



SLEP

*School Law Enforcement Partnership
To Protect & Educate Fluvanna*

MEMORANDUM OF UNDERSTANDING

between

THE FLUVANNA COUNTY PUBLIC SCHOOLS DIVISION

and

THE FLUVANNA COUNTY SHERIFF'S OFFICE

PREAMBLE

The Fluvanna County Public Schools (FCPS) and Fluvanna County Sheriff's Office (FCSO) hereby enter into the School-Law Enforcement Partnership (SLEP) to foster relations of mutual respect and understanding to build a positive and safe school environment. The parties agree the vast majority of student misconduct can be best addressed through classroom and in-school strategies. The parties acknowledge that students are less mature and responsible than adults; they often lack the maturity, experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them; and they are more susceptible to outside pressures than adults.

All responses to school misconduct should be reasonable, consistent, and fair, with appropriate consideration of mitigating factors and the nature and severity of the incident. Furthermore, the FCSO will emphasize Restorative Justice programs (e.g., Redirection and R.I.C.H.S. Mentoring Program) and avoid arrest situations while balancing the right of victims. Students should receive appropriate redirection and support from in school and community resources prior to the consideration of suspension, expulsion, the involvement of law enforcement, or referral to court. This document is meant to be an accompaniment to the School and Law Enforcement Partnership Guide. For further details and instructions regarding the Partnership, please see the Guide.

This Memorandum of Understanding (MOU) clarifies the following three elements:

1. Roles of key stakeholders in the Program:
 - a. School Administrators,
 - b. School Executives,
 - c. School Resource Officers (SRO), and
 - d. SRO Supervisor.
2. Scope of responsibilities of the FCPS and the FCSO
3. Procedures to exchange information among key members and between the parties:
 - a. FCPS Executive Staff,
 - b. FCSO Command Staff, SRO Supervisor, and
 - c. SROs.

PURPOSE



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The partnership is intended to facilitate effective, timely communication and coordination of efforts for both parties – the FCPS and FCSO. 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

The SRO Supervisor will track all measurable objectives of the SLEP should be developed jointly using school discipline, crime, and violence data, school climate survey data, and other data deemed to be relevant. Progress towards achieving objectives shall be jointly reviewed at least annually by FCPS and FCSO designees and shared with the public.

ROLES AND RESPONSIBILITIES OF PARTNER ORGANIZATIONS

Sheriff's Office Responsibilities

The FCSO will designate a direct point of contact between the FCSO and the FCPS. 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. Selection, assignment, scheduling, training, supervision, and evaluation of SROs will be the responsibility of the FCSO. However, each of these actions will consider the input of school personnel and the identified needs and conditions of schools. The SRO shall always remain 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 FCSO will consult with and take into consideration the views of the FCPS and the school community. The FCSO 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 the FCPS.

School Division Responsibilities



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The FCPS will designate a primary division-level point of contact to implement the partnership and to maintain ongoing communications with FCSO 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. The FCPS will handle discipline within the school disciplinary process without involving SROs. FCPS policies, administrative guidance, training, and ongoing oversight will communicate that school administrators and teachers are responsible for school discipline and that law enforcement is not to be involved with disciplinary action. The FCPS is responsible for communicating the goals and role of the SRO to all school administration, staff, and students. The FCPS 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 the FCSO.

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. 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 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. 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 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 to contribute to school safety and security and to promote positive and supportive school climates. 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



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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, i.e., Virginia Rules and Law Enforcement Explorers approved in advance by the SRO Supervisor. In all cases, responding to incidents or conducting investigations will take precedence over the 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.

SRO Supervisor

The SRO Supervisor shall be responsible for the overall command of the SRO Program. SRO Supervisors provide first-line leadership and are tasked with specific duties, which include, but are not limited to:

- Provide timely notifications to the SRO Supervisor regarding matters related to FCPS.
- At the request of a school principal, SRO Supervisors should attend Parent Teacher Organization meetings, on a case by case basis to discuss significant issues affecting the school community.
- Provide supervision and assistance with problem solving and development opportunities for SROs.
- Provide planning, budget, management, and agency leadership for the SRO Program.
- SRO Supervisors shall meet with their SROs continually at their schools to observe their performance of duty.
- SRO Supervisors shall meet with school principals before the start of, and throughout the school year.
- SRO Supervisors shall mitigate conflicts and/or clarify expectations in situations where there are ambiguous or overlapping policies or practices.
- Ensure initial and relevant recurrent training for SROs.
- Act as a resource consistent with the FCPS Emergency Response System.
- Ensure staffing for each SRO staffed school is provided in the event that the assigned SRO is absent for more than two consecutive days.
- SRO Supervisor shall undergo training in cultural competence, mental health, and disability awareness.

SRO SUPERVISOR Roles and Responsibilities

A Command Staff Officer will serve as the SRO Supervisor assigned to the school system. This commander will ensure the coordination of resources, responses, and effective information



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sharing/notification between the FCPS, FCSO, SROs, and School Administration. In no event, shall the School Executive expand the SRO Supervisor or SRO's duties and responsibilities for school administrative functions beyond those expressly provided in the MOU.

The SRO Supervisor will establish and maintain a working knowledge of, and adhere to, all laws, ordinances, and regulations of all appropriate government agencies, general orders, applicable Fluvanna County personnel regulations, written policies, and procedural directives, as well as possess knowledge of school rules, regulations, and laws regarding student safety and conduct.

As a sworn Fluvanna County Sheriff's Deputy, the SRO Supervisor will work in conjunction with the Executive Director for day-to-day operations, directives, and general duties and responsibilities. Additionally, the SRO Supervisor will have a combination of education and experience in law enforcement or related fields necessary to fulfill this MOU.

The SRO Supervisor will serve as the direct point of contact between the FCSO and FCPS for operational and administrative school safety and security issues. The SRO Supervisor will assist and coordinate school security safety issues and attempt to anticipate problems before they occur by providing research, analyses, and recommendations to the Executive Director.

The SRO Supervisor will establish and maintain effective relationships with school personnel and appropriate county agencies to ensure a continued commitment to keep schools safe for all students to reach their learning potential.

The SRO Supervisor will assist the Executive Director in developing policies, procedures, and training programs to enhance the professional development of the faculty, staff, and other school personnel.

The SRO Supervisor shall compile real-time data on all SRO actions to include but not limited to arrests, field contacts, all police reports, all related Juvenile Court data and Intake reports, all Restorative Justice Program data and reports, all student demographic data, and all use of force events. The data shall be a matter of public record and accessible under Virginia FOIA (FREEDOM OF INFORMATION ACT) regulations. The SRO Supervisor will compile an annual report that summarizes FCSO actions. Personally Identifiable Information (PII) will not be disclosed. The yearly data report shall be published annually on the FCSO and FCPS sites.

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



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during a school-sponsored activity.” School administrators should review the SLEP MOU with SROs and set up school-specific operational and communications procedures to support the goals of the SLEP.

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. The consequences of student misconduct should be effective, developmentally appropriate, and fair. Interventions and school sanctions should help students learn from their mistakes and address the 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. The SLEP shall operate in a manner to ensure children with disabilities receive appropriate behavioral interventions and supports.

Information Sharing

The release of student records is governed by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g. “School officials” may access and disclose student records only as authorized by FERPA. When appropriate, and to the extent the law allows, the FCPS 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.

Consent Access:

An SRO or other law enforcement officer may have access to a student’s education records with the written consent of the student’s parent or of the student if the student is age 18 or older.

SRO Access:

For purposes of access to student records, SROs are considered “school officials” and may be provided student information as needed to carry out their duties related to the school environment. SROs may have access to the directory information for all students in the school division. SROs may have access to information on students in their assigned schools that include directory information and additional items needed to carry out their duties, such as class schedules, as approved by the school administrator.

Surveillance Video/Audio:

When hallway, outdoor or bus surveillance audio or video would constitute an educational record under FERPA, then law enforcement shall present a subpoena, search warrant or court order and the school shall generally notify the parent(s) or guardian(s) in advance, prior to providing a copy of the audio/video unless the parents of the students involved provide written consents to the release or unless there is an immediate health or safety emergency as determined above. A copy of all other audio/video not protected by FERPA may be released to law enforcement upon request.



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To obtain surveillance recordings, law enforcement will coordinate with the custodian of the school bus and school surveillance records, who will make a copy of the video before giving the original to law enforcement, provided that a lawfully issued subpoena or search warrant has been presented. The custodian of the surveillance records will also make reasonable efforts to notify the student's parent or guardian of its intent to comply with the subpoena in advance.

At this time, FCPS has not designated those managing and controlling its surveillance video/audio as a law enforcement unit which would otherwise exempt such records from the FERPA restrictions on disclosure due to not being maintained by an educational entity but rather would have made them FCPS law enforcement unit records maintained for law enforcement purposes and subject only to the Virginia Freedom of Information Act.

Live Feed Video:

SROs and the SRO Supervisor shall have access to live feed surveillance videos during normal school hours or sanctioned after school events.

Health and Safety Emergency Exception:

In the event of a significant and articulable threat to health or safety, 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 and safety of a student or another individual.

SRO Disclosure of Law Enforcement Records:

SROs may disclose only law enforcement records created and maintained by the SRO to ensure the physical safety and security of people and property in schools and/or enforcement of laws. Because law enforcement records are not student records, they are not subject to the disclosure restrictions of FERPA.

Investigation and Questioning

SROs have the authority to question students who may have information about criminal activity. As sworn law enforcement officers, SROs have the 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



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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 for leading 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 FCPS and FCSSO 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 persons under their authority 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 officers 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 and at no time shall SROs request that an administrative search is 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



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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 the 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 de-escalate situations that are, or have the potential to cause, disruptions to the school environment and are violations of the student code of 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 de-escalate 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. Additionally, the School Administrator and law enforcement shall coordinate to ensure the student's parents are notified as soon as practical.

School Board Policy File JM Restraint and Seclusion of Students define authorized and prohibited practices related to the restraint and seclusion of students. Although Policy JM does not apply to School Resource Officers (SROs) who are performing law enforcement duties, the use of handcuffs without an arrest is considered a mechanical restraint reported to the U.S.

Department of Education Office of Civil Rights. Physical restraint and seclusion are last-resort emergency procedures that apply to all students when the student is an imminent danger to self or others. Mechanical restraint is the use of any material or equipment to restrict a student's freedom of movement. The use of mechanical restraints, except devices used by a trained school professional, or those prescribed by a medical or related service professional, used with parental consent, is prohibited, noting the exception above related to SROs performing law enforcement duties.



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SROs will review Policy JM and recognize the restrictive emergency procedures to be used as a last resort and that every effort to eliminate the use of restraint and seclusion is pursued.

Training of the SRO

Officers selected for the SRO program shall, within the first 6 months after receiving their assignments, and at least every two years thereafter, receive the following training after being selected for the program:

Mental Health Specific Training and Crisis Intervention Training in accordance with established and certified state standards.

- Disability awareness training.
- Implicit bias/racial bias training outlining attitudes and stereotypes that affect our understanding, actions, and decisions in an unconscious manner.
- Restorative justice techniques.
- Cultural Competency Training is provided to FCPS staff.

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 are 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 FCSO/SRO as specified in FCPS policy. No SRO or school administrator shall be required to file delinquency charges. After such notification is made to FCSO/SRO, the FCPS will ascertain the disposition of the incident made by the FCSO/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 School Board [Policy File EBB](#) Threat-Assessment Teams 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 will serve as members of threat assessment teams and assist in the monitoring of subject students as well as determining the need, if any, for law enforcement action.



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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 the two signatory organizations. Quarterly meetings should be conducted throughout the year between the FCPS (designee) and FCPSO (designee) to support successful implementation of the partnership. This MOU remains in force until either party, with a 45-day notice, withdraws from the agreement by delivering a written notification of such rescission to the other party.

Signed:

Sheriff

8/11/2021

Date

Superintendent of Schools

8-9-21

Date

