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August 16, 2016

TO: Chief School Administrators  
Charter School Lead Persons  
Renaissance School Project Lead Persons  
Administrators of Approved Private Schools for Students with Disabilities

FROM: Susan Martz, Chief Learning Supports & Specialized Services Officer/  
Assistant Commissioner  
Division of Learning Supports and Specialized Services

SUBJECT: Guidance on the Annual Review and Approval of the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*

Annually, the chief school administrator and appropriate law enforcement officials must establish a process to discuss the implementation of the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials* (MOA). The yearly review of the MOA provides the opportunity for school and law enforcement officials to reaffirm the commitment to work together as equal partners, discuss the effectiveness of the current processes and revise procedures, as needed.

It is important for school officials to be familiar with this agreement and how it complements the principles of the code of student conduct regulations to establish standards, policies and procedures for positive student development and behavioral expectations (*N.J.A.C. 6A:16-7.1*). While the majority of incidents may be addressed solely by school officials, there are specific types of incidents where school officials are required to refer a matter to law enforcement. By outlining these required referrals, the MOA helps ensure consistency among school districts.

However, there are other incidents where school officials may elect to refer a matter to law enforcement. When contemplating a non-mandatory (i.e., voluntary) referral, the Department of Education encourages school officials to refer to the code of student conduct and provide a graduated response to misconduct that provides a continuum of actions designed to remediate and impose more severe sanctions for continued misbehavior prior to referring the incident to law enforcement. Research has demonstrated that students who have contact with the juvenile justice system, including a single arrest, are at increased risk of dropping out of school and having further involvement with the juvenile and adult criminal justice system.<sup>1</sup> Therefore, voluntary referrals to law enforcement should be considered as a last resort.

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<sup>1</sup> Morgan, E., Salomon, N., Plotkin, M., and Cohen, R., *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System* (New York: The Council of State Governments Justice Center, 2014).

A copy of the MOA, frequently asked questions and a technical assistance module can be found at <http://www.nj.gov/education/students/safety/behavior/law/moa/>. Also, attached to this memorandum is guidance to support school officials in the annual review and approval of the MOA.

Thank you for your efforts to ensure effective cooperative working relationships with local law enforcement officials. Should you have questions on these requirements, please contact the Office of Student Support Services at [EdLawMOA@doe.state.nj.us](mailto:EdLawMOA@doe.state.nj.us).

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Attachment

c: Members, State Board of Education  
David C. Hespe, Commissioner  
Senior Staff  
Nancy Curry  
Kelly Allen  
Executive County Superintendents  
Executive Directors for Regional Achievement Centers  
Executive County Business Officials  
NJ LEE Group  
Garden State Coalition of Schools  
Jennifer Lebaron, Juvenile Justice Commission

**GUIDANCE ON THE ANNUAL REVIEW AND APPROVAL  
OF THE *UNIFORM STATE MEMORANDUM OF AGREEMENT  
BETWEEN EDUCATION AND LAW ENFORCEMENT OFFICIALS***

The following information is intended to clarify the requirements for the annual review and approval of the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials* (MOA) and describe general procedures for facilitating the annual review and approval. The annual adoption and implementation of the MOA is required by all of the following:

- Public school districts;
- Charter schools and renaissance school projects;
- Jointure commissions;
- Educational services commissions; and
- Approved private schools for students with disabilities.

**Annual Review Process**

- District board of education's policies and procedures must include an annual process for the chief school administrator and appropriate law enforcement officials to do the following:
  - Discuss the implementation of and the need for revising the MOA; and
  - Review the effectiveness of the policies and procedures adopted by the district board of education and implemented by the school district in accordance with *N.J.A.C. 6A:16-6*.
- There is no set time period for the review, but it must occur annually.
- The annual review must include input from the executive county superintendent, community members (which could include board of education members) and meeting(s) with the county prosecutor and the law enforcement officials designated by the county prosecutor.
- There is no requirement or provision for an annual, one-page update form, unless a local update form is used to formally document the annual review and signatures.
- In the case of educational agencies without district boards of education (e.g., charter schools, renaissance school projects, approved private schools for students with disabilities), the authorized officer of the educational agency's governing body would sign where indicated for the president of the district board of education.

**Signatures and Copies**

The MOA must be approved by the following school and law enforcement officials:

- President of the district board of education;
- Chief school administrator (includes charter school and renaissance school project lead persons and administrators of approved private schools for students with disabilities);
- Chief(s) of the police department or the station commander(s), as appropriate;
- Executive county superintendent; and
- County prosecutor.

Therefore, each of these officials must sign and receive a signed copy of the MOA annually. At a minimum, **five signed copies of the MOA** must be processed each year, subsequent to the annual discussion.

**Procedures to Facilitate the Annual Review and Approval of the MOA**

Each county prosecutor’s office and county office of education may have an established procedure for obtaining the signatures and copies subsequent to the annual discussion. To further support the annual review and signature process, please consult the list of suggested activities below.

Suggested Activity	Person Responsible
<ul style="list-style-type: none"> <li>Schedule meetings with the Chief of Police or Station Commander, as appropriate, to discuss the revised MOA</li> </ul>	Chief School Administrator
<ul style="list-style-type: none"> <li>Meet to discuss and review the MOA</li> <li>After the meeting, both individuals sign five (5) copies of the MOA               <ul style="list-style-type: none"> <li><b>Note:</b> Attach any additional approved MOA provisions and contact information to each signed copy of the MOA</li> </ul> </li> <li>Forward the five (5) signed copies to the Executive County Superintendent</li> </ul>	Chief School Administrator, Chief of Police or Station Commander
<ul style="list-style-type: none"> <li>Review, approve and sign the five (5) copies of the MOA</li> <li>Forward the signed copies to the County Prosecutor</li> </ul>	Executive County Superintendent
<ul style="list-style-type: none"> <li>Review, approve and sign the five (5) copies of the MOA</li> <li>Retain one (1) original copy of signed MOA for his/her file</li> <li>Forward one (1) original copy of signed MOA to Chief of Police or Station Commander</li> <li>Return three (3) copies of signed MOA to Executive County Superintendent</li> </ul>	County Prosecutor
<ul style="list-style-type: none"> <li>Retain one (1) original copy of signed MOA for his/her file</li> <li>Forward one (1) original copy of signed MOA to Chief School Administrator and one (1) original copy of signed MOA to president of district board of education</li> </ul>	Executive County Superintendent
<ul style="list-style-type: none"> <li>Send a copy to each district principal and any district participant at annual revision meeting</li> </ul>	Chief School Administrator

For more information on the MOA, visit [www.nj.gov/education/students/safety/behavior/law/moa/](http://www.nj.gov/education/students/safety/behavior/law/moa/). This website includes a copy of the uniform MOA in both PDF and Word document formats, as well as a technical assistance module and frequently asked questions. Should you have additional questions, contact the Office of Student Support Services at [EdLawMOA@doe.state.nj.us](mailto:EdLawMOA@doe.state.nj.us) or (609) 292-5935.