

Memorandum of Agreement

By and Between
Windham Public Schools
and
Willimantic Police Department

I. Introduction

Schools and law enforcement share responsibility for school safety and must work together with complimentary policies and procedures to ensure a safe learning environment for students. This document expresses the agreement of the parties for responding to non-emergency school disruptions. It strives to ensure a consistent response to incidents of student misbehavior, clarify the role of law enforcement in school disciplinary matters, and reduce involvement of police and court agencies for misconduct at school and school-related events.

The parties agree to the following principles upon which this agreement is founded.

- A. The vast majority of student misconduct can be best addressed through classroom and in-school strategies and maintaining a positive climate within schools rather than by involvement of the justice community.
- B. The response to school disruptions should be reasonable, consistent and fair with appropriate consideration of relevant factors such as the age of the student and the nature and severity of the incident.
- C. Students should be held accountable for their actions through a graduated response to misconduct that provides a continuum of services and increasingly more severe sanctions for continued misbehavior.
- D. Disruptive students should receive appropriate redirection and support from in-school and community resources prior to the consideration of suspension, expulsion, involvement of the police, or referral to court.
- E. Clarifying the responsibilities of school and police personnel with regard to non-emergency disruptive behavior at school and school-related events promotes the best interests of the student, the school system, law enforcement and the community at large.

II. Purpose of Agreement

The purpose of this agreement is to encourage a more consistent response to school incidents and to reduce the number of referrals of students to court by establishing guidelines for the handling of non-emergency disruptive behavior at school and school-related events by school and police personnel.

III. Terms of the Agreement

A. Summary of Key Points

The parties agree to:

1. Convene a School/Police Collaboration Team;
2. Share this agreement with a copy to all school and police personnel;
3. Provide necessary and regular staff training on implementation of the agreement;
4. Put into practice a graduated response to student misbehavior;
5. Monitor implementation of the agreement;
6. Collect data and assess the effectiveness of the agreement; and
7. Modify the agreement as appropriate.

B. Key Factors in Making Disciplinary Decisions

The parties agree that when determining consequences for students' disruptive behavior the following factors shall be considered, if information on the factors is available.

1. Age, health, and disability or special education status of the student.
2. Prior conduct and record of behavior of the student.
3. Previous interventions with the student.
4. Student's willingness to repair the harm.
5. Parents' willingness to address any identified issues.
6. Seriousness of the incident and degree of harm caused.

The parties agree that when determining consequences for student's disruptive behavior the following factors shall not be considered:

1. Race/ethnicity, gender, gender identity, sexual orientation, religion and national origin of the student and family.
2. Economic status of the student and family.

C. Graduated Response Model:

The Common Core of Teaching (CCT) states that "*teachers promote student engagement, independence and interdependence in learning by facilitating a positive learning environment.*" Teachers at Windham Public Schools embrace the principles of the CCT: "*creating a climate that is responsive to and respectful of the learning needs of students with diverse backgrounds, interests and performance levels*" and "*fostering appropriate standards of behavior that support a productive environment for all students.*"

Classroom Intervention - The classroom teacher plays a prominent role in guiding, developing and reinforcing appropriate student conduct and is acknowledged as the first line in implementing the school discipline code. As such, this model begins with a range of classroom management techniques that must be implemented prior to any other sanctions or interventions. Classroom intervention is managed by the teacher for behaviors that have been identified as Level I Behavior Problems. Police Officers should not be involved at this level. More than three incidents of the same behavior, if

not in the same day, will constitute a Level II Behavior Problem which will result in School Administrator Intervention. Classroom intervention options might include redirection, re-teaching, school climate initiatives, moving seats; and the teacher should always initiate parental contact. In addition, the classroom teacher should consider conferencing with the student, a temporary change in environment, a referral to support staff, a team meeting with the student, and/or other appropriate interventions from the Pre-Referral Intervention Manual.

School Administration Intervention - Classroom interventions must be supported by school administrators who address more serious or repetitive behaviors and behaviors in school but outside of the classroom. Examples of behaviors at this level include repetitive patterns of Level I Behavior Problems, skipping class, harassment, fighting, and drugs/alcohol. Administration intervention options might include time in the office, extended detention, loss of privilege, reparation, restorative justice, parent conference, in-school suspension, out-of-school suspension, and/or expulsion hearing.

Community Services and Law Enforcement Intervention - When the behavior and needs of the student warrant, an intervention with community services and law enforcement is appropriate. This intervention is managed by the school administrator in collaboration with a student assistance team (SAT). Repetitive truancy or defiance of school rules, and behaviors that interfere with others such as physical aggression, fighting, threatening, assault, tobacco, drugs/alcohol, combustibles, and weapons belong at this level. Community service intervention options should include any Classroom or School Administration interventions and might include referral to the Juvenile Review Board (JRB), referral to the Department of Children & Families (DCF) and any other community service program deemed appropriate. Truant behavior should not lead to an out-of-school option.

Only when classroom, school and community options have been found ineffective (or in an emergency) should the school involve the police. Involvement of the police does not necessarily mean arrest and referral to court. This intervention is managed by the police. Behaviors at this level must be violations of criminal law, but only after Classroom, School Administration and Community Service interventions have been tried. Law enforcement options may include verbal warning, conference with the student, parents, teachers and/or others, referral to other specified diversionary programs, and referral to court.

Graduated Response Model for Windham Public Schools

Teachers use Level I interventions, both individually and collectively to offset the recurrence of the Level I behavior problems outlined below:

LEVEL I BEHAVIOR PROBLEMS

1. Tardy to class
2. Electronic devices
3. Horseplay
4. Cheating/Lying
5. Inappropriate language
6. Non-compliance
7. Disrespect (see definition of terms)
8. Disruption (see definition of terms)
9. Throwing objects
10. Teasing
11. Forgery
12. Property damage (see definition of terms)
13. Theft
14. Misuse of computer (see definition of terms)

The following protocol is required for all Level I types of behavior problems.

LEVEL I			
First Offense	Second Offense	Third Offense	Fourth Offense
Teacher Warning	1 Teacher Detention/ Consequence	1-2 Teacher Detention/	Referral to Level II

Parents should be contacted by the child's teachers in any Level I type of behavior problem as a first intervention and as a means of enlisting parental support. Furthermore, teachers are encouraged to consider the following interventions: *conference with student, referral to support staff, team meeting with student, temporary change in environment, and use Pre-Referral Intervention Manual for additional possible interventions.* Teachers are expected to keep discipline data on every student which will create a behavior portfolio.

LEVEL II BEHAVIOR PROBLEMS

1. Not reporting to teacher detention
2. Skipping class/school
3. Profanity
4. Defiance
5. Disrespect (see definition of terms)
6. Disruption (see definition of terms)
7. Misuse of laser pointer
8. Harassment
9. Verbally abusive
10. Verbal assault/confrontation

11. Willfully striking
12. Physical aggression (staff)
13. Physical assault (staff)
14. Fighting
15. Property damage (see definition of terms)
16. Threatening staff
17. Threatening peers
18. Tampering with safety device (see definition of terms)
19. Theft
20. Major larceny
21. Action resulting in lockdown or evacuation of classroom or building
22. Tobacco
23. Drugs/alcohol
24. Combustibles
25. Weapons

In addition, the **fourth offense** of a specific Level I behavior problem constitutes a Level II behavior problem. All Level II behavior problems are handled by the corresponding grade-level administrator. In the event that the corresponding administrator is not in the building, other administrators in the building have the discretion to administer appropriate disciplinary action.

*The following protocol is recommended for use by the administration for all Level II types of behavior problems. **There may be situations, where at the discretion of the administration, certain violations and the forthcoming consequences may vary from this prescribed protocol due to the severity, intention, and/or frequency of the infraction.**

LEVEL II			
Offense	First Offense	Second Offense	Third Offense
Level I (4 th offense)	ED	2 ED	ISS
Skipping class	ED	2 ED	ISS
Profanity	ED	2 ED	ISS
Defiance	RJ	2 ED	ISS & Possible referral to FWSN
Disrespect	RJ	ED	ISS
Disruption	RJ	ED	ISS
Electronic devices	Confiscate item	Confiscate item for 1 week & ED	Confiscate item for 1 month & ED
Harassment	ED	2 ED & Referral to support staff	ISS & Possible referral to Police Department
Verbally abusive	RJ	ED	ED
Property damage	RJ & ED	RJ & ISS	RJ & 3 ISS
Willfully striking	ED	ISS	3 ISS
Physical aggression (staff)	2 or more ISS & Referral to JRB	3 or more ISS & Referral to JRB	5 ISS & Possible Referral to Police Department
Physical assault (staff)	1-10 OSS, Possible referral to Police	1-10 OSS, Possible referral to Police	1-10 OSS, Possible referral to Police

	Department, & Possible referral to expulsion hearing	Department, & Possible referral to expulsion hearing	Department, & Possible referral to expulsion hearing
Fighting	2 ISS, Referral to support staff, Referral to JRB, & Possible referral to Police Department	3 ISS, Referral to support staff, Referral to JRB, & Possible referral to Police Department	5 ISS, Referral to support staff, Referral to JRB, & Referral to Police Department
Threatening staff	ISS & Parent/Student/Admin Meeting	3 ISS, Parent/Student/Admin Meeting, & Referral to JRB	5 ISS, Referral to JRB, & Referral to Police Department
Threatening peers	ED & Referral to support staff	ISS & Parent/Student/Admin Meeting	3 ISS & Referral to JRB
Tampering with safety devices	ED	ISS	3 ISS
Theft	ISS	2 ISS	3 ISS & Referral to support staff
Major larceny	2 ISS, Referral to JRB, & Possible referral to Police Department	3 ISS, Referral to JRB, & Possible referral to Police Department	5 ISS, Referral to JRB, & Possible referral to Police Department
Action resulting in lockdown or evacuation of classroom or building (i.e., bomb threat, inciting a riot)	1-10 OSS, Referral to Police Department, & Possible referral to expulsion hearing	1-10 OSS, Referral to Police Department, & Possible referral to expulsion hearing	1-10 OSS, Referral to Police Department, & Possible referral to expulsion hearing
Tobacco	ISS	2 ISS & Referral to support staff	3 ISS & Referral to Substance Prevention Program
Drugs/Alcohol	1-10 OSS, Referral to Substance Prevention Program, Referral to Police Department, & Referral to expulsion hearing	1-10 OSS, Referral to Substance Prevention Program, Referral to Police Department, & Referral to expulsion hearing	1-10 OSS, Referral to Substance Prevention Program, Referral to Police Department, Possible referral to DCF, & Referral to expulsion hearing
Combustibles	1-10 OSS, Referral to Police Department, & Referral to expulsion hearing	1-10 OSS, Referral to Police Department, & Referral to expulsion hearing	1-10 OSS, Referral to Police Department, & Referral to expulsion hearing
Weapons	1-10 OSS, Referral to Police Department, & Referral to expulsion hearing	1-10 OSS, Referral to Police Department, & Referral to expulsion hearing	1-10 OSS, Referral to Police Department, & Referral to expulsion hearing

<p>Key: ED = Extended Detention RJ = Restorative Justice JRB = Juvenile Review Board</p>	<p>DCF = Department of Children & Families FWSN = Family with Service Needs ISS = In-School Suspension OSS = Out-of-School Suspension</p>
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D. Police Activity at Schools

The parties agree that police need to follow certain protocols when on school grounds in non-emergency circumstances as follows.

1. Police will act through school administrators whenever they plan any activity on school grounds.
2. Officers entering school grounds will be aware of the potential disruption of the educational process that police presence may cause.
3. Prior to entering a school to conduct an investigation, arrest or search, officers will consider the necessity of such action based on:
 - a. The potential danger to persons;
 - b. The likelihood of destruction of evidence or other property;
 - c. The ability to conduct the investigation, arrest or search elsewhere.
4. When taking a student into custody:
 - a. Officers should make reasonable efforts to avoid making arrests or taking students into custody on the school premises.
 - b. Whenever possible, students should be taken into custody out of sight and sound of other students.
5. The School Resource Officer (SRO) will not be responsible for student discipline or enforcement of school rules, although the SRO may provide assistance to school personnel. The SRO will work collaboratively with the school administrator to determine the goals and priorities for the SRO program and the parameters for SRO involvement in school disciplinary matters.

IV. Data Collection and Monitoring

The parties agree that they will provide baseline data for comparison purposes and regularly collect, share, monitor and report data resulting from the implementation of this agreement.

Data Collection – on a quarterly basis, the following information will be collected.

School—number and types of disciplinary actions, numbers and demographics of students involved, referrals to police.

Police—number and types of school incidents for which police incident reports are written, police actions on incidents.

For comparison purposes, the parties agree to retrieve the above data for a year prior to the signing of the agreement and quarterly after the signing of the agreement.

Monitoring and Oversight – on a regular basis and at least quarterly, parties acknowledge and agree that the School/Police Collaboration Team composed of at least two members from each party will meet to provide oversight of the agreement and review relevant data and analysis. At least annually, the Team will prepare a report of activities and make recommendations for improvements to the agreement and/or its implementation.

V. Duration and Modification of Agreement

This agreement shall become effective **September 1, 2011** and shall remain in full force and effect until such time as the agreement is modified by the consent of the parties. The agreement may be modified at any time by amendment to the agreement.

In witness whereof, the parties hereto, intending to cooperate with one another, have set their signatures to this document on this day.

Superintendent of Schools

Date

Printed Name

Sworn and subscribed before me on this ____ day of _____, 20____.

Commissioner of the Superior Court/
Notary Public

Commission Expiration Date

Chief of Police/Resident State Trooper

Date

Printed Name

Sworn and subscribed before me on this ____ day of _____, 20____.

Commissioner of the Superior Court/
Notary Public

Commission Expiration Date