

2. “Biometric record” means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting. 34 C.F.R. § 99.3 (2012); 20 U.S.C. § 1232g (2013).
3. “Code of Conduct” means the document the Achievement First Brooklyn Board of Directors develops, adopts, enforces, and amends, where appropriate, for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers, other school personnel, and visitors. The Code of Conduct contains the School’s behavioral and discipline policies required by New and is shared with students and parents. N.Y. EDUC. LAW § 2801 (2012).
4. “Federal Immigration Authorities” or “Federal Immigration Enforcement Agency” means any officer, employee, or person otherwise paid by or acting as an agent of the United States Immigration and Customs Enforcement (“ICE”), Homeland Security Investigations (“HIS”), Customs and Broder Protection (“CBP”), or Department of Homeland Security (“DHS”), or any division thereof, who is charged with immigration law enforcement.
5. “Gender” includes actual or perceived sex, gender identity, and gender expression including a person’s actual or perceived gender-related self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth. NYC Admin. Code § 8-102 (2019).
6. “Guidance Intervention” or “Response to Intervention” generally refers to the practice of providing high-quality instruction or intervention to meet the needs of all student through the provision of differentiated instruction in core curriculum and supplemental intervention.
7. “Law Enforcement Agency” refers to any police department, sheriff’s office, or other local law enforcement entity that maintains a presence in the School and is party to this Agreement.
8. “Individualized Education Program Team” (“IEP Team”) refers to a school’s team of qualified professionals who are primarily responsible for development and review of a child’s Individualized Education Program (“IEP”). At a minimum, the IEP Team shall include the parent of the student, at least one of the student’s general education teachers, the special education teacher, the school psychologist or an individual who can interpret the instructional implications or evaluation results, a representative of the local education agency who is qualified to provide or supervise special education and knowledgeable about the general curriculum, the child, or the local education agency’s resources, and the student (when appropriate). 34 C.F.R. § 300.321 (2007).

9. A “non-criminal violation” is any offense, other than a traffic offense, in the New York Penal Law that does not allow for a term of imprisonment greater than fifteen (15) days.
10. “Parent” means a person in parental relation to a student, including the student’s parent, legal guardian, or other person legally responsible for a student under New York law. N.Y. EDUC. LAW § 2 (2005); N.Y. GEN. OBLIG. LAW § 5-1551 (2018).
11. “Police Officer” means any uniformed employee of the New York Police Department.
12. “Positive Behavioral Intervention and Supports” (“PBIS”) refers to a multi-tiered, evidence-based framework and systems of supports that create and maintain positive school climates. PBIS emphasizes the prevention of behavioral and school discipline problems by teaching, modeling, and recognizing positive, appropriate behaviors in schools.
13. “Restorative practices” refers to prevention and intervention measures for responding to misbehavior that focus on building relationships, holding students accountable, and creating a sense of community through participatory decision-making and problem solving. Restorative practices include, but are not limited to, collaborative negotiation, circle process, peer mediation, conflict resolution, and formal restorative conferencing.
14. “School official” means any Achievement First Brooklyn Board member, School employee, New York State Education Department, or the individual School.
15. “School t hool

18. "Student" refers to a person enrolled in the School.
19. "Out-of-School Suspension" refers to a student's temporary prohibition from attending school on either a short-term or a long-term basis in accordance with N.Y. EDUC. LAW § 3214 (2017). A short-term out-of-school suspension refers to a suspension of a student from school for ten (10) days or less. A long-term out-of-school suspension refers to a suspension of a student from school in excess of ten (10) days.
20. "In-School Suspension" refers to a student's temporary prohibition from attending regular class on a short-term basis in accordance with N.Y. EDUC. LAW § 3214 (2017).

IV. MANAGEMENT OF SCHOOL RESOURCE OFFICERS

1. The Principal or their designee shall be an equal participant with the Security Agency in any decision concerning assignment or removal of a Security Guard from the School.
2. The Principal or their designee has the right to request the removal or re-assignment of any Security Guard for any reasonable cause provided in writing to the Security Agency. Reasonable cause may include, but is not limited to, poor quality of work or performance, insubordination, issues related to dishonesty, attendance issues, theft or criminal behavior, sexual harassment, biased-based discrimination, and use of force against students.
3. Prior to placement in a new school, Security Guards shall meet with the school Principal and the highest

7. The School shall not rely on Security Guards or member of the Security Agency to provide counseling or other functions performed by a trained mental health provider, such as a counselor, social worker, or psychologist.

V. RESPONDING TO STUDENT MISBEHAVIOR

1. School officials are responsible for fostering a positive school climate, administering the Code of Conduct, and responding to normative child and adolescent behaviors.
2. School administrators have the responsibility to ensure consistent enforcement of school rules and policies. Police officers and Security Guards shall not act as school disciplinarians, as enforcers of the School's Code of Conduct violations, nor may they act in place of school officials for classroom management, or in place of school social workers, counselors, psychologists, or psychiatrists on school property at school-sponsored events.
3. School officials shall not request the intervention of Police Officers or Security Guards when responding to the following normative child and adolescent behaviors:
 - a. Disorderly behavior;
 - b. Behaving in a rude or disruptive manner;
 - c. Making excessive noise;
 - d. Hanging out in school hallways or bathrooms;
 - e. Violating the dress code or uniform policy;
 - f. Failing or refusing to provide identification upon request;
 - g. Profane, obscene, vulgar or lewd language, gestures, or behavior;
 - h. Use of racial or other slurs;
 - i.

1. Police Officers and Security Guards are responsible for responding to serious criminal law matters only where there is a clear and present danger of serious physical injury to a student or other member of the school community.
2. Police Officers and Security Guards shall not arrest students at school for non-school related offenses.
3. Police Officers and Security Guards shall not respond to and are not responsible for routine disciplinary matters involving students. In the event that a Security Guard witnesses a student violating school rules, the Security Guard's primary responsibility shall be to inform a relevant school official.

Velcro handcuffs or shackles; restraint chairs; helmets; prone or face-down restraints; or the act of being physically locked in a room. To determine if it is appropriate to use mechanical restraints, the Police Officer or Security Guard must take into consideration the safety of the student, the Police Officer, or Security Guard, and other members of the school community; the age and physical stature of the student; the type of offense alleged and whether weapons were used; the presence of the student's parent and/or school employees; the number of students being arrested; the judgement of the Principal or their designee; and their student's demeanor.

11. For children with disabilities, the Principal or their designee, in collaboration with the student's IEP team, shall develop an agreed upon response when a child's behavior is a manifestation of their disability. Whenever they have knowledge of a student's

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1. The School ha

2. Within ninety (90) days of the signing of this MOU, the SECURITY AGENCY shall ensure that this Memorandum is reviewed by all its employees assigned to the school, including Security Guards.

XIV. DURATION OF MOU

1. This MOU shall become effective immediately upon execution by signature and remain effective for five (5) calendar years. Thereafter, all Parties must renew it annually.
2. Any amendment or cancellation of this document shall be executed in writing.