

**MEMORANDUM OF UNDERSTANDING,
BETWEEN NASHOBA REGIONAL SCHOOL DISTRICT
AND BOLTON POLICE DEPARTMENT**

I. GENERAL PRINCIPLES

The NASHOBA REGIONAL SCHOOL DISTRICT and the BOLTON POLICE DEPARTMENT agree to coordinate their efforts and share information in order to prevent violence involving the students of the NASHOBA REGIONAL SCHOOL DISTRICT, to prevent the use, abuse and distribution of alcohol and other controlled substances involving the students of NASHOBA REGIONAL SCHOOL DISTRICT and to promote a safe and nurturing environment in the school community.

We agree to respond effectively and cooperatively for everyone's protection to incidents of student delinquency, truancy, and criminal behavior. The joint effort of cooperative response will focus on incidents that take place on school property, at school sponsored events, and at other locations in which students of the NASHOBA REGIONAL SCHOOL DISTRICT are involved or affected.

We also agree to keep all information disclosed pursuant to G.L. c. 12 § 32; G.L. c. 71 § 37H1/2; G.L. c. 71 § 37L; 603 CMR 23; and 20 U.S.C. § 1232g, from public dissemination in accordance with state and federal law.

This agreement is entered into pursuant to the Laws of the Commonwealth of Massachusetts and pertains to issues of violence, attempted violence or threatened violence, the use, abuse and/or distribution of alcohol or other drugs, or other incidents that would require a law enforcement response to a school, during any school sponsored activity (on or off school grounds), or involving students of the NASHOBA REGIONAL SCHOOL DISTRICT. It is to be read in conjunction with any and all policies, procedures, and reporting requirements set forth in the NASHOBA REGIONAL SCHOOL DISTRICT student handbook.

It is agreed and understood that it is the sole prerogative of school officials to impose discipline for infractions of school rules and policies not amounting to criminal or delinquent conduct. See the school handbook for specific policies and procedures in this regard.

II. SCHOOL AND POLICE DEPARTMENT DESIGNATED LIAISONS

In order to facilitate prompt and clear communications between the school and police personnel, the NASHOBA REGIONAL SCHOOL DISTRICT and the BOLTON POLICE DEPARTMENT agree to identify individuals on their respective staffs who will function as Designated Liaisons.

A. THE NASHOBA REGIONAL SCHOOL DISTRICT DESIGNATED LIAISONS, BY SCHOOL, ARE:

Principal
Assistant Principal
Assistant Principal

B. THE BOLTON POLICE DEPARTMENT DESIGNATED LIAISONS ARE:

Chief
Lieutenant
Sergeant
School Resource Officer (SRO)
School Resource Officer (SRO) Assistant

The aforementioned police department designated liaisons are considered a part of the NASHOBA REGIONAL SCHOOL DISTRICT's "Law Enforcement Unit" as defined in the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g) for purposes of sharing information regarding students.

III. ISSUES OF CONCERN TO THE DESIGNATED LIAISONS

A. REPORTABLE INCIDENTS:

- (1) The Designated Liaisons from the School and Police Department will review all incidents classified as Mandatory Reportable Incidents, as defined in Section IV of this agreement.
- (2) Additionally, the Designated Liaisons will review any incident or information that may affect the safety or well-being of students, faculty, or administrative personnel.

B. PREVENTION STRATEGIES:

In addition to the above responsibilities, the Designated Liaisons from the School and the Police Department will meet regularly for the following purposes:

- (1) to discuss incidents of violence or bullying (as defined under G.L. c. 71, § 37O) in school or outside of school that affects students of the school;
- (2) to discuss any use, abuse or distribution of alcohol and/or other controlled substances or any other criminal activity affecting students;
- (3) to identify strategies to reduce such activities and to promote a safe and nurturing school environment;
- (4) to discuss community resources available for students at risk of harm from violence, abuse or neglect;
- (5) to develop violence prevention and intervention programs, identification, protocol and curricula as required by G.L. c. 12 § 32; and
- (6) to outline the necessary action plan for implementation of such strategies.

IV. REPORTING GUIDELINES

A. SCHOOL REPORTS TO POLICE DEPARTMENT

- (1) The following shall be considered Mandatory Reportable Incidents:
 - (a) possession, use, or distribution of alcohol by a student;
 - (b) possession, use, or distribution of an inhalant or any controlled substance, as defined in G.L. c. 94C (excepting any possession of prescription medication possessed and administered in accordance with state law and school policy);

- (c) any incident in which any individual is reasonably believed to be distributing controlled substances or alcohol;
- (d) any incident involving the threat of assaultive behavior or intentional assaultive behavior and/or reckless behavior that results in personal injury;
- (e) possession of a weapon, as defined in the school handbook or under G.L. c. 71 § 37H (a), which includes, but is not limited to, a gun or a knife, and ammunition or components thereof.
- (f) any incident involving stalking or harassment in violation of G.L. c. 265 § 43 and 43A, annoying phone calls, domestic abuse, dating violence, or a violation of G.L. c. 209A or 258E restraining order, and any students either protected by a restraining order;
- (g) any incident involving a child suffering physical or emotional injury resulting from abuse inflicted upon him or her which causes harm or the substantial risk of harm to the child's health or welfare, including sexual abuse or from neglect (in addition to a report filed with the Department of Children and Families);
- (h) any incident involving an actual or suspected hate crime or violation of civil rights, including but not limited to an assault or battery upon a person or damage to the real or personal property of a person with the intent to intimidate such person because of such person's race, color, national origin, sexual orientation, or disability in violation of G.L. c. 265 §§ 37 and 39, as well as any act of bodily injury or attempt to cause bodily injury against a person due to actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability in violation of 18 U.S.C. § 249;
- (i) any incident resulting in significant damage to municipal or private property;
- (j) any bomb threat, fire, threatened or attempted fire setting, threatened or attempted use of an explosive device or hoax device, or possession of a "novelty lighter" as defined by G.L. c. 148 § 60. NOTE: The school shall also report "unauthorized ignition of any fires" to the local fire department under G.L. c. 148 § 2A;
- (k) any creation or possession of a document, whether computer or manually generated, handwritten or electronic (e.g., *text or email*), that identifies any individual targeted for violence or death;
- (l) any threat, direct or indirect, past or future, against a student, school personnel or other school employee;
- (m) any incident of "hazing" as defined by G.L. c. 269 § 17, involving any conduct or ritual or method of initiation into any school organization that endangers the physical or mental health of any student;

- (n) any sexual assault, including but not limited to rape, assault with intent to rape, indecent assault and battery, as well as any lewd and lascivious behavior, open and gross lewdness, indecent exposure, or incident of gender-based harassment, “sexting”, “sextortion”¹ or possession or dissemination of sexually explicit photographs of a student;
 - (o) any incident of “bullying” or “cyber-bullying” as defined by G.L. c. 71 § 37O where the school believes that the incident may have involved criminal conduct or involves any other reportable acts outlined in (a) through (n).
- (2) Mandatory Reportable Incidents will be immediately reported to the BOLTON POLICE DEPARTMENT if such incident:
- (a) occurred on school property or within 1,000 foot radius of school property;
 - (b) occurred at a school-sponsored function;
 - (c) occurred in a school owned or contracted bus or other vehicle or at school bus stop; or
 - (d) involved a student of the NASHOBA REGIONAL SCHOOL DISTRICT.
- (3) The Designated Liaisons from the School may report any other incident or information that may affect the safety or well-being of students, faculty, or administrative personnel at the School.

A. POLICE DEPARTMENT REPORTS TO THE SCHOOL

The appropriate Police Department Designated Liaison will inform the appropriate School Designated Liaison, subject to applicable statutes and regulations governing confidentiality, of:

- (1) any arrest of a student or the filing of a criminal or delinquency complaint application against any student of NASHOBA REGIONAL SCHOOL DISTRICT; and
- (2) any occurrence involving a student of the NASHOBA REGIONAL SCHOOL DISTRICT, if the
 - (a) activity poses a serious (present or future) threat to the safety of the student, other students, faculty, or administrative personnel;
 - (b) making of such report would facilitate supportive intervention by school personnel on behalf of the student; or
 - (c) activity involves actual or possible truancy.

¹ “Sexting” refers to the sending of a photograph or other visual image, depicting a person in a partial or total state of nudity, via text message, from one electronic device to another, usually cell telephones. “Sextortion” refers to a form of extortion (attempted or completed) where a person is extorted with a nude or partially nude image of themselves they had shared through “sexting”, usually of money, additional images or a promise of sexual acts.

V. PROCEDURE GUIDELINES

A. INTRODUCTION

A goal of educators is to provide a safe and nurturing climate in which learning can take place. It is also a goal of local law enforcement to promote a safe environment in the public school community.

As past events have shown, any school is at risk for incidents of violence, threatened violence or attempted violence, as well as the use, abuse and distribution of alcohol and other controlled substances, all of which diminish the ability of the school community to focus upon the business of learning. In order to promote a safe and nurturing environment in our schools and in our community, it is in our common interest to share information. It is through the collaborative efforts of the NASHOBA REGIONAL SCHOOL DISTRICT and the BOLTON POLICE DEPARTMENT that this can occur.

In order to maintain a safe and nurturing environment in its schools, the NASHOBA REGIONAL SCHOOL DISTRICT reserves the right to conduct a reasonable search of all school property for weapons, alcohol, other contraband or controlled substances in accordance with state and federal law and the student handbook.

B. REPORTING PROCEDURES FOR EMERGENCY SITUATIONS

Definition: An emergency situation is any incident that poses a threat to human health or safety or which may result in serious property damage.

A teacher or other employee having knowledge of any emergency situation shall immediately notify or cause to be notified both the BOLTON POLICE DEPARTMENT (911) and the School Principal or Assistant Principal. This requirement is in addition to any procedures outlined in the student handbook.

Where an emergency exists and there is an immediate need to avert or defuse certain unusual conditions or disruptions in the school setting, the school will provide all necessary information to law enforcement personnel regarding the student at issue. (See § 99.31(a) (10) of the FERPA regulations.)

C. REPORTING PROCEDURES FOR NON-EMERGENCY SITUATIONS

A teacher or other school employee, having reasonable grounds to believe that a student has committed an act categorized as a Mandatory Reportable Incident, shall promptly (1) report the incident and names of any involved persons to the appropriate Designated School liaison and (2) take reasonable steps to maintain any pertinent physical evidence in a secure place.

D. RESPONSIBILITY OF THE DESIGNATED SCHOOL LIAISON

Once a Designated School Liaison has been made aware of a Mandatory Reportable Incident, it is her/his responsibility to immediately:

- (1) notify the Police Department Designated School Liaison and, when appropriate, the parents or guardians of the involved students;

- (2) notify the Police Liaison of the existence of pertinent physical evidence and take reasonable steps to maintain it in a secure place; and
- (3) notify the Police Liaison of any related written reports about the incident.

VI. IMPLEMENTATION

A. TRAINING

The NASHOBA REGIONAL SCHOOL DISTRICT and the BOLTON POLICE DEPARTMENT agree to provide agency-wide training to their respective staffs to inform them of their roles and responsibilities under this agreement. On an on-going basis, the same training will be provided to new staff members.

B. EFFECTIVE DATE AND DURATION OF THIS AGREEMENT

The provisions of this Memorandum of Understanding shall be effective as of Nov 16, 2017 and will remain in full force and effect until amended or rescinded by the parties.


VII. WORKING CONDITIONS

The SRO will be assigned to the NASHOBA REGIONAL SCHOOL DISTRICT during the school year. During the non-school year and school vacation periods, the SRO will be assigned to the BOLTON POLICE DEPARTMENT. Other conditions of employment will be subject to the BOLTON POLICE DEPARTMENT's collective bargaining agreement.

VIII. SUPERVISOR AND CHAIN OF COMMAND

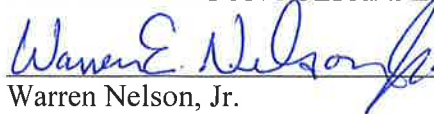
- A. The Chief of Police of the BOLTON POLICE DEPARTMENT or his or her designee will be the SRO's immediate supervisor.
- B. The SRO, while assigned to the school, shall abide by the BOLTON POLICE DEPARTMENT's chain of command. The SRO shall also become familiar with the policies and procedures of the NASHOBA REGIONAL SCHOOL DISTRICT. The NASHOBA REGIONAL SCHOOL DISTRICT shall designate a person that the SRO will report to regarding school procedures. The SRO shall at all times and for all purposes be considered an employee of the police department and not the NASHOBA REGIONAL SCHOOL DISTRICT.

FOR THE NASHOBA REGIONAL SCHOOL DISTRICT:


Brooke Clenchy,
Superintendent

5/12/17
Date

FOR THE BOLTON POLICE DEPARTMENT:


Warren Nelson, Jr.
Chief of Police

11/16/17
Date