MEMORANDUM OF UNDERSTANDING AMONG THE SCHOOL BOARD OF THE CITY OF ROANOKE, CITY OF ROANOKE POLICE DEPARTMENT, AND THE CITY OF ROANOKE SHERIFF'S OFFICE FOR SCHOOL RESOURCE OFFICER PROGRAM

In consideration of the terms and covenants stated herein, the parties agree as follows:

I. PURPOSE AND PREAMBLE

The School Board of the City of Roanoke, operating as Roanoke City Public Schools ("School Board" or "RCPS"), City of Roanoke Police Department ("RPD"), and City of Roanoke Sheriff's Office ("RCSO") (collectively, the "Parties"), hereby enter into this Memorandum of Understanding ("MOU") setting forth the respective roles and responsibilities of the Parties regarding the use of school resource officers ("SROs") ***pursuant to §22.1-280.2:3, Code of Virginia***. The purpose of this MOU is to establish a mutually beneficial partnership, School - Law Enforcement Partnership (the "Partnership"), that both the School Board and law enforcement can work within to achieve shared goals. The purpose of the Partnership is to foster mutual respect and understanding, build a positive and safe school environment, and facilitate effective, timely communication and coordination of efforts among the School Board, RPD, and RCSO.

This MOU is intended only to outline expectations between the School Board, RPD, and RCSO. It is not intended to create contractual or equitable obligations on the part of the School Board, the RPD, or the RCSO toward particular students, parents, School Board or RPD and RCSO employees, or any other third parties.

The Parties agree that the vast majority of student misconduct can be best addressed through classroom and in-school strategies. The Parties acknowledge that students are generally 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. ***It is essential that local law enforcement and school divisions work collaboratively to prevent student drug and alcohol abuse in school systems.***

All responses to school misconduct shall be reasonable, consistent, and fair, with appropriate consideration of mitigating factors, and of the nature and severity of the incident. Furthermore, the RPD will emphasize Restorative Justice programs and, to avoid arrest situations, balance the rights of victims. This document is intended to accompany the School and Law Enforcement Partnership Guide. For further information, please see the Virginia School and Law Enforcement Partnership Guide.

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

1. Roles of key members in the Program:

a. School Administrators,
b. School Resource Officers and Deputies ("SRO"),
c. RCPS Counselors, and
d. RCPS Special Education Program staff.

2. Scope of responsibilities of RCPS, the RPD, and the RCSO.
3. Procedures to exchange information among key members and between the Parties:
   a. RCPS Site Safety and Security Supervisor and Assistant Superintendent of Equity and Student Services
   b. RPD and RCSO Supervisors, and
   c. SROs.

II. GOALS

The primary goals of the Partnership and this MOU are to:

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, RCPS, RPD, and RCSO 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, RCPS, RPD, and RCSO will collaborate to reduce and prevent crime, violence, victimization, and fear in and around schools, and to minimize student involvement with the juvenile and criminal justice systems.

III. EVALUATION OF THE SCHOOL - LAW ENFORCEMENT PARTNERSHIP

The RCPS Data and Analysis Department, in conjunction with the RPD iSTAR Unit, shall track all measurable objectives of the Partnership, which will be developed jointly using:

1. Student discipline data,
2. Incident reports and crime data, and
3. Other data deemed to be relevant.

Progress towards achieving objectives shall be jointly reviewed by all parties and stakeholders at the ***end of the school year, and a written review shall be provided no later than November 1st of the following school year. The results of the review will be made available upon request.***

IV. ROLES AND RESPONSIBILITIES

A. ROANOKE CITY PUBLIC SCHOOLS' RESPONSIBILITIES:

RCPS will designate a primary division-level point of contact to implement the Partnership and to maintain ongoing communications with RPD and RCSO personnel.

It is the responsibility of school administrators to facilitate effective communication between the SRO and school staff, including the school security officers, 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 technology, private interviews with several persons, and locking storage space for securing physical evidence.

RCPS will manage discipline within the school disciplinary process without involving SROs. RCPS policies, administrative guidance, training, and ongoing oversight will clearly communicate that school administrators and teachers are responsible for school discipline and that law enforcement is not to be involved with disciplinary action, except as may be requested by RCPS (e.g., if factual information is gathered or observation by the SRO is relevant to an RCPS disciplinary matter involving a student). RCPS is responsible for communicating the SRO's role and responsibilities to all school administration, staff, school security officers, and students. RCPS will ensure that school administrators with an assigned SRO receive relevant training before or within 60 days of the SRO's assignment to a school and will provide ongoing joint training with SROs. The training shall be aligned with the Partnership and the Department of Criminal Justice Services ("DCJS") curriculum and in consultation with the RPD and RCSO.

1. School Principal Roles and Responsibilities:

   Consistent with the Virginia Standards of Accreditation, 8VAC 20-131-210(A), as amended, "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." "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 8.2). Additionally, consistent with 8VAC 20-131-260.D.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 during a school-sponsored activity."

School Principals shall review the Partnership MOU annually with staff, school security officers, and SROs to establish school-specific operational and communication procedures to support the Partnership's goals.

Pursuant to Va. Code Ann. § 22.1-279.3:1, certain types of criminal activity (to include threats of active violence) that come to the attention of the principal or school staff must be reported immediately to the SRO. In an emergency, school staff shall call 911 and also notify the SRO if present at the school. In a non-emergency situation, school staff should notify the SRO or call the non-emergency RPD number, 540-853-2211, if the SRO is unavailable. Information that is not of an emergency or urgent nature may be held for action by the SRO upon their return to duty.

In any criminal enforcement action taken by the SRO that results in a student being charged with a crime, the principal and/or school employees will appear in court, when necessary, to provide testimony relevant to the case. Consistent with the Release of Student Information provisions of this MOU, a subpoena or legal equivalent shall be provided to the principal and/or school employee for any testimony that requires the disclosure of student records or the information contained therein.

The school shall provide the SRO with a designated, functional workspace that meets the following operational criteria:

- ***Equipment & Connectivity: A dedicated workspace equipped with a computer and telephone necessary to perform official duties.***
- ***Privacy & Capacity: A secure environment that ensures confidentiality for interviews and investigations, with seating accommodated for the SRO and at least three additional individuals.***
- ***Alternative Accommodations: If facility space constraints limit the primary office's capacity, the school shall provide prompt access to an alternative private meeting space.***
- ***Strategic Location: To the extent feasible, the workspace shall be situated near primary entrances, exits, and high-traffic areas to optimize accessibility, consistent with school security and operational needs.***

The computer assigned to the SRO shall be capable of running software applicable to the SRO's duties. School principals, or their school administrator designees, shall furnish student record information to SROs only to the extent that school record information is:

a. Directly relevant to a criminal investigation in a matter that cannot be resolved through school disciplinary procedures, or
b. The SRO requires the information to protect the health or safety of a

student or other person in an emergency, as described in the MOU under Health and Safety Emergency, or its equivalent replacement application.

The SRO or ***SRO Supervisor*** may access other student record information only when needed to perform their duties in the school environment, and only as approved by the school principal.

The principal shall meet periodically with the SRO supervisors and, upon request of either party, at other times when needed to facilitate communication between school officials and law enforcement. All principals shall confirm annually that they have not asked the SRO to provide, or agreed to allow the SRO to provide, assistance with administrative functions outside the scope of SRO assistance authorized by the MOU. Upon request, the principal shall also provide information to the SRO supervisors to assist in preparing the annual personnel evaluation of the assigned SRO. Principals are also encouraged to consult with SRO supervisors before selecting new SROs to share any special needs or concerns for that particular school.

The school system shall provide training to SROs, when available, to increase officers' effectiveness and their ability to fulfill their respective duties and responsibilities. In schools with a large and/or specific population of disabled students, the school system shall provide SROs with training on the disabilities represented.

2. School Counselors' Responsibilities:

Virginia law recognizes certain school employees as "health care providers" who may serve as school counselors or have student counseling duties. As such, these employees or counselors must abide by federal and state health records privacy laws, as well as FERPA laws and regulations. These employees may include, but are not limited to, the following: clinical psychologist, clinical social worker, professional counselor, family therapist, and other school employees or contractors providing "health services" as defined by Virginia Code Section 8.01-581.1.

In situations where the SRO has the occasion or necessity to interact with school counselors providing personal/social counseling to students as defined by 8 VAC 20-620-10 (C}(3), counseling staff shall maintain the confidentiality, and separation from other school records, of personal/social counseling records, and shall not disclose them to any third party, including the SRO without prior parent/guardian consent, or as otherwise provided by law pursuant to a subpoena, search warrant or other lawful court order.

However, a counselor may lawfully share a student's health records with the SRO or other law enforcement official in the course of the SRO's or other law enforcement official's "duty to protect" pursuant to Virginia Code Section 54.1-2400.1. Specifically, a school counselor or other mental health service provider may share the medical information necessary to communicate a student's "specific and immediate threat to cause serious bodily injury or death to an identified or readily identifiable person or persons, if the provider reasonably believes or should believe according to the standards of his profession that the [student] has the intent and ability to carry out that threat immediately or imminently".

3. School Special Education Program Staff's Responsibilities:

   As previously provided herein, RCPS will manage discipline within the school disciplinary process without involving SROs. When dealing with students with disabilities, this is particularly critical. RCPS special education program staff are specially trained to address behaviors that may be manifestations of a student's disability. Therefore, special education program staff should always take the lead in addressing the discipline and/or disruptive behavior of a student with a disability. Absent an articulable, imminent, and significant threat to the health or safety of the student or others, an SRO should only become involved with the discipline and/or disruptive behavior of a student with a disability after special education program staff have first engaged the student, and if the SRO is specifically requested to assist by special education program staff, school administrators.

   Except as required in the event of an articulable and significant threat to the health or safety of a student or another, parent or guardian consent or lawful court order, special education program staff shall not disclose special education records to the SRO without first receiving authorization to do so from the Chief Academic Officer (CAO). Such authorization to disclose special education records to the SRO shall fully comply with FERPA, IDEA, and Virginia regulations governing the privacy of special education records.

B. ROANOKE POLICE DEPARTMENT'S and ROANOKE CITY SHERIFF'S OFFICE RESPONSIBILITIES:

The RPD and RCSO will identify a direct point of contact ("POC") between the RPD, RCSO, and RCPS. The POCs will address operational and administrative issues and serve as consultants on school safety and security, including assessments and critical incident response planning. The POCs will maintain a working knowledge of school rules, regulations, and laws regarding student safety and conduct. The POCs 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 RPD and RCSO. However, each of these actions will. consider the input of school personnel and the identified needs of schools. The SRO shall remain at all times under the control of the RPD or RCSO through the chain of command. The RPD and RCSO will ensure that the SROs meet the training standards for SROs established by the Virginia Department of Criminal Justice Services (DCJS) pursuant to Virginia Code §§ 9.1-101(54) and 9.1-114.1, and receive relevant training before, or within 90 days of assignment in a school, and thereafter receive ongoing joint training in alignment with the Partnership and in consultation with RCPS.

In developing and implementing law enforcement policies and practices that may affect schools, the RPD and RCSO will consult with and consider the views of RCPS and the school community.

1. Selection and Assignment of the SRO

   The selection of the SRO is the most critical aspect of the program. Supervisors shall select officers who have demonstrated the ability, interest, and skills necessary to work with youth, school staff, and the public. Supervisors should consider the following criteria when selecting officers for the program:

   Police Officer or Deputy, per RPD and RCSO policies, demonstrating the following:

   a. Ability to work with diverse groups;
   b. Ability to work cooperatively in a non-law enforcement environment with limited direct supervision;
   c. Knowledge of RPD's policies that pertain to juveniles and schools;
   d. Knowledge and familiarity with available RPD resources;
   e. Creative problem solver;
   f. Conflict resolution skills;
   g. Knowledge of the Juvenile Code and Juvenile Court procedures;
   h. Ability to effectively provide instruction to youths;
   i. Ability to communicate professionally and deliver presentations effectively to various groups, including parents, educators, and community members;
   j. Organization and communication skills;
   k. Completion of Instructor Development Training before or after selection, and
   l. Supervisory recommendation.

2. Initial and *In-service 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:

a. Mental Health Specific Training and Crisis Intervention Training in accordance with established and certified state standards;
b. Disability awareness training (provided by RCPS);
c. Restraint and Seclusion in the School Environment (provided by RCPS);
d. Adolescent Development and Communication (provided by RCPS);
e. Implicit bias/racial bias training outlining attitudes and stereotypes that affect our understanding, actions, and decisions unconsciously;
f. Trauma-Engaged and Restorative Justice techniques (provided by RCPS), and
g. Cultural Competency Training.

3. SRO Roles and Responsibilities

SROs are school officials and will be considered active members of their assigned school's community. The SRO will assist with matters related to safety, security, and information exchange while providing law enforcement services.

SROs shall not become involved in routine school matters, such as administrative actions or matters not directly related to student and staff safety. The SRO shall refrain from functioning as a school disciplinarian and shall not intervene in school discipline matters. Student discipline will remain the responsibility of the school faculty and administrators. At any time, the SRO may become involved when a school administrator has a safety concern that cannot be addressed by the school's safety and security staff.

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 shall 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 shall assist school administrators in developing school crisis, emergency management, and response plans. They will collaborate 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, when possible, diverting youth from the courts.

SROs serve multiple roles in schools. The roles are interrelated, but all are conducted to contribute to school safety and security and promote positive and supportive school climates. Key roles are:

a. Law Enforcement Officer

SROs' primary role in schools is as law enforcement officers. 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 shall collaborate with school administrators to solve problems and prevent crime, promoting safety in the school environment. SROs ***should*** also collaborate with school personnel to reduce student engagement with the juvenile justice system and, when possible, divert students from the courts. Although SROs coordinate day-to-day with RCPS staff, SROs are not school administrators. The Chief of Police and Sheriff shall ensure, through policies and training, that an arrest of a student is the last resort and that all reasonable efforts are made to divert the student from entering the justice system. However, it is recognized that victims of crimes committed by students have legal rights to pursue justice. Additionally, certain crimes (i.e., assaults with serious bodily injury) are not appropriate for restorative justice alternatives.

As a law enforcement officer, the SRO shall:

i. Adhere to federal, state, and department guidelines to protect the school against violence;
ii. Provide a course of training for school personnel in handling crises that may arise at the school, and
iii. Apply alternative means to resolving conflict in lieu of arrest, when appropriate. Develop positive relationships with students to reduce the risk of criminal behavior. Document any activity of a criminal nature.

b. Law - Related Educator

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 to students using lessons/curricula approved in advance by the SRO Supervisor. In all cases, responding to incidents or conducting investigations will take precedence over

delivering presentations.

As coordinated through the RPCS Assistant Superintendent of Equity and Student Services and approved by the principal, SROs may become involved in the school's curriculum as guest lecturers in an elective course that may enhance students' understanding of legal concepts and law enforcement. However, responding to incidents or conducting investigations will always take precedence over classroom instruction. Lesson plans for all formal, organized presentations shall be forwarded to the RCPS Assistant Superintendent of Equity and Student Services for review and approval before presentation.

SROs shall make formal presentations to or participate in school- and community-based organization meetings, such as Parent-Teacher Association meetings or School Community Coalitions, as needed. The SRO's Supervisor must approve all such participation. Similar requests to participate in focus groups, panel discussions, camps, and mentoring programs must be approved by the SRO's Supervisor. The RCPS Assistant Superintendent of Equity and Student Services and the SRO's supervisor shall be kept informed of any such approved additional activities.

Programs conducted in schools by other sections of the RPD or RCSO shall be coordinated with the RCPS Assistant Superintendent of Equity and Student Services to avoid redundant services and ensure equitable distribution of such programs. The SRO shall be notified in advance of any RPD or RCSO activities scheduled for their assigned school.

c. 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 for others, and to express high expectations for student behavior. Students who may need additional assistance shall be referred to a school-based resource.

4. SRO Supervisors

SRO Supervisors provide first-line leadership and are tasked with specific duties, which include, but are not limited to:

a. Provide timely notifications to the RCPS Site Safety and Security Supervisor regarding matters related to RCPS building safety and student

safety to the RCPS Assistant Superintendent of Equity and Student Services;

b. At the request of a school principal, SRO supervisors should attend Parent Teacher Association meetings, on a case-by-case basis, to discuss significant issues affecting the school community;
c. Provide supervision and assistance with problem-solving and development opportunities for SROs;
d. Provide planning, budget, management, and agency leadership for the SRO Program;
e. SRO Supervisors shall meet with their SROs continually at their schools to observe their performance of duty;
f. SRO Supervisors shall meet with school principals before the start of, and throughout the school year;
g. SRO Supervisors shall mitigate conflicts and/or clarify expectations in situations where there are ambiguous or overlapping policies or practices;
h. Ensure initial and relevant recurrent training for SROs;
i. Function as a resource consistent with the RCPS District-Wide Emergency Response Plan;
j. Ensure staffing for each school is provided if the assigned SRO is absent, and
k. SRO Supervisors shall undergo training in trauma-engagement, restorative justice, cultural competence, mental health, and disability awareness. This training will be provided by RCPS staff.

5. RCPS Site Safety and Security Supervisor and Assistant Superintendent of Student Success and Support Services - Roles and Responsibilities:

   RCPS Site Safety and Security Supervisor and Assistant Superintendent of Student Success and Support Services will both serve as the POC assigned to the school system. They will ensure the coordination of resources, responses, and effective information sharing/notification between all entities.

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

   The POCs will establish and maintain effective relationships with school personnel and appropriate agencies to ensure continued commitment to keeping schools safe for all students to reach their learning potential.

   The POCs will assist in developing policies, procedures, and training programs to enhance the professional development of the School Security Officers, Safety and Security Specialists, and other school personnel.

The POCs shall compile real-time data on all SRO actions, including, but not limited to, arrests, field contacts, and all use-of-force events.

V. OPERATIONAL PROCEDURES

A. Differentiating Disciplinary Misconduct from Criminal Offenses

School administrators and personnel 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 in enforcing 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 and law enforcement officials should consider, when appropriate, alternatives to suspensions and expulsions, as well as to involvement with the juvenile and criminal justice systems, for student violations of the law.***

B. Information Sharing and Release

The release and sharing of student records is governed by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and its implementing regulations, 34 C.F.R. Part 99, and § 22.1-287 and 22.1-287.1of the Code of Virginia. "School officials" may access and disclose student records only as authorized by FERPA.

When appropriate and to the extent permitted by law, RCPS should notify SROs of any special needs of a student involved in a school-based infraction that is not routine discipline, to assist the SRO in recognizing and accommodating behaviors that may be manifestations of the student's disability.

A critical element of the SRO program is an open relationship and effective communication between the school principal and the SRO. Each SRO shall meet regularly with the assigned school principal(s) to exchange information on current crime trends, problem areas, cultural conflicts, or other concerns that may disrupt the school(s) or the community. SROs shall share reports of certain acts with school authorities in compliance with Va. Code Ann. § 22.1-279.3: 1.

1. Consent access: An SRO or other law enforcement officer may have access to a student's education records with written consent of the student's parent or legal guardian or of the student if the student is 18 years of age or older.

2. SRO access: For purposes of access to student records, SROs may be considered "school officials with a legitimate educational interest" in reviewing information from student education records covered by FERPA, and may be provided student information as needed to carry out their duties related to the school environment, provided such SROs perform a function or service for which the school would otherwise use employees (e.g., maintaining the physical safety and security of the school) and comply with the use and re-disclosure requirements outlined in 34 C.F.R. § 99.33. SROs may have access to (i) 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, and (ii) directory information for all students in the school division (however, unless SROs are school officials with a legitimate educational interest, they will not have access to student addresses, telephone numbers or email addresses unless another exception applies, given § 21.1-287.1 of the Code of Virginia). While, as noted above, SROs are always under the control of the RPD or RCSO in carrying out their law enforcement duties, RPD and RCSO agree that SROs will respect the confidentiality of student education records as other school officials would and are under the control of RCPS when it comes to the handling of student education records. RPD and RCSO understand that, unless a FERPA exception permits disclosure to law enforcement by any school official (e.g., in the context of a health or safety emergency or in response to a subpoena), SROs will not share protected student record information with the RPD/RCSO.

3. Health or Safety Emergency Exception: Pursuant to 34 C.F.R. § 99.36, in the event of an articulable and significant threat to the health or safety of a student or other individuals, school officials ***shall*** disclose any information from student records to appropriate parties, including law enforcement officials, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

   Law enforcement officials seeking access to records under the health and safety emergency exception shall contact the student's school principal and present sufficient information for the principal or their designee to determine that a health and safety emergency exists, in accordance with FERPA. If the request is made outside school hours when the school principal is unavailable, it may be directed to the POCs to coordinate a response.

   If student information is disclosed under this exception, the student's file must contain a description of the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed.

4. SRO disclosure of law enforcement records: For purposes of access to

student records, SROs may be provided student information as needed to perform their duties related to the school environment. SROs may disclose law enforcement records created and maintained by the SRO for the purpose of maintaining the school's physical security and safety or enforcing laws. Because law enforcement records are not student records, they are not subject to FERPA's disclosure requirements.

5. RCPS, RPD, and RCSO shall collaborate on sharing information related to school-connected student overdoses.

C. Release of Student Information

FERPA governs the release of student records. School officials may access and disclose student records only as authorized by FERPA.

1. School Resource Officers

For purposes of access to student records, the SROs ***shall*** be provided with student information if the SRO requires it to protect the health or safety of a student or another person in an emergency, ***as described in this MOU under Health and Safety Emergency.***

SROs ***and SRO Supervisors*** may be provided student information to the extent that school record information is directly relevant to a criminal investigation in a matter that cannot be resolved through school disciplinary procedures, or on a routine basis, the SROs' access to student record information shall be limited to a system- wide district look up of directory information (defined below) that will include information on all students in the school system who have not opted-out of the disclosure of directory information. In addition to this system-wide district-level look-up of directory information, SROs will also be granted access to a school-wide look-up of students at the school to which the SRO is assigned.

This school-wide lookup will include additional items of information, such as class schedules, that an SRO ***and SRO Supervisor*** may need to perform their duties, but that are not designated as directory information. The SROs may have access to other student record information only when needed to perform their duties in the school environment and only as approved by the school principal.

The SROs may only disclose student records and information contained therein to the RPD/RCSO and to other law enforcement officials as described below. The SROs may disclose "law enforcement records" to RPD/RCSO and other law enforcement officials. "Law enforcement records" are those records, files, documents, and other materials that are created and maintained by an SRO for the purpose of ensuring the physical safety and security of people and property in RCPS and/or the enforcement of any

local, state, or federal law, even if such records also serve the dual purpose of investigating and enforcing school disciplinary rules.

Because "law enforcement records" are not student records, they are not subject to FERPA's disclosure restrictions.

Copies of law enforcement records provided to school administrators for school discipline purposes become student records that may be maintained in student files and are subject to the disclosure provisions of FERPA. The original law enforcement record maintained by the SRO, however, remains exempt from FERPA's disclosure provisions.

Any record created and maintained by an SRO exclusively for a school disciplinary action against the student would fall outside the definition of a law enforcement record. Such records would be subject to FERPA's disclosure provisions.

Virginia Code Ann. §19.2-11.2 requires written consent from a victim of sexual assault, sexual abuse, or family abuse before law enforcement personnel may publicly release any information that directly or indirectly identifies that victim. Additionally, a 2017 amendment to the statute requires written consent of the next of kin of a child who dies as a result of a crime before law enforcement personnel may publicly release any information that directly or indirectly identifies that victim. There are exceptions to this prohibition, which permit the release of information if the information is of the site of a crime, is required by law, is necessary for law enforcement purposes, or is permitted by the court.

2. Roanoke Police Department and Roanoke City Sheriff's Office to RCPS Information

   RPD/RCSO officials who are not part of the SRO Program may access student record information without parental permission or consent only if the following conditions are met. The RCPS has reviewed and approved the request(s) for information:

   a. RCPS has designated the information as "directory information", and the parent or eligible student has not opted out of the disclosure, or
   b. The knowledge of student record information is needed to protect the health and safety of a student or other person in an emergency, or
   c. The Roanoke City School Board is presented with a search warrant, subpoena, or other valid court order requiring the release of student records.

3. Directory Information

   The information items designated as "directory information" are determined

by the RCPS and are published in its Annual Notice of Survey, Records, Curriculum, Privacy and Related Rights. Information about students whose parents have opted out of the disclosure of such student information will be withheld.

Directory information that may be disclosed to the RPD/RCSO may include:

a. The student's name, including nickname(s);
b. Participation in officially recognized activities and sports, Height and weight, if a member of an athletic team, Birth date;
c. Attendance record, defined as beginning and end dates of enrollment, not a daily record of attendance;
d. Degrees, awards, and honors received: School and grade;
e. Photographs and other images, and
f. Name of parent/guardian/individual with whom student lives.

The information items designated as "directory information" are subject to change. In the event of a conflict between the definition above and the definition in the current school year's Annual Notice of Survey, Records, Curriculum, Privacy, and Related Rights and Opt-Out Forms, the Annual Notice version will control.

The School Board will provide the RPD's Special Victims ***Unit*** with direct access to a system-wide district lookup of directory information. RPD/RCSO will be responsible for providing any necessary computer hardware for this access.

Law enforcement officials seeking access to directory information may also request it from the school principal if the student's school location is known, or from the RCPS Assistant Superintendent of Equity and Student Services.

4. Court Orders, Subpoenas, and Search Warrants

School officials ***shall*** disclose student records in response to lawfully issued court orders, subpoenas, or search warrants. Law enforcement officials seeking to obtain student records pursuant to a court order, subpoena, or search warrant shall contact the RCPS Assistant Superintendent of Equity and Student Services, who will coordinate a response.

FERPA requires that school officials take reasonable steps to notify the parent(s) or the student (if the student is an adult) before any records are disclosed pursuant to a court order, subpoena, or search warrant. Such notice will not be provided if the court order, subpoena, or search warrant indicates that it has been issued ex parte or if it contains a direction that the subject of the records shall not be notified. As a result of the notification requirement, law enforcement officials shall consider that their access to

such records may be delayed. In contrast, school officials satisfy this requirement and gather responsive records. School officials will expedite law enforcement requests for records under this exception whenever necessary.

School officials will retain original school records and will provide copies in response to any court order, subpoena, or search warrant. If a records request is related to an immigration matter, it shall be coordinated through the RCPS Legal Counsel. If original records are required, notice shall be provided to the RCPS Legal Counsel's Office, including on all immigration matters, who will coordinate with law enforcement and the Commonwealth Attorney's Office, as appropriate.

Except for situations in which a court order, subpoena, or search warrant indicates that it was issued ex parte or contains a direction that the subject of the records shall not be notified, a record of any disclosure under this exception will be made in the student's file.

RCPS will provide current contact information for the offices referenced above. The Assistant Superintendent of Equity and Student Services will be responsible for communicating this information to the RPD/RCSO.

5. Certification Regarding Criminal Convictions

   By the signature of its authorized officials on this MOU, RPD/RCSO certifies pursuant to Va. Code Ann. § 22.1-296.1 that neither the RCPS nor any of the RPD/RCSO employees who will have direct contact with students has been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child. Both parties agree to remove from this program any employee who has been determined to be disqualified from service due to such convictions or the failure to report such convictions truthfully.

6. Investigation and Questioning

   As law enforcement officers, SROs have the authority to question students who may have information about criminal activity. However, investigations and questioning of students during school hours or at school events regarding criminal activity in the community should be avoided unless immediate action is required to prevent an act of violence.

   The interviewing of students, whether as suspects, victims, or witnesses, should be conducted privately in an office setting. SROs shall take steps to ensure minimal intrusion into the educational experience of students being questioned in the school setting.

   SROs are responsible for leading investigations and questioning students regarding suspected criminal law violations. SROs shall not be included in

the investigation and questioning of 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 investigating and questioning students about violations of the code of conduct.

Unless exigent circumstances exist (e.g., an active crime of violence in progress that threatens lives in the school), the SRO shall take immediate steps to contact the parent(s) or guardian(s) before questioning a student about possible involvement in criminal activity. The SRO shall fully inform both the student and the legal guardian of the entitlement to Miranda warnings before any questioning takes place. SROs shall seek the legal guardian's consent (approval or denial) before conducting any interview of the student. The SRO shall make reasonable attempts to have the legal guardian present when fully informing them of their Miranda warnings. In addition, the Parties acknowledge that RCPS staff shall have the right to be present during any questioning of students, and RPD and RCSO shall inform school administration before any such questioning takes place. Additionally, the SRO shall, through conversation with the legal guardian, determine if the student has the cognitive ability to submit to questioning. SROs shall document these steps in their police report.

Recognizing that a reasonable child subjected to police questioning will sometimes feel pressured to submit when a reasonable adult would feel free to go, the student should not be arrested or placed into custody during an initial interview or interrogation. The student will be informed of the purpose of the investigation, warned against self-incrimination in a developmentally appropriate manner, and allowed to present their knowledge of the facts informally. If the student wishes to remain silent, contact his or her parents or an attorney, or end the interview, the questioning shall cease, and the student's request shall be granted unless detaining the student is lawful and reasonable under the circumstances.

7. Searches

All searches shall be conducted in accordance with the United States Constitution, state laws, and applicable RCPS and RPD/RCSO policies and guidelines.

a. School Administrator Searches:

School officials may conduct searches of students' property and persons under their jurisdiction 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, and in accordance with guidelines developed as contemplated by Code of Virginia§ 22.1-279.7, and the advice of the school's legal counsel.

b. SRO searches:

Any search initiated by SROs or other law enforcement officers shall be based upon probable cause, and when required, a search warrant shall be obtained. All searches shall be reasonable in scope. All searches should occur outside the presence of students and school staff, except for school administrators, unless there is a clear and immediate threat to physical safety.

The SRO shall not become involved in administrative (school-related) searches unless specifically requested by the school to provide security or protection, or to handle contraband. These searches must be under the direction and control of a school official. At no time shall the SRO request that an administrative search be conducted for law enforcement purposes or have the administrator function as their agent.

8. Arrests

Whenever practical, arrests of a student or staff member should be conducted outside school hours to avoid disrupting the educational process or school setting. Arrests that must occur during school hours or on school grounds shall comply with all applicable laws and 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.

Notification to Parents: The SRO shall take immediate steps to notify the juvenile's parent, guardian, or a responsible adult that the juvenile is in custody.

SROs are expected to be familiar with school rules and their application within the school system. Routine rules that can be managed administratively through the disciplinary process will not be treated as violations of law; rather, they will be referred to the principal for administrative action. Any questions related to the enforcement of rules versus laws within schools shall be discussed with the principal and SRO Supervisor. This specifically applies to general standards of conduct.

9. Physical Intervention by School Resource Officers

An SRO should not be involved in the physical restraint or seclusion of a student initiated by school staff unless there is imminent danger of serious physical harm to self or others, as defined by Roanoke City School Board Policy and Procedures on the Use of Physical Restraint and Seclusion. SROs may intervene to de-escalate situations and prevent acts of violence. Any physical restraint of a student by school security officers or other school

personnel shall be administered in accordance with all Virginia Department of Education (VDOE) and RCPS guidelines and procedures. Any physical restraint of a student by an SRO or school security officer shall be administered in accordance with that SRO's departmental policies and documented appropriately.

Physical restraint means a personal restriction that immobilizes or reduces a student's ability to move freely. Physical restraint does not include briefly holding a student to calm or comfort the student, holding a student's hand or arm to escort the student safely from one area to another, or the use of incidental, minor, or reasonable physical contact or other actions to maintain order and control.

Physical intervention by SROs is undertaken in accordance with the policies and operational procedures of the RPD and RCSO, and state law regarding the use of force by law enforcement officers. If an SRO uses restraint or physical intervention, the action should be reported to the school administrator and the SRO's supervisor, and the rationale for the action should be fully documented.

SROs should be aware of the Virginia Board of Education's policies and guidelines on seclusion and restraint, as well as related local school board policies. They may attend training offered by the local school system on the use of seclusion and restraint by school personnel. However, SROs should continue to operate in accordance with the policies and operational procedures of the RPD and RCSO, as well as state law regarding physical intervention and the use of force by a law enforcement officer.

Additionally, if the SRO physically intervenes with a student, RCPS, RPD, and RCSO should coordinate to ensure that reasonable efforts are made to inform the student's parents or legal guardians on the same day as the physical intervention.

10. Administrative Hearings

SROs may be requested by RCPS to attend hearings related to a student's potential suspension, expulsion, or school reassignment. If there is a concern about the nature of the testimony and how providing information at a hearing may impact future judicial proceedings, the SRO shall seek direction from their chain of command and the Officer of the Commonwealth's Attorney. The presence of an officer may be requested to augment security if a hearing involves a student or parent whose behavior could pose a serious threat to safety.

The testimony of and evidence presented by officers attending hearings shall be limited to actions taken by law enforcement officials, and any personally observed conduct witnessed by the officers.

The SRO shall not provide any official police document(s) or juvenile record(s) to the school. Generally, release of such information is prohibited by the Code of Virginia unless the school subpoenas such documents through the appropriate court. Upon receiving a subpoena for official records, reports, or documents for an administrative school hearing, the RPD/RCSO shall be notified and provided with a copy of the subpoena before close of business that day. Any action on the subpoena shall be coordinated between the RPD/RCSO, City Attorney's Office, and the SRO.

VI. KEY STATUTORY RESPONSIBILITIES

A. Crime Reporting

Pursuant to Virginia Code § 22.1-279.3:l(B), law enforcement agencies are required, among other things, to notify the division superintendent and the principal or the principal's designee when a student in the principal's school commits (i) any offense that would be a felony if committed by an adult or in violation of the Drug Control Act, an or (ii) any offense listed in Virginia Code § 22.1- 279.3:l(A) that would be a misdemeanor if committed by an adult if such offense was committed on a school bus, on school property, or at a school-sponsored activity and whether the student is released to the custody of his parent or legal guardian or released on bond.

Pursuant to §16.1-260(G) and 19.2-83.l(B), law enforcement agencies and/or intake officers are required to notify the division superintendent if a student is arrested for certain offenses or subject to a petition alleging that the student committed certain offenses. Division superintendents who receive such reports must report the information to the school principal of the school in which the student is enrolled.

School superintendents who receive such reports are required to report the information to the school principal of the school where 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).

Pursuant to Virginia Code § 22.1-279.3:l(D), certain types of criminal activity committed on a school bus, on school property, or at a school-sponsored activity that come to the attention of the principal or school personnel should be reported immediately to RPD/RCSO as specified in RCPS policy. No SRO or school administrator will be required to file delinquency charges in response to any such activity. After such notification is made to RPD/RCSO, RCPS will ascertain the disposition of the incident as determined by RPD/RCSO to complete the School/Law Enforcement Reporting form. RCPS and SROs are

encouraged to address school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

More specifically,

B. Reports shall be made to the superintendent and to the principal or his designee on all incidents involving:

1. Alcohol, marijuana, a controlled substance, an imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;

2. The assault and battery that results in bodily injury of any person on a school bus, on school property, or at a school-sponsored activity;

3. The sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in § 18.2-47, or 18.2-48, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;

4. Any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity;

5. The illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property;

6. Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;

7. Any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or

8. The arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge thereof.

C. Except as may otherwise be required by federal law, regulation, or jurisprudence, each principal:

1. Shall immediately report to the local law-enforcement agency any incident described in subdivision A 1 that may constitute a felony

offense;

2. ***Shall immediately report to the local law-enforcement agency any incident described in subdivisions A 3 through 7, except that a principal is not required to, but may report to the local law-enforcement agency, any incident described in subdivision A 4 committed by a student who has a disability;***

3. ***May report to the local law-enforcement agency any other incident described in subsection A that is not required to be reported pursuant to subdivision 1 or 2; and***

4. ***Shall immediately report any act enumerated in subdivisions A 1 through 5 that may constitute a criminal offense to the parents of any minor student who is the specific object of such act.***

   Further, the principal shall report whether the incident has been reported to local law enforcement pursuant to this subsection and, if so reported, that the parents may contact local law enforcement for further information, if they so desire. Pursuant to §§§ 16.1-260(G), 19.2-83.1(B), and 22.1-279.3:1, law enforcement agencies and/or intake officers are required to notify the division superintendent if a student is arrested for certain offenses or subject to a petition alleging that the student committed certain offenses.

   Division superintendents who receive such reports must report the information to the school principal of the school in which the student is 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). No SRO or school administrator will be required to file delinquency charges in response to any such activity.

D. Threat Assessment

Threat assessments will be conducted in accordance with local school board policies adopted as required by Virginia Code§ 22.1-79.4 and, in general, consistent with model procedures and guidelines published by the DCJS Virginia Center for School and Campus Safety and other appropriate practices.

SROs ***shall*** serve as members of threat assessment teams (including as school officials with a legitimate educational interest, as defined by FERPA and discussed above) and assist in monitoring subject students and in determining, if any, the need for law enforcement action.

E. School Safety Audits

School safety audits will be conducted annually, as required by Virginia Code § 22.1-279.8, to assess school safety conditions. SROs, in collaboration with school administrators, will conduct school inspection walk-throughs using a standardized checklist developed by the Center for School and Campus Safety. SROs should collaborate on other school safety audit mandates outlined in Virginia Code § 22.1-279.8, including school crisis, emergency management, and medical emergency response planning and preparation.

VII. Review of MOU

Effective July 1, 2020, per an amendment to Virginia Code § 22.1-280.2:3, the Parties shall review and amend or affirm this MOU at least once every two years, or at any time upon the request of any party. RCPS shall ensure this MOU is conspicuously published on its website and provide notice and opportunity for public input and discussion during each MOU review period.

Quarterly meetings, at a minimum, should be conducted throughout the year between the RCPS point of contact and the RPD/RCSO point of contact to support the successful implementation of the partnership. This MOU remains in force until either party withdraws from the agreement by delivering a written notification of such withdrawal to the other party at least 45 days before the date of withdrawal.

Signed:

City of Roanoke, Chief of Police

Roanoke City Public Schools, Superintendent

6/20/25
Date

6/24/24
Date

Roanoke City Sheriff

6/29/2026
Date