

**Memorandum of Understanding  
Between**

**Unified School District #345,  
Shawnee County, Kansas;**

**And**

**Shawnee County Sheriff's Office;**

**And**

**Kansas Children Service League (Juvenile Intake and  
Assessment Center)**

## **I. Purpose of memorandum of understanding**

This Memorandum of Understanding is entered into between the Unified School District # 345, Shawnee County, Kansas (hereinafter referred to as the school system), the Shawnee County Sheriff's Office, (hereinafter referred to as SNSO, Juvenile Intake and Assessment (hereinafter referred to as JIAC), for the purpose of establishing a memorandum of understanding between community agencies (hereinafter referred to as the Parties) involved in the handling of students who are alleged to have committed a low level offense on school premises. The parties understand and agree that this Memorandum is upon the Parties hereto the intent being that each party will use its best efforts to comply with the terms and conditions of this Memorandum. In addition, the Parties agree that certain misdemeanor crimes and School System policies violations defined herein as the Minor Crimes can be handled by SNSO or Campus Police without transporting the student to JIAC instead issuing a Notice to Appear (hereinafter referred to as NTA).

The Parties acknowledge and agree that decision affecting the filing of a complaint against a Student and whether to place restraints on a Student and place a Student in secure detention should not be taken lightly, and that a memorandum of understanding delineating the responsibilities of each party when involved in making a decision to seek arrest, formal processing and the filing of a complaint alleging the student is a delinquent child would promote the best interests of the student and the community. The Parties further acknowledge that avoiding being negatively labeled by peer, teachers and parents.

The Parties acknowledge and agree that this Memorandum is a cooperative effort among the public agencies named herein to establish guidelines for handling of certain school related low level offenses against public order which are defined herein as the Minor Crimes. The Parties further acknowledge and agree that the guidelines contained herein are intended to establish uniformity in the handling of a Student who has committed one of the Minor Crimes as defined herein while simultaneously ensuring that each case is addressed on a case by case basis to promote a response proportional to the various and differing factors affecting each Student's case. The Parties acknowledge and agree that the manner in which each case or incident is handled by SNSO, Campus Police, school Principal or designee and / or JIAC is dependent upon the many factors unique to each Students that include, but

are not limited to, the Student's background, present circumstances, criminal record, general demeanor and disposition toward others, mental health status, the Student's IEP, Crisis Plan, Individual Behavior Plan and other factors. Therefore, the Parties acknowledge that Students involved in the same incident or similar may receive different and varying responses depending on the many factors unique to the student.

The Parties acknowledge that a cooperative will be made by the Parties to coordinate intake services to insure that children who do not meet criteria for placement in secure detention or present a high risk to re-offend are not detained and instead are appropriately placed with parent(s), guardian(s) or other appropriate lawful setting. The Parties further acknowledge and agree that the NTA provides parent / guardian and the student a cooling off period before scheduling an appointment with JIAC, allowing the assessment process to take place in a more positive way.

The Parties acknowledge and agree that using a NTA will allow School Resource Officers or Campus Police to remain on school campuses maintaining their presence and role in providing security for all students instead of transporting students to JIAC for low-level offenses.

## **II. Definitions**

- A. "Student(s)" means a child officially enrolled in a USD 345 School.
  
- B. "Child in Need of Care (CINC)" A Kansas Child in Need of Care case is initiated when the state or a private individual files a petition with the courts alleging a child to be a child in need of care. The most frequent grounds alleged in a Kansas Child in Need of Care petition are:
  - 1. The child is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian (Kansas Statute 38-1502a1);

2. The child is without the care or control necessary for the child physical, mental or emotional health (Kansas Statute 38-1502a2);
  3. The child has been physically, mentally or emotionally abused or neglected or sexually abused (Kansas Statute 38-1502 a3).
- C. “Notice to Appear” (NTA) is the alternative to arrest and transport by the Police to Juvenile Intake and Assessment Center (JIAC) for crimes committed by a student at school on school property.
- D. “Police Officer discretion” Exercise of discretion refers to situations when police officers choose among legal options available to them to identify certain priorities in an enforcement framework such as whether to arrest or cite. Officers exercise discretion within the limits of their authority by relying on their experience, the purpose of law enforcement, the totality of the facts under investigation, and safety concerns.
- E. “School Resource Officers (SRO)” are specially trained Shawnee County Sheriff’s Deputies. The focus is on better serving the community through oriented policing. A SRO fills many different roles within his or her school.
- The SRO is a vital member of the school’s administrative team, helping to solve problems within the school community.
  - The SRO is an educational resource for students, teachers, administrators and parents.
  - The SRO provides students with a positive role model and a balanced view of law enforcement.
  - The SRO is a proactive law enforcement officer dealing with law related issues on campus.

This is adopted off the triad approach where the SRO responsibilities divide into three areas: Teacher, Counselor and Law Enforcer.

- F. "Minor Crimes" are misdemeanor type low level offenses against order including but not limited to a fight between two or more people, disrupting public school, disorderly conduct, possession of marijuana or alcohol, open container, minor vandalism/ destruction of property and petit theft.
- G. "Individual Education Plan (IEP)" is a written document listing, among other things, the special education services that the student will receive. A team that includes the student's parents and school staff develops the IEP. When a student receives education services under the Individuals with Education Act (IDEA), he or she must have an IEP.
- H. "Behavior Intervention Plan (BIP)" is a plan made by the IEP team whereby they take the observations made in a functional Behavioral Assessment and turn them into a concrete plan of action for managing a student's behavior of concern in the school setting. The BIP is added to the IEP.
- I. "Crisis Plan" is a plan referred to in the BIP created by the IEP team, which explains the steps to follow and who to contact when a student escalates to a crisis level and / or appears to be in danger of harming self or others.
- J. "Responsible Party" may be the parent or someone other identified by the parent or someone identified on the Pupil Information Form (PIF).

### **III. Terms of Memorandum of Understanding**

#### **A. Issuance of the Agreement to Appear when a student commits a Minor Crime.**

Misdemeanor type low level offenses against order include, but not limited to a fight between two people, disrupting public school, disorderly conduct, possession of marijuana

or alcohol, open container, minor vandalism / destruction of property, and petit theft shall not result in handcuffing the student and transporting the student to JIAC unless a great public safety concern exists. The Parties agree that the SRO or Campus Police should determine the response to the commission of a minor crime by a student after reviewing the many unique factors to each student. The Parties agree that each incident will be addressed on a case-by-case basis to promote a uniform response proportional to the many unique factors of the student.

- **Decision Point 1.** Any student arrested for a felony and / or who is on court supervision and those juveniles who are likely to flee or pose a risk to the community or themselves, shall be taken directly to JIAC. Ultimately the decision is made by the Police Officer and his / her supervisor. Any student can be taken directly to JIAC for any offense if deemed appropriate by the Police Officer.

Absent unusual circumstances, when a student is determined to be a Child in Need of Care (CINC) or placed into Police Protective Custody the child shall be transported to JIAC.

- **Decision Point 2.** The student issued a NTA and his /her parents must agree to make an appointment with JIAC within 48 hours of issuance as stated on the NTA. The student may then be released to the responsible party rather than be taken to JIAC.

The Juvenile and Assessment process is designed to help the student and parent / guardian access and receive needed services in the community as identified by the assessment.

## **IV. Duration and Modification of the Memorandum of Understanding**

The memorandum shall become effective immediately upon its execution by all parties hereto and shall remain in full force and effect until such time as terminated effective the day written termination is provided to all parties. This Memorandum may be modified at any time by written amendment to the Memorandum executed by all parties hereto.

All parties will meet annually in June to review and discuss changes, unless the parties determine such meeting is not necessary.

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Unified School District No. 345

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Shawnee County Sheriff's Office

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Kansas Children Service League / Juvenile Intake & Assessment

