

***Memorandum of Understanding Between
Waltham Public Schools and Waltham Police Department
Regarding the School Resource Officer Program***

This Memorandum of Understanding is made and entered into by and between the Waltham Public Schools and the Waltham Police Department.

I. Purpose

This agreement formalizes the partnership between the parties and facilitates a clear understanding of the roles, duties, and responsibilities of the parties in the implementation of a School Resource Officer ("SRO") Program in the Waltham Public Schools.

This agreement is entered into pursuant to the Laws of the Commonwealth of Massachusetts and is to be read in conjunction with any and all policies, procedures, and reporting requirements set forth in the Waltham Public Schools' student handbook and Waltham Police Department regulations.

II. Mission Statement

The SRO Program is based upon the fundamental premise that when schools, police, prosecutors, and other service agencies work collaboratively and proactively, the safety, mental health, and well-being of children and youth are best served. By working together to educate the school community, coordinate efforts, and share information, the Waltham Public Schools and the Waltham Police Department through the SRO Program strive to: (1) prevent violence involving the students of the Waltham Public Schools; (2) prevent the use, abuse, and distribution of alcohol and other controlled substances involving students of the Waltham Public Schools; and (3) provide a safe, secure, violence-free, and nurturing school environment.

III. Goals and Objectives

The SRO Program is designed to provide a safe, secure, violence-free, and nurturing school environment while creating strong relationships between the Waltham Public Schools, Waltham Police Department, and the community. The goals and objectives for the SRO Program include:

- To develop positive relationships with students, faculty, staff, and parents thereby enhancing the relationship of law enforcement with youth and the community and improving the educational climate;
- To provide a positive role model for students to instill in them good moral standards, judgment and discretion, respect for other students, and a sincere concern for their community;

- To provide a cooperative effort by being accessible and responsive to the needs of the students, faculty, staff, parents, and community;
- To provide enhanced security and law enforcement service thereby maintaining a safe, secure, and violence-free school environment that allows all students to learn and flourish;
- To create a strong partnership between school and police personnel with a clear understanding, appreciation, and delineation of the roles and responsibilities of each;
- To ensure that non-violent infractions of school rules and policies not amounting to criminal or delinquent conduct such as tardiness, use of profanity, and disruptive or disrespectful behavior remain the sole responsibility of school administrators;
- To ensure that SROs are timely notified of Mandatory Reportable Incidents as described in § V.D of this agreement;
- To minimize the number of students that are unnecessarily out of the classroom, arrested at school, or court involved;
- To identify and provide preventive help and services to at-risk students and families;
- To provide requirements and guidance for training of the SRO and school personnel regarding SRO-related topics;
- To assist school personnel in the development of school emergency crisis policies and guidelines (to include Threat Assessment) and assist with the facilitation of disaster-based drills while updating and augmenting said policies and guidelines as needed; and
- To offer additional educational resources to the students, faculty, staff, parents, and community through presentations and programming by the SRO that focus on law enforcement, prevention, health, and safety topics.

IV. Selection, Supervision, and Training of SROs and Review of SRO Program

The parties agree that the selection, supervision, and training of SROs is a critical aspect of the program. Additionally, the parties agree that reviewing the SRO Program on an annual basis is essential to assess its success and effectiveness in meeting its stated goals and objectives.

A. SRO Selection Process

In accordance with G.L. c. 71, § 37P, the Waltham Police Department is committed to selecting SROs who will foster an optimal learning environment and educational community. The selection of each SRO remains within the sole discretion of the Chief of Police. The appointment(s) shall not be based solely on seniority; rather, preference will be given to officers who demonstrate the requisite personality, character, skills, and interest to work in a school environment with children and educators and who have received specialized training related to working with children and adolescents, including cognitive development, de-escalation techniques, and alternatives to arrest and diversion strategies.

Other factors for consideration in selecting an SRO include:

- Ability to work effectively with students within the age range at the assigned school(s)
- Awareness of and education about the cultural descriptors that make up the community's world views, including race, age, gender, gender identity, ethnicity, religion, culture, sexual orientation, physical or mental disability, immigration status, primary language and English proficiency, socioeconomic status, educational level, and occupation
- A commitment to making all students and the school community feel welcomed, valued, respected, and acknowledged regardless of cultural descriptors
- Knowledge of school-based legal issues
- Commitment to protecting students' legal and civil rights
- Knowledge of school and community resources
- An understanding of crime prevention problem-solving and community policing in a school setting
- Public speaking and teaching skills
- Knowledge of school safety planning and technology

B. SRO Supervision

The SRO is a member of the Waltham Police Department and shall be subject to the administration, supervision and control of the police department. The SRO reports directly to the Division Commander of Community Services.

When on school grounds or at school related events, the SRO will coordinate with school officials as delineated in § VI.E of this agreement.

C. SRO Training

In addition to any basic and annual in-service training required of their officers by the Waltham Police Department, SROs shall receive specialized training to promote their effectiveness working with children and youth in a school setting. Continuing professional development shall include instruction in the following areas:

1. Child and adolescent development, including the impact of abuse, exploitation, violence, trauma, disability, poverty, and immigration status
2. Conflict resolution
3. Diversion strategies and practices

Additional areas for continuing professional development may include, but are not limited to:

- SRO course such as that provided by National Association of School Resource Officers

- School crisis planning, threat assessment, and emergency response
- Juvenile law and procedure, including student rights and privacy
- Understanding and protecting civil rights in schools
- Cultural sensitivity and linguistic differences
- Implicit bias
- Teaching and classroom management
- Mental health protocols
- Trauma-informed care
- De-escalation skills
- Drug prevention programs
- Physiology of addiction
- Teen dating violence and healthy teen relationships
- Bullying prevention
- Cyber safety

D. Review of SRO Program

The SRO Program will be reviewed annually to evaluate its success and effectiveness in meeting its stated goals and objectives. The review will be conducted jointly by the Chief of Police, or his/her designee, and Superintendent of the Waltham Public Schools, or his/her designee, at the end of each school year. This agreement, including the SRO Goals and Objectives, should be amended as required as a result of said review.

As part of the annual review, the performance and effectiveness of each SRO shall be evaluated. The Superintendent in consultation with the Principal(s) of the assigned school(s) will provide input regarding the evaluation. This input should take into consideration and include feedback from teachers, students, and the school community. It may include a recommendation to the Chief of Police that a specific SRO not be assigned to a specific school the following year. The Chief will seriously consider such input and make a good faith effort to address any concerns raised; however, the final selection and assignment of SROs remains within the sole discretion of the Chief of Police.

V. Information Sharing Guidelines

A. Designated Liaisons

In order to facilitate prompt and clear communications, the parties agree to identify individuals (*by title instead of name*) on their respective staffs who will function as Designated Liaisons.

The Waltham Public Schools' Designated Liaisons, by School, are:

- Principal of Waltham High School, Principal of Kennedy Middle School,
- Principal of McDevitt Middle School, Principal of Dual Language Elementary School,
- Principal of Fitzgerald Elementary School, Principal of MacArthur Elementary School,
- Principal of Northeast Elementary School, Principal of Plympton Elementary School,
- Principal of Stanley Elementary School, Principal of Whittemore Elementary School

The Waltham Police Department's Designated School Liaisons are:

- 2 School Resource Officers assigned to Waltham High School,
- 1 School Resource Officer assigned to Kennedy Middle School,
- 1 School Resource Officer assigned to McDevitt Middle School,
- 1 School Resource Officer assigned to all 7 Elementary Schools which are listed above in the Waltham Public School section.

The aforementioned Police Department Designated Liaisons are considered a part of the Waltham Public Schools' "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.

B. Issues of Concern to the Designated Liaisons

1. *Reportable Incidents:* In order to identify and provide preventive help and services to at-risk students and families and consistent with the goals and objectives of the SRO Program, the parties will share information as follows:
 - (a) The Designated Liaisons from the School and Police Department will review all incidents classified as Mandatory Reportable Incidents, as defined in § V.D. of this agreement.

(b) Additionally, the Designated Liaisons will review any incident or information that may affect the safety or well-being of students, faculty, or staff at the School.

2. *Prevention Strategies:* In addition to the above responsibilities, the Designated Liaisons from the School, the Police Department and the Middlesex District Attorney's Office ("MDAO") will meet regularly for the following purposes:

- (a) 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;
- (b) To discuss any use, abuse, or distribution of alcohol and/or other controlled substances or any other criminal activity affecting students UNLESS such information was gathered as part of a "Verbal Screening Tool for Substance Abuse Disorders" in which case it shall only be disclosed as permitted by G.L. c. 71, § 97;
- (c) To identify strategies to reduce such activities and to promote a safe, secure, violence-free, and nurturing school environment;
- (d) To discuss community resources available for students at risk of harm from violence, abuse, neglect, or exploitation;
- (e) To develop violence identification, prevention, and intervention programs, protocol and curricula as required by G.L. c. 12, § 32; and
- (f) To outline the necessary action plan for implementation of such strategies.

C. Confidentiality

The parties agree to keep all information which is necessarily disclosed between them pursuant to G.L. c. 12, § 32; G.L. c. 71, § 37H, G.L. c. 71, § 37H½; G.L. c. 71, § 37H¾; G.L. c. 71, § 37L; G.L. c. 71, § 37O, 603 C.M.R. 23.00; and 20 U.S.C. § 1232g, from being improperly publicly disseminated except as permitted by state and federal law.

D. Reporting Guidelines for School Reports to the Police Department

3. The following shall be considered Mandatory Reportable Incidents:⁴

- a. Possession, use, or distribution of alcohol by a student UNLESS such information was gathered as part of a "Verbal Screening Tool for Substance Abuse Disorders" in which case it shall only be disclosed as permitted by G.L. c. 71, § 97

⁴ If such information is obtained *solely* during a communication with a member of the school staff deemed privileged or confidential due to the staff member's professional licensure, such communication shall only be disclosed if consent is obtained or the communication is subject to the limits and exceptions to confidentiality and is required to be disclosed (e.g., mandatory reporting, immediate threats of harm to self or others).

- 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) UNLESS such information was gathered as part of a "Verbal Screening Tool for Substance Abuse Disorders" in which case it shall only be disclosed as permitted by G.L. c. 71, § 97
- c. Any incident in which any individual is reasonably believed to be selling or 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 to another
- e. Possession of a weapon, as defined in the school handbook or under G.L. c. 71, § 37(a), which includes, but is not limited to, a gun or a knife, and ammunition or components thereof
- f. Any incident involving stalking (G.L. c. 265, § 43), criminal harassment (G.L. c. 265, § 43A), annoying phone calls (G.L. c. 269, § 14A), or the issuance or violation of a G.L. c. 209A or c. 258E protection order on behalf of or against a student
- g. Any incident triggering the filing of a report for abuse and/or exploitation with the Department of Children and Families pursuant to G.L. c. 119, § 51A, including underage sexual contact if it qualifies as "sexual abuse." (See What Conditions Are Reportable, www.51a.middlesexccac.org)
- h. Any sexual assault, including, but not limited to, rape, assault with intent to rape, indecent assault and battery, open and gross lewdness, indecent exposure, or incident of gender-based harassment, "sexting", "sextortion",² or possession or dissemination of sexually explicit photographs of a student
- 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 incendiary or explosive device or hoax device, or possession of a "novelty lighter" as defined by G.L. c. 148, § 60. (NOTE: The principal also "shall immediately report any incident involving the unauthorized ignition of any fire within the school building or on school grounds to the local fire department" under G.L. c. 148, § 2A)
- k. Any creation or possession of a document, whether digitally or manually generated, handwritten or electronic (e.g., text or email), that identifies any individual targeted for violence or death

² "Sexting" is the act of sending, receiving, or forwarding sexually explicit photos (i.e., images depicting a person in a state of partial or total nudity) via cell phone, computer, or other digital device. "Sextortion" is a form of extortion wherein an individual threatens to expose or disseminate sexually explicit photos of another person if not provided with money, additional images, the performance or promise of sexual acts, or compliance with other demands.

- i. 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 method of initiation into any school organization that endangers the physical or mental health of any student
 - n. Any incident triggering a Title IX investigation (20 U.S.C. § 1681-1688, 34 C.F.R. § 106)
 - o. Any incident involving an actual or suspected hate crime or violation of civil rights (See G.L. c. 265, §§ 37 & 39; 18 U.S.C. § 249), including, but not limited to:
 - An assault or battery upon a person, whether or not it results in bodily injury, with the intent to intimidate because of such person's race, color, religion, national origin, sexual orientation, gender identity, or disability;
 - Damage to the real or personal property of a person with the intent to intimidate because of such person's race, color, religion, national origin, sexual orientation, gender identity, or disability; or
 - An act willfully causing bodily injury to any person or attempting to do so through the use of fire, firearm, dangerous weapon, or explosive or incendiary device because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person
 - p. 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 (a) through (o).
2. Mandatory Reportable Incidents will be immediately reported to the Designated Police Liaison 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 Waltham School District.
 3. The Designated School Liaisons may report any other incident or information that may affect the safety or well-being of students, faculty, or staff at the School.

E. Reporting Guidelines for Police Reports to School

The Designated Police Liaison will inform the appropriate Designated School 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 the Waltham Public Schools;
2. A student's voluntary participation in any Diversion Program; or
3. Any occurrence involving a student of the Waltham Public Schools, if:
 - a. The activity poses a serious (present or future) threat to the safety or well-being of the student, other students, faculty, or staff at the School;
 - b. The making of such a report would facilitate supportive intervention by school personnel on behalf of the student (e.g., the arrest or filing of a criminal complaint against a member of the student's household); or
 - c. The activity involves actual or possible truancy.

VI. Roles and Responsibilities of Schools, SROS, and Police Department

The parties are dedicated to providing a safe and nurturing climate in which learning can take place. The parties also want to promote a safe environment in the public school community while upholding the students' legal rights as outlined in the Standard Operating Procedures Regarding the School Resource Officer Program in the Waltham Public Schools ("SRO SOP") §5.

The parties acknowledge that proper integration of the SRO in the school environment, including (as appropriate) educational activities, classroom instruction, school assemblies, and staff and school safety meetings, can help build trust, relationships, and strong communication among the SRO and students, faculty, staff, parents, and 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 as outlined in § V above. It is through the collaborative efforts of the Waltham Public Schools and the Waltham Police Department that this can occur.

A. School Administration and School Personnel

1. Non-violent infractions of school rules and policies not amounting to criminal or delinquent conduct such as tardiness, use of profanity, dress code violations, and disruptive or disrespectful behavior remains the sole responsibility of school administrators. To this end, SROs shall refrain from being involved in the school's handling of such violations or misbehavior except, as asked or needed, to support school staff in maintaining a safe school environment.
2. The school administrators agree to ensure that school employees cooperate with police investigations and any subsequent actions related to crime or criminal activity on school premises or at school-related events.

3. In order to maintain a safe and nurturing school environment, the Waltham Public Schools 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, the student handbook, and the SRO SOP § 5(a). Should any evidence of a criminal nature be seized during such an inspection or search, immediate notification to the designated police liaison will be made and the property will be secured by the SRO.

B. Reporting Procedures for Emergency Situations

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

A teacher or other school employee having knowledge of any emergency situation shall immediately notify or cause to be notified both the Waltham Police Department (911) and the Principal or Assistant Principal. This requirement is in addition to any procedures outlined in the school's student handbook, administrative manual, and/or School Committee policy manual.

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

C. Reporting Procedures for Non-Emergency Situations

A teacher or other school employee who has 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) notify the Designated School Liaison of the existence of any physical evidence and take reasonable steps to maintain any pertinent physical evidence in a secure place.

D. Responsibilities of Designated School Liaison(s)

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

- Timely notify the Designated Police Liaison and, when appropriate, the parents/guardians of the involved student(s);
- Timely notify the Designated Police Liaison of the existence of pertinent physical evidence and take reasonable steps to maintain it in a secure place; and
- Timely notify the Designated Police Liaison of any written reports about the incident.

E. Responsibilities of SRO/Designated Police Liaison(s)

Because the Principal or his/her designee alone has control of the school building at any given time, police officers shall report to the main office upon entering a Waltham Public School. The Principal's foreknowledge of police presence in the building can do much to facilitate the school's operation and still prevent escalation of any existing situation requiring police response.

SROs shall not serve as school disciplinarians, as enforcers of school regulations, or in place of licensed school mental health professionals and shall not use police powers to address traditional school discipline issues, including non-violent disruptive behavior.

When the police have assumed responsibility in a criminal investigation, the police naturally are the decision-makers concerning that investigation. The Principal or Designated School Liaison shall convey to those authorities his or her best assessment of the situation which may not be apparent to the police. The Principal or Designated School Liaison will not interfere with a criminal investigation once it has been initiated.

It is the goal of the Waltham Police Department to meet the needs of all its community's children and youth. In collaboration with the Waltham Public Schools, the SRO/Designated Police Liaison will attempt to identify those students who may be at risk for problematic or unsafe behavior and link them to the support and services they need (e.g., mental health services, drug and alcohol counseling). In this endeavor, the SRO/Designated Police Liaison will seek to assist families by offering to develop an action plan that is tailored to meet the unique needs of the student.

F. Arrests of Students

Whenever possible, arrests of students will be attempted outside of school buildings and in compliance with the Standard Operating Procedures separately established by the Chief of Police and Superintendent pursuant to G.L. c. 71, § 37P.

G. Emergency Mental Health Issues

The parties recognize the importance of utilizing the expertise of mental health professionals in addressing the needs of students with behavioral and emotional difficulties in crisis situations and agree that examination by a qualified mental health professional is the preferred mechanism for evaluating a student experiencing a mental health crisis.

Occasionally, the public schools encounter a student in crisis who requires emergency psychiatric treatment. The law provides for involuntary commitment of such individuals if, in the judgment of a qualified mental health professional, the failure to hospitalize such an individual would create a likelihood of serious harm to himself or others by reason of mental illness. In such circumstances, the individual may be restrained while an application for involuntary hospitalization is sought. Likewise, if a qualified mental health professional is

unavailable, the law provides that a police officer may restrain such individual and apply for involuntary hospitalization. See M.G.L. c. 123, §12(a).

The parties therefore agree as follows:

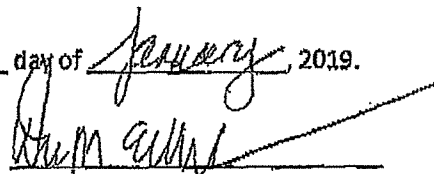
- The school's medical personnel will initiate any requests for a Section 12 involuntary commitment, unless there is an immediate risk of harm to the student or others in which case the police department shall be contacted and assume responsibility for initiating commitment proceedings
- The school will seek alternate emergency response, if available (e.g., from an Emergency Services Program), for an immediate clinical assessment of the student in crisis before seeking the intervention of the police department
- If intervention by the police is necessary, the school will notify the police at the earliest possible opportunity so as to coordinate efforts, minimize disruption at school, and maintain privacy for the student involved to the extent possible
- When an assessment of a student is made for possible involuntary commitment, referrals for follow-up mental health services shall be made by the school's clinical team

VII. Data Collection and Reporting

The parties agree to collect and report data regarding school-based arrests, citations and court referrals of students to the Department of Elementary and Secondary Education ("DESE") in accordance with regulations promulgated by DESE pursuant to G.L. c. 71, § 37P. The parties understand that such data will be collected and published by DESE in a disaggregated form and made available for public view.

VIII. Effective Date and Duration of Agreement

This agreement shall be effective as of the date of signing. It should be reviewed at least annually (before the start of the school year) and amended as necessary to meet the needs of the parties. This agreement will remain in full force and effect until amended or until such time as either party withdraws from the agreement by delivering written notification of such recession to the other party.

Signed on this 3 day of January, 2019.


Dr. Drew Echelson
Superintendent of Schools

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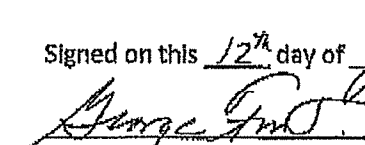
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Signed on this 12th day of June, 2019.


Superintendent of Schools

Signed on this 3rd day of January, 2019.



Keith D. MacPherson

Chief of Police

APPENDIX A9


ROLE OF THE OFFICE OF THE MIDDLESEX DISTRICT ATTORNEY

In the spirit of enhancing communication between the district attorney, law enforcement, and school officials and to assist the Waltham Public Schools in providing a safe, secure, violence-free, and nurturing environment for learning and in accordance with the legislative mandates set forth in G.L. c. 12, § 32, c. 71, §§ 37H and 37I/2H, among others, the Middlesex District Attorney, through her designees, agrees to:

- (1) Report to the school any criminal or delinquency complaint that is issued against a defendant or juvenile who is known to be a student of the Waltham Public Schools
- (2) Consult with the Waltham Public Schools and the Waltham Police Department when fashioning proposed terms and conditions to be imposed upon a known student of the Waltham Public Schools at both the pre-adjudication and post-adjudication stages of the prosecution
- (3) Report to the school any adjudication of delinquency or conviction, diversion or other significant occurrence that arises from any above criminal or delinquency proceeding;

The Middlesex District Attorney agrees to provide training to the Middlesex District Attorney's Office ("MDAO") staff 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.

The MDAO will not disclose a student's personally identifiable information learned during and/or in relation to a G.L. c. 12, § 32 community based justice meeting to a third party other than another juvenile justice system agency and/or as provided by state and federal law.



 Marian T. Ryan
 Middlesex District Attorney



 Date