



## **MODEL MEMORANDUM OF UNDERSTANDING BETWEEN A SCHOOL DISTRICT AND A POLICE OR SHERIFF'S DEPARTMENT**

### **Purpose**

The purpose of this document is to set forth guidelines to ensure that the Police Department ("PD") and the School District ("the District") have a shared understanding of the role and responsibilities of each in maintaining safe schools, improving school climate, and supporting educational opportunities for all students.

This document sets forth an understanding on the part of the parties involved that schools in the District are meant to be places where students can learn from their mistakes in order to grow into healthy, productive adults.

PD's role within the school environment is to help foster a positive school climate by demonstrating respect for students' rights and protecting the safety of the school environment.

It is the role of teachers and other educators to administer school discipline in a way that supports personal growth and learning opportunities for all of the District's students. It is further the goal of the District that school discipline be administered in such a way as to keep students within the classroom setting to the greatest extent practicable. Wherever possible, school-based infractions shall be addressed through the use of non-punitive interventions that improve school safety and academic performance (e.g. restorative justice, peer mediation, counseling services, etc.), and not through harsh, exclusionary measures or justice-system intervention.

### **Involvement of PD in a School-Based Infraction**

1. "Involvement" in a school-based incident by PD includes any action beyond data collection and may include 1) opening of a case file; 2) conducting an investigation; 3) being called to, or arriving at, a school campus; 4) questioning and/or searching of any students or school personnel; 5) issuing tickets/citations; or 6) conducting arrests and/or making referrals to the juvenile justice system.
2. PD involvement in a school-based infraction shall be limited to incidents of felony conduct posing a serious and immediate threat of injury to an individual within the school community.
3. The purpose of PD involvement in school-based incidents is to assist the District in maintaining safe schools and to provide a law enforcement resource should serious incidents take place within any of the District's schools. It is not PD's role to enforce school discipline or to punish students.
4. PD shall not be involved in school-based infractions that constitute misdemeanor behavior or that do not pose a serious and immediate threat of injury to an individual within the school community. Such incidents shall be considered school disciplinary incidents and shall be addressed by teachers, administrators, counselors, security guards and/or other school police officers using school-based interventions.
5. Examples of school disciplinary incidents that shall be handled by school officials without PD involvement include (but are not limited to): disorderly conduct, disruptive or disrespectful behaviors, tardiness, fighting, minor theft or property damage, consensual sexual activity, and most drug and alcohol offenses (excluding the sale of such items).

6. Examples of behavior that may warrant PD involvement include (but are not limited to): possessing or using weapons, selling drugs or alcohol, assaults involving significant injuries or weapons, and sexual assaults.

#### **Procedure for PD Involvement in a School-Based Infraction**

7. The decision to involve PD in any school-based incident must be made by a principal or designee.
8. Any member of the school community may notify the principal or designee of student conduct believed to be of a felony nature *and* that poses a serious and immediate threat of injury to an individual within the school community.
9. The principal or designee must attempt to de-escalate the situation wherever possible prior to calling or otherwise involving PD in the school-based infraction.

#### **Procedures Concerning PD Conduct in Schools**

10. A school principal or designee shall be consulted prior to the arrest of a student.
11. A student's parent or guardian shall be notified immediately when PD is called to a school campus.
12. PD may conduct a search of a student's person, possessions, or locker only where there is probable cause to believe the student committed or is committing a felony offense and the offense at issue poses the threat of serious and immediate injury an individual within the school community.
13. A principal or designee shall be consulted before PD conducts a search on a student's person, possessions, or locker.
14. PD shall not request that school officials conduct a search of a student's person, possessions, or locker in order to evade the probable cause standard articulated above.
15. Questioning by PD of a student that may result in criminal consequences shall only be reserved for felony conduct that constitutes a serious and immediate threat to an individual within the school community. Notice of such questioning shall be given to a principal or designee and shall be conducted in the presence of a parent or guardian.
16. Physical restraints (handcuffs, Tasers, Mace, pepper spray, or other physical and chemical restraints) shall only be used for felony conduct that poses a serious and immediate threat to an individual within the school community where less intrusive measures of restraint have failed.
17. Strip searches of students by PD or school officials are prohibited.
18. Prior to, or at the time of, arrival at a school campus, PD shall be notified by the principal or designee of any students involved in school-based infractions who possess disabilities and who therefore may require special treatment or accommodations by PD.

#### **Transparency, Accountability, and Training**

19. Any school employee who fails to follow the protocol established above, resulting in the unnecessary involvement of PD, shall be subject to corrective action.
20. A stakeholder group of students, teachers, administrators, parents, and community leaders shall monitor adherence to this MOU on the part of PD and the District. This group shall be empowered to receive any

and all data related to school-based offenses from PD and the District and shall make recommendations to the School Reform Commission and to PD concerning school disciplinary issues and/or changes to this MOU. This stakeholder group shall meet regularly with District and PD officials to discuss issues of school safety and climate.

21. PD and the District shall respond to violations of this MOU identified by the stakeholder group with 1) written acknowledgment of the violation; and 2) written policies and/or measures taken to prevent similar future violations.
22. The District and PD shall maintain records of every school-based incident resulting in PD involvement disaggregated by description of the incident, names of school officials involved, manner in which PD was notified, searches/questioning of students, tickets, citations, or summonses issued, arrests made, filing of delinquency petitions, referrals to a probation officer, and other referrals to the juvenile justice system. Data shall also be disaggregated by race, age, school, grade, gender, ELL status, and disability status of the student(s) involved.
23. Each record described above shall also include information on any suspension, expulsion, disciplinary transfer, or other disciplinary consequence imposed on the student.
24. Prior to being assigned to any school-based incidents, PD officers shall be trained on their role within the District's schools and on the rights afforded to students. Further, they shall be trained on child and adolescent development and psychology, cultural competence, restorative justice techniques, special accommodations for students with disabilities, and practices proven to improve school climate. Such trainings shall continue on an annual basis.
25. PD shall create a user-friendly system for students, parents, or other individuals to lodge complaints against PD officers. Such complaints may be given orally or in written form.
26. The complaint system must provide for independent investigation of any and all allegations as well as swift and comprehensive redress.
27. Parents must be able to lodge complaints in their native language.
28. The complaint system must protect the identity of the complainant(s).
29. Complainants shall receive written notification of the resolution of complaints within 30 days or else written notification of the need for additional time to resolve the complaint including concrete and specific actions taken to work toward resolution of the complaint.
30. Where allegations of serious abuse are pending against a PD officer, that officer may not be further deployed to respond to any school-based infraction.
31. Where allegations of serious abuse against a PD officer are substantiated, that officer must be permanently suspended from any assignment relating to a school-based infraction.
32. All parents and students in the District shall be made aware of the complaint system. Verbal and written dissemination of information about the complaint system shall be made in the native languages of parents in the District.