DRAFT FOR STAKEHOLDER REVIEW

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made and entered into as of ________________, 2019 by and among the Smithtown Central School District, the Smithtown Security Guards Association (“SSGA”), the Smithtown Schools Employees Association (“SSEA”) and Covert Investigations and Security Inc. (“Covert”).

WHEREAS, the District’s guards are SSGA or SSEA Unit members; and

WHEREAS, the District has entered into a cross contract for BOCES services for security consulting and oversight services provided by Covert; and

WHEREAS, recent amendments to Education Law Section 2801-a and the Commissioner of Education’s Regulations require school districts that employ security personnel to have an agreement developed with stakeholder input defining the relationship among the school district, school personnel, students, visitors, law enforcement and security personnel; defining the security personnel’s roles, responsibilities and involvement within the school district; and delegating the role of school discipline to school administration; and

WHEREAS, Education Law Section 2801-a requires that this agreement be incorporated into and published as part of the District-Wide Safety Plan.

NOW, THEREFORE, the parties agree as follows:

1. This Memorandum was prepared with stakeholder input in accordance with Education Law Section 2801-a.

2. The responsibility for school discipline rests solely with the Board of Education, District-wide and building administration, as well as teachers and other non-security staff, as set forth herein.
3. The Board of Education, Superintendent of Schools, building principals, assistant principals and other non-security staff members (e.g., teachers), as appropriate under the circumstances, are primarily responsible for addressing and responding to student, staff and visitor misconduct in a manner that is consistent with the District’s Code of Conduct and applicable law. When necessary, the District’s guards and/or Covert will assist non-security staff members with escorting individuals to a different location on or off school property and contacting local law enforcement.

4. At no time will the District’s guards or Covert be responsible for imposing school discipline or disciplining students in response to misconduct violating the District’s Code of Conduct. Rather, the District’s guards and Covert will instead refer suspected incidents of student misconduct to the appropriate school building administrator (e.g., a principal or assistant principal), District-wide administrator (e.g., the Superintendent of Schools or Assistant Superintendent) or other non-security staff member (e.g., a teacher) as appropriate under the circumstances.

5. In addition, the District’s guards, which include guards and senior guards, have the following illustrative responsibilities and duties:

   a. Guards watch and/or patrol a specific area during an assigned shift; direct parking and guide visitors to specific locations; report unusual occurrences or circumstances to the proper authorities; complete other security tasks as required and assigned; and may prepare oral or written reports.

   b. Senior guards maintain public order and discipline through supervision of subordinate guards; supervise subordinate guards; and complete other security tasks as required and assigned.
6. Covert is responsible for school safety and security consulting and for oversight of the District’s guards.

7. Local law enforcement is not responsible for imposing school discipline or disciplining students in response to misconduct violating the District’s Code of Conduct. The role of local law enforcement is to respond to criminal matters and matters that threaten the health, welfare or safety of District students, staff or visitors.

8. This Memorandum will not be interpreted as constituting a contract or binding agreement of any type. Instead, this Memorandum merely describes certain roles and responsibilities of the District’s security personnel, other District staff members and local law enforcement regarding school discipline and security.

9. This Memorandum may be executed in one or more counterparts, all of which will be considered one and the same document. This Memorandum may be executed by facsimile or PDF signature, each of which will constitute an original for all purposes.

SMITHTOWN CENTRAL SCHOOL DISTRICT

By: __________________________
Jeremy Thode
President, Board of Education

SMITHTOWN SECURITY GUARDS ASSOCIATION

By: __________________________

SMITHTOWN SCHOOLS EMPLOYEES ASSOCIATION

By: __________________________

COVERT INVESTIGATIONS AND SECURITY INC.

By: __________________________