MEMORANDUM OF UNDERSTANDING

between

THE LOUDOUN COUNTY SCHOOL BOARD

and

THE SHERIFF OF LOUDOUN COUNTY

The Loudoun County School Board, operating Loudoun County Public Schools ("LCPS") and the Sheriff of Loudoun County ("Loudoun County Sheriff's Office" or "LCSO") hereby enter this Memorandum of Understanding ("MOU") setting forth the respective roles and responsibilities of School Resource Officers ("SRO"s) in the Loudoun County Public Schools where the LCSO has assigned an SRO. The purpose of this MOU is to ensure the safety of the children and to promote positive relationships among LCPS students, teachers, administrators, parents and the broader school community through the School-Law Enforcement Partnership ("SLEP").

The parties agree that most student misconduct can be addressed through classroom and in-school strategies, outlined in the Student Rights and Responsibilities ("SR&R") Handbook for Families, and the Student Code of Conduct. In some cases, however, law enforcement involvement may be necessary.

ROLES AND RESPONSIBILITIES OF THE LCSO AND LCPS

School Resource Officers

An SRO is defined in § 9.1-101 of the Code of Virginia as a "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." This MOU details the expectations of SROs and LCPS personnel.

The LCSO will designate direct points of contact who will address LCPS concerns, operational and administrative issues, and will serve as consultants for school safety and security and incident response planning. These points of contact will be expected to have a working knowledge of school rules, regulations, and laws regarding school safety and security. They will also be expected to maintain effective relationships with LCPS personnel at all levels.

SROs will not be involved in the enforcement of school rules or disciplinary infractions that are not violations of state or local criminal laws.

The LCSO will be responsible for the selection, assignment, scheduling, training, supervision, and evaluation of SROs. SROs will be under the control and supervision of LCSO leadership at all times.

The LCSO will ensure that SROs complete a basic DCJS approved SRO course, as well as additional agency-defined training prior to or within 60 days of an assignment to a school, whenever feasible. The training will meet the requirements established by the Virginia Department of Criminal Justice Services ("DCJS") as outlined in §§ 9.1-102(53) and 9.1-114.1 of the Code of Virginia, and be aligned with the SLEP Guide and the DCJS curriculum. Required training topics 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
- Cultural diversity awareness
- Working with students with disabilities, mental health needs, substance use disorders, or traumatic experiences
- Student behavioral dynamics, including current child and adolescent development and brain research.

The SRO supervisor will ensure that day-to-day school coverage is provided as agreed upon between the LCSO and the LCPS. Should a shortage of SROs occur, high schools will be prioritized for coverage. Coverage is expected throughout the day, with deputies visible in their LCSO uniforms and with marked patrol vehicles on school property.

SROs and school administrators will maintain frequent communication to solve problems, resolve conflicts, prevent crime, and address threats. Efforts should also be made to avoid engaging children in the criminal justice system if possible.

SROs will strive to assist LCPS personnel with presentations on law-enforcement practices, relevant laws, crime trends, crime prevention 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 the delivery of any presentation.

SROs will also serve as informal mentors and role models. While role models are not formal counselors, students often seek approval, direction, and guidance about problems by interacting with SROs. SROs are expected to communicate clearly about acceptable and unacceptable behavior, set a positive example in handling stressful situations and resolving conflicts, show respect and consideration of others and express high expectations for students.

Supporting Students with Disabilities

SROs may periodically interact with students with disabilities. While some disabilities are visible, others may be less apparent and the student may interact differently with SROs. When a student with special needs is involved in an offense reportable to law enforcement, the school will notify the SRO as appropriate and allowed by law. This information will signal the SRO that the student may require additional support. SROs receive training on various types of disabilities and their implications for law enforcement. LCPS will also provide additional disability training to SROs, as available.

School Security Officer (SSO) Responsibilities

SSOs are employees of LCPS who are entrusted to promote a culture of safety, security, and inclusion within our 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.

School Division Responsibilities

It is the responsibility of school administrators to facilitate effective communication between the SRO and the school staff to support the goals of the 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 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 Superintendent, along with the Sheriff or their respective designees, shall approve of the alternate placement.

School administrators and teachers will handle student discipline within the school disciplinary process without involving the SROs. LCPS is responsible for communicating the goals and roles of SROs to all school administration, staff, parents/legal guardians, and students. LCPS will ensure school administrators receive relevant training aligned with the SLEP Guide and DCJS curriculum prior to or within 60 days of an SRO's assignment to their school.

School Administrator Roles and Responsibilities

Consistent with Virginia Board of Education Standards and Accreditation, the school 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 principal or his/her designee ensures the SR&R is enforced and seeks to maintain a safe and secure school environment.

School administrators shall review this MOU with their SROs annually and recommend school-specific operational 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 upon receipt to the LCSO. 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 to the law enforcement chain of command in coordination with school administrators. Reportable offenses discovered or occurring after school hours will be reported through the LCPS Security Operations Center which will notify the LCSO.

OPERATIONAL PROCEDURES

Professionalism is expected from all LCSO and LCPS personnel.

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. Except for the offenses which are required to be reported to law enforcement, this responsibility allows school officials the latitude to question students in an effort to maintain a safe school environment. Should an offense occur

that requires reporting to law enforcement, as outlined in § 22.1-279.3:1 of the Code of Virginia, school officials must immediately stop their involvement and contact the SRO.

Previously occurring, non-emergency, and non-reportable events may be addressed by the principal or his/her designee. Nothing below should prevent reporting to law enforcement personnel any incident that occurred within the school community, off campus.

School personnel shall cooperate with law enforcement authorities, to the extent permitted by law, in the investigation of all criminal offenses which occur on a school bus, on school property, at a school sponsored activity or event, or through school technology.

The LCSO recognizes LCPS' requirements under Title IX to address and investigate claims of sex-based discrimination and sexual harassment.

The LCSO will make reports to the superintendent and the affected principal (or designee) on all incidents required as outlined in § 22.1-279.3:1 of the Code of Virginia. 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.

Information Sharing

The release and sharing of student records is governed by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g. "School officials," as defined by 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.

When performing a law enforcement function, an SRO may access education records with written consent of the parent/legal guardian (or the student if 18 or older) or under one of the following exceptions:

- Health or safety emergency (an articulable and significant threat; the principal as records custodian decides and records the basis and the parties who received the information; LCPS Division Counsel will be notified by the principal).
- Reports of child abuse or neglect.
- Lawfully issued subpoena, search warrant, or court order (with reasonable efforts to notify parents in advance when required by FERPA and after consultation with law enforcement, as applicable).

- Information not contained in education records (e.g., a principal's unrecorded observations).
- Directory information (except that under § 22.1-287.1 no student address, telephone number, or email address may be disclosed except to school employees for educational or business purposes, and only for students whose parents have not opted out).

Surveillance video or audio that constitutes an education record is released only pursuant to subpoena, warrant, or court order (or with written consent of the parent/guardian or the student, if over 18 or under a qualifying health-or-safety emergency). The LCSO will work with the LCPS Division of Safety and Security as custodian of any recordings. SROs may disclose information from their own law-enforcement records for the purpose of ensuring physical safety and security of people and property in schools or for enforcement of laws; such records are not considered student records under FERPA.

Access to Real-Time (Live) Video Feed

LCPS provides LCSO with access to real-time video for the purposes of assisting effective law enforcement response to incidents occurring on LCPS property.

The access afforded to the LCSO 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 pursuant to a warrant, subpoena, or other legal process.

- The LCSO shall only access real-time (live) video where there are concerns for safety when responding to an incident at an LCPS school. To the extent the LCSO's request for access to real-time (live) video fall outside the parameters, LCPS safety and security officials may monitor video footage for other safety concerns.
- LCSO deputies shall only access real-time (live) video in their official capacities as defined by Virginia law.
- All video recordings and associated information shall be treated as confidential information that is protected by state and federal law, including, but not limited to FERPA, the US Code, the Virginia Freedom of Information Act ("FOIA"), and Virginia code.
- The LCSO shall safeguard from further disclosure the videos and all information gleaned from the provided access as required and permitted by applicable state and federal law (as noted above).

- The LCSO's access to real-time (live) video shall be documented quarterly, reflecting the date, time, and description of the video viewed and stated purpose for such access.
- Distribution of information beyond the LCSO is prohibited, absent a lawful directive and notice to the LCPS in a timely fashion.
- The LCSO shall immediately inform the LCPS division counsel in the event of an inadvertent third-party disclosure of information.

Investigation and Questioning

SROs have the 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 from a school administrator or contacting the parents/legal guardians when necessary to protect safety, prevent flight or destruction of evidence, or address other exigent circumstances. In non-exigent situations, the SRO will coordinate with school administrators in advance whenever practical.

Investigations and questioning of students during school hours or at school events should be limited to suspected criminal activity. Any custodial questioning of a minor will comply with § 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 unrelated to the school occur at school only when a delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of the crime.

Interviews 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.

Notification Guidelines:

- **Juvenile Suspect (On-campus Offense):** Prior to questioning, the SRO will attempt to notify the student's parent/guardian of the suspected involvement, consistent with § 16.1-247.1. The SRO will also notify the principal (or designee) prior to questioning.
- **Juvenile Suspect (Off-campus Offense):** Questioning at school will occur only when delay might result in danger, destruction of evidence, or flight. The SRO will

notify the parent/guardian prior to questioning in accordance with § 16.1-247.1 and will notify the principal prior to questioning.

- **Juvenile Witness or Victim (On-campus Offense):** The SRO will attempt to notify the parent/guardian prior to questioning, except where notice would jeopardize the investigation or is otherwise inappropriate due to the nature of the alleged offense. Parental permission is not required for middle or high school students. For elementary students, parental permission will be obtained where appropriate (except where it would jeopardize the investigation). The SRO will notify the principal prior to questioning.
- **Juvenile Witness or Victim (Off-campus Offense):** Questioning at school will occur only when delay might result in danger, destruction of evidence, or flight. The SRO is not required to notify the parent/guardian prior to questioning in those circumstances and will notify the principal prior to questioning.
- **Adult Student (age 18 or older):** As the student is an independent decision-maker, the SRO will not notify the parent/guardian. The SRO will notify the principal prior to questioning. If the adult student has been declared legally incompetent or incapacitated, the SRO will attempt to notify the parent/guardian except where notice would jeopardize the investigation.
- **Student with Disabilities:** Consideration will be given on a case-by-case basis. For juveniles, parental notification follows the rules above. For adult students, the SRO will not notify the parent/guardian unless the student has been declared legally incompetent or incapacitated (in which case notification will be attempted unless it would jeopardize the investigation). School officials will not share education-record information about a student's disability without consent or a qualifying health-or-safety emergency under FERPA.

"On campus" means the alleged offense occurred on property owned, leased, or used by LCPS (including buildings and structures, grounds, buses and other vehicles, technology devices and networks, and virtual settings) or at an LCPS-sponsored activity or event as defined in School Board Policy 8020, Relations with School Support Organizations. "Off campus" means the converse.

Notice to the principal in the above-referenced situations is required so the SRO can locate the student and the principal can account for the safety and security of all students.

Principals conducting an administrative student review are not bound by the foregoing requirements. While SROs take the lead investigating students related to a criminal investigation, school administrators take the lead in questioning students about violations of the SR&R. Consequently, SROs shall not in any way direct the questioning of students regarding non-criminal matters. When a school administrator has

reasonable grounds for concern about the safety of those present during questioning, the administrator may request the SRO be present in order to provide security – but such administrator will remain in control of the questioning.

Should any enforcement action by an SRO occur, the principal will be notified as soon as practicable. All other activities between the LCSO and LCPS should be coordinated in advance with the best interests of the school and public safety in mind.

Use of Body Worn Cameras (BWCs)

The LCSO 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 ensuring accountability, transparency, and professionalism. The use of BWCs can be effective in reducing the number of violent confrontations, use of force incidents, and complaints. BWCs shall be used in accordance with LCSO policy, and will only be activated during official law enforcement interactions.

Search and Seizure

In accordance with School Board Policy 8265, *Searches Involving Students and Seizure of Contraband*, school administrators and other authorized LCPS officials may conduct searches involving students and may also confiscate contraband. Searches conducted by LCPS officials must be conducted at the direction, and remain under the control of, the LCPS 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 an SRO is not available to take possession of the contraband. If an SRO is not on duty, the principal or staff member shall contact the LCSO so that another deputy can take possession of the contraband.

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 ground for concern about the safety of those present during a search, the administrator may request the SRO be present to provide security and protection.

Canine (K9) searches shall be done in accordance with School Board Policy 8265, *Searches Involving Students and Seizure of Contraband*.

Arrests

Whenever practical, arrests of a student or staff member should be accomplished outside of school hours so as not to 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 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.

Physical Intervention by 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 SRO's incident report. Additionally, the school administrator and LCSO shall coordinate to ensure the student's parents/legal guardians are notified as soon as practicable.

School Board Policy 5345, *Restraint and Seclusion of Students*, applies to LCPS school personnel and does not govern law enforcement officers, including SROs, when they are executing official duties. Use of force by SROs is governed by applicable law and the policies of the LCSO. SROs shall be informed of Policy 5345.

Incident Management

During an external law enforcement or emergency event that may affect school operations, the principal or designee has the authority to determine the school's status (evacuate, secure the building, lockdown, shelter in place, or hold). Whenever practical, the principal will consult with law enforcement before deciding on a school's status. Relevant considerations include the incident's proximity to school grounds, the likelihood of impact on students or staff, the possibility that individuals may seek refuge on school property, and any effect on normal school transportation or egress. Law enforcement will notify the affected school's administration as soon as practical. In an active violent incident, law enforcement will assume operational control, establish unified command consistent with the National Incident Management System, and coordinate messaging with LCPS Public Information as appropriate. As soon as practical, the school administrator (or designee) and a Safety & Security staff member will support the unified command and remain until the event is concluded.

Definitions of school status levels are set forth in School Board Policy 3070, *Safety and Emergency-Related Communications*.

STATUTORY RESPONSIBILITIES

Crime Reporting

As outlined in § 22.1-279.3:1 of the Code of Virginia, the LCSO is required to notify a division superintendent, principal or a designee when a student in their school commits 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. The LCSO must also inform the principal and superintendent as to whether the student was released to a parent or released on bond. School superintendents who receive such reports are required to report the information to the principal of the school in which the student is 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).

Threat Assessment

An SRO is a required member of the school's threat assessment team per School Board Policy 8290, *Threat Assessment for the Protection of Schools*, and in accordance with the applicable provision of the Code of Virginia. When circumstances permit team members to obtain criminal history information and health records of a student, no member of the team shall redisclose such information in accordance with § 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

The 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 plans, as required by § 22.1-279.8(D) of the Code of Virginia.

Overdose Notification

Section § 22.1-272.1:1 of the Code of Virginia defines "school-connected student overdose" and "suspected school-connected overdose." Pursuant to this section, the school principal or designee shall notify the parent of every student enrolled in the relevant school within 24 hours of the earlier of (i) law enforcement or medical personnel confirming a school-connected student overdose or (ii) the principal having knowledge of a suspected school-connected student overdose.

Prompt notification to parents and guardians may help prevent additional overdoses, identify the substance or a potential source of supply, support investigative follow-up, and further protect students.

The LCSO and LCPS agree to report any such school-connected overdose – or suspected school-connected overdose to the school administration as soon as is practicable.

REVIEW AND EVALUATION OF MOU

This MOU shall be reviewed annually and amended or affirmed at least every two years or at any time upon the request of either party. Annual meetings shall be conducted between the LCPS and LCSO to support successful implementation of the SLEP Guide and this MOU. While continuous updates or refinements may be required to this MOU in the future, they shall not be implemented without the written concurrence of both parties. This MOU remains in force until either party, with a 45-day notice, withdraws from the agreement by delivering a written notification of such withdrawal.

Signed:

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Michael L. Chapman	April Chandler
Sheriff	Chair
Loudoun County Sheriff's Office	Loudoun County School Board