

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE ABINGTON SCHOOL DEPARTMENT
AND
THE ABINGTON POLICE DEPARTMENT

This memorandum of Understanding is established between the Abington Public Schools and the Abington Police Department regarding the establishment of a protocol for the reporting and coordination of response to incidents of violence or other illegal activity within Abington Public Schools. The Abington Public Schools and the Abington Police Department agree to coordinate their response to violence or other illegal activity by students and non-students which occur on school premises or at school-sponsored or school-related events. Through collaboration the two departments can ensure safe and secure school and community environments designed to maximize effective teaching and learning.

To ensure a safe educational environment, this collaborative effort between school administration and law enforcement supports “zero tolerance” for drugs, alcohol, weapons, hate crimes and violence within and on the grounds of the Abington Public Schools. Non students involved in such acts on school premises or at school events are to be reported in the same manner as students are reported. Non students include administrators, teachers, professional staff, support staff, clerical and custodial staff, security personnel, bus drivers, visitors and trespassers.

Although it will continue to be the sole prerogative of school officials to impose disciplinary sanctions for infractions of school rules and policies, it is the responsibility of school authorities to notify the Abington Police Department when any criminal activity is detected or suspected on school grounds or at school-sponsored events. It is the responsibility of the Abington Police Department to respond when drugs, alcohol or weapons are found on school property or when a student is suspected of or charged with criminally chargeable offenses under Massachusetts General Laws.

M.G.L. c. 71 § 37H requires each school district to have a written Code of Conduct reflected in student handbooks stating the standards and procedures to assume building security and safety of students and school personnel, and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or civil rights violations. Reference to this Memorandum shall be made in these handbooks.

This Memorandum of Understanding is voluntarily entered into with the consent of both parties and is an internal document between the parties and does not confer any rights, privileges or obligations nor is it enforceable as against the parties hereto in any court, administrative hearing, or other forum. Any written or oral communication between the parties of the Memorandum of Understanding will be protected by all laws relating to privacy and confidentiality. This Memorandum of Understanding is in addition to, and does not supplant, policies of the Abington Public Schools with regard to disciplinary procedures and codes of student conduct which are now or may be formulated and published in student handbooks.

The parties to this Memorandum of Understanding hereby understand and consent to the following terms, conditions and operating procedures:

1. The Abington Public Schools will employ a Supervisor of Security (and Custodial Services). The Supervisor of Security will report to the Superintendent of Schools and/or his/her designees.
2. The Superintendent of Schools or his/her designee and the school principal or his/her designee are responsible for reporting the acts specified below. The Police Chief will designate an officer (or officers) to coordinate all reported criminal acts.
3. The Superintendent of Schools or his/her designee and the school principal or his/her designee shall without undo delay report to the Abington Police Department any incident on school premises, including in or around a school bus, or at a school sponsored or school related function, if such incident involves any of the mandatory reportable acts set forth below. It is understood that it will not constitute an undo delay if the Abington Police Department is notified once a school administrator has cause to believe an allegation, and/or has knowledge that a mandatory act was committed or is about to be committed. This reporting shall be accomplished by contacting the Abington Police Department using the 9-1-1 system, by calling the department's business phone line, by police radio if issued to a school department employee, or directly to a police officer if nearby.

A **mandatory** reportable act shall include:

- (a) a student's possession or use of a dangerous weapon as defined in Massachusetts General Laws c. 269, § 10;
- (b) any indecent or sexual assault;
- (c) any instance of substance abuse, including the possession of alcohol, and the possession of any controlled substance as defined

in Massachusetts General Laws c. 94C including but not limited to marijuana, cocaine and heroin;

- (d) any assault and battery which results in bodily injury;
- (e) any violation of a temporary or permanent restraining order;
- (f) any so-called "hate crime," meaning for purposes of this section, any violation of Massachusetts General Laws c. 265, §§ 37 or 39;
- (g) any substantial destruction of property or theft; *and*
- (h) any threat to commit a crime against the person or property of another

4. All school department personnel, including but not limited to, administrators, teachers, professional staff, support staff, clerical and custodial staff, security personnel and bus drivers, shall immediately report to their direct supervisors (which shall cause the police department to be notified) and are also authorized, if they want to, to report to the Abington Police Department, if there is an imminent threat, any incident on school premises, including in or around a school bus, or at a school-sponsored function, if such incident involves any mandatory act specified above.
5. Said supervisor shall immediately report such incident to the principal. Any principal who receives such a report and who has reasonable cause to believe the allegations shall file a written report with the superintendent of said school district on the same school day. The Superintendent shall file copies of said official reports, as soon as reasonably possible, with the local chief of police and, where required by law, the Massachusetts Department of Social Services. When reports are forwarded to the Abington Police Department, the police will provide a follow-up response to the Superintendent of Schools.
6. The Superintendent of Schools or his/her designee and the school principal or his/her designee may report to the Abington Police Department any incident on school premises, including in or around a school bus, or at a school sponsored or school related function, if such incident involves any of the following discretionary reportable acts:

A **discretionary** reportable act shall include:

- (1) Any student's violation of a state criminal statute which warrants reporting but is not a mandatory reportable act as described above; and

- (2) Finding any student, regardless of age, who is reasonably believed to be under the influence of alcohol or other drugs.
7. Any teacher or other school employee who has reasonable grounds to believe that a student has committed a mandatory reportable act or a discretionary reportable act, as defined above, shall if practicable, take (or cause to be taken) the student to the Principal or his/her designee. The Principal/designee shall ask the reporting teacher/employee what happened and take custody of any physical evidence. In the case of a mandatory reportable act, all evidence of the crime, and the scene itself, when appropriate, shall be secured in place until the arrival of a police officer from the Abington Police Department. The officer will work with school employees to limit disruptions to others, in attendance at a school or other location, while maintaining a crime scene for an investigation that will proceed.
 8. The Principal/designee shall inform the student and his/her parent or guardian of the nature of the offense and inform the student and his/her parent or guardian that certain offenses must be reported to the police. The Principal/designee may offer the student the opportunity to respond to the teacher/employee's report. The Principal/Superintendent shall in the case of a mandatory reportable act, and may in the case of a discretionary reportable act, without undo delay notify the local police department of the presence of contraband and the existence of any physical evidence. All contraband (drug, alcohol, firearms, and dangerous weapons) shall be immediately surrendered to the police department.
 9. Upon notification from the Principal/Superintendent or his/her designee or any school department employee (*only as outlined in section #4*), police shall respond without undo delay in cases of mandatory reportable acts and may respond in other cases. Police shall investigate such cases and, where appropriate, refer such cases to the District Attorney's Office.
 10. In addition, the Principal/Superintendent will comply with Massachusetts General Laws c. 71, § 37L requiring that an incident involving a student's possession or use of a dangerous weapon on school premises at any time be reported in writing to the Chief of Police. This report must be filed in any case involving a student's possession or use of a dangerous weapon on school premises, regardless of whether it occurred during school hours, and whether or not the student has been expelled.
 11. The Abington School Department will maintain files for all school reports submitted to the department and appropriate records for all school incidents including acts or suspected acts of violence. The

Abington Police Department will maintain appropriate records for all incidents/activities that it investigates.

12. The Superintendent of Schools, Chief of Police, Supervisory of Security and other designated school administrators and police officers will meet to collaborate on the implementation of this Memorandum of Understanding and establish communication lines to support a safe, secure school and community. They will then continue meeting on at least an annual basis.
13. Abington Police Department will continue to provide police services to the Abington Public Schools with a high priority response to reported crimes in progress in and around school facilities. The Abington Police Department will also maintain visibility of uniformed Abington Police Officers, manpower permitting, when requested by the School Department at arrival and dismissal of students at targeted locations.
14. The Abington Police Department and the Supervisor of Security will respond to and be responsible for all reports of missing or abducted children. Parents will be notified by the appropriate authorities.
15. The Supervisor of Security, after consultation with school officials, will plan with the Abington Police Department for safety and security of certain extra-curricular activities involving Abington students, and held on property owned and controlled by the Town of Abington, including school buildings and athletic fields.
16. Nothing in this Agreement shall supersede or contravene any school or police department administrative procedures or any collective bargaining agreement.

John J. Aherne Date _____
Superintendent
Abington School Department

David G. Majenski Date _____
Chief
Abington Police Department

Wayne K. Rogiers Date _____
Chairperson
Abington School Committee

Initial Adoption by the
Abington School Committee: April 27, 1999

Amended by the Abington School Committee and the
Abington Police Department: August 27, 2002

Amended by the Abington School Committee and the
Abington Police Department: February 15, 2005