



**COPS**

Community Oriented Policing Services  
U.S. Department of Justice

# Fact Sheet

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## Memorandum of Understanding for FY2013 School-Based Partnerships

**"To support safe schools so that children can learn without fear, the COPS Office engages law enforcement, school administrators, parents, and students in problem-solving partnerships targeted at student success."**

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School Resource Officer (SRO) programs can play an important role in maintaining and increasing safety at schools and in neighboring communities. In order to effectively implement such programs, law enforcement agencies and schools should develop a Memorandum of Understanding (MOU) to clearly document the roles, responsibilities, and expectations of the individuals and partners involved, including SROs, school officials, law enforcement, education departments, students, and parents. At a minimum, a successful MOU documents the program's purpose, partner roles and responsibilities, requirements for information sharing, and supervision of the SRO.

### Developing a Memorandum of Understanding

An MOU, also referred to as an "interagency agreement" or Memorandum of Agreement (MOA), is an instrument used to build mutual respect and trust between partners while delineating specific roles and responsibilities of the partnering agencies. Every jurisdiction with a school and law enforcement partnership should have an MOU that clearly defines the roles and responsibilities of the individual partners involved, including school districts, boards or departments of education, school administration officials, law enforcement agencies (including SROs), and students and parents. As a policy instrument, all parties should sign and abide by the MOU, and it should be considered a living document that operates within the context created by applicable federal and state laws—including, but not limited to, federal civil rights laws and privacy laws.

### Developing Your School-Based Partnership

School and law enforcement partnerships are also built on a foundation of shared goals and objectives, which are approached in a constructive and positive manner and achieved through open communication. When schools, communities, and law enforcement agencies work together to creatively tackle problems, they may be able to achieve a number of positive outcomes, including:

- An increased ability of law enforcement agencies, schools, and community groups to gather and analyze useful and timely information about crime and fear of crime in schools in accordance with applicable privacy laws
- An increased ability of law enforcement agencies, schools, and community groups to work together in developing innovative, systemic, long-term approaches to reducing and preventing different kinds of crime in and around their schools, and preventing unnecessary law enforcement involvement in non-criminal student misbehavior—improving the quality of life for students, teachers, school personnel, and parents and promoting a safer environment that is conducive for learning by implementing strategies focused on targeted crimes.

- An increased understanding of how to effectively interact with youth through coordinated training on topics such as basic childhood and adolescent development and age-appropriate responses, disability and special education issues, conflict resolution and de-escalation techniques, bias-free policing including implicit bias and cultural competence, restorative justice techniques, and working with specific student groups such as students with disabilities or limited English proficiency, and students who are lesbian, gay, bisexual, and transgender (LGBT)
- An increased understanding of an SRO's roles and responsibilities, including an understanding that school code of conduct violations and routine discipline of students remains the responsibility of school administrators, and that law enforcement actions (such as arrest, citations, ticketing, or court referrals) are only to be used as a last resort for incidents that involve criminal behavior or when it becomes necessary to protect the safety of students, faculty, and staff from the threat of immediate harm
- An increased ability through coordinated training for schools and law enforcement agencies to properly train and respond to school safety threats
- An increased ability to plan for and respond appropriately to emergencies. Note that the U.S. Departments of Education, Health and Human Services, Homeland Security, and Justice recently released guidance for schools on emergency planning (see U.S. Department of Education, Office of Elementary and Secondary Education, Office of Safe and Healthy Students, Guide for Developing High-Quality School Emergency Operations Plans (Washington, DC: U.S. Department of Education, 2013), [http://rems.ed.gov/docs/REMS\\_K-12\\_Guide\\_508.pdf](http://rems.ed.gov/docs/REMS_K-12_Guide_508.pdf))

## MOU Guidance

The COPS Office strongly encourages law enforcement agencies to work collaboratively with school partners to formulate additional information that will help successfully implement the overall school safety plans.

Under the 2013 COPS Hiring Program, SROs must spend a minimum of 75 percent of their time during the calendar year or 100 percent of their time during the school year—depending on the law enforcement agency’s SRO deployment strategy developed with the school partnership—in and around primary and/or secondary schools, working on youth-related activities. The time commitment of the SROs must be above and beyond the amount of time that the agency devoted to the schools before receiving the grant. There must be an increase in the level of community policing activities performed in and around primary or secondary schools in the agency’s jurisdiction as a result of the grant.

The following information should be included within an MOU.

### A. *Purpose of the MOU*

The statement of purpose should describe the agencies that are entering into the partnership, the purpose of the partnership, and the effective date of the agreement. This statement may already exist within your on-going partnership, or it may need to be developed jointly to assist in defining the primary purpose of your agreement.

### B. *Description of Partner Roles and Responsibilities*

This description should include the roles and responsibilities of the school, school district, and the law enforcement agency, and each partner should be specifically listed within the document. It should clearly indicate that SROs will not respond to or be responsible for requests to resolve routine discipline problems involving students. The administration of student discipline, including student code of conduct violations and student misbehavior, is the responsibility of school administrators, unless the violation or misbehavior involves criminal conduct.

The MOU should include the roles and responsibilities of the school partner. These roles may include providing a secure work space for the SRO to conduct interviews and maintain confidential records, establishing standing meetings, and/or working with school administrators in identifying problems and evaluating progress under the MOU. The school administrator should ensure that staff cooperates with police investigations and any subsequent actions related to crime or criminal activity on campus.

The law enforcement partner is responsible for the selection of personnel assigned to the school, and these officers should adhere to the principles of community policing. This section of the MOU should define the hours of SRO duty including arrival and departure times and specify if after-hour duties may be performed and if time spent in court, attending interagency meetings, and investigating school-related crimes are within the scope of SRO duties.

The MOU should include examples of the activities that the SRO will engage in, such as:

- Handling requests for calls for service in and around schools
- Conducting comprehensive safety and security assessments
- Developing emergency management and incident response systems based on the National Incident Management System (NIMS) and the four phases of emergency management: mitigation/prevention, preparedness, response, and recovery
- Developing and implementing safety plans or strategies
- Integrating appropriate security equipment/technology solutions, including incorporating crime prevention through environmental design (CPTED) as appropriate to enhance school safety
- Responding to unauthorized persons on school property
- Serving as liaisons between the school and other police agencies, investigative units, or juvenile justice authorities when necessary and consistent with applicable civil rights laws and privacy laws
- Serving as a member of a multidisciplinary school team to refer students to professional services within both the school (guidance counselors or social workers) and the community (youth and family service organizations)
- Building relationships with juvenile justice counselors to help connect youth with needed services
- Developing and expanding crime prevention efforts for students
- Developing and expanding community justice initiatives for students

### C. *Information Sharing*

This section should address the type and the extent to which information will be shared between the law enforcement agency and school or school district partners. For example, define the type of information that the school is permitted/willing to share with law enforcement, as well as information flow from law enforcement to school partner(s). When entering into an MOU, agencies should consider all federal or state laws that govern the collection, use, and dissemination of student records.

- Federal privacy laws, including the Family Educational Rights and Privacy Act of 1974 [FERPA], the Health Insurance Portability and Accountability Act of 1996 [HIPAA], and civil rights and other laws must be considered when developing plans for information sharing that involves personally identifiable information from student education records. For more information on FERPA see the U.S. Department of Education’s FERPA Home Page at [www.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html); for more information on HIPAA see the U.S. Department of Health and Human Service’s Health

Information Privacy site at [www.hhs.gov/ocr/privacy/index.html](http://www.hhs.gov/ocr/privacy/index.html); and for an overview of FERPA issues relevant to emergency planning and SRO programs, please see the 'Closer Look' section of the Guide for Developing High-Quality School Emergency Operations Plans at [http://rems.ed.gov/docs/REMS\\_K-12\\_Guide\\_508.pdf](http://rems.ed.gov/docs/REMS_K-12_Guide_508.pdf).

#### **D. Supervision Responsibility and Chain of Command for the SRO**

This section should clearly establish a definitive chain of command for the SRO, including the individual(s) with the responsibility for the supervision of the SRO. With rare exception, this responsibility lies with the law enforcement executive or his/her law enforcement designee.

#### **E. Signatures**

The MOU must be signed and dated by both the highest-ranking law enforcement executive (i.e., police chief or sheriff) and the school official(s) who will have general educational oversight and decision-making authority (i.e., Board of Education director, superintendent, or school principal). The MOU should be developed with participation from school administrators and officers assigned to the school(s) so that staff who are impacted by the agreement clearly understand their roles and responsibilities. Successful MOUs are often developed by teams that include students, parents, and other community members committed to keeping schools safe, in addition to school and law enforcement members. The MOU should be publicly available to members of the school community.

#### **Supplemental Information**

In addition to the required information set forth in the MOU Guidance for the 2013 COPS Hiring Program, local SRO training requirements, complaint processes, and performance monitoring should be listed and described in the body of the MOU document to help inform all parties and the community.

#### **Training Description**

The COPS Office recommends including a section that describes what the local training requirements are prior to placing SROs in educational settings, as well as what the specific local in-service training requirements throughout their deployment in the schools will be and who is responsible for providing that training.

#### **Data Collection and Performance Monitoring**

The COPS Office also recommends a separate section that establishes a local process to closely monitor the activities of the SRO program, including comprehensive disaggregated data collection on school-based arrests, citations, searches, and referrals to court or juvenile justice programs consistent with applicable federal, state, and local privacy laws. This can also include a process for raising and reviewing issues and complaints regarding elements outlined in the MOU or partnership activities.

#### **References**

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M. Canady, B. James, and J. Nease. 2012. *To Protect & Educate: The School Resource Officer and the Prevention of Violence in Schools*. Hoover, AL: National Association of School Resource Officers. [www.nasro.org/sites/default/files/pdf\\_files/NASRO\\_Protect\\_and\\_Educate.pdf](http://www.nasro.org/sites/default/files/pdf_files/NASRO_Protect_and_Educate.pdf)

#### **Additional COPS Resources**

*The Beat*, the COPS Office monthly podcast series on issues related to youth-safety.

[www.cops.usdoj.gov/Default.asp?Item=2370](http://www.cops.usdoj.gov/Default.asp?Item=2370)

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