



MACHINE TRANSCRIPT • CORAGGIO CONSULTING

Loudoun County School Board, Select Committee of the School Board Regarding (MOU) with LCPS, LCSO and LPD, Thursday, October 22, 2026

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Place	Loudoun County Public Schools / School Board meeting (see BoardDocs / LCPS-TV)
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- Official meeting video (Vimeo / LCPS-TV): <https://player.vimeo.com/video/1238510675?rel=0>
- BoardDocs (School Board): <https://go.boarddocs.com/vsba/loudoun/Board.nsf/Public>

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[00:00:09] good afternoon everyone i call to order this october 22nd 2026 select committee meeting of the school board regarding the mou between lcps lcso and lpt to order we will start today with public comment given that this is a committee meeting and not a full board meeting public comment is limited to 10 minutes please understand that we absolutely have a tight schedule today with a hard stop at six so that we can rearrange the room for our next hearing as we have another meeting tonight at 6 30. the procedures for public comment thank you for engaging with the school

[00:00:47] board through the public comment process the school board welcomes comments from loudon county residents and believes that strong community engagement and outreach are important components of a successful school system speakers must limit comments to the time allotted based on the number of speakers and the agenda this evening all speakers have been allotted two minutes each for public comment please be advised the speakers who miss their time slot will not be called at a later time decorum and civility all audience members shall maintain civility decorum and respect for the functioning and dignity of the school board at all times please remain seated

[00:01:26] unless arriving departing and speak or speaking at the podium or during a break violations of civility decorum and respect include shouting heckling jeering applause or other noise which disrupts or

delays the meeting obstructing speakers from being able to see the school board and vice versa interrupting speakers attempting to speak when not called to do so by the chair and approaching a speaker otherwise attempting to intimidate disparage or distract a speaker staff member or other meeting attendees speakers should refrain from vulgarity obscenities

[00:01:59] defamation profanity and other like breaches of respect nor may speakers target criticize attack individual students or individual division employees during public comment the school board requests that comments on an individual student or employee related matter not be shared at public meetings where the disclosure could violate applicable confidentiality requirements speakers should communicate those concerns to their school principal or an appropriate school official speakers should face the dais and direct their comments to the school board per school

[00:02:35] board policy 2520 members of the school board will not answer questions or respond directly to the public during the public comment period to the extent necessary i will also warn of breaches of decorum civility and respect from attendees prior to taking other actions to preserve the orderly conduct of the meeting violations of decorum or civility by any meeting attendees may result in the chair directing staff to remove the attendee from the remainder of the meeting repeated or persistent violations of decorum or civility by the audience may result in on the decision of the chair public comment being tabled until a later point in the meeting agenda limiting the public

[00:03:13] attendees in the meeting room during public comments for safety reasons or the public comment period ending for the evening copies of materials for board members should be given to the public information officer in the media box at the board at the back of the board room before the start of the meeting please provide 12 copies of the materials under no circumstances may a speaker approach the dais. Let's see. We look forward to hearing your comments, and we will now start with

[00:03:42] our first speaker, Donna Wadowski. Good afternoon. I am a mother, a grandmother. All of us call Loudoun County home. I am a former member of the U.S. Secret Service. My husband and I have a combined 60 years of law enforcement experience. I am also the former director of security

[00:04:16] for congressional schools of Virginia during the time of the snipers and 9-11. When is the school board going to bring to closure the MOU stated in 2024 on the SROs? When will you talk about the proposal to place an SRO in the elementary schools. You keep delaying and delaying. Meanwhile, you are placing unnecessary risks to the children employees of the school system.

[00:04:55] Chairman Chandler and Superintendent Spence, I have said previously you will have blood on your hands because you have ample time to place an SRO in all levels of the school if there happens to be an incident, a catastrophic incident like the one in Oregon. Thank you. Thank you. Our next speaker is Delegate Gary Higgins. Thank you, Madam Chair, members of the board. My name is Gary

[00:05:34] Higgins. I have three daughters that came through the Loudoun County public school system and I currently have four grandsons that are in it. I want to speak today in support of SROs in every elementary school and in updating the memorandum, including elementary schools, in every school, including elementary schools. I've also spoken to this issue in the past. This is not, it should not be a partisan issue. This is a public safety and a school safety issue. This was first proposed by Chair Phyllis Randall when I was on the school board, I'm sorry, on the board of supervisors, after being on the school board in 2019.

[00:06:13] So here six years later, we haven't done anything with this, and I hope that that's going to change, particularly in light of recent events in other places around the country and other school systems and particularly in other elementary schools. I cannot understand how anyone who is involved in education and professors to support student safety can be against this memorandum or improvements to the memorandum.

[00:06:40] I hope that you will support the memorandum and will support SROs in every school in Loudoun County. Certainly, we have the money to fund it, and I will hope that you will do just that. Thank you for listening. Thank you.

[00:06:56] Next up, we have school board member Amy Riccardi. Thank you, Madam Chair. I'm actually here in my personal capacity as a business owner and a citizen of Sterling District.

[00:07:13] I'm particularly concerned about the safety and security of our schools, and particularly in my district, where we've had some major incidents over the last several years. And I am 100% in support of us having SROs in every one of our schools, and I am absolutely for us not limiting the number and confining the number of those SROs across the entire division.

[00:07:39] Some of our schools need more SRO support than others, and I believe as a school board, we need to be listening to the professionals in this industry, from the sheriff's department, from our head of security, getting their advice and guidance, not listening to politicians or political views on this, but really what is in the best interest of the safety and security of our students across this division.

[00:08:04] I'm extremely concerned about the makeup and design of this committee in particular, because we have members of this committee who have no interest in supporting law enforcement and it's really concerning to me that this has been the makeup of this committee. I would hope that we're going to listen to our safety and security professionals in Loudoun because we are truly blessed with an amazing sheriff's department who does an amazing job and has been well recognized for the incredible work and service that they've had for this committee. I'm very disappointed that I'm having to speak on my personal capacity here and that we are not being given the opportunity as board members to be able to speak

[00:08:44] and participate on this committee. But I defer to the choices that you've made as far as leading this group, but I really am excited about the opportunities and I really hope that we don't just do the same old, same old because it's politically convenient for some individuals.

[00:08:59] I want us to do the right thing by our students and ensure that we continue to have a very safe environment for our students. Thank you. Thank you. Ryan Hoover. Good afternoon. My name is Ryan Hoover, and I am an Ashburn resident and father of two LCPS students, one at Eagle Ridge Middle School and one at Waxpool Elementary.

[00:09:24] For several years, I've worked with school board members and LCPS leadership on school safety concerns, particularly at Waxpool Elementary. I appreciate their willingness to engage on these important issues. As you review the school resource officer agreement today, I want to emphasize one principle.

[00:09:42] Every LCPS school deserves a coordinated and effective safety response, regardless of whether an SRO is assigned to the building. School resource officers play an important role. They bring law enforcement expertise, build relationships with our schools, and provide direct connection to public safety agencies.

[00:10:02] I recognize that the existing agreement addresses information sharing, emergency coordination, and protective decisions, but having procedures in place and knowing they'll work in an emergency are two different things. I ask the committee to consider whether those procedures are consistently understood and tested across all schools, particularly when a threat could affect multiple campuses like what we saw earlier this week. I also encourage you to examine how critical incidents are reviewed and how lessons learned lead to improvements across the division. We should

[00:10:39] use every appropriate authority, resource, and option available to protect our schools. Organizational boundaries should never prevent timely or coordinated action. Loudoun County has tremendous resources, expertise, and capabilities, and we should aspire to lead the country in school safety, not simply meet minimum requirements. And that leadership should be reflected in how our schools and law enforcement agencies work together. The standard simply should not be that everyone followed their assigned responsibilities. It should be that the system together to pursue.

[00:11:18] Thank you. Our next speaker is Margaret Van Arsdale. Thank you so much for your time. I'm a Loudoun County parent of two LCPS students as well, a Moms Demand volunteer and a former board member for Virginians for Change. I sent a letter in support of SROs in all our elementary schools, joined by 20 other parents earlier this week. That number is growing by the day. For years, I've asked this board for stronger school security. Last Thursday's tragedy at Silver Rail Elementary

[00:11:55] is a heartbreaking reminder that more is needed to keep our kids safe. Silver Rail did everything we do, secure entries, locks, cameras, and recent drills. They also had an SRO program in their elementary schools, but it was spread thin. And that day, the single SRO who covers seven schools was at a neighboring school when the shooting took place. Last January, Sheriff Chapman proposed a plan to add SROs to LCPS elementary schools, which for what it's worth has been in the public domain since 2019. In that time, there have been hundreds of school shootings, including here in Virginia.

[00:12:28] In March, both the Loudoun Board of Supervisors and County School Board voted against the proposal because they said the current MOU governing how SROs operate and LCPS operate needed to be updated first. In May, the school board established this committee to conduct a transparent and collaborative process and update the MOU. It's now almost November. This is the first marking period the school ends next week, and there still is no MOU approved. This isn't political. In America, in 2026, gun reform and school safety must coexist. Governor Spanberger signed vital gun bills in June, we must protect our classrooms today. Various public surveys in

[00:13:05] Loudoun find that more than 60% of those asked believe our schools should have the SROs. That number rises up to almost 70% among various surveys. So today I stand here asking three things. Add elementary schools to the current SRO memorandum of understanding immediately. Approve an SEO for each school to eliminate the exact stretch thin SRO model that failed at silver

[00:13:28] rail and cost people's lives. Thank you. Our next speaker is Meredith Ray. Hi, good afternoon. I am the mother of two LCPS students and also the wife of a law enforcement agent, and I would like to say that, first of all, SROs have not stopped several elementary school shootings, and there's not a lot

[00:14:06] of evidence to say that they will or that they do. There were nearly 400 officers at Uvalde, and that clearly still ended in the tragedy that happened. Regarding the MOU, in the newest version I was able to review that was in the agenda, the statements on community policing and on children being less mature are still struck and both should be restored. The training list no longer

[00:14:41] names crisis intervention and given the incidents locally with the sheriff's deputies and ICE, crisis intervention, cultural competence, and implicit bias training should all be explicitly required. The language on law enforcement access to student records still has no FERPA limitation listed. The MOU also still states that it creates no obligations to students or parents, which means families could not enforce its protections, and I would like to understand why. It looks as though

[00:15:14] the parent notification has been weakened, and the citation is correct now. It was incorrect before, but the statute covers arrests and not witnesses or victims. The appendix now says parents need not to be notified for some questioning and removes the school's role in notifying parents. And the body camera language still lacks limits on interviews of minors. Finally, the reasonable suspicion standard for searches and the photographing of seized items were removed.

[00:15:47] Thank you. Our last speaker this afternoon is Judah Armstrong. I can tell you're bored with these statistics and the papers and the studies that were emailing you. I can tell that you've seen it all. So one of the things that I want to offer is a little bit of insight that I have.

[00:16:16] My freshman year of high school, the shooting at Columbine High School happened. And even though I come from a community that's absolutely wracked by gun violence, that was, we were really taken aback by that. That was absolutely surreal for us. So having known what gun violence does to somebody and then having to hear that that's happening to your peers across the country was mind-blowing. And the next school year, we come back and there's training, of course. There's

[00:16:48] drills. And with the training and those drills, I come to find out that my father and my uncles and my aunts and other officers are also getting training for first responding to these high school shootings. Over time, that training has been improved upon. We've poured absolutely massive amounts of money and resources into that training. And out of that training has come life-saving instances where kids tell me or tell other people, they tell everybody that they

[00:17:23] survived by playing dead. They were told to play dead. They were told to barricade the door and they barricaded the door and that saved their lives. There have been instances when that training wasn't available and I've lost friends due to that training not being available. What was available during all of that time was the training my dad and my aunts and uncles and other officers received and like my training it has changed over time as well. But one thing that has come out of this

[00:17:55] that I don't think that anybody really has noticed is that while these thank you all right that concludes our public comment evening our period for this evening thank you all for coming out today and for providing your public comment with that I will say welcome everyone thank you for being here I will try to keep this brief because I know we do want to get right into the agenda and it is a meaty one tonight. I want you to know that I appreciate your all being here and investing your time at coming together at the table today. I'm looking forward to getting to know you and

[00:18:35] engaging with your teams. The board voted to create this committee because we value the relationship we have with your entities as partners and the work that we do together is exceedingly important. In fact, keeping our students safe is the very heart and literally the most important thing that we do together. It is my hope that we use this time together to build trust, to deepen our working relationships, and to provide transparency to the community around our processes. The goal of this committee ultimately is to finalize our memorandum of understanding that will establish the framework

[00:19:09] for our SRO program. To that end, I fully anticipate and acknowledge that part of that conversation could include potential expansion. I look forward to engaging with you and clarifying how we can better work together to serve our students and our staff. So to get started, let's go around the table and introduce ourselves. I'll start. April Chandler, I am the Algonquian District Representative, and I currently have the honor as serving as the chair of the school board and

[00:19:41] this committee. So I'll ask you please to go next. Yeah, that would help. Captain Robert Spano from the Leesburg Police Department. I supervise the bureau that the school resource officer unit is Townsunder. Thank you. Mark Bergen, Chief of Staff for the School Division. I'm Ross Svensson. I'm the school board member representing the Broad Run District. Kevin O'Brien with Loudoun County Sheriff's

[00:20:12] Office. I'm the SRO Lieutenant. Carrie LaBelle, School Board Member for Catoctin District. Glenn Ogle, School Resource Lieutenant for Leesburg Police Department. John Clark, Director of Safety and Security. Natalie Allen, Chief Communications and Community Engagement Officer for LCPS. David Smith, Deputy Chief of Police for Town of Leesburg. I'm Ann Donahue. I'm the at-large member of the Loudoun County School Board, and I have the privilege of serving in my second year as the

[00:20:47] vice chair. Good afternoon. I'm Lieutenant Colonel Chris Sawyer, Chief Deputy of Field Operations for Loudoun County Sheriff's Office. Good afternoon. Wesley Allen, Division Counsel for LCPS. Ray Mitchell, Chief of Schools for LCPS. Good afternoon. Milton Castell, Major, Operational Support Division, Loudoun County Sheriff's Office. And I'm Aaron Spence, Superintendent of Schools here in LCPS. All right. Thank you, everyone. With that, we will move on to item three on our agenda the review of the mou and i believe miss mitchell you're the first you'll kick us off yes

[00:21:27] ma'am i will good evening chair chandler and members of the select committee this evening we are here to present to you a red line version of the memorandum of understanding between loudon county public schools loudon county sheriff's office and the leesburg police department each school board and local law enforcement agency shall review and amend or affirm such memorandum at least once every two years or at any time upon the request of either party. Each school board

[00:22:03] shall ensure the current division memorandum of understanding is conspicuously published on the division website and provide notice and opportunity for public input during each memorandum of understanding review period. The 2021 MOU was updated in 2023 and we began the process of reviewing that MOU in 2025. The three participant groups that have collaborated to amend the current MOU are representatives from the Loudoun County Public Schools, Loudoun County Sheriff's

[00:22:41] Office, and the Leesburg Police Department. This process involved the members of each agency collaborating to provide input, align the document with Virginia code where applicable, review feedback from committees and the public received during the feedback period, and come to consensus regarding what changes would be made and accepted in the draft MOU. There are four new parts of the MOU that are either completely new or have been amended. The new sections are bodily

[00:23:17] worn cameras or BWCs by law enforcement, overdose notification, and access to real-time or live video feed. The appendix is a portion of the MOU with substantive changes. When I review these sections in more detail as I go through the MOU, I do want to mention that the access to real-time video feed section is new and participants have not had an opportunity to collaboratively discuss. At this

[00:23:51] time, I am going to take a moment to provide a high-level overview of the red line changes made to the Memorandum of Understanding, or MOU, that was last revised in 2023. Most changes were made for formatting purposes, deletion of sections due to being appropriate for the MOU, and or to bring the MOU into alignment with Virginia Code and any new changes that have been made to school board policies since 2023. The preamble and purpose of the MOU were revised to clarify the roles of the

[00:24:30] SRO or law enforcement officers as well as school administrators or their designees and to clearly outline the expectations of all three entities, those being LCPS, LCSO, and LPD, as we have worked to establish a mutually beneficial school law enforcement partnership.

[00:24:53] After receiving feedback from the public, the Minority Student Achievement Advisory Committee, or MSAC, and the Special Education Advisory Committee, or SEAC, the trainings that law enforcement officers received were clarified in the MOU to address topics that are specific to their role and responsibilities.

[00:25:13] We also worked to clarify how law enforcement interacts with students with disabilities which is also specified in the appendix. As previously mentioned the access to real-time live video feed is a new section which we will come back together to discuss before any of those edits are made to the MOU. The use of body-worn cameras or BWCs is a section that is new and we have mutually agreed upon the verbiage in that

[00:25:47] section. The third new section, overdose notification, LCPS is aligned with the Code of Virginia, which outlines how a school system must define school-related overdoses and when the notification to parents must be sent. The final portion of the MOU with multiple revisions is Appendix 2. It was important to distinguish the role of the SROs and law enforcement officers from that of the school principals and their designees.

[00:26:21] In accordance with Virginia Code, the SRO or law enforcement officer will attempt to notify the student's parent or guardian in situations where a student is a juvenile and may be considered a suspect, witness, or victim. The same approach was taken when a student is considered an adult, as well as when law enforcement interacts with students with disabilities, regardless if they are a victim, witness, or suspect, and regardless of their age.

[00:26:50] With this portion of the MOU, we wanted to make it clear for school administrators or their designees their roles and responsibilities, as well as clarify those of the SROs and law enforcement officers. This concludes the high-level overview changes of our MOU, and I will turn it back over to Chair Chandler.

[00:27:13] Thank you. With that, I will open the floor to any questions or comments. Yes, Ms. LaBelle.

[00:27:35] Yes, I have a question as to why we were saying that it shall be reviewed annually and amended and then added the phrase or affirmed at least once every two years. Why would we do that? Why wouldn't we do it every year since the law changes and conditions change so often?

[00:28:01] Thank you, Ms. LaBelle. I can respond to that. That language simply tracks language that's in Virginia Code, specifically Virginia Code 22.1-280.2.3, so it just tracks that language.

[00:28:27] Mr. Svensson. Thank you, Madam Chair.

[00:28:43] I can pose this to Ms. Mitchell and perhaps others who have been involved in drafting the language, but I was curious if we could talk in a little more detail about the training requirements and the role that LCPS might have in providing input on training. I'm thinking specifically about trainings in terms of working with students with disabilities.

[00:29:03] I know that our school-based personnel have a lot of experience in terms of how to respond in a crisis for a particular student and just want to understand what kind of training will be available or will be required of SROs who are working in the school environment.

[00:29:27] Thank you for that question, Mr. Simpson. During our collaborative meetings, we did talk about some of those trainings and trainings that we offer from the Department of Student Services, they are more than welcome to offer them to any SROs and LCSO and LPD are available if they would like.

[00:29:47] They can have their SROs take that training. They were open to that. Lieutenant Colonel Sawyer. Sure. So specific to the list of trainings that's there, that language tracks from the Code of Virginia specifically.

[00:30:11] so those lists of training topics come straight from the code that's the 9.1 102 section so that's where that list comes from when it comes to to law enforcement training we do a significant amount of training we do mandate crisis intervention basic crisis intervention for every single louden county sheriff's office deputy not just sros for the school resource officers we also mandate the advanced cit which goes more um for that specifically goes more into intellectual and developmental disabilities we do a significant amount of training in different things we have

[00:30:47] avoided putting specific training names in the mou for a couple reasons one is because there's two law enforcement agencies in this mou the trainings that we may do may differ slightly in name from the name that than what leesburg police does but also because training companies and and products change over time so to specifically put names and we have not um so the the um the solution here was to look at the code what are the topic areas that the code requires and ensure um that we are training in each of those uh in each of those buckets specifically to the the one i know it's

[00:31:25] come up in in previous conversations and that was related to the mant training uh man training specifically. The best of my understanding from MANT training is that is training designed for the behavioral intervention team, which SROs are not part of the BIT team, and that is not our role.

[00:31:42] What we've said is we don't mind taking it for awareness as long as there's an understanding of we're not going to be members of the behavioral intervention team. Vice Chair Donohue. Thank you, Madam Chair. I have a couple of follow-up questions. First, my understanding, certainly lcps cannot compel law enforcement to take any particular trainings so uh you mentioned colonel sawyer you mentioned that sros may take training offered or recommended by lcps but

[00:32:16] certainly that's not required does lcps have knowledge of the the specific types of training that you provide or that leesburg police provides to their sros and what topics are covered i believe we've shared that previously um we do maintain a list of the trainings that uh that we do um i don't have any issue with you know providing that um again we train across all of these um you know all these domains if ms mitchell or ms scanlon or dr bergen if anyone is able to

[00:32:53] confirm if we have if someone at lcps has access to review the current trainings that are required for sros on the law enforcement side i can say i don't have a list readily available but i do know

know that we've talked about those trainings before and if I were to ask I could be provided with a list of those. Thank you Ms. Mitchell and just to be clear I'm not specifically asking for the list of what training is provided but I would what I would like to what I would like to verify

[00:33:25] is if we have if y'all if LCPS staff look at the list of training that is required for SROs and feels that there is an area that we would be more comfortable adding on to if you have the opportunity to check that and make recommendations.

[00:33:48] Are you asking if we've had that opportunity to do that, or are you recommending that we have that opportunity? I would like to know that we have the opportunity to do that. For example, there hasn't been mention of de-escalation, so I'm curious, is de-escalation a topic that is covered by the training that is provided to the SROs?

[00:34:05] Yes, 1,000%. Thank you. Ms. LaBelle. I've had time to go over the entire MOU as suggested, and one thing is conspicuously missing.

[00:34:22] No mention of how our legal partners, our law enforcement partners, can help protect our elementary schools, which is the weakest area and needs the most defense. What can be put in there, and how is that taken during this time?

[00:34:42] Have you taken the time to provide that information? uh is there something that can be done outside of the mou so if i can speak on that a little bit so this current draft has been going for a very long period of time um obviously we um you know we and sheriff chapman have been very vocal about um you know adding estros into elementary schools that is not currently in this draft but we believe it's a discussion that we we should have with this committee so we welcome the opportunity to have it with this committee i do also think that there

[00:35:17] are with the mou in its current form as it is there are probably some other revisions and things that that we could do to tighten it up a little bit maybe get rid of some redundancy and kind of work on some of the flow um you know with it as well so there there are some content things that we would like to that we would like to look at with this committee um you know we are again we're this is an active working document we are working on making some you know additional recommendations that would probably help tighten that up but we would welcome the opportunity to uh to have that

[00:35:47] that discussion with the committee. Vice Chair Donahue. Thank you, Madam Chair. I'm looking at the red line at lines 25 to 27, which previously stated the parties acknowledge children are generally less mature and responsible than adults. They often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them, and they are more susceptible to outside pressures than adults. By virtue of the fact that this is a struck out red line, I gather that this is language that was in a previous version of this MOU, so I'm curious who struck that language out

[00:36:26] and what the reason was for striking it out.

[00:36:59] Thank you for the question, Ms. Donahue. I was going back to see if I had anything regarding the reason why it was struck, but I will say that for this version of the MOU with the edits, everything that has been either added and or struck through, we did through collaboration and conversation to make sure we all agreed upon it.

[00:37:23] But I will go back to former revisions and notes to find the rationale for you. Thank you, Ms. Mitchell. I am concerned about the deletion of this language. So I would feel more comfortable when we get to the point of making a decision about approving this MOU.

[00:37:42] I would like to understand what the reasoning rationale was for removing that language. Thank you. Ms. Mitchell and Mr. Allen, could we please talk about the access to cameras?

[00:38:14] Where is that language? - The access to cameras? - The access to cameras. - The live video feed, that is listed. That is new language that we have not yet had an opportunity to talk about.

[00:38:33] And I'm sorry that it looks like this particular version that was posted does not include that, but we do have a copy that we circulated that had that language in there, which is why I spoke to it during the presentation.

[00:38:51] So that should have been included in this copy under information sharing. It would be under that header. So it seems like the copy that you all may have doesn't have that.

[00:39:13] And I will see if I can get that displayed for you. - Perhaps not posted either? - It should have been posted with the latest revision.

[00:39:33] So if it wasn't, I will get that posted, but it definitely was included.

[00:40:03] - Some changes were made late this afternoon.

[00:40:44] I think it would be beneficial if the committee was able to review that language. I'm just not seeing it in the documents that you're posting. - Yeah, so I will, we can circulate copies, but just to kind of give an overview, it is the access to real-time live video feed. And this was the portion that the participants, we have not had an opportunity to discuss.

[00:41:06] But what it does is address that LCSO and LPD setting forth the parameters of when they will access that real time in parentheses live video, when there are concerns for the officer or a fire official or health and safety concern, when responding to an incident at an LCPS school.

[00:41:29] And then it goes on to add information in terms of the recorded images, videos, and associated information, how it is treated as confidential and protected by FERPA and FOIA. And it also addresses the Virginia Code and, I'm sorry, how any of the information is to be documented and reviewed.

[00:41:55] So LCSO and LPD will immediately inform LCPS Division Council if there is an event of an inadvertent third-party disclosure of that information. So again, that was under the section information sharing and that whole section is new.

[00:42:14] So I will make sure that you all get that. - Madam Chair, if you could give us just a second. We're gonna get it up on the screen so you all can take a closer look. - Thank you.

[00:42:31] Vice Chair Donohue. - Thank you, Madam Chair. If I could ask some background questions while we're doing that. Ms. Mitchell, you mentioned that this pertains to law enforcement access to our camera system. Can you tell us, for a little bit of background, what that means as far as the scope of the cameras?

[00:42:51] Are we talking about only cameras inside school buildings, outside school buildings, cameras at every LCPS property? What are we talking about here? I would defer that to John Clark, our Director of Safety and Security. Yes, good evening, everyone.

[00:43:08] So, yes, we give access to all cameras at all schools. And if I could follow up on that, Mr. Clerk, does LCPS own or operate cameras at other facilities that it owns or rents or uses space for that are not being used at schools, such as admin?

[00:43:29] Yes, they have access to all of those cameras as well. So all LCPS cameras, not just ones in the schools? That's correct. Thank you. And this is real-time access? That's correct. Live access.

[00:43:45] Okay. And who makes the determination whether it's appropriate for law enforcement to access LCPS live feed? We rely on their best judgment. And is there any requirement that if law enforcement accesses our live feed that they inform LCPS that they are going to do so or have done so?

[00:44:08] Yes. I just want to mention, we're going to get that up on the screen in a second, and so you'll see the language that will address some of those questions as well. All right. Thank you. I'll hold off then. But, I mean, I would, no, I'm sorry, I would encourage you to continue because Mr. Clark can share what current practice is and then you'll see what's recommended language in the M.O.U.

[00:44:33] So this is a current practice? Yes. We've actually been doing this since 2019 under the leadership of then superintendent, Dr. Eric Williams. The reason we do it, quite frankly, is we want to provide as much intelligence, as much situational awareness as possible to those responding units to one of our schools.

[00:44:55] that creates a more efficient and effective response. It's absolutely a national best practice. Regional colleagues in Fairfax and Prince William do the same thing. I can give you a couple examples, if you'd like, on why it's so critical.

[00:45:13] I'm not questioning that it's important to have the access, Mr. Clark. I do wonder, you said that this has been our practice since 2019. Has it been part of the MOU before or any or part of any other written agreement?

[00:45:29] No, we are just now adding it into the MOU. So we are basically formalizing what has been a longstanding and mutually beneficial agreement. But to give you an idea of some of the context, last year they accessed the cameras 37 times for events like suspicious persons, volt AI detections, domestic disputes.

[00:45:53] This year, they've accessed the cameras twice, once for a vault AI detection and once for a domestic incident on campus. Do you have records of what video was accessed? Yes.

[00:46:11] And are we aware if students were viewed in these occasions when law enforcement was accessing LCPS cameras? There were students involved, yes, in some of those. You mentioned that this is common practice in other counties.

[00:46:27] Do those counties have written agreements and written parameters governing the practice? Some do and some don't. Thank you. So, Madam Chair, as we mentioned, we've put this up on the screen. So, you've got the proposed language up there now.

[00:46:44] I know it's a lot of words on a screen, but hopefully you can see them. And Mr. Allen or Ms. Mitchell, would you like to just briefly highlight, again, what you see up there in terms of proposed language that's capturing these practices? - No, I just gave some of the language that I just spoke to.

[00:47:10] I was reading from that document and again, just clarifying that if there is an inadvertent disclosure, it is reported to division council. And again, just talking about what LCSO and LPD may have

access to and that it is documented at least on a quarterly cadence to reflect that information.

[00:47:35] And this is the portion that we have not yet come together to discuss. So it is very possible that there will be additional edits to this language before we present a final MOU to be signed. Thank you.

Lieutenant Colonel Sawyer.

[00:47:55] Sure. I can maybe provide a little bit of background context to this discussion. So the real time video feed discussion, we had the discussion of putting it in this MOU just so that it is in a written agreement. but it really doesn't have much to do with the school resource officer program this is in our dispatch center so in our dispatch center where the 911 calls are coming in that is where the dispatchers have access to the live the live video feeds so that when they're getting a call from a school they have the opportunity if they believe it's needed to be able to pull up a you know what school that call is coming in from look at the cameras that are there to see you know do they

[00:48:35] see students running in hallways do they see something that would look like yes this you know this call is immediately legitimate and then be able to then potentially detect, track a person on school campus to inform the law enforcement response.

[00:48:51] So this is not actually school resource officers accessing the video. This is a direct line into our dispatch center with the dispatchers who are answering the 911 calls and sending the resources to the school could get information and could be able to watch this video.

[00:49:09] - Thank you, I really appreciate that contextualization. I do think it is important for us to capture it and memorialize it. I don't believe that the community has a deep understanding that this is a common, long-held practice, which I think warrants a legitimate conversation about it.

[00:49:27] - Sure, and we're not opposed to adding language. Again, this language is under review, kind of like everything else, so it may shift a little bit. One of the things I know we've talked about is we just need to make sure that whatever system have in place is is operationally functional for the people that need it so that we don't put too many blocks in place that they can't reasonably access the video in a timely manner but obviously we understand the need for auditing and all that type of stuff and i would say in another area of the mou when school resource officers are looking for video that is covered in another area of the mou and that is done through court process so legal process to obtain video from the school

[00:50:04] system for things that are needed for any investigations for things on school ground so there's two completely different sections related to video i think that's a really valid point and i would like to explore that a little bit more i think it is important for us to understand the difference and it would be i think helpful to have some concrete further discussion of concrete examples of when this is used i mean one of the first questions i had when i had the ability to to see this language was why the language calls out specifically, let's see,

[00:50:46] the concerns for officer and fire official health and safety. I mean, of course, my first thought was, well, shouldn't it include everybody's health and safety? But I'm sure there's a reason. I would appreciate if we could hear a little bit more about the two processes, why this language is specific to law enforcement, danger, and what some specific instances are where either entity would have or utilize access to our real-time feed, and how we would communicate around that as well.

[00:51:17] - Absolutely. Well, so, I mean, a little bit on that. Again, I'm not familiar with this exact language too much, but our dispatch center is also co-located with Latin County Fire Rescue that also

dispatches for the fire marshal's office.

[00:51:35] So if there's an active incident, there is gonna be a multi-agency response. And so if there's a fire marshal that's in the building that also has some emergency incident occurring, our dispatch center could hear that from the other side of the room as they are co-located and then look at that as well.

[00:51:54] And Madam Chair, I'll also mention, so this is language that we are developing and proposing for law enforcement to review as a part of this process because we know that this isn't something that we do want to codify. But that language specifically is to point to the reason that you heard from Lieutenant Colonel Sawyer about when this video is accessed.

[00:52:18] So, yes, we're concerned about student safety, but we don't want that video being accessed anytime there's a student safety concern. So our understanding, and they can perhaps provide different language as we sit down at the table to keep negotiating on the language, is that it is through the dispatch system and that they are looking at it then to determine how to dispatch emergency services personnel to the buildings. And so it's really for that purpose and not any other purpose. So we were trying to really confine it to that purpose with that

[00:52:49] language. Mr. Allen, could you speak any further to the legal reason why that the language is proposed in that format. - Thank you, Chair Chandler. I believe in part, there's a couple of perspectives here.

[00:53:12] One is that to Dr. Spence's point, when law enforcement's being dispatched to safeguard their own health and safety, they would be the arbiters or determine and discern what might pose a threat there versus safety emergencies within the building, as Dr. Spence spoke to, that would be overly broad for them to, and perhaps outside of their subject matter expertise as to what constitutes a health and safety emergency

[00:53:50] for a student or students within the school building. And so it delineates that distinction in part. And I should just, it was without saying, If there is deemed to be a concern for an officer or fire official safety in responding to an incident, then that would subsume that there's an ongoing emergency where there's concerns for student health and safety within the building.

[00:54:28] - Vice Chair Donahue. - Thank you, Madam Chair. I have a few more questions, particularly related to past practice. So if this has been a practice going back to 2019, Has LCPS been made aware of every time that video has been live feed accessed by law enforcement?

[00:54:49] No. Are we aware if there have been any instances in which video that was accessed by law enforcement under this live feed access provision or arrangement was disseminated outside of law enforcement who accessed it?

[00:55:09] No, we are not aware of any instances like that. But we would be relying for self-reporting? Yes, we would. Is that correct? Okay. And what would the remedy be if, I don't know if this question is for Mr. Allen or Colonel Sawyer or Ms. Mitchell, but if information that is supposed to be prohibited from dissemination under these provisions were to become disseminated inadvertently or intentionally, what would the remedy be?

[00:55:42] - Thank you for that question, Vice Chair. I think it really depends on a case-by-case basis without speculating, I can't answer that with specificity. Thank you, Mr. Allen. Is information that law

enforcement accesses under this live feed, is it fed into AI or facial recognition?

[00:56:06] Certainly, Dr. Spence. I was curious if when law enforcement accesses live feed images from LCPS cameras, if those images are then, by law enforcement, run through artificial intelligence or facial recognition software.

[00:56:29] No, we don't run any video through AI or facial recognition. Thank you. I could ask one more question. Thank you, Madam Chair. So in this, I'm looking at the language that was handed around.

[00:56:47] And there is, on line 312, there's a reference to LCSO and LPD requests for access to real-time feed. And then in other places, it does not say requests for access. It says access to.

[00:57:05] So can that please be clarified? What is the proposal here? Is the proposal that law enforcement would need to request access on an individual circumstance basis? Or would law enforcement have simply the ability to access whenever they deem it is appropriate to do so?

[00:57:21] So the intent of it, Ms. Donahue, has been talked about. It is to continue the current practice, which is to have it accessed during a dispatch process. We could anticipate that there may be times when law enforcement might be interested in seeing, for example, the external cameras on our property for something that they're looking at in real time.

[00:57:48] And this language that you're talking about in terms of seeking or requesting access and where we then sort of follow up in the language that you see there, that our team would be willing to monitor that and provide any support that we could upon request is to indicate that we would prefer to continue to be the ones who have access to our camera video feeds and that we would be willing to cooperate with law enforcement to the extent that that's practicable.

[00:58:16] And then, as Lieutenant Colonel Sawyer mentioned, anything that would be used during an investigative process or a court process, they would go through the court system to get access to pre-recorded video. This is really contemplating live access.

[00:58:29] As a practice inside LCPS, when this occurs and the LCPS video feed is accessed, how is that documented and what accountability exists within the system?

[00:59:12] Yes, our technical security unit tracks that access and documents it. Does a specific individual receive a report to review? Yes, we're actually in the process of formalizing a new audit process, which will provide a weekly or even monthly report.

[00:59:44] Thank you. Mr. Spinson.

[01:00:22] Thank you, Madam Chair. While we're on the topic of technology, I was wondering if we could discuss a bit the use of the body-worn cameras. and it's since it's a new provision and just understand a little bit um the thought process behind um the parties here in terms of adding it and instances where it would be utilized um especially i understand you know what may work out in the non-school context may be different what works in the school context so curious how um how folks have been thinking about this addition

[01:00:53] and that could be miss mitchell or lieutenant colonel sawyer um from maybe from from both parties sure so i can i can start at a real high level so um the way the body more camera policy is uh is written here and because there's two law enforcement agencies here it basically says that we will refer to

our respective policies our body more camera policies are public through our website so if you go to sheriff.laden.gov you go to our general orders it is general order 411.17 so 411.17

[01:01:29] and we have we have general practices for all sheriff's deputies and then we have a section that is also an add-on for school resource officers that gives a little bit more specific guidance so i can i can only speak to a lot of kind of sheriff's office policy not lpd but one example is for a patrol deputy that works in the field recording an interaction with a citizen is mandated if it's a law enforcement encounter but it's optional if it's not so for example the analogy i would give is if i'm in line at starbucks and the citizen in front of me turns around

[01:02:05] and it strikes up a conversation on my body more camera i can choose to record it if i want to if i'm a patrol deputy um you know it's not a law enforcement encounter so i'm not required by policy but some deputies may be like you know what i'm having an interaction with a citizen let me activate my camera in the context of the school environment our policy says that you can only record if it's say law enforcement we remove that discretionary um you know aspect so basically all sro interactions within the school that are not a specific law enforcement related um you know contact are are

[01:02:40] not recorded by policy that is one of the the um significant things in our policy the other thing that is uh is significant is we say by policy threat assessments are not deemed law enforcement to just be clear that hey that's more of an administrative um you know hearing process even though you yes you were an official member of the threat assessment team we're not recording that so um so there are there are certain things that are in there specific to our policy again we did not put all of that in there because ours and lpd's may be slightly different and because our policy is public um so that is something that anyone can go to our website and and find that that policy

[01:03:19] and a quick follow-up on that i see the last sentence here is you know in our draft mou is cameras will only be activated during official law enforcement interactions um is does that track the language that's in the pot the add-on portion of um lcsd's procedures related to sros is that in the policies there too um yes so um our policy as it is posted for example has one line says recording of non-law enforcement related interactions with students and staff inside of school is prohibited. Thank you. That's helpful. And I would just comment on LPD is that we had

[01:03:58] actually, when we went through this part of the MOU, we had conversations and we ensured that our policy closely mirrors there. So it's almost identical when it comes to the actual, just to make sure we're on the same page when it comes to the encounters as far as in school. Thank you.

[01:04:15] That's helpful. Vice Chair Donahue. Thank you, Madam Chair. If I could ask Lieutenant Colonel Sawyer so my understanding from what you just said not having read your policy yet with body-worn cameras but what you described it's discretionary in most circles you're required to turn it on for law enforcement interactions when you're outside of schools discretionary whether to turn it on in non law enforcement interactions so try to be clear so for school resource officers

[01:04:53] that are acting in their school resource officer capacity and that's in our policy as well and i'll take a tangent for just a second if a school resource officer is working another assignment you know like they pick up a patrol shift on a weekend or something like that they're now not operating as a school resource officer so a school resource officer is only permitted to use their body-worn camera in law enforcement related activities it isn't they are they are prohibited that's the the word we say we're

prohibited from recording non-law enforcement related activities um with students or staff okay um what i was referring to about the discretionary

[01:05:30] use that is for the rest of the agency the the patrol you know deputies they it is their discretion as to when they are having contacts in the field that are not law enforcement they may choose to turn it on they may choose not to that that's up to them thank you for that clarification is there any um available information as to whether any school resource officers may have intentionally or inadvertently turned on body-worn cameras when they should not have under your policy um so i am not aware of any um but that would be a violation of policy so be it an internal review

[01:06:05] and potential action internal so if that were to happen it would be dealt with internally would there be any information about it made available to the public there be any public notification so No, that would be a personal action. Thank you.

[01:06:25] If I could ask one more follow-up. Thank you, Madam Chair. The language about the real-time video specifically states that notwithstanding that law enforcement will have access, real-time access to live video, that the video will continue to be the property of LCPS, and also explicitly states that a formal legal process would have

[01:07:02] to be obtained for dissemination of such recordings. Now this is, the language is different from the body worn cameras. The body worn cameras are LCSO, law enforcement property. So would it be, would I be correct if I infer LCSO or LPD, the law enforcement agency would be, they would not be necessarily bound with how to use or disseminate that information in the same way as this access to real time video feed.

[01:07:35] So body-worn camera dissemination for LCSO will be through FOIA process. Anything with a juvenile is basically excluded from FOIA under extreme limited circumstances.

[01:07:53] So for someone to obtain a video, a body-worn camera video of a juvenile, it would have to be the parent, the guardian, or their legal counsel if they are a victim of a criminal offense. So there are, which you have to forgive me, I'm not the ultimate FOIA expert here, but it would fall under FOIA and it is a very, very restricted, limited dissemination.

[01:08:17] Otherwise, it is prohibited release. Can you expand on that, Colonel's FOIA? What do you mean by prohibited release? So Virginia FOIA governs what documents are open for inspection at what level. So records involving juveniles, Virginia FOIA is very, very explicit on what can go out the door.

[01:08:39] And again, I don't have all the FOIA laws in front of me, so I don't want to try to quote from there. But what I do know is that for juvenile video to go out, only the parent, legal guardian, or attorney could obtain it.

[01:08:55] And only if their child was the victim of a criminal offense captured on that video. In addition, I believe there's a redaction requirement for every other juvenile on that video. so they still would not get the video in its entirety they would only get a copy of the video that would depict their child in that instance thank you for that clarification that is helpful what you're discussing it pertains to outside requesters because my follow-up question for you

[01:09:31] is hypothetically if there were body-worn camera video from an incident that occurred in a school depicting a juvenile if the sheriff or the chief of leesburg police felt in their professional opinions

that for some reason that video should be made public in the interest of public safety could they choose to do that to release that video of their own choice not as in response to a request from someone so i think this situation is somewhat hypothetical our general standard is that we don't release body more camera video unless there's a mandatory foyer release

[01:10:12] so i can't envision a scenario where we would release body-worn camera video involving juveniles from a school thank you i have a question an unrelated question um in reviewing um different mous i noticed that in fairfax there are some different capabilities and they have included in

[01:10:45] their language that sros may be requested by fcps to attend hearings related to a student's potential suspension expulsion or school reassignment um have had some conversations about how that could potentially be beneficial to ensuring that discipline actions are justly applied to students if we if that committee is allowed to have some additional context do sros engage in any way shape or form and are there any reservations that you would have if we were to change the mou to include

[01:11:23] So I'd have to look at the specific language immediately off the top of my head one of our number one things is that we don't get involved in school policy or disciplinary violations unless there are specific concern that of a threat that you know if for example if the principal approaches this student that may have you know some concern of you know outburst or you know something like that that they could articulate they could ask us to be there but the general best practice is that law enforcement is is not involved in the

[01:11:57] any sort of disciplinary infractions decisions or or anything related to that okay some new I guess as of October 15th some information has been reported in local Texas newspapers including the San Antonio Express news big local news at Stanford University and in the New York Times. They had done an investigation in Texas and it showed

[01:12:34] that after Uvalde when SROs were placed in every school in Texas that children were being children 10 to 13 were referred for prosecution after incidents in schools more than 47,000 times with 4,800 students in that age group being referred in the 2024-2025 academic year.

[01:13:05] And that's ultimately a third more than would be reported a decade ago before the SRO program was expanded. In the conversations that we've had thus far, I have brought forward my concern around this issue and making sure that our working relationship avoids this exact scenario.

[01:13:26] We know from LCPS's own data that discipline suspensions, their outcomes are, discipline outcomes are more difficult for students of color and for students with disabilities. And we serve a great number of students of color and students with disabilities in Loudoun County Public Schools. The majority of the students who are attending school now, 61%, are children who are children of color. So it is incredibly important

[01:14:00] to me especially if there is a will to explore this expansion into every school that we have appropriate guardrails in place to ensure that we don't follow a like scenario in fact that the person who took the bill through in Texas has expressed some reservations now that this has been the outcome so from your perspective if we're exploring expanding does this mou adequately

[01:14:40] address not allowing for disproportionate discipline outcomes and how so sure so that's a great question um there's a lot in there i'm not looking at that exact article um and i know it's very hard to compare jurisdictions apples to apples if that is the uvalde independent school district um if that is it that

that was a police department actual police department operated by the schools that had their own um you know officers so i can see a system like that having more chance for crossover um because it's the same structure but regardless the best practice across all these

[01:15:20] things is that law enforcement is not involved in disciplinary decisions period you know end of story that is captured in in this MOU and I think it is in there's a specific line that I think is is one of the most critical when it comes to this topic and it's on the initial one that was published it was line 133 it's the bottom of page three under SRO's roles and responsibilities it starts at the very end of line 133 and it said SRO shall not be involved with the enforcement of school rules or disciplinary infractions that are not violations of

[01:15:58] state or local law so that is how we keep that division very very clear to make sure that behavior that may be in violation of school policy does not end up in the criminal justice system that is that is the the one kind of critical way the second very very close and somewhat related is that lower level offenses that may occur in the school can be referred back to the school for uh for discipline instead of being charged so a lot of incidents that the sheriff's office you know responds to could be like a minor push in a hallway or something like that that could

[01:16:35] technically meet the code of virginia for assault maybe referred back to the school for discipline and not through the criminal justice system so so we do everything we can to work collaboratively hand in hand to make sure that the outcome that is best needed in that you know scenario is what what gets there the justice system is often not the you know not the case I don't have I don't have the exact stats in front of you but if my memory serves right I think it was two years ago we had there were only 39 LCPS students that were criminally charged through that school year

[01:17:10] and you looking at you know roughly 80,000 students in 170 plus days there it's extremely extremely low and when you look at the list of things where students have been charged with criminal offenses, it's things like threats to bomb and serious assaults and some pretty serious stuff.

[01:17:31] I believe last year we had somewhere around 29. So even 10 less than previously. So the number of LCPS students that are getting charged criminally and going into the justice system based on actions at Loudoun County Public Schools is extremely, extremely low.

[01:17:47] And that's because of these guardrails that we have in place that I think are in this MOU. - Okay. - And just as a follow-up to my past point, I think having law enforcement not be able to be involved in outcomes is a positive, but if they were able to provide the committee with context in the event that you have information that the decision-makers don't have,

[01:18:23] could you see any benefit there? Especially when they're safety-related? And what challenges-- - So we definitely would have to have more discussions on that. So if it's criminal justice-related information, like criminal contacts and things like that that we may have in the community, that's protected information.

[01:18:46] So that's not information that we can necessarily release. I would need to understand that. We could potentially have future discussions on that. I'd really need to understand what that is, and then we definitely have to have deep discussions with the county attorney's office and things like that.

[01:19:04] That is something that I would be curious to explore more, I think, in terms of better improving our protocols as they exist today. Yes, sir. I'm sorry. Milton, Milton Castillo, you can call me

Milton. Just to add on to that as well, when it comes to school discipline, like Colonel Sawyer said, we make sure that we stay out of that.

[01:19:27] And it probably wouldn't be best practices to involve us in there at all. What we do currently is best practice. So what you just stated in that Texas result there, law enforcement should not be involved in that disciplinary discussion because some discipline might not even come from a law enforcement interaction or things of that nature.

[01:19:51] So school discipline, that's why we have for decades now stayed out of that arena and just strictly stayed with law enforcement involvement because we want to make sure that we are seen as part of the education process, of that nature within the schools however like the disciplinary process that is all should be all the school process there okay um miss scanlon could i ask you to jump in thank you um perhaps i can provide a little clarity to the discussion as the individual um who directs the office that

[01:20:28] conducts student state uh student hearings for loudon county public schools and who worked in the parallel office, shall we say, in Fairfax County Public Schools for 17 years. I wholeheartedly agree with the sentiment that disciplinary processes should be and are completely separate from criminal processes.

[01:20:57] And I would also acknowledge that the vast majority of hearings that are conducted by my office for students are disciplinary in nature and it is certainly these are situations where we are trying to ascertain the best disciplinary response. Those are for instances that have occurred on school property at school sponsored events and in other certain situations that are

[01:21:28] directly connected to school. Where it is helpful, in my view, to have some input from law enforcement is when the hearing is not pertaining to something related to school, but rather is pertaining to students who have been charged with very serious offenses related to something that occurred in the community. The Code of Virginia does provide that for 14 categories of offenses that are extremely serious. When a juvenile commits or is charged with such offense that the intake office

[01:22:08] of the Juvenile and Domestic Relations District Court must notify the superintendent's office of those charges, those charges will come to me. I then am required by code to notify the principal. At that point, the principal has to decide, looking only at a student's name, a student's address, a code section, and a petition date, whether that principal feels comfortable keeping the student in the school, the current school setting, typically a regular neighborhood school,

[01:22:43] or whether the principal feels based on that charge alone, there are significant enough safety concerns that the principal recommends reassignment to an alternative setting, which is permitted under the code. When the principal recommends reassignment, that's when my office has to do a hearing and we have to decide whether or not this charge warrants a reassignment to an alternative setting and if so, what setting that should be. Now that sounds very punitive. I can assure you that while it sounds and feels punitive to students and families, it is not punitive in

[01:23:22] nature, it is a safety measure. The students cannot be suspended. They cannot be expelled. They cannot be given a detention or an in-school restriction. They can not be disciplined at all by the school system when all we have is a charge. At the point of conviction, that is when we would have the ability to actually take disciplinary action. But we have the authority to reassign for safety reasons when all we have is a charge. In those situations, without information from law

[01:23:59] enforcement, then literally, oftentimes, the only thing we know is what's written on that piece of paper, which is a petition date and a code section. We have no context, no information on which to base our decisions. Sometimes the school principal kind of knows, believes they know, have heard some things, and will do their best to shed light on what they believe may have happened that resulted in the charge. Oftentimes we get to those hearings and the principal says,

[01:24:37] I know nothing, but that is a charge of significant concern. And given that charge at face value, I'm not sure we can safely accommodate this child at this time. So those are the situations in particular where it is helpful to have some information, some context.

[01:25:01] In my experience in Fairfax County, Fairfax County Police Department would, in those particular situations, when invited come to those hearings to provide the information that they felt that they could provide. There were relatively infrequent occasions where they would decline that invitation. I could tell you that happened very infrequently. And then we would later come to understand when we would read about those incidents in the newspaper that they were very

[01:25:38] high-profile incidents. So there were times when Fairfax County Police Department did not feel like they could accommodate that request, but the vast majority of times they did feel that they could come to our hearings, that they could share information that helped us make good decisions for schools and for those students in particular. We did work closely in Fairfax County in devising that process and the MOU portion of that process. We worked closely with FCPD, with their internal

[01:26:14] counsel, and with the Commonwealth's attorney to ensure that our processes in Fairfax County public schools would not jeopardize in any way a criminal investigation. We understood that that was very important and that it was certainly not within our own independent understanding to be able to do that without guidance. So we did receive that guidance. We modified a section of our letter to ensure that the needs and the concerns of the police department were addressed

[01:26:49] when it came to things like discovery that I couldn't begin to understand because I didn't really understand it or I couldn't explain it to you, but we did make those needed accommodations to our process so that we and they felt assured that we would not be compromising any criminal investigation. Do you want to follow up, Dr. Smith? I just do. Thank you. I do have a quick follow-up. Ms. Scanlon, can you also, I think it would also be helpful to give the context of there are only certain things that are reportable to law enforcement, and so I think that's an

[01:27:28] important part of this discussion, that we do not report everything that happens in buildings, the law enforcement, that that's governed by Virginia Code. Can you speak to that? Yes, I would be happy to. So I think as many of us know, school officials are constrained by FERPA in the same way that the police departments are constrained by FOIA. FERPA limits very much the

[01:28:01] information that any school official is able to divulge to anyone about any student, any information coming from any student record. And certainly student disciplinary records and student disciplinary incidents are covered by FERPA. Typically, any student information can only be shared with a parent or a guardian unless a school official has the prior written authorization under FERPA to

[01:28:35] disclose that information to a third party. An exception written into Virginia state code is that there are times when school officials must immediately, and I should say school administrators, the code says the school principal, must immediately report a violation that occurred or reportedly or allegedly

occurred at school to law enforcement for safety reasons. Those narrow types of offenses are outlined in the Code of Virginia. They include very, very serious

[01:29:14] offenses. So the state code explicitly gives our principals not only the authority to report, but it requires certain reporting. Those would be instances like, and I'm happy to say they typically don't occur. I haven't seen much of this in Fairfax County, but certainly if there was a malicious wounding, we would be required to report that. If there was immediately to law enforcement, if there was a sexual assault that occurred on one of our campuses, we would be required to immediately report that. If there is a distribution of a Schedule 1-2 or any controlled

[01:29:48] substance, we would be required to report that. So there are times when we explicitly have not only that ability, but that responsibility to report outside of those explicitly listed circumstances, then a school official's ability to report is really constrained.

[01:30:24] So what was just passed around, just to put it on the record, is the updated MOU that does include the language that you saw earlier related to access to real-time live video feed and that has been updated on board docs so we apologize for that but you now have those corrected versions and it's on board docs for the public. Thank you. Okay so let's talk about elementary school SROs. I have spoken to and will continue to speak to the fact that there have been

[01:31:03] significant studies that show that in the event of a school shooting SROs do not necessarily guarantee the best outcomes. The studies have covered 20 years of school shootings. They have been done by the federal government and in some cases the death rate in those incidences can be even higher. Where SROs have proven to be

[01:31:36] incredibly effective has been in dealing with fights at school which is something that happens every day right in our schools there so what would you envision that the elementary school SRO would do because chances are the fights aren't happening at elementary school and and I mean I guess it's not perfectly fair to put anybody that's at the table on the spot but part of the concern that I had just speaking for myself with what happened at the beginning of the year was that the conversations were occurring with the board of supervisors

[01:32:15] and were considered to be a budgetary request, but there had been no discussions with the school board. So I think if there is a proposal, it would be helpful to have it fully flushed out when we meet again. We do have a meeting on the schedule on the 12th.

[01:32:34] I think it would also be beneficial to have the ability to have some discussions about any language that is not currently agreed upon at that time so that we can get some more clarity and move towards being able to complete the work?

[01:32:53] Yeah, so we would love to have that discussion. So if that meeting is on November 12th, we'll check schedules and make sure that that's something that we can do. But I mean, this is an important discussion. Obviously, this is something we're pretty passionate about and school safety, especially for our younger kids, is one of the most important things.

[01:33:13] So definitely look forward to having the discussion and I do think that the time is right to have it have it now and if there would be needed you know amendments or things like that to the to the MOU you know should we go down that road then I think it's a good time and we could get some more context at that time about what it would look like for an elementary school SRO given that the things that SROs

typically help with are not perhaps yes so yeah so I mean that ultimately let me step back just a little bit that is our ultimate goal would be to have that

[01:33:50] discussion in a public context I'm not actually looking to have this discussion tonight because we but this was marketed as review of the MOU and the current MOU does not talk about SROs and elementary schools so yes we would like to have that discussion we'd like to have that discussion soon in a format where we can basically you know kind of put out to the community as well let them know hey we're having this discussion we've talked about this a lot but you know we're coming to the school board to be able to talk specifically about the SROs and elementary schools so that we can get the community input and everything on that as well I think it would be very beneficial if everyone who's part of this team had a conversation about how that would be communicated to the community because I think overall the

[01:34:29] community sentiment as expressed through some reports in the media was that they were surprised that that conversation was happening without necessarily receiving feedback from parents but I wanted to address it especially as Miss LaBelle raised the point but I think it would be appropriate at the next meeting um for any members of the committee to bring forward um let's try to get drafts um if

[01:35:02] there are proposals for updated language posted appropriately before the meeting um let's try to do three days um and that that goes for anybody who might not be on staff and and have a proposal and i will extend to school board members at the next meeting um at least a period of time where every school board member can ask a question in a hearing style meeting. And that will at least be 30 minutes at the end of the meeting.

[01:35:39] So there's an expectation. Ms. LaBelle. Thank you. That hit the wrong one. And there's only one to hit. I don't know how I do that. But thank you for that very much. That is a concern, especially as I have mentioned in previous meetings and discussions, the relative isolation of many of our Western Latin schools. So thank you.

[01:36:02] All right. Is there anything else at this time? Mr. Svensson? Thank you, Madam Chair. And I think it's been alluded to, Ms. LaBelle mentioned that, you know, not all of our schools are similarly situated in terms of where they're located, how close they are to a middle school or high school SRO.

[01:36:27] So I think for that discussion where we talk a little bit more about what expansion may or may not look like, I personally would be interested to think about what it would look like if it's not a one-for-one model, but if there are additional personnel who are assigned to a cluster. Because when I've spoken to elementary school principals and have asked what may be helpful about having an additional SRO, things that have come up are if we have a big community event, having more availability and not feel like we're you know stretching anyone thin or additional support for a

[01:37:02] threat assessment that we might have so it's been discrete things but obviously the demands of a middle or high schooler are much more significant and as chair Chandler said some of the evidence supports the ways that SROs can assist in that environment so I would be curious in that context about what improvements or that we can make to school safety in terms of when we're thinking specifically specifically about SROs what it looks like to have a to look at the cluster as a whole and not necessarily school by school and I'm

[01:37:41] curious to hear at that that meeting thoughts from from LCSO from LPD about the the pros and cons of different approaches just because you know I do do recognize the the workload at a high school or

middle school on a regular basis for the SRO is going to be more significant than an elementary school context but also understanding that we want to put appropriate investments for all of our school communities and make sure that we're putting safety first so that's just something I wanted to flag as of interest for me for that that conversation and I don't know if we wanted to stay on this topic but I just

[01:38:19] a couple questions going back to the mou i know a number of our public comments that we received that were posted on board docs related to questioning of students with with and and parental notification related to questioning of students so i was wondering since we we've covered most of the new sections to the mou but i know the appendix for student interview guidelines is new

[01:38:45] So I was hoping that we could discuss that and get a little bit more context from maybe Ms. Mitchell and from LCSO and from LPD about those guidelines and maybe anything that you all have to offer to address concerns that folks have about the fact that there may not be notification to parent, at least from the perspective of some of the folks who have commented in.

[01:39:10] Thank you for that question. So, again, the appendix was to clearly separate the role of our school administrators and their designees from that of law enforcement, particularly when it comes to parent notification regarding whose role is it when a juvenile or an adult student needs to be questioned, particularly depending upon if they're a suspect, a victim, or a witness.

[01:39:41] excuse me and so we wanted to a lot of that language is repetitive that you'll see throughout the table and it was to state that if a member of law enforcement or the sro had to question a student depending upon the situation that they would be the ones to notify or at least make every attempt to notify the parent or guardian however they would make sure that they notify the principal or their designee prior to that questioning. And we wanted to clarify that

[01:40:19] because a lot of times when a member of law enforcement shows up at the school, it might not be the SRO, it might be an external member of law enforcement that needs to come speak to a student because there is a serious concern of safety. Whose role is it when they are questioning that student notifying the parents versus what the school administrator does so that appendix which is why you see a lot of the repetitive information is because the process is the same regardless of

[01:40:52] whether or not the student is a victim a witness or a suspect and one question about the attempt to notify I guess is there a standard practice perhaps it's dependent on the offense that's being investigated but um how long um there is to notify the parent is it if you can't notify them on the first phone call then your questioning begins or is there some kind of a period where you're attempting to get in touch with the parents so via multiple avenues sure so specific to um

[01:41:28] the top of the chart juvenile suspects if we look at that one and for example an off-campus events it starts with reference to the virginia code 16.1 247.1 custodial interrogation of a child so that code is very specific as to what the what the rules are um there is no real way that we can make every possible scenario fit in a flow chart of you know if this then that um so the the general rules apply but we are always held that's why it starts with in accordance with this code section because the code section spells out in in greater detail so that code section

[01:42:06] basically says if you are going to do if you're going to interview a child that is a suspect who's being you know potentially investigated or charged with a criminal offense they're in custody you shall notify the parent there's a couple of exceptions unless the parent is potentially like a co-defendant in the

case right so you look and go okay well if if they are potentially also implicated in whatever this criminal offense is then in theory I don't have to notify them you know before to protect the criminal investigation specific to what if you

[01:42:40] can't reach it that the expectation there is basically the standard we have to we have to get to is after every reasonable effort has been made to comply with the previous section and the parent guardian or legal custodian cannot be located or refuses contact that's the standard we have to be held to and later on it says that if we violate this code section any statement is inadmissible in court so we would have to articulate you know basically we can't get impatient and just say hey

[01:43:16] you know I waited five minutes I tried and they didn't answer because we know if if this child were to be charged we're going to have to go to court that's going to be the argument is you didn't make appropriate notification we would have to meet the standard that we made every reasonable attempt unless again it meets one of those other things where it talks about the they are a co-defendant in the alleged offense or they have been charged with or being investigated for crimes against that same child there's a few things like that that I think make logical sense as exceptions but the standard is we will notify the parent for a juvenile suspect prior to any

[01:43:53] questioning of that student thank you and just to follow up on that is there if you can say have there been any instances in the last few years where a parent was not able to be notified and a juvenile was questioned without the parent so i i'm not aware of a specific instance yeah so that that would be it would be very difficult to to say just um miss labell one moment i'm just going to offer a follow-up are you done mr spinson does that yes yes okay um do you have

[01:44:32] an internal mechanism that allows you to track any potential event that would be similar what you were were just speaking to? So no, not, not a specific thing. So what would happen is there would be a police report that would then, you know, be outlining this. And then the deputy or detective that's doing the investigation would have to articulate all of these facts. And again, it's presumed that if we are in violation, if we don't follow this, then anything that child said is immediately in kind of legal terms, fruit of the poisonous tree, anything that comes from that

[01:45:10] is not admissible. So it's a very legally heavy penalty for us to violate that. So we go above and beyond to make sure that we are compliant. In fact, we just had the Commonwealth Attorney's Office in on this. Yeah, I can speak on that. Actually, on September 4th, I had Elizabeth Lancaster and the CAs come in, specific to interview in Miranda for juveniles. For all of our SROs were mandated to come. I reached out of Leesburg. They had sent their SROs as well to our administrative office.

[01:45:42] They came in, I think it was a four-hour block, and it was specific to interviewing juveniles. And they're on the same page that the courts are very specific. Our judges in Loudoun County are very specific. If we do not abide by the code, that case is done. It's gone.

[01:45:58] And they take strict precautions to safeguard juveniles during questioning, and rightfully so. Yeah, I would imagine it's incredibly important to parents to be offered that opportunity to advocate for their children and to make sure that their children's rights are protected.

[01:46:19] Are there ever any time, so when things happen with our students and juveniles who are perhaps going to or from school but not on school property, Where there might be communication to the administration or anyone about, I mean, in terms of not sharing information, is that a typical practice?

[01:46:50] Would we know if our students were involved in something that was happening inappropriately or would potentially be a crime off campus? So if I can repeat this back to make sure I understand. If I'm hearing this correctly, if a student was involved in potential criminal activity prior to the school day starting or after and is in route or could potentially come to the school, would they know?

[01:47:18] And the answer is yes. So our patrol deputies are in pretty good communication with the school resource officers. So if we realize we're dealing with a student that could potentially end up at a school and there's something active that's ongoing with that student, we would communicate to the school resource officer, which communicates to school safety and security for decisions related to everything from, you know, should the building be put in a certain status or, you know.

[01:47:47] Could we explore that a little bit more next time, especially in terms of whether or not, I mean, I appreciate the communication with the SRO and with safety and security, but how does that interact?

[01:48:03] I mean, I guess it's not discipline, but would anyone else inside the school be notified or given any information and how does that work? There's probably different levels of this but I would point to page 11 under crime reporting which talks about the Code of Virginia and law enforcement's requirement to notify school division administration if there are students who have committed certain offenses that would be a felony if committed by adults.

[01:48:35] And so what I would say in terms of our protocol is that I am typically notified and Ms. Mitchell is typically notified when those things have occurred outside of the school. do you keep a record internally for when that happens that's typically written notification okay thank you miss labelle for your patience no problem i just want to go back and find out it does say that you have to notify the parent how do you notify them i mean it could be an

[01:49:13] email a text a voicemail you can drive up to their home or their place of employment is there any specifics in virginia law that would clarify that for me so the virginia law just says to notify most practically it is by phone so we are attempting to call because usually time is of the essence so we're trying to to reach a parent to be able to say hey this is what we have going on and you know let them know what we have so that they can you know interact as appropriate with their child um i'm not being anal about this but i'm i know especially since it's important to to

[01:49:51] To have that information available to the court, do you document who you called, what time you called, and what number you used? So I would say anecdotally, most of the time parents are responsive. And so we would note the fact that we called a parent, which parent we spoke to, that they responded, and basically what that exact interaction was, yes.

[01:50:14] Well, the reason I ask is because oftentimes in special education, we are required to notify parents of meetings or behaviors or whatever. And if we call and left a message, that might not be enough.

[01:50:30] So we have to document how many times we called and didn't get a response, what else we did. Is that something that you have to go through in this case? So, yes. So, again, we have to meet this Code of Virginia standard. And that, you know, if I were the defense attorney for a child, that's one of the first things I would look at is, did we make the notifications, did we do it appropriately and document it appropriately?

[01:50:53] So our deputies and detectives know that if there is parental notification, if we are dealing with a child and notifying a parent, we need to document exactly when we did what, who we spoke with, and

what that process was, so that if there is a statement made, that that could potentially be admissible.

[01:51:10] Okay, thank you for that. Yes, Mr. Spinson. Thank you, Madam Chair. Just to be completist about this, I think the overdose notification section is new as well. I just wanted to confirm that this is just codifying existing practice or understand if there's anything that's different from what we are currently doing.

[01:51:35] No, let's just, thank you, Mr. Spinson. This just codifies what we currently are doing and is aligned to Virginia Code. Is there a reason why there isn't a more fulsome practice of notification around overdoses?

[01:51:55] I mean, they certainly occur in places in the community outside of schools. I'm sorry, can you repeat the beginning of that question? Is there a reason why there's not a more fulsome overdose notification that occurs in the community when overdoses? I mean, we have an obligation, certainly, that's outlined in code for when something like that happens in schools.

[01:52:17] But anyone who's watching the – I mean, I watch a crime radar app in my neighborhood. And it happens in the community quite a bit. And I'm not sure that there's the same level of awareness that's applied to the schools.

[01:52:33] Is there a reason for that? So, I mean, I know we do a lot of outreach and everything about awareness of, especially, you know, fentanyl and, you know, all the different opioid, you know, heroin, all that type of stuff. So our goal has been to be completely, you know, repeatedly pushing this information out.

[01:52:53] Do you provide notifications specifically to the community? For, like, every single overdose that occurs? No, we do not. Okay. And that's because there's not a legal obligation to do so? No, and there's many factors. So we often deal with overdoses that may not be actually tied to that specific area of the community.

[01:53:16] So someone who actually lives in one area but is overdosing in another, that is a frequent occurrence for us as folks are often driving to obtain the drugs that they're then using.

[01:53:32] So there's a lot of variance to that. In terms of fighting the problem overall, it seems like if there was more awareness of having them happen outside of school, that could be beneficial for the whole community.

[01:53:49] We do routinely put out our statistics, so we do put overdose statistics out very routinely to try to educate the community as to what is actually being seen out there. Okay, well, thank you. We are approaching the end of our time.

[01:54:07] are there any further comments or concerns um yes mr spinson thank you madam chair um i was just curious and perhaps this is um for for lpd lcso um and for lcps um i know that there's been reporting on information about immigration status being shared to ice um during interactions in the the community um and i was curious if there was any language um that that folks in believe that's in the mou that would prevent um information obtained by an sro in the school context about

[01:54:43] immigration status from being shared um with ice um not to suggest that sr any sro currently on duty is doing that or has done that but just to you know um to have that assurance protection in the mou i'm curious that there's language that would prohibit information that might be gained from being in

the school environment from being shared in that way sure so um when it comes to ice and you know notification of immigration um you know related matters we've been very clear our the ice agreement that the sheriff's office has is the warrant service officer program in the adult

[01:55:22] detention center has nothing to do with school resource officers um the um the instances where you know I know there's been some reporting around you know notification to ice that is solely when law enforcement is contacting a person to the point where they are identifying them and then that person has a an administrative warrant that's on file in the national criminal information center center NCIC when that's on file and they say hey if you contact this person please let us know then the deputy may make that notification nowhere in there does is an SRO

[01:55:59] involved so school school information would never get run through the national criminal information center to even know whether there's a detainer or anything on for that that person so there's really no scenario where a sro would um would be aware of or quite frankly care about the immigration status of a a student that's on that's on campus but if you had to for whatever purpose run a student or staff member or family member's name through the system in some connection to duties

[01:56:33] on the school campus and that name popped up in that database is would there be any restrictions on on flagging that so in the scenario where a a parent or someone comes on to school property and either causes a disruption significant enough that an sro has to get involved or commits an offense and they were then run through the system and they have a administrative detainer that's on

[01:57:06] file that also says if you contact this per you know this person please call us then it would be up to the discretion of that deputy whether or not they want to make that notification it's not a required notification and there's no custodial status we do not do immigration enforcement in in the field so it would have to literally be all of those things they someone would have to be on campus causing a significant enough disturbance that we would even gather their information and run it in the first place and then they would have to have a detainer that would have to say

[01:57:41] then to count or make a request to contact the law enforcement support center um in which case you know we would um or at least the deputy could make that option so it's possible in that circumstance but it wouldn't necessarily have to be a major disturbance would it I mean if there was like a traffic incident couldn't that lead to someone being run through the system so generally speaking SROs are not doing traffic enforcement on the school property they're generally in the building unless there's some again there could be a you know significant reckless driving like like in the car line or something like that again it would have to be something significant enough that

[01:58:20] the deputy would then run that person through but if if we were running the identification of someone that had a detainer on file again we don't act on that detainer but if it says contact the law enforcement support center it's up to that deputy's discretion as to whether they they contact and say hey yes i came in contact with this person or or no i didn't um but again i would reiterate that is normal law enforcement practice with every federal entity um not not just you know ice is currently the one that's currently in the discussion but normal law enforcement practice for contacting Fairfax County Police Department for someone that they're on the lookout

[01:58:58] or any other law enforcement agency. That would be normal practice. Understood. Thank you. Thank you. Noting the time, I'm going to stop discussion for the meeting because we have to change the room for our next meeting.

[01:59:21] Thank you all for being here and for the conversation today and the collaboration. This select committee of the school board regarding the MOU between LCPS, LCSO, and LPD is now adjourned. Thank you and drive home safely.



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