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R 9320 COOPERATION WITH LAW ENFORCEMENT AGENCIES (M)

- A. Policy 9320 and this Regulation shall be in accordance with the provisions of N.J.A.C. 6A:16-6.2, the Memorandum of Agreement between Education and Law Enforcement Officials (MOA), and shall be:
1. Developed, implemented, and revised, as necessary, in consultation with the county prosecutor and other law enforcement officials as may be designated by the county prosecutor;
 2. Reviewed and approved by the Executive County Superintendent;
 3. Made available annually to all school district staff, students, and parents;
 4. Consistent with reporting, notification, and examination procedures of students suspected of being under the influence of alcohol and other drugs pursuant to N.J.A.C. 6A:16-4.3; and
 5. Consistent with N.J.A.C. 6A:16-7, as appropriate.
 6. ~~For the purposes of this Regulation:~~
 - a. ~~"Police Department" means the law enforcement agency designated by the County Prosecutor to receive such information.~~
 - b. ~~"Principal" means the Principal and/or designee.~~
 - c. ~~"Superintendent" means the Superintendent and/or designee.~~
 - d. ~~"School staff member" means any school employee.~~
- B. The school district's policies and procedures for cooperation with law enforcement agencies shall include the following components:
1. The Superintendent has designated school district staff as liaisons to law enforcement agencies in accordance with the MOA. The MOA includes a description of the liaisons' roles and responsibilities;
 2. Specific procedures for and responsibilities of school district staff in summoning appropriate law enforcement authorities onto school grounds, for the purpose of conducting law enforcement investigations, searches, seizures, or arrests shall be in accordance with the MOA;

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3. ~~An emergency call to the police should include the:~~
 - a. ~~The name and title of the caller;~~
 - b. ~~The name and location of the school building in which the law enforcement is needed; and~~
 - c. ~~A brief description of the nature of the situation, including an accurate assessment of the seriousness of the situation.~~
 4. ~~If possible, a staff member or responsible student should be dispatched to meet and guide responding officers.~~
 5. ~~If offenders are to be arrested, a staff member should be prepared to assist the police in obtaining the information necessary for warrants.~~
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 6. ~~Planned Security Protection at School Events and Extra-Curricular Activities~~
 - a. ~~Each September or before, the principal will develop a calendar of events scheduled at the school for the school year just beginning. The calendar will be updated as necessary during the year.~~
 - b. ~~The principal will review with the police the events for which the need for police assistance and/or security is anticipated. Their review will include~~
 - (1) ~~The number of officers required;~~
 - (2) ~~The responsibilities to be assumed by the officers, and~~
 - (3) ~~The remuneration, if any, each is to receive.~~
37. Specific procedures and responsibilities of school district staff for notifying parents in instances of law enforcement interviews involving their children shall be consistent with the MOA and the following:
- a. School officials shall not notify the student's parent(s) in instances of suspected child abuse or neglect;
 - b. School officials shall notify the student's parent(s) when the student is the target of the law enforcement investigation; and

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- c. In all other instances, school authorities shall permit law enforcement authorities to determine whether or when a student's parent should be contacted;

8. ~~A police officer's request for access to school records will be responded to as follows.~~

a. ~~A request for access to the public records of this Commission will be granted only in accordance with Regulation No. 8310.~~

b. ~~A request for access to Commission records that are classified as confidential by Policy No. 8310 shall be reported to the Superintendent or Board Secretary, who will determine, in consultation with the Board Attorney, whether or not to release the record.~~

e. ~~A request for access to personnel records that are classified as confidential by Policy No. 8320 shall be reported to the Superintendent and shall be released only if:~~

(1) ~~The employee concerned has consented to inspection of his or her file, or~~

(2) ~~The law enforcement officer presents a warrant authorizing a search of certain confidential records from the file.~~

(3) ~~The Superintendent may consult with the Board Attorney prior to releasing any personnel records that are classified as confidential.~~

d. ~~The principal shall make every reasonable effort to notify the student's parent or legal guardian(s) of the request by law enforcement officials to interrogate the student while in school to receive the parent's or legal guardian's consent to permit the student to be interrogated before the interrogation begins.~~

(1) ~~The Principal will permit the interrogation if the parent(s) or legal guardian(s) consents to the interrogation.~~

(2) ~~The Principal will delay the interrogation in the event the parent(s) or legal guardian(s) requests to be present during the interrogation.~~

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~~(3) The Principal will deny the law enforcement official an interrogation if the parent(s) or legal guardian(s) cannot be contacted or if the parent(s) or legal guardian(s) does not consent to the interrogation.~~

~~(4) In the event the interrogation is not denied by the Principal for the reasons in (3) above, the Principal will immediately contact the Superintendent, who will contact the Board Attorney to determine the Principal's and Commission's legal responsibilities under the circumstances of law enforcement's request for the student to be interrogated in school.~~

~~e. A student shall not be removed from school for interrogation unless:~~

~~(1) The student has been lawfully arrested; or~~

~~(2) The adult student or the parent or legal guardian of a minor student has consented to the removal.~~

49. Specific procedures for and responsibilities of school district staff in cooperating with arrests made by law enforcement authorities on school grounds shall be in accordance with the MOA;
540. Specific procedures for and responsibilities of school district staff in initiating or conducting searches and seizures of students, their property, and their personal effects shall be in accordance with the MOA and the following:
- a. All searches and seizures conducted by school district staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).
 - b. Questions concerning searches conducted by school officials shall be directed to the appropriate county prosecutor.
 - c. School officials may request that law enforcement authorities assume responsibility for conducting a search or seizure.
 - d. No school district staff member shall impede a law enforcement officer engaged in a lawful search, seizure, or arrest whether pursuant to a warrant or otherwise.

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- e. School district staff shall permit law enforcement authorities, upon their arrival, to assume responsibility for conducting a search or seizure.
 - f. All inspections of lockers, desks, or other objects or personal property on school grounds involving the use of law enforcement drug-detection canines may be undertaken with only the express permission of the county prosecutor or the Director of the Division of Criminal Justice or the Director's designee in the New Jersey Department of Law and Public Safety.
 - g. Questions concerning the legality of a contemplated or ongoing search, seizure, or arrest conducted by a law enforcement officer on school grounds shall be directed to the county prosecutor or in the case of a search, seizure, or arrest undertaken by the Division of Criminal Justice's designee in the New Jersey Department of Law and Public Safety, to the assigned Assistant Attorney General;
644. The procedures for and responsibilities of school district staff, with regard to interviews of students suspected of possessing or distributing a controlled dangerous substance; including anabolic steroids, drug paraphernalia; or a firearm or other deadly weapon shall be in accordance with Policy and Regulation 5530 and the MOA;
- ~~12. A request by law enforcement officials to interrogate students, on school premises or while under the protection of the school, shall be handled as follows:~~
- ~~a. The police officer shall be required to ask the principal for access to the student, regardless of the student's location in or about school premises or on a school-sponsored trip or at a school-sponsored event.~~
 - ~~b. The principal shall ask the police officer to delay the interrogation or conduct the interrogation away from school. In general, it should not be necessary to conduct an interrogation in school unless the matter involves:~~
 - ~~(1) A crime committed in school; or~~
 - ~~(2) An investigation that would be compromised without the interrogation in school; or~~

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~~(3) An endangerment to the lives or safety of students or other persons.~~

~~(4) Other reasons law enforcement officials believe an interrogation must be conducted in school and cannot wait until the student is away from school.~~

~~13. Confidentiality of Student or Staff Involvement in Substance Abuse Intervention and Treatment Programs~~

~~a. All information concerning a student's or staff member's involvement in school intervention or treatment program for substance abuse shall be kept strictly confidential, according to the requirements of 42 CFR Part 2 and N.J.S.A. 18A:40A 7.1 and 7.2.~~

~~b. Nothing in this Regulation shall be construed in any way to authorize or require the transmittal of any information or records which are in the possession of a substance abuse counseling or treatment program.~~

~~c. The Principal will not disclose to law enforcement officials or to any person other than a member of the Commission's comprehensive alcohol, tobacco and other drug abuse program that a student or staff member has received or is receiving services through the Commission's comprehensive alcohol and other drug abuse program. The Principal will not disclose any information, including the student's or staff member's identity or information about illegal activity, where such information was learned in the course of or as a result of services provided through the Commission's comprehensive alcohol and other drug abuse program.~~

~~d. Nothing in this Regulation shall be construed to preclude the disclosure of information about illegal activity that was learned by any school employee outside of the local district's comprehensive alcohol and other drug abuse program.~~

~~Any such information about illegal activity shall be reported according to the requirements of this Regulation and N.J.A.C. 6A:16-6.3 and 6.4.~~

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744. Procedures for planning, approving, and conducting undercover school operations shall be in accordance with the MOA and the following:
- a. The Superintendent and Principal shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Superintendent shall approve undercover operations without prior notification to the Board of Education.
 - b. All information concerning requests to undertake an undercover school operation, information supplied by law enforcement authorities to justify the need for and explain a proposed undercover school operation, and all other information concerning an ongoing undercover school operation, including the identity of any undercover officer placed in a school, shall be kept strictly confidential by the Superintendent and Principal.
 - c. The Superintendent and Principal shall not divulge information concerning an undercover school operation to any person without the prior express approval of the county prosecutor or designee.
 - d. The Superintendent, Principal, or any other school district staff or Board member who may have been informed regarding the existence of the undercover school operation shall immediately communicate to the county prosecutor or designee if they subsequently learn of information that suggests the undercover officer's true identity has been revealed, the undercover officer's identity or status as a bona fide member of the school community has been questioned, or the integrity of the undercover school operation has been in any other way compromised;
845. The procedures for and responsibilities of school district staff concerning the safe and proper handling of a seized controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon, and the prompt delivery of the items to appropriate law enforcement authorities shall be in accordance with N.J.A.C. 6A:16-6.2, Policy and Regulation 5530, and the MOA;
946. The procedures for and responsibilities of school district staff in notifying authorities of a suspected violation of laws prohibiting the possession; sale or other distribution of a controlled dangerous substance, including anabolic steroids; drug paraphernalia; or a firearm or other deadly weapon shall be in accordance with Policy and Regulation 5530 and the MOA;
1047. Provisions for requesting uniformed police attendance at extracurricular school events shall be in accordance with the MOA;

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1148. Provisions for notifying parents as soon as possible whenever a student is arrested for violating a law prohibiting the possession; sale or other distribution of a controlled dangerous substance, including anabolic steroids; drug paraphernalia; or a firearm or other deadly weapon shall be in accordance with Policy and Regulation 5530;
1249. Provisions for in-service training of school district staff concerning policies and procedures established in this subchapter, and the exchange of information regarding the practices of the school district and law enforcement agencies shall be in accordance with the MOA;
1320. A MOA with appropriate law enforcement authorities in accordance with N.J.A.C. 6A:16-6, Policy 9320, and this Regulation;
1421. An annual process for the Superintendent and appropriate law enforcement officials to discuss the implementation and need for revising the MOA, and to review the effectiveness of policies and procedures implemented pursuant to N.J.A.C. 6A:16-6.2 and the MOA;
1522. Provisions for contacting the Chief Executive Officer of the involved law enforcement agency, county prosecutor, and/or Division of Criminal Justice, as necessary, to resolve disputes concerning law enforcement activities occurring on school grounds shall be in accordance with the MOA; and
1623. Provisions for directing inquiries or complaints received by school district staff regarding interviews, investigations, arrests, or other operations conducted by sworn law enforcement officers to the appropriate law enforcement agency shall be in accordance with the MOA; **and** -
- ~~24. A request or attempt to arrest a student, on school premises or while under the protection of the school, shall be handled as follows:~~
- ~~a. The police officer shall be required to ask the principal for access to the student, regardless of the student's location in or about school premises or on a school-sponsored trip or at a school-sponsored event.~~
- ~~b. The police officer shall not be permitted to arrest or take custody of a student unless:~~
- ~~(1) The principal lawfully requests the removal of the student;~~
~~or~~

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- ~~(2) — The officer has probable cause to arrest the student for a felony; or~~
- ~~(3) — The officer has an arrest warrant or a judicial order requiring the custody of the student.~~
- ~~e. — The principal shall request the police officer to defer the arrest to another time and place or, if that is not possible, to take steps to protect the student's privacy, such as taking custody in a private place or assigning the taking of custody to a nonuniformed police officer or a school security officer.~~
- ~~d. — The principal shall make every reasonable effort to notify the student's parent or legal guardian of the impending arrest.~~
- ~~e. — The principal shall determine the place to which the student will be removed and held in custody or detention and will so inform the parent or legal guardian.~~
- ~~f. — Notwithstanding anything to the contrary in this regulation, a police officer has the legal right to take direct and unhindered action in the school.~~
 - ~~(1) — In an emergency situation, where the commission of a crime or offense involving felony or a serious breach of the peace in school has been witnessed by the officer, or~~
 - ~~(2) — The police officer is in "hot pursuit" of the student for such a crime.~~
- ~~g. — In any situation in which a police officer takes direct action, the principal shall be promptly notified.~~

C. Mandatory Reporting

1. There are seven offenses that must be reported to law enforcement if they qualify as mandatory reports, as set forth and explained in further detail in the MOA. These mandatory reports include:
 - a. Whenever any school district staff has reason to believe a student is in **unlawful** possession of a controlled dangerous substance, ~~or~~ related paraphernalia, **cannabis**, or is involved or implicated in

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distribution activities regarding controlled dangerous substances **or cannabis**, pursuant to N.J.A.C. 6A:16-6.3;

- b. Whenever any school district staff in the course of their employment develops reason to believe that a firearm or other dangerous weapon has unlawfully been possessed on or off school grounds, a weapon was used in an assault against a student or other school personnel, or that any student or other person has committed an offense with, or while in possession of, a firearm, whether or not such offense was committed on school grounds or during school operating hours, pursuant to N.J.A.C. 6A:16-5.5, **6A:16-5.6(d)4**, and **6A:16-6.3(b)**;
- c. Whenever any school district staff in the course of their employment develops reason to believe that anyone has threatened, is planning, or otherwise intends to cause death, serious bodily injury, or significant bodily injury to another person under circumstances in which a reasonable person would believe that the person genuinely intends at some time in the future to commit the violent act or to carry out the threat, pursuant to N.J.A.C. 6A:16-6.3(c) through (e);
- d. Whenever any school district staff in the course of their employment develops reason to believe that a crime involving sexual penetration or criminal sexual contact has been committed on school grounds, or by or against a student during school operating hours or during school-related functions or activities, pursuant to N.J.A.C. 6A:16-6.3(d);
- e. Whenever any school district staff in the course of their employment develops reason to believe that an assault upon a teacher, administrator, other school Board employee, or district Board of Education member has been committed, with or without a weapon, pursuant to N.J.A.C. 6A:16-5.7(d)5;
- f. Whenever any school district staff in the course of their employment develops reason to believe a “bias-related act” has been committed or is about to be committed on or off school grounds, pursuant to N.J.A.C. 6A:16-6.3(e); and
- g. Whenever any school employee in the course of their employment develops reason to believe a student is potentially missing, abused, or neglected, pursuant to N.J.A.C. 6A:16-11.1(a)3i. through iii.

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D. ~~Records~~

1. ~~The principal shall report to the Superintendent each incident involving an interrogation, search, or arrest of a student by a law enforcement agent.~~
2. ~~The principal shall record in writing and enter in the student's file:~~
 - a. ~~The date, time, place, and circumstances of the incident;~~
 - b. ~~The name of the officer and the law enforcement agency he or she represents;~~
 - c. ~~The name of the student;~~
 - d. ~~The notification or attempt to notify the student's parent or legal guardian; and~~
 - e. ~~An anecdotal description of the incident, including such information regarding its conduct as may be necessary to show that the student was fairly or unfairly treated.~~

- DE.** Nothing in the policies and procedures required under N.J.A.C. 6A:16-6 and Policy 9320 and this Regulation shall be construed to prohibit school district staff from disclosing information, pursuant to N.J.A.C. 6A:32-7.2 and 7.5(f), if necessary, to protect the immediate health or safety of a student or other persons.
- EF.** The Superintendent or designee shall annually review Policy 9320 and this Regulation as adopted by the Board to ensure each are in accordance with the requirements outlined in the MOA.

Adopted: 11 December 2002
Revised: January 15, 2025