

**MOUNT DESERT ISLAND REGIONAL SCHOOL SYSTEM – AOS #91**

**MEMORANDUM OF UNDERSTANDING**

**for**

**THE SCHOOL RESOURCE OFFICER (SRO)**

**between the**

**BAR HARBOR and MOUNT DESERT POLICE DEPARTMENTS**

**and**

**BAR HARBOR SCHOOL DEPARTMENT, MOUNT DESERT ELEMENTARY SCHOOL DEPARTMENT**

**and the MOUNT DESERT ISLAND REGIONAL HIGH SCHOOL DEPARTMENT**

WHEREAS, the purpose of this document is to define the role of a School Resource Officer (SRO) and to set forth guidelines to ensure that law enforcement, school officials, and the communities they serve have a shared understanding of the goals and use of the SRO and that SRO receives the necessary support and training to ensure a safe school environment while respecting the rights of students and improving the overall school climate;

WHEREAS, the parties agree to define the role of the SRO as follows: the role of the SRO within the context of both the educational mission of the schools and the Police Departments; distinctions between disciplinary misconduct to be handled by school officials, and criminal offenses to be handled by law enforcement; respect for the rights of students; transparency and accountability; minimum SRO training requirements; and promotion of non-punitive approaches to student behavior;

WHEREAS, the signatories agree as follows:

**ROLE OF THE SCHOOL RESOURCE OFFICER IN THE CONTEXT OF THE EDUCATIONAL MISSION OF THE SCHOOL**

1. The mission of the School Resource Officer program is to promote school safety and the educational climate at the school, not to enforce school discipline or punish students.
2. The SRO shall be an employee of the Police Departments and shall be subject to the administration, supervision and control of the Police Departments (PDs) consistent with the terms of this MOU. Funding of the SRO is provided through the PDs' patrol budgets and continuance of the SRO availability is dependent on continued funding.
3. The SRO shall be subject to all personnel policies, procedures and practices of the PDs, except as such policies or practices may be modified by the terms and conditions of this Memorandum.
4. The SRO shall be familiar with state laws and rules, regulations and policies of the schools he/she is assigned to, and will adhere to them, providing there is no conflict with the PDs practices, policies and procedures. In the event of a conflict with rules, policies and procedures, absent a real and immediate threat to students, staff, or public safety, the SRO should obtain guidance as to how to proceed from administration and the PD.
5. The SRO will be assigned to the Mount Desert Island Regional School System – AOS 91 for assignments at Mount Desert Island High School, Connors-Emerson School, and Mount Desert Elementary School at the discretion of the Police Chief or designee, in collaboration with the Superintendent of Schools and Principals of each school. The SRO will be assigned to AOS #91 schools from mid-October until early to mid-May with adjustments made as needed.
6. Building-level school administrators shall be consulted as to whether and when a SRO will be deployed to the school and shall participate in periodic performance reviews of the SRO.

7. The SRO shall meet with building-level school administrators, teachers, parents, and student representatives at least annually to discuss issues of school safety.
8. The SRO shall be integrated into the school community through participation in faculty and student meetings and assemblies as appropriate.
9. The SRO shall maintain daily activity reports and submit monthly summaries of these reports to building-level school administrators, district-level school administrators, and the relevant law enforcement agency. The monthly summaries shall include, for each SRO, the numbers and descriptions of all incidents or calls for service; name of schools involved; student searches; student questioning; tickets, citations, or summonses; filing of delinquency petitions; referrals to a probation officer; actual arrests; and other referrals to the criminal justice system.
10. Absent a real and immediate threat to students, staff, or school safety, and absent the situations described herein where formal law enforcement intervention is deemed appropriate, building-level school administrators shall have final authority in school related matters.

### **DUTY HOURS**

11. Whenever possible, and as resources permit, it is the intent of the parties that the SRO's duty hours shall be scheduled to conform to the school day.
12. It is understood that the Police Chief or his designee may temporarily remove and reassign the SRO as conditions or incidents arise necessitating such actions. When possible, advance notice to the school will be provided.
13. The school reserves the right to unilaterally decline or remove a School Resource Officer (SRO).

### **DISTINGUISHING DISCIPLINARY MISCONDUCT TO BE HANDLED BY SCHOOL OFFICIALS FROM CRIMINAL OFFENSES TO BE HANDLED BY LAW ENFORCEMENT**

14. School Resource Officers are responsible for criminal law issues, not school discipline issues.
15. Absent a real and immediate threat to students, staff, or public safety, incidents involving public order offenses including disorderly conduct; disturbance/disruption of schools or public assembly; trespass; loitering; profanity; and fighting that does not involve physical injury or a weapon, shall be considered school discipline issues to be handled by school officials, rather than criminal law issues warranting formal law enforcement intervention (e.g., issuance of criminal citation, ticket, or summon, filing of delinquency petition, referral to a probation officer, or actual arrest).
16. Students shall not be arrested at school, except where a student poses a real and immediate threat to students, staff, or public safety; or a judicial warrant specifically directs the arrest of the student in a school or a statute mandates immediate arrest; in all other instances the execution of an arrest warrant shall be undertaken at a location other than a school.
  - a. School administration shall be consulted prior to an arrest of a student where practicable.
  - b. The student's parent or guardian shall be notified of a student's arrest as soon as practicable.

## **RESPECT FOR THE RIGHTS OF STUDENTS**

17. Absent a real and immediate threat to students, staff, or public safety, a School Resource Officer may conduct or participate in a search of a student's person, possessions, or locker only where there is probable cause to believe that the search will turn up evidence that the student has committed or is committing a criminal offense.
  - a. The SRO shall inform school administrators prior to conducting a probable cause search where practicable.
  - b. The SRO shall not ask school officials to search a student's person, possessions, or locker in an effort to circumvent these protections.
  - c. Searches of student's person, possessions, locker and/or vehicles(s) shall be initiated by school staff for school related matters.
  - d. Absent a real and immediate threat to students, staff, or public safety, a school official shall not ask a SRO to be present or participate in such a search.
  
18. Absent a real and immediate threat to students, staff, or public safety, a SRO may question or participate in the questioning of a student about conduct that could expose the student to court-involvement or arrest only after informing the student of his or her Miranda rights and only in the presence of the student's parent or guardian. If the student attends the high school, the parent or guardian may waive the right to be present after having been informed by the school administration of the high desirability of a parent's or guardian's presence and the potential consequences of the questioning.
  - a. The SRO shall inform school administrators prior to questioning the student where practicable.
  - b. The SRO shall not ask a school official to question a student in an effort to circumvent these protections.
  
19. Absent a real and immediate threat to students, staff, or public safety, a school official shall not ask a SRO to be present or participate in the questioning of a student that could expose the student to court-involvement or arrest.
  
20. Strip searches of students by either school officials or SROs shall be prohibited.
  
21. Absent a real and immediate threat to students, staff, or public safety, other physically invasive searches by a school official or SRO shall not be conducted on a student.
  
22. Absent a real and immediate threat to students, staff, or public safety, a SRO shall not use physical force or restraints --- including handcuffs, Tasers, Mace, or other physical or chemical restraints --- on a student.

## **TRANSPARENCY AND ACCOUNTABILITY**

23. The school district and/or relevant law enforcement agency shall maintain annual publicly available data, without disclosing personally identifiable information, documenting the following:
- a. Number of incidents resulting in a student arrest for conduct on school grounds or at a school-sponsored event, broken down by school; offense; arrestee's age, grade level, race, sex, and disability status; and disposition/result;
  - b. Number of incidents resulting in other forms of law enforcement intervention --- including searches and seizures by SROs; questioning by SROs; issuance of a citation, ticket, or summons; filing of a delinquency petition; or referral to a probation officer --- for student conduct on school grounds or at a school-sponsored event, broken down by school; offense or reason; type of law enforcement intervention; student's age, grade level, race, sex, and disability status; and disposition/result;
  - c. Number of suspensions or other disciplinary consequences imposed on students, broken down by school; offense/infraction; student's age, grade level, race, sex, and disability status; and disciplinary consequence imposed;
  - d. Regulations, policies, and protocols governing the SRO program;
  - e. Budget information for the SRO program including funding and expenditures;
  - f. Number of SROs deployed to each school;
  - g. Training materials for SROs; and
  - h. Number and types of complaints lodged against SROs.
  - i. Complaints shall be investigated and resolved, and complainants shall be furnished with a written explanation of the investigation and resolution per police department policy 1-10. The school shall be included in this process as applicable.

## **MINIMUM SCHOOL RESOURCE OFFICER TRAINING REQUIREMENTS**

24. Every School Resource Officer shall receive at least 40 hours of pre-service training and 10 hours of annual in-service training on the following topics:
- a. Child and adolescent development and psychology;
  - b. Positive behavioral interventions and supports (PBIS), conflict resolution, peer mediation, or other restorative justice techniques;
  - c. Students with disabilities or other special needs; and
  - d. Cultural competency.

**PROMOTING NON-PUNITIVE APPROACH TO STUDENT BEHAVIOR**

25. The School Resource Officer shall be familiar with and trained in all programs adopting non-punitive approaches to discipline available in the school district. If a school has implemented a specific program designed to improve overall school climate or respond to student behaviors in specific ways, the school resource officers may participate in all trainings associated with that program.

**DURATION OF GOVERNANCE DOCUMENT**

26. This Governance Document shall become effective immediately upon execution by signature and remain effective until, whereupon it must be reviewed annually by all signatories or their successors before being renewed.

27. A signatory may terminate this Governance Document by serving written notice to all other signatories at least thirty (30) days in advance of such termination. A termination by a signatory shall eliminate the presence of School Resource Officers at Public Schools.

Signed on this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Superintendent of Schools

\_\_\_\_\_  
Representative of Law Enforcement Agency

*For reference, attached:*

*KLGA - Relations with School Resource Officers and Law Enforcement Authorities*

*KLGA-R - Relations with School Resource Officers and Law Enforcement Authorities Administrative Procedure*

**MOUNT DESERT ISLAND REGIONAL SCHOOL SYSTEM – AOS #91  
RELATIONS WITH SCHOOL RESOURCE OFFICERS AND LAW ENFORCEMENT AUTHORITIES**

The Mount Desert Island Regional School System – AOS #91 Board recognizes that a cooperative relationship with law enforcement authorities is desirable for the protection of students and staff, maintaining a safe school environment, and safeguarding school property.

In keeping with Mount Desert Island Regional School System - AOS #91's mission, the primary roles of the school resource officers (SROs), and law enforcement authorities are to:

- A. Provide support and assistance to the school administration and staff to maintain a safe and constructive learning environment;
- B. Enforce local, state and federal laws;
- C. Serve as a resource to administrators and teachers in planning and providing age-appropriate educational programs that foster respect for the law, an understanding of law enforcement, and safe and healthy behaviors;
- D. Serve as a resource to administrators and staff concerning law enforcement and child welfare issues;
- E. Assist individual students and their families in addressing issues related to law enforcement and helping students to have a meaningful school experience; and
- F. Serve as a liaison between the schools and the respective law enforcement agencies in addressing issues of concern.

School administrators and staff shall have the primary responsibility for maintaining proper order in the schools and for disciplining students for violations of Board policies and school rules. However, the Board authorizes the Superintendent/administration to seek the assistance of law enforcement authorities when they believe there is a substantial threat to the welfare and safety of the schools, students and/or staff. The Superintendent/administration shall also inform law enforcement authorities when they have reason to suspect that a student or staff member may have violated a local, state or federal law.

The Board strongly discourages law enforcement authorities from using the schools as a venue to arrest and/or interrogate students for activities not related to or affecting the schools. The Superintendent/administration retain the authority to deny law enforcement access to students for non-school-related investigations.

The Board authorizes the Superintendent and administration to work with local law enforcement authorities to develop administrative procedures to guide interactions between the schools and law enforcement. Such procedures should safeguard the rights of students and parents, be consistent with Board policies, and minimize disruptions to the instructional program. These administrative procedures are subject to the approval of the Board.

The Superintendent shall include law enforcement authorities in the development and implementation of the school unit's crisis response plan. The Board also encourages the Superintendent/administration to include law enforcement authorities in the development and/or implementation of instructional programs/activities related to student safety.

Cross References:      EBCA - Crisis Response Plan  
                                  JICIA - Weapons, Violence and School Safety  
                                  JIH - Interrogations and Searches  
                                  JRA - Student Records

w/attachment: KLG-R - Relations with Law Enforcement Authorities Administrative Procedure

Adopted: 01/23/17

First Reading of Revisions: 09/11/17

Second Reading and Adoption of Revisions: 10/16/17

**MOUNT DESERT ISLAND REGIONAL SCHOOL SYSTEM – AOS #91  
RELATIONS WITH SCHOOL RESOURCE OFFICERS AND LAW ENFORCEMENT  
AUTHORITIES ADMINISTRATIVE PROCEDURE**

The following procedures are intended to guide the involvement of law enforcement authorities in the schools:

- A. Law enforcement officials are encouraged to make regular informal visits to our schools and may enter school premises for official business:
  - 1. In the event of an emergency endangering student or staff safety;
  - 2. At the request of the Building Principal;
  - 3. Students shall not be arrested at school, except where a student poses a real and immediate threat to student, teacher, or public safety; or a judicial warrant specifically directs the arrest of the student in a school; in all other instances the execution of an arrest warrant shall be undertaken at a location other than a school.
    - a. School principals shall be consulted prior to an arrest of a student where practicable.
    - b. The student's parent or guardian shall be notified of a student's arrest as soon as practicable.
  - 4. In exigent circumstances as authorized by law.
- B. Absent a real and immediate threat to student, teacher, or public safety, a School Resource Officer (SRO) may question or participate in the questioning of a student about conduct that could expose the student to court-involvement or arrest only after informing the student of his or her Miranda rights and only in the presence of the student's parent or guardian.
  - a. The SRO shall inform school administrators prior to questioning the student where practicable.
  - b. The SRO shall not ask a school official to question a student in an effort to circumvent these protections.
- C. Principals shall release student information to law enforcement authorities only as allowed by the Family Educational Rights and Privacy Act.

Cross Reference: JRA - Student Records

Adopted: 01/23/17  
First Reading of Revisions: 09/11/17  
Second Reading and Adoption of Revisions: 10/16/17