

Parents protest 26-day pot brownie suspension

Brownie

Demonstrators are expected at a meeting of the East Irondequoit Board of Education on Tuesday to protest a lengthy suspension issued to a student who allegedly ate a pot brownie.

They claim the punishment was excessive. You be the judge.

Caleb Delly, a 15-year-old sophomore at Eastridge High School, was suspended for 26 days by Superintendent Susan Allen for allegedly buying and eating a brownie laced with marijuana on school grounds on April 20.

His parents appealed to the school board, which sided with the superintendent.

Caleb was originally assessed what he and his parents thought was a fiveday suspension by the principal, a punishment his parents accepted until they learned a few days into the suspension that it was actually 10 days.

His parents, Jennette and Jim Delly, felt 10 days was too much and refused to sign paperwork accepting it. They opted instead for what's called a "superintendent's hearing."

That's a disciplinary proceeding under state law in which an impartial hearing officer weighs evidence in the case and issues an opinion. The opinion is advisory, and the superintendent may accept all or none of it and assess a new punishment.

A few thoughts on the Dellys.

They seem like a good family with good kids. Jim is a painting contractor. Jennette is a clerk at an elementary school in the district, where she acts as the union representative for the East Irondequoit Clerical Employees Association. They're active in their community.

They have three children, and Caleb had never been in trouble at school. He made the honor roll three consecutive years in middle school and his parents said he had been on the honor roll every quarter of his time at Eastridge. He won't make it this quarter.

In an email to the principal on April 24, the third day of what he thought was Caleb's five-day suspension, Jim wrote asking for guidance as to what steps his family needed to take to ensure that Caleb stayed on top of his studies and got any required counseling.

He noted that his family had yet to receive written word as to the details regarding the suspension, documentation that the school should have sent within 24 hours. The documentation arrived later that day.

Jim wrote of his profound disappointment in his son's behavior and assured the principal that he, his wife and Caleb were taking the matter seriously. He conveyed that Caleb had done a lot of reflecting on the matter and understood the consequences.

Not only was Caleb's stellar academic track record in jeopardy, but also he had made the varsity baseball team and would miss several games because of his suspension.

The Dellys acknowledge that Caleb bought a brownie from a student and ate it.

"He's 15, and he messed up," Jennette said. "We're not saying don't punish him. We're just saying be fair."

But the truth is, neither they nor Caleb knows what he ate that day. The Dellys had him drug-tested, albeit 13 days after the alleged incident, and the results came back negative. Pot is said to stay in the system for 30 days

among regular users.

So when it came to the superintendent's hearing on April 27, Caleb pleaded not guilty to the charges of buying, possessing and consuming a pot brownie because the evidence against him was flimsy at best.

For one thing, he wasn't caught with the brownie. Secondly, he was questioned by a school security guard in private with no witnesses. Lastly, Caleb

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Jim and Jennette Delly with son Caleb, who was suspended for 26 days from Eastridge High School in Irondequoit for allegedly eating a pot brownie sold to him and other students within the school. MAX SCHULTE/@MAXROCPHOTO/STAFF PHOTOGRAPHER



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was present in all of his classes that day and exhibited no unusual behavior.

At the hearing, an attorney for the district presented three pieces of evidence against Caleb.

The first was video surveillance showing Caleb and several students entering a bathroom with the student who allegedly sold the brownies. Some of the brownies were later confiscated from the alleged seller and tested positive for pot.

The second was testimony from the security guard, who said Caleb at first denied consuming the brownie, but that Caleb later confessed in a written statement that read: "I paid \$15 to (the student seller) in the freshman

bathroom, and I did eat it.”

The Dellys claim the security guard coerced Caleb into writing that statement by threatening to have him arrested by police, who were on school grounds investigating. The security guard denied the accusation.

The last piece of evidence was testimony of one of the assistant principals, who said that Caleb acknowledged to him alone that he ate the brownie “a while ago.”

All of it failed to convince the hearing officer, who found Caleb innocent.

The officer noted the video surveillance proved nothing and that Caleb’s written confession didn’t indicate what he bought for \$15 and ate.

The context in which the confession was written, the officer noted, was provided by the security guard, who was alone with Caleb.

“In the statement, it doesn’t say what you bought, what you ate,” the officer, Mark Christman said, according to the transcript. “The only proof that I heard was that there were brownies, they were tested, but there’s no proof that you — you paid \$15, but I don’t know for what in terms of this.”

If this case went to court, the school district wouldn’t have had a leg to stand on.

But the superintendent overturned the hearing officer’s recommendation, asserting that the security guard’s testimony and Caleb’s written admission were proof enough that he had consumed a pot brownie. A few things went wrong in this process: Protocol and good sense demand that a student suspected of being on drugs see a school nurse. That never happened with Caleb.

New York State School Boards Association guidelines and good sense demand that “when questioning students ... a second school official should be present as a witness.” Caleb was alone with the security guard.

Lastly, policy and good sense call for the school to spell out the specifics of a suspension within 24 hours. For three days, the Dellys were in the dark. They had no idea what they were dealing with because none of their children had ever been in trouble.

These lapses in protocol aren’t necessarily relevant to whether Caleb ingested a pot brownie. But they do suggest the school’s system for handling these types of incidents is haphazard.

If the incident was mishandled from the outset, which it appears to have been, how can an appropriate punishment be applied?

This, the Dellys said, is what they question and what they want addressed from having their story told, either by the board or in the court of public opinion.

The district’s discipline code offers no minimum punishment guidelines for specific infractions. The only guideline is that discipline be progressive, meaning the penalties worsen with each violation.

Caleb was a first-time offender.

The Dellys can’t help but wonder whether the punishment was retaliation for Jim’s outspokenness at a recent school board meeting, where he questioned the board’s priorities as it faced a budget crunch, or for Jennette’s role in fighting for a contract for her union, whose labor agreement expired over a year ago.

They pointed to two other students who were thought to have bought brownies from the same seller as their son and received five-day suspensions. Those students, according to the Dellys, denied eating their brownies.

In a prepared statement, the school district denied that Caleb's suspension was related to comments his father made at board meetings or labor negotiations. The statement read the district "evenly enforces its code of conduct for all students."

It went on to read that there were over 20 drug-related offenses in the district this academic year that resulted in suspensions ranging from three weeks to three months. The alleged brownie seller received a 36-day suspension, according to the Dellys.

"If the school district makes a procedural error in a disciplinary matter, then it acknowledges its mistake and will offer an appropriate remedy so as to model exemplary accountability," the statement concluded. "Everyone makes mistakes, it is what you learn from your mistakes that is important."

Caleb served his time. School is out. Talk amongst yourselves.

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