186:11 Duties of State Board of Education. –
The state board of education shall, in addition to the duties assigned by RSA 21-N:11:

X. Adopt rules, pursuant to RSA 541-A, relative to:

XXXVII. School Resource Officers. Require each school district in the state to which a school resource officer is assigned to develop and implement a policy which shall include, at a minimum, a requirement for a signed memorandum of understanding between the school district and the law enforcement agency from which the school resource officer is deployed.

TITLE XV EDUCATION
CHAPTER 193-D
SAFE SCHOOL ZONES

193-D:1 Definitions. –
In this chapter:
I. "Act of theft, destruction, or violence" means an act set forth in the following statutes regardless of the age of the perpetrator:
(a) Any of the offenses enumerated in RSA 189:13-a, V.
(b)(1) Any first or second degree assault under RSA 631.
(2) Any simple assault under RSA 631:2-a.
(c) Criminal mischief under RSA 634:2.
(d) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159.
(e) Arson under RSA 634:1.
(f) Burglary under RSA 635.
(g) Robbery under RSA 636.
(h) Theft under RSA 637.
(i) Illegal sale or possession of a controlled drug under RSA 318-B.
II. "Safe school zone" means an area inclusive of any school property or school buses.
III. "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.
IV. "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, or school administrative unit.
V. "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.
VI. "School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities.


193-D:2 State Board Rulemaking Authority; Public School District Policies. –
I. The state board of education shall adopt rules relative to safe school zones, under RSA 541-A, for public school pupils and public school employees regarding:
(a) Disciplinary proceedings, including procedures assuring due process.
(b)(1) Standards and procedures for suspension and expulsion of pupils, including procedures assuring due process.
(2) Standards and procedures which shall require expulsion of a pupil for knowingly possessing a firearm in a safe school zone without written authorization from the superintendent or designee.
(c) Procedures pertaining to discipline of pupils with special needs, including procedures assuring due process.
(d) Procedures for reporting acts of theft, destruction, or violence under RSA 193-D:4.
II. Nothing in this chapter shall prohibit local school boards from adopting and implementing policies relative to pupil conduct and disciplinary procedures.

193-D:3 Criminal Penalties. – Any person convicted of an act of theft, destruction, or violence as defined in RSA 193-D:1 committed in a safe school zone at any time of year may be subject to an extended term of imprisonment as provided in RSA 651:6.

193-D:4 Written Report Required. –
I. (a) Any public or private 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. If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.
(b) The provisions of subparagraph (a) shall not apply to any simple assault involving pupils in kindergarten through grade 12 if the local school board has adopted a discipline policy which sets forth circumstances under which parents shall be notified of simple assaults.
(c) Each school district, in conjunction with the local law enforcement authority, shall establish a memorandum of understanding for administering the provisions of RSA 193-D:4, I(a)-(c).
II. The report required under paragraph I shall include:
(a) 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.
(b) The name and home address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.
(c) Identification of the act of theft, destruction, or violence as defined in RSA 193-D:1 that was allegedly committed.

193-D:5 Waiver of Written Report Requirement. – The written report required under RSA 193-D:4 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.
193-D:6 Penalties for Failure to Report. – Any person who knowingly fails to comply with the reporting requirements under RSA 193-D:4 for acts of theft, destruction, or violence, unless such report is waived under RSA 193-D:5, shall be guilty of a violation.


193-D:7 Confidentiality. – 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.


193-D:8 Transfer Records; Notice. – All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of the parent, pupil, or former pupil, furnish a complete school record for the pupil transferring into a new school system. Such record shall include, but not be limited to, records relating to any incidents involving suspension or expulsion, or delinquent or criminal acts, or any incident reports in which the pupil was charged with any act of theft, destruction, or violence in a safe school zone.


193-D:9 Liability for Reporting. – Any public or private school employee or employee of a company under contract to a school or school district who in good faith has made a report under RSA 193-D shall not be subject to liability for making the report.


Concord School District Policy #520

Safe Schools

The Board recognizes that effective learning and teaching takes place in a safe, secure and welcoming environment and that safe schools contribute to improved attendance, increased student achievement and community support. To that end, the Board directs the Superintendent to develop a safe schools plan that includes:

1. Procedures that address the supervision and security of school buildings and grounds.
2. Procedures that address the safety and supervision of students during school hours and school-sponsored activities.
3. Procedures that address persons visiting school buildings and attending school-sponsored activities.
4. Training programs for staff and students in crisis prevention and management.
5. Training programs for staff and students in emergency response procedures that include practice drills.
6. Training programs for staff and students in how to recognize and respond to behavior or other information that may indicate impending violence or other safety problems.
7. Training and support for students that aims to relieve the fear, embarrassment and peer pressure associated with reporting behavior that may indicate impending violence or other safety problems.
8. Procedures for safe, confidential reporting of security and safety concerns at each school building.
9. Procedures for regular assessments by school security/safety professionals and law enforcement officers to evaluate the security needs of each school building and to provide recommendations for improvements if necessary.
10. Procedures for regular assessments by school climate professionals to determine whether students feel safe and to provide recommendations for improvements in school climate at each District building.
11. Procedures to provide for regular communications between District officials, law enforcement officers, fire department officials, city and county officials and local medical personnel to discuss crisis prevention and management strategies, including involvement by these parties in the development and revision of crisis prevention and management plans.
12. Training programs for staff and students in safety precautions and procedures related to fire prevention, natural disaster response, accident prevention, public health, traffic, bicycle and pedestrian safety, environmental hazards, civil defense, classroom and occupational safety and special hazards associated with athletics and other extracurricular activities.
13. Procedures for the reporting of criminal activity to law enforcement. Each building Principal shall be responsible for the supervision and implementation of the safe school program at his or her school. The Principal shall submit annually, in the manner and by the date specified by the State Board of Education, a written report concerning the learning environment in the school during that school year. The report shall contain, at a minimum, the information required by law.

Legal References
RSA 193-D, Safe School Zones
RSA 193-F, Pupil Safety and Violence Prevention
NH Code of Admin. Rule. Section Ed. 306.04(a)(2), Promoting School Safety

Adopted February 3, 1997. Revised July 6, 1999; August 5, 2002; February 4, 2019
Corresponds to NHSBA Policies ADD/EBB. See also EB, JICK
Concord School District Policy #875
Relations with Police Authorities

It is the policy of the District to cooperate with law enforcement agencies to the extent necessary to protect the health, safety and welfare of students, staff and visitors to the school.

The District may utilize a school resource officer and may collaborate with local law enforcement agencies to engage the use of a school resource officer.

The Superintendent is authorized to develop and implement an annual memorandum of understanding with local law enforcement relative to cooperation with local law enforcement and, if applicable, the use of a school resource officer.

Legal References:
RSA 186:11, XXXVII, School Resource Officers
RSA 193-D:4, Written Report Required, Memorandum of Understanding

Adopted January 3, 2017
Corresponds to NHSBA policy KLG; see also Appendix JICD-R, pages 1-4
Memorandum of Understanding
RSA 193-D Safe School Zones

Superintendent Terri Forsten, as Chief Operating Officer of the Concord School District in Concord, New Hampshire and Chief Bradley C. Osgood, of the Concord, New Hampshire Police Department sign this Memorandum of Understanding as to administering of the provisions of RSA 193-D, Safe School Zones.

The attached Response Plan for each school location covers in detail the requirements of the Principal and the responding law enforcement officers in the required reporting of certain acts of theft, destruction, or violence as outlined in RSA 193-D Safe School Zones. The attached Response Plan(s) has been approved by the School Board of the Concord School District.

Response Plans are attached for the following schools which are covered under this Memorandum of Understanding:

<table>
<thead>
<tr>
<th>School</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbott-Downing School</td>
<td>152 South St, Concord, NH 03301</td>
</tr>
<tr>
<td>Beaver Meadow School</td>
<td>40 Sewells Falls Rd, Concord, NH 03301</td>
</tr>
<tr>
<td>Broken Ground School</td>
<td>51 Curtisville Rd, Concord, NH 03301</td>
</tr>
<tr>
<td>Christa McAuliffe School</td>
<td>17 North Spring St, Concord, NH 03301</td>
</tr>
<tr>
<td>Concord High School</td>
<td>170 Warren St, Concord, NH 03301</td>
</tr>
<tr>
<td>Mill Brook School</td>
<td>53 South Curtisville Rd, Concord, NH 03301</td>
</tr>
<tr>
<td>Rundlett Middle School</td>
<td>144 South St, Concord, NH 03301</td>
</tr>
</tbody>
</table>

This Memorandum of Understanding and associated Response Plan(s) will be reviewed each year prior to the opening of school.

Date: August 25, 2016

Date: 9/11/16

Enclosures
RSA 193-D
School Response Plan(s)
RESPONSE PLAN FOR REPORTING INCIDENTS
REQUIRED BY
RSA 193-D SAFE SCHOOL ZONES

The following is a response plan for the Concord High School of the Concord School District and the Concord, New Hampshire Police Department. These guidelines are established to meet RSA 193-D Safe School Zones reporting requirements of certain incidents to local law enforcement as agreed upon by the Memorandum of Understanding signed by Superintendent Terri Forsten of the Concord School District and Chief of Police Bradley C. Osgood of the Concord, New Hampshire Police Department on August 27, 2016. This Response Plan is a part of that Memorandum of Understanding.

RSA 193-D Safe School Zones, subsection 1, Definitions, states:

Act of theft, destruction, or violence means an act set forth in the following statues regardless of the age of the perpetrator:
[a] Homicide under RSA 630
[b] (1) Any first or second degree assault under RSA 631
   (2) Any simple assault under RSA 631:2-a
   (3) Any criminal threatening under 631:4
[c] Any aggravated felonious sexual assault or felonious sexual assault under RSA 632-A
[d] Criminal Mischief under RSA 634:2
[e] Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159
[f] Arson under RSA 634:1
[g] Burglary under RSA 635
[h] Robbery under RSA 636
[i] Theft under RSA 637
[j] Illegal sale or possession of a controlled drug under RSA 318-B.
[k] Criminal threatening under RSA 631:4

RSA 193-D Safe School Zones requires any employee who witnesses a violation of any of the below incidents must immediately report this to a supervisor who will then report to the school's Principal who must immediately contact law enforcement. A written report by the principal must be submitted to law enforcement in twenty-four hours. This report requirement is waived if law enforcement responds and fills out a police report. All school reports should follow Ed 317 format.

Required Reporting Incidents of Act of Theft, Destruction, or Violence.
These are the incidents that require a written report by the school principal and notification of local law enforcement. The following guidelines cover each section and can be expanded or reduced to meet the individual school needs.

**Homicide, RSA 630**

Any death on school property must be reported to local law enforcement as well as any incidents that may lead to a death.

**First and Second Degree Assault RSA 631**

Any assault with serious injury must be reported to local law enforcement. Any injury to a child under thirteen is second degree assault.

**Simple Assault RSA 631:2-a**

Simple Assault is an area where there can be reporting to law enforcement or school disciplinary action. This should be handled on a case by case basis. In all cases of assault the parents of the students must be notified.

**Criminal Threatening RSA 631:4**

Criminal Threatening is a complex law that needs to be reported to law enforcement and handled on a case by case basis. In all cases of criminal threatening the parents of the students must be notified.

**Aggravated Felonious Sexual Assault and Felonious Sexual Assault RSA 632-A**

Any sexual assault must be reported to law enforcement. Due to the complex nature of the law and specialized interview techniques law enforcement should be brought in at the first report. DCYF reporting is also required. Sexual Harassment investigations can become a sexual assault with one statement. Coordination between the school and law enforcement is needed.

**Criminal Mischief RSA 634:2**

All criminal mischief must be reported to law enforcement.

**Possession of a Firearm or Dangerous Weapon RSA 159 & Gun Free School Zone RSA 193-B**

Firearms or dangerous weapons are not allowed on school property except for law enforcement. Any violations must be reported to law enforcement.

**Arson RSA 634:1**

All incidents of arson or false alarms must be reported to law enforcement.
Burglary RSA 635

All incidents of burglary must be reported to law enforcement.

Robbery RSA 636

All incidents of robbery must be reported to law enforcement.

Theft RSA 637

All incidents of theft where the value of the stolen item is over $50.00 dollars must be reported to law enforcement.

Possession or Sale of a Controlled Drug RSA 318-B

Any incidents of possession or sale of a controlled drug must be reported to law enforcement. The complexity of the law needs the immediate response of law enforcement. If any student is under the influence of drugs or alcohol medical attention should be sought immediately.

Initial telephonic reports will be submitted to the Concord Police Department at (603) 225-8600.

Complete written reports including date and time of incident, name(s) of individual(s) involved, names and addresses of witnesses, and actions taken by school authorities shall be submitted to:

Sergeant, Youth Services Unit
Concord Police Department
Concord, New Hampshire 03301

Any evidence or contraband should be secured in a locked container or room until turned over to law enforcement authorities.

(The above guidelines can be expanded to include any and all incidents that the school and local law enforcement want to be reported. School Resource Officers are usually covered under a School Resource Officer Contract. This is a response plan that helps both agencies understand what the roles and responsibilities of school employees and the school principal and well as the responding law enforcement officers in reference to the reporting requirements of RSA 193-D Safe School Zones and Ed 317).

Attachments:
RSA 193-D, RSA 630, RSA 631, RSA 632-A, RSA 634, RSA 159, RSA 193-B, RSA 635, RSA 636, RSA 637, RSA 318-B
MEMORANDUM OF UNDERSTANDING
for administering the Provisions of RSA 193-D Safe School Zones

1. General Principles
The School Board and the Police Department agree to work in a cooperative effort to provide a safe and healthy school environment for students, staffs and visitors. In furtherance of that effort, this Memorandum of Understanding is intended to comply with the provisions of RSA 193-D Safe School Zones. The Board and the Police Department further agree to respond effectively to incidents of school delinquency or criminal behavior in school, on school grounds, and at school sponsored events.

This memorandum deals with the law enforcement response to any incident involving the possession, use, sale or distribution of alcohol and other drugs in a school setting or during any school sponsored activity. This memorandum also addresses the efforts by the school and police to respond to incidents of violence; weapons possession; or acts of theft, violence or destruction, on school property and at school functions, under the provisions of and in concert with the implementation of the Safe Schools Act, RSA 193-D. This Memorandum applies to reportable behavior of adults, as well as, children.

The School Board and the Police Department agree to coordinate these efforts with the local prosecuting Attorney’s Office and the New Hampshire Department of Education.

The School Board recognizes that in cases of an emergency situation or imminent danger to students, staff or the community, the Police Department and the School District may act without regard to the Memorandum of Understanding. Nothing contained in this Memorandum is intended to limit the events that may be reported to the Police Department or limit school employees from requesting police assistance on matters not referred to in this Memorandum.

In the event either the School Board or the Police Department desires to amend this Memorandum, the agency seeking changes will arrange for meeting with the other.

2. Definitions
The following terms, as defined in RSA 193:D-1 apply to this Memorandum:

- "Safe School Zone" means an area inclusive to 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.
- "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 perforating continuing contract services for any public or private school, school districts school department or school administrative unit.
- "School property" means all real property, physical plan 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.

3. School/Police Liaisons

In order to facilitate prompt and clear communication of incidents School Board and the Police Department will designate individuals to serve as primary contact liaisons. The Superintendent of Schools shall designate the Principal at each school as that school's Reporting Official. He/she shall be responsible for handling all reportable incidents of: (1) drug/alcohol use, possession, sale and/or distribution; (2) assault or violence; (3) possession of weapons; and/or (4) theft or destruction of property. The School District liaison will communicate information on such incidents to the Police Department.

The Chief of Police shall designate a police officer(s) who shall be responsible for handling all reportable incidents brought to the attention of the Police Department by the school's Reporting Officials. In addition to communication between the Reporting Official and the Police Officer on the specific incidents mentioned above, it is recommended that Official and Officer meet regularly to discuss the scope of these problems, and to identify strategies aimed at reducing them.

4. Reportable Acts

A. School Reports to Police Department

1. Mandatory: Notwithstanding the provisions of RSA 193-D, the Safe School Zone Act, the following incidents must be reported to the Police Department by the designated school employee:

   a. Possession of alcohol by a minor or if it appears that a student is under the influence of alcohol or drugs on school property, or at school functions;

   b. Possession, selling or distribution of any controlled substance (including drug paraphernalia) as defined in NH RSA 318-B, by an individual on school property, or at school functions;

   c. Any incident in which any individual who is responsible for, suspected of, or determined to be selling or distributing drugs or alcohol on school property, or at school functions;

   d. Unlawful possession, sale, or use of firearms or other dangerous or prohibited weapons, fireworks and explosives, as defined in NH RSA's 208, 644 and 159, on school property, or at school functions;

   e. Arson under RSA 634:1 any person who knowingly starts any fire or causes any explosion which results in injury, damage to property of another, or is done with intentional disregard for the safety of others;

   f. Burglary under RSA 635: any person who enters a building to separately secured section of a building, with a purpose to commit a crime;

   g. Robbery under RSA 636: including any theft that is accomplished by the physical
force or the threat of imminent use of force;

h. Thefts of property where the value is more than $50.00, repeated occurrences of theft by one student, (thefts by students who are in the third grade or lower are generally not reported to the Police);

i. Homicides under RSA 630: any death shall immediately be reported to the Police Department, regardless of suspected cause;

j. Any first or second degree assault under RSA 631, whereby an injury occurs to a person, requiring medical treatment beyond basic first aid or requiring outside medical follow up, caused by another person. Investigation may reveal that not all if these incidents constitute an actual crime. Reporting will allow an investigation to be conducted;

k. Any sexual assault under RSA 632-A will be reported;

l. Criminal Mischief under RSA 634:2, purposely or recklessly damaging the property of another, resulting in a value of $50 or more of damage. This includes vandalism to school property;

m. Threatening behavior under RSA 631:4 which purposely places or attempts to place another in fear of imminent bodily injury or physical contact.

2. Discretionary Reporting Events are up to the Discretion of the Building Principal.

a. Refusal or neglect to conform to reasonable rules of the school or to clear non-injurious directions given by staff member.

b. Simple assault incidents (which don't meet the criteria as stated inj. above), depending upon the nature of the incident, as determined by the school administration.

c. Theft, under RSA 637, of property under $49.

d. Criminal Mischief under RSA 634:2, purposely or recklessly damaging the property of another, resulting in a value of $49 or less of damage. This includes vandalism to school property.

B. Police Department Reports to School

1. The following information shall be reported by the Police Department to the School Principal:

   a. An arrest made by the Police Department of a student, when such information is relevant to the safety of that student, or of other students in the school, where the law allows.

2. The following information may be shared with school Administration by the Police Department, subject to applicable statutes and regulations governing confidentiality:

   a. The arrest and filing of a delinquency complaint against any student under the age of 17 years.
b. Other non-criminal activity that the Police Department deems pertinent to the student's well-being, including but not limited to threatening to attempt suicide; victimization of the student by a parent, caretaker or other individual).

5. Procedures for Reporting

A. It is agreed that every school employee who has witnessed, or has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school Principal. The Principal shall then contact the Police Department by telephone and report the incident. The Principal shall also provide the Police Department with a written report within 48 hours of the incident.

B. The report required shall include:
   1. Identification of the act of theft, destruction, or violence that was alleged.
   2. The name and address of witnesses to the alleged act.
   3. The name and home address of any person suspected of committing the act.

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

D. School Response
   1. A teacher or other school employee who has reasonable grounds to believe that a student has committed a reportable act shall:
      a. Confront the student with the nature of the offense;
      b. Take the student to the Principal's office;
      c. Retrieve and turn over any physical evidence to the Principal.
   2. For Mandatory Reportable acts, the Principal shall:
      a. Notify the police and student's parent/guardian, and inform them of the nature of the incident;
      b. Turn over any physical evidence seized and a written fact summary to the Police Department;
      c. Initiate disciplinary action in accordance with Board policies.
   3. For Discretionary Reportable Acts, the Principal shall:
      a. Determine if the police and parent/guardian should be notified and, if so, make the calls as soon as reasonably possible. Any incident reported to the Police shall also be reported to the student's parent/guardian;
      b. Initiate disciplinary action in accordance with Board policies.

E. Police Response
   (1) The Police Officer will make contact with the school as soon as possible after
receiving a report from the Principal to investigate the incident, or take any other appropriate action.

(2) During the investigation, the Police Officer may meet with the Principal, the student, the student's parent/guardian and appropriate persons with knowledge of pertinent facts, if required.

(3) If at the conclusion of the investigation, the student is found to have committed the alleged offense, the Police Officer may initiate the formal complaint process.

(4) When the Police Officer is called to the school in response to offenses involving the sale and/or distribution of drugs or alcohol, violent behavior, or the possession of a weapon, and when probable cause exists for arrest, the Officer shall take the appropriate action to initiate the formal complaint process.

(5) To the extent possible, precautions will be taken by both Police and school officials at all times to ensure the education process is not disrupted.