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July 25, 2017

TO: Chief School Administrators
Charter School and Renaissance School Project Leads

ROUTE TO: Building Administrators

FROM: Peggy McDonald, Acting Assistant Commissioner
Division of Learning Supports and Specialized Services

SUBJECT: Important Information Regarding the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*

ACTION: **Hold 2017-18 annual review of the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials* until the revised version is released. Review this memo for immediate clarifications.**

The New Jersey Department of Education (NJDOE) and the Department Law & Public Safety are currently in the process of revising the *Memorandum of Agreement Between Education and Law Enforcement* (MOA) for the 2017-18 school year in an effort to more clearly communicate for school officials the distinction between mandatory and voluntary referrals to law enforcement. The current order of the MOA sections will also be re-organized for easier reference by reducing redundancy and connecting similar topics in one place. At this time, you should postpone any plans to conduct the 2017-18 annual review of the MOA until the revised MOA is released.

What Building Administrators Need to Know for Opening Day

While the 2017-18 MOA is still under review, in order to assist your school administrators, the following clarification has been approved for release today:

In accordance with *N.J.A.C. 6A:16-6.3(e)*, school employees must notify the principal and chief school administrator when they develop reason to believe a bias-related act has been committed or is about to be committed on school grounds, or has been or is about to be committed by a student on or off school grounds, and whether such offense was or is to be committed during operating school hours, or a student enrolled in the school has been or is about to become the victim of a bias-related act on or off school grounds, or during operating school hours, who, in turn, should promptly notify the local police department.

A “bias-related act” means an act that is directed at a person, group of persons, private property, or public property that is motivated in whole or in part by racial, gender, disability, religious, sexual orientation, or ethnic prejudice. A bias-related act need not involve conduct that constitutes a criminal offense. Note that all hate crimes are also bias-related acts, but that not all bias-related acts will constitute a hate crime. A “hate crime” is defined as any criminal offense in which the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race, color, gender, disability, religion, sexual orientation, or ethnicity.

Under the authority of a separate agreement entitled [Responding to Hate Crimes and Bias-Related Acts](#), in deciding whether to refer bias-related acts to local law enforcement or county prosecutor's office, the principal of the school, or his or her designee, should consider the nature and seriousness of the conduct and the risk that the conduct posed to the health, safety, or well-being of any student, school employee, or member of the general public.

Additional Information

- There is no set time period for schools to review the MOA and enter into an agreement with law enforcement authorities, but it must occur annually.
- Schools should continue to utilize their signed MOA from the 2016-17 school year, with the clarification provided above, until further notice.
- The NJDOE anticipates that the revised MOA will be available by November 2017.
- If any of your schools have already completed the 2017-18 annual review and signing of the MOA, they will need to complete the process again for the revised MOA.

The NJDOE regrets any inconvenience the postponement of the release of the 2017-18 MOA may cause your staff and requests that you share this information with your building principals *and local law enforcement* so that they are also informed of the reason for the delay.

Please send questions to EDLawMOA@doe.state.nj.us.

c: Members, State Board of Education
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