

RAYMOND SCHOOL DISTRICT POLICY JICD-R
RSA 193-D Safe School Zones
Memorandum of Understanding
Raymond School District and Town of Raymond Police Department

The Raymond Police Department and the Raymond School District agree to work in a joint cooperative effort to provide a safe and healthy school environment for the students, staff, and visitors. We intend to do this in compliance with New Hampshire RSA 193-D, Safe School Zones, as amended.

I. "Acts of theft, destruction, or violence" as defined and described below, regardless of the age of the perpetrator, shall be reported as required below:

A. Mandatory Reporting: The following incidents will be reported to the Raymond Police Department in accordance with the provisions of RSA 193-D and this memorandum.

- a. RSA 630:1 - Capital Murder, RSA 630:1-a - First Degree Murder, RSA 630:1-b - Second Degree Murder, RSA 630:2 - Manslaughter. Any death shall be reported to law enforcement regardless of the suspected cause.
- b. RSA 631:1 - First Degree Assault and Second Degree Assault - These include assaults involving serious bodily injury to another and assaults with a deadly weapon.
- c. RSA 632-A:2 - Aggravated Felonious Sexual Assault, RSA 632-A:3 - Felonious Sexual Assault, RSA 632-A:4 - Sexual Assault - These include a number of prohibitions on sexual contact with a person in a Safe School Zone.
- d. RSA 633:1 - Kidnapping - This includes knowingly confining another with the purpose to hold them for ransom, avoid apprehension by a law enforcement official, terrorize him/her or some other person, or commit an offense against, or to detain or conceal any child under the age of 18 unrelated to the person with the intent to detain or conceal the child from a parent/guardian or other person having lawful physical custody of the child.
- e. RSA 159 - Unlawful Possession or Sale of a Firearm or Other Dangerous Weapon - Any person, except law enforcement personnel, in possession of a firearm within a Safe School Zone will be reported. Also, RSA 193:13 - prohibits pupils from bringing or possessing a firearm as defined in Section 921 of Title 18 of United States Code in Safe School Zone or possessing a pellet or BB gun, rifle, or paintball gun. Title 18 United States Code, Section 922(x)(2)(A) prohibits any juvenile from knowingly possessing a handgun or ammunition for a handgun.
- f. RSA 634:1 - Arson - This includes knowingly starting a fire or causing an explosion which unlawfully damages the property of another.
- g. RSA 635 - Burglary - This includes entering or remaining unlawfully in a building or occupied structure or a separately secured or occupied section thereof with the purpose to commit a crime therein.
- h. RSA 636:1 - Robbery - A person commits robbery if in the course of committing a theft they use physical force on the person of another and such person is aware of such force or they threaten another with or purposely put another in fear of immediate use of physical force.
- i. RSA 318:B - Illegale Sale or Possession of a Controlled Drug.

- j. RSA 631:4 - Criminal Threatening - This includes putting a person in fear of imminent bodily injury and threatening to commit a crime with a purpose to coerce or terrorize.
- k. RSA 639:2 - Incest.
- l. RSA 639:3 - Endanger the Welfare of a Child - This includes violating a duty of care protection or support a person owes to a child; or inducing the child to engage in conduct that endangers the child's health or safety.
- m. RSA 645:1, II and III - Indecent Exposure and Lewdness - This includes a person performing a gross or lewd act in the presence of a child less than 16 years old. This includes purposely transmitting a lewd image to a child.
- n. RSA 645:2 - Prostitution Related Offenses.
- o. RSA 649-A:3 - Possession of Child Sexual Abuse Images.
- p. RSA 649-A:3-a - Distribution of Child Sexual Abuse Images - This includes the possession or transfer of any visual representation of a child engaged in sexually explicit conduct.
- q. RSA 649-A:3-b - Manufacturing Child Sexual Abuse Image.
- r. RSA 649-B:3 - Computer Pornography - The facilitation or encouraging or offering or soliciting sexual conduct of or with any child of a visual depiction of such conduct.
- s. RSA 649-B:4 - Certain Uses of Computer Service Prohibited - Knowingly utilizing a computer, etc. to seduce or entice a child or another person believed by that person to be a child to commit indecent exposure or lewdness of by conduct that could endanger the child or involve sexual assault and related offenses.
- t. RSA 650:2 - Obscenity - This includes the sale or delivery of obscene material depicting acts involving a child.

B. Discretionary Reporting: Notwithstanding the provisions of RSA 193-D The Safe School Zone Act, the following incidents may in the circumstances described below not be reported.

- a. Simple assault under RSA 631:2-a.

Simple assault includes knowingly making unpriligened contact with another person.

The parties acknowledge and agree that simple assaults will not normally be reported to the police department and will usually be handled as an internal disciplinary matter as permitted by RSA 193-D:4, I (b) under the District's policies which set forth circumstances under which parents will be notified of simple assaults.

Examples of minimal contacts that will not generally be reported include, but are not limited to: minor bumping, pushing, tripping another, grabbing a backpack or personal item of clothing, or simply placing a person's hand(s) on another when it is clear the person does not want to be touched. Simple assault also includes knowingly or recklessly causing bodily injury to another. This will be reported when the act or when the bodily injury is deemed serious enough by the principal to be reported. Simple assault also includes negligently causing bodily injury with a deadly weapon. Such suspected assault will be reported.

- b. The parties also acknowledge and agree common self sense dictates that not every act which may fit the technical definition of Criminal Mischief under RSA 634:2 (purposely or recklessly damaging the property of another. This includes school property) and Theft under RSA 637 (obtaining or exercising of unauthorized control over the property of another. This includes school property) needs to be reported to the Police Department. For example, purposefully breaking or stealing a fellow student's pencil is not required to be reported while stealing and/or intentionally taking and breaking a cell phone should be reported. Therefore, acts of criminal mischief and theft as defined for the purpose of this section will be reported when the school principal reasonably believes that the act is serious enough so that the Police Department would expect the act to be reported, provided, however, that the school district agrees to err on the side of caution by filing a report when there is doubt about whether the incident should be reported. Typically, an incident will not be reported if the value of the item taken/damages is minimal i.e. less than fifty dollars.

- c. RSA 126-K Youth Access to and Use of Tobacco Products

C. Police Department Reports to School:

1. The following information may be reported by the Police Department to the School Principal.
 - a. An arrest made by the Police Department of a student, when such 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 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 18 years.
 - b. Other non-criminal activity that the Police Department deems pertinent to the student's well-being including but not limited to threatening to attempt suicide; victimization of the student by a parent, caretaker, or other individual.

II. Exchange of Information:

As authorized by RSA 193-D:7, the parties agree 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.

The release of student records is governed by The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA). FERPA authorizes without parental consent the release of confidential student records to "school officials" with a legitimate educational interest in the information in the educational record. The School Resource Officer (SRO) is a "school official" who may have a legitimate educational interest in certain educational records of students in the school to which the SRO is assigned.

The SRO, however, shall not disclose **educational records** to any other party including other members of the Police Department or any other law enforcement authorities without parental consent, except in accordance with FERPA.

“Law enforcement records” on the other hand are those records and other materials: (1) created by the SRO or Police Department; (2) created for a law enforcement purpose; and (3) maintained by the Police Department. Law enforcement records include Safe School Zone reports required below in Section III.

The SRO shall physically segregate education records and law enforcement records and maintain such records separately. Education records shall be subject to FERPA and the School District’s policies and procedures. Law enforcement records shall be subject to the exclusive supervision and control of the Raymond Police Department.

The parties also recognize that not every action which is reported will be found to be a violation of law or be prosecuted. However, reporting an incident will allow the police department to make an investigation to determine the appropriate Department response. The school district therefore agrees to err on the side of filing a report when there is doubt as to whether an incident should be reported.

The parties agree that their representatives will meet on a regular basis to discuss the implementation of this Memorandum of Understanding, particularly with respect to which acts of simple assault, criminal mischief, and theft the police department expects to be reported. In addition the parties agree that they will meet annually to review the purpose of the memorandum of understanding.

III. Procedures for Reporting:

As required by law, it is agreed that every school employee who has witnessed, or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. When the principal has received any such information, she/he shall report it to Raymond Police Department immediately, by telephone or otherwise, and the reporting shall be followed within 48 hours by a report in writing.

The report required above shall include all information as defined in R.S.A. 193-D:4, II.

The written report shall be waived by law enforcement officials when there is a law enforcement response, including by an SRO, at the time of the incident which results in a written police report.

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. Notify administration or escort the student to the principal’s office;
 - c. Retrieve and turn over any physical evidence to the principal.
2. For Mandatory Reportable acts, the principal shall:
 - a. Notify the policy and student’s parents/guardian, and inform them of the nature of the incident;
 - b. Turn over any physical evidence seized and a written fact summary to the Police Department;
 - c. Initiate disciplinary action in accordance with Board policies.
3. For Discretionary Reportable acts, the principal shall:
 - a. Determine if the police and parent/guardian 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 parents/guardian.
 - b. Initiate disciplinary action in accordance with Board policies.

IV. Definitions:

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

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

"School" means any public or private elementary, secondary, or secondary vocation- technical school in New Hampshire. It shall not include home schools under RSA 193-A.

"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 performing continuing contact services for any public or private school, School District, school department, or school administrative unit.

"School property: means all real property, physical plant 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.

V. Miscellaneous:

The Raymond School District will cooperate with law enforcement agencies in the interest of the general welfare of all citizens. At the same time, the School District works to guard welfare of students while they are attending school. To the extent possible, precautions will be taken by both police and school officials at all times to ensure the educational process is not disrupted. In the absence of unique/extenuating circumstances, including but not limited to:

1. The presence of School Resource Officers in school under agreement with the District,
2. Police response to a call for assistance or police response to an emergency or crime being committed on school property,
3. Officers entering the school premises in hot pursuit of a suspect,
4. Police presence due to an ongoing investigation of a serious nature,
5. A police interview of a reported victim of child abuse or neglect, or
6. Presence of law enforcement at the invitation, request or encouragement of school officials.

Parental Notification: When the School Resource Officer (SRO) or other law enforcement officer questions a student at the school during a police investigation, the police department shall notify the parent/guardian as soon as reasonably possible after questioning and as required by law. In the event that any student is arrested, the student will be read *Miranda/Benoit* and given an opportunity to consult with an interested adult before further questioning.

Nothing contained in this memorandum is intended to limit the events that may be reported to the Police Department or to limit school employees from requesting police assistance on matters not referred to in this memorandum.

This Memorandum of Understanding replaces any previous written or oral understanding between the parties.

Signed by the parties on the dates indicated below, to be effective upon the date of the second party to sign.

Date: _____

The Raymond Police Department

By: _____

Title: _____

Date: _____

Raymond School District

By: _____

Title: _____

Approved: May 15, 2019

ADDENDUM TO MEMORANDUM OF UNDERSTANDING BETWEEN
THE RAYMOND SCHOOL DISTRICT AND THE RAYMOND POLICE DEPARTMENT

A goal of the Raymond School Board (“Board”) is to provide a safe learning environment for its students and staff. To that end, the Board recognizes that cooperation with law enforcement agencies will help protect students, staff, and visitors and help maintain a safe environment in schools, and safeguard Raymond School District (“District”) property.

The Board believes that the District’s video monitoring system can be a valuable tool to monitor activity on school property to help protect students, staff, and visitors to the schools as well as police and other law enforcement personnel if and when they respond to safety emergencies at the schools.

The School Board recognizes that real time monitoring of the District’s video monitoring system by police and other law enforcement responders during a safety emergency at the schools and of the exterior of school buildings when school is not in session, is permitted by FERPA because it does not involve the release of a “student record” and furthermore the release of a student record in a health or safety emergency is permitted by FERPA.

In order to allow the police and law enforcement access to the District’s live video monitoring during a response to a safety emergency at Raymond schools and to the exterior of the school buildings when school is not in session, the Board and the Raymond Police Department agree to the following additional terms to their Memorandum of Understanding, dated May 21, 2019:

1. A safety emergency is defined as an articulable and significant threat where police response is necessary to keep from harm, attack or injury students, staff, visitors, or other persons.
2. The Raymond Police Department will be permitted real time access to the District’s video monitoring system and cameras. The Police Department will not make any recording of any video from the District’s video monitoring system when it accesses the system.
3. Access to such view-only video monitoring will be limited to the staff of the Raymond Police Department. Other law enforcement personnel working with the Police Department who respond to a safety emergency at the District’s schools may be permitted to view the video monitoring as they monitor response of their personnel to a safety emergency.
4. The Superintendent of his/her designee may review any access by the police to the District’s video monitoring system, and will note the date and time of any such access.
5. Video-only cameras (no audio) will only be located in public areas at District schools and on District property and will be positioned so that they can only focus on and view areas where there is no reasonable expectation of privacy. No audio recording will be made by the monitoring system located at the District’s schools. (Audio recording may be made on District buses in accordance with District policy and state law.)
6. The Police Department will not under any circumstances make or allow others to make any recording while using the District’s video monitoring system.
7. Any and all recordings from the District’s video monitoring system made by the District will remain the property of the District. If an incident is reported, a record may be made and a recording may be retained by the District for as long as the Superintendent or his/her designee deems appropriate. Otherwise,

recordings will not be retained on an ongoing basis. Release of any recordings to the Raymond Police Department, or other law enforcements responder will only be made in accordance with state and federal law, including the Family Educational Rights and Privacy Act 20 U.S.C. 12329 (FERPA) and applicable School District policy.

- 8. Pursuant to RSA 105-D:2, VII.(f), officers are prohibited from using their Body Worn Cameras while on the grounds of any public, private, or parochial elementary or secondary school, except when responding to an imminent threat to life or health or a call for service.

Date: _____

The Raymond Police Department

By: _____

Title: _____

Date: _____

Raymond School District

By: _____

Title: _____

Addendum Approved: May 15, 2019

Proposed Revision First Reading: January 4, 2023