

MEMORANDUM OF UNDERSTANDING
between
THE LOUDOUN COUNTY SCHOOL BOARD
and

THE LOUDOUN COUNTY SHERIFF’S OFFICE AND THE LEESBURG
POLICE DEPARTMENT

PREAMBLE

The School Board, Loudoun County Sheriff’s Office- and Leesburg Police Department hereby enter into this Memorandum of Understanding to promote a positive relationship between students, staff and law enforcement and to maintain safe, supportive and secure school environments. School Board policies are designed to assist and encourage students to achieve self-discipline, become responsible citizens, and discourage conduct that adversely impacts the health, safety, and welfare of the students, staff and community. The school-law enforcement partnership is best understood from a community policing perspective.

The parties agree the clear majority of student misconduct can be best addressed through classroom and in-school strategies, outlined in the Student Rights and Responsibilities (“SR&R”) and the Student Code of Conduct, without law enforcement involvement. The parties acknowledge children are generally less mature and responsible than adults; they often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them; and they are more susceptible to outside pressures than adults.

This document is meant to be an accompaniment to the [Virginia School-Law Enforcement Partnership Guide](#).

PURPOSE

The School-Law Enforcement Partnership (“SLEP”) is intended to facilitate effective, timely communication and coordination of efforts for all parties- the School Division and Loudoun County Sheriff’s Office/Leesburg Police Department. The purpose of this Memorandum of Understanding (“MOU”) is to establish a mutually beneficial framework that the School Division and law enforcement agencies can work within to achieve shared goals. This Memorandum of Understanding clarifies the role of the School Resource Officers (“SRO”), School Administration and teachers, and the scope of their authority. It further defines the responsibility of the Loudoun County Public Schools (“LCPS”) and the Loudoun County Sheriff’s Office (“LCSO”) as well as the Leesburg Police Department (“LPD”) in this collaboration.

The partnership provides LCPS with immediate and accessible contact with a specific resource officer to encourage lawful information sharing and referral between agencies. A critical goal of the partnership is to ensure a safe, positive learning environment and promote relationships and communication between the school principal or designee and the SRO at the school(s) and in the community.

45 **ROLES AND RESPONSIBILITIES OF PARTNER ORGANIZATIONS**

46
47 **School Resource Officer**

48
49 School Resource Officer (“SRO”) is defined in [§ 9.1- 101](#) of the Code of Virginia as “a
50 certified law enforcement officer hired by the local law enforcement agency to provide law
51 enforcement and security services to Virginia public elementary and secondary schools.”
52 SROs who are assigned to schools should operate under this MOU that outlines the roles and
53 responsibilities of the law enforcement agencies and the school division, as well as personnel
54 from both.

55
56 **Loudoun County Sheriff’s Office/Leesburg Police Department Roles and Responsibilities**

57
58 In developing and implementing law enforcement policies and practices that may affect schools,
59 the Loudoun County Sheriff’s Office/Leesburg Police Department “SO/PD” will consult with and
60 take into consideration the views of the School Division (“SD”).

61
62 The SO/PD will designate direct points of contact between each agency and the SD. The SO/PD
63 points of contact will address any operational and administrative issues and will serve as
64 consultants for school safety and security issues including assessments and critical incident
65 response planning. The SO/PD points of contact will maintain a working knowledge of school
66 rules, regulations, and laws regarding student safety and conduct. The SO/PD points of contact will
67 establish and maintain effective relationships with school personnel at the division and school
68 levels.

69
70 The SO/PD will be responsible for the selection, assignment, scheduling, training, supervision,
71 and evaluation of school resource officers (“SRO”)s. In their performance of law enforcement
72 functions, the SRO will remain at all times under the control, through the chain of command, of
73 their employing law enforcement agency. The SO/PD will ensure the SRO meets the training
74 standards established by the Virginia Department of Criminal Justice Services (“DCJS”) for SROs
75 as outlined in §§ [9.1-101](#)(54) and [9.1-114.1 of the Code of Virginia](#).

76
77 The SO/PD will continue to ensure that all SROs employed by their respective agencies receive
78 the below listed training prior to or within 60 days of assignment in a school whenever feasible.
79 The training should be aligned with the SLEP and DCJS curriculum and in coordination with the
80 SD, and include but not be limited to the following:

- 81 1. A DCJS approved basic SRO course
82 2. SO/PD approved training in crisis intervention techniques
83 3. SO/PD approved training that includes cultural competence
84 4. SO/PD approved training that includes implicit bias awareness
85 5. SO/PD approved training in advanced crisis intervention techniques, which includes trauma
86 informed training

87
88 The SRO Supervisor will ensure that day-to-day coverage is maintained in all high schools and
89 middle schools. Should an SRO be absent for more than one day, the SO/PD should prioritize
90 providing a substitute SRO in high schools.

91 School Division Responsibilities

92

93 It is the responsibility of school administrators to facilitate effective communication between the
94 SRO and school staff and to support the goals of the partnership.

95

96 Each school with an assigned SRO will provide a secure work area(s) for the SRO that allows
97 access to technology, private interview space that can accommodate several persons, and locking
98 storage space that contains a log to ensure chain of custody requirements are met. The office
99 shall be equipped with a telephone and a data drop to facilitate computer network access. Every
100 attempt shall be made to place the SRO within proximity of the main entrance to the school. If
101 this is not possible, the superintendent and/or their designee shall approve of the change.

102

103 School administrators and teachers will handle discipline within the school disciplinary process
104 without involving SROs. The SD is responsible for communicating the goals and role of the SRO
105 to all school administration, staff, parents/legal guardians, and students.

106

107 The SD will ensure that school administrators receive relevant training prior to or within 60 days
108 of the assignment in a school. The training shall be aligned with the SLEP and DCJS.

109

110 School Security Officer (SSO) Responsibilities

111

112 SSOs work for the SD to promote a culture of safety, security, and inclusion within our schools.
113 SSOs work with school administration to help implement LCPS Division of Safety and Security
114 best practices and serve as vital members of school-based threat assessment teams. SSOs also serve
115 as trusted advisors and mentors to LCPS students and staff.

116

117 The SD will ensure that SSOs are certified by DCJS prior to or within 60 days of the assignment in a
118 school. The training shall be aligned with the SLEP and DCJS training guidelines.

119

120

121 SRO Roles and Responsibilities

122

123 SROs will be considered active members of their assigned schools. The SRO facilitates the
124 effective delivery of law enforcement services and assists with matters related to safety, security,
125 and the exchange of information with School Administrators and School Security Officers. SROs
126 are expected to be familiar with the SR&R, the rules of individual schools, and their application in
127 day-to-day practice. SROs shall not be involved with the enforcement of school rules or
128 disciplinary infractions that are not violations of law.

129

130 As a general practice, unless there is a clear and imminent threat to safety, any requests from a
131 school for an SRO or other law enforcement assistance are to be channeled through the
132 building administration or the appropriate chain of command.

133

134 The SRO's duty schedule should be organized to provide coverage throughout the school day,
135 which may vary by school. SROs provide a visible deterrent to crime and shall be visible
136 patrolling the exterior and interior grounds of the assigned school. The SRO shall wear the
137 regulation uniform of their agency and operate a marked law enforcement vehicle while on duty

138 unless otherwise authorized by the SROs' supervisor for a specific purpose.

139

140 Additionally, SROs should assist school administrators in developing school crisis management
141 and response plans. SROs should work with school administrators in problem-solving to prevent
142 crime and promote safety in the school environment. SROs are expected to collaborate with
143 school administrators and other school personnel to support positive school climates that focus
144 on resolving conflicts and minimizing student involvement with the juvenile and criminal justice
145 systems.

146

147 SROs serve multiple roles in schools. The roles are interrelated, but all are carried out with the
148 aim to create and maintain safe and secure schools and to promote positive school climates. The
149 key roles played by an SRO including the following:

150

151 **Law enforcement officer**

152

153 As sworn law enforcement officers, an SRO's primary role in schools is as a law enforcement
154 officer. SROs assume primary responsibility for responding to requests for assistance from
155 administrators and coordinating the response of other law enforcement resources to the school.

156

157 **Law-related educator**

158

159 As resources permit, SROs should strive to assist with presentations for school personnel on law-
160 related topics such as law enforcement practices, changes in relevant laws, crime trends, crime
161 prevention, school safety strategies, and crisis response procedures. SROs may also deliver law-
162 related education to students using lessons/curricula approved in advance by the SRO Supervisor.
163 In all cases, responding to incidents or conducting investigations will take precedence over
164 delivery of presentations.

165

166 **Informal mentor and role model**

167

168 SROs serve as informal mentors and role models. SROs are not formal counselors; however, it is
169 recognized that students often seek approval, direction, and guidance about problems through
170 formal and informal interaction with SROs. SROs are expected to communicate clearly about
171 acceptable and unacceptable behavior, to set a positive example in handling stressful situations
172 and resolving conflicts, to show respect and consideration of others, and to express high
173 expectations for students. Students who may need additional assistance shall be encouraged to
174 seek the help of available school- and community-based resources.

175

176 **Supporting Students with Disabilities**

177

178 As referenced in the Virginia School-Law Enforcement Partnership Guide, SROs will interact with
179 students with disabilities on a daily basis. Some disabilities are visible, while others are invisible,
180 not signaling to the SRO that they are interacting with a student with a disability. When compared
181 to their non-disabled peers, students with disabilities may interact differently with SROs. When
182 appropriate, and to the extent allowable by law, LCPS should notify SROs of any special needs of
183 a student involved in a reportable school-based infraction in order to assist the SRO in recognizing
184 the student may require additional support. SROs should become familiar with the various types

185 of disabilities and their implications for law enforcement interaction. LCPS will make available to
 186 all SROs any training on supporting students with disabilities.

187

188 **School Administrator Roles and Responsibilities**

189

190 Consistent with Virginia Standards of Accreditation (2000), [8 VAC 20-131-210](#), the school
 191 administrator is recognized as the instructional leader of the school and is responsible for
 192 effective school management that promotes positive student achievement, a safe and secure
 193 environment in which to teach and learn, and efficient use of resources. The school administrator
 194 also ensures the school division's student code of conduct is enforced and seeks to maintain a safe
 195 and secure school environment. Additionally, consistent with [8 VAC 20- 131-260. D.3.](#), the
 196 school administration ensures "a written procedure, in accordance with guidelines established by
 197 the local board, for responding to violent, disruptive or illegal activities by students on school
 198 property or during a school-sponsored activity."

199

200 School administrators shall review this MOU with SROs annually and recommend school-
 201 specific operational and communications procedures to support the goals of the SLEP and this
 202 MOU.

203

204 All reportable offenses (§ [22.1-279.3:1 of the Code of Virginia](#)), including information discovered
 205 [through digital monitoring, as well as any threat to a school, student or staff member](#) shall
 206 immediately be reported, as it is received, to the SRO. Further, misdemeanor offenses should also
 207 be shared and discussed with the SRO to ensure an accurate overall picture of the school climate.
 208 The SRO will proceed with notifications within the law enforcement chain of command in
 209 coordination with school administrations. Reportable offenses discovered or occurring after school
 210 hours will be reported through the Security Operations Center ("SOC"), which will then notify law
 211 enforcement.

212

213 **OPERATIONAL PROCEDURES**

214

215 School officials have a direct responsibility for student behavior as well as school safety and
 216 security on a school bus, school property or at a school sponsored activity or event. With the
 217 exception of reportable offenses to law enforcement, that responsibility allows school officials the
 218 latitude to question students in an effort to maintain safe schools. Section [22.1-279.3:1](#) of the Code
 219 of Virginia lists certain offenses that school officials are required to report to local law enforcement
 220 agencies. As soon as it becomes evident that a reportable offense may have occurred, school
 221 officials shall immediately stop their review and report the potential offense to law enforcement.
 222 Any non-emergency and non-reportable situation may be addressed by the principal or designee.
 223 Nothing below should pre-empt reporting to law enforcement personnel any incident that has "past
 224 occurred or within the community" off school campus.

225

226 School personnel shall cooperate with law enforcement authorities to the extent permitted by law
 227 in further investigating all criminal offenses which occur on a school bus, on school property or at
 228 a school-sponsored activity/event or digitally.

229

230

231 [SO/PD recognizes LCPS's requirements under the Title IX regulations to address and investigate](#)

232 claims of sexual discrimination and sexual harassment. LCPS recognizes that the SO/PD is charged
233 with investigating allegations of any violation of criminal laws committed on school property, on a
234 school bus or at a school-sponsored activity.

235
236 In the event of concurrent investigations involving employee or student misconduct of a criminal
237 nature that is school-related, the SO/PD and LCPS may collaborate, to the extent permissible under
238 their own respective policies and regulations.

239
240 In the event a joint investigation cannot occur, LCPS will notify the SO/PD that it will be moving
241 forward with an administrative investigation. LCPS will notify the SO/PD at the conclusion of the
242 investigation.

243

244 Law enforcement shall make reports to the division superintendent and to the principal, or their
245 designees, on all incidents as required by Virginia Code.

246 Any criminal investigative action conducted by the SRO that results in an arrest may require
247 the principal and/or school employees to appear in court to provide testimony essential to the
248 case.

249

250 LCPS Administrators shall immediately report all “Reportable Offenses” as described in the
251 “Key Statutory Responsibilities” section of this document, below.

252

253 **Information Sharing**

254

255 The release of student records is governed by the [Family Educational Rights and Privacy Act](#)
256 (“FERPA”), [20 U.S.C. § 1232g](#). “School officials” may access and disclose student records
257 only as authorized by FERPA for legitimate educational reasons.

258

259 **Investigation and Questioning**

260

261 SROs have authority to question students or staff who may have information about criminal
262 activity. In accordance with the Code of Virginia, SROs have authority to stop, question,
263 interview, and take law enforcement action without prior authorization of the school
264 administrator or contacting parents/legal guardians. Reference is made to the
265 Permission/Notification table on page 15. However, the investigation and questioning of
266 students during school hours or at school events should be limited to situations where the
267 investigation is related to suspected criminal activity. [In order to protect the rights of students
268 and eliminate cross contamination of investigations between the SO/PD and LCPS, criminal
269 investigations, to include interviews and interrogations, should be conducted solely by the
270 investigating law enforcement officer. LCPS administrators may be present during law-
271 enforcement questioning that occurs on school property.](#)

272

273 Investigations and questioning of students for offenses not related to the operation of or
274 occurring at the school should take place at school only when delay might result in danger to
275 any person, destruction of evidence, or flight from the jurisdiction by the person suspected of
276 a crime.

277

278 The interviewing of students -- whether suspects, victims, or witnesses -- should be conducted

279 privately in an office setting. SROs will take steps to ensure minimal intrusion into the educational
280 experience of students being questioned in the school setting.

281
282 **Principals conducting an administrative student review are not bound by the above**
283 **requirements.** SROs take the lead in the investigation and questioning related to criminal activity.
284 School administrators take the lead in questioning students about violations of the code of conduct
285 and SROs shall not in any way direct the questioning of students in this situation. When a school
286 administrator has reasonable grounds for concern about the safety of those present during the
287 questioning, the administrator may request the SRO to be present solely to provide security and
288 protection, but the administrator must remain in full control of the questioning at all times.

289
290 The principal shall be notified of any enforcement actions by the SRO as soon as is practical.
291 An SRO should coordinate their activities so that action between the agencies is cooperative
292 and in the best interests of the school and public safety.

293 294 **Searches and Seizure**

295
296 School administrator searches. Per LCPS policies, school officials may conduct searches of
297 students' property and persons under their care when reasonable suspicion exists that the search
298 will reveal evidence that the student has violated or is violating either the law or the rules of the
299 school. The standard for search by a school official is reasonable suspicion, and it must be limited
300 in scope to the reason for the search from its inception. If possible, administrators should ask for
301 consent from the student whose property is about to be searched prior to conducting a
302 "reasonable suspicion" based search. Administrative searches must be at the direction and control
303 of the school official and not the SRO.

304
305 SRO searches. Any search initiated by an SRO or other law enforcement officer shall be in
306 accordance with federal and state law and their respective agency's policies. All searches should
307 occur outside the presence of students and school staff, except for school administrators, unless
308 there is a clear and immediate threat to physical safety.

309
310 The SRO shall be contacted immediately to take custody of any illegal contraband. It is also
311 recommended that the principal have a locked storage area for situations when the SRO is not
312 available to hold the contraband. However, if the SRO is not on duty, the principal or staff
313 member shall contact the appropriate law enforcement entity and request assistance to
314 surrender the contraband.

315
316 School officials will photograph any items seized as evidence that may be used in any
317 disciplinary proceeding instituted by school officials against the student. As warranted, copies of
318 photographs shall be turned over to law enforcement.

319
320 SROs shall not become involved in administrative (school-related) searches and at no time shall
321 SROs request that an administrative search be conducted for law enforcement purposes or have
322 the administrator act as his or her agent. When a school administrator has reasonable grounds for
323 concern about the safety of those present during a search, the administrator may request the SRO
324 to be present to provide security and protection.

325

326 Canine searches shall be in accordance with School Board Policy 8265, Investigations and
327 Searches.

328

329 **Arrests**

330 Whenever practical, arrests of a student or staff member should be accomplished outside of school
331 hours as to not disrupt the educational process. Arrests that must occur during school hours or on
332 school grounds should be coordinated through the school administrator to minimize potential
333 disruption. When circumstances do not allow for prior coordination through the school
334 administrator, arrests shall be reported to the school administrator as soon as possible. In addition
335 to any required notification of parents and legal guardians by the SRO taking a student into
336 custody, school administrators or their designees are also responsible for an additional notification
337 of parents and legal guardians upon a school-based arrest of their child. Refer to the
338 Permission/Notification table on [page 18](#).

339

340 **Physical Intervention by School Resource Officers**

341

342 If physical intervention is necessary, the action should be reported promptly to the school
343 administrator and SRO supervisor and the rationale for the action must be fully documented in the
344 incident report. Additionally, the School Administrator and law enforcement shall coordinate to
345 ensure the student's parents are notified as soon as practical. Refer to the Permission/Notification
346 table on [page 18](#).

347

348 Physical restraint and seclusion are last resort emergency procedures that apply to all students
349 when the student is an imminent danger to self or others. Mechanical restraint is the use of any
350 material or equipment to restrict a student's freedom of movement.

351

352 SROs should be aware of [Policy 5345](#), Restraint and Seclusion of Students, and
353 recognize restrictive emergency procedures are used as a last resort and that every
354 effort shall be taken to eliminate the use of restraint and seclusion of students. This
355 policy does not apply to law enforcement executing official duties.

356

357 **KEY STATUTORY RESPONSIBILITIES**

358

359 **Crime Reporting**

360

361 Pursuant to § [22.1-279.3:1](#). B of the Code of Virginia, law enforcement agencies are required to
362 notify a division superintendent, a principal, or a designee when a student in their school
363 commits certain offenses that would be a felony if committed by an adult and to provide the
364 release status of the student. School superintendents who receive such reports are required to
365 report the information to the principal of the school in which the students are enrolled. As a
366 general practice, SROs should notify the principal as soon as practical of any significant law
367 enforcement events occurring at or in association with the school (e.g., at a school bus stop or
368 off-campus activity, during or outside school hours) if the offense would be a felony if
369 committed by an adult.

370

371 **Threat Assessment**

372

373 School Threat Assessment Team Member

374

375 An SRO is a required member of the school's threat assessment team under School Board [Policy](#)
376 [8290](#), Threat Assessment for the Protection of Schools, and Section [22.1-79.4](#) of the Code of
377 Virginia.

378

379 When circumstances permit the obtaining of criminal history information and health records, no
380 member of the team shall redisclose any criminal history record information or health information
381 obtained under Section [22.1-79.4](#) or otherwise use the record beyond the purpose for which
382 disclosure was made to the team.

383

384 SROs may assist in monitoring of subject students as well as determining the need, if any, for law
385 enforcement action. All team members are subject to the non-disclosure requirement regarding
386 student information, criminal background and health histories referred to herein.

387

388 **School Safety Audits**

389

390 LCPS will conduct annual school safety audits and will meet all DCJS requirements to support
391 school safety practices and conditions. SROs must participate in the preparation of their assigned
392 school's emergency response plan and/or crisis management plan..

393

394 **REVIEW OF MOU**

395

396 This MOU shall be reviewed annually and amended as necessary to meet the needs of
397 the partnership formed between the signatory organizations. Annual meetings shall be
398 conducted between the SD and SO/PD to support successful implementation of the
399 partnership. While continuous updates and refinements may be required to this
400 agreement in the future, they shall not be implemented without the written concurrence
401 of all parties. This MOU remains in force until any party, with 45-days' notice,
402 withdraws from the agreement by delivering a written notification of such withdrawal to
403 the other parties.

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Signed:

Loudoun County School Board

Michael L. Chapman
Sheriff, Loudoun County

Ian Serotkin
School Board Chair

Date

Daniel W. Smith Ed.D.
Acting Superintendent

Vanessa L. Grigsby
Interim Chief of Police, Leesburg Police Department

Date

Date

APPENDIX

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Definitions

Evacuate - Evacuate is used to describe situations where the building has become uninhabitable and must be evacuated. A fire, chemical spill, or bomb threat are just three examples. During an evacuation all occupants will relocate to a predetermined location outside of the school. Once at that location a decision will be made by school administration in consultation with law enforcement on a potential evacuation to a secondary location further from the source of the problem.

Secure the Building - Secure the Building is used to prevent unauthorized entry if the potential threat is coming from outside and in the vicinity of the school. An armed robbery or police foot pursuit in the area of the school, and irate parent/visitor are just three examples. Outside activities are canceled and anyone outside at activation is instructed to move inside; all exterior doors are secured while staff and students are free to move about inside the school. All visitors and deliveries are turned away during this scenario and arrivals or dismissals would also be delayed if warranted. If appropriate, 911 should be utilized to notify law enforcement and the Loudoun County Public Schools (LCPS) Security Operations Center (SOC) should be contacted as soon as possible.

Lockdown - Lockdown is used to describe enhanced security measures taken to protect against potentially violent intruders that may be inside the school or on the school campus. The response secures students and staff, usually in classrooms, to prevent access or harm to the occupants of the school. This may also involve quickly moving students and staff from unsecured locations to secure locations or outside and away from the threat. School staff will notify law enforcement through 911 and contact the LCPS SOC when practical. Only a law enforcement officer can release a school from a lockdown.

Shelter in Place - Shelter-in-Place procedures are used to temporarily shelter people from a hazardous outdoor atmosphere, such as weather or a chemical, biological, or radiological incident. During this scenario all exterior doors should be locked, and measures should be taken to shut down the intake of outside air if warranted. No one is allowed to enter the school until public safety officials, or the affected principal declares the area clear. If appropriate, 911 should be utilized to notify law enforcement/fire rescue and the LCPS SOC should be contacted as soon as possible.

Hold - Hold is used to temporarily hold students and staff in place, usually in classrooms. A medical emergency in a hallway is an example of an incident that may require this action.

Notes

1. **Cellular Telephones** - The transmission of sexually explicit photographs by electronic means includes the production, publication, sale, possession with intent to distribute, financing, etc., of sexually explicit items involving children under the age of 18. Sexually explicit visual material means a picture, photograph, drawing, sculpture, motion picture film, digital image, or similar visual representation which depicts sexual bestiality, a lewd exhibition of nudity, sexual excitements, sexual

479 conduct, or sadomasochistic abuse.
480

- 481 2. **Welfare Checks** - When practical, student situations that require a law enforcement
482 response should be reported to the LCPS SOC. The SOC will then contact law
483 enforcement dispatch to request a response. When the law enforcement response is
484 complete, school administrators will be advised and may proceed with their mitigation.
485
- 486 3. **See Something Say Something/Safe 2 Talk – School officials and SROs shall promote**
487 **the importance of See Something Say Something and the Safe 2 Talk resource to the**
488 **school community.** Safe 2 Talk is a free, downloadable app that allows students, parents,
489 teachers, and residents the ability to anonymously report safety concerns in our schools,
490 including suspicious or threatening social media activity. All reports through the app are
491 monitored 24 hours-a-day, seven- days-a-week by dispatchers in the Loudoun Sheriff’s
492 Office Emergency Communications Center. In cases of imminent threats, patrol deputies,
493 Leesburg law enforcement officers and school resource officers are immediately notified.
494 Cases that are not related to law enforcement tips are immediately forwarded to school
495 personnel.
496
- 497 4. **VA Code Section [18.2-374.1](#)**- Produces or makes or attempts or prepares to produce or
498 make sexually explicit visual material which utilizes or has as a subject a person less
499 than eighteen years of age; or Knowingly takes part in or participates in the filming,
500 photographing or other reproduction of sexually explicit visual material by any means,
501 including but not limited to computer - generated reproduction, which utilizes or has as a
502 subject a child who is less than eighteen years of age.

503 **FERPA**

504 **When performing a law enforcement function, SROs may access educational records with the**
 505 **written consent of the parent or legal guardian unless one or more of the following applies:**

506
507 a. Health or Safety Emergency.

508
509 Before releasing records, the school records custodian must take into account the
 510 seriousness of the threat to the health or safety of the student or others. The
 511 custodian will assess the need for the requested records to meet the emergency, the
 512 position and responsibility of the person to whom records are released, and the
 513 extent to which time is critical in defusing the emergency. Principals are the records
 514 custodian of school educational records and will make the decision on disclosure
 515 under this exception.

516
517 In making this determination, the custodian may take into account the totality
 518 of the circumstances pertaining to a threat to the health or safety of a student or
 519 other individuals. If the custodian determines that there is an articulable and
 520 significant threat to the health or safety of a student or other individuals, the
 521 custodian may disclose information from education records to any person
 522 whose knowledge of the information is necessary to protect the health or safety
 523 of the student or other individuals.

524
525 A rational basis for the determination is required. The following information must
 526 be recorded and maintained with the record of disclosures when making a release of
 527 information for health or safety reasons: (i) The articulable and significant threat to
 528 the health or safety of a student or other individuals that formed the basis for the
 529 disclosure; and (ii) The entities to whom the custodian disclosed the information.

530
531 b. School Reports of Child Abuse or Neglect. When the school makes a report of
 532 child abuse or neglect it shall disclose all of the records related to the report to law
 533 enforcement and/or Child Protective Services.534
535 c. Court Orders. When a school is presented with a subpoena, search warrant or
 536 other court order, it will disclose the records in accordance with the subpoena,
 537 search warrant or court order, except that the school must make reasonable
 538 efforts to notify the parents or legal guardian in advances and in accordance with
 539 FERPA, upon consultation with law enforcement.540
541 d. Information Not Contained In Educational Records. FERPA does not apply
 542 to information outside of educational records. For example, a principal's
 543 unrecorded observations may be disclosed to law enforcement.544
545 e. Directory Information. For students whose parents or legal guardians have not
 546 opted out of the disclosure of directory information as defined in School Board
 547 policies, a principal may release this information except that under § [22.1-287.1](#)

548 of the Code of Virginia, no student address, telephone number or email address
 549 may be disclosed unless the disclosure is to school employees for educational
 550 purposes or school business. Directory information is defined as names and
 551 addresses of a student or parent, e-mail address of parent(s), yearbook
 552 photograph, telephone number, date and place of birth, dates of attendance,
 553 participation in officially recognized activities and sports, height and weight of
 554 members of athletic teams, awards and honors received and student rosters.

- 555
- 556 f. [Title 34, Code of Federal Regulations § 99.31](#), provides the list of exceptions
 557 which may authorize a disclosure of educational records without parental
 558 consent.
- 559
- 560 g. **Surveillance Video/Audio.** When hallway, outdoor or bus surveillance audio or
 561 video would constitute an educational record under FERPA, then law enforcement
 562 shall present a subpoena, search warrant or court order and the school shall
 563 generally notify the parent(s) or legal guardian(s) in advance, prior to providing a
 564 copy of the audio/video unless the parents of the students involved provide written
 565 consents to the release or unless there is an immediate health or safety emergency
 566 as determined above. A copy of all other audio/video not protected by FERPA
 567 may be released to law enforcement upon request.

568

569 To obtain surveillance recordings, law enforcement will coordinate with the
 570 custodian of surveillance records, LCPS Division of Safety & Security. The
 571 custodian of the video will make a copy of the record before giving the original
 572 to law enforcement, provided that a lawfully issued subpoena or search warrant
 573 has been presented.

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575 Consent access. An SRO or other law enforcement officer may have access to a student's
 576 education records with written consent of the student's parent/legal guardian or of the
 577 student if the student is age 18 or older. A record of the disclosure is required to be
 578 maintained in the student's records in accordance with FERPA.

579

580 SRO disclosure of law enforcement records. SROs may disclose only information from
 581 law enforcement records for the purpose of ensuring the physical safety and security of
 582 people and property in schools and/or enforcement of laws. Because law enforcement
 583 records are not student records, they are not subject to the disclosure restrictions of
 584 FERPA.

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586 **Incident Management**

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588 When considering the safety of school staff and students during a law enforcement
 589 event which has implications for school operations, law enforcement officials should
 590 share relevant information and offer appropriate guidance. The principal and or
 591 designee has the authority to render a decision to:

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- 593 ● **Evacuate**

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- **Secure the Building**
- **Lockdown**
- **Shelter in Place** or;
- **Hold**

during an EXTERNAL law enforcement or emergency event impacting school operations.

Whenever possible, the principal should consult with law enforcement prior to making the decision. The following should be considered when a decision must be rendered:

- The reported incident's proximity to the school grounds.
- The likelihood that the incident could impact students or staff safety in or around school property.
- The probability that people involved in the event would seek refuge or concealment from law enforcement on school property.
- The public safety response of resources could prevent normal egress of school transportation vehicles, thus presenting a hazard to school children leaving school property (i.e., established perimeters, roadblocks, and checkpoints restrict normal traffic flow around school property).
- The action supports an active criminal investigation, to interview witnesses or coordinate additional security to maintain order.

During such an event, law enforcement officials will provide notice to that affected school's administrative staff as soon as possible and practical.

In the event of an active violent incident in schools, school decision makers may elect to "Run (Evacuate), "Hide", (Lockdown) or "Fight" (defend themselves accordingly to survive) as supported by the Department of Homeland Security. Should such a situation arise, law enforcement officials should recognize a schools' varied responses in dynamic and individual decision-making where staff and students may elect to respond differently thus creating significant variations in the school population's response. Law enforcement shall make every effort to safeguard and protect lives while working to engage and subdue the violent actor.

In all criminal matters, law enforcement officials assume ownership of the school and will act in accordance with associated policies and protocols in place to respond to an

640 active violent incident in a school. Law enforcement as soon as practical will establish
641 a “unified command” in support of the National Incident Management System for
642 Incident Command. As soon as practical, the school administrator, designee and safety
643 and security will support the Command Structure and remain until the event is
644 concluded.

645
646 Law enforcement officials will assume all responsibility for issuing notifications related
647 to any criminal matter and will provide basic information about the event, to include
648 information about suspect descriptions, timeframe of the incident, expected duration of
649 the event and how it will affect school staff and children as soon as practical. School
650 Administrators will work with LCPS Public Information in the issuance of all messages
651 related to such matters. The LCPS public information office and law enforcement
652 public information office shall coordinate messaging, as appropriate.

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LAW ENFORCEMENT INTERVIEWS OF
STUDENTS AT SCHOOL

(Not Applicable to Child Abuse/Neglect

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Investigations) PERMISSION/NOTIFICATION

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TABLE

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Student	On Campus Offense	Off Campus Offense
Juvenile Suspect	School or SRO shall attempt to notify parents of violation and student’s involvement. SRO will notify the principal of the interview prior to questioning when appropriate.	Questioning should take place at school only when delay might result in danger to any person, destruction of evidence, or flight from the jurisdiction by the person suspected of the crime.
Juvenile Witness or Victim	Parental permission is not needed for Middle School and High School students. When appropriate, SRO must obtain permission for all elementary school students. Administrators may be present or act in loco parentis. When appropriate, SRO should notify a school administrator.	SRO must obtain parental permission when appropriate. School Administrators are not required to be present for the interview.

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*On Campus means the offense occurred on school property, on a school bus, or at a school- sponsored activity/event. Off Campus means the converse.

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** Generally, interviews should be limited to when delay may increase imminent risk of danger to person, destruction of evidence, or flight of suspect.

APPENDIX

Index of Policies, Regulations and Statutes¹**LCPS School Board Policies**

Policy No.	Title/Description
8265	Student Searches and Seizures
5345	Restraint and Seclusion of Students
8290	Threat Assessment for the Protection of Schools

Statutes and Regulations

Code	Title/Description
9.1-101	Definitions
9.1-101.54	Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers
9.1-114.1	Compliance with minimum training standards by school resource officers
8 VAC 20-131-210	Role of Principal
8 VAC 20-131-260.D.3	School facilities and safety
22.1-279.3:1	Reports of certain acts to school authorities; reports of certain acts by school authorities to parents; reports of certain acts by school authorities to law enforcement
20 U.S.C. 1232g	Family educational and privacy rights (FERPA)
22.1-279.3:1.B	Reports of certain acts to school authorities; reports of certain acts by school authorities to parents; reports of certain acts by school authorities to law enforcement
22.1-79.4	Threat assessment teams and oversight committees
18.2-374.1	Production, publication, sale, possession, etc., of obscene items
22.1-287.1	Directory information
34 C.F.R. 99.31	Under what conditions is prior consent not required to disclose information?

¹ Listed in order of appearance in text.