



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC: Approval of Memorandum of Understanding Between United ISD and Webb County Juvenile Department Allowing Its Probation Officers Access to UISD Campuses

SUBMITTED BY: Gloria S. Rendon **OF:** Deputy Superintendent to Administration and Operations

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: June 15, 2021

RECOMMENDATION: It is recommended that the Board of Trustees approve the Memorandum of Understanding Between United ISD and Webb County Juvenile Department Allowing Its Probation Officers Access to UISD Campuses

RATIONALE:

BUDGETARY INFORMATION:

POLICY REFERENCE & COMPLIANCE:

**MEMORANDUM OF UNDERSTANDING
BETWEEN
UNITED INDEPENDENT SCHOOL DISTRICT
LAREDO, TEXAS
AND
WEBB COUNTY JUVENILE DEPARTMENT
WEBB COUNTY, TEXAS**

The purpose of these guidelines is to clarify responsibilities between the United Independent School District (hereinafter referred to as "UISD") and the Webb County Juvenile Department (hereinafter referred to as "Department"). These guidelines address those situations where Department's employees shall be allowed access to UISD campuses:

- I. DEPARTMENT AND ITS PROBATION OFFICERS (POs) AGREE TO THE FOLLOWING
- a. Comply with all laws applicable to the Department as set forth in Title III (Juvenile Justice Code) of the Texas Family Code.
 - b. Comply with all regulations applicable to the Department as set forth in the Texas Administrative Code.
 - c. Upon arriving at the campus, the Department POs must report immediately to the campus administrative office to notify the designated school individual of their presence at the campus and their purpose.
 - d. Department POs must present his/her/their official Department identification upon arrival at a UISD campus or at the request of school personnel.
 - e. Department POs must meet with the student with as little disruption as possible during the student's instructional day.
 - f. Pursuant to 34 C.F.R. § 99.38 of FERPA, POs may request, and the District shall release student records listed in § 58.0051 of the Texas Family Code if the disclosure concerns the Department's ability to effectively serve the student.
 - g. Department POs receiving confidential information from UISD under § 58.0051 of the Texas Family Code shall provide written certification that they agree not to disclose the information to a third party, other than another juvenile service provider. It is the Department's responsibility to provide training to POs regarding permitted information sharing with UISD under the Texas Family Code and non-permitted sharing with a third party.

- h. The Department shall provide to UISD a list of POs who will be requesting admission on a UISD campus, no later than 5 calendar days before the first day of instruction in accordance with the UISD academic calendar. Further, the Department shall inform the District immediately if any PO is removed, substituted, or no longer has any reason to be on UISD property. If a PO tries to enter UISD property, and UISD has no knowledge of said PO identity, PO will not be entitled to be on any UISD campus or have access to any UISD property.
 - i. Interagency sharing of information related to the student shall comply with § 58.0051 of the Texas Family Code if the information contains education-related records, which includes identity, special needs, educational accommodations, assessment or diagnostic test results, attendance records, disciplinary records, medical records, and psychological diagnoses. Interagency sharing of information related to the student shall comply with § 58.0052 of the Texas Family Code if the information contains non-education-related records, which includes identity, medical records, assessment results, special needs, program placements and psychological diagnoses.
- J. Department POs shall not remove any original student records from a UISD campus.
- k. Department POs shall notify the campus Principal if an interview with the student reveals evidence or threat of abuse, neglect, exploitation, death or other serious incidents, so that appropriate law enforcement authorities can be notified as per Texas Family Code. It will be the responsibilities of the Department to submit any and all reports required by the Texas Family Code. Further, the Department will provide UISD of any reports that have been submitted to any state agency pursuant to the Texas Family Code.
 - l. Department POs shall only be allowed to administer drug testing at STEP Academy for students enrolled there. However, parent consent must be obtained prior to any drug testing occurring. Department POs shall provide a copy of consent form to STEP Principal.
 - m. Before a student on District property is arrested or taken into custody by a Department PO, the campus Principal shall verify the Department PO's identity. To the best of his or her ability, the Principal shall verify the Department PO's authority to take custody of the student and then shall deliver over the student. The Principal shall immediately notify the Superintendent and the parents or other person having lawful control of the student. If the Department PO raises what the Principal considers to be a valid objection to notifying the parents at that time, the Principal shall not notify the parents.

II. UISD RESPONSIBILITIES

- a. Campus administrative officials shall verify and confirm the identification and purpose of the Department PO.
- b. After verifying the purpose and identification of the Department PO, allow the entrance of the Department PO to meet with campus administration so that they may coordinate the meeting between the Department PO and the student.
- c. If available, each school will provide an office or other appropriate place in the school building for the Department PO to meet with the student privately. If the required space for a meeting between the Department PO and student is not available, UISD is not obligated to provide a meeting area and the Department PO will have to wait until an area becomes available; however, UISD will strive to reasonably accommodate the Department PO.
- d. Provide student attendance records as requested by the Department PO and upon a showing of a "Release of Information" form by the student's parent.
- e. If the student is taken into custody or referred to juvenile court for allegedly engaging in delinquent conduct or conduct indicating a need for supervision, and at the request of the Department PO, UISD shall disclose to the Department confidential information contained in the student's education records. UISD may not destroy a record of the disclosed information before the seventh anniversary of the date of the disclosure. *See* Tex. Fam. Code§ 58.0051(b)-(d).

III. TERM

This MOUS (Agreement) between the parties shall be in effect from year to year upon execution of both parties until such times as either party hereto gives sixty (60) days written notice of termination or cancellation of the MOU (Agreement).

The term of this MOU begins upon the last signer to this Agreement and expires June 30, 2022.

IV. MISCELLANEOUS RESPONSIBILITIES

- a. Mary Rodriguez, Assistant Chief will be the Department liaison and resource person. Her office telephone number is (956) 523-5601 and cellular telephone number is (956) 740-5606.
- b. Ray E. Gamer, UISD Chief of Police, will be the UISD liaison and resource person. His office telephone number is (956) 473-6361.

V. CONFIDENTIALITY

- a. All case-related student information shared with UISD by Department will be kept **CONFIDENTIAL** to the extent allowed in accordance with § 58.05, Texas Family Code, Department confidentiality rules contained in the Texas Administrative Code, and any other applicable state and federal laws, rules, and regulations.

APPROVED BY: UISD
United Independent School District

By: _____
Roberto J. Santos
Superintendent of UISD

Date

APPROVED BY: DEPARTMENT
Webb County Juvenile Department

By: _____
Gerardo Liendo
Chief Juvenile Probation PO

Date