



PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE SCHOOL DISTRICT AND POLICE DEPARTMENT

Purpose

The purpose of this document is to set forth guidelines to ensure that the police department and the school 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 are meant to be places where students can learn from their mistakes in order to grow into healthy, productive adults.

It is the role of teachers and other educators within the school district to respond to inappropriate and unlawful student behavior in a way that supports personal growth and learning opportunities for all students. It is further the goal of the school 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. classroom interventions, counseling services, restorative justice, peer mediation, etc.), and not through harsh, exclusionary measures, tickets, or arrests. To the extent practicable, the school district and police department must limit the use of out-of-school suspensions and expulsions to incidents that involve conduct that poses a serious and credible threat to the safety of pupils and staff.

The school district and police department have a shared goal to reduce justice-system involvement of all students.

Involvement of Police Department in a School-Based Infraction

1. The police department's role within the school district is a limited one. It is not the police department's role to enforce school disciplinary rules or punish students for misbehavior. The purpose of the police department's involvement in school-based incidents is to assist the school district in maintaining safe schools with positive learning environments and to provide a law enforcement resource should serious incidents take place within any schools. Police involvement should not be requested in a situation that can be safely and appropriately handled by the school district's internal disciplinary procedures.
2. The school principal or designee must attempt to de-escalate school-based incidents involving students wherever possible prior to calling or otherwise involving the police department.
3. The decision to involve the police department in any school-based incident must be made by a principal or designee.
4. Police involvement in school-based incidents should be limited to situations when it is:
 - a. Necessary to protect the physical safety of students and staff from imminent harm; or
 - b. Appropriate to address criminal behavior of persons other than students.
5. Tickets and arrests may only be used for the following incidents:
 - a. Fights involving serious bodily harm, or any fights which necessitate medical treatment for any of the participants;
 - b. Other serious violent offenses, such as robbery, arson, or sexual assault;
 - c. Use or possession of dangerous weapons, such as knives, guns, or brass knuckles. Other items which could be used as weapons shall only result in police intervention if a clear intention to use the item as a weapon can be established.
 - d. The sale of illegal drugs or alcohol.
 - e. Offenses designated as requiring a referral to law enforcement per school district board policy.

6. A school principal or designee shall be consulted prior to the arrest of a student.
7. A student's parent or guardian shall be notified immediately when they are issued a ticket or arrested.
8. A School Resource Officer (SRO) or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event, who issues a summons, ticket, or other notice requiring the appearance of a student in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event, must notify the principal of the school or his or her designee of the issuance of the summons, ticket, or other notice within twenty four hours after the issuance of the summons, ticket, or other notice.

Procedures Concerning Other Police Conduct in Schools

9. The police 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.
10. A principal or designee shall be consulted before the police conducts a search on a student's person, possessions, or locker.
11. The police 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.
12. Questioning by the police of a student that may result in criminal consequences shall only be reserved for 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. If the student to be questioned is under the age of 18, the student's parent or guardian must be notified prior to questioning.
13. Physical restraints (handcuffs, Tasers, Mace, pepper spray, or other physical and chemical restraints) shall only be used for conduct that poses a serious and immediate threat to an individual within the school community and where less intrusive measures of restraint have failed.
14. Strip searches of students by police or school officials are prohibited.
15. Police officers responding to a school-based infraction shall be notified by the principal or designee of any students involved who possess disabilities and/or an Individualized Education Plan ("IEP") and who therefore may require special treatment or accommodations. Police involvement with students with disabilities shall be in accordance with the student's individualized education program (IEP), any behavior intervention plan, 504 Plan, and board policies.
16. Immigration officials shall not be permitted on school campus at any time, and student information shall not be shared with immigration officials.

Transparency, Accountability, and Training

17. Selection of an SRO for each school will be made by an open committee with representation from students, parents, community members, teachers, and school administration.
18. Any school employee who fails to follow the protocol established above in paragraphs 1 through 16, resulting in the unnecessary involvement of the police, shall be subject to corrective action.

19. A stakeholder group of students, teachers, administrators, parents, and community leaders shall monitor adherence to this MOU on the part of the police and school district. This group shall be empowered to receive any and all data related to school-based offenses from the police and school district and shall make recommendations concerning school disciplinary issues and/or changes to this MOU. This stakeholder group shall meet regularly with district and police officials to discuss issues of school safety and climate.
20. The police and school 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.
21. The school district and police department shall maintain records of every school-based incident resulting in police involvement disaggregated by description of the incident, names of school officials involved, manner in which the police 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, ethnicity, age, school, grade, gender, ELL status, and disability status of the student(s) involved.
22. Each record described above shall also include information on any suspension, expulsion, disciplinary transfer, or other disciplinary consequence imposed on the student.
23. Prior to being assigned to any school-based incidents, police officers shall be trained on their role within schools and on the rights afforded to students. Further, they shall be trained on: child and adolescent development and psychology; age-appropriate responses; cultural competence; restorative justice techniques; special accommodations for students with disabilities; practices proven to improve school climate; and the creation of safe spaces for lesbian, gay, bisexual, transgender, and questioning students. Such trainings shall continue on an annual basis.
24. Police shall create a user-friendly system for students, parents, or other individuals to lodge complaints against police officers. Such complaints may be given orally or in written form.
25. The complaint system must provide for independent investigation of any and all allegations as well as swift and comprehensive redress.
26. Parents must be able to lodge complaints in their native language.
27. The complaint system must protect the identity of the complainant(s).
28. 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.
29. Where allegations of serious abuse are pending against a police officer, that officer may not be further deployed to respond to any school-based infraction.
30. Where allegations of serious abuse against a police officer are substantiated, that officer must be permanently suspended from any assignment relating to a school-based infraction.
31. All parents and students in the school 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 school district.