

MEMORANDUM OF UNDERSTANDING

between

THE FAIRFAX COUNTY PUBLIC SCHOOLS

and

THE FAIRFAX COUNTY POLICE DEPARTMENT

For the School Liaison Commander and the School Resource Officer Program

PREAMBLE

The Fairfax County Public Schools (FCPS) and Fairfax County Police Department (FCPD) hereby enter into the School and Law Enforcement Partnership (SLEP) to foster relations of mutual respect and understanding in order to build a positive and safe school environment. The parties agree the vast majority of student misconduct can be best addressed through classroom and in-school strategies, as outlined in the Student Rights and Responsibilities ("SRR"). The parties acknowledge that students are generally less mature and responsible than adults; they often lack the maturity, experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them; and they are more susceptible to outside pressures than adults.

All responses to school misconduct shall be reasonable, consistent, and fair, with appropriate consideration of mitigating factors, and of the nature and severity of the incident. Furthermore, the FCPD will emphasize Restorative Justice programs (e.g. [Alternative Accountability Program](#)) and in an effort to avoid arrest situations while balancing the right of victims. This document is meant to be an accompaniment to the School and Law Enforcement Partnership Guide. For further information please see the [Virginia School Law Enforcement Partnership Guide](#).

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

1. Roles of key members in the Program:
 - a. School Administrators,
 - b. FCPS Counselors,
 - c. School Resource Officers (SRO),
 - d. School Liaison Commander (SLC), and
 - e. FCPS Special Education Program staff.

2. Scope of responsibilities of the FCPS and the FCPD.
3. Procedures to exchange information among key members and between the parties:
 - a. FCPS Office of School Security (OSS),
 - b. FCPD Station Commanders,
 - c. SROs, and
 - d. Patrol Bureau.

PURPOSE

The purpose of this MOU is to establish a mutually beneficial framework so that both FCPS and FCPD can provide a safe learning environment for all members of the school community.

GOALS

The primary goals of the SLEP are:

1. To provide a safe and positive learning environment and
2. To promote mutual respect between law enforcement, school security staff, school administrative staff, students and their families.

To accomplish these goals, all will collaborate to increase law-related education, expand school safety and crime prevention efforts, reduce conflict, and support effective interventions for students.

EVALUATION OF THE SCHOOL-LAW ENFORCEMENT PARTNERSHIP

The SLC shall track all measurable objectives of the SLEP which will be developed jointly using:

- Student discipline data,
- Incident reports and crime data,
- [Fairfax County Youth Survey](#) data, and
- Other data deemed to be relevant.

Progress towards achieving objectives shall be jointly reviewed at least quarterly and at the end of the school year by all parties and stakeholders.

ROLES AND RESPONSIBILITIES OF PARTNER ORGANIZATIONS

FAIRFAX COUNTY PUBLIC SCHOOLS RESPONSIBILITIES

The FCPS will designate a primary division-level point of contact to implement the SLEP and to maintain ongoing communications with FCPD personnel.

It is the responsibility of school administrators to facilitate effective communication between the SRO and school staff and to support the goals of the SLEP.

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

The FCPS will handle discipline within the school disciplinary process without involving SROs. FCPS policies, administrative guidance, training, and ongoing oversight will clearly communicate that school administrators and teachers are responsible for school discipline and that law enforcement is not to be involved with disciplinary action. The FCPS is responsible for communicating the role and responsibilities of the SRO to all school administration, staff, and students.

The FCPS will ensure that school administrators with an assigned SRO will receive relevant training prior to or within 60 days of the SRO's assignment in a school and ongoing joint training with SROs. The training shall be aligned with the SLEP and DCJS curriculum and in consultation with the FCPD.

School Principal Roles and Responsibilities

Consistent with Virginia Standards of Accreditation (2018), Section 8 VAC 20-131-210, the school administrator is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student success, a safe environment in which to teach and learn, and efficient use of resources. Under 8 VAC 20-131-210, the school administrator also ensures that the school division's student code of conduct is disseminated and seeks to maintain a safe and secure school environment. (Section B.2) Additionally, consistent with Section 8 VAC 20-131-260.D.3., the school administration ensures "a written procedure, in accordance with guidelines established by the local board, for responding to violent, disruptive or illegal activities by students on school property or during a school-sponsored activity."

School Principals shall review the SLEP MOU with SROs and establish school-specific operational and communications procedures to support goals of the SLEP.

Pursuant to [Va. Code Ann. § 22.1-279.3: 1](#), certain types of criminal activity (to include threats of active violence) that come to the attention of the principal or school staff must be reported immediately to the FCPD. In an emergency situation, school staff shall call

911 and also notify the SRO if present at the school. In a non-emergency situation, school staff should notify the SRO or call the non-emergency FCPD number, 703-691-2131, if the SRO is unavailable. Information that is not of an emergency or urgent nature may be held for action by the SRO upon his or her return to duty.

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

The school shall provide a work area for the SRO that is equipped with a telephone and computer. It is recommended that the area accommodate seating for a minimum of three people in privacy for interviewing purposes. The school shall also provide the SRO a locked storage area for securing contraband recovered in the school by staff.

The computer assigned to the SRO shall be capable of running software applicable to the SRO's duties, but shall not afford the SRO direct access to student record information. School principals or their school administrator designees shall furnish student record information to SROs only to the extent that school record information is:

- (1) Directly relevant to a criminal investigation in a matter that cannot be resolved through school disciplinary procedures, or
- (2) The SRO requires the information to protect the health or safety of a student or other person in an emergency situation, as described in the MOU under Health and Safety Emergency, such as the School Administrative Student Information System (SIS), or its equivalent replacement application.

The SRO may have access to other student record information only when needed to carry out their duties in the school environment and only as approved by the school principal.

The principal shall meet periodically with the district station commander and at other times at the request of either party, when needed to facilitate communications between school officials and the district station. All principals shall confirm annually that they have not asked the SRO to provide, or agreed to allow the SRO to provide, assistance with administrative functions outside the scope of SRO assistance authorized by the MOU. Upon request, the principal shall also provide information to the District Station Commander and the SRO Supervisor to assist in preparing the annual personnel evaluation of the assigned SRO. Principals are also encouraged to consult with the station commander and the SRO Sergeant prior to the selection of new SROs to share any special needs or concerns for that particular school.

The school system shall provide in-service training to the SROs when available in areas that will increase the effectiveness of the officers and their ability to accomplish their respective duties and responsibilities. In schools with a large and/or specific population of disabled students, the school system shall provide training to SROs regarding those disabilities represented.

FAIRFAX COUNTY POLICE DEPARTMENT'S RESPONSIBILITIES

The FCPD SLC is the direct point of contact between the FCPD and the FCPS. The SLC 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 SLC will maintain a working knowledge of school rules, regulations, and laws regarding student safety and conduct. The SLC will establish and maintain effective relationships with school personnel at the division and school levels.

Selection, assignment, scheduling, training, supervision, and evaluation of SROs will be the responsibility of the FCPD. However, each of these actions will consider the input of school personnel and identified needs of schools. The SRO shall remain at all times under the control, through the chain of command, of the FCPD.

In developing and implementing law enforcement policies and practices that may affect schools, the FCPD will consult with and take into consideration the views of the FCPS and the school community.

The FCPD will ensure the SRO receives relevant training prior to or within 60 days of assignment in a school and ongoing joint training with school administrators. The training shall be aligned with the SLEP and DCJS curriculum and in consultation with the FCPS.

SROs are merit employees who are compensated by the FCPD. Overtime compensation will originate from the FCPD for SROs who work beyond their regularly scheduled hours on a law enforcement matter, e.g., a police investigation or processing of an arrest occurring late in the workday. Overtime compensation will originate from the school for SROs who work beyond their regularly scheduled hours on a school event, e.g., sporting event, social event, or other after-school activity.

Selection and Assignment of the SRO

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

- Police Officer First Class (P-II) or Master Police Officer (P-III).

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

Training of the SRO

Officers selected for the SRO program shall, within the first 6 months after receiving their assignments, and at least every two years thereafter, receive the following training after being selected for the program:

- Mental Health Specific Training and [Crisis Intervention Training](#) in accordance with established and certified state standards.
- Disability awareness training.
- Implicit bias/racial bias training outlining attitudes and stereotypes that affect our understanding, actions, and decisions in an unconscious manner.
- Restorative justice techniques and the Alternative Accountability Program as outlined in [General Order 605, Juvenile Procedures](#).
- Cultural Competency Training that is provided to FCPS staff.

SRO Roles and Responsibilities

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

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

As a general practice, unless there is a clear and imminent threat to safety, requests from school staff for SRO or other law enforcement assistance are to be channeled through a school administrator.

SROs' duty schedules should be organized to provide coverage throughout the school day, which may vary by school. SROs provide a visible deterrent to crime and shall be visible patrolling the exterior and interior grounds. The SRO shall wear the regulation uniform and operate a marked police vehicle while on duty unless otherwise authorized by the SRO's supervisor for a specific purpose.

Additionally, SROs shall assist school administrators in developing school crisis, emergency management, and response plans. They will work with administrators in problem-solving to prevent crime and promote safety in the school environment. SROs are expected to collaborate with school administrators and other school personnel to support positive school climates that focus on resolving conflicts, reducing student engagement with the juvenile and criminal justice systems, and diverting youth from courts when possible.

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. Key roles are:

Law Enforcement Officer

SROs' primary role in schools is as a law enforcement officer. SROs assume primary responsibility for responding to requests for assistance from administrators and coordinating the response of other law enforcement resources to the school. SROs shall work with school administrators in problem solving to prevent crime and promote safety in the school environment. SROs shall also collaborate with school personnel to reduce student engagement with the juvenile justice systems and divert students from the courts when possible. Although SRO's coordinate day-to-day with FCPS staff, SRO's are not school administrators. The Chief of Police shall ensure through policies and

training, that an arrest of a student is the last resort and that all reasonable efforts are made to divert the student from entry into the justice system. However, it is recognized that victims of crimes committed by students have legal rights to pursue justice. Additionally, certain crimes (i.e. assaults with serious bodily injury) are not appropriate for restorative justice alternatives.

As a law enforcement officer, the SRO shall adhere to federal, state and department guidelines to protect the school against violence.

Provide a course of training for school personnel in handling crisis situations, which may arise at the school.

Apply alternative means to resolving conflict in lieu of arrest, when appropriate.

Develop positive relationships with students to reduce the risk of criminal behavior.

Document any activity of a criminal nature (i.e. [Field Contacts](#)).

Law – Related Educator

As resources permit, SROs should strive to assist with presentations for school personnel on law-related topics such as law enforcement practices, changes in relevant laws, crime trends, crime prevention, school safety strategies, and crisis response procedures. SROs may also deliver law-related education with students using lessons/curricula approved in advance by the SRO Supervisor. In all cases, responding to incidents or conducting investigations will take precedence over delivery of presentations.

As coordinated through the SLC, and approved by the principal, SROs may become involved in the school's curriculum as a guest lecturer through an elective course of instruction that may enhance the students' understanding of legal concepts and information about law enforcement. However, responding to incidents or conducting investigations will always take precedence over instructing in the classroom. Lesson plans for all formal organized presentations shall be forwarded to the SLC for review and approval prior to presentation.

SROs shall make formal presentations to, or participate in school and community based organization meetings such as Parent Teacher Association meetings or School Community Coalitions on an as needed basis. All such participation must be approved by the SRO's Supervisor. Similar requests to participate in focus groups, panel discussions, camps, mentoring programs, must be approved by the SRO's Supervisor. The SLC and the SRO's District Station Commander shall be kept informed of any such approved additional activities.

Programs conducted in schools by other sections of the FCPD shall be coordinated with the SLC to avoid redundant services and ensure equitable distribution of such

programs. The SRO shall be notified in advance of any FCPD activities scheduled for his or her assigned school.

Informal Mentor and Role Model

Students often seek approval, direction, and guidance from adults in the school setting about various problems. Through formal and informal interaction with students, SROs serve as informal mentors and role models. SROs are expected to communicate clearly to students about acceptable and unacceptable behavior, to set a positive example in handling stressful situations and resolving conflicts, to show respect and consideration of others, and to express high expectations for student behavior. Students who may need additional assistance shall be referred to a school based resource.

SRO Supervisors

The SLC shall be responsible for the overall command of the SRO Program. SRO Supervisors provide first line leadership and are tasked with specific duties, which include, but are not limited to:

- Provide timely notifications to the SLC and their District Station Commanders regarding matters related to FCPS.
- At the request of a school principal, SRO supervisors should attend Parent Teacher Association meetings, on a case by case basis to discuss significant issues effecting the school community.
- Provide supervision and assistance with problem solving and development opportunities for SROs.
- Provide planning, budget, management, and agency leadership for the SRO Program.
- SRO Supervisors shall meet with their SROs on a continual basis at their schools to observe their performance of duty.
- SRO Supervisors shall meet with school principals before the start of, and throughout the school year.
- SRO Supervisors shall mitigate conflicts and/or clarify expectations in situations where there are ambiguous or overlapping policies or practices.
- Ensure initial and relevant recurrent training for SROs.
- Provide Station Command with assistance on SRO selection as needed.

- Act as a resource consistent with the FCPS System-Wide Emergency Response Plan.
- Ensure staffing for each school is provided in the event that the assigned SRO is absent more than two consecutive days.
- SRO Supervisors shall undergo training in cultural competence, mental health and disability awareness.,

SLC Roles and Responsibilities

A Command Staff Officer will serve as the SLC assigned to the school system. This commander will ensure the coordination of resources, responses, and effective information sharing/notification between the OSS, affected Station Commanders, SROs and Patrol Bureau. In no event, shall the Director of OSS expand the SLC's or SRO's duties and responsibilities for school administrative functions beyond those expressly provided in the MOU.

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

As a sworn Fairfax County Police Officer, the SLC's definitive chain of command is a Patrol Bureau Commander of the FCPD. However, for day-to-day operations, directives, and general duties and responsibilities, the SLC will work in conjunction with the Director of OSS. The SLC will be assigned to FCPS for a period of one to three years, or a term mutually agreed upon. At that time, another Command Staff Officer will be rotated into the assignment at the discretion of the Chief or his designee. Additionally, the SLC will have a combination of education and experience in law enforcement or related fields necessary to fulfill this MOU.

The SLC will serve as the direct point of contact between the FCPD and FCPS for operational and administrative school safety and security issues. The SLC will manage and coordinate school security safety issues and attempt to anticipate problems before they occur by providing research, analyses, and recommendations to the OSS.

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

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

The SLC shall compile real-time data on all SRO actions to include but not limited to arrests, field contacts, all police reports, all related Juvenile Court data and Intake reports, all Restorative Justice Program data and reports, all student demographic data, and all use of force events. The data shall be a matter of public record and accessible under Virginia FOIA regulations. The SLC will compile an annual report that summarizes FCPD actions. Personally identifiable information will not be disclosed. The yearly data report shall be published annually on the FCPD and FCPS sites.

It is agreed by both parties in this MOU, that the FCPS will bear the cost of salary, overtime, and fringe benefits for the SLC. The FCPD's in-kind contribution will be all necessary capital equipment and associated costs related to the SLC's police vehicle. The operating costs associated with the SLC position will be shared equally by both parties.

District Station Commander

The Station Commander shall ensure that open lines of communication are in place between the schools in their district and the FCPD. Station Commanders shall meet with school principals during the school year. Station Commanders and SRO Supervisors are encouraged to consult with the school principal prior to the selection of a new SRO to determine any special needs or concerns for that particular school.

The Station Commander retains the authority to require minimum staffing levels at school events in addition to the SRO to properly maintain public safety. An example of this would be a sporting event between rival schools that has a history of generating public disorder. Station Commanders and SRO Supervisors shall consult with the school principal prior to the selection of a new SRO to determine any special needs or concerns for that particular school.

Station Commanders shall regularly communicate with the SLC and SRO Supervisors to stay informed of the performance of personnel assigned as SROs and activity occurring in schools in their district. Any concerns regarding the performance of an SRO by the principal or school staff shall be addressed by the Station Commander through the SRO Supervisor.

OPERATIONAL PROCEDURES

Differentiating Disciplinary Misconduct from Criminal Offenses

School administrators and teachers are responsible for school discipline. SROs are expected to be familiar with the school division code of student conduct, the [Fairfax County Student Rights and Responsibilities](#) document, the rules of individual schools, and their application in day-to-day practice. However, SROs shall not be involved with the enforcement of school rules or disciplinary infractions that are not violations of law. SROs will consider alternatives to juvenile petitions.

Information Sharing

The release of student records is governed by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g. "School officials" may access and disclose student records only as authorized by [FERPA](#).

When appropriate, and to the extent the law allows, the FCPS 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 the student's disability.

A critical element of the SRO program is an open relationship and strong communication between the school principal and the SRO. Each SRO shall meet regularly with the assigned school principal(s) for the purpose of exchanging information about current crime trends, problem areas, conflicts, or other areas of concern that may cause disruption at the school(s), or within the community. SROs shall share reports of certain acts to school authorities in compliance with [Va. Code Ann. § 22.1-279.3: 1](#).

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

SRO Access: For purposes of access to student records, SROs may be provided student information as needed to carry out their duties related to the school environment. SROs may have access to directory information for all students in the school division. SROs may have access to 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.

Health and Safety Emergency Exception: In the event of a significant and articulable threat to health or safety, school officials may disclose any information from student records to appropriate parties, including law enforcement officials, whose knowledge of the information is needed to protect the health and safety of a student or another individual.

Law enforcement officials seeking access to records under the health and safety emergency exception shall contact the student's school principal and must present sufficient information for the principal or their designee to make the determination that a health and safety emergency exists, within the requirements of [FERPA](#). If the request is made outside of school hours when the school principal is not available, the request may be directed to OSS, to coordinate a response.

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

SRO Disclosure of Law Enforcement Records: SROs may disclose only law enforcement records created and maintained by the SRO for the purpose of ensuring the physical safety and security of people and property in schools and/or enforcement of laws. Because law enforcement records are not student records, they are not subject to the disclosure restrictions of [FERPA](#).

Consistent with the basic tenants of the relationship between the School Principal and the SRO described in this MOU, open communication is essential to its effectiveness. SROs shall exchange information with the principal regarding students' involvement in criminal activity that may impact the safety of the school environment. SROs shall not make any official document, police report, or record available to the school or its staff. A subpoena or legal equivalent for official documents, reports, or records shall be immediately referred to the Internal Affairs Bureau as previously described. In compliance with the [Code of Virginia](#), the Juvenile Court notifies the Division Superintendent of Petitions against school students for selected offenses (enumerated in [Va. Code Ann. § 16.1-260.G](#)). The Superintendent's Hearing Officer, in turn, notifies the appropriate school principal in each case.

Release of Student Information

The release of student records is governed by the [FERPA](#). School officials may access and disclose student records only as authorized by [FERPA](#).

School Resource Officers

For purposes of access to student records, the SLC and SROs may be provided student information if the SLC or SRO requires the information to protect the health or safety of a student or other person in an emergency situation, as described in the MOU under Health and Safety Emergency.

SROs may be provided student information to the extent that school record information is directly relevant to a criminal investigation in a matter that cannot be resolved through school disciplinary procedures, or

On a routine basis, the SLC's and SROs' access to student record information shall be limited to a system-wide district look up of directory information (defined below) that will include information on all students in the school system who have not opted-out of the disclosure of directory information. In addition to this system-wide district look up of directory information, SROs will also be granted access to a school-wide look up for students in the school to which the SRO is assigned.

This school-wide look up will include additional items of information, such as class schedule, that an SRO may need to perform his or her duties, but which are not designated as directory information. The SLC and the SROs may have access to other

student record information only when needed to carry out their duties in the school environment and only as approved by the school principal.

The SLC and the SROs may only disclose student records and information contained therein to the FCPD and to other law enforcement officials as described below. The SLC and the SROs may disclose "law enforcement records" to FCPD and other law enforcement officials. "Law enforcement records" are those records, files, documents, and other materials that are created and maintained by the SLC or an SRO for the purpose of ensuring the physical safety and security of people and property in FCPS and/or the enforcement of any local, state or federal law even if such records also serve the dual purpose of investigating and enforcing school disciplinary rules. Because "law enforcement records" are not student records, they are not subject to the disclosure restrictions of [FERPA](#).

Copies of law enforcement records that are provided to school administrators for the purpose of school discipline become student records that may be maintained in student files and are subject to the disclosure provisions of [FERPA](#). The original law enforcement record maintained by the SLC or the SRO, however, remains exempt from the disclosure provisions of [FERPA](#).

Any record that is created and maintained by the SLC or an SRO exclusively for the purpose of a possible school disciplinary action against the student would fall outside the definition of law enforcement record. Such records would be subject to the disclosure provisions of [FERPA](#).

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

Fairfax County Police Department Access to FCPS Information

FCPD officials who are not part of the SRO Program may have access to student record information without parent permission and consent only if the following conditions are met and the FCPS has reviewed and approved the request(s) for information:

1. The Fairfax County School Board (FCSB) has designated the information as "directory information", and the parent or eligible student has not opted out of the disclosure, or

2. The knowledge of student record information is needed to protect the health and safety of a student or other person in an emergency situation, or
3. The FCSB is presented with a search warrant, subpoena, or other valid court order requiring the release of student records.

Directory Information

The information items designated as "directory information" are determined by the FCSB and are published in its Annual Notice of Survey, Records, Curriculum, Privacy and Related Rights. The information of students whose parents have opted out of the disclosure of such student information will be withheld.

Directory information that may be disclosed to the FCPD may include:

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

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

Law enforcement officials seeking access to directory information may request such information from the school principal, if the student's school location is known, or from the SLC.

Court Orders, Subpoenas, and Search Warrants

School officials may only disclose student records in response to lawfully-issued court orders, subpoenas and search warrants. Law enforcement officials seeking to obtain student records pursuant to a court order, subpoena or search warrant shall contact the FCPS Department of Special Services' Office of Operations and Strategic Planning, which will coordinate a response. FCPD officers are not agents of the Immigration and Customs Enforcement agency and as such they shall not participate in any request for assistance that is not of a criminal nature within the FCPS. ([General Order 601, VIII, C](#)). FERPA requires that school officials take reasonable steps to provide notice to the parent(s) or the student (if the student is an adult) before any records are disclosed pursuant to a court order, subpoena or search warrant. Such notice will not be provided if the court order, subpoena or search warrant indicates that it has been issued ex parte or if it contains direction that the subject of the records shall not be notified. As a result of the notification requirement, law enforcement officials shall take into account that their access to such records may be delayed while school officials satisfy this requirement and gather responsive records. School officials will expedite law enforcement requests for records under this exception whenever necessary.

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

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

FCPS will provide to the SLC current contact information for the offices referenced above. The SLC will be responsible for communicating this information to the FCPD.

Certification Regarding Criminal Convictions

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

Investigation and Questioning

As law enforcement officers, SROs have the authority to question students who may have information about criminal activity (see [General Order 605, Juvenile Procedures](#) for specific authorization and limitations). However, the investigation and questioning of students during school hours or at school events regarding criminal activity in the community should be avoided unless immediate action is required to prevent an act of violence.

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

Searches

All searches shall be conducted in accordance with the United States Constitution, state laws, and applicable FCPS and FCPD policies and guidelines.

School Administrator Searches

School officials may conduct searches of student's property and person under their jurisdiction when reasonable suspicion exists that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school.

SRO searches

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

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

Arrests

Whenever practical, arrests of a student or staff member 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 shall be compliant with all applicable laws and shall be coordinated through the school administrator to minimize potential disruption. When circumstances do not allow for prior coordination through the school administrator, arrests will be reported to the school administrator as soon as possible.

In accordance with [General Order 605.2, Section 1, Subsection G](#) – Notification to Parents, the SRO shall take immediate steps to notify the juvenile's parent, guardian, or a responsible adult that the juvenile is in custody.

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

Physical Intervention by School Resource Officers

An SRO should not be involved in the physical restraint of a student initiated by school staff unless there is imminent danger of serious physical harm to self or others. SROs may intervene to deescalate situations to prevent an act of violence. All such activity by the SRO shall be documented appropriately.

Physical restraint is a personal restriction that immobilizes or reduces the ability of a student to move their torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

Administrative Hearings

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

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

The SRO shall not provide any official police document(s) or juvenile record(s) to the school or the Superintendent's Hearings Office. Generally, release of such information is prohibited by the [Code of Virginia](#) unless such documents are subpoenaed by the school through the appropriate court. Upon receiving a subpoena for official records, reports, or documents for an administrative school hearing, the FCPD Internal Affairs Bureau shall be notified and provided a copy of the subpoena before close of business that day. Any action on the subpoena shall be coordinated between the FCPD Internal Affairs Bureau, County Attorney's Office, and the SRO.

KEY STATUTORY RESPONSIBILITIES

Crime Reporting

Pursuant to the Va. Code Ann. §22.1-279.3:1.B, law enforcement agencies are required 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 would be a violation of the Drug Control Act, and occurred on a school bus, school, property, or at a school-sponsored activity, and the release status of the student. School superintendents who receive such reports are required to report the information to the principal of the school in which the students is enrolled. As a general practice, SROs shall notify the principal as soon as practical of any significant law enforcement events occurring at or in association with the school.

Pursuant to Va. Code Ann. §22.1-279.3:1.D, certain types of criminal activity that come to the attention of the principal or school staff shall be reported immediately to the SRO as specified in FCPS policy. No SRO or school administrator shall be required to file delinquency charges. After such notification is made to an SRO, the FCPS will ascertain the disposition of the incident made by the SRO in order to complete the School/Law Enforcement Reporting form. Schools and SROs shall be encouraged to deal with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

Threat Assessment

Threat assessments shall be conducted in accordance with local school board policies adopted as required by Va. Code Ann. §22.1-79.4., and consistent with model procedures and guidelines published by the Virginia Department of Criminal Justice Services.

SROs may serve as members of threat assessment teams and assist in monitoring of students as well as determining the need, if any, for law enforcement action.

School Safety Audits

If requested, SROs will assist school administrators with conducting school inspection walkthroughs using a prescribed checklist and will collaborate in other school safety audit mandates including school crisis and emergency management and response planning and preparation.

PROGRAM ASSESSMENT

The School Resource Officer Program will be assessed annually, and the evaluation will be conducted jointly between the FCPS and FCPD. The following metrics and personnel resources will be used to assess the program in a co-produced annual report written by the FCPS and FCPD:

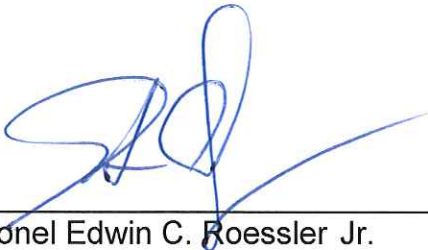
1. Success of established goals and objectives as defined by this MOU.
2. Accomplishment of tasks agreed upon as part of any work plan written in conjunction with a principal.
3. All available data related to student discipline and contacts with the justice system. This shall include student demographics, all police data and reports, restorative justice program data, and all other available data to study police-student contact trends.
4. Input from identified stakeholders such as students, parents, and formal school-community organizations.

CONCLUSION

This endeavor is a partnership between education and law enforcement to support a collaborative, problem-solving approach to ensure a safe and secure educational environment and effective/timely coordination and communication of information which effects the operation of both parties. Regular meetings shall be conducted between the FCPS and the FCPD to support this partnership.

This MOU will remain in force until such time as either party withdraws from the agreement by delivering a written notification of such rescission to the other party. It shall be reviewed annually and amended as necessary to meet the needs of the signatory agencies. This MOU shall not be construed to create or substantiate any right or claim on the part of any person or entity which is not a party hereto.

Signed:



Colonel Edwin C. Roessler Jr.
Chief of Police



Dr. Scott Brabrand
Superintendent of Schools

August 15th, 2018
Date

9/13/2018
Date