

**MEMORANDUM OF UNDERSTANDING**

It is the intention of the Windham Police Department and the Windham School District to work in a joint cooperative effort to provide a safe and healthy school environment for the students, staff, and visitors. We intend to do this in compliance with New Hampshire RSA 193-D, Safe School Zones, as amended.

Communication and sharing of information is essential to any cooperative effort. As required by law, it is agreed that every school employee who has witnessed, or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the Principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing.

In accordance with New Hampshire RSA 193-D:7, school employees are relieved of concerns regarding confidentiality with regard to reporting acts of theft, destruction, or violence in a safe school zone. That provision states:

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

The report required above shall be on a standard form and shall include the elements required by ED 317.05(d), as well as the following:

- (a) Identification of the act of theft, destruction, or violence as defined in RSA 193-D:1 that was allegedly committed.
- (b) The name and address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.
- (c) The name and home address, if known, of any person suspected of committing an act of theft, destruction, or violence in a safe school zone.

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The written report required above shall be waived by law enforcement officials when there is a law enforcement response at the time of the incident which results in a written police report.

Acts of theft, destruction, or violence, mean one of the following acts, regardless of the age of the perpetrator. Acts of theft, destruction, or violence shall be reported as required above.

- (a) Homicide under RSA 630  
Any death shall be immediately reported to law enforcement officials, regardless of suspected case.
- (b) Any first or second-degree assault under RSA 631, and any simple assault under RSA 631:2-a.

This includes any injury to a person caused by another person. Investigation may reveal that not all of these incidents constitute an actual crime. Reporting will allow an investigation to be conducted.

- (c) Any felonious or aggravated felonious sexual assault under RSA 632-A.  
Although going beyond the legal requirement, all acts of sexual penetration occurring within safe school zones will be reported.
- (d) Unlawful possession or sale of a firearm or other dangerous weapon under RSA159. Due to the tremendous potential for serious injury or death when firearms are present, any person in possession of a firearm within Safe School Zones will be reported. The exception will be when it may not be in violation of the law, but should be reported.
- (e) Arson under RSA 634:1.  
This includes, but is not limited to, knowingly starting any fire or causing any explosion which results in injury, damage to the property of another, or is done with intentional disregard for the safety of others.
- (f) Burglary under RSA 635.  
This includes any person who enters a building, occupied structure, or separately secured or occupied section of a building, with intent to commit a crime inside.

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- (g) Robbery under RSA 636.  
A robbery occurs when a person, during the course of committing a theft, uses physical force on another person, threatens another with the imminent use of physical force, or purposefully puts another person in fear of the immediate use of physical force.
- (h) Illegal sale or possession of a controlled drug under RSA 318-B.  
Although going beyond the legal requirement, reports will be made on any substance, other than food, that affects the way the mind and body work, excepting legally prescribed medications which should be recorded with the appropriate administrative school personnel in accord with the District's policies and procedures.

Additionally, an act of theft, destruction or violence may mean the items set forth below when, in the opinion of the reporting individual, it is of serious proportion:

- (i) Simple assault under RSA 631:2-a.  
Simple assaults may result in some injuries. Simple assaults also include knowingly having unprivileged physical contact with another person. Recognize that this can be very minor contact and the Principals will consider the District Disciplinary Policy when making a determination about whether or not to file a Safe School Zone Offense Report. We agree to err in the direction of filing a report when there is any question. Law Enforcement and school officials can then jointly determine the best action to be taken. When a Safe School Zone Offense Report is not filed, parents of the victim and perpetrator will be notified by school personnel.
- (j) Criminal mischief under RSA 634:2 and Theft under RSA 637.  
Criminal mischief includes purposely or recklessly damaging the property of another. This includes school property. Theft is the obtaining or exercising of unauthorized control over the property of another.
- (k) Criminal Threatening under RSA 631:4.  
This includes purposely placing or attempting to place another in fear of imminent bodily injury or physical contact, placing an object or graffiti on the property of another with a purpose to coerce or terrorize any person, threatening to commit any crime against the property of another, threatening to commit a crime of violence, or to commit a crime against the person of another, threatening to deliver or use a biological or chemical substance with the intent to cause the evacuating of a building, including a school, and delivery of any substance that could be perceived as a biological or chemical substance.

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The following terms, as defined in RSA 193-D:1 apply to this memorandum:

“Safe School Zone” means an area inclusive of any school property or school buses.

“School” means any public or private elementary, secondary, or secondary vocational-technical school in New Hampshire. It shall not include home schools under RSA 193-A.

“School Employee” means any school administrator, teacher, or other employee of any public, or private school, School District, school department, or school administrative unit, or any person providing or performing continuing contact services for any public or private school, School District, school department, or school administrative unit.

“School Property” means all real property, physical plant and equipment used for school purposes, including, but not limited to school playgrounds and buses, whether public or private.

“School Purposes” means school-sponsored programs, including, but not limited to educational or extra-curricular activities.

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

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

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## STUDENT SUSPENSION AUTHORIZATION DATE

I hereby authorize you, \_\_\_\_\_, \_\_\_\_\_ of the Windham School District to act in my behalf as Superintendent of Schools in the necessary suspension of students in the \_\_\_\_\_ School. This involves suspensions lasting up to ten (10) consecutive days for the \_\_\_\_\_ school year.

Please keep in mind that parents have a right to appeal any school suspension and that due process should be afforded to each student prior to a suspension taking place. Suspensions requiring more than ten (10) days will only be as a result of action taken by the superintendent.

I refer you to RSA 193:13, which reads as follows:

“Suspension and Expulsion of Pupils. The superintendent or chief administering officer, or a representative designated in writing by the superintendent, is authorized to suspend pupils from school for a period not to exceed 10 school days for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school.”

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Dr. Henry LaBranche  
Superintendent of Schools

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