

MEMORANDUM OF UNDERSTANDING
for administering the Provisions of RSA 193-D
Safe School Zones

1. General Principles

The School District and the Police Department agree to work in a cooperative effort to provide a safe and healthy school environment for students, staff, and visitors. In furtherance of that effort, this Memorandum of Understanding is intended to comply with the provisions of RSA 193-D Safe School Zones. The District and the Police Department further agree to respond effectively to incidents of school delinquency or criminal behavior in school, on school grounds, and at school-sponsored events.

This Memorandum deals with the law enforcement responses to any incident involving the possession, use, sale or distribution of alcohol and other drugs in a school setting or during any school-sponsored activity. This Memorandum also addresses the following efforts by the school and police to respond to incidents of violence: physical and sexual abuse, weapons possession, acts of theft, violence or destruction on school property and at school functions, under the provisions of, and in concert with, the implementation of the Safe Schools Act, RSA 193-D. This Memorandum applies to reportable behavior of adults as well as children.

The School District and the Police Department agree to coordinate these efforts with the local prosecuting Attorney's Office and the New Hampshire Department of Education.

The School Board recognizes that in cases of an emergency situation or imminent danger to students, staff or the community, the Police Department and the School District may act without regard to the Memorandum of Understanding. Nothing contained in this Memorandum is intended to limit the events that may be reported to the Police Department or limit school employees from requesting police assistance on matters not referred to in this Memorandum.

In the event either that the School District or the Police Department desires to amend this Memorandum, the agency seeking changes will arrange for a meeting with the other party.

2. Definitions

The following terms, as defined in RSA 193-D-1 apply to this Memorandum:

- A) "Safe School Zone" means an area inclusive to any school property or school buses.
- B) "School" means any public or private elementary, secondary or secondary vocational-technical school in New Hampshire. It shall not include home schools.

**MEMORANDUM OF UNDERSTANDING
(continued)**

C) "School employee" means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing, or performing continuing contract services for any public or private school, school district, school department, or school administrative unit.

D) "School property" means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

E) "School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities.

3. School/Police Liaisons

In order to facilitate prompt and clear communication of incidents, the School District and the Police Department will designate individuals to serve as primary contact liaisons. The Superintendent of Schools shall designate the Principal at each school as that school's Reporting Official. The Principal, in conjunction with his or her designee, shall be responsible for handling all reportable incidents of: (1) drug/alcohol use, possession, sale and/or distribution; (2) assault or violence; (3) possession of weapons; and/or (4) theft or destruction of property. The School District liaison will communicate information on such incidents to the Police Department.

The Chief of Police shall designate a police officer(s) who shall be responsible for handling all reportable incidents brought to the attention of the Police Department by the school's Reporting Officials. In addition to communication between the Reporting Official and the Police Officer on the specific incidents mentioned above, it is recommended that Official and Officer meet regularly to discuss the scope of these problems, and to identify strategies aimed at reducing or eliminating them.

4. Reportable Acts

A. School Reports to Police Department

1. Mandatory: Notwithstanding the provisions of RSA 193-D, the Safe School Zone Act, the following incidents must be reported to the Police Department by the school employee:
 - a. Possession of alcohol by a minor or if it appears that a student is under the influence of alcohol or drugs on school property, or at school functions.

MEMORANDUM OF UNDERSTANDING
(continued)

- b. Possession, selling or distribution of any controlled substance (including drug paraphernalia) as defined in NH RSA 318-B, by an individual on school property, or at school functions;
- c. Dispensing prescription drugs and/or possessing prescription drugs without a prescription on school property, or at school functions;
- d. Any incident in which any individual who is responsible for, suspected of, or determined to be selling or distributing drugs or alcohol on school property, or at school functions;
- e. Unlawful possession, sale, use of firearms, other dangerous or prohibited weapons, or any item that may be construed as, or has been constructed for or used as, a weapon, including fireworks and explosives, as defined in NH RSA 208, 644 and 159, on school property, or at school functions;
- f. Arson under RSA 634:1, defined as any person who knowingly starts any fire or causes any explosion which results in injury, damage to property of another, or is done with intentional and/or disregard for the safety of others;
- g. Burglary under RSA 635, defined as any person who enters a building or a separately secured section of a building, with the purpose to commit a crime;
- h. Robbery under RSA 636, defined as any theft that is accomplished by physical force or the threat of imminent use of force;
- i. Thefts of property where the value is more than \$50, repeated occurrences of theft by a student (thefts by students who are in the third grade or lower are generally not reported to the Police);
- j. Homicides under RSA 630, in which any death shall immediately be reported to the Police Department, regardless of suspected cause;
- k. Any violation of RSA 631:1, whereby an injury occurs to a person requiring medical treatment beyond basic first aid or requiring outside medical follow up, caused by another person. Investigation may reveal that not all of these incidents constitute an actual crime. Reporting will allow an investigation to be conducted;
- l. Any sexual assault under RSA 632-A, and further if there is any sexual contact with a person who is under 13 years of age, it will be reported;

MEMORANDUM OF UNDERSTANDING
(continued)

- m. Criminal Mischief under RSA 634:2, defined as purposely or recklessly damaging the property of another, resulting in a value of \$50 or more of damage. This includes vandalism to school property;
 - n. Threatening behavior under RSA 631:4, defined as purposely placing, or attempting to place another in fear of imminent bodily injury or physical contact.
2. Discretionary Reporting Events are up to the discretion of the School Principal or his/her designee.
- a. Refusal or neglect to conform to reasonable rules of the school or to clear non-injurious directions given by staff member.
 - b. Simple assault incidents (which do not meet the criteria as stated in Section 4 A. 1. k on the previous page), depending upon the nature of the incident, as determined by the school administration.
 - c. Theft of property less than \$49 under RSA 637.
 - d. Criminal Mischief under RSA 634:2, defined as purposely or recklessly damaging the property of another, resulting in a value of \$49 or less of damage. This includes vandalism to school property.
- B. Police Department Reports to School
- 1. The following information shall be reported by the Police Department to a School Principal or his/her designee:
 - a. An arrest made by the Police Department of a student, when such information is relevant to the safety of that student, or of other persons in the school, where the law allows.
 - 2. The following information may be shared with the school employee by the Police Department, subject to applicable statutes and regulations governing confidentiality:
 - a. The arrest and filing of a delinquency complaint against any student under the age of 17 years.
 - b. Other non-criminal activity that the Police Department deems pertinent to the student's well-being, including, but not limited to, threatening to attempt suicide; victimization of the student by a parent, caretaker or other individual.

MEMORANDUM OF UNDERSTANDING
(continued)

5. Procedures for Reporting

- A. It is agreed that every school employee who has witnessed, or has information from the victim of any of the aforementioned reportable acts in a safe school zone shall verbally and in writing report such act immediately to an administrator. In the event of a reported sexual assault, school personnel will remain with the victim at all times and NOT allow her/him to shower or bathe until she/he has spoken to the police. The Principal or his/her designee shall then contact the Police Department by telephone and report the incident. The Principal or his/her designee shall also provide the Police Department with a written report within 48 hours of the incident.
- B. The report required shall include:
 - 1. Identification of the alleged act.
 - 2. The name and address of witnesses to the alleged act.
 - 3. The name and home address of any person suspected of committing the alleged act.
- C. The written report required above may be waived when there is a law enforcement response at the time of the incident which results in a written police report.
- D. School Response
 - 1. A teacher or other school employee who has reasonable grounds to believe that a student has committed a reportable act shall:
 - a. Ensure the safety of all by following all existing building safety protocols and procedures;
 - b. Immediately report the alleged act to a school administrator;
 - c. Identify and/or secure any physical evidence and submit it to a building administrator.
 - 2. For Mandatory Reportable acts, the Principal or his/her designee shall:
 - a. Notify the police and student's parent/guardian, and inform them of the nature of the incident;
 - b. Submit any physical evidence seized and provide a written fact summary to the Police Department;
 - c. Initiate disciplinary action in accordance with Board policies.

MEMORANDUM OF UNDERSTANDING

(continued)

3. For Discretionary Reportable Acts, the Principal or his/her designee shall:
- Determine if the police and parent/guardian should be notified and, if so, make the calls as soon as reasonably possible. Any incident reported to the Police shall also be reported to the student's parent/guardian;
 - Initiate disciplinary action in accordance with Board policies.

E. Police Response

- The Police Officer will make contact with the school as soon as possible after receiving a report from the Principal or his/her designee to investigate the incident, or take any other appropriate action.
- During the investigation, the Police Officer may meet with the Principal, the student, the student's parent/guardian and appropriate persons with knowledge of pertinent facts, if required.
- If, at the conclusion of the investigation, the student is found to have committed the alleged offense, the Police Officer may initiate the formal complaint process.
- When the Police Officer is called to the school in response to offenses involving the sale and/or distribution of drugs or alcohol, violent behavior, or the possession of a weapon, and when probable cause exists for arrest, the Police Officer shall take the appropriate action to initiate the formal complaint process.
- To the extent possible, precautions will be taken by both police and school officials at all times to ensure the education process is not disrupted.

Chief of Police

Date

Superintendent

Date

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2nd Review: May 16, 2011
Adoption: June 6, 2011