

MEMORANDUM OF UNDERSTANDING

between

Warren County Public Schools and Warren County Sheriff's Office

AUTHORITY

§ 22.1-280.2:3. School boards; local law enforcement agencies; memorandums of understanding.

"The school board in each school division in which the local law enforcement agency employs school resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such local law enforcement agency that sets forth the powers and duties of such school resource officers. The provisions of such memorandum of understanding shall be based on the model memorandum of understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision A 12 of § 9.1-184, which may be modified by the parties in accordance with their particular needs.

To that end, Section 22.1.279.3:1.B of the Code of Virginia requires law enforcement agencies to notify a division superintendent, a principal, or a designee when a student in their school commits certain offenses that would be a felony if committed by an adult or a violation of the Drug Control Act, or an adult misdemeanor as listed in 22.1-279.3:1.A and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. It further requires that any school that received notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection 16.1260 of the Code of Virginia report the information to the school's principal in which the juvenile is enrolled. Requirements for law enforcement agencies to report the release status of the student and for the school superintendents to inform principals were added by the 2006 General Assembly. Furthermore, Section 22.1-2793:1.A of the Code of Virginia lists certain offenses that school officials **must** report to local law enforcement agencies.

Each such school board and local law enforcement agency shall review and amend or affirm such memorandum at least once every two years or at any time upon the request of either party. Each school board shall ensure the current division memorandum of understanding is conspicuously published on the division website and provide notice and opportunity for public input during each memorandum of understanding review period."

PURPOSE

The Warren County Public Schools (WCPS) and Warren County Sheriff's Office (WCSO) hereby enter into this Memorandum of Understanding (MOU) setting forth the respective roles and responsibilities of both parties regarding the use of school resource officers (SROs). The purpose of this MOU is to establish a mutually beneficial partnership (School–Law Enforcement Partnership (S-LEP)) that both schools and law enforcement can work within to achieve shared goals. The purpose of the S-LEP is to foster relations of mutual respect and understanding in order to build a positive and safe school environment and to facilitate effective, timely communication and coordination of efforts for both WCPS and the WCSO.

This MOU is intended only to outline expectations between the WCPS and the WCSO. It is not intended to create contractual or equitable obligations on the part of the WCPS or the WCSO toward particular students, parents, WCPS or WCSO employees, or any other third parties. This MOU terminates, supersedes and replaces in its entirety the Memorandum of Understanding for School Resource Officers between the Warren County School Board and the Warren County Sheriff's Office, dated April 7, 2021.

The parties agree the vast majority of student misconduct can be best addressed through classroom and in-school strategies. The parties acknowledge that students are generally less mature and responsible than adults; they often lack the 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.

GOALS

The primary goals of the S-LEP and this model MOU are to (i) promote positive and supportive school climates and (ii) create and maintain safe and secure school environments.

To promote positive and supportive school climates, WCPS and WCSO 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, WCPS and WCSO will collaborate to reduce and prevent crime, violence, victimization, and fear in and around schools, and minimize student involvement with the juvenile and criminal justice systems.

EVALUATION OF THE SCHOOL-LAW ENFORCEMENT PARTNERSHIP

WCPS and the WCSO should jointly develop measurable objectives of the S-LEP using school discipline, crime, and violence data, school climate survey data, and any other data deemed to be relevant. WCPS and the WCSO will review progress toward achieving such objectives at least annually and the results of the progress review will be made available to the public. (See **Appendix B** for list of objectives).

ROLES AND RESPONSIBILITIES

The WCSO will pay One Hundred Percent (100%) of the salaries for eight (8) SROs and Fifty percent (50%) of the salaries for the other two (2) SROs. WCPS will pay fifty percent (50%) of the salaries for two SROs.

The SROs shall remain employees of the WCSO and are not employees of WCPS. The SROs shall abide by the policies and procedures of the WCSO and the policies of WCPS when they are not in conflict with the policies and procedures of the WCSO.

I. School Division Responsibilities

Pursuant to Virginia Code Section 22.1-279.3:1, Code of Virginia (1950), suspected criminal acts occurring on school property, a school bus, or at a school-sponsored activity that comes to the attention of the principal or designee shall be reported immediately to the SRO.

The following acts shall always be considered reportable incidents and shall be reported and/or consulted with the SRO by the principal or designee. Dispatch may be called in cases of emergency.

1. Alcohol – Possession, Distribution, Sale, and/or Use.
2. Assault/Battery that results in severe injury, planned, and/or the student understood the potential for harm.
3. The use of force against a staff member when no injury occurs.
4. Malicious Wounding without a weapon which includes the shooting, stabbing, cutting, or wounding of any person. (Serious bodily injury).
5. Drugs – Possessing controlled substances, illegal drugs, inhalants, paraphernalia, synthetic hallucinogens, or unauthorized prescription medications.
6. Illegal Possession of Controlled Drugs with Intent to Distribute or Sell.
7. False Alarm – Making a bomb threat, activating a manual or automatic fire alarm, or setting off any smoke bomb or chemical bomb capable of producing smoke.
8. Fire – Unlawfully and intentionally damaging or attempting to damage any school or personal property by fire or incendiary device.
9. Kidnapping / Abduction – Taking a person from one place to another against their will or the confinement of a person to a controlled space.
10. Robbery – Taking or attempting to take anything of value by another person or organization under confrontational circumstances by force, threat or intimidation.
11. Sexual Assault / Battery – Sexual contact with another person without their consent; attempted or threatened.
12. Stalking – Any conduct directed at another person with the intent to place, or when he knows or responsible should know that the conduct places that the other person in reasonable fear of death, criminal sexual assault, or bodily injury.
13. Threats – Making, communicating, or encouraging others to make verbal, written, electronic, or physical threats of bodily injury or use of force against school personnel or other students, including using electronic technology or communication devices such as the internet or cell phones to intimidate or threaten.
14. Weapons – Any student having been found to have in his or her possession a firearm, knife, or object intended for use as a weapon or use anything on school property, at a school-sponsored event, or on the way to or from school. Including, but not limited to weapons other than firearms, such as a knife with a blade more than three (3) inches long, toy guns, look-alike guns, firearm ammunition, any fireworks, or other dangerous instruments/substances that could inflict harm upon others.

15. Any behavior that constitutes a felony offense.

Each school with an assigned SRO should provide work area(s) for the SRO that allow access to technologies, private interviewing of multiple persons, and locking storage space for securing physical evidence.

WCPS will designate a primary division-level point of contact between the WCPS and the WCSO. The WCPS point of contact will implement the S-LEP and maintain ongoing communications with WCSO officials.

The WCPS shall review the duties and responsibilities of outline in this MOU annually with all current school staff and new hires. The WCPS will provide the School Board's student discipline policies each year prior to the start of the school year to ensure an understanding of the policies and any changes that may have been made. WCPS will provide training to the SRO's on the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g , and how FERPA affects the SRO's operations under the MOU, and how FERPA affects the SRO's operations under the MOU.

WCPS will handle discipline within the school disciplinary process without involving SROs. WCPS policies, administrative guidance, training, and ongoing oversight should clearly communicate that school personnel are responsible for school discipline and that law enforcement is not to be involved with disciplinary action, except as may be requested by WCPS (e.g., if factual information gathered or observations by the SRO are relevant to a disciplinary matter). WCPS is responsible for communicating the goals and role of the SRO to all school administration, personnel, and students.

WCPS should ensure that school administrators meet the training requirements set forth in the *Code of Virginia* § 22.1-279.8(E).

II. Sheriff's Office Responsibilities

The WCSO will designate a direct point of contact between WCPS and the WCSO. The WCSO point of contact will address any operational and administrative issues and will serve as a consultant for school safety and security issues including assessments and critical incident response planning. The WCSO point of contact will maintain a working knowledge of school rules, regulations, and laws regarding student safety and conduct. The WCSO point of contact will establish and maintain effective relationships with school personnel at the division and school levels.

The WCSO shall review the duties and responsibilities outlined in the MOU annually with all current deputies and new hires. The WCPS will provide the School Board's student discipline policies prior to the start of each school year to WCSO to review annually to ensure an understanding of the policies and any changes that have been made.

The WCSO will be responsible for the selection, assignment, scheduling, training, supervision, and evaluation of SROs. In their performance of law enforcement functions, the SRO will remain at all times under the control, through the chain of command, of the WCSO. The WCSO will ensure the SRO meets the training standards for SROs established by the Virginia Department of Criminal Justice Services (DCJS) pursuant to the *Code of Virginia* §§ 9.1-101(54) and 9.1-114.1.

The WCSO will take into consideration the views of WCPS and the identified needs and conditions of the schools when (i) developing and implementing law enforcement policies and practices that may affect schools, and (ii) selecting, assigning, scheduling, training, supervising, and evaluating SROs.

III. SRO Roles and Responsibilities

SROs should be considered active members of their assigned schools. The SRO facilitates the effective delivery of law enforcement services and assists with matters related to safety, security, and the exchange of information between WCPS and the WCSO.

The SRO assumes primary responsibility for handling all calls for service from the school and coordinates the response of other law enforcement resources with the school principal or designee.

The SRO shall provide information to the appropriate entity of any crime or leads that come to the attention of the SRO. The SRO will be advised of all criminal investigations that involve students, staff, volunteers, and visitors from his/her assigned school.

The SRO shall be advised by the school administration of all situations where law enforcement agencies are providing investigative and law enforcement services to the school. Notification to the SRO should be timely to prevent duplication of services and ensure proper coordination of law enforcement services.

The SRO shall maintain familiarity with WCPS Code of Conduct and other regulations regarding student responsibilities and rights.

The SRO or designee of the Sheriff will provide training to division staff related to workplace violence prevention, active shooter preparedness, threats to personal safety, or another topic as requested by the principal or his/her designee.

As permitted by the designee, the SRO will be responsible for instructing students on topics that may include: the dangers and illegality of the use of drugs, the abuse of prescription drugs or other products; underage tobacco and alcohol use; the danger of misuse of firearms and weapons; vehicular, cycling, and pedestrian safety; criminal gangs; law enforcement's legal authority and procedures; the civil rights of persons accused of crimes.

The SRO should be a visible deterrent and patrol the interior of the school and the exterior ground. To the extent possible, SROs' duty schedules should be organized to provide coverage throughout the school day. SROs provide a visible deterrent to crime and shall be visible patrolling the exterior and interior grounds. SROs should wear the regulation uniform of the employing WCSO and operate a marked WCSO vehicle while on duty unless otherwise authorized by the SRO's supervisor.

Additionally, SROs should assist school administrators in developing school crisis, emergency management, and medical emergency response plans. SROs should work with school 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 and minimizing student involvement with the juvenile and criminal justice systems.

SROs serve multiple roles in schools. The roles are interrelated, but all are carried out with the aim to contribute to school safety and security and to promote positive and supportive school climates. The key roles of an SRO are:

Law enforcement officer

As a sworn law enforcement officer, the primary role of an SRO in a school is as a law enforcement officer. SROs assume primary responsibility for responding to requests for law enforcement assistance from school administrators and coordinating the response of other law enforcement resources to the school. SROs should work with school administrators in problem-solving to prevent crime and promote safety in the school environment. In all cases, the SRO's role as a law enforcement officer should take precedence over any other roles performed by the SRO.

Law-related educator

As resources permit, SROs should strive to assist with presentations to 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 WCPS.

Role model and informal mentor

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 role models and informal mentors. SROs are expected to communicate clearly to students about acceptable and unacceptable behavior, set a positive example in handling stressful situations and resolving conflicts, show respect and consideration of others, and express high expectations for student behavior. Students who may need additional assistance shall be referred to a school-based resource.

IV. School Administrator Roles and Responsibilities

Consistent with the Virginia Standards for Accrediting Public Schools in Virginia, 8 VAC 20-131-210(A), "the principal is recognized as the instructional leader and manager of the school and is responsible for [f]ostering the success of all students by developing, advocating, and sustaining an academically rigorous, positive, and safe school climate for all stakeholders[.]" Additionally, pursuant to 8 VAC 20-131-260(D), the school administration should ensure that the school has written procedures "to follow in emergencies such as fire, injury, illness, allergic reactions, and violent or threatening behavior" and "for responding to violent, disruptive, or illegal activities by students on school property or during a school sponsored activity[.]"

School administrators should review the MOU annually with SROs and establish school-specific operational and communications procedures to support the goals of the S-LEP.

If a school has a designated School Security Officer (SSO) on staff, that SSO should work closely with school administration and the SRO/WCSO. (The difference between an SSO and an SRO are listed in **Appendix C**).

V. School Security Officer Roles and Responsibilities

Another school building-based security staff member found in many Virginia schools is the School Security Officer (SSO). It is critical for SROs to very clearly understand the roles and responsibilities of SSOs in their assigned schools and to coordinate their respective efforts.

§ 9.1-101, *Code of Virginia*, defines the SSO as:

“School security officer” means an individual who is employed by the local school board or a private or religious school for the 16.1-247.1 singular purpose of maintaining order and discipline, preventing crime, investigating violations of the policies of the school board or the private or religious school, and detaining students violating the law or the policies of the school board or the private or religious school on school property, school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

Virginia Administrative Code (6VAC20-240-20) sets forth requirements to be an SSO including training and certification by the Virginia Department of Criminal Justice Services.

The key responsibilities of an SSO in Virginia are to work with the school staff and students to maintain order and discipline in the school. They are employed by school divisions that prescribe the specific duties and responsibilities of the SSOs they employ.

Detailed information about Virginia’s School Security Officer Certification Program is available on the Virginia Department of Criminal Justice Services website.

Parameters of SSO Authority

Of particular importance to an SRO is having a clear understating of the authority of SSOs and how it differs from that of SROs. The key difference is that SROs are certified law enforcement officers and have authority set forth in state law, including the authority to arrest. SSOs in Virginia are school division employees working under the direction of a local school administrator. SSOs do *not* have law enforcement authority.

Within the school environment, it is critical to differentiate criminal matters that are the responsibility of the SRO from disciplinary matters that are the responsibility of the school administrator. As a rule,

- Law enforcement officers take the lead when there are serious criminal violations.
- School officials take the lead on school violations.
- Roles of SSOs are specified by the employing school division.

OPERATIONAL PROCEDURES

I. 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 with the enforcement of school rules or disciplinary infractions that are not violations of law.

Consequences of student misconduct should be effective, developmentally appropriate, and fair. ~~Interventions and school sanctions should help students learn from their mistakes and address root causes of misconduct.~~ School administrators should consider alternatives to suspensions and expulsions and law enforcement officials should consider alternatives to involvement with the juvenile and criminal justice systems for student violations of law.

II. Information Sharing

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 22.1-287.1 of the *Code of Virginia*.

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

School administrators and law enforcement should collaborate on sharing of information related to school-connected student overdoses.

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

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 educational 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 set forth 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 they 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 § 22.1-287.01 of the *Code of Virginia*). While, as noted above, SROs are always under the control of the WCSO in carrying out their law enforcement duties, the WCSO agree that SROs will respect the confidentiality of student education records as other school officials would, and are under the control of the WCPS when it comes to the handling of student education records. WCSOs understand that unless a FERPA exception applies that would permit 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 WCSO.

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 may 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.

SRO disclosure of law enforcement records. SROs may disclose law enforcement records created and maintained by the SRO for the purpose of maintaining the physical security and safety of the school or the enforcement of laws. Because law enforcement records are not student records, they are not subject to the disclosure requirements of FERPA.

III. Investigation and Questioning

SROs have the authority to question students who may have information about criminal activity. As sworn law enforcement officers, SROs have authority to stop, question, interview, and take law enforcement action without prior authorization of the school administrator or contacting parents or legal guardians. However, the investigation and questioning of students during school hours or at school events should be limited to situations where the investigation is related to suspected criminal activity related to the operation of or occurring at the school. The investigation and questioning of students for offenses not related to the operation of or occurring at the school should take place at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of a crime.

The interviewing of students, whether 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. Custodial interrogation of a minor must be conducted in accordance with § 16.1-247.1 of the *Code of Virginia*.

SROs are responsible for leading the investigation and questioning of students related to suspected violations of criminal law. 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 the investigation and questioning of students about violations of the code of conduct.

IV. Searches

All searches shall be conducted in accordance with federal and state laws and applicable WCPS and WCSO policies and guidelines, including the principles embodied in this MOU.

School administrator searches. School personnel may conduct searches of a student's property and person under their jurisdiction in accordance with guidelines developed as contemplated by the *Code of Virginia* § 22.1-279.7, and the advice of the school's legal counsel.

SRO searches. Any search initiated by an SRO or other law enforcement officer should be conducted in accordance with constitutional search and seizure requirements. All searches should occur outside the presence of students and school personnel, with the exception of school administrators, unless there is a clear and imminent threat to safety. SROs should not become involved in administrative searches and at no time should SROs request that an administrative search be conducted for law enforcement purposes or have school personnel conduct a search as the SRO's agent.

V. Arrests

Whenever practical, the arrest of a student or school personnel should be accomplished outside of school hours in order to not disrupt the educational process or school setting. Arrests that must occur during school hours or on school grounds should be coordinated through the school administrator to

minimize potential disruption. When circumstances do not allow for prior coordination through the school administrator, arrests should be reported to the school administrator as soon as possible. In addition to any required notification of parents and legal guardians by the SRO taking a student or employee into custody, school administrators or their designees should consider notifying parents and legal guardians upon a school-based arrest of the student.

VI. Physical Restraint by School Personnel

Physical restraint refers to restricting a student's ability to freely move his or her torso, arms, legs, or head. The term physical restraint does not include a physical escort, such as temporary touching of the arm or other body part for the purpose of inducing a student who is acting out to walk to a safe location.

Physical restraint by school personnel is used in accordance with the Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia (8VAC20-750), and related local school board policies. Every effort should be made by school personnel to prevent the need for the use of restraint. Physical restraint should not be used except by school personnel trained in the use of physical restraint as required by the school division.

School personnel should act to de-escalate situations that are causing, or have the potential to cause, disruptions to the school environment and/or are violations of the student code of conduct where appropriate. If physical intervention is necessary, the action shall be reported promptly to the school administrator and the rationale for the action shall be fully documented.

VII. Physical Intervention by School Resource Officers

An SRO should not be involved in the physical restraint of a student unless there is a clear and imminent threat to safety. As sworn law enforcement officers, SROs may intervene to de-escalate situations.

Physical intervention by SROs is undertaken in accordance with policies and operational procedures of the WCSO and state law regarding physical intervention and use of force by a law enforcement officer. If an SRO is involved in the use of 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 Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia (8VAC20-750) and related local school board policies and may attend training offered by the local school system on their use of seclusion and restraint by school personnel. However, SROs should continue to operate by the policies and operational procedures of the WCSO and state law regarding physical intervention and use of force by a law enforcement officer.

Additionally, if the SRO physically intervenes with a student, the WCPS and WCSO should coordinate to ensure that reasonable effort is made to inform the parents or legal guardians of such student on the same day as the occurrence of the physical intervention.

KEY STATUTORY RESPONSIBILITIES

I. Crime Reporting

§ 22.1-279:3:1 of the *Code of Virginia* (effective 7/1/2022) requires the reporting of certain acts to school authorities; reporting of certain acts by school authorities to parents; and reporting of certain acts by school authorities to law enforcement.

- A. Reports shall be made to the division 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 therefore.
- B. 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 the incident has been 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 are required to report the information to the 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.

II. Threat Assessment

Threat assessments will be conducted in accordance with local school board policies adopted as required by the *Code of Virginia* § 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.

Pursuant to § 22.1-79.4 each division superintendent shall establish, for each school, a threat assessment team that shall include persons with expertise in counseling, instruction, school administration, and law enforcement/SRO. SROs serving as members of threat assessment teams (including as school officials with a legitimate education interest, as defined by FERPA and as discussed above) may assist in the monitoring of subject students as well as determining the need, if any, for law enforcement action.

III. School Safety Audits

School safety audits will be conducted annually as required by the *Code of Virginia* § 22.1-279.8 to assess school safety conditions in schools. 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 and the WCSO should collaborate in other school safety audit mandates set forth in the *Code of Virginia* § 22.1-279.8, including school crisis, emergency management, and medical emergency response planning and preparation.

Appendix A

Graduated Intervention and Responses, Additional Resources

In developing the School-Law Enforcement Partnership MOU, the School Division and Law Enforcement Agency are encouraged to develop alternative responses and educational programming for school-based misconduct in order to divert youth from unnecessary involvement with the juvenile justice systems.

In addition to the *Virginia School-Law Enforcement Partnership Guide and Program Standards*, these resources may be helpful in developing your SRO program best practices.

Guiding Principles for School Resource Officer Programs (March 2022) Office of Community Oriented Policing Services, U.S. Department of Justice
https://cops.uWCPSoj.gov/pdf/2022ProgramDocs/chp/SRO_Guiding_Principles.pdf

NASRO School Resource Officer Program Recommendations (July 2021)
National Association of School Resource Officers
https://www.nasro.org/clientuploads/resources/91667_NASRO_Best_Practices_FINAL.pdf

SECURE - Safe, School-based Enforcement through Collaboration, Understanding and Respect Rubrics (2016)
U.S. Department of Education and U.S. Department of Justice
https://cops.uWCPSoj.gov/pdf/sro/SRO_State_and_Local_Policy.pdf

School Resource Officer Memorandum of Understanding: Fact Sheet (Nov. 2021)
U.S. Department of Justice, COPS Office
https://cops.uWCPSoj.gov/pdf/2021AwardDocs/chp/SRO_MOU.pdf

Virginia School-Law Enforcement Partnership Guide
Virginia Department of Criminal Justice Services, Virginia Center for School and Campus Safety
dcjs.virginia.gov/va_s-lep_guide-print_2_2023

Appendix B

Objectives for the WCPS / WCSO Memorandum of Understanding (MOU) for 2023-2024 school year.

Objective 1: WCPS and the WCSO will meet annually to develop objectives that align with the vision laid out in the MOU agreement. Any changes to the MOU will be approved by a committee of members from WCPS and the WCSO.

Objective 2: The WCSO, with the assistance from WCPS administrators, will collect and present data that correlates to the work of each SRO working with WCPS. This data shall include but not be limited to: Incident Reports, Filing of Charges, all other data deemed needed by the WCSO within legal bound of attainment. This data will be used to further discussions regarding the scope and role of the partnership between the WCSO and WCPS.

Objective 3: The WCSO and WCPS will meet annually to review the MOU and make any recommended changes to the MOU for review and approval by the Superintendent of WCPS. Any changes must be first approved by the WCSO/WCPS MOU Review Committee prior to being sent to the Superintendent of WCPS.

Appendix C

Comparing SRO and SSO Roles

The SSO must work effectively with both law enforcement and educators to resolve school security problems. Roles of the SSO and the SRO are compared in Table 9. It is important to understand that SSOs are school employees, and their roles are prescribed by schools either at the division or school level. Therefore, roles may vary widely across school divisions and schools.

Table 9. Comparison of SRO and SSO Roles

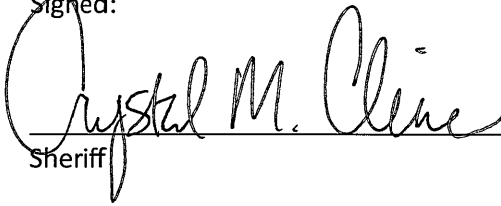
| School Security Officer | School Resource Officer |
|---|---|
| 1. A school employee | 1. A law enforcement agency employee |
| 2. Complying with and guided by local school policies and regulations | 2. Complying with federal and state laws and local ordinances |
| 3. Functions under the direction of local school principal or designee | 3. Functions under the direction of law enforcement command |
| 4. Primarily assigned to school activities | 4. Assigned to school and community activities |
| 5. Responsible for enforcing school policy | 5. Responsible for enforcing laws |
| 6. Responsible for detaining individuals | 6. Responsible for custody and arrest in conformance with law |
| 7. Can search students based upon reasonable suspicion in accordance with local school board policy | 7. Search in accordance with State and Federal laws; search requires probable cause or permission |
| 8. May detain and question students | 8. Laws and custody requirement procedures apply |
| 9. Act in absence of parents (loco parentis) | 9. Act under the standards of law |
| 10. Use of force should be limited and only used in accordance with local school policy. | 10. Use of force is permissible as guided by department policy |

REVIEW OF MOU

Effective July 1, 2020, per an amendment to the *Code of Virginia* § 22.1-280.2:3 "school boards and local law enforcement agencies shall review and amend or affirm memorandums of understanding at least once every two years, or at any time upon the request of either party". Further, "each school board shall ensure the current division memorandum of understanding is conspicuously published on the division website and provide notice and opportunity for public input and discussion during each memorandum of understanding review period."


Quarterly meetings should be conducted throughout the year between the WCPS point of contract and WCSO point of contact to support successful implementation of the partnership. This MOU remains in force until such time as either party withdraws from the agreement by delivering a written notification of such withdrawal to the other party at least 45 days prior to the date of withdrawal.

Signed:



Sheriff

7/10/2024
Date



Superintendent of Schools

7/11/24
Date