

MEMORANDUM OF UNDERSTANDING BETWEEN

CONSHOHOCKEN BORO POLICE DEPARTMENT

(Law Enforcement Entity)

and

COLONIAL SCHOOL DISTRICT

(School Entity)

I. Joint Statement of Concern

A. Goals

The purpose of this memorandum is to establish procedures to be followed when an incident involving an act of violence or possession of a weapon occurs on school property. **Further, by inclusion of this memorandum in student handbooks, all relevant district procedures are hereby included in the agreement.**

B. Priorities

1. Investigation of all crimes reported to have occurred at schools, including those which occur at school-sponsored events, etc. This should involve as little disruption of the school environment as is practicable.
2. Identification of those responsible for the commission of those crimes, and, where appropriate, apprehension and prosecution of those individuals. This should involve as little disruption of the school environment as is practicable.
3. Assist school entities in prevention of crimes of violence and crimes involving the possession of weapons through a variety of preventative measures including education and deterrence.

II. Incidents requiring law enforcement notification and response.

A. Acts of violence

1. Any deliberate act, serving no legitimate purpose, which causes injury or which could reasonably be expected to cause injury to another person.
 - a. To be considered reportable, the conduct should be either intentional or reckless in nature.
 - b. Many factors may be taken into consideration when determining whether it is appropriate to notify law enforcement, including:

- 1) Motivation
- 2) Actor
- 3) Victim
- 4) Potential for or actual injury
- 5) Potential for escalation
- 6) Parental request for law enforcement involvement. (A parental request that law enforcement not be involved shall not be binding on the school entity.)

B. Possession of Weapons

1. Weapon shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle or any other tool, **spring loaded** instrument or implement capable of inflicting serious bodily injury.
2. Applicable to any object in circumstances in which the object has been or is likely to be used as a weapon.

III. Response to Incidents

A. Initial notification to law enforcement by school authorities should be made as soon as it is practicable.

B. Information to be provided to law enforcement:

1. Whether the incident is in-progress or has concluded.
2. Nature of the incident.
3. Exact location of the incident.
4. Number of persons involved in the incident.
5. Weapons involved.
6. Have weapons been secured?
7. Injuries involved.
8. EMS notification if necessary.
9. Identify of the school contact person.

C. Initial response by law enforcement:

1. Incidents in progress:
 - a. Meet with contact person, if necessary, to locate incident.
 - b. Stabilize the incident.

- c. Provide/arrange for emergency medical treatment if necessary.
 - d. Control the scene of the incident
 - (1) Secure any physical evidence at scene.
 - (2) Identify involved persons and witnesses.
 - e. Conduct investigation.
 - f. Exchange information.
 - g. Confer with school officials to determine the extent of law enforcement involvement required by the situation.
2. Incidents not in progress:
- a. Meet with contact person.
 - b. Recovery any physical evidence.
 - c. Conduct investigation.
 - d. Exchange information.
 - e. Confer with school officials to determine the extent of law enforcement involvement required by the situation.

3. Incidents involving delayed reporting:

Defined: Incidents occurring at school or a school sponsored event which are reported after the conclusion of the school day or event during which the incident took place.

- a. If initially reported to the school, handle as if reporting was not delayed.
- b. If initially reported to law enforcement, investigation will be conducted as any other investigation. School will be made aware of the incident, and information will be shared as if the reporting was not delayed.

4. Custody of actors:

- a. Actors may be taken into custody at the discretion of the investigating law enforcement officer.

D. Assistance from school entities:

1. In Loco Parentis

Teachers, vice principals and principals in the public schools have the right to exercise the same authority as to conduct and behavior over the pupils

attending school, during the time they are in attendance, including the time required in going to and from their homes, as the parents, guardian or persons in parental relationship to such pupils may exercise over them.

School authorities' ability to stand in loco parentis over children does not extend to matters beyond conduct and discipline during school and school-activities.

Generally, parents or guardians of students involved in acts of violence or possession of weapons should be notified as soon as possible. School entities should document attempts made to reach the parents or guardians of victims, witnesses or suspects of acts of violence or the possession of a weapon. There are exceptions to this generalization such as situations in which the parents or guardians may be co-suspects and situations in which notification may result in the destruction of evidence or the tampering with evidence or witnesses. Except in cases in which the suspect student has been injured and requires medical attention, the decision to notify the suspect's parents or guardians shall be a cooperative decision between school officials and law enforcement authorities unless immediate notification is otherwise required

School authorities should act in interviewing witnesses and getting further statements from those involved prior to police contact.

2. Scope of the school entity's involvement in law enforcement procedures:

a. Victims

The school entity should notify the parent or guardian when law enforcement authorities interview a victim. Unless as school entity has been previously instructed to the contrary by a parent or guardian, in writing, there is no need to secure parental permission to interview a victim. A guidance counselor or other similar school personnel should be present during the interview by law enforcement authorities.

b. Witnesses

The school entity should notify the parent or guardian when law enforcement authorities interview a witness. A guidance counselor or other similar school personnel should be present during the interview by law enforcement authorities.

c. Suspects

A presumption exists that a juvenile is incompetent to waive his rights without opportunity for consultation with an informed and interested adult. Thus, school entities shall secure the permission and presence, where possible, of at least one parent or guardian before a student suspected of committing an act of violence or possessing a weapon is interviewed by law enforcement authorities. Where the presence of a parent or guardian is impossible, a guidance counselor or other similar school personnel should be present during the interview by law enforcement authorities.

The legal conduct of arrests, interviews, interrogations, searches and seizures are within the purview of the law enforcement authority.

The school entity should defer to the expertise of law enforcement authorities on matters of criminal procedure except as is necessary to protect an interest of the school entity.

3. Conflicts

In cases where an employer, contractor or other person who acts on behalf of the school district or entity, is the subject of an investigation, there exists the potential for a conflict of interest. To guard against accusations of impropriety when the possibility of a conflict of interest exists, neither the individual that is the subject of the investigation nor anyone acting as his or her subordinate or direct supervisor shall be present during interviews of students as co-suspects, witnesses or victims by law enforcement authorities.

Furthermore, the individual that is the subject of the investigation, and anyone acting as his or her subordinate or direct supervisor, shall not be made aware of the content of the statements made by students as co-suspects, witnesses or victims, except at the discretion of the law enforcement authorities. A guidance counselor or other similar school employee who is not involved in the conflict should be present during the interview of a student as co-suspect, victim or witness. In light of the potential for a conflict, however, the decision to have a guidance counselor or other similar school employee present during the interview shall be a cooperative decision between the school entity and law enforcement authorities.

E. Reporting requirement/Exchange of information:

a. Law Enforcement:

- (1) Full cooperation within the limits of the Criminal History. Record Information Act, 18 Pa. C. S. Chapter 91.
- (2) Share information as needed for school to complete report under the Public School Code of 1949, 24 P. S. § 13-1303-A(b).
- (3) Shall not make disclosures contradictory to D.3 conflicts.

b. Schools:

- (1) Full cooperation within the limitations imposed by law, particularly the Federal Educational Rights and Privacy Act (FERPA), 20 U.S. C. §123g, its implementing regulations located at 34 C.F.R §99.1 et. seq., and 22 Pa. Code §§12.31-12.33.
- (2) Share information and evidence as needed for police to complete investigation.
- (3) Notify the appropriate school district or entity if an actor involved in an act of violence or possession of a weapon attends another school, on either a part-time or full-time basis.
- (4) Complete reports as required under the Public School Code of 1949, 24 P. S. §13-1303-A(b).

IV. Other Considerations

A. Release of Information to the Media

1. The release of information concerning incidents involving acts of violence or possession of a weapon shall be coordinated between law enforcement and school entities.
2. The parties will release as much information as allowable by law with due consideration to investigative needs and the need to limit disruption of the school function.

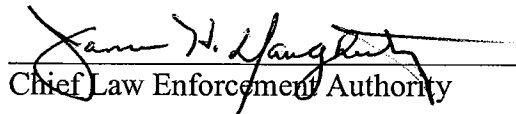
V. General Provisions:

- A. This Memorandum is not intended to and does not create any contractual rights or obligations with respect to the signatory agencies or any other parties.
- B. This Memorandum may be amended, expanded or modified at any time upon the written consent of the parties.
- C. In the event of changes in state or federal law which necessitates changes to this Memorandum, the parties shall collaborate to change this Memorandum to assure compliance by the parties with state and federal requirements.
- D. Both parties will communicate with each other to resolve any problems that may arise in fulfilling the terms of this Memorandum.

The parties hereby acknowledge the foregoing as the terms and conditions of their understanding.



Superintendent/Administrative Director



Chief Law Enforcement Authority

Colonial School District

Conshohocken Boro Police Department

School Entity

Law Enforcement Authority

Date

Date

11/1/06

11/1/06

Colonial School District Administrative Regulations

Possession of Weapons Prohibited

Consistent with Section 1317.2 of the Public School Code, students are prohibited from bringing a weapon onto any school property, any school sponsored activity or any public conveyance providing transportation to a school or school sponsored activity.

The Superintendent of Schools is authorized by Section 1317.2 (c) of the Public School Code to recommend discipline short of an expulsion on a case-by-case basis. *

A student transferring into the Colonial School District who at the time of such transfer is serving a period of expulsion for an offense involving a weapon, upon acceptance in the Colonial School District will be placed in alternative educational assignment as determined by the Superintendent of Schools for the remainder of expulsion period as determined by the previous school.

The Superintendent of Schools is directed to adopt regulations setting forth the criteria to be used by the Superintendent of Schools in deciding whether or not to recommend discipline short of expulsion.

- * [As required, the Superintendent or his designee will report the discovery of any weapon to local law enforcement officials. Similarly, possession of a weapon will be reported to the Department of Education via the Annual Report on School Violence and Weapon Possession (PDE 360).]

Criteria for Determining Discipline for Possession Weapons

The Superintendent of Schools hereby adopts the following criteria that the Superintendent will use in determining whether or not to recommend discipline short of expulsion on a case-by-case basis for a student found to have brought a weapon onto school property, any school sponsored activity or any public conveyance providing transportation to a school or school related activity. The criteria are:

- 1. The age of a child can produce mitigating circumstances as with primary grade school pupils who lack a full understanding of the seriousness of a weapons policy violation.**
- 2. Pupils who manifest limited intellectual skills may not recognize the seriousness of their actions. Therefore, certain mentally challenged students will be considered for less severe punishment.**
- 3. Students demonstrating severe mental health impediments to understanding the consequences of their conduct may similarly be exempted from expulsion.**
- 4. Exceptional pupils who demonstrate that their behavior is a direct manifestation of their handicapping condition may be exempt from expulsion.**