to school-sponsored events while under suspension, or committing any infraction in the community related to the issue(s) at school that initiated the suspension)
- Instigating or inciting any behavior in others that is not in compliance with the COC
- Endangering the health, safety or welfare of others through gang-related offenses (more on this later)

**I. Alignment of the HS and MS Handbooks  
with the district Code of Conduct (cont'd)**

**THE HIGH SCHOOL AND  
MIDDLE SCHOOL  
HANDBOOKS ARE NOW  
ALIGNED WITH THE  
DISTRICT'S CODE OF  
CONDUCT.**

## **II. Recommendation to the BOE on whether NHS's campus should remain open, open with modifications, or closed**

### **A. The committee did a number of things to come to its recommendation:**

1. We asked for input from students and parents.
2. We read articles about how districts near us and nationally inform themselves before making a decision.
3. We looked at attendance data from NHS.
4. We looked at studies that related to this issue.
5. We studied the resources the BOE would need to secure given our recommendations.

## II. Recommendation to the BOE on whether NHS's campus should remain open, open with modifications, or closed (cont'd)

### B. Input From Students And Parents

- Approximately 500 STUDENTS returned open ended input forms. 99% of the students favored keeping the status quo.
- Some parents wrote emails; some parents spoke at the June 3rd BOE Meeting; some parents called the parent committee reps.

•The predominant reason: Students need to have this freedom to learn how to use their unstructured time in the best way while still at HS.

•The majority of the parents favored keeping the status quo. The predominant reason: The open campus has been a part of Nyack's school-community culture for many, many years.

**II. Recommendation to the BOE on whether NHS's campus should remain open, open with modifications, or closed (cont'd)**

**C. What are other districts doing to inform their decisions about the campus issue?**

**The main concerns are *achievement* and, especially, *health and safety*.**

- They are studying their high school attendance data;
- They are taking into account student safety issues – especially the possibility of student car accidents and the availability of alcohol and drugs off campus;
- They are focusing on student lunch eating patterns – especially the availability of “junk food” off campus;
- They are reviewing their civil emergency plans and finding them to be less manageable if students are coming and going within an open campus environment

## **II. Recommendation to the BOE on whether NHS's campus should remain open, open with modifications, or closed (cont'd)**

### **D. Rockland County School Districts:**

- **Nyack HS – OPEN**
- **Tappan Zee HS – OPEN**
- **Nanuet HS – OPEN with modifications (Students may only walk off campus.)**
- **Pearl River HS – OPEN with modifications (Students may only walk off campus.)**
- **North Rockland HS – CLOSED**
- **Clarkstown North HS – CLOSED**
- **Clarkstown South HS – CLOSED**
- **East Ramapo HS – CLOSED**
- **Spring Valley HS – CLOSED**
- **Suffern HS – CLOSED**

## **II. Recommendation to the BOE on whether NHS's campus should remain open, open with modifications, or closed (cont'd)**

### **E. Nyack High School's Attendance Patterns**

**We found that 80% of NHS students were late or absent for a total of 20% of the building master schedule. Individual students' codings, per course, ranged from an N of 10 to an N of 189! The mean number of codings, per course, was 25.8!**

- We created a spreadsheet containing all of the HS students' schedules and placed the total number of each period's attendance codings (for each student) against each of his/her period . We only entered a figure if it was equal to or greater than 10. The codings represented latenesses and absences, both "legal" and "illegal." We totaled them.**
- We then calculated the total "possible attendance codings" for the building by multiplying the sum of each student's courses in his/her schedule times the number of calendar days each represents.**
- We then placed the total number of actual attendance codings over the total number of possible attendance codings.**

## **II. Recommendation to the BOE on whether NHS's campus should remain open, open with modifications, or closed (cont'd)**

### **F. Nyack High School's Attendance Patterns (cont'd)**

**The attendance codings occurred in the following order of frequency:**

- **Morning periods and last period (periods 1-3 and 9) – 52%**
- **Individual high periods: 1 and 9 (20% and 11% respectively).**
- **If this lateness problem did not exist, non-lunch periods would only account for roughly 42% of the attendance codings.**
- **Most of the day's codings occur during the lunch periods as an aggregate.**
- **We also found that “schedule integrity” adds to the problem.**

**•Lunch periods (periods 4-8) (Note that there are more periods in this aggregate but 20% fewer courses per period due to lunch schedule balancing.) – 48%**

**•The Period 1 figure is very large due to excessive morning lateness (some or all of period 1).**

**•Juniors and seniors who drop courses due to failure or disinterest do not necessarily sign up for another course; they opt for “cafeteria option” (a free period with open campus privileges).**

## **II. Recommendation to the BOE on whether NHS's campus should remain open, open with modifications, or closed (cont'd)**

### **G. Research related to the issue...**

- 1. Academic Achievement**
- 2. Health and Safety**

**1. There are no empirical studies that say unequivocally that a certain type of campus increases achievement. Likewise, there are no descriptive studies that summarize national trends. Finally, there are no studies that say that districts who have closed their campuses report improvements in certain areas; however, some districts are beginning to report improvements in overall attendance.**

**2. We found two relevant studies that are worth mentioning here:**

**From the *NY Times*, May 6 2008:**

**•“In a 2002 study conducted by researchers at the University of North Carolina School of Medicine found that crash rates were 3 times higher for 16- to 18- year-olds in counties where teens were permitted to drive during lunch, from noon to 2:00 PM, compared to those with a closed campus.”**

**•“In a 2005 report, researchers at the same institution found that open-lunch policies at high schools in 3 local counties continued to contribute to a higher rate of crashes among teenage drivers, *and also increased the likelihood of multiple passengers in cars.*”**

## **II. Recommendation to the BOE on whether NHS's campus should remain open, open with modifications, or closed (cont'd)**

### **G. Research related to the issue... (cont'd)**

#### **From "onlinelawyersource.com":**

•“Auto accidents and teens statistics show that auto accident fatalities are the leading cause of death for young people in America.

#### **From the web pages of various food services companies used by NSLP (the National School Lunch Program):**

•“Less than 15 percent of school children eat the recommended servings of fruit, less than 20 percent eat the recommended servings of vegetables, less than 25 percent eat the recommended servings of grains, and only 30 percent consume the recommended milk group servings on any given day.”

**Teenagers comprise less than seven percent of the total population but are involved in fourteen percent of all auto accidents. Auto accident and teens statistics also show that teenagers are four times more likely to be killed in an auto accident than are people older than twenty five.”**

**“Studies have shown that, through the NSLP, children consume twice the servings of fruits and vegetables and greater amounts of grains and dairy than children who eat lunch brought from home or who leave school to eat lunch.”**

## **II. Recommendation to the BOE on whether NHS's campus should remain open, open with modifications, or closed (cont'd)**

### **G. Research related to the issue... (cont'd)**

- From Teen Obesity – How Schools Can Be the Number One Solution to the Problem by William Fibkins, Rowman & Littlefield Education, 2006:
- “Adults are witnessing an increase in student deaths due to auto accidents during lunch breaks, violent physical altercations between students and between youth gangs, students using and abusing tobacco, alcohol and drugs, students returning to school in an agitated state brought on by reactions to high sugar doses in soda and food served at fast food chains, and an increase of overweight and obese students triggered by a daily regimen of fast food.

**II. Recommendation to the BOE on whether NHS's campus should remain open, open with modifications, or closed (cont'd)**

**H. Manageability of Nyack High School's Civil Emergency Plans and Its Open Campus**

At present, any emergency that would necessitate the school building locking down, an evacuation to another school building, or a site arranged by the county through FEMA, would necessarily exclude students who have left campus for lunch, or for an "option" period.

## II. Recommendation to the BOE on whether NHS's campus should remain open, open with modifications, or closed (cont'd)

### I. Summary statement

- The rich traditions of the Nyack school community: an open campus where our students have the opportunity while still in high school to learn the best use of their free time are important; we must, however, temper their use to some degree with the foresight that in this day and age our students are also faced with an increasing number of health, safety and welfare issues with which former generations did not have to grapple.

## **II. Recommendation to the BOE on whether NHS's campus should remain open, open with modifications, or closed (cont'd)**

### **J. The Recommendations:**

#### **First Option:**

- **Close the campus for 9<sup>th</sup> and 10<sup>th</sup> graders.**
- **Keep the campus open for seniors , who may also drive during their lunch and "option periods."**
- **Keep the campus open for 11<sup>th</sup> graders, who may walk off campus only. The definitions apply above. District administration will create a form that parents may sign that will allow their 9<sup>th</sup> and 10<sup>th</sup> graders to walk off campus.**

*The open privilege for seniors will not involve academic or behavioral sanctions.  
(The committee's choice)*

#### **Second Option:**

- **Leave the current policy in place with no changes.**

2<sup>nd</sup> Option is not the recommendation of the administration or the Committee.

## **II. Recommendation to the BOE on whether NHS's campus should remain open, open with modifications, or closed (cont'd)**

**K.** The district administration will implement the following actions to ensure compliance regardless of which recommendation the Board chooses:

1. Do a study to determine if additional security personnel are needed at the high school.
2. Color-code student ID tags, which everyone will have to wear.
3. Look critically at the choices of food offered to our students in our cafeteria.
4. Provide continued training to all administrators for the implementation of the Code of Conduct.
5. Continue to use the PDAs (Personal Digital Assistants) to monitor students' grade level status and schedules. Ensure that all security staff are equipped with and use the PDA to monitor the grade level of students who exit the school during the day.
6. Use the newly implemented ParentConnect system to allow parents to review attendance, grades, etc., on a real-time daily basis. We plan to pilot this program over the summer.

### **III. The inclusion of gang-related language into our Code of Conduct**

- **We reviewed the Codes of Conduct of our neighboring districts.**
- **There is no mention of gang-related offenses or disciplinary consequences in any of them.**

**In fact, there is no mention of “gang-related offenses” as such in the VADIR, nor in the state penal code. The VADIR and the state penal code recognize only illegal, criminal activity as punishable and may label these as “gang-related” if they are committed within the recognized definition of “gang.”**

### **III. The inclusion of gang-related language into our Code of Conduct**

**We recommend the following that the following language  
be inserted into our COC, as follows:**

- **Offense: Endangering the health, safety or welfare of others through gang-related activity\*\*\* (Level 4 offense – secondary level)**

### **III. The inclusion of gang-related language into our Code of Conduct**

**The footnote will read:**

The term “gang” means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or an identifying sign or symbol, and whose members individually or collectively engaged or have engaged in a pattern of gang activity. The term “gang member” means any individual who is part of, associated with, or otherwise affiliated with a gang as defined above. “Gang activity” means the commission by a gang member, in a singular commission, attempt to commit, conspiring to commit, or soliciting others to commit a criminal act on NYS property in the presence of two or more other gang members.

### **III. The inclusion of gang-related language into our Code of Conduct**

**The footnote will read, (Continued):**

**School administrators who have reasonable suspicion that a student 1. is associated or affiliated with a gang, 2. intentionally causes, encourages, or solicits another person to join a gang, 3. provides any material form of support to a gang or its causes, 4. provides any conspicuous moral support for a gang or its cause through egregious gang-like language, dress, or the carrying of gang paraphernalia may charge the student in question with endangering the health, safety and welfare of others, in light of the definition stated above**

# QUESTIONS

