

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE FREMONT POLICE DEPARTMENT AND
THE FREMONT SCHOOL DISTRICT
September 2008**

I. OVERVIEW

It is the intention of the Fremont Police Department (the “Police Department”) and the Fremont School District (the “School District”) to work in a joint cooperative effort to provide a safe and healthy school environment for the students, staff, and visitors. We intend to do this in compliance with New Hampshire RSA 193-D, Safe School Zones, and New Hampshire Ed 317, as they are amended from time to time.

II. DEFINITIONS

1. "Acts of theft, destruction, or violence" mean acts set forth in the following statutes, regardless of the age of the perpetrator:

(a) Homicide under RSA 630. Any death occurring in a safe school zone shall be immediately reported to law enforcement officials, regardless of suspected cause.

(b) Any first or second degree assault under RSA 631. This shall include any injury to a person caused by another person. Upon investigation, the Police Department may conclude that not all of these incidents constitute assault or another crime.

(c) Any felonious or aggravated felonious sexual assault under RSA 632-A. All acts of sexual penetration occurring within safe school zones shall be reported.

(d) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159. Due to the tremendous potential for serious injury or death when firearms are present, a report shall be filed in accord with RSA 193-D when any person brings or possesses a firearm in a safe school zone, without prior written authorization from the superintendent. The only exception shall be for recognized law enforcement personnel.

(e) Arson under RSA 634:1. A person is guilty of arson if he knowingly starts a fire or causes an explosion which unlawfully damages the property of another, or recklessly places another in danger of death or serious bodily injury.

(f) Burglary under RSA 635. This includes, but is not limited to, entering a building, or occupied structure, or a separately secured section of a building, or occupied structure, with a purpose to commit a crime inside.

(g) Robbery under RSA 636. This includes, but is not limited to, the use of physical force on the person of another in the course of committing a theft, or threats that put another person in immediate fear of the use of physical force.

(h) Illegal sale or possession of a controlled drug under RSA 318-B. A controlled drug is “any drug or substance, or immediate precursor, which is scheduled [by the Department of Health and Human Services] pursuant to RSA 318-B:1:1-a.” The School District shall report the sale or possession of any substance, other than food, that affects the way your mind and body work. The School District shall not report the possession of medication, provided that the possession of said medication is in accord with School District policies.

(i) Simple assault under RSA 631:2-a. A person commits a simple assault if he or she:

- i. Purposely or knowingly causes bodily injury or unprivileged physical contact to another person; or
- ii. Recklessly causes bodily injury to another; or
- iii. Negligently causes bodily injury to another by means of a deadly weapon.

In light of the fact that “unprivileged physical contact” could involve minor contact that does not result in physical injury, the Principal shall determine, on a case-by-case basis, whether “unprivileged physical contact” shall be reported to the Police Department in accord with RSA 193-D. In making that determination, the Principal shall consider the School District’s Student code of Conduct and relevant School District policies. Relevant School District policies may include, but are not limited to, policies pertaining to bullying, discipline, and sexual harassment.

(j) Criminal threatening under RSA 631:4. Criminal threatening includes, but is not limited to, threats to commit any crime against the property of another with a purpose to coerce or terrorize any person. This includes school property.

(k) Theft under RSA 637. This includes, but is not limited to, the obtaining or exercising of unauthorized control over the property of another.

2. "Safe school zone" means an area inclusive of any school property or school buses.
3. "School" means any public or private elementary, secondary, or secondary vocation-technical school in New Hampshire. It shall not include home schools under RSA 193-A.
4. "School Employee" means any school administrator, teacher, or other employee of any public, or private school, School District, school department, or school administrative unit, or any person providing or performing continuing contact services for any public or private school, School District, school department, or school administrative unit.
5. "School property: means all real property, physical plan and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.
6. "School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities.

III. REPORTING REQUIREMENT

Communication and the sharing of information are the basis of any cooperative effort. As required by law, it is agreed that every school employee who has witnessed, or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such a report shall immediately forward such information to the school Principal or his designee who shall file it with the Police Department. Such report shall be made by the Principal to the Police Department immediately, by telephone or otherwise, and except as noted below, the initial report shall be followed within 48 hours by a report in writing. If the alleged victim is a student, the Principal shall also immediately notify the person responsible for the victim's welfare that a report was made to the Police Department.

IV. CONTENTS OF THE WRITTEN REPORT

The written report shall comply with the requirements of RSA 193-D and standardized Form #Ed 317, and shall include, at a minimum, the following:

- a. The name, address and telephone number of the school.
- b. The name of the employee reporting the incident.
- c. The name of the school Principal.
- d. Identification of the act of theft, destruction, or violence that was allegedly committed. At a minimum, the identification must include:
 - a. The date that the incident involving an act of theft, destruction, or violence occurred.

- b. The time that the incident involving an act of theft, destruction, or violence occurred.
- c. The location at which the act of theft, destruction or violence occurred;
- d. A description of the alleged offense;
- e. The name, home address, if known, and the following additional information pertaining to any person suspected of committing an act of theft, destruction, or violence in a safe school zone:
 - a. Grade
 - b. Gender
- f. The name and home address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.
- g. The name, address and the following information pertaining to the victim of an act of theft, destruction or violence.
 - a. Grade
 - b. Gender
- h. The date the written report was completed
- i. The date the report was filed with the Police Department.

The Police Department and the School District agree that it shall not be necessary for the Principal to file a written report, when there is a law enforcement response at the time of the incident which results in a written police report.

V. EXCHANGE OF RELEVANT INFORMATION

Notwithstanding any other provision of law, it shall be permissible for any law enforcement officer and any school administrator to exchange information relating only to acts of theft, destruction, or violence in a safe school zone regarding the identity of any juvenile, police records relating to a juvenile, or other relevant information when such information reasonably relates to delinquency or criminal conduct, suspected delinquency or suspected criminal conduct, or any conduct which would classify a pupil as a Child in Need of Services under RSA 169-D or a Child in Need of Protection under RSA 169-C.

If copies of relevant portions of special education and disciplinary records are shared, then those records shall be shared in a manner that protects the privacy of the student record.

VII. NO LIMITATION ON REPORTING

Nothing contained in this Memorandum is intended to limit the events that may be reported to the Police Department or to limit school employees from requesting police assistance on matters not referred to in this Memorandum.

VIII. TRAINING

The Fremont Police Department and the Fremont School District agree to provide their employees with training relative to this Memorandum of Understanding, its purpose and anticipated results. The parties further agree to maintain regular and open communication to evaluate the effect of this Memorandum and suggest improvements and adjustments that may be necessary.

IX. NO LIABILITY FOR GOOD FAITH REPORTS

In accord with RSA 193-F:5, any employee of the Fremont School District, or of a company under contract with the Fremont School District, who makes a good faith report in accord with RSA 193D shall not be subject to liability for making the report.

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_____, Superintendent, Fremont School District
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