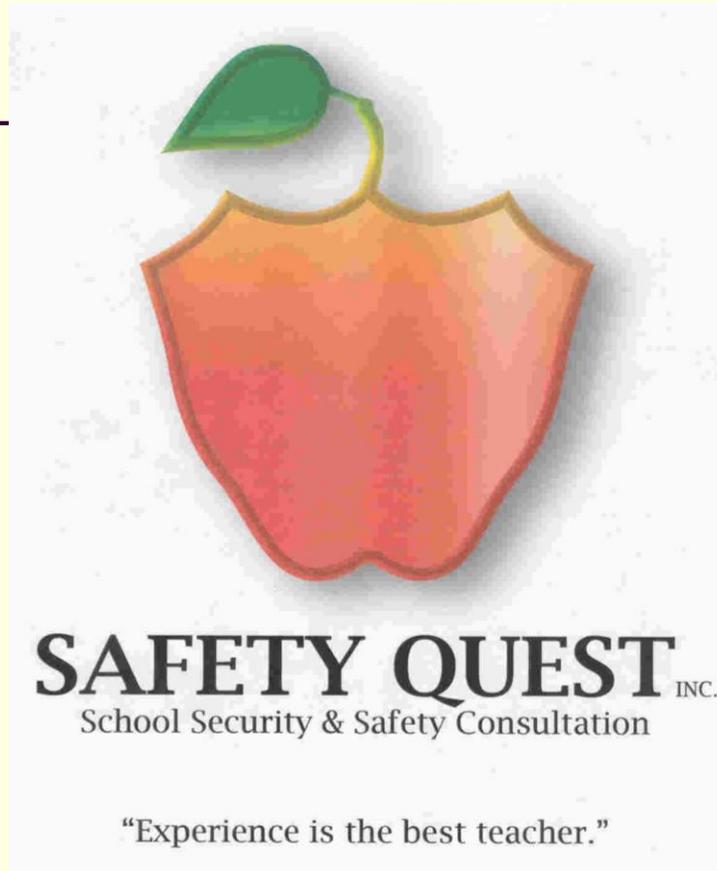

Memorandums of
Understanding

**Rock County Safe Schools
Interagency Agreement**



Doug Reynolds, President

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MOU

The Memorandum of Understanding (MOU) is a policy tool to empower not restrict. The MOU might better be called the interagency working agreement or the partnership guide. It is not in the interagency context a contract, rather it is better seen as a documentation of the tasks to be done by the participating agencies.

MOU

The MOU is a policy making tool for setting forth a plan of action between agencies that already share a common interest in one or more areas. This does not mean that legal issues will not appear. The MOU is simply one of many tools available for the purpose of making policy.

MOU

The MOU must be seen as a tool designed to serve rather than restrict the lawful actions of agencies.



Rock County WI Interagency Agreement

This is an agreement made and entered into by the following Rock County Agencies (Public Youth Serving Agencies)

- Beloit, Janesville, Milton, Clinton, Beloit Township, Edgerton, Evansville, Orfordville Police Departments
- Beloit, Janesville, Milton, Clinton, Beloit Turner, Edgerton, Evansville, Parkview School Districts
- Rock County District Attorney
- Rock County Human Services
- Rock County Juvenile Court
- Rock County Sheriff's Office
- Rock County Adult Probation and Parole

Mission Statement

- All parties are committed to providing the safest environment possible for all students and staff.
- All parties are committed to providing appropriate programs and services for at risk children already involved in the juvenile justice system.
- All parties desire a maximum degree of long range cooperation.
- All parties are committed to improving services to children in the juvenile justice system through sharing information and coordinating efforts.

Mission Statement Continued



- All parties understand that certain roles in serving youth and children are required by law and that these laws serve as the foundation for defining the role and responsibility of each participating agency.
- All parties mutually agree that all obligations stated or implied in this agreement shall be interpreted in light of and consistent with governing State and Federal laws.

Parties Agree To

- Promote a coordinated effort among agencies and staff to achieve maximum public safety with the goal of reducing juvenile crime.
- Participate in interagency meetings as appropriate.
- Strive for improved service to youth (example – juvenile assessment and truancy center).
- Jointly plan for training opportunities.
- (See Rock County's MOU for complete agreements listing)

Juvenile Court Agrees To

- Notify Superintendent, or designee, of the name and address of any student found to have committed a delinquent act or who has had adjudication withheld. Notification shall be within 72 hours (business days) and shall include the specific delinquent act found to have been committed or for which adjudication was withheld, or the specific felony for which the student was found guilty.
- Identify sanctions for youth who are in contempt of court due to violation of a court order on school attendance.
- Upon request by the school district, share dispositional information with the Superintendent or his designee regarding juveniles who are students within the educational system for purposes of assessment, placement, or security of persons and property.
- Consider the issuance of court orders necessary to promote the goals of this agreement, particularly information sharing between the agencies involved.
- Develop, in cooperation with school and law enforcement, and local service providers, a written plan to determine the procedures to take when a child is identified as being truant from school.
- Develop appropriate internal written policies to insure that confidential education record information is disseminated only to appropriate personnel.

Rock County Human Services Department Agrees To

Juvenile Justice Division

- Notify the appropriate Law Enforcement Agency and Superintendent of Schools or designees, immediately upon learning of the move or other relocation of a juvenile offender into, out of, or had adjudication withheld for a violent misdemeanor or felony.
- Share dispositional, placement and case management information with other agencies as appropriate for purposes of assessment, placement and enhanced supervision of juveniles.
- Develop, in cooperation with school and law enforcement, and local service providers, a written plan to determine the procedures to take when a child is identified as being truant from school.
- Develop appropriate internal written policies to insure that confidential education records and service and treatment information is disseminated only to appropriate personnel consistent with Federal Statutes, State Statutes, Administrative Code and HIPAA (Health Insurance Portability and Accountability Act).
- Provide notice to the Superintendent of Schools or a designee, immediately upon the initiation of planning efforts with private nonprofit entities or governmental entities, including agencies part of this Agreement, which could result in the creation, relocation or expansion of youth services programs and which may impact the school district.

Rock County Human Resources Department Agrees To

- Child Protective Services Division
 - Share information with law enforcement and school personnel where such information would result in imminent danger to the school or community.
 - Participate and cooperate consistent with Interagency protocol between Rock County School Districts and Rock County Human Services Department's Child Protective Services Division. This protocol was established December 1995 to address maltreatment and young truants.
 - Develop appropriate internal written policies to insure that confidential education records and service and treatment information is disseminated only to appropriate personnel consistent with Federal Statutes, State Statutes, Administrative Code and HIPAA (Health Insurance Portability and Accountability Act).



School Superintendents Agree To

- Notify, within 48 hours, the child's principal of juveniles arrested for crimes of violence or violation of law upon receipt of such information from law enforcement or the court system or probation department. The principal, within 24 hours of such notice, shall provide such information to student service personnel, the school resource officer, the student assistance coordinator and the student's immediate teachers.
- Designate the contact person to be responsible for receiving juvenile arrest information and inform all parties as to the Superintendent's designee.
- Request criminal history information only for the purposes of assessment, placement or security of persons and property.
- Designate the contact person(s) to be responsible for receiving confidential criminal history information and inform all parties as to the names of those individuals.
- Develop appropriate internal written policies to insure that confidential criminal history information is disseminated only to appropriate school personnel.
- Share information on student achievement, and behavioral and attendance history on juvenile offenders and juveniles at risk of becoming offenders with the parties to this agreement, for the purpose of assessment and treatment.

School Superintendents Agree To

- Develop, in cooperation with school and law enforcement, the local service providers, a written plan to determine the procedures to take when a child is identified as being truant from school.
- Notify the appropriate law enforcement agency when an adult or a student commits a criminal offense or any act that compromises school or community safety on school property, on school sponsored transportation, or at school sponsored activities. Additionally, if the offense involves a victim, school officials shall notify the victim and the victim's parents of the offense and the victim's right to press charges against the offender. School personnel shall cooperate in any investigation or other proceedings leading to the victim's exercise of right as provided by law.
- The school district will continue to implement proactive preventive programs to promote safety, health and citizenship. Schools will report on these initiatives at regularly scheduled interagency meetings, Board of Education meetings and Community Safety Task Force meetings.



Each Law Enforcement Chief Agrees To

- Notify the Superintendent, or designee, of the name and address of any student arrested for crimes. Notification shall be as soon as practical and shall include the specific delinquent act which led to the arrest.
- Upon request by the school district, share summary criminal history information with the Superintendent, or designee, regarding juveniles who are students within the education system for purposes of assessment, placement or security of persons and property.
- Develop appropriate internal written policies to insure that confidential education record information is disseminated only to appropriate personnel.
- Develop, in cooperation with school and law enforcement, and local service providers, a written plan to determine the procedures to take when a child is identified as being truant from school.
- Notify the Superintendent, or designee, of the name and address of any employee of the school district who is charged with a felony or with a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance. Notification shall be as soon as practical and shall include the specific act which led to the arrest.



Rock County District Attorney Agrees To

- Notify the Superintendent or designee when a student is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult; and
- Make a request that the court order the District Attorney to notify the Superintendent or designee when a student is formally charged with a delinquent act which would be a misdemeanor if committed by an adult; and
- Notify the Superintendent or designee when a student is adjudged delinquent, the nature of the violation committed by the student and the disposition imposed by the court, including whether school attendance is a condition of the dispositional order.

Wisconsin State Statutes on Juvenile Interagency Information and Record Sharing

Chapter 118

General School Operations

- 118.125 Pupil records
 - (2) Confidentiality
 - All pupil records maintained by a public school shall be confidential, except as provided in pars. (a) to (p) and sub. (2m). The school board shall adopt regulations to maintain the confidentiality of such records.

Chapter 118

General School Operations

- 118.125 Pupil records
 - (d) Pupil records shall be made available to persons employed by the school district which the pupil attends who are required by the department to hold a license and other school district officials who have been determined by the school board to have legitimate educational interests, including safety interests, in the pupil records. Law enforcement officers records obtained shall be made available as provided in s. 118.127 (2). A school board member or an employee of a school district may not be held personally liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the member or employee acted with actual malice in failing to disclose the information. A school district may not be held liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the school district or its agent acted with gross negligence or with reckless, wanton, or intentional misconduct in failing to disclose the information.

Chapter 118

General School Operations

- 118.125 Pupil records
 - (n) For the purpose of providing services to a pupil before adjudication, a school board may disclose pupil records to a law enforcement agency, district attorney, city attorney, corporation council, agency, as defined in s. 938.78 (1), intake worker, court of record, municipal court, private school, or another school board if disclosure is pursuant to an interagency agreement and the person to whom the records are disclosed certifies in writing that the records will not be disclosed to any other person except as permitted under this subsection.
 - (p) A school board may disclose pupil records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of an individual.

Chapter 118

General School Operations

- 118.128 Information related to pupil harm to others
 - If a school district determines, based on evidence that a pupil engaged in behavior that seriously physically harmed another individual within the previous 12 months or that a pupil has engaged in a pattern of behavior causing serious physical harm to another individual, that there is reasonable cause to believe that the pupil may engage in behavior at school or while under the supervision or while under the supervision of a school authority that is physically harmful to another individual, the school district may provide information concerning the pupil's physically harmful behavior to the pupil's teachers and to any other school district official who has a legitimate educational or safety interest in the information. The information provided under this section shall be limited to information reasonably necessary to meet the educational needs of the pupil and the safety needs of other pupils and school personnel. A teacher or other school district official may not disclose information provided to him or her under this section to any other person.

Criminal Code Chapter 938

Juvenile Justice Code

- 938.396 Records
 - (1) Law enforcement records
 - (a) Confidentiality. Law enforcement agency records of juveniles shall be kept separate from records of adults. Law enforcement agency records of juveniles may not be open to inspection or their contents disclosed except under subsections or by order of the court.
 - (c) Exceptions. Notwithstanding, law enforcement agency records of juveniles may be disclosed as follows:
 - 4. A law enforcement agency may enter into an interagency agreement with a school board, a private school, a social welfare agency, or another law enforcement agency providing for the routine disclosure of information under subsections to the school board, private school, social welfare agency, or other law enforcement agency.

Criminal Code Chapter 938

Juvenile Justice Code

■ 938.396 Records

■ (2) Court records: Confidentiality.

■ (m) Notification of juvenile's school.

- (4) If a juvenile is found to have committed a delinquent act at the request of or for the benefit of a criminal gang, as defined in s. 939.22(9), that would have been a felony under chs. 939 to 948 or 961 if committed by an adult and is adjudged delinquent on that basis, within 5 days after the date on which the dispositional order is entered the court clerk shall notify the school board of the school district, or the governing body of the private school, in which the juvenile is enrolled or the designee of the school board or governing body of the fact that the juvenile has been adjudicated delinquent on that basis, the nature of the violation committed by the juvenile, and the disposition imposed on the juvenile under s. 938.34 as a result of that violation.

Criminal Code Chapter 938

Juvenile Justice Code

- 938.396 Records
 - (2) Court records: Confidentiality.
 - (m) Notification of juvenile's school.
 - (6) Except as required under subds. 1 to 5 or by order of the court, no information from the juvenile's court records may be disclosed to the school board of the school district, or the governing body of the private school, in which the juvenile is enrolled or the designee of the school board or governing body. Any information from a juvenile's court records provided to the school board of the school district, or the governing body of the private school, in which the juvenile is enrolled or the designee of the school board or governing body shall be disclosed by the school board, governing body, or designee to employees of the school district or private school who work directly with the juvenile or who have been determined by the school board, governing body or designee to have legitimate education interests, including safety interests, in the information. A school district or private school employee to whom that information is disclosed may not further disclose the information. A school board may not use any information from a juvenile's court records as the sole basis for expelling or suspending a juvenile or as the sole basis for taking any other disciplinary action, including action under the school district's athletic code, against the juvenile. A member of the school board or of the governing body of a private school or an employee of a school district or private school may not be held personally liable for any damages caused by the nondisclosure of any information specified in this subdivision unless the member or employee acted with actual malice in failing to disclose the information. A school district or private school may not be held liable for any damages caused by the nondisclosure of any information specified in this subdivision unless the school district, private school or its agent acted with gross negligence or with reckless, wanton, or intentional misconduct in failing to disclose the information.

2009 Wisconsin Act 309



Presented by: Doug Reynolds, President;
Safety Quest, Inc.

Cooperation and Coordination

- Act 309 also facilitates cooperation and coordination between schools and law enforcement when students are involved in illegal or disruptive behavior.

Pupil Records

- The bill includes a series of provisions dealing with the confidentiality and disclosure of pupil records. The following provisions are included in the bill:

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- 1. The bill retains the current law, which requires school boards to adopt regulations maintaining the confidentiality of pupil records. **HOWEVER, IT ADDS** the additional authority for school boards to adopt regulations designed to promote the disclosure of pupil records and information permitted by law for school safety purposes.

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- 2. The bill amends the statutes to require that pupil records be made available to law enforcement officers on the same basis as other school employees or officials, provided that law enforcement officers are individually designated by the school board and assigned to the school district.

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- 3. The bill contains a provision relating to the release of pupil records by school districts for juvenile justice purposes. THE BILL AMENDS CURRENT LAW to require school boards to disclose pertinent pupil records to an investigating law enforcement agency or district attorney. Disclosure shall be made only if the requesting person certifies in writing that the records concern the juvenile justice system, and the systems ability to serve the pupil, relates to an ongoing investigation or pending delinquency petition, and will not be disclosed to any other person except as otherwise disclosed by law.

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- 4. The bill REPEALS a statute currently requiring a school district administrator or private school administrator who receives information regarding a law enforcement action TO NOTIFY ANY PUPIL NAMED IN THE INFORMATION AND THE PUPIL'S PARENT OR GUARDIAN of any minor pupil named in the information of that information.

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- 4 (continued.....)
 - The REPEAL is designed to ENCOURAGE law enforcement agencies to SHARE INFORMATION with schools in situations where they might otherwise withhold information out of concern that notification could undermine an investigation. The repeal does not preclude a school district from notifying students and parents when it is deemed appropriate.

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- Beloit, Janesville, Milton, Clinton, Beloit Turner, Edgerton, Evansville, Parkview School Districts
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- 5. Current statutes require all pupil records to be made available to teachers and other designated school officials who have legitimate educational interests, including safety interests. However a different section implies that school districts may not share information that a student is a physical risk to others with teachers and law enforcement units within schools, unless the school district has “reasonable cause” to believe, based on past acts, that the student presents a physical risk of harming others. Another section also limits the use and disclosure of such information.
(Continued...)

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- 5. (continued....)
 - **BY REPEALING THIS STATUTE SECTION the school district CAN continue to disclose records under 118.125. WHEN INFORMATION IS SHARED, SCHOOL PERSONNEL CAN BETTER ASSESS RISK AND THE EDUCATIONAL NEEDS OF BOTH STUDENTS PRESENTING A RISK OF HARM TO OTHERS AND TO OTHER CHILDREN.**

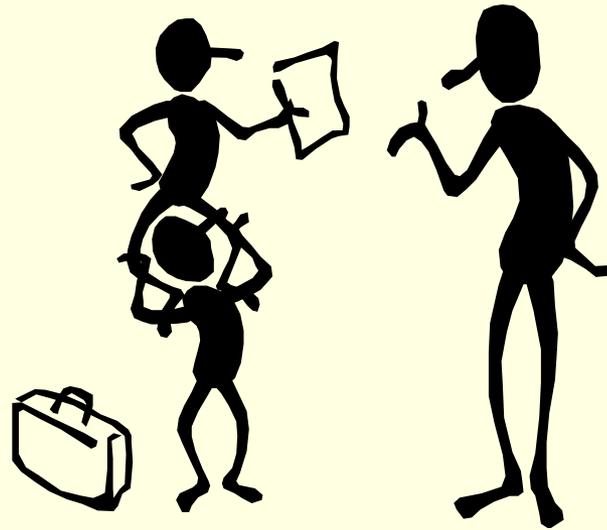
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- 6. The bill requires that a district attorney issuing criminal charges against a pupil make a reasonable attempt to NOTIFY THE PUPIL'S SCHOOL that criminal charges have been filed and the final disposition of those charges. A similar requirement CURRENTLY APPLIES TO NONCRIMINAL JUVENILE CASES but notification is currently not required when a juvenile attends an independent charter school, or where the pupil is either charged as an adult or waived into adult court.

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- 6. (continued.....)
 - The bill would **REQUIRE THE DISTRICT ATTORNEY TO NOTIFY** the school district, private school or independent charter school whenever a pupil is criminally charged as an adult and the district attorney reasonably believes the person charged is an enrolled pupil.

Additional Resource

- The Wisconsin Legislative Notification System is Web based and available at:
- <http://notify.legis.state.wi.us/Home.aspx>
- This system allows anyone the opportunity to follow legislation by receiving daily or weekly e-mails for specific legislative activities including tracking individual proposals, committee meetings , or even subject areas.

Developing a Unified School and Community Strategy



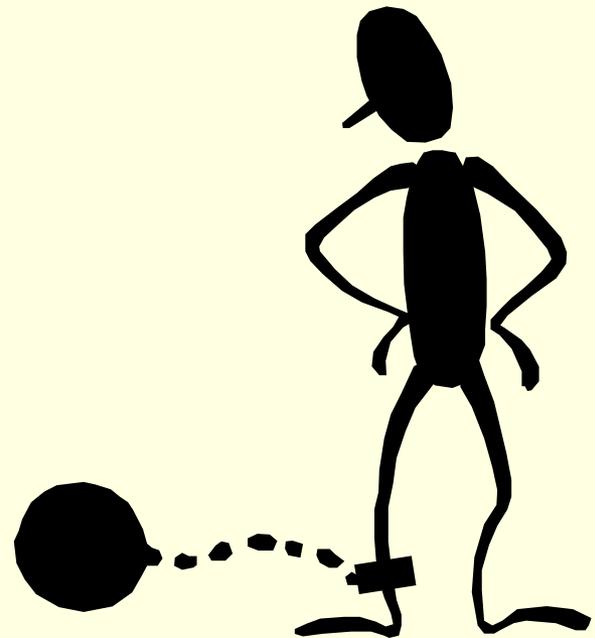
Action

- Implement the plan
- Achieve greater impact
- Measure progress
- Feedback the results and begin the process all over again



5. Remove Obstacles to the Vision

- Perceptions
- Policies
- Confidentiality
- Persons
- Barriers



8. Anchor Interagency in Your Local System's Culture

- Make Interagency “the way we do things around here”
- Demonstrate how the interagency approach, behaviors and attitudes have improved performance
- Make sure that the next generation of leaders personify the interagency approach

Interagency Tips

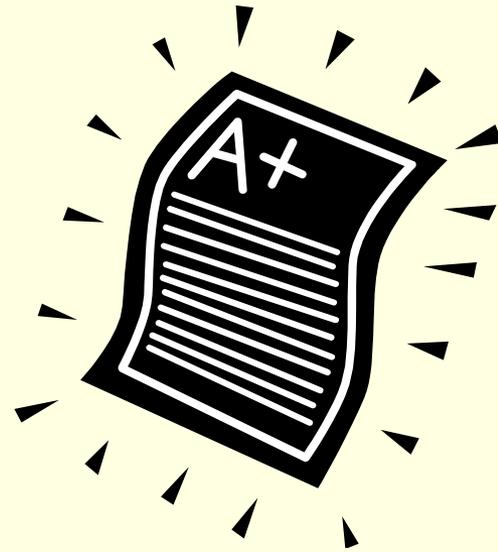
- Include all key players
- Have a clear team purpose/mission
- Know applicable statutes, policies
- Leave the past in the past
- Customize to your community
- Share what you are doing

Consider Desired Results

- Better decisions through effective information sharing
- Safer schools and communities
- Better outcomes for kids

Success!

- Agencies working together to keep all staff, students and communities safe.



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