

MEMORANDUM OF UNDERSTANDING
between
BEDFORD COUNTY PUBLIC SCHOOLS
and
THE BEDFORD COUNTY SHERIFF'S OFFICE
June, 2020

PREAMBLE

Bedford County Public Schools (BCPS) and the Bedford County Sheriff's Office (BCSO) hereby enter into this MOU to foster relations of mutual respect and understanding in order to build a positive and safe school environment. This agreement outlines the roles and responsibilities of the BCSO and School Resource Officers (SRO) as well as BCPS and school administrators. As the success of the BCPS/BCSO partnership depends on effective communication between the agencies, this MOU also clarifies procedures pertaining to the exchange of information. Changes to this MOU will be implemented with the written consent of both parties

PURPOSE

The partnership is intended to facilitate effective, timely communication and coordination of efforts for both parties – BCPS and BCSO. The purpose of this Memorandum of Understanding (MOU) is to establish a mutually beneficial framework that both schools and law enforcement can work within to achieve shared goals.

GOALS

The primary goals of the SLEP are 1) to promote positive and supportive school climates and 2) to create and maintain safe and secure school environments.

To promote positive and supportive school climates, the partnership will collaborate to increase law-related education, expand school safety and crime prevention efforts, reduce conflict, and support effective interventions for students.

To create and maintain safe and secure school environments, the partnership will collaborate to reduce and prevent crime, violence, victimization, and fear in and around schools, and minimize student involvement with the juvenile and criminal justice systems.

EVALUATION OF THE SCHOOL-LAW ENFORCEMENT PARTNERSHIP

Measurable objectives of the SLEP should be developed jointly using school discipline, crime, and violence data, school climate survey data, Crime Analysis Data relevant to school sites, and other data deemed to be relevant. Progress towards achieving objectives shall be jointly reviewed at least annually by BCPS and BCSO designees and shared with the public as appropriate.

ROLES AND RESPONSIBILITIES OF PARTNER ORGANIZATIONS

BCSO Responsibilities

The BCSO direct points of contact between the BCPS and BCSO will be the SRO Sergeant and Lieutenant of Community Services Unit. The point of contact will address any operational and administrative issues and will serve as a consultant for school safety and security issues including assessments and critical incident response planning. The designee will maintain a working knowledge of school rules, regulations, and laws regarding student safety and conduct. The designee will establish and maintain effective relationships with school personnel at the

division and school levels and mitigate conflicts and or clarify expectations in situations where there are ambiguous or overlapping policies or practices.

Selection, assignment, scheduling, training, supervision, and evaluation of school resource officers (SROs) will be the responsibility of the BCSO. However, each of these actions will take into account the input of school personnel and identified needs and conditions of schools. The SRO shall remain at all times under the control, through the chain of command, of the law enforcement agency. The BCSO will arrange for coverage for SROs who are absent for more than 2 consecutive days.

In developing and implementing law enforcement policies and practices that may affect schools, the BCSO will consult with and take into consideration the views of BCPS and the school community.

BCSO will ensure the SRO receives relevant training prior to or within 60 days of assignment in a school and ongoing joint training with school administrators. The training should be aligned with the SLEP and DCJS curriculum and in consultation with BCPS.

BCPS Responsibilities

The BCPS direct point of contact between BCPS and BCSO will be the Safety Manager and Chief Operations Officer. The points of contact will implement the partnership and maintain ongoing communications with BCSO officials.

It is the responsibility of school administrators to facilitate effective communication between the SRO and school staff and to support the goals of the partnership.

Each school with an assigned SRO will provide work area(s) for the SRO that allow access to technologies, private interviewing of several persons, and locking storage space for securing physical evidence.

BCPS will handle discipline within the school disciplinary process without involving SROs. BCPS policies, administrative guidance, training, and ongoing oversight will clearly communicate that school administrators and teachers are responsible for school discipline and that law enforcement is not to be involved with disciplinary action. BCPS is responsible for communicating the goals and role of the SRO to all school administration, staff, and students.

BCPS will ensure that school administrators with an assigned SRO will receive relevant training prior to or within 60 days of the SRO's assignment in a school and ongoing joint training with SROs. The training should be aligned with the SLEP and DCJS curriculum and in consultation with BCSO.

SRO Roles and Responsibilities

SROs will be considered active members of their assigned schools. The SRO facilitates the effective delivery of law enforcement services and assists with matters related to safety, security, and the exchange of information. SROs should meet with school administrators at least weekly, and more if necessary, to exchange information about current crime needs, problem areas, or other areas of concern that may lead to potential disruption at the school or with the community. The SRO shall share information in compliance with Va. Code § 22.1-279.3:1.

As a general practice, unless there is a clear and imminent threat to safety, requests from school staff for SRO or other law enforcement assistance are to be channeled through a school administrator.

SROs' duty schedules are determined by the SRO supervisor and should be organized to provide coverage throughout the school day, which may vary by school. SROs provide a visible deterrent to crime and shall be visible patrolling the exterior and interior grounds, especially during peak arrival, departure, transition, and large group times. The SRO should wear the regulation uniform and operate a marked police vehicle while on duty unless otherwise authorized by the SRO's supervisor for a specific purpose.

Additionally, SROs should assist school administrators in developing and practicing school crisis, emergency management, and response plans. They will work with administrators in problem-solving to prevent crime and promote safety in the school environment. SROs are expected to collaborate with school administrators and other school personnel to support positive school climates that focus on resolving conflicts, reducing student engagement with the juvenile and criminal justice systems, and diverting youth from courts when possible.

SROs serve multiple roles in schools. The roles are interrelated, but all are carried out with the aim to contribute to school safety and security and to promote positive and supportive school climates. All roles require confidentiality and professional handling of information learned in the carrying out of responsibilities. Key roles are:

Law enforcement officer

As sworn law enforcement officers, SROs' primary role in schools is as a law enforcement officer. SROs assume primary responsibility for responding to requests for assistance from administrators and coordinating the response of other law enforcement resources to the school. SROs should work with school administrators in problem solving to prevent crime and promote safety in the school environment. SROs should also collaborate with school personnel to reduce student engagement with the juvenile justice systems and divert students from the courts when possible.

Law-related educator

As resources permit, SROs should strive to assist with presentations for school personnel on law-related topics such as law enforcement practices, changes in relevant laws, crime trends, crime prevention, school safety strategies, and crisis response procedures. SROs may also deliver law-related education with students using lessons/curricula approved in advance by the SRO Supervisor. This may include the *Virginia Rules* curriculum developed by the Virginia Attorney General's office at the middle and high school levels or other programs agreed upon by BCPS and BCSO. In all cases, responding to incidents or conducting investigations will take precedence over delivery of presentations.

Informal mentor and role model

Students often seek approval, direction, and guidance from adults in the school setting about various problems. Through formal and informal interaction with students, SROs serve as informal mentors and role models. SROs are expected to communicate clearly to students about acceptable and unacceptable behavior, to set a positive example in handling stressful situations and resolving conflicts, to show respect and consideration of others, and to express high expectations for student behavior. Students who may need additional assistance shall be referred to a school based resource.

The following are examples of the type of assistance SROs may provide at their schools (not a comprehensive list):

- Filling in for absent school staff to provide for safe traffic management (Traffic management is not a direct, daily responsibility of SROs.)
- Providing or arranging for training of school staff on topics of safety (drug awareness, for example)
- Assisting school staff with truancy meetings, home visits, and other interventions
- Accompanying school staff with home visits relating to potential criminal matters
- Attending and providing testimony at school disciplinary hearings upon request
- Informing promptly the principal of the arrest or removal of students or school employees
- Ensuring the proper collection and disposal of illegal substances recovered by the school that are not needed for criminal prosecution

School Administrator Roles and Responsibilities

Consistent with Virginia Standards of Accreditation (2000), Section 8 VAC 20-131-210, "the school administrator is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources." (Section A). "The school administrator also ensures that the school division's student code of conduct is enforced and seeks to maintain a safe and secure school environment." (Section B.2) Additionally, consistent with Section 8 VAC 20-131-260.C.3., the school administration ensures "a written procedure, in accordance with guidelines established by the local board, for responding to violent, disruptive or illegal activities by students on school property or during a school-sponsored activity."

Principals should meet with SROs at least weekly, and more if necessary, to exchange information about current crime needs, problem areas, or other areas of concern that may lead to potential disruption at the school or with the community. Principals will report criminal activity that come to their attention to the SRO. Principals will appear in court, if necessary, to provide testimony in cases related to criminal action against a student.

School administrators should review the MOU with SROs and establish school-specific operational and communications procedures to support goals of the SLEP. The

OPERATIONAL PROCEDURES

Differentiating Disciplinary Misconduct from Criminal Offenses

School administrators and teachers are responsible for school discipline. Although SROs are expected to be familiar with the school division code of student conduct, the rules of individual schools, and their application in day-to-day practice, SROs should not be involved with the enforcement of school rules or disciplinary infractions that are not violations of law.

Consequences of student misconduct should be effective, developmentally appropriate, and fair. Interventions and school sanctions should help students learn from their mistakes and address root causes of misconduct. School administrators will consider alternatives to suspensions, and law enforcement officials will consider alternatives to referrals to juvenile court services and arrests for student violations of law.

BCSO and BCPS shall operate in a manner to ensure children with disabilities receive appropriate behavioral interventions and supports.

Release of Student Information

The release of student record is governed by Va. Code § 16.1-301, Va. Code §§ 22.1-287 – 289, and the Family Education Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g, and its implementing regulations. In accordance with FERPA, “school officials” may access and disclose student records only as authorized by FERPA.

A. School Resource Officer

For purposes of access to student records, the SRO is considered a “school official” and may be provided student information on an as needed basis to carry out the SRO’s duties related to the school environment. As a general matter, the SROs’ access to student record shall be limited to a school-wide look up of students in the school to which the SRO is assigned. This school-wide look up will include directory information and other information such as disciplinary record that the SRO may need to perform his or her duties. The SRO may have access to records of those students who are not enrolled in the school to which the SRO is assigned only when needed to carry out the SRO’s duties in the school environment and only as approved by the Building Principal.

An SRO is not considered a “school official” for purposes of carrying out law enforcement duties unrelated to the school environment.

The SRO may only disclose student records to the Sheriff’s Office and to other law enforcement officials consistent with this MOU. The SRO may disclose “law enforcement records” to the Sheriff’s Office and other law enforcement officials. “Law enforcement records” are those records, files, documents, and other materials that are created and maintained by the SRO for the purpose of ensuring the physical safety and security of people and property in Bedford County Public Schools and/or the enforcement of any local, state, or federal law even if such records also serve the dual purpose of investigating and enforcing school disciplinary rules. Because “law enforcement records” are not student records, they are not subject to the disclosure restrictions of FERPA.

Copies of law enforcement records that are provided to school administrators for the purpose of school discipline become student records that may be maintained in student files and are subject to the disclosure restrictions of FERPA. The original law enforcement record maintained by the SRO, however, remains exempt from the disclosure restrictions of FERPA.

Any record that is created and maintained by the SRO exclusively for the purpose of a possible school disciplinary action against the student would fall outside the definition of “law enforcement records.” Such records would be subject to the disclosure restrictions of FERPA.

B. The Sheriff’s Office and Other Law Enforcement Officials

Sheriff’s Office officials who are not part of the SRO Program and other law enforcement officials may have access to student records without parent permission and consent only if:

- (1) The School Board has designated the information as "directory information";
- (2) The knowledge of student record information is needed to protect the health and safety of a student or other person in an emergency situation; or
- (3) The School Board is presented with a search warrant, subpoena, or other valid court order requiring the release of student records to the law enforcement official or agency.

C. Directory Information

Information that is designated as "directory information" is published in School Board Policy JO – Student Record. The information regarding students whose parents have opted-out of disclosure of such student information will be withheld. The information items designated as "directory information" are subject to change. The SRO or other law enforcement officials seeking access to directory information may request such information from the Building Principal.

D. Health and Safety Emergency

School officials may disclose any information from student records to appropriate parties, including law enforcement officials, whose knowledge of the information is needed to protect the health or safety of a student or other individual if there is a significant and articulable threat to the health or safety of a student or other individual, considering the totality of the circumstances.

Law enforcement officials seeking access to records under the health and safety emergency exception should contact the student's Building Principal and must present sufficient information for the Building Principal to make the determination that a health and safety emergency, within the requirements of FERPA, exists.

If student information is disclosed under this exception, the student's file must contain a description of the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed.

E. Court Orders, Subpoenas, and Search Warrants

School officials may disclose student records in response to lawfully-issued court orders, subpoenas, and search warrants. FERPA requires that school officials take reasonable steps to provide notice to the parent(s) or the student (if the student is an adult) before any records are disclosed pursuant to a court order, subpoena, or search warrant. Such notice will not be provided if the court order, subpoena, or search warrant indicates that it has been issued *ex parte* or if it contains directions that the subject of the records should not be notified. As a result of the notification requirement, law enforcement officials should take into account that their access to such records may be delayed while school officials satisfy this requirement and gather responsive records. School officials will expedite law enforcement requests for records under this exception whenever necessary.

School officials will retain original school records and will provide copies in response to any court order, subpoena, or search warrant. If original records are required, notice should also be

provided to the School Board Attorney, who will coordinate with law enforcement and the Commonwealth Attorney's office, as appropriate.

Except for situations where the court order, subpoena, or search warrant indicates that it has been issued *ex parte* or if it contains directions that the subject of the records should be not notified, a record of any disclosure under this exception will be included in the student's file.

When appropriate, and to the extent the law allows, BCPS administrators should notify SROs of any special needs of a student involved in a school-based infraction that is not routine discipline, in order to assist the SRO in recognizing and accommodating behaviors that may be manifestations of the student's disability.

SROs will have access to view surveillance cameras and will be assigned keys (or allowed badge access) for schools in their assigned county zones.

Release of Police Information

The SRO and Building Principal should exchange information regarding any possible criminal activity that may have occurred on and around school grounds. This exchange of information shall be limited to that which directly relates to or contributes to the safety of the school environment in compliance with Va. Code § 22.1-279.3:1. The SRO shall not make any official documents, police reports, or records available to the School Board or its employees without prior approval from the SRO Supervisor.

Investigation and Questioning

SROs have the authority to question students who may have information about criminal activity. As sworn law enforcement officers, SROs have authority to stop, question, interview, and take law enforcement action without prior authorization of the school administrator or contacting parents. However, the investigation and questioning of students during school hours or at school events should be limited to situations where the investigation is related to suspected criminal activity. Investigations and questioning of students for offenses not related to the operation of or occurring at the school should take place at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of a crime.

The interviewing of students – whether suspects, victims, or witnesses – should be conducted privately in an office setting. SROs will take steps to ensure minimal intrusion into the educational experience of students being questioned in the school setting.

Recognizing that a reasonable child subjected to police questioning will sometimes feel pressured to submit when a reasonable adult would feel free to go, as a general rule, the student should not be arrested or placed in custody during the initial interview or interrogation. The student will be informed generally of the purpose of the investigation, warned against self-incrimination in a developmentally appropriate manner, and given an opportunity to present informally his or her knowledge of the facts. If the student wishes to remain silent, to contact his or her parents or an attorney, or to end the interview, the questioning should cease and the student's request should be granted unless detaining the student is lawful and reasonable under the circumstances.

SROs are responsible to lead the investigation and questioning of students related to suspected violations of criminal law. SROs shall not be included in questioning students about student code of conduct violations that do not involve any criminal activity or risk of harm to self or others. School administrators are responsible for the questioning of students about violations of the code of conduct.

Searches

All searches shall be conducted in accordance with federal and state laws, and applicable BCPS and BCSO policies and guidelines, including the principles embodied in this memorandum of understanding.

School administrator searches. School officials may conduct searches of student's property and person under their jurisdiction when reasonable suspicion exists that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. The standard for search by a school official is reasonable suspicion.

SRO searches. Any search initiated by SROs or other law enforcement officer shall be based upon probable cause and, when required, a search warrant should be obtained. All searches should be reasonable in scope. All searches should occur outside the presence of students and school staff, with the exception of school administrators, unless there is a clear and immediate threat to physical safety.

SROs shall not become involved in administrative (school related) searches unless specifically requested by the school to provide security, protection, or for handling of weapons or contraband. At no time shall SROs request that an administrative search be conducted for law enforcement purposes or have the administrator act as his or her agent.

Arrests

Whenever practical, arrests of a student or staff member should be accomplished outside of school hours in order to not disrupt the educational process or school setting. Arrests that must occur during school hours or on school grounds should be coordinated through the school administrator to minimize potential disruption. When circumstances do not allow for prior coordination through the school administrator, arrests will be reported to the school administrator as soon as possible. In addition to any required notification of parents and legal guardians by the SRO taking a student into custody, school administrators or their designees are also responsible for an additional notification to parents and legal guardians upon a school-based arrest of their child.

Physical Restraint by School Personnel

Physical restraint is a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

Physical restraint by school personnel is used in accordance with Virginia Board of Education policies and guidelines on seclusion and restraint and related local school board policies. Every effort should be made by school personnel to prevent the need for the use of restraint. Physical restraint should not be used except by school personnel trained in the use of physical restraint required by the school division.

School staff will act to deescalate situations that are, or have the potential to cause, disruptions to the school environment and are violations of the code of student conduct. If physical intervention is necessary, the action should be reported promptly to the school administrator and the rationale for the action must be fully documented.

Physical Intervention by School Resource Officers

An SRO should not be involved in the physical restraint of a student unless there is imminent danger of serious physical harm to self or others. As sworn law enforcement officers, SROs may intervene to deescalate situations.

Physical intervention by SROs is undertaken in accordance with policies and operational procedures of their local law enforcement agency. If an SRO is involved in the use of restraint or physical intervention, the action must be reported to the school principal and the SRO's supervisor and the rationale for the action must be fully documented.

SROs should be aware of the Virginia Board of Education's policies and guidelines on seclusion and restraint and related local school board policies and will attend training offered by the local school system on their use of seclusion and restraint by school employees. SROs, however, must continue to operate by their own department's policies and state law regarding physical intervention and use of force.

Additionally, BCPS and BCSO will coordinate to ensure that reasonable effort is made to inform the parents on the day of the incident.

Emergency Alert System Implementation

BCPS and BCSO will implement an emergency alert software system to provide a rapid alert capability for incidents in schools. BCSO officers will respond to alerts as directed. BCPS administrators will follow the protocol established by BCSO for communicating alerts sent in error. All new BCPS administrators will be trained in the BCSO protocol at the beginning of each school year. BCPS and BCSO will test the system at least annually.

Anonymous Reporting Application

BCPS uses software to allow for the anonymous reporting of dangerous incidents in the school community. BCSO will receive direct notification from the program of incidents that pose an imminent threat to human life or safety. BCPS staff will follow up on other reports as appropriate, informing the SRO when needed for threat assessment or other safety related reasons.

Press Releases and Media Communication

BCPS and BCSO staff will collaborate when issuing information to the media related to safety incidents affecting schools. Both parties will make every effort to coordinate the content and timing of press statements to promote safety in the school community.

Training

BCPS and BCSO will encourage the joint training of SROs and school staff in topics of importance. Such training opportunities may include those offered by the Department of Criminal Justice Services (DCJS) which may be attended by staff from both agencies.

Extracurricular Safety Assistance

School administrators will work with the BCPS Safety Manager and the BCSO Sergeant to develop a schedule of sheriff's office coverage of extracurricular activities, such as sporting events. The parties will work within the school budget to provide for public safety.

KEY STATUTORY RESPONSIBILITIES

Crime Reporting

Pursuant to §22.1-279.3:1.B, *Code of Virginia*, law enforcement agencies are required to notify a division superintendent, a principal, or a designee when a student in their school commits certain offenses that would be a felony if committed by an adult and the release status of the student. School superintendents who receive such reports are required to report the information to the principal of the school in which the students is enrolled. As a general practice, SROs should notify the principal as soon as practical of any significant law enforcement events occurring at or in association with the school (e.g., at a school bus stop or off-campus activity, during or outside school hours) whether or not the offense would be a felony if committed by an adult.

Pursuant to §22.1-279.3:1.D, *Code of Virginia*, certain types of criminal activity that come to the attention of the principal or school staff shall be reported immediately to the BCSO/SRO as specified in BCPS policy. No SRO or school administrator shall be required to file delinquency charges. After such notification is made to BCSO/SRO, BCPS will ascertain the disposition of the incident made by the BCSO/SRO in order to complete the School/Law Enforcement Reporting form. Schools and SROs shall be encouraged to deal with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

Threat Assessment

Threat assessments shall be conducted in accordance with local school board policies adopted as required by §22.1-79.4., *Code of Virginia* and consistent with model procedures and guidelines published by the Virginia Department of Criminal Justice Services.

SROs may serve as members of threat assessment teams and assist in monitoring of subject students as well as determining the need, if any, for law enforcement action.

School Safety Audits

School safety audits will be conducted annually as required by law to assess school safety conditions in schools. SROs, in collaboration with school administrators, will conduct school inspection walkthroughs using a prescribed checklist and will collaborate in other school safety audit mandates including school crisis and emergency management and response planning and preparation.

REVIEW OF MOU

This MOU should be reviewed annually and amended as necessary to meet the needs and enhance the partnership of BCPS and BCSO. Regular meetings should be conducted throughout the year between the BCPS designee and BCSO designee to support successful implementation of the partnership. This MOU remains in force until such time as either party, with 45 days notice, withdraws from the agreement by delivering a written notification of such rescission to the other party. This MOU shall not be construed to create any right or claim on the part of any person or entity that is not a party to this MOU.

Signed:



Sheriff

6/22/20

Date



Superintendent of Schools

6/17/20

Date