MEMORANDUM OF UNDERSTANDING
between
THE LOUDOUN COUNTY SCHOOL BOARD
and
THE SHERIFF OF LOUDOUN COUNTY ~~SHERIFF'S OFFICE~~ AND THE LEESBURG POLICE DEPARTMENT

PREAMBLE

The Loudoun County School Board ("School Board"), the Sheriff of Loudoun County on behalf of his office, ~~Sheriff's Office~~("LCSO") ~~–~~and the Leesburg Police Department("LPD") hereby enter into this Memorandum of Understanding ("MOU") setting forth the respective roles and responsibilities of all parties regarding the use of school resource officers ("SRO"s) in Loudoun County Public Schools ("LCPS"). The purpose of this MOU is to establish a mutually beneficial School-Law Enforcement Partnership ("SLEP") to promote a positive relationship between students, staff and law enforcement to facilitate effective, and timely communication between the parties; and to maintain safe, supportive, and secure school environments. ~~School Board policies are designated to assist and encourage students to achieve self-discipline, become responsible citizens, and discourage conduct that adversely impacts the health, safety, and welfare of the students, staff and community. The school-law enforcement partnership is best understood from a community policing perspective.~~

The parties agree the clear majority of student misconduct can best be ~~best~~ addressed through classroom and in-school strategies, outlined in the Student Rights and Responsibilities Handbook for Families ~~("SR&R")~~ and the Student Code of Conduct ("SR&R"), without law enforcement involvement. ~~The parties acknowledge children are generally less mature and responsible than adults; they often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them; and they are more susceptible to outside pressures than adults~~.

~~This document is meant to be an accompaniment to the Virginia School-Law Enforcement Partnership Guide.~~

PURPOSE

This MOU clarifies the role of the SROs, school administration, and teachers concerning the safety of students and staff, including plans and strategies designed to provide a safe and secure school environment, and necessary law enforcement access to student education records, as well as the role and utilization of LCSO/LPD services in the schools. In addition, the parties shall endeavor to foster a relationship of cooperation, mutual support, and the sharing of information and resources as they work together to maintain a safe and secure environment for students, staff, and visitors.

This MOU is intended only to outline expectations between the LCPS, LCSO, and LPD, and is not intended to create contractual or equitable obligations on the part of LCPS or LCSO/LPD toward

particular students, parents, LCPS or LCSO/LPD, or any other third parties. This MOU is meant to accompany the SLEP guide. ~~The School-Law Enforcement Partnership ("SLEP") is intended to facilitate effective, timely communication and coordination of efforts for all parties- the School Division and Loudoun County Sheriff's Office/Leesburg Police Department. The purpose of this Memorandum of Understanding ("MOU") is to establish a mutually beneficial framework that the School Division and law enforcement agencies can work within to achieve shared goals. This Memorandum of Understanding clarifies the role of the School Resource Officers ("SRO"), School Administration and teachers, and the scope of their authority. It further defines the responsibility of the Loudoun County Public Schools ("LCPS") and the Loudoun County Sheriff's Office ("LCSO") as well as the Leesburg Police Department ("LPD") in this collaboration.~~

~~The partnership provides LCPS with immediate and accessible contact with a specific resource officer to encourage lawful information sharing and referral between agencies. A critical goal of the partnership is to ensure a safe, positive learning environment and promote relationships and communication between the school principal or designee and the SRO at the school(s) and in the community.~~

ROLES AND RESPONSIBILITIES OF PARTNER ORGANIZATIONS

School Resource Officer

School Resource Officer ("SRO") is defined in § 9.1- 101 of the Code of Virginia as "a certified law enforcement officer hired by the local law enforcement agency to provide law enforcement and security services to Virginia public elementary and secondary schools." SROs who are assigned to schools should operate under this MOU that outlines the roles and responsibilities of the law enforcement agencies and the school division, as well as personnel from both.

Loudoun County Sheriff's Office/Leesburg Police Department Roles and Responsibilities

In developing and implementing law enforcement policies and practices that may affect schools, the LCSO/LPD ~~Loudoun County Sheriff's Office/Leesburg Police Department "SO/PD"~~ will consult with and take into consideration the views of LCPS which incorporates family, staff, and community feedback as solicited by LCPS.~~the School Division ("SD").~~

LCSO/LPD ~~The SO/PD~~ will designate direct points of contact between their respective ~~each agency~~ agencies and ~~the SD~~LCPS. The ~~SO/PD~~LCSO/LPD points of contact will address any operational and administrative issues and will serve as consultants for school safety and security issues including assessments and critical incident response planning. The LCSO/LPD ~~SO/PD~~ points of contact will maintain a working knowledge of school rules, regulations, and laws regarding student safety and conduct. The LCSO/LPD points ~~SO/PD points~~ of contact will establish and maintain effective relationships with school personnel at the ~~division~~ LCPS school division and school levels.

The ~~SO/PD~~LCSO/LPD will be responsible for the selection, assignment, scheduling, training, supervision, and evaluation of ~~school resource officers~~ their respective personnel who serve as ~~("SRO"s).~~SROs. In their performance of law enforcement functions, ~~the~~ SROs will remain at all times under the control, through the chain of command, of their employing law enforcement agency. ~~The SO/PD~~Each agency will ensure ~~the~~ that its SRO meet~~s~~ the training standards established by the Virginia Department of Criminal Justice Services ("DCJS") for SROs as outlined in §§ 9.1-102~~1~~(5~~3~~4) and 9.1-114.1 of the Code of Virginia.

The ~~SO/PD~~LCSO/LPD will ensure that all SROs employed by their respective agencies receive a DCJS approved basic SRO course as well as additional agency-defined training prior to or within 60 days of assignment in a school wherever feasible. The training should be aligned with the SLEP guide and the DCJS curriculum. ~~the below listed training prior to or within 60 days of assignment in a school whenever feasible. The training should be aligned with the SLEP and DCJS curriculum and in coordination with the SD, and include but not be limited to the following:. LCSO/LPD will provide a more comprehensive list of trainings~~ The training shall be specific to the role and responsibility of a law enforcement and shall include:

- Relevant state and federal laws
- School and personal liability issues
- Security awareness in the school environment
- Mediation and conflict resolution including de-escalation techniques
- Disaster and emergency response
- Awareness of systemic and individual racism, cultural diversity, and implicit bias
- Working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences
- Student behavioral dynamics, including current child and adolescent development and brain research
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~~1. A DCJS approved basic SRO course~~
~~2. SO/PD approved training in crisis intervention techniques~~
~~3. SO/PD approved training that includes cultural competence~~
~~4. SO/PD approved training that includes implicit bias awareness~~

~~The~~ Each agency's SRO Supervisor will ensure that day-to-day coverage is maintained in all high schools and middle schools. Should an SRO be absent for more than one day, the ~~SO/PD~~LCSO/LPD should prioritize providing a substitute SRO in high schools. The LCSO/LPD will provide one SRO for each middle school and high school building. In instances where a single facility houses multiple educational programs, SRO staffing, as needed, will be coordinated collaboratively between LCPS and LCSO/LPD. Staffing decisions will be based on the unique needs and operational considerations of the building and its student population.

SRO Roles and Responsibilities

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

and the exchange of information with ~~School~~ school ~~Administrators~~ administrators and LCPS School Security Officers ("SSO"~~s~~). SROs are expected to be familiar with the SR&R, the rules of individual schools, and ~~their~~ the application of both in day-to-day practice. SROs shall not be involved with the enforcement of school rules or disciplinary infractions that are not violations of state or local law.

As a general practice, unless there is a clear and imminent threat to safety, any requests from a school for an SRO or other law enforcement assistance are to be channeled through the ~~building~~ school administration or the appropriate chain of command.

The SRO's duty schedule should be organized to provide coverage throughout the school day, which may vary by school. SROs provide a visible deterrent to ~~crime~~crime, and they shall be visible patrolling the exterior and interior grounds of the assigned school. The SRO shall wear the regulation uniform of ~~thier~~ their agency and operate a marked law enforcement vehicle while on duty unless otherwise authorized by ~~the SROs'~~a supervisor for a specific purpose.

Additionally, SROs ~~should~~ shall assist school administrators in developing school crisis management and response plans as required by § 22.1-279.8(D) of the Code of Virginia. SROs should work with school administrators in problem-solving to prevent crime and promote safety in the school environment. SROs are expected to collaborate with school administrators and other school personnel to support positive school climates that focus on resolving conflicts, and minimizing student involvement with the juvenile, and criminal justice ~~systems~~system-.

SROs serve multiple roles in schools. The roles are interrelated, but all are carried out with the aim ~~to~~ of ~~create~~ creating and maintaining safe and secure schools and, ~~to~~ promoting positive school climates. The key roles played by an SRO ~~including~~ include the following:

Law ~~enforcement~~ Enforcement ~~officer~~Officer

As sworn law enforcement officers, an SRO's primary role in schools is as a law enforcement officer. SROs assume primary responsibility for responding to requests for assistance from administrators (consistent with the SRO's roles and responsibilities set forth in this MOU) and coordinating the response of other law enforcement resources to the school.

Law-~~related~~ Related ~~educator~~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 to 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.

Informal ~~mentor~~ Mentor and ~~role~~ Role ~~model~~Model

SROs serve as informal mentors and role models. While SROs are not formal counselors~~; however~~, ~~it is recognized that~~ students often seek approval, direction, and guidance about problems through formal and informal interaction with SROs. SROs are expected to communicate clearly 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 students. Should an SRO become aware that a s~~S~~tudent~~s~~ is in ~~who may~~ need of additional assistance, the SRO shall ~~be~~ encourage~~d~~ the student to seek the help of available school- and community-based resources.

Supporting Students with Disabilities

On occasion, SROs may interact with students with disabilities. While some disabilities are visible, others might not signal that the SRO is interacting with a student with a disability. ~~As referenced in the Virginia School-Law Enforcement Partnership Guide, SROs will interact with students with disabilities on a daily basis. Some disabilities are visible, while others are invisible, not signaling to the SRO that they are interacting with a student with a disability.~~ When compared to their nondisabled peers, students with disabilities may interact differently with SROs. When a student with special needs is involved in an offense reportable to law-enforcement, the school administration will notify the SRO as appropriate, and as allowed by law. ~~to the extent allowable by law, LCPS should notify SROs of any special needs of a student involved in a reportable school-based infraction in order to~~ This information will assist the SRO in recognizing the student may require additional support. SROs receive training on the ~~should become familiar with the~~ various types of disabilities and their implications for law enforcement interaction. LCPS will make available to all SROs any training on supporting students with disabilities.

School Division Responsibilities

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

Each school with an assigned SRO will provide a secure work area(s) for the SRO that allows access to technology, private interview space that can accommodate several persons, and locking storage space that contains a log to ensure chain of custody requirements are met. The office shall be equipped with a telephone and a data drop to facilitate computer network access. Every attempt shall be made to place the SRO within proximity of the main entrance to the school. If this is not possible, the S~~s~~uperintendent and/or ~~their~~ designee shall approve of the ~~change~~placement of the SRO's office.

School administrators and teachers will handle student discipline within the school disciplinary process without involving SROs. ~~The SD~~LCPS is responsible for communicating the goals and role of the SRO to all school administration, staff, parents/legal guardians, and students.

~~The SD~~LCPS will ensure that school administrators receive relevant training prior to or within 60 days of ~~the~~ an SRO's assignment in a school. The training shall be aligned with the SLEP guide and DCJS.

School Administrator Roles and Responsibilities

Consistent with Virginia Board of Education's Standards of Accreditation ~~(2000), 8 VAC 20131210,~~ the school ~~administrator~~ principal is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources. The ~~school administrator~~principal or designee ~~also~~ ensures the ~~school division's student code of conduct~~ SR&R is enforced and seeks to maintain a safe and secure school environment. ~~Additionally, consistent with 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 schoolsponsored activity."~~

School administrators shall review this MOU with SROs annually and recommend school specific operational and communications procedures to support the goals of the SLEP guide and this MOU.

All reportable offenses (as outlined in § 22.1-279.3:1 of the Code of Virginia), including information discovered through digital monitoring, as well as any threat to a school, student or staff member shall immediately be reported, as it is received, to ~~the SRO~~LCSO/LPD. Further, misdemeanor offenses should also be shared and discussed with the SRO to ensure an accurate overall picture of the school climate. The SRO will proceed with notifications within the law enforcement chain of command in coordination with school administrations. Reportable offenses discovered or occurring after school hours ~~will~~ may be reported through the LCPS Security Operations Center ("SOC"), which will then notify law enforcement.

~~School Security Officer (SSO)~~SSO Responsibilities

SSOs are employees of LCPS, who ~~work for the SD to~~ promote a culture of safety, security, and inclusion within ~~our~~ the schools. SSOs work with school administration to help implement LCPS Division of Safety and Security best practices and serve as vital members of school-based threat assessment teams. SSOs also serve as trusted advisors and mentors to LCPS students and staff.

~~The SD~~LCPS will ensure that SSOs are ~~certified by~~ DCJS- certified prior to or within 60 days of the assignment in a school. The training shall be aligned with the ~~SLEP~~ SLEP guide and DCJS training guidelines.

OPERATIONAL PROCEDURES

~~School~~ LCPS school officials have a direct responsibility for addressing student behavior as well as school safety and security on a school bus, school property or at a school sponsored activity or event. With the exception of ~~reportable~~ those offenses required to be reported to law enforcement,

~~that~~ this responsibility allows school officials the latitude to question students in an effort to maintain safe schools. Section 22.1-279.3:1 of the Code of Virginia lists certain offenses that school officials are required to report to local law enforcement agencies. As soon as it becomes evident that ~~a reportable offense~~an offense may have occurred that requires reporting to law enforcement, school officials shall immediately stop their review and report the potential offense to law enforcement.

Any non-emergency and non-reportable situation may be addressed by the principal or designee. Nothing below should pre-empt reporting to law enforcement personnel any incident that has ~~"~~past occurred or within the community~~"~~ off school campus.

School personnel shall cooperate with law enforcement authorities to the extent permitted by law in further investigating all criminal offenses which occur on a school bus, on school property or at a school-sponsored activity/event or digitally.

~~SO/PD~~LCSO/LPD recognizes LCPS's requirements under the Title IX regulations to address and investigate claims of ~~sexual~~ sex-based discrimination and sexual harassment.

LCPS recognizes that ~~the SO/PD~~ law-enforcement agencies ~~is~~ are charged with investigating allegations of any violation of criminal laws committed on school property, on a school bus or at a school-sponsored activity. In the event of concurrent investigations involving employee or student misconduct of a criminal nature that is school-related, the ~~SO/PD~~LCSO/LPD and LCPS may collaborate~~,~~ to the extent permissible under their own respective policies and regulations.

In the event a joint investigation cannot occur, LCPS will notify the ~~SO/PD~~LCSO/LPD that it will be moving forward with an administrative review. LCPS will notify the ~~SO/PD~~LCSO/LPD at the conclusion of the investigation.

Law enforcement agencies shall make reports to the division superintendent and to the principal, or their designees, on all incidents as required by § 22.1-279.3:1(C). ~~Virginia Code.~~ Any criminal investigative action conducted by the SRO that results in an arrest may require the principal and/or school employees to appear in court to provide testimony essential to the case.

LCPS ~~Administrators~~ administrators shall immediately report all "Reportable Offenses" as described in the "~~Key~~ Other Statutory Responsibilities" section of this document, below.

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", as defined in FERPA, may access and disclose student records only as authorized by FERPA for legitimate educational reasons. Under FERPA, SROs are not designated school officials for LCPS.

Access to Real-Time (Live) Video Feed:

The access afforded to LCSO and LPD shall be limited to real-time (live) video to be used only as necessary to effectuate the purposes of this MOU, as set forth below. All other video may only be accessed by warrant, subpoena, or other lawful purpose.

- LCSO and LPD shall only access real-time (live) video where there are concerns for officer or fire official health and safety in responding to an incident at an LCPS school. To the extent LCOS and LPD's requests for access to real-time (live) video fall outside such purpose, LCPS safety and security officials would be willing to monitor video footage for other safety concerns upon request.
- LCSO and LPD shall only access real-time (live) video in their respective official capacities as defined by Virginia law.
- All recorded images, videos, and associated information (Information) shall be treated as confidential information that is protected by state and federal law, including, but not limited to, the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part99; and the Virginia Freedom of Information Act (FOIA), Va. Code §§3700 *et seq*.
- LCSO and LPD shall safeguard the videos, images, and all information gleaned from the provided access from disclosure as required and permitted by state and federal law, including, but not limited to, the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part99; and the Virginia Freedom of Information Act (FOIA), Va. Code §§3700 *et seq*. To be sure, the sharing of Information does not transfer ownership of any records to LCSO and LPD.
- LCSO and LPD's access to real-time (live) video shall be documented on at least a quarterly cadence, reflecting the date, time, description of the real-time (live) video viewed, and the stated purpose for such access.
- Distribution of Information beyond LCSO and LPD is prohibited absent a lawful directive and notice to LCPS in a timely fashion.
- LCSO and LPD shall immediately inform the LCPS Division Counsel in the event of an inadvertent third-party disclosure of information.

Investigation and Questioning

SROs have authority to question students or staff who may have information about criminal activity. As sworn law enforcement officers, SROs have authority to stop, question, interview, and take law enforcement action without prior authorization ~~of~~ from the school administrator or contacting parents/legal guardians. ~~Reference is made to the~~ A Permission/Notification table is included in the Appendix ~~on page 16~~to this MOU. However, the investigation and questioning of students during school hours or at school events should be limited to situations where the investigation is related to suspected criminal activity. In order to protect the rights of students and eliminate cross contamination of investigations between the ~~SO/PD~~LCSO/LPD and LCPS, criminal investigations, to include interviews and interrogations, should be conducted solely by the investigating law enforcement officer. Any custodial interrogation of a minor will be in

accordance with Virginia Code § 16.1-247.1 of the Code of Virginia. LCPS administrators may be present during law-enforcement questioning that occurs on school property.

Investigations and questioning of students for offenses not related to the operation of, or occurring at, the school should take place at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of a crime.

The interviewing of students -- whether suspects, victims, or witnesses -- should be conducted privately in an office setting. SROs will take steps to ensure minimal intrusion into the educational experience of students being questioned in the school setting.

Principals conducting an administrative student review are not bound by the ~~above~~ foregoing requirements. While SROs are responsible for ~~take the~~ leading ~~in~~ the investigation and questioning students related to ~~criminal activity~~ suspected violations of ~~criminial~~criminal ~~law,~~law, ~~School~~ school administrators take the lead in questioning students about violations of the ~~code of conduct~~ SR&R and SROs shall not in any way direct the questioning of students in ~~this~~ such non-criminal situations. When a school administrator has reasonable grounds for concern about the safety of those present during the questioning, the administrator may request the SRO ~~to~~ be present solely to provide security and protection, but the administrator must remain in full control of the questioning at all times.

The principal shall be notified of any enforcement actions by the SRO as soon as ~~is practical~~ practicable. ~~An~~ SROs should coordinate their activities so that action between the law enforcement agencies is cooperative and in the best interests of the school and public safety.

Use of Body Worn Cameras (BWCs)

The LCSO/LPD and LCPS are committed to deterring criminal activity and providing a safe learning environment. The use of BWCs is intended to enhance public trust by documenting law enforcement encounters with the public while promoting accountability, transparency, and professionalism. Law enforcement's use of BWCs can be effective in reducing the number of violent confrontations, use of force incidents, and complaints. The use of recording devices such as BWCs shall be done in accordance with applicable LCSO/LPD policies and procedures as accessible. Cameras will only be activated during official law enforcement interactions.

Searches and Seizure

School administrator searches. In accordance with School Board Policy 8265, Searches Involving Students and Seizure of Contraband, ~~Per LCPS policies~~, school ~~officials~~ administrators, and other authorized LCPS officials ~~-~~may conduct searches involving students and also confiscate contraband. ~~of students' property and persons under their care 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. The standard for search by a school official is reasonable suspicion, and it must be limited in scope to the reason for the search from its inception. If possible, administrators should ask for consent from the student whose property is about to be searched prior to conducting a "reasonable suspicion" based search.~~ Searches conducted by LCPS officials ~~Administrative searches~~ must be conducted at the direction and remain under the control of the LCPS ~~school~~ official and not the SRO or other law enforcement official.

The SRO shall be contacted immediately to take custody of any suspected illegal contraband. It is also recommended that the principal have a locked storage area for situations when the SRO is not available to hold the contraband. However, if the SRO is not on duty, the principal or staff member shall contact the appropriate law enforcement ~~entity~~ agency and request assistance to surrender the contraband.

~~School officials will photograph any items seized as evidence that may be used in any disciplinary proceeding instituted by school officials against the student. As warranted, copies of photographs shall be turned over to law enforcement.~~

SROs shall not become involved in administrative (school-related) searches and at no time shall SROs request that an administrative search be conducted for law enforcement purposes or have the administrator act as his or her agent. When a school administrator has reasonable grounds for concern about the safety of those present during a search, the administrator may request the SRO ~~to~~ be present to provide security and protection.

Canine searches shall be in accordance with School Board Policy 8265.~~, Investigations and Searches.~~

Arrests

Whenever practical, arrests of a student or staff member should be accomplished outside of school hours so as to not disrupt the educational process. Arrests that must occur during school hours or on school grounds should be coordinated through the school administrator to minimize potential disruption. When circumstances do not allow for prior coordination through the school administrator, arrests shall be reported to the school administrator as soon as possible. In addition to any required notification ~~of~~ to parents and legal guardians by the SRO taking a student into custody, school administrators or their designees are also responsible for an additional notification of parents and legal guardians upon a school-based arrest of their child; ~~Refer to the~~ see Permission/Notification table ~~table on page 16~~in the Appendix to this MOU.

Physical Intervention by ~~School Resource Officers~~SROs

If physical intervention is necessary, the action should be reported promptly to the school administrator and SRO supervisor and the rationale for the action must be fully documented in the law enforcement agency's incident report. Additionally, the s~~S~~chool a~~A~~dministrator and law enforcement agency shall coordinate to ensure the student's parents/legal guardians are notified as

soon as ~~practical~~practicable, as shown in the. ~~Refer to the~~ Permission/Notification table ~~on page 16.~~in the Appendix to this MOU.

~~Physical restraint and seclusion are last resort emergency procedures that apply to all students when the student is an imminent danger to self or others. Mechanical restraint is the use of any material or equipment to restrict a student's freedom of movement.~~

~~In accordance with~~ School Board Policy 5345, ~~SROs should be aware of Policy 5345,~~ Restraint and Seclusion of Students, physical restraint is a last resort emergency procedure and should only be used when the student is in imminent danger to self or others. ~~recognize restrictive emergency procedures are used as a last resort and that every~~ Every effort shall be taken to eliminate the use of restraint and seclusion of students. This policy does not apply to law enforcement executing official duties.

OTHER ~~KEY~~ STATUTORY RESPONSIBILITIES

Crime Reporting

Pursuant to § 22.1-279.3:1.~~(B) B~~ of the Code of Virginia, 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, on school property, or at a school sponsored activity. Law enforcement must also inform the principal and superintendent as to whether the student was released to a parent or released on bond. ~~and to provide 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 are enrolled. As a general practice, SROs should notify the principal as soon as practical of any significant law enforcement events occurring at or in association with the school (e.g., at a school bus stop or off-campus activity, during or outside school hours). ~~if the offense would be a felony if committed by an adult.~~

Threat Assessment

School Threat Assessment Team Member

An SRO is a required member of the school's threat assessment team ~~under in accordance with the~~ School Board Policy 8290, Threat Assessment for the Protection of Schools, and Section 22.1-79.4 of the Code of Virginia.

When circumstances permit team members to ~~the~~ obtain~~ing~~ ~~of~~ criminal history record information and health records of a student, no member of the team shall redisclose ~~any criminal history record~~ such information ~~or health information obtained~~ under Section 22.1-79.4 of the Code of Virginia or otherwise use the record beyond the purpose for which disclosure was made to the team.

SROs may assist in monitoring of subject students as well as determining the need, if any, for law enforcement action. All team members are subject to the non-disclosure requirement regarding student information, criminal background and health histories referred to herein.

School Safety Audits

LCPS will conduct annual school safety audits and will meet all DCJS requirements to support school safety practices and conditions. SROs must participate in the preparation of their assigned school's emergency response plan and/or crisis management plan.

Overdose Notification

Pursuant to §22.1-272.1:1 of the Code of Virginia, school principals or their designees are required to notify the parents/legal guardians within 24 hours of the earlier of (i) law enforcement or medical personnel confirming a school-connected student overdose or (ii) the school principal having knowledge of a suspected school-connected student overdose.

A school-connected student overdose is any overdose of a student enrolled in LCPS that occurs (i) on the premises of school during regular school hours or (ii) during school-sanctioned activities whether on or off the premises of such school. A suspected school-connected student overdose includes any school-connected student overdose that is believed to have occurred and for which the response is the administration of naloxone, another opioid antagonist, or another similar medication with the intent to counter or temporarily reverse the effects of such overdose.

The parties hereto all agree to report any such school-connected student overdose or suspected school-connected student overdose to the school administration and SRO as soon as practicable.

REVIEW AND EVALUATION OF MOU

This MOU shall be reviewed annually and amended or affirmed at least once every two years or at any time upon the request of either party ~~as necessary to meet the needs of the partnership formed between the signatory organizations~~. Annual meetings shall be conducted between the ~~SD~~ LCPS and ~~SO/PD~~LCSO/LPD to support successful implementation of the ~~partnership~~ SLEP guide. While continuous updates and refinements may be required to this ~~agreement~~ MOU in the future, they shall not be implemented without the written concurrence of all parties. This MOU remains in force until any party, with 45-days' notice, withdraws from the agreement by delivering a written notification of such withdrawal to the other parties. Signed:

Loudoun County School Board

Michael L. Chapman
Sheriff, Loudoun County

~~Melinda Mansfield~~ April Chandler
School Board Chair

Date

Aaron C. Spence Ed.D.
Superintendent

Thea M. Pirnat ~~Vanessa L. Grigsby~~
~~Deputy~~ Chief of Police, Leesburg Police Department

Date

Date

APPENDIX I

Incident Management

Loudoun County School Board Policy 3070 (Safety and Emergency Related Communications) and its accompanying LCPS Regulation shall be incorporated herein as if stated in its entirety.

Definitions

Evacuate - Evacuate is used to describe situations where the building has become uninhabitable and must be evacuated. A fire, chemical spill, or bomb threat are just three examples. During an evacuation all occupants will relocate to a predetermined location outside of the school. Once at that location a decision will be made by school administration in consultation with law enforcement on a potential evacuation to a secondary location further from the source of the problem.

Secure the Building - Secure the Building is used to prevent unauthorized entry if the potential threat is coming from outside and in the vicinity of the school. An armed robbery or police foot pursuit in the area of the school, and irate parent/visitor are just three examples. Outside activities are canceled and anyone outside at activation is instructed to move inside; all exterior doors are secured while staff and students are free to move about inside the school. All visitors and deliveries are turned away during this scenario and arrivals or dismissals would also be delayed if warranted. If appropriate, 911 should be utilized to notify law enforcement and the Loudoun County Public Schools (LCPS) Security Operations Center (SOC) should be contacted as soon as possible.

Lockdown - Lockdown is used to describe enhanced security measures taken to protect against potentially violent intruders that may be inside the school or on the school campus. The response secures students and staff, usually in classrooms, to prevent access or harm to the occupants of the school. This may also involve quickly moving students and staff from unsecured locations to secure locations or outside and away from the threat. School staff will notify law enforcement through 911 and contact the LCPS SOC when practical. Only a law enforcement officer can release a school from a lockdown.

Shelter in Place - Shelter-in-Place procedures are used to temporarily shelter people from a hazardous outdoor atmosphere, such as weather or a chemical, biological, or radiological incident. During this scenario all exterior doors should be locked, and measures should be taken to shut down the intake of outside air if warranted. No one is allowed to enter the school until public safety officials, or the affected principal declares the area clear. If appropriate, 911 should be utilized to notify law enforcement/fire rescue and the LCPS SOC should be contacted as soon as possible.

Hold - Hold is used to temporarily hold students and staff in place, usually in classrooms. A medical emergency in a hallway is an example of an incident that may require this action.

Notes

1. **Cellular Telephones** - The transmission of sexually explicit photographs by electronic means includes the production, publication, sale, possession with intent to distribute, financing, etc., of sexually explicit items involving children under the age of 18. Sexually explicit visual material means a picture, photograph, drawing, sculpture, motion picture film, digital image, or similar visual representation which depicts sexual bestiality, a lewd exhibition of nudity, sexual excitements, sexual conduct, or sadomasochistic abuse.

2. **Welfare Checks** - When practical, student situations that require a law enforcement response should be reported to the LCPS SOC. The SOC will then contact law enforcement dispatch to request a response. When the law enforcement response is complete, school administrators will be advised and may proceed with their mitigation.

3. **See Something Say Something/Safe 2 Talk – School officials and SROs shall promote the importance of See Something Say Something and the Safe 2 Talk resource to the school community.** Safe 2 Talk is a free, downloadable app that allows students, parents, teachers, and residents the ability to anonymously report safety concerns in our schools, including suspicious or threatening social media activity. All reports through the app are monitored 24 hours-a-day, seven- days-a-week by dispatchers in the Loudoun Sheriff's Office Emergency Communications Center. In cases of imminent threats, patrol deputies, Leesburg law enforcement officers and school resource officers are immediately notified. Cases that are not related to law enforcement tips are immediately forwarded to school personnel.

4. **Code of VA Code Section** 18.2-374.1**-** Produces or makes or attempts or prepares to produce or make sexually explicit visual material which utilizes or has as a subject a person less than eighteen years of age; or Knowingly takes part in or participates in the filming, photographing or other reproduction of sexually explicit visual material by any means, including but not limited to computer - generated reproduction, which utilizes or has as a subject a child who is less than eighteen years of age.

FERPA

When performing a law enforcement function, SROs may access educational records with the written consent of the parent or legal guardian unless one or more of the following applies:

a. Health or Safety Emergency.

Before releasing records, the school records custodian must take into account the seriousness of the threat to the health or safety of the student or others. The custodian will assess the need for the requested records to meet the emergency, the position and responsibility of the person to whom records are released, and the extent to which time is critical in defusing the emergency. Principals are the records custodian of school educational records and will make the decision on disclosure under this exception.

In making this determination, the custodian may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the custodian determines that there is an articulable and significant threat to the health or

safety of a student or other individuals, the custodian may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

A rational basis for the determination is required. The following information must be recorded and maintained with the record of disclosures when making a release of information for health or safety reasons: (i) The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and (ii) The entities to whom the custodian disclosed the information.

Thereafter, the custodian will notify the Office of Division Counsel.

b. School Reports of Child Abuse or Neglect. When the school makes a report of child abuse or neglect it shall disclose all of the records related to the report to law enforcement and/or Child Protective Services.

c. Court Orders. When a school is presented with a lawfully issued subpoena, search warrant or other court order, it will disclose the records in accordance with the subpoena, search warrant or court order, except that the school must make reasonable efforts to notify the parents or legal guardian in advances and in accordance with FERPA, upon consultation with law enforcement, as applicable.

d. Information Not Contained In Educational Records. FERPA does not apply to information outside of educational records. For example, a principal's unrecorded observations may be disclosed to law enforcement.

e. Directory Information. For students whose parents or legal guardians have not opted out of the disclosure of directory information as defined in School Board policies, a principal may release this information except that under § 22.1-287.1 of the Code of Virginia, no student address, telephone number or email address may be disclosed unless the disclosure is to school employees for educational purposes or school business. Directory information is defined as names and addresses of a student or parent, e-mail address of parent(s), yearbook photograph, telephone number, date and place of birth, dates of attendance, participation in officially recognized activities and sports, height and weight of members of athletic teams, awards and honors received and student rosters.

f. Title 34, Code of Federal Regulations § 99.31, provides the list of exceptions which may authorize a disclosure of educational records without parental consent.

g. Surveillance Video/Audio. When hallway, outdoor or bus surveillance audio or video would constitute an educational record under FERPA, then law enforcement shall present a subpoena, search warrant or court order and the school shall generally notify the parent(s) or legal guardian(s) in advance, prior to providing a copy of the audio/video unless the parents of the students involved provide written consents to the release or unless there is an

immediate health or safety emergency as determined above. A copy of all other audio/video not protected by FERPA may be released to law enforcement upon request.

To obtain surveillance recordings, law enforcement will coordinate with the custodian of surveillance records, LCPS Division of Safety & Security. The custodian of the video will make a copy of the record before giving the original to law enforcement, provided that a lawfully issued subpoena or search warrant has been presented.

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/legal guardian or of the student if the student is age 18 or older. A record of the disclosure is required to be maintained in the student's records in accordance with FERPA.

SRO disclosure of law enforcement records. SROs may disclose only information from law enforcement records 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.

~~**Incident Management**~~

When considering the safety of school staff and students during a law enforcement event which has implications for school operations, law enforcement officials should share relevant information and offer appropriate guidance. The principal and or designee has the authority to render a decision related to the status of the school during an EXTERNAL law enforcement or emergency event impacting school operations relating to an evacuation, secure the building, lockdown, shelter in place and/or hold. ~~to:~~

- ~~**Evacuate**~~
- ~~**Secure the Building**~~
- ~~**Lockdown**~~
- ~~**Shelter in Place** or;~~

~~• **Hold**~~
~~during an EXTERNAL law enforcement or emergency event impacting school operations.~~

Whenever possible, the principal should consult with law enforcement prior to making the decision. The following should be considered when a decision must be rendered:

- The reported incident's proximity to the school grounds.

- The likelihood that the incident could impact students or staff safety in or around school property.
- The probability that people involved in the event would seek refuge or concealment from law enforcement on school property.

- The public safety response of resources could prevent normal egress of school transportation vehicles, thus presenting a hazard to school children leaving school property (i.e., established perimeters, roadblocks, and checkpoints restrict normal traffic flow around school property).

- The action supports an active criminal investigation, to interview witnesses or coordinate additional security to maintain order.

During such an event, law enforcement officials will provide notice to that affected school's administrative staff as soon as possible and practical.

In the event of an active violent incident in schools, school decision makers may elect to "Run (Evacuate), "Hide", (Lockdown) or "Fight" (defend themselves accordingly to survive) as supported by the Department of Homeland Security. Should such a situation arise, law enforcement officials should recognize a schools' varied responses in dynamic and individual decision-making where staff and students may elect to respond differently thus creating significant variations in the school population's response. Law enforcement should make every effort to safeguard and protect lives while working to engage and subdue the violent actor.

In all criminal matters, law enforcement officials assume ownership of the school and will act in accordance with associated policies and protocols in place to respond to an active violent incident in a school. Law enforcement as soon as practical will establish a "unified command" in support of the National Incident Management System for Incident Command. As soon as practical, the school administrator, designee and safety and security will support the Command Structure and remain until the event is concluded.

Law enforcement officials will assume all responsibility for issuing notifications related to any criminal matter and will provide basic information about the event, to include information about suspect descriptions, timeframe of the incident, expected duration of the event and how it will affect school staff and children as soon as practical. School Administrators will work with LCPS Public Information in the issuance of all messages related to such matters. The LCPS public information office and law enforcement public information office shall coordinate messaging, as appropriate.

APPENDIX II

STUDENT INTERVIEW GUIDELINES FOR LAW ENFORCEMENT AND SCHOOL ADMINISTRATORS

~~LAW ENFORCEMENT INTERVIEWS OF STUDENTS AT SCHOOL~~

(Not Applicable to Child Abuse/Neglect Investigations)

PERMISSION/NOTIFICATION TABLE

No school employee will notify a student's parent/guardian

Student	On Campus Offense	Off Campus Offense
Juvenile Suspect	~~School or SRO shall attempt to notify parents of violation and student's involvement. SRO will notify the principal of the interview prior to questioning when appropriate~~. In accordance with VAC §16.1-247.1, prior to questioning a student suspected of having committed a criminal offense, the SRO/law enforcement officer will attempt to notify the student's parent/guardian of the student's suspected involvement in the alleged offense. The SRO/law enforcement officer will notify the principal of the interview [1]prior to questioning the student[2].	~~Questioning should take place at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of the crime.~~ Questioning shall occur at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of having committed a criminal offense. The SRO/law enforcement officer will notify the student's parent/guardian prior to questioning the student in accordance with VAC § 16.1-247.1. The SRO/law enforcement officer will notify the principal of the interview prior to questioning.

Juvenile Witness or Victim	~~Parental permission is not needed for Middle School and High School students. When appropriate, SRO must obtain permission for all elementary school students. Administrators may be present or act in loco parentis. When appropriate, SRO should notify a school administrator.~~ Prior to questioning a juvenile witness or victim, the SRO/law enforcement officer will attempt to notify the student's parent/guardian, except where parental notice would jeopardize the investigation or otherwise be inappropriate due to the nature of the alleged offense. Parental permission is not required for an interview involving a middle or high school student. For elementary school students, the SRO/law enforcement officer will obtain parental permission where appropriate except where parental permission would jeopardize the investigation or otherwise be inappropriate due to the nature of the suspected offense. The SRO/law enforcement officer will notify the principal of the interview prior to questioning.	~~SRO must obtain parental permission when appropriate. School Administrators are not required to be present for the interview.~~ Questioning should occur at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of having committed a criminal offense. Where any of these criteria are met and questioning will occur at the school, the SRO/law enforcement officer is not required to notify the student's parent/guardian prior to questioning the student. The SRO/law enforcement officer will notify the principal of the interview prior to questioning.
Adult Student Suspect	~~Once a student reaches the age of majority (18 years old in Virginia), they are recognized as an independent decision-maker over their own life, information, and choices. School administrators are not permitted to notify the student's parents/guardians without the student's consent. The SRO will notify the principal of the interview prior to questioning when appropriate.~~	~~Questioning should occur at school only when delay might result in danger to any person, destruction of evidence or flight from the jurisdiction by the person suspected of the crime.~~ Questioning should occur at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person

	Once a student reaches the age of majority (18 years old in Virginia), they are recognized as an independent decision-maker over their own life, information, and choices. Accordingly, the SRO/law enforcement officer will not notify the student's parent/guardian of the interview. The SRO/law enforcement officer will notify the principal of the interview prior to questioning.	suspected of having committed a criminal offense. Once a student reaches the age of majority (18 years old in Virginia), they are recognized as an independent decision-maker over their own life, information, and choices. Accordingly, the SRO/law enforcement officer will not notify the student's parent/guardian of the interview. The SRO/law enforcement officer will notify the principal of the interview prior to questioning.
Adult Student Witness or Victim	School administrators are not permitted to notify the student's parents/guardians without the student's consent, consistent with adult autonomy principles and FERPA. The SRO will notify the principal of the interview prior to questioning when appropriate. Once a student reaches the age of majority (18 years old in Virginia), they are recognized as an independent decision-maker over their own life, information, and choices. Accordingly, the SRO/law enforcement officer will not notify the student's parent/guardian of the interview. The SRO/law enforcement officer will notify the principal of the interview prior to questioning.	School administrators are not required to be notified or present for the interview. Questioning should occur at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of having committed a criminal offense. Once a student reaches the age of majority (18 years old in Virginia), they are recognized as an independent decision-maker over their own life, information, and choices. Accordingly, the SRO/law enforcement officer will not notify the student's parent/guardian of the interview. The SRO/law enforcement officer will notify the principal of the interview prior to questioning.
~~**Juvenile and/or Adult**~~ **Students with Disabilities[3] (Suspect, Witness, or Victim)**	~~Under certain circumstances, school administrators are permitted to notify the student's parents/guardian of the student's involvement in a suspected criminal investigation, and notifications should only be exercised in accordance with VAC§ 8VAC20-81-180~~.	~~Questioning should occur at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of the crime.~~ If an SRO/law enforcement officer is made aware or reasonably believes that a student

	If an SRO/law enforcement officer is made aware or reasonably believes that a student has a disability, consideration will be given on a case-by-case basis as appropriate. For juvenile students, parental notification will be made in accordance with the table above. A student that has reached the age of 18 years old shall be presumed to be a competent adult. Accordingly, the SRO/law enforcement officer will not notify the student's parent/guardian prior to the interview. If the SRO/law enforcement officer is made aware that the adult student has been declared legally incompetent or legally incapacitated, under §8VAC 20-81-180, the SRO/law enforcement officer will attempt to notify the student's parent/guardian, except where parental notice would jeopardize the investigation or otherwise be inappropriate due to the nature of the alleged offense. The SRO/law enforcement officer will notify the principal of the interview prior to questioning.	has a disability, consideration will be given on a case-by-case basis as appropriate. For juvenile students, parental notification will be made in accordance with the table above. Questioning should occur at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of having committed a criminal offense. Where these criteria are met and questioning will occur at school, the SRO/law enforcement is not required to notify the student's parent/guardian prior to questioning the student. The SRO/law enforcement officer will notify the principal of the interview prior to questioning.

1. "On campus" means the alleged o5ense occurred on property owned leased, or used by the School Board (including but not limited to buildings and structures; grounds; buses and other vehicles; and technology device and networks, including virtual classroom settings); or at an LCPS-sponsored activity or event, which is defined in School Board Policy 8020, Relations with School Support Organizations as an activity or vent planned, organized, controlled, supervised, and supported by LCPS and/or a particular LCPS school. "O5 campus" means the converse.

2. Notice to the principals, as building administrators, or their designees is required in order for the SRO/law enforcement o5icer to learn the location of a student and to ensure the principal can account for the safety and security of all students, in accordance with School Board Policy 6220 (Access Control on Loudoun County Public Schools (LCPS) Property) and its accompanying Regulation.

3. The Federal Family Educational Rights and Privacy Act (FERPA) prohibits school o5icials from sharing information pertaining to a student's education record, unless the student or the student's parent/guardian has provided consent for such information to be disclosed to a specific recipient or an articulable and imminent health and safety emergency applies. Accordingly, the SRO/law enforcement o5icer will be subject to making a determination as to whether an adult student is a student with disabilities.

4.

~~*On Campus means the offense occurred on school property, on a school bus, or at a school- sponsored activity/event. Off Campus means the converse.~~
~~** Generally, interviews should be limited to when delay may increase imminent risk of danger to person, destruction of evidence, or flight of suspect.~~