

Book: Luzerne Intermediate Unit
Section: 800 Operations
Title: Relations with Law Enforcement Agencies
Code: 805.1
Status: Active
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Purpose

The Board recognizes that cooperation with law enforcement agencies is considered essential for protecting students and staff, maintaining a safe environment and safeguarding Intermediate Unit property.

Authority

It shall be the policy of the Board to establish and maintain a cooperative relationship between the Intermediate Unit and law enforcement agencies with jurisdiction over the school property of the Intermediate Unit in maintaining school safety and security; responding to school safety and security reports; and reporting and resolution of incidents that occur on school property of the Intermediate Unit, at any school-sponsored activity under the jurisdiction of the Intermediate Unit or on any conveyance providing transportation to or from a school or school-sponsored activity under the jurisdiction of the Intermediate Unit. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

The Board directs the Executive Director to execute and update, on a biennial basis, a memorandum of understanding with each law enforcement agency that has jurisdiction over school property of the Intermediate Unit in accordance with state law and regulations. [\[1\]](#)[\[2\]](#)[\[6\]](#)

Definition

Incident - an instance involving an act of violence; the possession of a weapon by any person; the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use or sale of alcohol or tobacco products by any person on school property of the Intermediate Unit; or conduct that constitutes an offense listed in the school safety and security provisions of School Code. [\[2\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)

Guidelines

Memorandum of Understanding

In accordance with state law and regulations, the Executive Director shall form an advisory committee composed of relevant Intermediate Unit staff to assist in the development of a memorandum of understanding with law enforcement. The

Executive Director shall execute and update, every two (2) years, a memorandum of understanding with each law enforcement agency that has jurisdiction over school property of the Intermediate Unit. The memorandum of understanding shall be signed by the Executive Director, chief of police of the law enforcement agency with jurisdiction over the school property of the Intermediate Unit and building administrator of each building, and be filed with the PA Department of Education.[\[1\]\[2\]\[6\]](#)

In developing and updating the memorandum of understanding, the Intermediate Unit shall consult and consider the model memorandum of understanding, in accordance with applicable law and regulations.[\[1\]\[2\]\[6\]](#)

The memorandum of understanding shall comply with state law and regulations and set forth:[\[1\]\[2\]\[6\]](#)

1. A procedure for law enforcement agency review of the Intermediate Unit's annual incident report required by law, prior to the Executive Director filing the report with the PA Department of Education.
2. A procedure for the resolution of incident data discrepancies in the report prior to filing the report.
3. Additional matters pertaining to crime prevention agreed to between the Executive Director and the law enforcement agency.

Students With Disabilities

The Intermediate Unit shall provide a copy of its administrative regulations and procedures for behavior support, developed in accordance with the Special Education Plan, to each law enforcement agency that has jurisdiction over school property of the Intermediate Unit. Updated copies shall be provided each time the administrative regulations and procedures for behavior support are revised by the Intermediate Unit.[\[17\]\[18\]\[19\]\[20\]](#)

The Intermediate Unit shall invite representatives of each law enforcement agency that has jurisdiction over school property of the Intermediate Unit to participate in training on the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require intervention, as included in the Intermediate Unit's Special Education Plan and positive behavior support program.[\[17\]\[18\]\[19\]\[20\]\[21\]](#)

Referral to Law Enforcement

The Executive Director or designee shall immediately report required incidents and may report discretionary incidents committed on school property of the Intermediate Unit, at any school-sponsored activity under the jurisdiction of the Intermediate Unit or on a conveyance providing transportation to or from a school or school-sponsored activity under the jurisdiction of the Intermediate Unit, to the law enforcement agency that has jurisdiction over the school property of the Intermediate Unit, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Board policies.[\[1\]](#)[\[2\]](#)[\[7\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[20\]](#)[\[28\]](#)[\[29\]](#)[\[30\]](#)[\[31\]](#)

School Safety and Security Incidents Report

Annually, by July 31, the Executive Director shall report on the designated form, to the PA Department of Education, all new incidents as required by state law.[\[2\]](#)

Prior to submitting the incidents report, the Executive Director and law enforcement agency having jurisdiction over school property of the Intermediate Unit shall do all of the following:[\[2\]](#)

1. No later than thirty (30) days prior to the deadline for submitting the report to the PA Department of Education, the Executive Director shall submit the report to the law enforcement agency that has jurisdiction over the relevant school property of the Intermediate Unit. The law enforcement agency shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects law enforcement incident data.
2. No later than fifteen (15) days prior to the deadline for the Executive Director to submit the report to the PA Department of Education, the law enforcement agency shall notify the Executive Director, in writing, whether the report accurately reflects law enforcement incident data. Where the law enforcement agency determines that the report accurately reflects law enforcement incident data, the chief of police shall sign the report. Where the law enforcement agency determines that the report does not accurately reflect law enforcement incident data, the law enforcement agency shall indicate any discrepancies between the report and law enforcement incident data.
3. Prior to submitting the report to the PA Department of Education, the Executive Director and the law enforcement agency shall attempt to resolve any discrepancy between the report and law enforcement incident data. If a discrepancy remains unresolved, the law enforcement agency shall notify the Executive Director and the PA Department of Education in writing.
4. Where a law enforcement agency fails to take action as required above, the Executive Director shall submit the report to the PA Department of

Education and indicate that the law enforcement agency failed to take the required action.

Legal

1. 24 P.S. 1306.2-B

2. 24 P.S. 1319-B

3. 22 PA Code 10.1

4. Pol. 805

5. Pol. 805.2

6. 22 PA Code 10.11

7. 22 PA Code 10.2

8. 35 P.S. 780-102

9. Pol. 218

10. Pol. 218.1

11. Pol. 218.2

12. Pol. 222

13. Pol. 227

14. Pol. 323

15. Pol. 351

16. Pol. 904

17. 22 PA Code 10.23

18. 22 PA Code 14.104

19. Pol. 113

20. Pol. 113.2

21. 22 PA Code 14.133

22. Pol. 113.4

23. Pol. 216

24. Pol. 333

25. Pol. 806

26. Pol. 819

27. Pol. 824

28. 22 PA Code 10.21

29. 22 PA Code 10.22

30. Pol. 103.1

31. Pol. 113.1

22 PA Code 10.24

75 Pa. C.S.A. 3345.1