

# **Memorandum of Understanding**

By and Between

## **Woodbridge School District and Woodbridge Police Department**

### **I. Introduction**

The Woodbridge Board of Education and Woodbridge Board of Police Commissioners support the National Association of School Resource Officers (NASRO) collaborative model of school-based policing. While schools are run by educators, there can be a role for law enforcement in the form of a school resource officer (SRO) who helps create a safe and non-threatening learning environment, leads by example and promotes a positive image for law enforcement. The SRO can take a proactive approach to help our students cope with situations and pressures they may have to manage in their school day. Schools and law enforcement share responsibility for school safety and must work together with complimentary policies and procedures to ensure a safe learning environment for students. The SRO program aims to create and maintain a safe, secure and orderly learning environment for students, teachers and staff. This document expresses the agreement of the parties regarding non-emergency police presence in the Woodbridge School District. The Agreement strives to clarify the role of law enforcement in the schools.

### **II. Definitions**

"PD" refers to the Woodbridge Police Department and its collective members and officers therein.

"The Board" refers to the Woodbridge Board of Education. "School" refers to Beecher Road School.

"Administration and/or school officials" refers to the collective School employees holding titles of principal, assistant/ principal, special services director and Superintendent.

"SRO" refers to a School Resource Officer who has been assigned to one or more district schools. All SROs are employees of the Woodbridge Police Department and are not considered school officials.

### **III. PD and SRO Responsibilities**

The PD shall supply the School a full-time SRO. The Woodbridge Board of Education will fund the full-time Woodbridge/Beecher Road School SRO for the 2018/19 school year (July 1, 2018 – June 30, 2019). Accordingly, the SRO will be selected from a competitive testing process congruent with union guidelines and will receive formal training commensurate with the SRO position. The SRO's schedule will be Monday through Friday from 0800 to 1600 hours. The SRO's schedule will be subject to, among other things, the officer's time off (e.g. vacations, holidays, sick time, etc.), PD training, or other exigent circumstances that require the SRO's attention. For the purposes of this section, "exigent circumstances" shall include, but not be limited to, high priority and/or extraordinary criminal investigations and manpower shortages within the PD, etc.

The SRO shall wear an authorized regulation police uniform and operate an assigned police cruiser during the assignment unless otherwise authorized by the Police Department supervisor for a specific purpose. The SRO shall remain visible in the School and patrol both the exterior and interior grounds.

The SRO, at all times, shall remain an employee of the Woodbridge Police Department. The SRO shall not perform tasks outside of the normal scope of police duties and is not responsible for student discipline or enforcement of school rules.



The SRO shall make classroom presentations when requested by the School on such topics as the role of police in the community, search and seizure, laws of arrest, traffic laws, crime prevention, D.A.R.E, alcohol/drug awareness and education, and youth programs. The SRO may also attend parent, faculty, student, administration, and other meetings to provide information regarding the SRO program as well as opportunities for involvement and support. The SRO serves as a member of the BRS Safety and Security Committee. Lesson plans for all formal, organized presentations will be forwarded to the Patrol Commander (Training Officer) and the school administration for review and approval prior to presentation. Participation in other activities such as panel discussions, mentoring programs, and community coalitions or task forces must be approved, in advance, by the Patrol Commander. The SRO shall keep the Patrol Commander informed of the status of such additional activities. The SRO also serves as a resource to the school administration.

The SRO is prohibited from fraternizing with any student, regardless of the student's age. Any contact with a student off-campus, other than school sponsored events or happenstance encounters in a public place, is prohibited.

**IV. School Responsibilities**

Each school to which an SRO is assigned shall provide the SRO with an office, which is equipped with both a telephone and a computer capable of internet and email access. Furthermore, and insofar as practical, the location of the office shall be immediately adjacent to a common student hallway providing the SRO the opportunity to view passing students. Said officer shall also be equipped with a locked storage area and file cabinet.

**V. Communication**

Various state and federal laws impact how and when information can be shared by school officials and police. School officials must comply with the Family Educational Rights and Privacy Act ("FERPA") when sharing student information with police. Police are subject to certain Department of Justice and Connecticut General Statutes restrictions when sharing juvenile information with school officials. Both school officials and police may be bound by the Health Insurance Portability and Accountability Act ("HIPAA"). In addition, all individuals who are mandated reporters may be required to share information under mandated reporter laws.

**a. FERPA**

In general, school officials may not disclose students' personally identifiable information. However, there are exceptions to this general rule that would allow school officials to share student information with the PD.

Under FERPA, school officials may disclose directory information under certain circumstances. In accordance with FERPA, under Board Policy 5125, *Student Records: Confidentiality*, the Schools may share Directory Information with the police without consent, provided that parents have been informed of the Schools' definition of Directory Information, and parents have been provided the opportunity to opt out at the beginning of the year.

In addition, FERPA provides that school officials may share student information in the event of a health or safety emergency. Information from student records may be released to appropriate individuals in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. The school officials may take into consideration the totality of the circumstances pertaining to the threat to the health or safety of a student or other individuals. If the school officials determine that there is an articulable and significant threat to the health or safety of a student or other

individuals, the school officials may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

**b. Police Notification of Arrest to School Officials**

Under certain circumstances, police are required to notify school officials that a student has been arrested. The General Statutes at Section 10-233h require that if a person is:

- at least seven but less than twenty-one years of age; and
- an enrolled student; and
- is arrested for a violation of Section 53-206c, a Class A misdemeanor, or a felony;

The municipal police department or Division of State Police within the Department or Emergency Services and Public Protection that made the arrest shall:

- not later than the end of the weekday following the arrest, orally notify the Superintendent of the school district in which the person resides or attends school of the identity of the person and the offense or offenses for which the person was arrested; and
- within seventy-two hours of the arrest, provide to the Superintendent written notification of the arrest, containing a brief description of the incident.

The Superintendent shall maintain the written report in a secure location and the information in the report shall be maintained as confidential in accordance with Section 46b-124 of the state statutes.

The Superintendent may disclose the information to only the principal of the school in which the person is a student, or to the principal or supervisory agent of any other school in which the Superintendent knows the person is a student.

The principal or supervisory agent may disclose the information only to special services staff or a consultant, such as a psychiatrist, psychologist, or social worker, for the purposes of assessing the risk of danger posed by such person to himself or other students, school employees, or school property and effectuating an appropriate modification of the person's educational plan or placement, and for disciplinary purposes.

If the arrest occurred during the school year, the assessment will be completed no later than the end of the next school day.

If an expulsion hearing is held pursuant to Section 10-233d of the state statutes, a representative of the municipal police department or the Division of State Police, as appropriate, may testify and provide reports and information on the arrest at the expulsion hearing, provided police participation is required by any of the following: the local or regional board of education, the impartial hearing officer, the principal of the school, the student, or the student's parent or guardian. The information with respect to a child under eighteen years of age shall be confidential in accordance with sections 46b-124 and 54-761, and will only be disclosed as provided in Section 10-233h of the state statutes.

**c. Mandated Reporters**

Nothing in this Agreement shall in any way abrogate the responsibilities of mandated reporters as defined in the Connecticut General Statutes. All mandated reporters retain their obligation to report suspected abuse or neglect.



**VI. Graduated Response Model for Police Involvement/Law Enforcement in Schools**

The parties agree that when determining consequences for students' disruptive behavior, the following factors shall be considered, if information on the factors is available:

- Age, health, and disability or special education eligibility status of the student.
- Prior conduct and record of behavior of the student.
- Previous interventions with the student.
- Student's willingness to repair the harm.
- Parents' willingness to address any identified issues.
- Seriousness of the incident and the degree of harm caused.

The parties agree that when determining consequences for a student's disruptive behavior, the following factors shall not be considered:

- Race, ethnicity, gender, gender identity, sexual orientation, religion, and national origin of the student and family.
- Economic status of the student and family.

The parties agree that administration of discipline and the enforcement of school rules are the sole responsibility of the Administration of the Schools. Students should be held accountable for their actions and should receive appropriate direction and support from in-school resources and, whenever possible, community resources, prior to the consideration of police involvement. The Administration may request SRO or PD involvement if the Administration believes that there has been a violation of criminal law. Involvement of the police does not necessarily mean arrest and referral to court. Law enforcement options may include verbal warning; conference with the student, parents, teachers, and/or others; referral to a JRB and/or community agencies; and referral to court. The parties agree that the response to student misconduct should be a graduated response, and such a response is outlined in the following chart. The parties agree that the graduated response outlined below is subject to the discretion of the School Administration.

The Parties further agree that the graduated response outlined below is subject to the discretion of the School Administration, with the exception of the section entitled, "Criminal Acts/Any Legal Violations". The potential interventions outlined in the section, "Criminal Acts/Any Legal Violations" is at the discretion of the Woodbridge Police Department and is not listed in a graduated order of intervention.

**GRADUATED RESPONSE MODEL CHART**

<b>Student Behavior</b>	<b>Responsible Individual</b>	<b>Intervention</b>
Code of Conduct Violations <ul style="list-style-type: none"><li>• Classroom rules, both academic and civic</li><li>• General school rules, such as tardiness to class, minor disruptive classroom behavior</li></ul>	Classroom teacher	Classroom interventions may include: <ul style="list-style-type: none"><li>• Redirection</li><li>• Verbal warning</li><li>• Student/teacher conference</li><li>• Classroom detention</li><li>• Parent contact</li><li>• Referral to administration</li></ul>

<b>Code of Conduct Violations</b> <ul style="list-style-type: none"> <li>• Larger attendance issues as skipping class, such truancy from school, etc. School rule violations, such as tobacco/e-cigarette use or possession.</li> <li>• Behavior that is disruptive to the school environment, including real-time and virtual (social media) behavior.</li> </ul>	<b>School Administrator</b>	<b>In addition to classroom interventions listed above:</b> <ul style="list-style-type: none"> <li>• Office detention, general or extended</li> <li>• Written warning</li> <li>• Administrator/student conference</li> <li>• Administrator/parent/student conference</li> <li>• Restitution</li> <li>• Safe School Plan/Behavior Plan</li> <li>• Loss of Credit Letter</li> <li>• Saturday Detention</li> <li>• Guided Study Program</li> <li>• Suspension</li> <li>• Referral for expulsion</li> </ul> <p>Consider whether student's conduct requires referral to a student assistance team, 504 team, PPT, or emergency psychiatric services.</p>
<b>Criminal Acts/Any Legal Violations</b> <ul style="list-style-type: none"> <li>• Alcohol/drug possession</li> <li>• Illegal substances</li> <li>• Inappropriate/violent behavior</li> <li>• Breach of peace</li> <li>• Weapons possession</li> <li>• Robbery</li> <li>• Assault</li> <li>• Sexual assault</li> <li>• Arson</li> </ul>	<b>Police (usually in conjunction with school administrator)</b>	<b>Potential interventions:</b> <ul style="list-style-type: none"> <li>• Verbal warning</li> <li>• Arrest</li> <li>• Conference with student and parent</li> <li>• Referral to emergency mobile psychiatric services (EMPS)</li> <li>• Referral to Juvenile</li> <li>• Review Board (JRB)</li> <li>• Referral to court</li> </ul>

- **Police Activity at Schools**

The parties agree that it is the preference that any police activity, including that involving questioning, investigation, arrest, search, or seizure, takes place off of school grounds. The parties agree that the PD, including the SRO, needs to follow certain protocols when on school grounds in non-emergency circumstances, as follows:

- Generally, the PD will notify the Superintendent or his designee in his absence when it plans activity on school grounds, except in exigent circumstances.
- Officers entering school grounds will be aware of the potential disruption of the educational process that police presence may cause.
- Prior to entering a school to conduct an investigation, arrest, or search, officers will consider the necessity of such action based on:
  - The potential danger to persons;
  - The likelihood of destruction of evidence or other property; and
  - The ability to conduct the investigation, arrest, or search elsewhere.



- When taking a student into custody:
  - Officers should make reasonable efforts to avoid making arrests or taking students into custody on the school premises.
  - Whenever possible, students should be taken into custody out of sight and sound of other students.

#### VII. Body Cameras

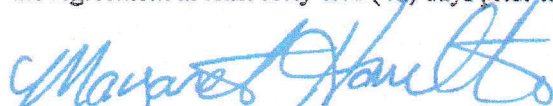
It is recognized that pursuant to Woodbridge Police Department policy, police officers are required to wear body cameras or similar devices which are activated manually at the inception of an interaction in their law enforcement capacity. Such devices shall only be activated in accordance with police department requirements. When feasible, unless law enforcement needs dictate otherwise, the officer shall advise any staff, students or guests involved that he/she is activating the camera and/or audio. It is further understood that any recordings using the body camera shall be considered a record of the Woodbridge Police Department and not an educational record.

#### VIII. Review of SRO

In the event school administration feels that a SRO is not effectively performing his/her duties or responsibilities, the administrator shall contact the Superintendent. Within a reasonable amount of time, the Superintendent shall notify the Chief of Police. A meeting shall be conducted with the SRO to resolve any problems. If the issue cannot be resolved, the Superintendent shall request that the Chief of Police assign a different officer to the SRO position. In such an event, the Chief of Police will recommend a SRO candidate to the Superintendent for approval.

#### IX. Duration

This Memorandum of Understanding shall become effective July 1, 2018 and shall renew annually on each July 1 thereafter unless either party provides the other with written notice of its desire not to renew the Agreement at least forty-five (45) days prior to July 1 of the renewal year.

  
Chairperson - Woodbridge Board of Education

10-12-18  
Date

Margaret Hamilton  
Printed Name

  
Superintendent of Schools

10-12-18  
Date

Robert F. Gilbert  
Printed Name

  
Chairperson - Board of Police Commissioners

10/9/18  
Date

ROBERT BERKE

Printed Name

FP. Cappiello  
Chief of Police

10/9/18  
Date

FRANK P. CAPPIELLO  
Printed Name