



Needham School Committee

Broadmeadow Performance Center

November 2, 2021

6:30 p.m.

Broadcast on the Needham Channel municipal and HD channels, live stream at:

<https://needhamchannel.org>

Meeting accessible for **Public Comments** via Zoom:

<https://us02web.zoom.us/j/87932480204?pwd=WnkwQTVLZnZwc0IrbzZLQlBLcUo0Zz09>

Passcode: **444278** Or One tap mobile : US: +13126266799

A school and community partnership that creates excited learners, inspires excellence, fosters integrity

Needham School Committee
November 2, 2021 6:30 p.m.
Broadmeadow School Performance Center

Next School Committee Meeting: November 16, 2021

Broadcast on the Needham Channel municipal and HD channels, live stream at: <https://needhamchannel.org>

Meeting accessible for **Public Comments** via Zoom:

<https://us02web.zoom.us/j/87932480204?pwd=WnkwQTVLZnZwc0IrbzZLQjBLcUo0Zz09>

Passcode: 444278 Or One tap mobile : US: +13126266799

6:30 p.m. Public Comments

6:40 p.m. School Committee Chair and Subcommittee Updates

6:50 p.m. Superintendent's Comments

6:55 p.m. Consent Items

1. FY22 Budget Transfers
2. Accept Donations
3. Disposal of Surplus Items

Discussion Items

7:00 p.m. Massachusetts Association of School Superintendents Certificate of Excellence

7:20 p.m. Awards Memorandum of Understanding between the Needham Police Department and Needham Public Schools

7:50 p.m. Update on Health & Safety

8:20 p.m. School Committee Comments



Needham School Committee

November 2, 2021

Agenda Item: **Public Comments**

Background Information:

- The School Committee Chair will offer the opportunity for the public to speak to the School Committee on issues not on the agenda.



Needham School Committee

November 2, 2021

Agenda Item: **School Committee Chair and Subcommittee Updates**

Background Information:

- The Chair and subcommittee members may offer brief updates on issues not on the agenda.

Members of the School Committee available for comment:

Connie Barr, Chair
Matthew Spengler, Vice Chair
Andrea Longo Carter
Michael Greis
Elizabeth Lee
Michael O'Brien
Aaron Pressman
Dilin Meloni, Student Representative member of School Committee



Needham School Committee

November 2, 2021

Agenda Item: **Superintendent's Comments**

Background Information:

Superintendent Daniel E. Gutekanst will apprise the School Committee of events, information, and matters of interest not on the agenda.



Needham School Committee

November 2, 2021

Agenda Item: **Consent Agenda**

1. FY22 Budget Transfers
2. Accept Donations
3. Disposal of Surplus Items

Chair: "Does anyone wish to remove any item from the consent agenda?"

If none removed:

"There being no objection, these items are adopted by unanimous consent."

NEEDHAM SCHOOL COMMITTEE

Agenda Item #: _____

Date: November 2, 2021

Item Title: ***FY 2021/22 Budget Transfers***

Item Description: Transfer of FY21 budget allocations between line items in the following amounts:

Salaries	(\$500,000)
Purchase of Service/Expense	\$500,000
Capital	<u>\$0</u>
Net Change:	\$0

Issues: Under Massachusetts General Law Chapter 71, Section 34, and School Committee Policy #DBJ, the School Committee is empowered to make changes in allocations between line items within its budget, once approved by Town Meeting. In no case may a transfer result in the aggregate Operating Budget being more than authorized by the Town. Transfers between separate, non-operating appropriations are prohibited except as permitted by law.

Recommendation/Options: Approve the attached line item budget transfers.

Rationale: The attached line item budget transfers are requested to more accurately reflect expenses to be incurred during this fiscal year. This represents a release of holdback.

Implementation Implications:

Supporting Data: Attached listing of requested line-item budget transfers within the FY22 Operating Budget.

School Committee (circle one)

Action	Information	Discussion	Consent Calendar
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Central Administrator	Town Counsel	Sub-Committee: _____
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Will report back to School Committee (date): _____

Respectfully Submitted,

Anne Gulati

Anne Gulati
Assistant Superintendent for Finance & Operations

G/L ACCOUNT #	DESCRIPTION	DEBIT	CREDIT	NET
<u>SALARIES</u>				
0001.3122.005.10.2305.099.99.520.010.5110.300.01	SALARY RESERVE SALARIES PERMANENT		500,000.00	(500,000.00)
N/A	N/A	-	-	-
	SUBTOTAL SALARIES	-	500,000.00	(500,000.00)
<u>PURCHASE OF SERVICE & EXPENSE</u>				
0001.3133.005.10.2430.099.99.520.030.5510.300.05	GEN SUP/SVC/EQUIP EDUCATION SUPPL	500,000.00		500,000.00
0001.3560.005.21.2415.011.99.520.030.5512.300.05	READING ED SUPPLIES - TEACHING	8,230.00		8,230.00
0001.3560.005.22.2415.011.99.520.030.5512.300.05	READING ED SUPPLIES - TEACHING	\$16,416.00		16,416.00
0001.3560.040.23.2455.011.99.520.030.5305.300.04	READING - WILL - INSTR SOFTWARE & LICENSES - P&T	\$903.00		903.00
0001.3560.040.30.2455.011.99.520.030.5305.300.04	READING - POLL - INSTR SOFTWARE & LICENSES - P&T	\$3,953.00		3,953.00
0001.3560.005.21.2358.011.99.520.030.5303.300.04	READING - BRM - OUTSIDE PD PROV - P&T SEMINAR &	\$1,686.00		1,686.00
0001.3560.005.22.2358.011.99.520.030.5303.300.04	READING - ELI - OUTSIDE PD PROV - P&T SEMINAR &	\$1,686.00		1,686.00
0001.3560.005.23.2358.011.99.520.030.5303.300.04	READING - WILL - OUTSIDE PD PROV - P&T SEMINAR &	\$1,686.00		1,686.00
0001.3560.005.24.2358.011.99.520.030.5303.300.04	READING - MIT - OUTSIDE PD PROV - P&T SEMINAR &	\$1,686.00		1,686.00
0001.3560.005.25.2358.011.99.520.030.5303.300.04	READING - NEW - OUTSIDE PD PROV - P&T SEMINAR &	\$1,686.00		1,686.00
0001.3560.005.23.2415.011.99.520.030.5512.300.05	READING ED SUPPLIES - TEACHING		3427	(3,427.00)
0001.3560.005.24.2415.011.99.520.030.5512.300.05	READING ED SUPPLIES - TEACHING		\$1,305.00	(1,305.00)
0001.3560.005.25.2415.011.99.520.030.5512.300.05	READING ED SUPPLIES - TEACHING		\$13,088.00	(13,088.00)
0001.3560.005.26.2415.011.99.520.030.5512.300.05	READING ED SUPPLIES - TEACHING		\$1,932.00	(1,932.00)
0001.3560.005.21.2410.011.99.520.030.5517.300.05	READING ED SUPPLIES - WKBKS/TXTBKS		\$1,940.00	(1,940.00)
0001.3560.005.23.2410.011.99.520.030.5517.300.05	READING ED SUPPLIES - WKBKS/TXTBKS		\$3,358.00	(3,358.00)
0001.3560.040.26.2455.011.99.520.030.5305.300.04	READING - HGH ROCK - INSTR SOFTWARE & LICENSES - P		\$1,047.00	(1,047.00)
0001.3561.005.21.2410.030.99.520.030.5517.300.05	MATH INSTRUCTION		\$3,000.00	(3,000.00)
0001.3561.005.22.2410.030.99.520.030.5517.300.05	MATH INSTRUCTION		\$2,000.00	(2,000.00)
0001.3561.005.23.2410.030.99.520.030.5517.300.05	MATH INSTRUCTION		\$2,000.00	(2,000.00)
0001.3561.005.24.2410.030.99.520.030.5517.300.05	MATH INSTRUCTION		\$2,000.00	(2,000.00)
0001.3561.005.25.2410.030.99.520.030.5517.300.05	MATH INSTRUCTION		\$2,835.00	(2,835.00)
N/A	N/A	-	-	-
	SUBTOTAL PURCHASE OF SERVICE & EXPENSE	537,932.00	37,932.00	500,000.00
<u>CAPTIAL</u>				
N/A	N/A	-	-	-
	SUBTOTAL CAPITAL	-	-	-
	GRAND TOTAL	537,932.00	537,932.00	-

NEEDHAM SCHOOL COMMITTEE

Agenda Item#: _____ **Date:** October 19, 2021

Item Title: **Approve School Department Donations**

Item Description: The following donations have been made to Needham Public Schools:

• Andrea Carter, Needham MA, donation of Lego robotic kits to the robotics club at Pollard Middle School	Est. Value: \$500.00
• Online Sweatshirt sales to support Student Council at Large	\$140.00
• Online Mask sales to support the Student Council at Large	\$5.00
• Bake Sale to support the NHS Class of 2023	\$287.00
• Birthday Book Club donations by various Sunita Williams parents (70) to support the Media Department	\$1,715.00

Issues: M.G.L. Chapter 44, Section 53A and School Committee policy #DFC/KH authorize the School Committee to accept any grant of gifts or funds given for educational purposes by the federal or state government, charitable foundations, private corporations, PTCs or an individual. M.G.L. Chapter 44, Section 53A further stipulates that any monies received and accepted by the School Committee may be expended without further appropriation.

Recommendations/Options: That the School Committee accept with gratitude the aforementioned donations.

School Committee: Consent Calendar

Respectfully Submitted,

Anne Gulati

Director of Financial Operations

NEEDHAM SCHOOL COMMITTEE

Agenda Item#: _____ **Date:** November 2, 2021

Item Title: **Approve School Department Donations**

Item Description: The following donations have been made to Needham Public Schools:

	<u>Value:</u>
• Veryst Engineering, Needham, MA donation to the NHS Robotics Club	\$2,000.00
• Online Sweatshirt sales to support Student Council At Large at Needham High School	\$135.00
• Online Gear sales to support the Student Council At Large at Needham High School	\$150.00
• Bake Sale to support Needham High School	\$251.45
• Birthday Book Club donations by Sunita Williams parents (13) to support the Media Department	\$422.0
• Bake Sale to support the EKAL Club at Needham High School	\$70.00
• Pizza Sale to support Needham High School Homecoming	\$1.00
• General Online donations to support Needham High School	\$100.00

Issues: M.G.L. Chapter 44, Section 53A and School Committee policy #DFC/KH authorize the School Committee to accept any grant of gifts or funds given for educational purposes by the federal or state government, charitable foundations, private corporations, PTCs or an individual. M.G.L. Chapter 44, Section 53A further stipulates that any monies received and accepted by the School Committee may be expended without further appropriation.

Recommendations/Options: That the School Committee accept with gratitude the aforementioned donations.

School Committee: Consent Calendar

Respectfully Submitted,

Anne Gulati

Assistant Superintendent for Finance and Operations

NEEDHAM SCHOOL COMMITTEE

Agenda Item #: _____

Date: November 2, 2021

Item Title: Disposal of Surplus: Eliot Elementary, Mitchell Elementary, Newman Elementary, Needham High School

Item Description: This request seeks approval to dispose of the following items, which are either obsolete, non-functioning, or the repair cost exceeds the value of the equipment.

From Eliot Elementary

- 263 Old/Damaged Paper and Hardcover Books

From Mitchell Elementary

- 663 Old/Damaged Paper and Hardcover Books

From Newman Elementary

- 233 Old/Damaged Paper and Hardcover Books
- 30 Pieces of Broken Furniture

From Needham High School

- 255 Old/Damaged Paper and Hardcover Books

Issues: Chapter 30B Section 16 of the Massachusetts General Laws permits a governmental body to dispose of a tangible supply no longer useful to the governmental body, but having a resale or salvage value, at less than the fair market value to a charitable organization that has received a tax exemption from the United States by reason of its charitable nature. Transactions between governmental entities also are exempt from Ch30B. Chapter 30B Section 15 and Needham School Policy #DN further authorize the disposal of surplus school property, other than real estate, having a net value of less than \$10,000 through the exercise of sound business practices by the Procurement Officer.

Recommendation/Options: That the Needham School Committee authorize the disposal of the above items, to the Town Transfer Station of the aforementioned surplus equipment in accordance with MGH30B Section 15&16 by the Procurement Officer.

Rationale:

Implementation Implications:

Supporting Data: None.

School Committee (circle one)

Action Information Discussion Consent Calendar

Central Administrator Town Counsel Sub-Committee: _____

Will report back to School Committee (date): _____

Respectfully Submitted,

Anne Gulati

Assistant Superintendent for Finance & Operations



Needham School Committee

November 2, 2021

Agenda Item: **Discussion**

Massachusetts Association of School Superintendents Academic Excellence Awards

- The Superintendent will award the 2021-22 Massachusetts Association of School Superintendents Certificates of Academic Excellence to:

Talia Bloom
Santiago Galan

- This award is presented to students who have distinguished themselves in the pursuit of excellence during their high school careers.



Needham School Committee

November 2, 2021

Agenda Item: **Discussion**

Memo of Understanding (MOU) Between the Needham Public Schools and the Police Department

Background Information:

- The MOU has been revised to reflect updated laws and in collaboration with the Needham Police Department, District Attorney's office, school staff and legal counsel.
- The police chief and I will sign the MOU after the meeting.

Person(s) Available for Presentation:

Chief of Police John Schlittler
Superintendent Daniel Gutekanst



MEMORANDUM OF UNDERSTANDING BETWEEN NEEDHAM PUBLIC SCHOOLS AND THE NEEDHAM POLICE DEPARTMENT

Needham, Massachusetts

I. Purpose

The Needham Public Schools and the Needham Police Department agree to coordinate their efforts to promote a safe, healthy, and nurturing learning environment within the school community.

The purpose of this Agreement is to formalize and clarify the partnership between the District and the Police Department to implement programs in order to promote school safety; help maintain a positive school climate for all students, families, and staff; enhance cultural understanding between students and law enforcement; promote school participation and completion by students; facilitate appropriate information-sharing; and inform the Parties' collaborative relationship to best serve the school community.

This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable by any person in any civil or criminal matter.

II. **Definitions**, Designated Liaisons and Communication

School Resource Officer: a duly sworn Needham Police Officer with all necessary training, up-to-date certificates, including special school resource officer certification as required by subsection (b) of section 3 of chapter 6E or a special officer appointed by the Chief of Police charged with:

- (i) providing law enforcement;
- (ii) promoting school safety and security services to elementary and secondary public schools; and
- (iii) maintaining a positive school climate for all students, families and staff.
- (iv) For the purpose of this section, a school resource officer shall be exempt pursuant to subsection (j) of section 10 of chapter 269 (carrying a dangerous weapon/firearm on school grounds) while serving in the officer's official capacity.

SRO Certification: The Massachusetts Peace Officer Standards and Training Commission shall have the power to issue a *specialized certification* for an individual acting, or intending to act, as a School Resource Officer (SRO), as defined in section 37P of chapter 71 of the MGLs¹

In order to facilitate prompt and clear communications between the school and police personnel and to ensure compliance with student privacy and records regulations, the Parties agree to identify individuals on their respective staffs who will function as Designated Liaisons:

- The Needham Public Schools designated liaisons are: Superintendent, Assistant Superintendent of Support Services, Assistant Superintendent of Human Resources, Director of Guidance, School Principals, Assistant Principals.
- The Needham Police Departments designated liaisons are: Needham Police Chief, Police Lieutenants, School Resource Officer, Community Service Officer, School Attendance Officer, Detective Sergeant, and Shift Supervisor.
- The Needham Police Department is considered the Needham Public School's "Law Enforcement Unit" as defined in the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. -1232g and 34 CFR § 99).
- The Needham Police Department 's School Attendance Officer, who is a professional employed by the Needham School Committee as the Supervisor of Attendance and is guided by the requirements of MGL C 76, Sections 19 & 20, will be considered "authorized school personnel" as defined in 603 CMR 23.00 and eligible for access to the records of students to whom he/she provides services.
- The Needham Police Department's School Resource Officer(s) (SRO), who is a professional employed by the Police Department, will work collaboratively with the designated school liaisons and other school personnel as described in this MOU. SROs can only be assigned to schools upon the request of the school superintendent.
- The Superintendent of Schools and the Chief of Police agree to maintain regular and consistent communication between their offices, designated liaisons, and departments. The Superintendent and Police Chief will meet regularly to share appropriate information pertinent to the health, safety, and wellbeing of students and members of the community. From time to time and as necessary, the Superintendent and Police Chief will issue joint reports, press releases, or statements to the community and public regarding the security,

¹ Provided, however, that a person shall not be appointed as a School Resource Officer, as defined in section 37P of said chapter 71, unless specifically certified as such by the POST Commission.

Notwithstanding any General or Special Law to the contrary, a person who is appointed as an SRO, as defined in section 37P of Chapter 71 of the Massachusetts General Laws, as of the effective date of this act may continue in such appointment without receiving a certification to serve as such pursuant to subsection (b) of section 3 of chapter 6E of the General Laws; provided, however, that they shall receive said certification by December 31, 2021.

safety, and wellbeing of students and staff, and to share pertinent information that will benefit the schools and community.

III. Mission Statement and Guiding Principles

The mission of the Partnership is to support and foster the safe and healthy development of all students in the District through strategic and appropriate use of law enforcement resources and with the mutual understanding that school participation and completion is indispensable to achieving positive outcomes for youth and public safety.

The following principles shall guide the collaboration and work of the Needham Police and Needham Public Schools:

- 1) The promotion of a safe and supportive school environment that allows all students to learn and flourish regardless of race, religion, national origin, immigration status, gender, disability, sexual orientation, gender identity, and socioeconomic status;
- 2) The promotion of a strong partnership and lines of communication between school and police personnel which clearly delineate roles and responsibilities;
- 3) The establishment of a framework for principled conversation and decision-making by school and police personnel regarding student misbehavior and students in need of services;
- 4) Clearly defined roles for school personnel, SRO, and the Student Attendance Officer in responding to student misbehavior and truancy and that school administrators are responsible for the District's code of conduct and routine disciplinary violations;
- 5) Minimizing the number of students unnecessarily out of the classroom, arrested at school, or court-involved;
- 6) The encouragement of relationship-building by the SRO such that students and community members see the SRO as a facilitator of needed supports as well as a source of protection;
- 7) The provision of requirements and guidance for training including SRO training required by law and consistent with best practices, and training for school personnel as to when it is appropriate to request SRO intervention;
- 8) The involvement of the Police, the SRO and school personnel in various initiatives, including violence prevention and intervention, sexual assault, and emergency management planning;
- 9) The opportunity for presentations and programming to the school focusing on criminal justice issues, community and relationship building, and prevention, health, and safety topics.
- 10) The ongoing communication of appropriate information, subject to applicable statutes and regulations governing confidentiality, that may affect the safety or well being of students, faculty, or administrative personnel.

IV. Roles and Responsibilities of School and Police Liaisons, including the SRO

The Parties agree that school officials and the SRO play important and distinct roles in responding to student misbehavior to ensure school safety and promote a positive and supportive learning environment for all students.

The SRO will not serve as a school disciplinarian, as an enforcer of school regulations, or in place of school-based mental health providers, and the SRO will not use police powers to address traditional school discipline issues, including non-violent disruptive behavior.

The principal or designee shall be responsible for student code of conduct violations and routine disciplinary violations. The SRO shall be responsible for investigating and responding to criminal misconduct. The Parties acknowledge that many acts of student misbehavior that may contain all the necessary elements of a criminal offense are best handled through the school's disciplinary process. The SRO shall read and understand the student code of conduct for both the District and the school.

The principal or designee and the SRO shall use their reasoned professional judgment and discretion to determine whether SRO involvement is appropriate for addressing student misbehavior. In such instances, the guiding principle is whether misbehavior rises to the level of criminal conduct that poses (1) real and substantial harm or threat of harm to the physical or psychological well-being of other students, school personnel, or members of the community or (2) real and substantial harm or threat of harm to the property of the school.

In instances of student misbehavior that do not require a law enforcement response, the principal or designee shall determine the appropriate disciplinary response. The principal or designee should prioritize school or community-based accountability programs and services, such as peer mediation, restorative justice, and mental health resources, whenever appropriate.

For student misbehavior that requires immediate intervention to maintain safety (whether or not the misbehavior involves criminal conduct), the SRO may act to deescalate the immediate situation and to protect the physical safety of members of the school community. To this end, school personnel may request the presence of the SRO when they have a reasonable fear for their safety or the safety of students or other personnel. To the extent it is practical, school personnel may, at the request of the police and SRO, assist with interpretation for a student for whom English is not the primary language.

When the SRO or other Police Department employees have opened a criminal investigation, school personnel shall not interfere with such investigation or act as agents of law enforcement. To protect their roles as educators, school personnel shall only assist in a criminal investigation as witnesses or to otherwise share information consistent with Section V, except in cases of emergency. Nothing in this paragraph shall preclude the principal or designee from undertaking parallel disciplinary, investigatory or administrative measure that may be necessary to provide an appropriate school environment for all students.

A student shall only be arrested on school property or at a school-related event as a last resort or when a warrant requires such an arrest. The principal or designee shall be consulted prior to an arrest whenever practicable, and the student's parent or guardian shall be notified as soon as practicable after an arrest. In the event of an investigation by the SRO that leads to custodial questioning of a juvenile student, the SRO shall notify the student's parent or guardian in advance and offer them the opportunity to be present during the interview **except in emergency circumstances.**

In accordance with state law, the SRO shall not take enforcement action against students for Disturbing a School Assembly (G.L. c. 272, § 40) or for Disorderly Conduct or Disturbing the Peace (G.L. c. 272, § 53) within school buildings, on school grounds, or in the course of school-related events.

The Student Attendance Officer will supervise all student attendance activities and work cooperatively with school administrators, families, and students to ensure that all students within the school district attend school on a regular basis and in accordance with laws relative to school attendance.

It shall be the responsibility of the District to make teachers and other school staff aware of the distinct roles of school administration and police, including the SRO in addressing student misbehavior.

V. Sharing and Reporting Information between Designated Liaisons, including SRO

The Schools and Police acknowledge the benefit of appropriate information sharing for improving the health and safety of students but also the importance of limits on the sharing of certain types of student information by school personnel. The Schools and Police also acknowledge that there is a distinction between student information shared for law enforcement purposes and student information shared to support students and connect them with necessary educational, mental health, community-based, and related services.

A. Compliance with FERPA and Other Confidentiality Requirements

At all times, school officials must comply with FERPA. This federal statute permits disclosures of personally identifiable information about students contained in educational records ("Student PII"), without consent, only under specific circumstances.

When the District "has outsourced institutional services or functions" to the SRO consistent with 34 C.F.R. § 99.31(a)(1)(i)(B) of FERPA, the SRO qualifies as a "school official" who can access, without consent, Student PII contained in education records about which the SRO has a "legitimate educational interest." **As provided by 34 C.F.R. §§ 99.33 of FERPA, this release is contingent on the SRO's agreement that the SRO will not disclose the information to any other party without the consent of the eligible student or parent.**

Consistent with 34 C.F.R. §§ 99.31(10) and 99.36 of FERPA, the SRO (or other Police Department employee identified in Section V.A.) may gain access, without consent, to Student PII contained in education records "in connection with an

emergency if knowledge of the [Student PII] is necessary to protect the health or safety of the student or other individuals.”

These are the *only* circumstances in which an SRO may gain access, without consent, to education records containing student PII (such as IEPs, disciplinary documentation created by a school, or work samples).

FERPA does not apply to communications or conversations about what school staff have observed or to information derived from sources other than education records.

In addition to FERPA, the Parties agree to comply with all other state and federal laws and regulations regarding confidentiality, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA) **where applicable** and state student record regulations at 603 C.M.R. 23.00. The Parties agree to collect only that student information necessary and relevant to fulfilling their respective roles, to share such information with each other only where required or allowed under this Agreement, and not to share such information beyond the sharing contemplated in this Agreement unless required to be shared by state or federal law. The Parties shall not collect or share information on a student’s immigration status except as required by law.

B. Information Sharing by School Personnel

1. For Law Enforcement Purposes

Where the principal or designee learns of misconduct by a student for which a law enforcement response may be appropriate (as described in Section IV), he or she should inform the SRO. If a teacher has information related to such misconduct, he or she may communicate this information directly to the SRO but only after communicating such information to the principal or designee. The Parties agree that the sharing of such information shall not and should not necessarily require a law enforcement response on the part of the SRO but shall and should instead prompt a careful consideration of whether the misconduct is best addressed by law enforcement action, by a school disciplinary response, or by some combination of the two.

Notwithstanding the foregoing, if student information is obtained solely during a communication with school staff deemed privileged or confidential due to the staff member’s professional licensure, such communication shall only be disclosed with proper consent or if the communication is subject to the limits and exceptions to confidentiality and is required to be disclosed (e.g., mandatory reporting, immediate threats of harm to self or others). Additionally, if such student information is gathered as part of a “Verbal Screening Tool for Substance Abuse Disorders,” such information shall only be disclosed pursuant to the requirements of G.L. c. 71, § 97.

The Parties acknowledge that there may be circumstances in which parents consent to the disclosure of student information for law enforcement purposes (e.g., Needham Youth Diversion Program agreement) and that the

sharing of information under such circumstances does not violate this Agreement.

The Individuals with Disabilities Education Act (IDEA), at 20 U.S.C. 1415(k)(6)(B), requires school officials to deliver to the prosecutor or other "appropriate authorities" a copy of the child's IEP and discipline record when reporting the child's conduct to law enforcement. School officials will seek the consent of the parent or eligible student prior to such delivery.

The Parties also acknowledge that, from time to time, an emergency situation may arise that poses a real, substantial, and immediate threat to human safety or to property with the risk of substantial damage. School personnel having knowledge of any such emergency situation should immediately notify or cause to be notified both the Police Department (or the SRO if appropriate to facilitate a response) and the principal or designee. This requirement is in addition to any procedures outlined in the school's student handbook, administrative manual, and/or School Committee policy manual.

Nothing in this section or this Agreement shall prevent the principal or designee from reporting possible criminal conduct by a person who is not a student.

2. For Non-Law Enforcement Purposes

Based on their integration as part of the school community, SRO may periodically require access to student information for purposes that fall outside of the SRO's law enforcement role outlined in Section IV.

Student PII received by the School Attendance Officer or SRO (or other Police Department employee) that is not related to criminal conduct risking or causing substantial harm shall not be used to take law enforcement action against a student but may be used to connect a student or family with services or other supports. Prior to such a disclosure, whenever possible, the principal or designee shall notify the parent, the student, or both, when such information will be shared with the SRO.

C. Information Sharing by the Designated Police Liaison or SRO

Subject to applicable statutes and regulations governing confidentiality. The Designated Police Liaison or SRO shall inform the principal or designee of any arrest of a student, the issuance of a criminal or delinquency complaint application against a student, or a student's voluntary participation in any diversion or restorative justice program if:

- The activity involves criminal conduct that poses a (present or future) threat of harm to the physical or psychological well-being of the student, other students or school personnel, or to school property;
- The nature of the complaint is such that the student's continued presence in school might reasonably be deemed to have a substantial detrimental effect on the general welfare of the school.

- The making of such a report would facilitate supportive intervention by school personnel on behalf of the student (e.g., because of the Police Department's involvement with a student's family, the student may need or benefit from supportive services in school); or
- The activity involves actual or possible truancy.

The Designated Police Liaison or SRO shall provide such information whether the activity takes place in or out of school, consistent with the requirements of G.L. c. 12, § 32 (Community Based Justice information-sharing programs) and G.L. c. 71, § 37H1/2 (setting forth potential disciplinary consequences for violations of criminal law).

When the SRO observes or learns of student misconduct in school for which a law enforcement response is appropriate (as described in Section IV), the SRO shall convey to the principal or designee as soon as reasonably possible the fact of that misconduct and the nature of the intended law enforcement response, and when the SRO observes or learns of student misconduct that does not merit a law enforcement response, but that appears to violate school rules, the SRO shall report the misconduct whenever such reporting would be required for school personnel

Once a Designated Police Liaison or SRO has been made aware of the arrest of any student, or that a complaint application has been filed against any student, they are to share information concerning the matter with the Designated School Liaison subject to applicable statutes and regulations governing confidentiality. The Needham Police will also share any information that the court imposes as a condition of release, probation, etc.

The Designated Police Liaison or SRO may also share information about any non-criminal activity involving a student if the officer believes that the activity:

- 1) Poses a serious and imminent threat to the student's safety
- 2) Poses a threat to the safety of other students, or
- 3) By making such a report the officer would facilitate supportive intervention by school personnel on behalf of the student.

Subject to applicable statutes and regulations governing confidentiality and student records (e.g., FERPA) surveillance video shall be available to the Needham Police Department for any criminal investigation involving the safety and security of Needham Public Schools' facilities, grounds, students, faculty, or staff.

D. Limitation on Sharing of Student Information

- School department personnel and school resource officers shall not disclose to a law enforcement officer or agency, including local, municipal, regional, county, state and federal law enforcement, through an official report or unofficial channels, including, but not limited to text, phone, email, database and in-person communication, or submit to the department of state police's Commonwealth Fusion Center, the Boston Regional Intelligence Center or any other database or system designed to track gang affiliation or involvement,

- Any information relating to a student or a student's family member from its databases and other recordkeeping systems including:

- i. immigration status;
- ii. citizenship;
- iii. neighborhood of residence
- iv. religion;
- v. national origin;
- vi. ethnicity;
- vii. suspected, alleged, or confirmed gang affiliation,

- Unless it is germane to a specific unlawful incident or to a specific prospect of unlawful activity the school is otherwise required to report.

Exceptions:

Nothing in this paragraph shall prohibit the sharing of information:

- i. For the purposes of completing a report pursuant to section 51A of Chapter 119;
- ii. Upon the specific, informed written consent of the eligible student, parent or guardian;
- iii. To comply with a court order or lawfully issued subpoena;
- iv. In connection with a health or safety emergency pursuant to the provisions of 603 1734 C.M.R. 23.07(4)(e)*; or
- v. For the purposes of filing a weapon report with the local chief of police pursuant to this section.

***Note:** "A school may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the Department of Social Services under the provisions of M.G.L. c. 71, section 37L and M.G.L. c. 119, section 51A."

VI. Processes for Selecting, Supervising, and Training SRO & Integrating SRO into the School Community

1. **Selecting the SRO** In accordance with state law, the Police Chief shall assign an officer whom the Chief believes would foster an optimal learning environment and educational community and shall give preference to officers who demonstrate the requisite personality and character to work in a school environment with children and educators and who have received specialized training in child and adolescent cognitive development, de-escalation techniques, and alternatives to arrest and diversion strategies.
2. **Supervising the SRO** The Chief of Police, or designee, will supervise the SRO. As appropriate, the Superintendent will provide feedback about the role of the SRO within the school community, and the school administration will review over the course of the school year relevant operational needs.

3. **Training the SRO** The Police Chief is responsible for the training and supervision of the SRO. The Parties acknowledge that the SRO may benefit from participating in certain professional development and trainings offered to school personnel. Additionally, in accordance with state law, the SRO shall receive ongoing professional development in: child and adolescent development, conflict resolution, and diversion strategies. Additional areas for continuing professional development may include, but are not limited to:
- Restorative practices
 - Implicit bias and disproportionality in school-based arrests based on race and disability
 - Cultural and racial competency in religious practices, clothing preferences, identity, language awareness, and other areas
 - Mental health protocols and trauma-informed care
 - De-escalation skills and positive behavior interventions and supports
 - Training in proper policies, procedures, and techniques for the use of restraint
 - Teen dating violence and healthy teen relationships
 - Understanding and protecting civil rights in schools
 - Special education law
 - Student privacy protections and laws governing the release of student information
 - School-specific approaches to topics like bullying prevention, cyber safety, emergency management and crisis response, threat assessment, and social-emotional learning

Where practicable, the District shall also encourage school administrators to undergo training alongside the SRO to enhance their understanding of the SRO's role and the issues encountered by the SRO.

4. **Integrating the SRO into the School Community** The Parties acknowledge that proper integration of the SRO can help build trust, relationships, and strong communication among the SRO, students, and school personnel.

The District shall be responsible for ensuring that the SRO is formally introduced to the school community, including students, families, and staff. The introduction shall include information about the SRO's background and experience, the SRO's role and responsibilities, what situations are appropriate for SRO involvement, and how the SRO and the school community can work together, including how and when the SRO is available for meetings and how and when the school community can submit questions, comments, and constructive feedback about the SRO's work. The introduction for families shall include information on procedures for communicating with the SRO in languages other than English.

The SRO shall regularly be invited to and attend staff meetings, assemblies, and other school convenings. The SRO shall also be invited to

participate in educational and instructional activities, such as instruction on topics relevant to criminal justice, student safety, health, and wellbeing, and public safety issues.

VII. Data Collection and Reporting

In accordance with state law, the Police Chief, SRO, and school administrators will work together to ensure the proper collection and reporting of data on school-based arrests, citations, and court referrals of students, consistent with regulations promulgated by the Department of Elementary and Secondary Education.

VIII. Implementation and Duration

The Superintendent and Police Chief agree to implement this agreement, provide training to Designated School Liaisons and other appropriate staff as necessary, and implement necessary procedures to ensure a successful program.

A. The Needham Public Schools and the Needham Police Department agree to provide agency-wide training to their respective staffs 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.

B. The Police Chief will develop Standard Operating Procedures that will be consistent with the MOU and include appropriate measures, in accordance with the law, that allow for proper implementation of the SRO Program.

C. Annually, the Police Chief and Superintendent will review the success and effectiveness of the MOU, including the School Attendance Officer and School Resource Officer Programs, and, as necessary, modify the terms of this MOU.

D. Effective date and duration of this agreement: The provisions of this Memorandum of Understanding, including the accompanying Standard Operating Procedures (Attachment 1), shall be effective as of the date indicated below and will remain in full force and effect until amended or rescinded by the Parties.

For the Needham Public Schools:

For the Needham Police Department:

Daniel E. Gutekanst
Superintendent of Schools

John Schlittler
Chief of Police

Date _____

Date _____

ATTACHMENT 1

STANDARD OPERATING PROCEDURES REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM IN THE NEEDHAM PUBLIC SCHOOLS

PURPOSE

Close cooperation and communication between the schools and police and a mutual understanding of and respect for the important role that each plays in connection with our children and youth are essential to the success of the mission of both institutions. Whenever it is necessary for the police to be present on school property, they will conduct themselves according to accepted legal practices, recognizing the responsibility and authority of school officials to manage the school environment, and work with school officials to minimize any impact their actions might have on that environment.

Pursuant to MGL Ch. 71, § 37P, the Chief of Police of the Needham Police Department in consultation with the Superintendent of the Needham Public Schools has established the following Standard Operating Procedures (SOP) regarding the community's School Resource Officer (SRO) Program.

In addition, the SRO shall abide by all policies and procedures established by the Needham Police Department.

UNIFORM AND SCHEDULE

The SRO will wear a soft patrol uniform. More formal attire (regulation patrol uniform) may be worn when the SRO is participating in various school activities.

The SRO normally will work 7:00 AM to 3:00 PM Monday through Friday, with Saturday and Sunday off. The SRO may adjust his/her work schedule in order to accommodate school activities and requests.

CHAIN OF COMMAND

The SRO shall report to a supervisor within the Needham Police Department as designated by the Chief of Police. The SRO will collaborate with school personnel as outlined in the Memorandum of Understanding (MOU).

INFORMATION SHARING

Information shared between the SRO, police department, schools, and parent(s)/guardian(s) will be done in accordance with the Memorandum of Understanding as well as state and federal law.

STUDENTS' LEGAL RIGHTS

1. Searching Students

- a. All searches and seizure by the SRO and School Administrators must comply with the 4th Amendment of the United States Constitution and Article 14 of the Massachusetts Declaration of Rights.
- b. In order for the police to conduct a warrantless search of a student's person, possessions, or locker, both probable cause and exigent circumstances must exist to justify the search. At the time of the search, the SRO must establish that there is probable cause to believe that evidence of a crime is or will be in a particular location and the circumstances must be so exigent, urgent, and unforeseeable that obtaining a warrant is impracticable.
- c. The SRO shall inform the School Administrators before conducting a warrantless search of a student or their belongings where practicable.
- d. The SRO shall not ask School Administrators to search students or their belongings for law enforcement purposes nor shall School Administrators act as an agent of the SRO.

2. Interviewing Students

- a. The SRO Program strives to provide students with positive role models, to develop collaborative relationships between the school community (including students) and law enforcement, and to identify and provide preventive help and services to at-risk students and families. In carrying out these responsibilities, SROs necessarily will – and should – interact and communicate with students for non-law enforcement purposes.
- b. When the SRO and/or police officer wishes to detain or question a student on school property for law enforcement purposes, the following shall occur unless exigent circumstances exist or such notification would potentially jeopardize student, school staff, or officer safety:
 - i. The officer shall contact the appropriate school official or his/her designee first and, to the degree possible, explain the nature of the police business and the need to meet with the student in question.
 - ii. If possible, the student shall not be publicly contacted by the officer in the school setting.

- iii. The school official or his/her designee may be present during the student interview or questioning at the discretion of the police upon consideration of voluntariness and privacy issues.

USE OF FORCE

The Needham Police Department places the highest value on the sanctity of life, safety of its officers, protection of the public, and respecting individual dignity. Because of their law enforcement and peacekeeping role, an SRO will be required at times to use reasonable physical force to enable them to fully carry out their responsibilities. The degree of force used is dependent upon the facts surrounding the situation the officer encounters.

It is the policy of the Needham Police Department that the SRO use only the force that is reasonably necessary to accomplish lawful objectives such as to make a lawful arrest, to place a person into protective custody, to effectively bring an incident under control, or to protect the lives or safety of the officer and/or others.

ARREST, CITATION, COURT REFERRAL ON SCHOOL PROPERTY

In accordance with the MOU, the SRO shall not serve as school disciplinarians, as enforcers of school regulations, or in place of licensed school mental health professionals. The SRO also shall not use police powers to address traditional school discipline issues, including non-violent disruptive behavior except, as asked or needed, to support school staff in maintaining a safe school environment.

The manner in which each incident is handled by the SRO, the Principal or his/her designee, and/or the criminal justice system is dependent upon the many factors unique to each student, including, but not limited to, present circumstances, behavioral history, disciplinary record, academic record, general demeanor and disposition toward others, disability or special education status, and mental health history.

1. "Delinquent child"/Juvenile Court Jurisdiction (MGL Ch. 119, § 52 as amended):
 - a. A child under the age of 12 years old cannot be charged with a crime.
 - b. Delinquency proceeding can be initiated against a child between the ages of 12 and 18 years old who commits an offense against the laws of the Commonwealth except as provided below.
 - c. Delinquency proceedings cannot be initiated for the following offenses:
 - i. Civil infractions;
 - ii. A violation of a municipal ordinance or town by-law;

- iii. A first offense of a misdemeanor for which the punishment is a fine and/or imprisonment for not more than six month;
- iv. Disturbing an assembly (MGL Ch. 272, § 40 as amended) if committed by an elementary or secondary student within school buildings, on school grounds, or in the course of school-related events; or
- v. Disorderly person or disturbing the peace (MGL Ch. 272, § 53 as amended) if committed by an elementary or secondary student within school buildings, on school grounds, or in the course of school-related events.

2. Summons/Court Referral

- a. If the SRO determines that a delinquency or criminal complaint needs to be filed with the Juvenile or District Court, a summons, rather than an arrest is the preferred method of bringing the student to court. Prior to filing the complaint, the complaint must be reviewed by the SRO's supervisor to ensure that a Diversion Program would not be appropriate.

3. Arrest

- a. Offenses that constitute serious or violent felonies if committed by an adult generally, but not always, result in an arrest in accordance with state law and the existence of probable cause.
- b. As a general rule, the police should avoid making arrests on school grounds when the arrest may be made effectively elsewhere. Whenever possible, the police shall work with school officials to make the appropriate arrangements for taking a student into custody off school grounds. Working with school officials, the police will arrange for the least disruptive way to take the student into custody.
- c. On occasion, an arrest of a student must be made during school hours on school grounds or at school sanctioned activities. When this is necessary, best efforts will be made to notify the SRO to respond if not already at the scene. When possible a police supervisor shall respond. In the event an SRO is unavailable, another police officer will go to the scene to consult with school officials and take appropriate action. Students shall not be removed from school property or school sanctioned events without the police making notification to school officials or his/her designee, unless exigent circumstances exist or such notification would potentially jeopardize the ability of officers to safely and effectively make the arrest.

4. Diversion Protocols

- a. Diversion Programs offer an alternative to formal prosecution. These programs seek to treat at-risk students, not as criminals, but as children and youth in need of aid, encouragement, and guidance. The goal of such programming is to address the root causes of the student's offense and to work with the student to make better choices while minimizing any life-altering negative consequences.

- b. Evaluation for referral to a Diversion Program and, if accepted, the development of a remedial plan involves a consideration of multiple factors, including:
 - i. Factual review and determination of whether the offense is program eligible;
 - ii. Any past criminal conduct;
 - iii. Willingness to participate and engage in a remedial program; and/or
 - iv. Input from the police and, where appropriate, from the victim and/or parties involved with the student such as schools, parent(s)/guardian(s), or other youth-involved agencies.
- c. Remedial plans may include referral to community-based supports and providers, assignment to an educational program, community service, letter of apology, restitution, essay writing, curfew, and/or other case-specific conditions.

PERFORMANCE EVALUATION STANDARDS

The success and effectiveness of the SRO Program will be reviewed, modified, and amended as outlined in the MOU. Additionally, a review of the Data Collection and Reporting information outlined in the MOU will be conducted on a regular basis by the SRO's Supervisor, or other Designated Police Liaison, and school officials.

IMPLEMENTATION

This document shall be effective as of the date of signing. It should be reviewed at least annually (before the start of the school year) in consultation with the Superintendent of the Needham Public Schools and amended as necessary. This document will remain in full force and effect until amended or rescinded by the Chief of Police.

For the Needham Public Schools,

For the Needham Police Department,

Daniel Gutekanst Date
Superintendent of Schools

John J. Schlittler Date
Chief of Police



Memorandum of Understanding between Needham Public Schools and Needham Police Department

*Prepared for School Committee
review October 29, 2021*



Purpose of Memorandum of Understanding



Formalize and clarify the partnership between the District and the Police Department in order to:

- Promote school safety
- Help maintain a positive school climate for all students, families, and staff
- Enhance cultural understanding between students and law enforcement
- Promote school participation and completion by students
- Facilitate appropriate information-sharing
- Inform the collaborative relationship to best serve the school community

Principles guiding the collaboration



1. Safe and supportive school environment
2. Strong partnership and lines of communication
3. Framework for conversations and decision-making regarding student misbehavior and need for services
4. Clearly defined roles
5. Minimized number of students unnecessarily out of class, arrested at school, or court-involved
6. SRO as facilitator of needed supports and source of protection
7. Training guidance/requirements for school personnel and SRO
8. Involvement in initiatives (violence prevention, sexual assault, etc.)
9. Presentations/programs on criminal justice issues; community building; prevention, health, and safety topics
10. Ongoing communication re: safety and wellbeing of students and staff

MOU content to support safety in our schools



Roles and Responsibilities to ensure school safety

School Officials: responsible for establishing and enforcing student code of conduct

School Resource Officer: investigating and responding to criminal misconduct

Student Attendance Officer: ensuring adherence to laws relative to school attendance

Other Police: supporting criminal investigations

Information sharing & reporting

FERPA and other confidentiality compliance

Information sharing for law enforcement purposes

Information sharing to connect student and family with services or supports

Limitation on sharing student information

Processes for School Resource Officer

Hiring: officer well-suited for school environment

Supervising: by Police Chief with Superintendent feedback

Training: additional professional development (e.g., restorative practices, cultural & racial competency, mental health protocols, etc.)

Integration: building trust within the school community



Needham School Committee

November 2, 2021

Agenda Item: **Discussion**

Update on Health & Safety

Background Information:

- The Superintendent will share health and safety updates.

Person(s) Available for Presentation:

Superintendent Daniel Gutekanst



Needham School Committee

November 2, 2021

Agenda Item: **School Committee Comments**

Background Information:

- Members of the School Committee will have an opportunity to report on events, information, and matters of interest not on the agenda.

Members of the School Committee available for comment:

Connie Barr, Chair
Matthew Spengler, Vice Chair
Andrea Longo Carter
Michael Greis
Elizabeth Lee
Michael O'Brien
Aaron Pressman
Dilin Meloni, Student Representative member of School Committee