

Memorandum of Understanding
Between
Mount Greylock Regional School District - Lanesborough Elementary School
and
Lanesborough Police Department

This agreement (the “Agreement”) is made by and between Lanesborough Elementary School (the “School”) and Lanesborough Police Department (the “Police Department”) (collectively, the “Parties”). The Chief of Police of the Police Department (the “Chief”) and the Superintendent of the District (“the Superintendent”) are each a signatory to this Agreement. The provisions of this Agreement in **bold typeface** are specifically required by law under G.L. c. 71, § 37P.

I. Purpose

The purpose of this Agreement is to formalize and clarify the partnership between the School and the Police Department in order to promote school safety; help maintain a positive school climate for all students, families, and staff; enhance cultural understanding between students and law enforcement; promote school participation and completion by students; facilitate appropriate information-sharing; and inform the Parties’ collaborative relationship to best serve the school community.

This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable by any person in any civil or criminal matter.

II. Mission Statement, Goals, and Objectives

The mission of this collaborative relationship is to support and foster the safe and healthy development of all students in the School through strategic and appropriate use of law enforcement resources and with the mutual understanding that school participation and completion is indispensable to achieving positive outcomes for youth and public safety.

The Parties are guided by the following goals and objectives (the “Goals and Objectives”):

- To foster a safe and supportive school environment that allows all students to learn and flourish regardless of race, religion, national origin, immigration status, gender, disability, sexual orientation, gender identity, and socioeconomic status;
- To promote a strong partnership and lines of communication between school and police personnel and clearly delineate their roles and responsibilities;
- To establish a framework for principled conversation and decision-making by school and police personnel regarding student misbehavior and students in need of services;
- To ensure that school personnel and the designated Lanesborough Police Department liaisons have clearly defined roles in responding to student misbehavior and that school administrators are responsible for code of conduct and routine disciplinary violations;
- To minimize the number of students unnecessarily out of the classroom, arrested at school, or court-involved;

- To encourage relationship-building by the designated Lanesborough Police Department liaisons such that students and community members see the liaisons as facilitators of needed supports as well as a source of protection;
- To outline processes for initiatives that involve the designated Lanesborough Police Department liaisons and school personnel, such as violence prevention and intervention and emergency management planning; and
- To offer presentations and programming to the school focusing on criminal justice issues, community and relationship building, and prevention, health, and safety topics.

III. Structure and Governance

The Parties acknowledge the importance of clear structures and governance collaborative relationship. The Parties agree that communicating these structures to the school community, including teachers and other school staff, students, and families, is important to the success of the Program.

A. Process for Selecting designated Lanesborough Police Department liaisons

The Parties acknowledge that the selection of the designated Lanesborough Police Department liaisons is a critical aspect of a collaborative relationship and that it is important for the Parties and the school community to have a positive perception of and relationship with the liaisons.

In accordance with state law, the Chief shall assign an officer whom the Chief believes would foster an optimal learning environment and educational community and shall give preference to officers who demonstrate the requisite personality and character to work in a school environment with children and educators and who are familiar with de-escalation techniques, and alternatives to arrest and diversion strategies.

The Chief shall consider the following additional factors in the selection of a liaison:

- Proven experience working effectively with youth;
- Demonstrated ability to work successfully with a population that has a similar racial and ethnic makeup and language background as those prevalent in the student body, as well as with persons who have physical and mental disabilities;
- Demonstrated commitment to making students and school community members of all backgrounds feel welcomed and respected;
- Demonstrated commitment to de-escalation, diversion, and/or restorative justice, and an understanding of crime prevention, problem-solving, and community policing in a school setting;
- Knowledge of school-based legal issues (e.g., confidentiality, consent), and demonstrated commitment to protecting students' legal and civil rights;
- Knowledge of school safety planning and technology;
- Demonstrated commitment and ability to engage in outreach to the community;
- Knowledge of school and community resources;

- A record of good judgment and applied discretion, including an absence of validated complaints and lawsuits; and
- Public speaking and teaching skills.

In endeavoring to assign a liaison to the school that is compatible with the school community, the Chief may receive and consider input gathered by the Superintendent from the school principal(s) and representative groups of teachers, parents, and students, in addition to the Superintendent.

The Chief shall take into account actual or apparent conflicts of interest, including whether an officer is related to a current student at the school to which the officer may be assigned as a liaison. As part of the application process, officers who may become a liaison shall be required to notify the Chief about any relationships with current students or staff members or students or staff members who are expected to join the school community (e.g., children who are expected to attend the school in the coming years). Any liaison who has a familial or other relationship with a student or staff member that might constitute an actual or apparent conflict of interest shall be required to notify his or her appointing authority at the earliest opportunity. The Police Department shall determine the appropriate course of action, including whether to assign another officer to respond to a particular situation, and will advise the liaison and the District accordingly. Nothing in this paragraph is intended to limit the ability of liaisons to respond to emergency situations in District schools.

B. Supervision of designated Lanesborough Police Department liaison and Chain of Command

The designated Lanesborough Police Department liaison shall be a member of the Police Department and report directly to Chief of Police. To ensure clear and consistent lines of communication, the liaison shall meet at least monthly with the principal and any other school officials identified in Section V.A. The liaison shall ensure that the principal remains aware of material interactions and information involving the liaison's work, including, but not limited to, arrests and searches of students' persons and property, consistent with Section V.D.

C. Level and Type of Commitment from Police Department and School

The salary and benefits of the designated Lanesborough Police Department liaison shall be covered by Lanesborough Police Department.

- D. Integrating the designated Lanesborough Police Department liaisons**
The Parties acknowledge that proper integration of the liaison can help build trust, relationships, and strong communication among the liaison, students, and school personnel.

The School shall be responsible for ensuring that the liaison is formally introduced to the school community, including students, parents, and staff. The introduction shall include information about the liaison's background and experience, role and responsibilities, situations appropriate for liaison involvement, and how the liaison and the school community can work together, including how and when the liaison is available for meetings and how and when the school community can submit questions, comments, and constructive feedback about the liaison's work. The introduction for parents shall include information on procedures for communicating with the liaison in languages other than English.

The liaison shall regularly be invited to and attend staff meetings, assemblies, and other school gatherings. The liaison shall also be invited to participate in educational and instructional activities, such as instruction on topics relevant to criminal justice and public safety issues. If the School has access to a student rights training through a community partner or the District Attorney's Office, the school shall consider offering such a training to students, where practicable, at the start of each school year. The liaison shall not be utilized for support staffing, such as hall monitor, substitute teacher, or cafeteria duty.

The Parties acknowledge that the liaison may benefit from knowledge of accommodations or approaches that are required for students with mental health, behavioral, or emotional concerns who have an individualized education program ("IEP") under the Individuals with Disabilities Education Act or a plan under Section 504 of the Rehabilitation Act ("504 Plan"). School personnel shall notify parents or guardians of such students of the opportunity to offer the liaison access to the portions of the IEP document or 504 Plan that address these accommodations or approaches. It is within the sole discretion of the parents or guardians to decide whether to permit the liaison to review such documents. If a parent or guardian provides such permission, the liaison shall make reasonable efforts to review the documents. Whenever possible, the school shall make available a staff member who can assist the liaison in understanding such documents.

The liaison shall have the opportunities participate in any school-based emergency management planning and in the work of any school threat assessment team to the extent any information sharing is consistent with obligations imposed by the Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. § 1232g) (see further information in Section V).

IV. Roles and Responsibilities of the designated Lanesborough Police Department liaisons and School Administrators and Staff in Student Misbehavior

The Parties agree that school officials and the designated Lanesborough Police Department liaisons play important and distinct roles in responding to student misbehavior to ensure school safety and promote a positive and supportive learning environment for all students.

The liaison shall not serve as a school disciplinarian, an enforcer of school regulations, or in place of school-based mental health providers, and the liaison shall not use police powers to address traditional school discipline issues, including non-violent disruptive behavior.

The principal or his or her designee shall be responsible for student code of conduct violations and routine disciplinary violations. The designated Lanesborough Police Department liaisons shall be responsible for investigating and responding to criminal misconduct. The Parties acknowledge that many acts of student misbehavior that may contain all the necessary elements of a criminal offense are best handled through the school's disciplinary process. The liaison shall read and understand the student code of conduct for both the the school.

The principal (or his or her designee) and the designated Lanesborough Police Department liaisons shall use their reasoned professional judgment and discretion to determine whether liaison involvement is appropriate for addressing student misbehavior. In such instances, the guiding principle is whether misbehavior rises to the level of criminal conduct that poses (1) real and substantial harm or threat of harm to the physical or psychological well-being of other students, school personnel, or members of the community or (2) real and substantial harm or threat of harm to the property of the school.

In instances of student misbehavior that do not require a law enforcement response, the principal or his or her designee shall determine the appropriate disciplinary response. The principal or his or her designee should prioritize school- or community-based accountability programs and services, such as peer mediation, restorative justice, and mental health resources, whenever possible.

For student misbehavior that requires immediate intervention to maintain safety (whether or not the misbehavior involves criminal conduct), the designated Lanesborough Police Department liaisons may act to deescalate the immediate situation and to protect the physical safety of members of the school community. To this end, school personnel may request the presence of the liaison when they have a reasonable fear for their safety or the safety of students or other personnel.

When the Police Department have opened a criminal investigation, school personnel shall not interfere with such investigation or act as agents of law enforcement. To protect their roles as educators, school personnel shall only assist in a criminal investigation as witnesses or to otherwise share information consistent with Section V, except in cases of emergency. Nothing in this paragraph shall preclude the principal or his or her designee from undertaking parallel disciplinary or administrative measures that do not interfere with a criminal investigation. A student shall only be arrested on school property or at a school-related event as a last resort or when a warrant / state law requires such an arrest. The principal or his or her designee shall be consulted prior to an arrest whenever practicable, and the student's parent or guardian shall be notified as soon as practicable after an arrest. In the event of an investigation by the designated Lanesborough Police Department liaisons that leads to custodial questioning of a juvenile student, the liaison shall notify the student's parent or guardian in advance and offer them the opportunity to be present during the interview.

The liaison shall not take enforcement action against students for Disturbing a School Assembly (G.L. c. 272, § 40) or for Disorderly Conduct or Disturbing the Peace (G.L. c. 272, § 53) within school buildings, on school grounds, or in the course of school-related events.

It shall be the responsibility of the School to make teachers and other school staff aware of the distinct roles of school administration and designated Lanesborough Police Department liaisons in addressing student misbehavior, consistent with this Section and this Agreement, as well as the Standard Operating Procedures accompanying this Agreement and described in Section VIII.

V. Information Sharing Between Lanesborough Police Department, School Administrators and Staff, and Other Stakeholders

The Parties acknowledge the benefit of appropriate information sharing for improving the health and safety of students but also the importance of limits on the sharing of certain types of student information by school personnel. The Parties also acknowledge that there is a distinction between student information shared for law enforcement purposes and student information shared to support students and connect them with necessary mental health, community-based, and related services.

A. Points of Contact for Sharing Student Information

In order to facilitate prompt and clear communications, the Parties acknowledge that the principal (or his or her designee) and the designated Lanesborough Police Department liaisons are the primary points of contact for sharing student information in accordance with this Agreement. The Parties also acknowledge that, in some instances, other school officials or Police Department employees may serve as key points of contact for sharing information. Such school officials and Police Department employees are identified below:

Superintendent of Schools – Kimberley A. Grady
Lanesborough Chief of Police – Tim Sorrell
Lanesborough Police Department liaison – Jason Costa
Williamstown Chief of Police – Kyle Johnson
Williamstown Police Department liaison – Michael Ziemba
LES Principal – Martha Wiley

Such Police Department employees are considered a part of the School’s “Law Enforcement Unit” as defined in the Family Educational Rights and Privacy Act (“FERPA”) (20 U.S.C. § 1232g).

B. Compliance with FERPA and Other Confidentiality Requirements

At all times, school officials must comply with FERPA. This federal statute permits disclosures of personally identifiable information about students contained in educational records (“Student PII”), without consent, only under specific circumstances.

Consistent with 34 C.F.R. §§ 99.31(10) and 99.36 of FERPA, the Police Department employee identified in Section V.A. may gain access, without consent, to Student PII contained in education records “in connection with an emergency if knowledge of the [Student PII] is necessary to protect the health or safety of the student or other individuals.”

These are the *only* circumstances in which Police Department employee identified in Section V.A. may gain access, without consent, to education records containing student PII (such as IEPs, disciplinary documentation created by a school, or work samples).

FERPA does not apply to communications or conversations about what school staff have observed or to information derived from sources other than education records.

In addition to FERPA, the Parties agree to comply with all other state and federal laws and regulations regarding confidentiality, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and state student record regulations at 603 C.M.R. 23.00. The Parties agree to collect only that student information necessary and relevant to fulfilling their respective roles, to share such information with each other only where required or allowed under this Agreement, and not to share such information beyond the sharing contemplated in this Agreement unless required to be shared by state or federal law. The Parties shall not collect or share information on a student’s immigration status except as required by law.

C. Information Sharing by School Personnel

1. For Law Enforcement Purposes

Where the principal or his or her designee learns of misconduct by a student for which a law enforcement response may be appropriate (as described in Section IV), he or she should inform the designated Lanesborough Police Department liaisons. If a teacher has information related to such misconduct, he or she may communicate this information directly to the liaison but should also communicate such information to the principal or his or her designee. The Parties agree that the sharing of such information shall not and should not necessarily require a law enforcement response on the part of the liaison but shall and should instead prompt a careful consideration of whether the misconduct is best addressed by law enforcement action, by a school disciplinary response, or by some combination of the two.

Notwithstanding the foregoing, if student information is obtained solely during a communication with school staff deemed privileged or confidential due to the staff member’s professional licensure, such communication shall only be disclosed with proper consent or if the communication is subject to the limits and exceptions to confidentiality and is required to be disclosed (e.g., mandatory reporting, immediate threats of harm to self or others). Additionally, if such student information is gathered as part of a “Verbal Screening Tool for Substance Abuse Disorders,” such information shall only be disclosed pursuant to the requirements of G.L. c. 71, § 97.

The Parties acknowledge that there may be circumstances in which parents consent to the disclosure of student information for law enforcement purposes (e.g., as part of a diversion program agreement) and that the sharing of information under such circumstances does not violate this Agreement.

The Parties also acknowledge that, from time to time, an emergency situation may arise that poses a real, substantial, and immediate threat to human safety or to property with the risk of substantial damage. School personnel having knowledge of any such emergency situation should immediately notify or cause to be notified both the Police Department (and the designated Lanesborough Police Department liaisons if appropriate to facilitate a response) and the principal or his or her designee. This requirement is in addition to any procedures outlined in the school's student handbook, administrative manual, and/or School Committee policy manual.

Nothing in this section or this Agreement shall prevent the principal or his or her designee from reporting possible criminal conduct by a person who is not a student.

2. For Non-Law Enforcement Purposes

Based on their integration as part of the school community, designated Lanesborough Police Department liaisons may periodically require access to student information for purposes that fall outside of the liaison's law enforcement role outlined in Section IV.

Student PII received by the liaison (or other Police Department employee identified in Section V.A.) that is not related to criminal conduct risking or causing substantial harm shall not be used to take law enforcement action against a student but may be used to connect a student or family with services or other supports. Prior to such a disclosure, whenever possible, the principal or his or her designee shall notify the parent, the student, or both, when such information will be shared with the liaison.

D. Information Sharing by the designated Lanesborough Police Department liaisons

Subject to applicable statutes and regulations governing confidentiality, the liaison shall inform the principal or his or her designee of any arrest of a student, the issuance of a criminal or delinquency complaint application against a student, or a student's voluntary participation in any diversion or restorative justice program if:

- The activity involves criminal conduct that poses a (present or future) threat of harm to the physical or psychological well-being of the student, other students or school personnel, or to school property;
- The making of such a report would facilitate supportive intervention by school personnel on behalf of the student (e.g., because of the Police Department's involvement with a student's family, the student may need or benefit from supportive services in school); or
- The activity involves actual or possible truancy.

The liaison shall provide such information whether the activity takes place in or out of school, consistent with the requirements of G.L. c. 12, § 32 (Community Based Justice information-sharing programs) and G.L. c. 71, § 37H (setting forth potential disciplinary consequences for violations of criminal law).

When the liaison observes or learns of student misconduct in school for which a law enforcement response is appropriate (as described in Section IV), the liaison shall convey to the principal or his or her designee as soon as reasonably possible the fact of that misconduct and the nature of the intended law enforcement response, and when the liaison observes or learns of student misconduct that does not merit a law enforcement response, but that appears to violate school rules, the liaison shall report the misconduct whenever such reporting would be required for school personnel.

VI. Data Collection and Reporting

In accordance with state law, the designated Lanesborough Police Department liaison and school administrators shall work together to ensure the proper collection and reporting of data on school-based arrests, citations, and court referrals of students, consistent with regulations promulgated by the Department of Elementary and Secondary Education.

VII. Accompanying Standard Operating Procedures

This Agreement shall be accompanied by Standing Operating Procedures that shall be consistent with this Agreement and shall include, at a minimum, provisions detailing:

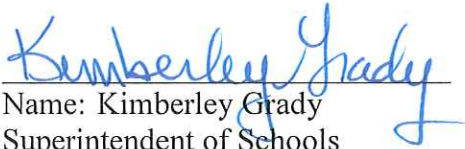
- Issues of Concern to the Designated Liaisons: Reportable Incidents and Prevention Strategies
- Reporting Guidelines: School to Department and Department to School
- Procedure Guidelines
- Training: Department and School
- Search and Seizure
- Students' Rights
- Duties and Responsibilities
- Police Investigation and Questioning
- Canine Inspections of Schools
- Arrest Procedures

VIII. Effective Date, Duration, and Modification of Agreement

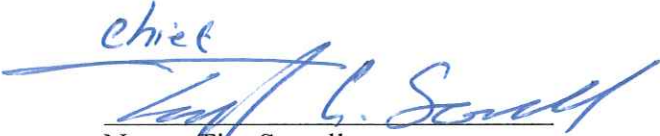
This Agreement shall be effective as of the date of signing.

This Agreement shall be reviewed annually prior to the start of the school year. This Agreement remains in full force and effect until amended or until such time as either of the Parties withdraws from this Agreement by delivering written notification to the other Party.

Upon execution of this Agreement by the Parties, a copy of the Agreement shall be placed on file in the offices of the Chief and the Superintendent. The Parties shall also share copies of this Agreement with the designated Lanesborough Police Department liaisons, any principals in schools where the liaison will work, and any other individuals whom they deem relevant or who request it.



Name: Kimberley Grady
Superintendent of Schools
Date: March 29, 2019

chief


Name: Tim Sorrell
Chief of Police
Date: March 29, 2019

Appendix VII -

Accompanying Standard Operating Procedures to MOU between Lanesborough Elementary School and Lanesborough Police Department

I. ISSUES OF CONCERN TO THE DESIGNATED LIAISONS

A. Reportable Incidents:

- (1) The Designated Liaisons from the School and Police Departments will review all incidents classified as Mandatory Reportable Incidents, as defined in Section IV of this agreement.
- (2) The Designated Liaisons will also review any incident or information that may affect the safety or well-being of students, faculty, or administrative personnel.
- (3) Additionally, upon request from the District Attorney's Office, the Designated Liaisons will provide appropriate information to the Office of the District Attorney which may be helpful in fashioning proposed terms and conditions to be imposed upon a student of the Lanesborough Elementary School at both the pre-adjudication and post-adjudication stages of a proceeding within the court and criminal justice systems.

B. Prevention Strategies:

In addition to the above responsibilities, the Designated Liaisons from the School, the Police Department and the Berkshire District Attorney's Office will meet as needed for the following purposes:

- (1) To discuss incidents of violence; any use, abuse or distribution of alcohol and/or other drugs; criminal activity affecting students; or any other activity detrimental to the school community;
- (2) To identify strategies to reduce such activities, and to promote a safe and nurturing school;
- (3) To discuss resources available for students at risk of harm from violence, abuse or neglect;
- (4) To develop and be involved with prevention and intervention programs focused on anti-violence and corresponding strategies as require by M.G.L. c. 12 § 32; and
- (5) To help outline necessary action plans for implementation of such strategies.

II. REPORTING GUIDELINES

A. School Reports to Police Departments

- (1) In an emergency situation, the school shall call 911 to alert the Lanesborough Police Department to coordinate appropriate emergency responders and resources. In a non-emergency situation, the school should notify the Lanesborough Police Department by phoning the non-emergency number, upon which the Lanesborough Police Department, in consultation with School Administration, will determine the appropriate response.

(2) The following shall be considered Mandatory Reportable Incidents:

- a. Possession, use, sale, or distribution of alcohol and/or other drugs by a student at any time, or by a non-student where it is a crime or affects students;
- b. Possession, use, or distribution of an inhalant or any controlled substance, as defined in M.G.L. c. 94C;
- c. Any incident involving the threat of assaultive behavior or intentional assaultive or negligent behavior that results in personal injury;
- d. Possession of a weapon as defined in either M.G.L. c 269 § 10, or in the school handbook;
- e. Any incident involving crimes of intolerance, including, but not limited to, serious “bullying,” certain civil rights violations, domestic abuse, dating violence, or a violation of a M.G.L. c. 209A order;
- f. Any incident involving a child suffering physical or emotional injury resulting from abuse inflicted upon him or her which causes harm or the substantial risk of harm to the child’s health or welfare, including sexual abuse or from neglect; (in addition to a report filed with the Department of Social Services pursuant to M.G.L. c. 119§51A;
- g. Any incident involving an actual or suspected hate crime or violation of civil rights, including but not limited to an assault or battery upon a person or damage to the real or personal property of a person with the intent to intimidate such person because of such person’s race, color, national origin, sexual orientation, gender, or disability, in violation of M.G.L. c. 265 § 39;
- h. Any incident resulting in significant damage to municipal or private property;
- i. Any bomb threat; fire; threatened or attempted fire-setting; threatened or attempted use of an explosive device or hoax device. Such reports shall include but not be limited to the requirements of M.G.L. c 148 § 2A;
- j. Any creation, possession, or dissemination of a document that identifies individuals targeted for violence or death;
- k. Any threat, direct or indirect, against a student, school personnel or other school employee, including but not limited to threats which occur via telecommunications/social media (e.g. internet, text message, IM);
- l. Any incident of “hazing” as defined by M.G.L. c. 269 § 17, involving a threatened or actual risk of physical or emotional harm to a student;
- m. Any sexual assault, rape or incident of gender-based harassment. This shall include but not be limited to any and all policies, procedures, and reporting requirements as defined in the student handbook.

- n. All cases of actual possession, use, sale and distribution of alcohol, a controlled substance or weapons in school, upon school property, or at school-sponsored events will be reported to the Lanesborough Police Department for appropriate action.

(3) Mandatory reportable Incidents shall be reported to the Lanesborough Police Department as soon as possible if the incident:

- a. Occurred on school property or within 1,000 foot radius of school property;
- b. Occurred at a school-sponsored function;
- c. Occurred in a school owned or contracted bus or other vehicle; or
- d. Involved a student of the Lanesborough Elementary School.

B. Police Department Reports to the School

The appropriate Police Department Designated Liaison will inform the appropriate School Designated Liaison, subject to applicable statutes and regulations governing confidentiality, of;

- (1) Any activity which may be classified as a Mandatory Reportable Incident as listed in section IV. A(1) of this document;
- (2) Any arrest of a student or the filing of a complaint application or other police or court action taken against any student of Lanesborough Elementary School; and
- (3) Any occurrence involving a student of the Lanesborough Elementary School, if the
 - a. Activity poses a serious and imminent threat to the safety of the student, other students, faculty, or school personnel;
 - b. Making of such report would facilitate supportive intervention by school personnel on behalf of the student; or
 - c. Activity involves actual or possible truancy.

III. PROCEDURE GUIDELINES

A. Introduction

A concern of educators is to provide a safe and nurturing climate in which learning can take place, as is evidenced in the student handbook. It is also a concern of local law enforcement to promote a safe environment in the public school community. As recent events have shown, any school is at risk for incidents of violence, threatened violence or attempted violence as well as the use, abuse and distribution of alcohol and other drugs, all of which diminish the ability of the school community to focus upon the business of learning. In order to promote a safe and nurturing environment in our schools and in our community, it is in our common interest to share information. It is through the collaborative efforts of the Lanesborough Elementary School and the Lanesborough Police Department that this can occur.

B. Reporting Procedures for Emergency Situations

Definition of Emergency Situation: An Emergency situation is any incident that poses a threat to human safety or which may result in serious property damage. A teacher or other employee having knowledge of any emergency situation shall immediately notify or cause to be notified the Lanesborough Police Department (911) and the School Principal or Assistant Principal. This requirement is in addition to any procedures outlined in the student handbook. Where an emergency exists and there is an immediate need to avert or diffuse certain unusual conditions or disruptions in the school setting, the school will provide all necessary information to law enforcement personnel regarding the students at issue. (See section 99.31 (a)(10) of the FERPA regulations.)

C. Reporting Procedures for Non-Emergency Situations

When a teacher or other school employee has reasonable grounds to believe a student has committed an act categorized as a mandatory reportable act, and that student is on school grounds, he or she shall take or cause the student to be taken to the appropriate Designated School Liaison.

D. Necessary Follow-Up

A teacher or other school employee with knowledge of facts pertinent to the reportable act shall:

- (1) prepare and submit a report (see the student handbook) on the incident to the appropriate Designated School Liaison;
- (2) notify the Designated School Liaison of the existence of any physical evidence; and
- (3) take reasonable steps to maintain any pertinent physical evidence in a secure place.

E. Responsibility of the Designate School Liaison

Once a Designated School Liaison has been made aware of a mandatory reportable incident, it is her/his responsibility to:

- (1) notify the Police Department Designated School Liaison and, when appropriate, parents;
- (2) notify the Police Department Designated School Liaison of the existence of pertinent physical evidence and speak with him or her about whether and how to take reasonable steps to maintain it in a secure place; and
- (3) follow up by forwarding any reports to the Lanesborough Police Department.

IV. TRAINING

The Lanesborough Elementary School and the Lanesborough Police Department agree to provide agency-wide training to their respective staffs to inform them of their roles and responsibilities under this agreement and to consult with the District Attorney's Office as appropriate regarding this agency-wide training. On an on-going basis, the same training will be provided to new staff members.

V. SEARCH AND SEIZURE

All searches conducted by the LANESBOROUGH POLICE DEPARTMENT shall comply with student's constitutional protected rights, and shall comply with State and Federal law.

The LANESBOROUGH POLICE DEPARTMENT shall not become involved in administrative (school related) searches unless specifically requested by the school, for issue such as, but not limited to, security, protection, or handling of contraband. At no time shall the LANESBOROUGH POLICE DEPARTMENT request that an administrative search be conducted solely for law enforcement purposes or have School Administration act as an agent of the LANESBOROUGH POLICE DEPARTMENT.

VI. STUDENTS' RIGHTS

A. Family Educational Rights and Privacy Act (FERPA) - The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

- The right to inspect and review the student's educational records within 45 days of the day the school receives a request for access.
- The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirement of FERPA. The name and address of the office that administers FERPA is:
Family Policy Compliance Office

US Department of Education

400 Maryland Avenue, SW

Washington DC 20202-4605

B. Protection Pupil Rights Amendment (PPRA) - PPRA affords parents and students who are 18 or emancipated minors ("eligible students") certain rights regarding public schools' conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- CONSENT before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the US Department of Education (ED)
 - Political affiliation or beliefs of the student or student's parents
 - Mental or psychological problems of the student or student's family
 - Sex behavior or attitudes
 - Illegal, anti-social, self-incriminating, or demeaning behavior
 - Critical appraisals of others with whom respondents have close family relationships
 - Legally recognized privileged relationships, such as with lawyers, doctors, or ministers
 - Religious practices, affiliations, or beliefs of the student or parent
 - Income, other than as required by law to determine program eligibility
- RECEIVE NOTICE AND AN OPPORTUNITY TO OPT A STUDENT OUT OF

- Any other protected information regardless of funding
 - Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings permitted or required under state law
 - Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- INSPECT, upon request and before administration of use –
 - Protected information surveys of students
 - Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes
 - Instructional material used as part of the educational curriculum

Lanesborough Elementary School District does not collect from students' information for marketing purposes, but it does periodically conduct student surveys for educational purposes and it does administer physical exams. Lanesborough will notify parents and eligible students annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating:

- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
 US Department of Education
 400 Maryland Avenue, SW
 Washington DC 20202-4605

C. Rights and Responsibilities of Students with Special Needs: Federal law guarantees every student the right to a free and appropriate public education regardless of handicap or disability. State and federal law will determine school policy and procedures in detailing the rights and responsibilities of students with special needs. In order to assure compliance with the intent of the state statute, the Department of Education will require that school districts comply with the following procedures:

- The Code of Conduct must be on file with the Department of Education. The Code must contain the specific procedures noted herein for the suspension of a student with special needs.
- The School Committee will ensure that there is an appropriate procedure to notify the Director of Pupil Personnel Services or designee of the suspendable offenses of a student with special needs so that the required procedures under this policy can be consistently implemented.
- The school officials will keep records of the number of suspensions of a student with special needs.
- The Individualized Education Plan (I.E.P.) for every student with special needs will indicate whether the student can be expected to meet the regular discipline code or if a modification is required. If a modified discipline code is required, it will be written in the I.E.P.
- When it is known that the suspension(s) of a student with special needs will accumulate to ten (10) days in a school year, a review of the I.E.P as provided in Section 333 of the Chapter 766

Regulations, will be held to determine the appropriateness of the student's placement or program.

If the Special Education Team concludes that the student's misconduct is related to the student's handicapping conditions, the result of an inappropriate special education placement, or is the result of an I.E.P. that is not fully implemented, then the I.E.P. will be modified to reflect a new program designed to better meet the student's needs. Following parental approval, the student will be placed immediately in a new program.

D. Rights under Section 504 - A student with a disability recognized under the Federal statute known as Section 504 (29 USC §794 [a]) is entitled to accommodation of that disability to the extent that it interferes with the student's ability to participate in or benefit from any educational or other program at Lanesborough Elementary School. Section 504 also prohibits discrimination against any student based on such a disability. A student whose disability is recognized under special education law, known as the Individuals with Disabilities Education Act (IDEA: see USC §1401 [3]) is entitled to educational programs and assignments that are designed to develop his/her educational potential (M.G.L. c. 71B §1). Section 504 accommodation plans and special education individualized education programs (IEPs) must be developed in accordance with procedures set out in federal and Massachusetts law and regulations. Mary MacDonald, Principal, assures compliance with Section 504 and she can be reached at 413-458-9582, ext. 158.

E. Rights of Eighteen-Year-Olds - Age of Majority 603 CMR 23.01

- When a student reaches the age of majority (18 years of age by law) and wants to assume responsibility for matters pertaining to school, he/she must see his/her guidance counselor, review the following factors involved, and complete the proper forms: The student has the right of access to and release of school records.
- A student may receive all school communications if he/she submits proof that he/she is no longer a dependent of a parent for federal tax purposes.
- Parents of the student retain the right of access and communication on all school matters if the 18-year-old remains a dependent of the parent for federal tax purposes, unless the student expressly removes the right from the parents in writing.

Even if you are eighteen, dismissals will only be granted for an emergency or for those matters that cannot be taken care of after school hours. Every attempt should be made to schedule appointments after school. You will not be dismissed by a telephone call except in an emergency situation. At the dismissal time, you must sign out in the attendance office. In the event there is an approved early dismissal the parents or guardians will be notified between 7:30a.m. and 9:00a.m. that day, or as soon as possible.

VII. DUTIES AND RESPONSIBILITIES

- A. The LANESBOROUGH POLICE DEPARTMENT employs sworn Police Officers assigned to provide law enforcement expertise and resources to School Administration in maintaining safety, order and discipline.
- B. The LANESBOROUGH POLICE DEPARTMENT assumes primary responsibility for handling all calls for service and coordinating the response of other police resources to the school. All criminal activity that comes to the attention of School Administration shall be reported immediately to the LANESBOROUGH POLICE DEPARTMENT. In an emergency situation, the school shall call 911 to

alert the LANESBOROUGH POLICE DEPARTMENT to coordinate appropriate emergency responders and resources. In a non-emergency situation, the school should notify the LANESBOROUGH POLICE DEPARTMENT by phoning the non-emergency number, upon which the LANESBOROUGH POLICE DEPARTMENT, in consultation with School Administration, will determine the appropriate response.

- C. The LANESBOROUGH POLICE DEPARTMENT shall respond in full police uniform, armed, and in official police vehicle(s), unless otherwise authorized by the Chief of Police for specific circumstances. The LANESBOROUGH POLICE DEPARTMENT assumes this visibility provides a deterrent to crime and reinforces positive representation of the LANESBOROUGH POLICE DEPARTMENT to students and staff.
- D. The LANESBOROUGH POLICE DEPARTMENT shall also assist with training for School Administration in law enforcement and related matters. Information about crime trends and changes in laws relevant to schools shall be disseminated to School Administration (and staff) to assist them in effectively establishing and maintaining a safe school environment.
- E. The LANESBOROUGH POLICE DEPARTMENT may become involved with the school's curriculum and provide instruction that will enhance the students' understanding of the police mission and the responsibilities of citizenship. Responding to incidents or conducting investigations, however, will always take precedence over classroom instruction. Lesson plans for all formal, organized presentations shall be forwarded to the Chief of Police for review, comment and approval prior to presentation.
- F. When in the best interest of the LANESBOROUGH POLICE DEPARTMENT and School Administration, the LANESBOROUGH POLICE DEPARTMENT may make formal presentations to or participate in school-based community organization meetings such as Parent Teacher Association and School Advisory Council meetings. Participation in other activities, such as panel discussions, mentoring programs, and community coalitions or task forces must be approved in advance by the Chief of Police. The Chief of Police shall be kept informed of the status of such additional activities.
- G. Law enforcement or related programs conducted in the school shall be coordinated with the LANESBOROUGH POLICE DEPARTMENT to avoid redundant services and to ensure equitable distribution of such programs and services.
- H. A critical element of this MOU is an open relationship and strong communication between School Administration and the LANESBOROUGH POLICE DEPARTMENT. The LANESBOROUGH POLICE DEPARTMENT shall meet as needed with School Administration for the purpose of exchanging information about current crime trends, problem areas or other areas of concern which have potential for disruption in the school or within the community.
- I. Other duties and responsibilities of the LANESBOROUGH POLICE DEPARTMENT include:
 - (1) Proper disposal of illegal substances recovered by the school and not needed for criminal prosecution.
 - (2) Maintaining familiarity with the Lanesborough Elementary School's *Student Rules and Regulations*.

(3) Attending and providing testimony at school disciplinary hearings as needed.

VIII. POLICE INVESTIGATION AND QUESTIONING

The LANESBOROUGH POLICE DEPARTMENT has the authority, pursuant to Massachusetts statutory and common law, to take police action without the prior authorization of School Administration or students' parents or guardians. Questioning of students for offenses not related to the operation of the school, or not having taken place at the school, may occur in such situations where, for example, but not limited to, delay might result in: danger to any individual, flight from the jurisdiction, or destruction of evidence.

School Administration shall be notified as soon as practical of any significant enforcement events. The LANESBOROUGH POLICE DEPARTMENT should coordinate activities so that action between the agencies is cooperative and in the best interests of the school and public safety.

School Administration shall provide information to the LANESBOROUGH POLICE DEPARTMENT of any crime(s) or leads that come to the attention of the LANESBOROUGH POLICE DEPARTMENT. The LANESBOROUGH POLICE DEPARTMENT should be kept advised of all investigations involving students from Lanesborough Elementary School and within the law shall inform the School Administration of the same.

IX. CANINE INSPECTIONS OF SCHOOLS

At the discretion of the Principal, the Lanesborough Police or State Police Canine Unit may be requested to perform an inspection of the school, school property, and vehicles parked in the school parking lot.

X. ARREST PROCEDURES

The LANESBOROUGH POLICE DEPARTMENT is expected to be familiar with school rules and their application. Routinely, rule infractions will not be handed as violations of law, but instead referred to the School Administration for action. Any questions related to the enforcement of rules versus laws within the school should be discussed with School Administration. This specifically applies to general standards of conduct.

The following procedures will be adhered to where arrests of students or staff become necessary:

1. Arrest of students or staff during school hours or on school grounds shall be executed in consultation with School Administration or, if not possible, reported to School Administration as soon as practical.
2. Persons present on school ground in violation of Federal or Massachusetts Law may be arrested.