

Gerard T. Leone, Jr.
DISTRICT ATTORNEY

**THE COMMONWEALTH OF
MASSACHUSETTS
MIDDLESEX DISTRICT ATTORNEY**
PUBLIC PROTECTION, ANTI-TERRORISM, CORRUPTION AND TECHNOLOGY UNIT
(PACT)

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November 8, 2007

Paul Ash
Supt. Of Schools
Lexington Public Schools
Lexington, Ma 02420

Dear Superintendent Of Schools,

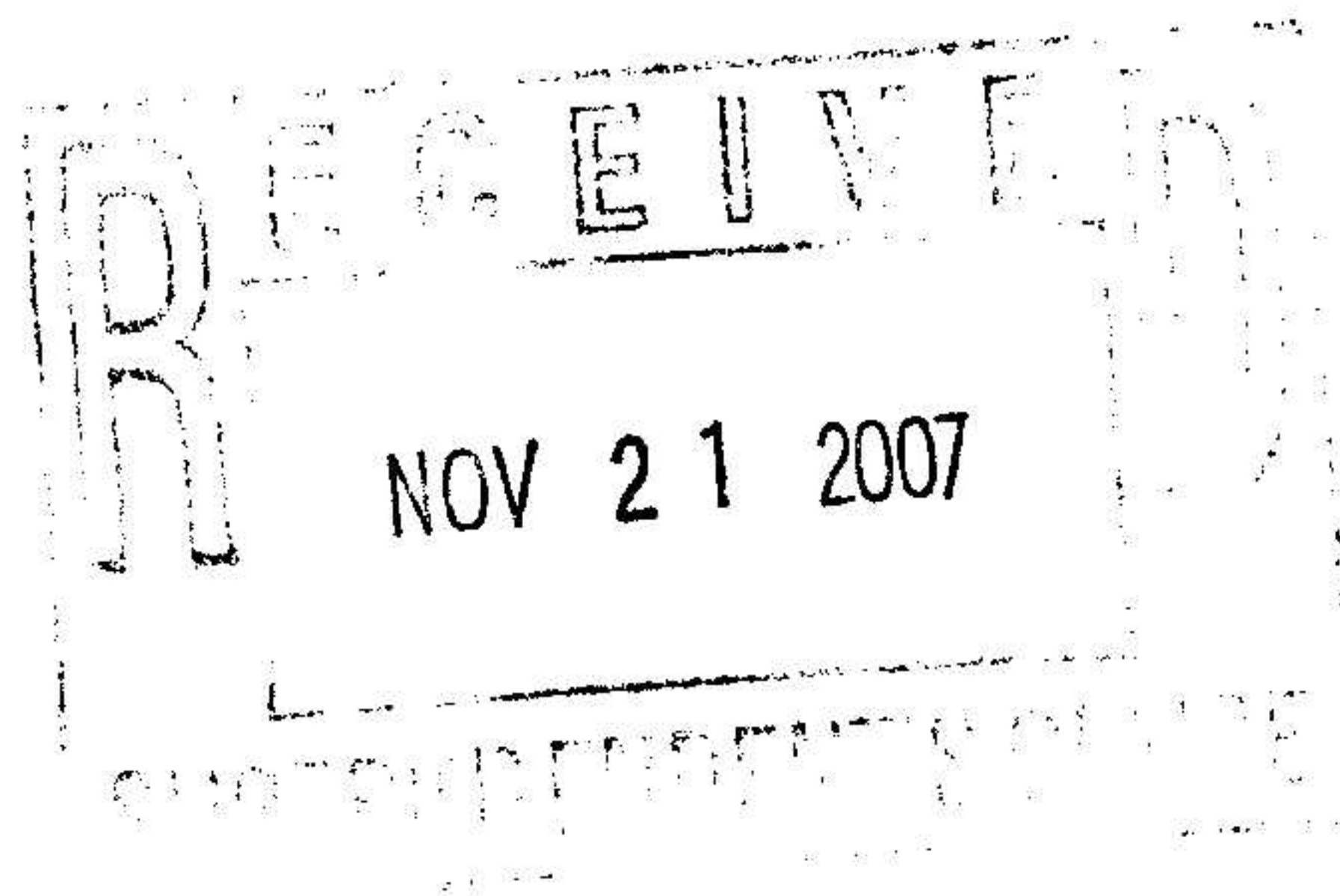
Enclosed please find The Memorandum of Understanding Between the Lexington Public Schools and the Lexington Police Department and the original signed Role of the Office of the Middlesex District Attorney.

If you have any questions, please do not hesitate to call me at 617-591-7770.

Sincerely,

Karen Wells
Assistant District Attorney

Enclosures
KW:njk



MEMORANDUM OF UNDERSTANDING, BETWEEN LEXINGTON PUBLIC SCHOOLS AND LEXINGTON POLICE DEPARTMENT

I. GENERAL PRINCIPLES

The Lexington Public Schools and the Lexington Police Department agree to coordinate their efforts to intervene and prevent violence involving the students of the Lexington Public Schools; to prevent the improper and/or illegal use, abuse and distribution of alcohol and other illegal drugs involving the students of Lexington Public Schools; and to promote a safe and nurturing environment in the school community.

We agree to effectively and cooperatively respond to and address, for everyone's protection, incidents of truancy, school delinquency, criminal behavior, and other activity detrimental to the welfare of the school community. The joint and cooperative response efforts will focus on incidents that take place on school grounds, within school property, at school sponsored events, and other locations in which students of the Lexington Public Schools are involved.

We also agree to keep all information which is disclosed between the parties pursuant to M.G.L. c. 12 § 32; M.G.L. c. 71 § 37H1/2; M.G.L. c. 71 § 37L; 603 CMR 23; and 20 U.S.C. § 1232g, from public dissemination in accordance with State and Federal Laws.

This agreement is intended to address issues of violence; attempted violence or threatened violence; the use, abuse and/or distribution of alcohol or other drugs; or other incidents of conduct possibly detrimental to the welfare of the school community, where a law enforcement response is likely helpful or required:

- in a school setting
- during any school sponsored activity, even if the event is off school grounds; or
- in the community involving students of the Lexington Public Schools.

It will be the sole prerogative of school officials to impose internal school discipline for infractions of school rules and policies. See the ***school handbook*** for specific policies and procedures.

II. SCHOOL AND POLICE DEPARTMENT DESIGNATED LIAISONS

In order to facilitate prompt and clear communications between the school and police personnel, the Lexington Public Schools and the Lexington Police Department agree to identify individuals on their respective staffs who will function as "Designated Liaisons." These representatives shall serve as conduits between the school system and the police department for matters related to the school system and students.

A. THE LEXINGTON POLICE DEPARTMENT DESIGNATED LIAISONS ARE:

School Resource Officer James Rettman (Lexington High and Elementary Schools)

School Resource Officer Tamzin Duffy (Lexington Middle and Elementary Schools)

Lieutenant Detective Joseph O'Leary (Supervisor of School Resource Officers)

B. THE LEXINGTON PUBLIC SCHOOLS DESIGNATED LIAISONS ARE:

Bowman School:

Dr. Mary Anton-Oldenburg, Principal
Dr. Michele Welch, Assistant Principal

Bridge School:

Dr. Jade Reitman, Principal
Margaret Colella, Assistant Principal

Estabrook School:

Martha Batten, Principal
Michelle Zottoli-Lee, Assistant Principal

Fiske School:

Nancy Peterson, Principal
Brian Baker, Assistant Principal

Harrington School:

Elaine Mead, Principal
Mary Turo, Assistant Principal

Hastings School:

Steven Adler, Principal
Rochelle Selwyn, Assistant Principal

Clarke Middle School:

Dr. Steven Flynn, Principal
Amy Hawrylchak, Assistant Principal

Diamond Middle School:

Joanne Hennessy, Principal
Barbara Haughey, Assistant Principal

Lexington High School:

Dr. Michael Jones, Principal
Laura Lasa, Associate Principal

The aforementioned police department designated liaisons are also considered the Lexington School District's "Law Enforcement Unit" as defined in the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g) for purposes of sharing information between the Lexington Public Schools and the Lexington Police Department regarding students.

III. ISSUES OF CONCERN TO THE DESIGNATED LIAISONS

A. REPORTABLE INCIDENTS:

- (1) The Designated Liaisons from the School and Police Department will review all incidents classified as Mandatory Reportable Incidents, as defined in Section IV of this agreement.
- (2) The Designated Liaisons will also review any incident or information that may affect the safety or well being of students, faculty, or administrative personnel.
- (3) Additionally, upon request from the District Attorney's Office, the Designated Liaisons will provide appropriate information to the Office of the District Attorney which may be helpful in fashioning proposed terms and conditions to be imposed upon a student of the Lexington Public Schools at both the pre-adjudication and post-adjudication stages of a proceeding within the court and criminal justice systems.

B. PREVENTION STRATEGIES:

In addition to the above responsibilities, the Designated Liaisons from the School, the Police Department and the Middlesex District Attorneys Office will meet regularly for the following purposes:

- (1) to discuss incidents of violence; any use, abuse or distribution of alcohol and/or other drugs; criminal activity affecting students; or any other activity detrimental to the school community;
- (2) to identify strategies to reduce such activities, and to promote a safe and nurturing school environment;
- (3) to discuss resources available for students at risk of harm from violence, abuse or neglect;
- (4) to develop and be involved with prevention and intervention programs focused on anti-violence and corresponding strategies as required by M.G.L. c. 12 § 32; and
- (5) to help outline necessary action plans for implementation of such strategies.

IV. REPORTING GUIDELINES

A. SCHOOL REPORTS TO POLICE DEPARTMENT

(1) The following shall be considered Mandatory Reportable Incidents:

- (a) possession, use, sale, or distribution of alcohol and/or other drugs by a student at any time, or by a non-student where it is a crime or affects students;
- (b) possession, use, or distribution of an inhalant or any controlled substance, as defined in M.G.L. c. 94C;
- (c) any incident involving the threat of assaultive behavior or intentional assaultive or negligent behavior that results in personal injury;
- (d) possession of a weapon as defined in either M.G.L. c. 269 § 10, or in the ***school handbook***;
- (e) any incident involving crimes of intolerance, including, but not limited to, serious "bullying," certain civil rights violations, domestic abuse, dating violence, or a violation of a M.G.L. c. 209A order;
- (f) any incident involving a child suffering physical or emotional injury resulting from abuse inflicted upon him or her which causes harm or the substantial risk of harm to the child's health or welfare, including sexual abuse or from neglect; (in addition to a report filed with the Department of Social Services pursuant to M.G.L. c. 119 § 51A);
- (g) any incident involving an actual or suspected hate crime or violation of civil rights, including but not limited to an assault or battery upon a person or damage to the real or personal property of a person with the intent to intimidate such person because of such person's race, color, national origin, sexual orientation, or disability, in violation of M.G.L. c. 265 § 39;

- (h) any incident resulting in significant damage to municipal or private property;
 - (i) any bomb threat; fire, threatened or attempted firesetting; threatened or attempted use of an explosive device or hoax device. Such reports shall include but not be limited to the requirements of M.G.L. c. 148 § 2A;
 - (j) any creation, possession, or dissemination of a document that identifies individuals targeted for violence or death;
 - (k) any threat, direct or indirect, against a student, school personnel or other school employee, including but not limited to threats which occur via telecommunications (e.g. internet, text message, IM);
 - (l) any incident of "hazing" as defined by M.G.L. c. 269 § 17, involving a threatened or actual risk of physical or emotional harm to a student;
 - (m) any sexual assault, rape or incident of gender-based harassment. This shall include but not be limited to any and all policies, procedures, and reporting requirements as defined in the ***student handbook***.
- (2) Mandatory Reportable Incidents shall be reported to the Lexington Police Department as soon as possible if the incident:
- (a) occurred on school property or within 1,000 foot radius of school property;
 - (b) occurred at a school-sponsored function;
 - (c) occurred in a school owned or contracted bus or other vehicle; or
 - (d) involved a student of the Lexington Public Schools.

B. POLICE DEPARTMENT REPORTS TO THE SCHOOL

The appropriate Police Department Designated Liaison will inform the appropriate School Designated Liaison, subject to applicable statutes and regulations governing confidentiality, of:

- (1) any activity which may be classified as a Mandatory Reportable Incident as listed in section IV. A(1) of this document;
- (2) any arrest of a student or the filing of a complaint application or other police or court action taken against any student of Lexington Public Schools; and
- (3) any occurrence involving a student of the Lexington Public Schools, if the
 - (a) activity poses a serious and imminent threat to the safety of the student, other students, faculty, or school personnel;
 - (b) making of such report would facilitate supportive intervention by school personnel on behalf of the student; or
 - (c) activity involves actual or possible truancy.

V. PROCEDURE GUIDELINES

A. INTRODUCTION

A concern of educators is to provide a safe and nurturing climate in which learning can take place, as is evidenced in the student handbook. It is also a concern of local law enforcement to promote a safe environment in the public school community.

As recent events have shown, any school is at risk for incidents of violence, threatened violence or attempted violence, as well as the use, abuse and distribution of alcohol and other drugs, all of which diminish the ability of the school community to focus upon the business of learning. In order to promote a safe and nurturing environment in our schools and in our community, it is in our common interest to share information. It is through the collaborative efforts of the Lexington Public Schools and the Lexington Police Department that this can occur.

B. REPORTING PROCEDURES FOR EMERGENCY SITUATIONS

Definition: An emergency situation is any incident that poses a threat to human safety or which may result in serious property damage.

A teacher or other employee having knowledge of any emergency situation shall immediately notify or cause to be notified both the Lexington Police Department (911) and the School Principal or Assistant Principal. This requirement is in addition to any procedures outlined in the ***student handbook***.

Where an emergency exists and there is an immediate need to avert or diffuse certain unusual conditions or disruptions in the school setting, the school will provide all necessary information to law enforcement personnel regarding the students at issue.
(See section 99.31(a)(10) of the FERPA regulations.)

C. REPORTING PROCEDURES FOR NON-EMERGENCY SITUATIONS

Where a teacher or other school employee has reasonable grounds to believe that a student has committed an act categorized as a mandatory reportable act, and that student is on school grounds, he or she shall take or cause the student to be taken to the appropriate Designated School Liaison.

D. NECESSARY FOLLOW-UP

A teacher or other school employee with knowledge of facts pertinent to the reportable act shall:

- (1) prepare and submit a report (see the ***student handbook***) on the incident to the appropriate Designated School Liaison;
- (2) notify the Designated School Liaison of the existence of any physical evidence; and
- (3) take reasonable steps to maintain any pertinent physical evidence in a secure place.

E. RESPONSIBILITY OF THE DESIGNATED SCHOOL LIAISON

Once a Designated School Liaison has been made aware of a mandatory reportable incident, it is her/his responsibility to:

- (1) notify the Police Department Designated School Liaison and, when appropriate, parents;
- (2) notify the Police Department Designated School Liaison of the existence of pertinent physical evidence and speak with him or her about whether and how to take reasonable steps to maintain it in a secure place; and
- (3) follow up by forwarding any related reports (see the *student handbook*) to the Lexington Police Department.

VI. IMPLEMENTATION

A. TRAINING

The Lexington Public Schools and the Lexington Police Departments agree to provide agency-wide training to their respective staffs to inform them of their roles and responsibilities under this agreement and to consult with the District Attorney's Office as appropriate regarding this agency-wide training. On an on-going basis, the same training will be provided to new staff members.

B. EFFECTIVE DATE AND DURATION OF THIS AGREEMENT

The provisions of this Memorandum of Understanding shall be effective as of the date of signing and will remain in full force and effect until amended or rescinded by the parties.

FOR THE LEXINGTON SCHOOL DEPARTMENT:

Paul B. Ash, Ph.D., Superintendent

10/15/07

Date

FOR THE LEXINGTON POLICE DEPARTMENT:

Christopher Casey, Chief of Police

10/11/07

Date

APPENDIX A

ROLE OF THE OFFICE OF THE MIDDLESEX DISTRICT ATTORNEY

In the spirit of the legislative mandate regarding communication between the Office of the District Attorney, law enforcement and school officials, as included in General Laws, Chapter 12, Section 32, and to assist the Lexington Public Schools in providing a safe environment for learning, in accordance with the legislative mandate set forth in G.L. c. 71, sections 37H and 37H1/2, inter alia, the Middlesex District Attorney agrees to:

- (1) report to the school any felony, (criminal or delinquency complaint) that is issued against a student of the Lexington Public Schools;
- (2) report to the school any adjudication of delinquency or conviction, or other significant occurrence that arises from the above;
- (3) consider information received from the Lexington Public Schools and the Lexington Police Department when fashioning proposed terms and conditions to be imposed upon a student of the Lexington Public Schools at both the pre-adjudication and post-adjudication stages of the prosecution when possible; and
- (4) consider information received from the Lexington Public Schools and the Lexington Police Department when deciding whether to prosecute a student as a Youthful Offender.

The Middlesex District Attorney agrees to provide training to staff to inform them of their roles and responsibilities under this agreement. On an on-going basis, the same training will be provided to new staff members.

Gerard T. Leone Jr.
Middlesex District Attorney

10/22/07
Date