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EVERY CHILD,
EVERY OPPORTUNITY,
EVERY DAY...
STRIVING FOR SUCCESS

MEMORANDUM OF UNDERSTANDING
Between
Wellsboro Police Department and
Wellsboro Area School District

This Memorandum of Understanding made this 1st day of Sept., 2017, by and between Wellsboro Police Department (Law Enforcement Entity) and the Wellsboro Area School District (School Entity) as follows:

I. Joint Statement of Concern

A. Goals

The purpose of this memorandum is to establish procedures to be followed when an incident involving an act of violence or possession of a weapon occurs on school property.

B. Law Enforcement Priorities

1. Investigation of all crimes reported to have occurred at schools, including those which occur at school-sponsored events, etc. This should involve as little disruption of the school environment as is practicable.
2. Identification of those responsible for the commission of those crimes, and, where appropriate, apprehension and prosecution of those individuals. This should involve as little disruption of the school environment as is practicable.
3. Assist school entities in prevention of crimes of violence and crimes involving the possession of weapons through a variety of preventative measures including education and deterrence.

C. School Priorities

1. Publication of clear, concise guidelines for crisis situations including drug and alcohol abuse, violence, and weapon possession. The Wellsboro Area School District Emergency Response Safe Schools Plan has been reviewed with all staff members. Copies have been distributed to all staff members, law enforcement, and community emergency services.
2. Collaboration between the Wellsboro Police Department and the Wellsboro Area School District to provide prevention programs. The Chief

of Police is a member of the Wellsboro Area School District Safe and Drug-Free Schools Committee.

3. Assistance provided to law enforcement officers in the investigation of crimes by providing information in a timely manner.

II. Incidents requiring law enforcement notification and response.

A. Acts of Violence

1. Any deliberate act, serving no legitimate purpose, which causes injury or which could reasonably be expected to cause injury to another person.

a. To be considered reportable, the conduct should be either intentional or reckless in nature.

b. Many factors may be taken into consideration when determining whether it is appropriate to notify law enforcement, including:

1. Motivation
2. Actor
3. Victim
4. Potential for or actual injury
5. Potential for escalation
6. Parental request for law enforcement involvement.
(A parental request that law enforcement not be involved should not be binding on the school entity.)

B. Possession of Weapons

1. Weapon shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle or any other tool, instrument or implement capable of inflicting serious bodily injury.

2. Applicable to any object in circumstances in which the object has been or is likely to be used as a weapon.

III. Response to Incidents

A. Initial notification to law enforcement by school authorities should be made as soon as is practicable.

B. Information to be provided to law enforcement

1. Whether the incident is in-progress or has concluded.
2. Nature of the incident
3. Exact location of the incident
4. Number of persons involved in the incident
5. Weapons involved
6. Have weapons been secured?
7. Injuries involved
8. EMS notification if necessary
9. Identity of the school contact person

C. Initial Response by Law Enforcement

1. Incidents in progress

- a. Meet with contact person, if necessary, to locate incident.
- b. Stabilize the incident.
- c. Provide/arrange for emergency medical treatment, if necessary.
- d. Control the scene of the incident.
 1. Secure any physical evidence at scene.
 2. Identify involved persons and witnesses.
- e. Conduct investigation.
- f. Exchange information.
- g. Confer with school officials to determine the extent of law enforcement involvement required by the situation.

2. Incidents not in progress.

- a. Meet with contact person.
- b. Recover any physical evidence.
- c. Conduct investigation.
- d. Exchange information.
- e. Confer with school officials to determine the extent of law enforcement involvement required by the situation.

3. Incidents involving delayed reporting

Defined: Incidents occurring at school or a school-sponsored event which are reported after the conclusion of the school day or event during which the incident took place.

- a. If initially reported to the school, handle as if reporting was not delayed.
- b. If initially reported to law enforcement, investigation will be conducted as any other investigation. School will be made aware of the incident, and information will be shared as if the reporting was not delayed.

4. Custody of actors

- a. Actors may be taken into custody at the discretion of the investigating law enforcement officer.

D. Assistance from School Entities

1. In Loco Parentis

Teachers, assistant principals and principals in the public schools have the right to exercise the same authority as to conduct and behavior over the pupils attending school, during the time they are in attendance, including the time required in going to and from their homes, as the

parents, guardian or persons in parental relation to such pupils may exercise over them.

School authorities' ability to stand in loco parentis over children does not extend to matters beyond conduct and discipline during school and school-activities.

Generally, parents or guardians of students involved in acts of violence or possession of weapons should be notified as soon as possible. School entities should document attempts made to reach the parents or guardians of victims, witnesses or suspects of acts of violence or the possession of a weapon. There are exceptions to this generalization such as situations in which the parents or guardians may be co-suspects and situations in which notification may result in the destruction of evidence or the tampering with evidence or witnesses. Except in cases in which the suspect student has been injured and requires medical attention, the decision to notify the suspect's parents or guardians shall be a cooperative decision between school officials and law enforcement authorities unless immediate notification is otherwise required.

2. Scope of the school entity's involvement in law enforcement procedures.

a. Victims

The school entity should notify the parent or guardian when law enforcement authorities interview a victim. Unless a school entity has been previously instructed to the contrary by a parent or guardian, in writing, there is no need to secure parental permission to interview a victim. A guidance counselor or other similar school personnel should be present during the interview by law enforcement authorities.

b. Witnesses

The school entity should notify the parent or guardian when law enforcement authorities interview a witness. Unless a school entity has been previously instructed to the contrary by a parent or guardian, in writing, there is no need to secure parental permission to interview a witness. A guidance counselor or other similar school personnel should be present during the interview by law enforcement authorities.

c. Suspects

A presumption exists that a juvenile is incompetent to waive his rights without opportunity for consultation with an informed and interested adult. Thus, school entities shall attempt to secure the permission and presence, whenever possible, of at least one parent or guardian before a student suspected of committing an act of violence or possessing a weapon is interviewed by law enforcement authorities. When the presence of a parent or guardian is impossible, a guidance counselor or other similar school personnel should be present during the interview by law enforcement authorities.

3. Conflicts

In cases where an employee, contractor, or other person who acts on behalf of the school district or entity, is the subject of an investigation, there exists the potential for a conflict of interest. To guard against accusations of impropriety when the possibility of a conflict of interest exists, neither the individual that is the subject of the investigation nor anyone acting as his or her subordinate or direct supervisor shall be present during interviews of students as co-suspects, witnesses or victims by law enforcement authorities.

Furthermore, the individual that is the subject of the investigation, and anyone acting as his or her subordinate or direct supervisor, shall not be made aware of the content of the statements made by students as co-suspects, witnesses or victims, except at the discretion of the law enforcement authorities. A guidance counselor or other similar school employee who is not involved in the conflict should be present during the interview of a student as co-suspect, victim or witness. In light of the potential for a conflict, however, the decision to have a guidance counselor or other similar school employee present during the interview shall be a cooperative decision between the school entity and law enforcement authorities.

E. Reporting Requirements/Exchange of Information

a. Law enforcement

1. Full cooperation within the limits of the Criminal History Record Information Act, 18 Pa. C.S. Chapter 91.
2. Share information as needed for school to complete report under the Public School Code of 1949, 24 P.S. §13-1303-A (b).
3. Shall not make disclosures contradictory to D. 3. Conflicts.

b. Schools

1. Full cooperation within the limitations imposed by law, particularly the Federal Educational Rights and Privacy Act (FERPA), 20 U.S.C., §1232g, its implementing regulations located at 34 C.F.R., §99.1 et. seq., and 22 PA. Code §12.31 – 12.33.
2. Share information and evidence as needed for police to complete investigation.
3. Notify the appropriate school district or entity if an actor involved in an act of violence or possession of a weapon attends another school, on either a part-time or full-time basis.
4. Complete reports as required under the Public School Code of 1949, 24 P.S. §13-1303-A (b).

IV. Other Considerations

A. Release of Information to the Media

1. The release of information concerning incidents involving acts of violence or possession of a weapon shall be coordinated between law enforcement and school entities.

2. The parties will release as much information as allowable by law with due consideration to investigative needs and the need to limit disruption of the school function.

V. General provisions

- A. This Memorandum is not intended to and does not create any contractual rights or obligations with respect to the signatory agencies or any other parties.
- B. This Memorandum may be amended, expanded or modified any time upon the written consent of the parties.
- C. In the event of changes in state or federal law, which necessitate changes to this Memorandum, the parties shall collaborate to change this Memorandum to assure compliance by the parties with state and federal requirements.
- D. Both parties will communicate with each other to resolve any problems that may arise in fulfilling the terms of this Memorandum.

The parties hereby acknowledge the foregoing as the terms and conditions of their understanding.

Dr Brenda M Freeman
Superintendent
Wellsboro Area School District
School Entity

9-8-17
Date

James R. Bodi
Chief Law Enforcement Authority
Wellsboro Police Department
Law Enforcement Entity

9-13-17
Date

Note: This Memorandum of Understanding is in compliance with Act 26 of 1995.