

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: _____

Proposed Revision First Reading: May 1, 2019

~~RAYMOND SCHOOL DISTRICT AND RAYMOND POLICE DEPARTMENT MEMORANDUM OF UNDERSTANDING~~

~~for administering the Provisions of RSA 193-D Safe School Zones~~

1. General Principles

~~The School Board and the Police Department agree to work in a cooperative effort to provide a safe and healthy school environment for students, staff and visitors. In furtherance of that effort, this Memorandum of Understanding is intended to comply with the provisions of RSA 193-D Safe School Zones. The Board and the Police Department 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. This Memorandum applies to reportable behavior of adults as well as children.~~

~~The School Board and the Police Department agree to coordinate these efforts with the local prosecuting Attorney's Office and the New Hampshire Department of Education.~~

~~The School Board recognizes that in cases of an emergency situation or imminent danger to students, staff or the community, the Police Department and the School District may act without regard to the Memorandum of Understanding. Nothing contained in this Memorandum is intended to limit the events that may be reported to the Police Department or limit school employees from requesting police assistance on matters not referred to in this Memorandum.~~

~~In the event either the School Board or the Police Department desires to amend this Memorandum, the agency seeking changes will arrange for meeting with the other.~~

2. Definitions

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.~~

3. School/Police Liaisons

~~In order to facilitate prompt and clear communication of incidents, the School Board and the Police Department will designate individuals to serve as primary contact liaisons. The Superintendent of Schools shall designate the 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; and/or (4) theft or destruction of property. The School District liaison will communicate information on such incidents to the Police Department.~~

~~The Chief of Police shall designate a police officer(s) 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 and the Police Officer on the specific incidents mentioned above, it~~

is recommended that Official and Officer meet regularly to discuss the scope of these problems, and to identify strategies aimed at reducing them.

4. 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 the designated school employee:

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, or at school functions;

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, or at school functions;

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, or at school functions,;

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, or at school functions;

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 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.

~~n. Simple assault under RSA 631:2a. Simple assault may result in some injuries. Simple assault also includes knowingly having unprivileged physical contact with another person. Law enforcement and school officials can jointly determine the best action to be taken in terms of filing a report.~~

~~2. 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. Theft, under RSA 637, of property under \$49:~~

~~c. 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 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 17 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.~~

5. Procedures for Reporting

~~A. 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. The Principal shall then contact the Police Department immediately and report the incident. The Principal shall also provide the Police Department with a written report within 48 hours of the incident.~~

~~B. The report required shall include:~~

~~1. Identification of the act of theft, destruction, or violence that was alleged.~~

~~2. The name and address of witnesses to the alleged act.~~

~~3. The name and home address of any person suspected of committing the act.~~

~~C. The written report required under RSA 193-D:4 shall be waived by law enforcement officials when there is a law enforcement response at the time of the incident which results in 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 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 police and student's parent/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 parent/ guardian;~~
- ~~b. Initiate disciplinary action in accordance with Board policies.~~

~~4. As a result of New Hampshire 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 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 reasonable relates to delinquency or criminal 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.~~

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/guardian 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) 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.~~

~~(5) 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 of Police _____ Date

School Board Chair _____ Date

Superintendent _____ Date