

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE WELLESLEY PUBLIC SCHOOLS,
THE WELLESLEY POLICE DEPARTMENT
AND
THE NORFOLK COUNTY DISTRICT ATTORNEY’S OFFICE**

Purpose

This Memorandum of Understanding between the Wellesley Police Department (WPD), the Wellesley Public Schools (WPS), and the Norfolk District Attorney’s Office (NDA), heretofore referenced as “the Parties,” is intended to establish a unified strategy in order to facilitate a safe and secure environment for students, faculty, staff and the entire school community in the Town of Wellesley.

Philosophy

It is the shared goal of the Parties to promote a forward learning, healthy, and nurturing atmosphere within the school community. To this end, the Parties share the belief that the proactive, collaborative engagement of students, faculty and staff will establish and maintain healthy relationships and that disciplinary procedures will serve to build the capacity of students to understand the consequences of their actions and make productive choices in the future.

The Parties agree to coordinate their efforts to prevent illegal and criminal behavior, including but not limited to, incidents of verbal and physical assault, intimidation, bullying, threats, harassment, hate crimes, sex crimes, possession of weapons and the use, abuse, possession and/or distribution of drugs and alcohol. Additionally, the Superintendent of Schools and the Chief of Police agree to respond effectively and cooperatively to incidents of school delinquency and truancy.

This joint effort and cooperative response will focus on incidents that take place on school grounds and/or within 1000-foot radius of school property, within school property, and at school sponsored events, and other locations in which students of the Wellesley Public Schools are involved in school-sponsored activities.

This agreement is entered into pursuant to the laws of the Commonwealth of Massachusetts and deals with any incidents that would require:

1. A law enforcement response in a school setting;
2. A law enforcement response during any school-sponsored activity, even if the event is off school grounds; or
3. A law enforcement response in the community involving students of the Wellesley Public Schools.

It is understood that it will be the sole prerogative of school officials to impose discipline for infractions of school rules and policies that are not criminal in nature. Under state law, the SRO shall not serve as a school disciplinarian, as an enforcer of school regulations, or in place of school-based mental health providers, and the SRO shall not use police powers to address traditional school discipline issues, including non-violent disruptive behavior. The SRO shall not take enforcement action against students for Disturbing a School Assembly (G.L. c. 272, § 40) or for Disorderly Conduct or Disturbing the Peace (G.L. c. 272, § 53) within school buildings, on school grounds, or in the course of school-related events.

All information disclosed pursuant to M.G.L. Ch. 12 § 32; M.G.L. Ch. 71 § 37H1/2; M.G.L. Ch. 71 § 37L; 603 CMR 23; and 20 U.S.C. § 1232g, shall be kept from public dissemination in accordance with state and federal law. Standard operating procedures regarding the school resource officer program in the Wellesley Public Schools will be attached as an addendum to this MOU and issued to all SRO's.

School Resource Officer Selection and Training

The process for selecting SRO's will be at the discretion of the Chief of Police, with input from the Superintendent of Schools. The Chief shall not assign an SRO based solely on seniority. In accordance with state law, the Chief shall assign an officer whom the Chief believes would foster an optimal learning environment and educational community and shall give preference to officers who demonstrate the requisite personality and character to work in a school environment with children and educators.

Officers assigned to the SRO position shall receive specialized training in child and adolescent cognitive development, conflict resolution, de-escalation techniques, alternatives to arrest and diversion strategies. The Chief and the Superintendent will review the performance of each SRO annually.

Truancy Prevention

Officers assigned to the SRO position shall be appointed as supervisors of attendance by the Wellesley School Committee. SRO's will assist WPS administrators with students who have accumulate unexplained absences and have not responded to interventions by the school administration.

WPS staff will follow up on unexplained student absences from school. Following three (3) to five (5) unexplained absences, school administrators shall attempt to contact students and their parent(s) and/or guardian(s) via telephone, email, and written letter.

After 5 unexplained student absences, the school will jointly develop an attendance plan for the student with their parent/guardian and supporting school staff, in which the SRO may be contacted as a school resource for support. If the student's attendance does not improve as a result of the plan, the school and SRO will work closely together on putting additional measures in place to correct the issue.

SRO interventions may include contact with the student and parent(s)/guardian(s), home visits, regular student check-ins, joint conferences, and/or outside agency referrals such as a Family Resource Center. If these options have not rectified the issue the SRO may file a Child Requiring Assistance application with the Dedham Juvenile Court.

Additional detailed guidance is available in the Guidance for Attendance Policies document issued by the Massachusetts Department of Elementary and Secondary Education.

Designated Liaisons and Communication

In order to facilitate prompt and clear communications between the school and police personnel, the parties agree to identify positions on their respective staffs that will function as designated liaisons. The Chief of Police and the Superintendent of Schools are the lead liaisons when there is any question in regards to interpreting the MOU.

- **The Wellesley Public Schools** designated liaison positions are: *Superintendent, Assistant Superintendent, Director of Student Services, Principal, Assistant Principal, School Psychologist, Guidance Counselor, and any other faculty member designated by the School Principal or Superintendent.*
- **The Wellesley Police Department** designated liaison positions are: *Chief of Police, Deputy Chief of Police, School Resource Officer, Patrol Commander, Investigations Commander, Support Services Commander, Shift Commander, and any other Police Official designated by the Chief of Police.*

The Wellesley Police Department is considered the Wellesley Public School's "Law Enforcement Unit" as defined in the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. ~1232g and 34 CFR § 99) for purposes of sharing information regarding students. The Wellesley Police Department's School Resource Officer, who is a professional employed by the Wellesley School Committee as the Supervisor of Attendance will perform numerous other duties within the Wellesley Public Schools, and shall be considered "authorized school personnel" as defined in 603 C.M.R. 23.00 and eligible for access to the records of students to whom he/she provides services.

In addition, the Superintendent of Schools and the Chief of Police agree to maintain regular and consistent communication between their offices, designated liaisons, and departments. The Superintendent and Chief of Police will communicate regularly to share appropriate

information pertinent to the health, safety, and well-being of students and members of the community. From time to time, as necessary, the Superintendent and Police Chief may issue joint reports, press releases, or statements to the community and public regarding the security, and well-being of students and staff, and to share other information that will benefit the school and the community.

School administrators shall ensure the proper collection and reporting of data on school-based arrests, citations, and court referrals of students, consistent with regulations promulgated by the Department of Elementary and Secondary Education.

Nothing in this MOU is intended to deter the immediate reporting of an emergency to the Wellesley Police Department via the 9-1-1 system. In the event of an emergency situation that poses a threat to human health or safety, or may result in serious property damage, the Wellesley Police Department should be notified immediately via the 9-1-1 system in addition to any notifications required under Wellesley Public School policy. In addition, where an emergency exists, all necessary information will be provided to law enforcement personnel regarding the student(s) at issue. (FERPA - 34 CFR § 99.31)

School Department Notification Procedures

A designated school liaison from the Wellesley Public Schools will share information with a designated liaison from the Wellesley Police Department, typically the School Resource Officer, without delay, in regards to any criminal incidents.

For day-to-day communication and general information sharing the School Resource Officer should be the primary point of contact. Matters requiring an immediate police response outside of normal communication with the School Resource Officer should be directed to the Wellesley Police Department Shift Commander via the Emergency Communications Center at 781-235-1212.

Matters that will lead to notification of the WPD:

1. The possession and/or use of alcohol by a student;
2. The possession and/or use of an inhalant or any controlled substance, as defined in M.G.L. Ch. 94Cs;
3. Any incident in which any individual is reasonably believed to be selling or distributing alcohol or any controlled substance, as defined in M.G.L. Ch. 94C;
4. Any legitimate threat of violence, direct or indirect, past or future, against a student or school employee;
5. Any incident involving intentional assaultive behavior and/or reckless behavior that results in personal injury;

6. The possession of a weapon, as defined in M.G.L. Ch. 269 § 10, or G.L. Ch. 71 § 37H (a), and/or the Student Handbook.
7. Any incident involving stalking or harassment in violation G.L. 265 § 43 and 43A, including but not limited to annoying phone calls, domestic abuse, dating violence, or a violation of abuse prevention or harassment order.
8. Any incident involving a child suffering an injury resulting from physical, psychological, and/or sexual abuse which causes substantial risk of harm to the child's health or welfare, to include neglect (in addition a report shall be filed with Department of Children and Families);
9. Any creation or possession of a document, whether computer or manually generated, handwritten or electronic (e.g. text) that identifies any individual targeted for violence or death;
10. Any incident involving an actual or suspected hate crime or violation of civil rights under M.G.L. 265 § 37 and § 39 or 18 U.S.C. § 249;
11. Any incident resulting in significant damage to municipal or private property;
12. Any bomb threat, fire, threatened or attempted fire setting, threatened or attempted use of an explosive device or hoax device;
13. Any incident of hazing as defined by M.G.L. 269 § 17;
14. Any incident of bullying or cyber-bullying as defined by G.L. c 71 § 370, where the school believes that the incident may have involved criminal conduct or involves any other reportable acts outlined in this memorandum; and
15. 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" or possession or dissemination of sexually explicit photographs of a student or a child under the age of eighteen.

Once a designated WPS Liaison has been made aware any of the aforementioned behaviors, it is their responsibility to:

1. Ensure that an appropriate designated police liaison is notified;
2. Ensure the existence of any potential physical evidence (e.g., weapon, illicit drugs, photographs) is made known to the police department and reasonable steps are taken to secure and maintain such evidence until it can be turned over to the police department; and

3. Ensure that any reports or documents related to the incident are forwarded to the police department.

Even when not defined above, the designated liaisons from the Wellesley Public Schools may report any other incident or pass on any other information that could affect the safety or well-being of students, faculty, or administrative personnel at the school.

Police Department Reporting Procedures

Once a designated police liaison has been made aware of the arrest of any student, or that a complaint application has been filed against any student, regardless of the jurisdiction of the incident, they are to ensure that the information concerning the matter shall be shared with the appropriate designated school liaison, subject to applicable statutes and regulations governing confidentiality.

Once the principal of a school has been notified that a felony complaint has been issued against a student, the principal shall have discretion to consider suspending such student under M.G.L. 71, § 37H1/2. In order to facilitate the process of considering such a suspension, and any subsequent hearing on the matter, the principal shall make a formal request in writing for the police report involving the felony complaint. The police report related to such charge will be provided in response to this request in accordance with the authority granted to the principal under M.G.L. 71, § 37H1/2.

A police liaison may also share information about any non-criminal activity involving a student if the officer believes that the activity:

1. Involves actual or potential truancy;
2. Poses a serious and imminent threat to the student's safety;
3. Poses a threat to the safety of other students, and/or faculty or school employees;
or
4. By making such a report the officer would facilitate supportive intervention by school personnel on behalf of the student.

Wellesley Public School employees and Wellesley Police Department employees who are not "Designated Liaisons" within this agreement, shall be made familiar with the types of incidents that are referred to in this agreement and shall act to make facts of any reportable incident known to a designated liaison of their respective department.

School Security Cameras

Surveillance cameras are in use in some school facilities and on school buses to promote safety and to encourage reasonable orderliness in school, on school property, at school functions, and on school buses. Surveillance cameras are not used in areas where there is a reasonable expectation of privacy.

Recorded Video Footage

Surveillance video footage is maintained in compliance with public records laws, and WPS School Committee Policy, on WPS servers. While there may be times when designated WPS staff monitor live video feeds, footage will typically be used after-the-fact as part of routine investigatory efforts that may not involve the WPD. Recorded surveillance video shall be available to the Wellesley Police Department for any criminal investigation or any incident involving the safety and/or security of Wellesley Public School facilities, grounds, students, faculty, or staff.

Live Video Monitoring

Live monitoring of surveillance cameras by the WPD on site is prohibited except in cases when there is a serious threat to the safety and/or security of Wellesley Public School facilities, grounds, students, faculty, or staff. In all cases, this will be approved and coordinated by the WPS in collaboration with the WPD.

Remote Video Access

The WPS will provide the WPD with remote access to live video feeds from school cameras. The parties agree that these feeds will only be monitored by the WPD in situations where remote access to camera feeds may prove essential in organizing the response of law enforcement, fire services and/or emergency medical personnel for the safety of students, faculty and staff. In all cases, the WPS Superintendent will be notified when school camera feeds have been accessed by the WPD.

Prevention Strategies

In addition to the above responsibility, a designated liaison from the Wellesley Public Schools, the Wellesley Police Department and The Norfolk District Attorney's Office may meet periodically for the following purposes:

1. To discuss any use, abuse or distribution of alcohol and/or other controlled substances, incidents of violence, incidents of bullying in school or outside of school, or any other criminal activity affecting students;
2. To identify strategies and community services available to reduce such activities and to promote a safe and nurturing school environment;

3. To develop violence prevention and intervention programs, identification, protocol and curricula as required by G.L. c. 12 § 32; and
4. To outline the necessary action plan for implementation of such strategies.

Implementation and Duration

The Wellesley Public Schools and The Wellesley Police Department agree to provide agency-wide training to their respective staffs to inform them of their respective roles and responsibilities under this agreement. On an on-going basis, the same training will be provided to new staff members.

The provisions of this Memorandum of Understanding shall be effective once signed by both parties and will remain in full force and effect until amended or rescinded by the Parties. An annual review of the MOU and SRO program will occur annually between the Chief of Police and Superintendent of Wellesley Public Schools.