

MOU Checklist for School Resource Officers

What law enforcement agencies and school district administrators should consider when establishing a Memorandum of Understanding (MOU) for School Resource Officers (SROs)

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DEFINITIONS

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|--------------|---|------------|-----------------------------|
| IDEA | Individuals with Disabilities Education Act | MOU | Memorandum of Understanding |
| IEP | Individual Education Plan | SRO | School Resource Officer |
| FERPA | Federal Education and Right to Privacy Act | | |

Purpose of a Memorandum of Understanding



What is a Memorandum of Understanding, commonly referred to as an MOU, between School Districts and Law Enforcement Agencies?

It is an agreement between school districts and law enforcement agencies about the payment, placement, and obligations of officers placed in schools. Some states now require an MOU be created when officers are placed in a school to clarify expectations, roles and responsibilities, and make public what the school community can expect.

A robust MOU helps clarify the complexity of this relationship. SFY believes an MOU should describe, at a minimum:

- the roles and responsibilities of police officers who are either deployed in schools, or who enter a school building when they are called in,
- how officers will interact with students and school staff regarding disciplinary matters, and
- when school staff may call on an SRO to respond to a situation.

This is a murky area; often both officers and school staff are unclear as to when officers should intervene in incidents involving students. And, if it's confusing for staff and officers, imagine how confusing it will be for parents and students. To reduce confusion, a clear and comprehensive MOU, with the roles clearly spelled out, that describes exactly when, how, and under what conditions an officer will become involved in student behaviors is necessary.

A thorough MOU will also include information about:

- how officers are selected,
- the type of training they should receive,
- how the officer will be evaluated
- whether they will be trained with school staff, and
- how parents and staff can file complaints or compliments, if necessary, about how an officer treated or interacted with a student in school, and how these complaints will be handled.

SFY also strongly recommends that MOUs contain information on these topics:

- information sharing and student privacy,
- how the school community will be introduced to the officer, and
- how and when students may be questioned and who must be notified.

In this document, we offer a checklist of questions that should be answered by every MOU. Doing so will help clarify roles, responsibilities, and lines of communication, thereby preventing problems later on, while putting on notice and clarifying to all members of the school community how law enforcement officers will be integrated into the educational environment. An MOU, especially if it is public and used as a guide, can prevent much of the confusion that too often characterizes the officer—student—school staff relationship, and contribute to more healthy and robust communication between all parties.

Mission and Goals of the SRO Program



Mission and Goals of the Involvement of Law Enforcement in School

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| 1 | Does the MOU clearly state the mission of the involvement of school resource officers (SROs) in your child's school? | Yes | No |
| 2 | Does the MOU include a statement about the goals of the MOU? | Yes | No |
| 3 | Does the MOU explain who is responsible for paying for placing an SRO in school? | Yes | No |
| 4 | Does the MOU make clear how the SRO and law enforcement agency will be held accountable for adhering to the MOU? | Yes | No |
| 5 | Does the MOU explain how the presence of law enforcement will be explained to students, parents, teachers, school administrators and school staff? | Yes | No |

Selecting, Evaluating and Supervising Law Enforcement Officers in Schools



Selection and Review of SROs

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| 1 | Does the MOU make clear who is involved in selecting SROs for each school? | Yes | No |
| 2 | Does the MOU define who makes the final decision regarding the choice of an SRO? | Yes | No |
| 3 | Does the MOU specify the qualities, experience, and training that are prerequisites for selection of SROs? | Yes | No |
| 4 | Are there opportunities for parents, school personnel and other members of the community to be involved in the selection process? | Yes | No |
| 5 | Does the MOU require an annual review of the SRO function in the schools? | Yes | No |
| | If so, who is involved in reviewing the SRO's performance and the overall SRO function?

_____ | | |
| 6 | Are metrics for reviewing the SRO's performance clearly defined? | Yes | No |
| 7 | Are there opportunities for students, teachers and other school personnel to provide feedback during the review process? | Yes | No |

Training of Law Enforcement Officers Deployed to Schools or Responding to Calls for Service

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|----------|---|-----|----|
| 1 | Does the MOU describe the experience, training, and knowledge that an SRO should have before being deployed in your school? | Yes | No |
| | If so, does it specifically recommend that the SRO receive training in: | | |
| | • State juvenile code and its purpose provisions | Yes | No |
| | • Cognitive adolescent development | Yes | No |
| | • Impacts of trauma, mental illness and substance abuse on student behaviors | Yes | No |
| | • De-escalation, conflict resolution, and alternatives to arrest | Yes | No |

Selecting, Evaluating and Supervising (CONT.)



• Hate crime identification, prevention curriculum, and skills to address impact on victim communities	Yes	No
• Anti-bias/racism/harassment strategies	Yes	No
• Special education law	Yes	No
• Restorative justice	Yes	No
• Recognizing youth at risk of being commercially sexually exploited	Yes	No
• Understanding and protecting students' civil rights	Yes	No
2 Does the MOU require school administrators to receive the same or similar training?	Yes	No
3 Does the MOU require law enforcement officers working or responding to calls for service to attend cross training with school staff?	Yes	No

Process and Complaint Procedure and Resolution

1 Does the MOU spell out the process whereby parents and/or students can file concerns regarding treatment by SROs or law enforcement officers responding to calls for service in the school?	Yes	No
2 Does the process include:		
• Who is responsible for creating this complaint process?	Yes	No
• How to make complaints?	Yes	No
• How complainants' identity will be protected?	Yes	No
• Does the MOU specify who has the authority to change the status of the SRO in the school system?	Yes	No
• Does the MOU require an annual review of the SRO function in the schools?	Yes	No
If so, who is involved in reviewing the SRO's performance and the overall SRO function?		
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3 How will the school community be notified of the complaint resolution system?	Yes	No
4 How will the complaint resolution system be made accessible to all students?	Yes	No

Selecting, Evaluating and Supervising (CONT.)



Law Enforcement and School System Data Collection and Reporting

- 1** Does the MOU specify how, when and to whom the law enforcement agency is required to collect and report the following information:
- Number of school-based arrests Yes No
 - Court referrals Yes No
 - Citations issued Yes No
- 2** Does the MOU specify whether this aggregated data will be made available to the public? Yes No
- 3** Does the MOU specify whether the law enforcement agency must provide this data to the school Superintendent on a regular basis? Yes No
- 4** Does the MOU state how it will disaggregate this information and whether this data will be made publicly available on the school district and law enforcement agency's websites? Yes No



Operating Policies and Procedures for Law Enforcement Officers in Schools

Incorporating SROs and Police Officers into the School Environment

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| 1 | Does the MOU specify how, when, and to whom (e.g. school administrators, teachers, students, parents) an SRO will be introduced into the school environment? | Yes | No |
| 2 | Does the MOU specify how, when and to whom police officers responding to calls for service will be introduced into the school environment? | Yes | No |
| 3 | Does the MOU specify whether SROs will participate in school events, assemblies and meetings? | Yes | No |
| 4 | Does the MOU specify how or whether the SRO will participate in school threat or school emergency planning? | Yes | No |
| 5 | Does the MOU specify what procedures the school staff and administration must follow before involving a law enforcement officer to address student behavior? | Yes | No |

Communication Between Law Enforcement Agency and Schools About Officer's Duties

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| 1 | Does the MOU specify who—the law enforcement agency or the school system— informs SROs about daily school operation assignments, procedures, and policies | Yes | No |
| 2 | Does this include policies and procedures for: | | |
| | • Choice of uniform (formal or relaxed attire) | Yes | No |
| | • Use of force, arrest and citation of students on school property | Yes | No |
| | • Students' rights and protections | Yes | No |
| | • Chain of command | Yes | No |
| | • Approach for resolving disputes between law enforcement officer, school leaders and law enforcement leadership | Yes | No |
| | • Performance evaluation of officers? | Yes | No |

Operating Policies and Procedures (CONT.)



Roles and Responsibilities of the SRO and School Staff in Student Conduct

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| 1 | Does the MOU clearly state the responsibilities that the SRO is expected to assume? | Yes | No |
| 2 | Does the MOU clearly state what student behaviors are subject to law enforcement intervention and what behaviors are to be handled by school administrators? | Yes | No |
| 3 | Does the MOU state when or what criteria will be used to involve SROs or calls for service to officers? | Yes | No |
| 4 | Does the MOU clearly differentiate between the SRO's function and responsibilities and those of school administrators? | Yes | No |
| 5 | Does the MOU prohibit the SRO from engaging in student discipline? | Yes | No |
| 6 | Does the MOU define student disciplinary actions? | Yes | No |
| 7 | Does the MOU state how and by whom decisions about consequences of student behaviors are made? | Yes | No |
| 8 | If the MOU refers to law enforcement agency policies for interactions with youth, are those policies publicly available? | Yes | No |

Policies and Procedures for Officers' Use of Law Enforcement Responses

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| 1 | Does the MOU make clear when and under what circumstances an SRO may conduct a search , and who (parent, principal) must be informed about the search? | Yes | No |
| 2 | Does the MOU state when and under what circumstances an SRO can use physical restraints on a student? | Yes | No |
| | • Does the MOU clarify which physical restraints are permitted? | Yes | No |
| | • Does the MOU clarify when and in what circumstances handcuffs may be used on a student? | Yes | No |

Operating Policies and Procedures (CONT.)



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|----------|--|-----|----|
| 3 | Does the MOU clarify how, when and where an officer should arrest a student or a parent? | Yes | No |
| 4 | For students protected under special education laws: | | |
| | • Does the MOU state how the SRO will gain knowledge of accommodations/ approaches such as Behavioral Implementation Plan for students with IEPs/504s? | Yes | No |
| | • Does the MOU outline a procedure for de-escalation efforts prior to an officer's involvement? | Yes | No |
| | • Does the MOU identify what law enforcement response officers should make when students are manifesting their disability? | Yes | No |
| 5 | For immigrant youth, does the MOU provide procedures for handling inquiries, visits, and efforts to take students into custody by immigration officials? | Yes | No |

Information Sharing and Student Privacy Protections

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| 1 | Does the MOU specify who the “points of contact” are for sharing of information about individual students between police and school personnel? | Yes | No |
| 2 | Does the MOU specify what additional school staff, beside the main “point of contact” may share information about individual students and under what circumstances? | Yes | No |
| 3 | Does the MOU make a distinction between information sharing about individual students between police and school personnel for law enforcement and non-law enforcement purposes? | Yes | No |
| 4 | Does the MOU address the importance of adhering to federal privacy and confidentiality laws for students such as the Federal Education and Right to Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA)? | Yes | No |
| 5 | Does the MOU notify parties of the FERPA Section 1232(g)(1) exception for release of student disciplinary records? | Yes | No |
| | • Does the MOU identify specific state laws that offer privacy and confidentiality protections for students? | Yes | No |
| | • Does the MOU specify what information the schools are prohibited from sharing with law enforcement? | Yes | No |

Operating Policies and Procedures (CONT.)



- Does the MOU specify who (SRO, school personnel) is able to access the following information regarding a student or their family member:
 - Immigration status? Yes No
 - Citizenship? Yes No
 - Neighborhood of residence? Yes No
 - Religion? Yes No
 - National origin? Yes No
 - Ethnicity? Yes No
 - Real or alleged gang affiliation? Yes No

Protection of Student Rights and Parental Notification Procedures

- 1 Does the MOU specify what alternatives an SRO must consider before making an arrest? Yes No
- 2 Does the MOU specify who the SRO must notify if they are going to question a student and who has the right to be present when a student is questioned? Yes No
- 3 Does the MOU address how students will be informed about the role of the SRO in their school? Yes No
- 4 Does the MOU define legal protections for students and clarify the notification procedures for parents regarding the SROs' interview, arrest, and interrogation of students? Yes No
- 5 Does the MOU explain how students will be made aware of their rights? Yes No
- 6 Does the MOU specify who in the school administration the SRO or law enforcement office responding to a call for service must notify when they make an arrest in school? Yes No