

MEMORANDUM OF UNDERSTANDING
for administering the Provisions of RSA 193-D
Safe School Zones

(This Memorandum is in addition to and not in limitation of any of the obligations that provide for required reporting under RSA 169.)

1. General Principles

The Weare Public Schools(CWES,WMS,JSRHS) and the Weare Police Department agree to work in a joint cooperative effort to provide a safe and healthy school environment for the students, staffs and visitors. We intend to do this in compliance with the NH RSA 193-D Safe School Zones, as amended. We further agree to respond effectively to incidents of school delinquency or criminal behavior in school, on school grounds, and at school sponsored events.

This memorandum deals with the law enforcement response to any incident involving the possession, use, sale or distribution of alcohol and other drugs in a school setting or during any school sponsored activity. This memorandum also addresses the efforts by- the school and police to respond to incidents of violence; weapons possession; or acts of theft, violence or destruction, on school property and at school functions, under the provisions of and in concert with the implementation of the Safe Schools Act, RSA 193-D. Please note that the Safe Schools Act, RSA 193-D, includes ALL students in grades preschool through 12th, ages 3 to, in some cases, 21 years old. This memorandum applies to reportable behavior of adults, as well as, children.

The Weare School District and the Weare Police Department further agree to coordinate these efforts with the local Prosecuting Attorney's Office and the New Hampshire Department of Education. The need for a formal written Memorandum of Understanding has become increasingly clear as teachers and staff are asked to observe student behavior and make determinations concerning that behavior. It is imperative that the rights of the teachers and students, and the role of the police be clearly understood by all parties.

(In cases that constitute an emergency situation or eminent danger to students, staff or the community, the Weare Police Department and the School District may act without regard to the Memorandum of Understanding in order to protect the health, safety and welfare of all concerned. Nothing contained in this memorandum is intended to limit the events that may be reported to the Weare Police Department or limit school employees from requesting police assistance on matters not referred to in this memorandum. This Memorandum of Understanding can be amended by either party upon 30 days' notice to the other party.)

The following terms, as defined in RSA 193:D-1 apply to this memorandum:

"Safe School Zone" means an area inclusive to any school property or school buses.

"School" means any public or private elementary, secondary or secondary vocational-technical school in New Hampshire. It shall not include home schools.

"School Employee" means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing, or perforating continuing contract services for any public or private school, school districts school department or school administrative unit.

"School property" means all real property, physical plan and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

" School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities.

II. School/Police Liaisons

In order to facilitate prompt and clear communication of incidents involving drugs, alcohol, violence, and weapon violations, the Weare School District and the Weare Police Department agree to identify individuals on their respective staffs who will function as primary contact people. The Superintendent of Schools shall designate the Principal/and or Assistant Principal at each school as that school's Reporting Official. He/she shall be responsible for handling all reportable incidents of. 1.) drug/alcohol use, possession, sale and/or distribution; 2.) assault or violence; 3.) possession of weapons; 4.) theft or destruction of property; and will communicate information on such incidents to the Police Department. The Chief of Police shall designate a police officer, or officers, who shall be responsible for handling all reportable incidents brought to the attention of the Police Department by the school's Reporting Officials. In addition to communication between the Reporting Official(s) and the Police Officer(s) on the specific incidents mentioned above, it is recommended that Official(s) and Officer(s) meet regularly, at least quarterly, or more if needed, to discuss the scope of these problems, and to identify strategies (such as personnel training and community education) to reduce them.

As a result of NH RSA 193-D:7, school employees are relieved of concerns regarding confidentiality. It states:

Notwithstanding any other provision of law, it shall be permissible for any law enforcement officer and any other school administrator to exchange information relating only to acts of theft, destruction, or violence in a safe school zone regarding the identity of any juvenile, police records relating to a juvenile, or other relevant information when such information reasonably relates to delinquency or criminal conduct, suspected delinquency or suspected criminal conduct, or any conduct which would classify a pupil as a child in need of services under RSA 169-D or a child in need of protection under RSA 169-C

III. Reportable Acts

A. School Reports to Police Department

1. Mandatory: Notwithstanding the provisions of RSA 193-D, the Safe School Zone Act, "the following incidents must be reported to the Police Department by school employees through their respective reporting officials" and shall hereafter be referred to as "mandatory reportable acts" even though they might not be witnessed by a "school employee" as defined by RSA 193-D:
 - a. Possession of alcohol by a minor or if it appears that a student is under the influence of alcohol or drugs on school property, at school functions, or within a 1,000 foot radius of school property;
 - b. Possession, selling or distribution of any controlled substance (including drug paraphernalia) as defined in NH RSA 318-B, by an individual on school property, at school functions, or within a 1,000 foot radius of school property;
 - c. Any incident in which any individual who is responsible for, suspected of, or determined to be selling or distributing drugs or alcohol on school property, at school functions, or within a 1,000 foot radius of school property;
 - d. Unlawful possession, sale, or use of firearms or other dangerous or prohibited weapons, fireworks and explosives, as defined in NH RSA's 208, 644 and 159, on school property, at school functions or within a 1,000 foot radius of school property;
 - e. Arson under RSA 634:1 any person who knowingly starts any fire or causes any explosion which results in injury, damage to property of another, or is done with intentional disregard for the safety of others;
 - f. Burglary under RSA 635: any person who enters a building to separately secured section of a building, with a purpose to commit a crime;
 - g. Robbery under RSA 636: including any theft that is accomplished by the physical force or the threat of imminent use of force;
 - h. Thefts of property where the value is more than \$50.00, repeated occurrences of theft by one student, (thefts by students who are in the third grade or lower are generally not reported to the Police)

- i. Homicides under RSA 630: any death shall immediately be reported to the Weare Police Department, regardless of suspected cause;
- j. Any first or second degree assault under RSA 63 1, whereby an injury occurs to a person, requiring medical treatment beyond basic first aid or requiring outside medical follow up, caused by another person. Investigation may reveal that not all if these incidents constitute an actual crime. Reporting will allow an investigation to be conducted;
- k. Any sexual assault under RSA 632-A. Any sexual contact with a person who is under 13 years of age will be reported.
- l. Criminal Mischief under RSA 634:2, purposely or recklessly damaging the property of another, resulting in a value of \$50 or more of damage. This includes vandalism to school property.
- m. Threatening behavior under RSA 631:4 which purposely places or attempts to place another in fear of imminent bodily injury or physical contact.

1. Discretionary Reporting Events are up to the Discretion of the Building Principal.

- a. Refusal or neglect to conform to reasonable rules of the school or to clear non-injurious directions given by staff member.
- b. Simple assault incidents (which don't meet the criteria as stated in j. above) may be reported to the Weare Police Department, depending upon the nature of the incident, as determined by the school administration.
- c. Theft, under RSA 637, of property under \$49.
- d. Criminal Mischief under RSA 634:2, purposely or recklessly damaging the property of another, resulting in a value of \$49 or less of damage. This includes vandalism to school property.

B . Police Department Reports to School

- 1 . The following information shall be reported by the Police Department to the School Principal:
 - a. An arrest made by the Weare Police Department of a student, when that information is relevant to the safety of that student, or of other students in the school, where the law allows.

2. The following information may be shared with school Administration by the Weare Police Department, subject to applicable statutes and regulations governing confidentiality:
 - a. The arrest and filing of a delinquency complaint against any student under the age of 17 years. To ensure maximum sharing of information, the Weare Police Department shall encourage the Juvenile Services Officer of the Goffstown District Court to report the filing of such complaints to the appropriate Principal promptly;
 - b. The Police Department should report any non-criminal activity involving a student (e.g. threatening to attempt suicide; victimization of the student by a parent, caretaker or other individual).

IV. Procedures for Reporting

- A. Communication and sharing of information is the initiation of any cooperative effort. As required by law, it is agreed that every school employee who has witnessed, or has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school Principal who shall report it to the Weare Police Department. Such report shall be made by the Principal to the Weare Police Department immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing.
- B. The report required shall include:
 1. Identification of the act of theft, destruction, or violence as defined in RSA 193 D:1 that was allegedly committed.
 2. The name and address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.
 3. The name and home address, if known, of any person suspected of committing an act of theft, destruction or violence in a safe school zone.
- C. The written report required above shall be waived by the Weare Police Department when there is a law enforcement response at the time of the incident which results a written police report.
- D. School Response

1. A teacher or other school employee who has reasonable grounds to believe that a student has committed a reportable act shall:
 - a. Confront the student with the nature of the offense;
 - b. Take the student (or cause the student to be taken) to the Principal;
 - c. Retrieve and turn over any physical evidence to the Principal. (See Appendix A for guidelines for Questioning and Searching Students)
2. Principal:
 - a. For Mandatory Reportable Acts, the Principal shall:
 - 1.) Notify the police and student's parent(s)/guardian(s), and inform them of the nature of the incident;
 - 2.) Turn over any physical evidence seized and a written fact summary to the Police Department;
 - 3.) Initiate disciplinary action according to the discipline policy in the Student's Rights and Responsibilities Handbook.
 - b. For Discretionary Reportable Acts, the Principal shall:
 - 1.) Determine if the police and parent(s)/guardian(s) should be notified and, if so, make the calls as soon as reasonably possible. Any incident reported to the. Police shall also be reported to the student's parent(s)/guardian(s);
 - 2.) Initiate disciplinary action according to the discipline policy in the Student's Rights and Responsibilities Handbook.
 - 3) Note:

The Weare School Department reserves the right to search all school property for contraband, controlled substances, or weapons in accordance with state laws and school policy to protect the health, safety and welfare of students and staff.

E . Police Response

- 1) The Police Officer will make contact with the school as soon as possible after receiving a report from the Principal to investigate the incident, or take any other appropriate action.
- 2) During the investigation, the Police Officer may meet with the Principal, the student, the student's parent(s)/guardian(s) and appropriate persons with knowledge of pertinent facts, if required.
- 3) If at the conclusion of the investigation, the student is-found to have committed the alleged offense, the Police Officer may initiate the formal complaint process.
- 4) If the offense involves the possession, or use of drugs or alcohol, and the student is eligible, according to the Weare Drug/Alcohol Diversion Program criteria, the Prosecutor is empowered to recommend the student be admitted to the Diversion Program in lieu of prosecution. (See Appendix C for Diversion Program Agreement)
- 5) When the Police Officer is called to the school in response to offenses involving the sale and/or distribution of drugs or alcohol, violent behavior, or the possession of a weapon, and when probable cause exists for arrest, the Officer shall take the appropriate action to initiate the formal complaint process.
- 6) To the extent possible, precautions will be taken by both Police and school officials at all times to ensure the education process is not disrupted.

Chief Begin

Date

David Pabst, Principal

Date

Jude Chauvette, Principal

Date

Art Aaronson, Principal

Date