

**MEMORANDUM OF UNDERSTANDING**  
**between**  
**BEDFORD COUNTY PUBLIC SCHOOLS**  
**and**  
**THE BEDFORD POLICE DEPARTMENT**  
**July 2023**

**PREAMBLE**

Bedford County Public Schools (BCPS) and the Bedford Police Department (BPD) 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 BPD and Community Resource Officer as well as BCPS and school administrators. As the success of the BCPS/BPD 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 BPD. 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**

At the beginning of school year, BCPS points of contact will meet with BPD Chief, Support Services Lieutenant, and CRO to discuss any needed adjustments to the MOU. If either party has concerns, the concerns will be communicated at that time and discussed to reach resolution.

**ROLES AND RESPONSIBILITIES OF PARTNER ORGANIZATIONS**

**BPD Responsibilities**

The BPD direct points of contact between the BCPS and BPD will be the Community Resource Officer (CRO) and/or Support Services Sergeant or Lieutenant. 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 the CRO will be the responsibility of the BPD. However, each of these actions will take into account the input of school personnel and identified needs and conditions of schools. The CRO shall remain at all times under the control, through the chain of command, of the law enforcement agency.

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

BPD will ensure the CRO 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 BPD will be the Safety Manager and the Executive Director of School Administration. The points of contact will implement the partnership and maintain ongoing communications with BPD officials.

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

BCPS will handle discipline within the school disciplinary process without involving the CRO. 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 CRO to all school administration, staff, and students.

BCPS will include the CRO in any applicable training extended to law enforcement partners. The training should be aligned with the SLEP and DCJS curriculum and in consultation with BPD.

### **CRO Roles and Responsibilities**

CROs will be considered active members of their assigned schools. The CRO may assist in the effective delivery of law enforcement services and assists with matters related to safety, security, and the exchange of information. The CRO shall share information in compliance with Va. Code § 22.1-279.3:1. The CRO will collaborate with the assigned SRO of the BCSO on matters related to safety and law enforcement.

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

CROs' duty schedules are determined by the CRO supervisor. CROs 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 CRO should wear the regulation uniform and operate a marked police vehicle while on duty unless otherwise authorized by the CRO's supervisor for a specific purpose.

Additionally, the CRO may 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. The CRO may 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.

CROs 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, CROs' primary role in schools is as a law enforcement officer. CROs assume primary responsibility for responding to requests for assistance from administrators and collaborating in the response with other law enforcement resources to the school. CROs should work with school administrators in problem solving to prevent crime and promote safety in the school environment. CROs 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**

CROs may collaborate with the administrator and assigned SRO on any needed law-related education for students.

**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, CROs serve as informal mentors and role models. CROs 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.

**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 may consult with the CRO in collaboration with the assigned SRO 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 CRO and establish school-specific operational and communications procedures to support goals of the SLEP.

## **OPERATIONAL PROCEDURES**

### **Differentiating Disciplinary Misconduct from Criminal Offenses**

School administrators and teachers are responsible for school discipline. Although CROs 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, CROs 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.

BPD 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 records 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.

CROs and other law enforcement officers do not generally have a right to copies of videos constituting student educational records. BCPS may not turn over videos to the police upon request without having first having either:

- a) obtained the written consent of the parent or eligible student; or
- b) determined that the conditions of an exception to the general requirement of consent have been met, such as if the disclosure is made in connection with a health or safety emergency (see section D below); or
- c) the law enforcement officer has presented the educational agency or institution with a judicial order or a lawfully issued subpoena.

The CRO may only disclose student records to the BPD and to other law enforcement officials consistent with this MOU. The CRO may disclose “law enforcement records” to the BPD. “Law enforcement records” are those records, files, documents, and other materials that are created and maintained by the CRO 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 CRO, however, remains exempt from the disclosure restrictions of FERPA.

Any record that is created and maintained by the CRO 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 Bedford Police Department and Other Law Enforcement Officials**

BPD officials who are not part of the CRO 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 CRO 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 CROs of any special needs of a student involved in a school-based infraction that is not routine discipline, in order to assist the CRO in recognizing and accommodating behaviors that may be manifestations of the student's disability.

In order to carry out the CRO's duties related to the school environment, CROs will have access to schools in their assigned zone.

### **Release of Police Information**

The CRO and Building Principal may 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 CRO shall not make any official documents, police reports, or records available to the School Board or its employees without prior approval from the CRO Supervisor.

### **Law Enforcement Actions**

Investigations, questioning of students, arrests, and searches are led by the assigned SRO in accordance with the BCSO MOU.

### **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**

An CRO 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, CROs may intervene to deescalate situations.

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

CROs 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. CROs, however, must continue to operate by their own department's policies and state law regarding physical intervention and use of force.

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

### **Emergency Alert System Implementation**

BCPS will implement an emergency alert software system to provide a rapid alert capability for incidents in schools. BPD officers will respond to alerts as directed.

### **Press Releases and Media Communication**

BCPS and BPD 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 BPD will encourage the joint training of CROs 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.

## **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, CROs 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 BPD/CRO as specified in BCPS policy. No SRO or school administrator shall be required to file delinquency charges. After such notification is made to BPD/CRO, 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.


**School Safety Audits**

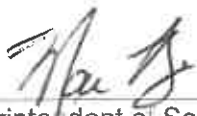
CROs may be invited to participate in the School Safety Audit process, such as safety inspections and the development and review of emergency plans.

**REVIEW OF MOU**

This MOU should be reviewed annually and amended as necessary to meet the needs and enhance the partnership of BCPS and BPD. Regular meetings should be conducted throughout the year between the BCPS designee and BPD 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:

  
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Chief of Police  
7-28-23  
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Date

  
\_\_\_\_\_  
Superintendent of Schools  
7/31/2023  
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Date