MEMORANDUM OF UNDERSTANDING
BETWEEN
THE RIVENDELL ACADEMY & THE ORFORD, NH POLICE DEPARTMENT

2016-2017

Schools are safe places for young people in our community. Social and crime problems can, however, impact on schools in negative and serious ways in certain locations. We are committed to working closely together with parents and the community to prevent and reduce crime and to ensure that schools remain safe places for students, staff and the community. This Memorandum of Understanding is intended to assist in this process. It was developed in the context of the existing legal obligations of schools, both government and non-government and the Orford Police.

This agreement is dated this **15th day of August, 2016**, between Rivendell Academy and the Orford, NH Police Department. It is the intention of Rivendell Academy and the Orford Police Department to work in a joint cooperative effort to provide a safe and healthy school environment for students, faculty, staff and visitors. The intention is to do this in compliance with New Hampshire R.S.A. 193-D, Safe School Zones, as amended.

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 the information to the school principal (or his/her designee) who shall file it with the Orford Police Department. The report shall be made by the Principal (or his/her designee) by telephone to the Orford Police Department immediately and shall be followed within 48 hours by a report in writing.

**ADMINISTRATIVE RESPONSIBILITY**

Rivendell Academy shall have in place administrative procedures for other members of the school staff to be charged with the reporting responsibility in the event the principal is unavailable.

**CONFIDENTIALITY**

New Hampshire RSA 193-D:79 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 the 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.

**CONTENT OF REPORTS**

The oral and written reports required by this memorandum should include, to the extent possible:

a) Identification of the act of theft, destruction or violence as defined by 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; and

c) The name and home address, if known, of any person suspected of committing and act of theft, destruction or violence in a safe school zone. Must include parent information, if the person suspected is a student.
The written report required by this memorandum may 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. The school will keep a written report even when law enforcement does not require one.

**REPORTABLE ACTS**

"Acts of theft, destruction or violence" shall mean the following, regardless of the age of the perpetrator, and shall be reported as required above:

a) **Homicide under RSA 630** - Any death shall be immediately reported to law enforcement officials regardless of the suspected cause.

b) **First or Second Degree Assault under RSA 631** - This will include any serious injury to a person caused knowingly, purposely, recklessly or negligently by another person. Police investigation may reveal that not all of these incidents constitute an actual crime. However, reporting will allow a police investigation to be conducted.

c) **Any felonious or aggravated felonious sexual assault under RSA 632-A** - All acts of sexual contact under RSA 632-A:2,1,a - m; II & III and any acts of sexual contact under RSA 632-A:3,1,II & III

d) **Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159** - Due to the tremendous potential for serious bodily injury or death when firearms are present, any person in possession of a firearm within safe school zones will be reported, except recognized law enforcement personnel and theater productions that utilize non-functioning weapons.

e) **Arson under RSA 634:1** - Any person who knowingly starts any fire or causes any explosion that unlawfully damages the property of another, or is done with the intentional disregard for the safety of others, is included in this section.

f) **Burglary under RSA 635** - Any person who enters a building or separately secured section of a building, with a purpose to commit a crime therein, unless the premises are at the time open to the public or the actor is licensed or privileged to enter.

g) **Robbery under RSA 636** - This includes any person who, in the course of committing a theft, he:

   (a) Uses physical force on the person of another and such person is aware of such force; or

   (b) Threatens another with or theft that is accomplished by the use of physical force or the threat of physical force.

h) **Illegal sale or possession of a controlled drug under RSA 318-B** - Reports will be made on any substance, other than a food, that affects the way your mind and body work, excepting legally prescribed medication possessed by the student and/or a staff member from the School Nurse.

i) **Theft under RSA 637** - Theft is the obtaining or exercising of unauthorized control over the property of another with a purpose to deprive him thereof. Items with a value of $500 or more will be reported to the Orford Police. The School Administrator will determine whether to report offenses that are less than $500.

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:

(a) **Simple assault under RSA 631:2-a** - This includes a person who purposely or knowingly causes bodily injury or unprivileged physical contact with another; or recklessly causes bodily injury to another; or negligently causes bodily injury to another by means of a deadly weapon. The parties recognize that this can be very minor contact and that the Principal (or his/her designee) will consider the Rivendell Academy disciplinary policy when making a determination about whether or not to file a safe school zone offense report.
(b) Criminal mischief under RSA 634:2 - This includes a person who, having no right to do so, nor any reasonable basis for belief of having such a right, purposely or recklessly damages property of another.

DEFINITIONS

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 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 contract services for any public or private school, school district, school department of 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 Orford Police Department or to limit school employees from requesting police assistance on matters not referred to in this memorandum.

INTERVIEWS

If a police officer should need to interview a student, a member of the department will contact the Rivendell Academy Office to arrange for the interview. Police regulations and New Hampshire Statutes will be followed (RSA 169-C:38 Child Protection Act Reporting Law and RSA 594:15 Notice of Arrest, Right to Advice of Counsel, etc.).

TRAINING

Rivendell Academy and the Orford Police Department agree to provide their employees with ongoing 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.

Signed:  
Michael Harris  
Michael R. Harris, Ph.D.  
Superintendent, Rivendell Interstate School District

Signed:  
Keri Gelenian  
Head of Schools/Rivendell Academy Principal

Signed:  
Christopher J. Kilmer  
Orford Police Chief, Orford, NH Police Department