

SCHOOL RESOURCE OFFICERS AGREEMENT

THE SCHOOL BOARD OF THE CITY OF NORFOLK, VIRGINIA

and

THE CITY OF NORFOLK, VIRGINIA

The School Board of the City of Norfolk, Virginia (Board) and the City of Norfolk, Virginia, by and through its Chief of Police and Department of Police (City) hereby enter into this agreement whereby the City shall provide School Resource Officers (SRO), as that term is defined within section 9.1-101 of the Code of Virginia, 1950, as amended, to the Board under the following conditions, for the purpose of fostering mutual respect and understanding and in order to build a positive and safe school environment. The parties agree responses to the law violations of students should be reasonable, consistent, and fair, with appropriate consideration of mitigating factors and of the nature and severity of the incident. This Agreement is modeled upon the latest model, at the time of its drafting, developed by the Virginia Center for School and Campus Safety pursuant to section 9.1-184 (A) (12) of the Code of Virginia, 1950, as amended, and incorporates by reference the Virginia School-Law Enforcement Partnership Guide of the Virginia Department of Criminal Justice Services (May 2017 edition), as amended.

PURPOSE AND GOALS

The purpose of this Agreement is to establish a mutually beneficial framework that both schools and law enforcement can work within to achieve shared goals. It is intended to facilitate effective, timely communication and coordination of efforts by and between both parties. The primary goals of this Agreement are to: (i) promote positive and supportive school climates; and (ii) create and maintain safe and secure school environments. To promote positive and supportive school climates, the parties will collaborate to increase law-related education, expand school safety and crime prevention efforts, reduce conflict, and support effective interventions for students. To create and maintain safe and secure school environments, the parties will collaborate to reduce and prevent crime, violence, victimization, and fear in and around schools, and minimize student involvement with the juvenile and criminal justice systems.

PROGRAM STAFFING

The City will fund the SRO program for the School division. A total of nineteen (19) SROs will be placed in schools at the following locations:

High Schools	Middle Schools	Roving/Supplemental Officers
Booker T. Washington	Academy of Discovery at Lakewood	3 Officers
Granby	Azalea Gardens	
Lake Taylor	Blair	
Maury	Crossroads School	
Norview	Lake Taylor	
Madison (HS & MS)	Northside	
	Norview	
	Ruffner	
	AOIS Rosemont	
	Southside STEM Academy at Campostella	

EVALUATION OF THE SRO PROGRAM

Measurable objectives of the SRO Program should be developed jointly using school discipline, crime, and violence data, school climate survey data, and other data deemed to be relevant. Progress towards achieving objectives shall be jointly reviewed at least annually by Board and City designees and shared with the public.

The following reports will be used to evaluate the SRO Program:

- Virginia Department of Education Annual Report for Discipline, Crime, and Violence
- Synergy (Norfolk Public Schools Database) Discipline Report
- School Climate Survey
- Annual SRO Evaluation Instrument (to be developed in agreement between Board and City designees)

SEMI ANNUAL REVIEW

Pursuant to section 22.1-280.2:3 of the Code of Virginia, 1950, as amended, the parties to this Agreement shall review and amend or affirm it at least once every two years or at any time upon request of either party. Prior to such review, the Board must provide notice to the public and an opportunity for the public to provide input in the course of the review. The Board must ensure that the current version of this Agreement is always conspicuously published on the official website of the division.

ROLES AND RESPONSIBILITIES OF CITY SRO OFFICERS WHILE ON PROPERTY OWNED OR OPERATED BY BOARD

For purposes of carrying out the provisions of this Agreement, the City will designate a direct point of contact for the Norfolk Police Department and the Board will designate a direct point of contact for the Norfolk Public Schools. The points of contact will address any operational and administrative issues and will serve as consultants for school safety and security issues including assessments and critical incident response planning. The designees will maintain a working knowledge of school rules, regulations, and laws regarding student safety and conduct. The designees will establish and maintain effective relationships between each other at the division and school levels.

Selection, assignment, scheduling, training, supervision, and evaluation of SROs will be the responsibility of the City. The City will take into account the input of school personnel and identified needs and conditions of schools. The SROs shall remain at all times under the control, through the chain of command, of the City.

In developing and implementing law enforcement policies and practices that may affect the operation of SROs on property owned or operated by the Board, the City will consult with and take into consideration the views of the Board.

The City will ensure SROs receive relevant training prior to or within 60 days of assignment in a school and ongoing joint training with school administrators, including all special training required of SROs under the Code of Virginia.

SPECIFIC BOARD DUTIES AND RESPONSIBILITIES

The Board's Chief Schools Officer will serve as the division-level point of contact to implement this Agreement and to maintain ongoing communication with City. All school administrators will facilitate effective communication between the SROs within their schools and school staff so as to support the goals of this Agreement. Each school with an assigned SRO will provide work area(s) for the SRO that allow access to technologies, private interviewing of several persons, and locking storage space for securing physical evidence.

The Board will handle discipline within the school disciplinary process without involving SROs. The City's Norfolk Police Department policies, administrative guidance, training, and ongoing oversight with regard to SROs will clearly communicate that school administrators and teachers are responsible for school discipline and that SROs are not to be involved with disciplinary action. The Board is responsible for communicating the goals and role of the SRO to all school administration, staff, and students.

The following sequence shall be considered an ideal disciplinary process:

1. School administrators, student support teams, and staff engage the student.

2. School administrators, student support teams, and staff resolve the event with the assistance of the appropriate central office department (Student Support Services).
3. Student responds appropriately to agreed restorative program.

The Board will ensure that school administrators with an assigned SRO will receive relevant training prior to or within 60 days of the SRO's assignment in a school and ongoing joint training with SROs. The training should be aligned with the School Law Enforcement Partnership Guide and the Department of Criminal Justice Services guidelines curriculum and in consultation with the PD.

SRO Roles and Responsibilities

SROs will be considered active members of their assigned schools. The SRO facilitates the effective delivery of law enforcement services and assists with matters related to safety, security, and the exchange of information.

As a general practice, unless there is a clear and imminent threat to safety, requests from school staff for SRO or other law enforcement assistance are to be channeled through the building principal.

SROs' duty schedules should be organized to provide coverage throughout the school day, which may vary by school. SROs provide a visible deterrent to crime and shall be visible patrolling the exterior and interior grounds. The SRO should wear the regulation uniform and operate a marked police vehicle while on duty unless otherwise authorized by the SRO's supervisor for a specific purpose.

Additionally, SROs should assist school administrators in developing school crisis, emergency management, and response plans. They will work with administrators in problem-solving to prevent crime and promote safety in the school environment. SROs are expected to collaborate with school administrators and other school personnel to support positive school climates that focus on resolving conflicts, reducing student engagement with the juvenile and criminal justice systems, and diverting youth from courts when possible.

SROs serve multiple roles in schools. The roles are interrelated, but all are carried out with the aim to contribute to school safety and security and to promote positive and supportive school climates.

SROs are "law enforcement officers" as defined in the Virginia Code, as amended, and that is their primary role within the Norfolk Public Schools. SROs assume primary responsibility for responding to requests for assistance from administrators and coordinating the response of other law enforcement resources to the school. SROs should work with school administrators in problem solving to prevent crime and promote safety in the school environment. SROs should also collaborate with school personnel to reduce student engagement with the juvenile justice systems and divert students from the courts when possible.

Law-related educator

As resources permit, SROs should strive to assist with presentations for school personnel on law-related topics such as law enforcement practices, changes in relevant laws, crime trends, crime prevention, school safety strategies, and crisis response procedures. SROs may also deliver law-related education with students using lessons/curricula approved in advance by the SRO Supervisor. In all cases, responding to incidents or conducting investigations will take precedence over delivery of presentations.

Informal mentor and role model

Students often seek approval, direction, and guidance from adults in the school setting about various problems. Through formal and informal interaction with students, SROs serve as informal mentors and role models. SROs are expected to communicate clearly to students about acceptable and unacceptable behavior, to set a positive example in handling stressful situations and resolving conflicts, to show respect and consideration of others, and to express high expectations for student behavior. Students who may need additional assistance shall be referred to a school based resource.

School Administrator Roles and Responsibilities

Consistent with Virginia Standards of Accreditation (2000), Section 8 VAC 20-131-210, “the school administrator is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources.” (Section A). “The school administrator also ensures that the school division’s student code of conduct is enforced and seeks to maintain a safe and secure school environment. “ (Section B.2) Additionally, consistent with Section 8 VAC 20-131-260.C.3., the school administration ensures “a written procedure, in accordance with guidelines established by the local board, for responding to violent, disruptive or illegal activities by students on school property or during a school-sponsored activity.”

School administrators should review the School Law Enforcement Partnership Guide and this Agreement with SROs and establish school-specific operational and communications procedures to support the goals of the School Law Enforcement Partnership Guide.

OPERATIONAL PROCEDURES

Differentiating Disciplinary Misconduct from Criminal Offenses

School administrators and teachers are responsible for school discipline. Although SROs are expected to be familiar with the school division code of student conduct, the rules of individual schools, and their application in day-to-day practice, SROs should not be involved with the enforcement of school rules or disciplinary infractions that are not violations of law.

Consequences of student misconduct should be effective, developmentally appropriate, and fair. Interventions and school sanctions should help students learn from their mistakes and address root causes of misconduct. School administrators will consider alternatives to suspensions and law enforcement officials will consider alternatives to referrals to juvenile court services and arrests for student violations of law.

This Agreement, the School Law Enforcement Partnership Guide, and any relevant guidance from the Department of Criminal Justice Services with regard to SROs are all intended to operate in a manner to ensure children with disabilities receive appropriate behavioral interventions and supports. When appropriate, and to the extent the law allows, the Board should notify SROs of any special needs of a student involved in a school-based infraction that is not routine discipline, in order to assist the SRO in recognizing and accommodating behaviors that may be manifestations of the student's disability.

In accordance with School Board Policy JB, any action taken in response to disciplinary misconduct and/or criminal offense will be administered fairly and without regard to race, national origin, disability, religion, gender identity, gender expression, sexual orientation or marital or parental status.

Information Sharing

The release of student records is governed by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and the associated regulations of the U.S. Department of Education as well as Virginia's student privacy statutes, Virginia Code Sections 22.1-287 et seq., as amended. "School officials" may access and disclose student records only as authorized by FERPA, its associated Federal regulations and the Virginia Code. In any case of conflict between Virginia law and Federal law, Federal law shall prevail.

Consent access.

An SRO or other law enforcement officer may have access to a student's education records with written consent of the student's parent or of the student if the student is age 18 or older.

SRO access.

For purposes of access to student records, SROs are considered "school officials" and may be provided student information as needed to carry out their duties related to the school environment. SROs may have access to "directory information", as that term is defined in the Federal regulations associated with the FERPA, for all students in the school division. SROs may have access to information on students in their assigned schools that include directory information and additional items needed to carry out their duties, such as class schedules, as approved by the school administrator.

Health and Safety Emergency Exception.

In the event of a significant and articulable threat to health or safety, school officials may disclose any information from student records to appropriate parties, including law enforcement officials, whose knowledge of the information is needed to protect the health and safety of a student or another individual, pursuant to relevant exceptions within FERPA and its associated regulations.

SRO disclosure of law enforcement records.

SROs may disclose only law enforcement records created and maintained by the SRO for the purpose of ensuring the physical safety and security of people and property in schools and/or enforcement of laws. Because law enforcement records are not student records, they are not subject to the disclosure restrictions of FERPA. Student records given to a third party may only be redisclosed by that party by following the restrictions on redisclosure in the FERPA and its associated regulations.

Investigation and Questioning

SROs have the authority to question students who may have information about criminal activity (on or off school property). As sworn law enforcement officers, SROs have authority to stop, question, interview, and take law enforcement action without prior authorization of the school administrator or contacting parents, especially when timely information will help prevent injury, death, or evidence destruction. However, the investigation and questioning of students during school hours or at school events should be limited to situations where the investigation is related to suspected criminal activity. Investigations and questioning of students for offenses not related to the operation of or occurring at the school should take place at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of a crime. If it is necessary for the SRO/police officer to interview a student on school premises, the school principal/principal's designee shall be contacted immediately.

The interviewing of students – whether suspects, victims, or witnesses – should be conducted privately in an office setting. SROs will take steps to ensure minimal intrusion into the educational experience of students being questioned in the school setting.

No SRO questioning of a student prior to an arrest pursuant to probable cause will take place without the presence of a school administrator.

SROs are cautioned that when detaining and questioning a student, the SRO is functioning as a “law enforcement officer”, as that term is defined in the laws of the United States and the Commonwealth of Virginia, as amended, and case law. SRO’s are not functioning as school administrators. Therefore, the usual constitutional and statutory rights under the laws of the United States and the Commonwealth of Virginia apply. Exceptions and modifications to those rights that are applicable to the behavior of school administrators do not apply to the behavior of law enforcement officers, including SROs.

Recognizing that a reasonable child subjected to police questioning will sometimes feel pressured to submit when a reasonable adult would feel free to go, as a general rule, the student should not be arrested or placed in custody during the initial interview or interrogation. In the presence of a school administrator, the student will be informed generally of the purpose of the investigation, warned against self-incrimination in a developmentally appropriate manner, and given an opportunity to present informally his or her knowledge of the facts. If the student wishes to remain silent, to contact his or her parents or an attorney, or to end the interview, the questioning should cease and the student's request should be granted unless detaining the student is lawful and reasonable under the circumstances.

SROs are responsible to lead the investigation and questioning of students related to suspected violations of criminal law. SROs shall not be included in questioning students about student code of conduct violations that do not involve any criminal activity or risk of harm to self or others. School administrators are responsible for the questioning of students about violations of the code of conduct.

Searches

All searches shall be conducted in accordance with the laws of the United States and the Commonwealth of Virginia. Searches conducted by school administrators shall be done pursuant to Board policies. Searches conducted by SROs shall be conducted according to Norfolk Police Department policies and guidelines. Again, SROs are cautioned that when conducting searches, they are doing so as law enforcement officers, and not as school administrators. Thus, modifications to the Constitutional and statutory rights of students when subjected to searches by school administrators do not apply to searches of students when conducted by law enforcement officers, including SROs.

School administrator searches. School officials may conduct searches of student's property and person under their jurisdiction when reasonable suspicion exists that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. The standard for search by a school official is reasonable suspicion.

SRO searches. Any search of a student initiated or conducted by SROs within property owned or operated by the Norfolk Public Schools shall be based upon current law with regard to the 4th Amendment of the United States Constitution in the same manner as in any other location within the jurisdiction of the Norfolk Police Department. In general, probable cause is necessary and when required a search warrant must be obtained. SRO searches of students should occur outside the presence of other students and school staff, with the exception of school administrators, unless a clear and immediate threat to public safety requires otherwise.

SROs shall not become involved in administrative (school related) searches, and at no time shall SROs request that an administrative search be conducted for law enforcement purposes or have the administrator act as his or her agent. The role of SROs in administrative (school related)

searches will be limited to providing security or protection, or to handle contraband or weapons found by school staff.

Arrests

Whenever practical, SRO arrests of a student or staff member should be accomplished outside of school hours in order to not disrupt the educational process or school setting. SRO arrests that must occur during school hours or on school grounds should be coordinated through the school administrator to minimize potential disruption unless considerations of the safety and security of students and staff dictate otherwise. When circumstances do not allow for prior coordination through the school administrator, such arrests will be reported to the school administrator as soon as possible. In addition to any required notification of parents and legal guardians by the SRO taking a student into custody, school administrators or their designees are also responsible for an additional notification to parents and legal guardians upon a school-based arrest of their child.

Physical Restraint by School Personnel

Physical restraint is a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

Physical restraint by school personnel is used in accordance with Virginia Board of Education policies and guidelines on seclusion and restraint and related local school board policies. Every effort should be made by school personnel to prevent the need for the use of restraint. Physical restraint should not be used except by school personnel trained in the use of physical restraint required by the school division.

School staff will act to deescalate situations that are, or have the potential to cause, disruptions to the school environment and are violations of the student code of conduct. If physical intervention is necessary, the action should be reported promptly to the school administrator and the rationale for the action must be fully documented.

Physical Intervention by School Resource Officers

An SRO should not be involved in the physical restraint of a student unless there is imminent danger of serious physical harm to self or others. SROs acting to restrain students are acting as sworn law enforcement officers, not school administrators. As sworn law enforcement officers, SROs may intervene to deescalate situations.

Physical intervention by SROs is undertaken in accordance with policies and operational procedures of the Norfolk Police Department. If an SRO is involved in the use of restraint or

physical intervention, the action must be reported to the school principal and the SRO's supervisor and the rationale for the action must be documented.

SROs should be aware of the Virginia Board of Education's policies and guidelines on seclusion and restraint and related local school board policies and should attend training offered by the Board on the use of seclusion and restraint by school employees. These policies and guidelines must be provided annually to the Norfolk Police Department by the Board for distribution to the Police Department's SROs. The City through the Norfolk Police Department must provide verification prior to the start of each school year and/or the placement of SROs at school locations that SROs have reviewed the Board and the Virginia Board of Education's policies and guidelines on seclusion and restraint.

SROs, however, must continue to operate by their own department's policies, Federal and Commonwealth of Virginia laws regarding physical intervention and use of force.

Additionally, the Board, the City through the Norfolk Police Department and the individual SROs will coordinate to ensure that reasonable effort is made to inform the parents on the day of the incident. SROs must complete the designated form for any incident involving seclusion and restraint.

Crime Reporting

Pursuant to §22.1-279.3:1.B, Code of Virginia, law enforcement agencies are required to notify a division superintendent, a principal, or a designee when a student in their school commits certain offenses that would be a felony if committed by an adult and the release status of the student. School superintendents who receive such reports are required to report the information to the principal of the school in which the students are enrolled. As a general practice, SROs should notify the principal as soon as practical of any significant law enforcement events occurring at or in association with the school (e.g., at a school bus stop or off-campus activity, during or outside school hours) whether or not the offense would be a felony if committed by an adult.

Pursuant to §22.1-279.3:1.D, Code of Virginia, as amended, certain types of criminal activity that come to the attention of the principal or school staff shall be reported immediately to the Norfolk Police Department as required by the Code of Virginia and Board policy. No SRO or school administrator shall be required to file delinquency charges. After such notification is made to the Norfolk Police Department, the Board will ascertain the disposition of the incident made by the Norfolk Police Department in order to complete the School/Law Enforcement Reporting form. Schools and SROs shall be encouraged to deal with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

Threat Assessment

Threat assessments shall be conducted in accordance with local school board policies adopted as required by §22.1-79.4., Code of Virginia, as amended, and consistent with model procedures and guidelines published by the Virginia Department of Criminal Justice Services.

SROs may serve as members of threat assessment teams and assist in monitoring of subject students as well as determining the need, if any, for law enforcement action.

School Safety Audits

School safety audits will be conducted annually as required by Virginia law, as amended, and school board policies, to assess school safety conditions in schools. SROs, in collaboration with school administrators, will conduct school inspection walkthroughs using a prescribed checklist and will collaborate in other school safety audit mandates including school crisis and emergency management and response planning and preparation.

SCHOOL BOARD OF THE CITY OF NORFOLK

DocuSigned by:

Dr. Sharon I. Byrdsong

Dr. Sharon I. Byrdsong, Superintendent

Date: 1/21/2021 | 9:08 AM PST

ATTEST:

DocuSigned by:

Karen Tanner

Karen Tanner, Clerk

School Board of the City of Norfolk

Date: 1/21/2021 | 10:49 AM PST

DS
[Signature]

CITY OF NORFOLK

DocuSigned by:

Larry H. Filer II

Dr. Larry H. Filer II, City Manager

Date: 1/26/2021 | 10:36 AM PST

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MGG

ATTEST:

DocuSigned by:

Richard A. Bull

Richard A. Bull, City Clerk

Date: 1/26/2021 | 2:15 PM EST



CONTENTS APPROVED:

DocuSigned by:

Larry Boone

Larry D. Boone, Chief of Police

Norfolk Police Department

Date: 1/25/2021 | 9:02 AM PST

FORM AND CORRECTNESS APPROVED:

DocuSigned by:

Jack Cloud

Jack E. Cloud, Deputy City Attorney

Date: 1/25/2021 | 11:19 AM PST