

## **Ashe County School Justice Partnership**

### **Memorandum of Understanding**

#### **23rd Judicial District**

This School Justice Partnership (the "Partnership") is a partnership, by and between, the following parties:

1. The Ashe County Board of Education (the "Board")
2. The Ashe County Sheriff's Office, the Jefferson Police Department, and the West Jefferson Police Department (collectively "Law Enforcement Agencies")
3. The District Attorney's Office of the Twenty-Third Judicial District (the "Prosecutor")
4. The North Carolina Department of Public Safety, Division of Juvenile Justice & Delinquency Prevention ("Juvenile Justice")
5. The District Court of the Twenty-Third Judicial District (the "Court")(the Court, Prosecutor, and Juvenile Justice will collectively be referred to as the "Judicial Agencies")

**WHEREAS**, the Board have the duty to create and maintain a safe and orderly school environment conducive to learning;

**WHEREAS**, removal of students from school, while sometimes necessary, can exacerbate behavioral problems, diminish academic achievement, and increase school dropout;

**WHEREAS**, the Board and their employees have the primary responsibility for maintaining order in the school environment and for investigating and responding to school disciplinary matters;

**WHEREAS**, the duty of Law Enforcement Agencies is to respond to and investigate imminent safety threats, any violations of law or criminal activity, and to serve and protect the population they have been charged with serving as well as the community;

**WHEREAS**, the efficient use of judicial resources is desirable, the jurisdiction of the Judicial Agencies does not extend to initial decisions of school personnel in disciplinary matters;

**WHEREAS**, the Board and Law Enforcement Agencies regularly partner together to meet their shared responsibility to create a safe school environment for all students;

**WHEREAS**, the Board and Law Enforcement Agencies aim to respond to student behavior consistently and within the bounds of their respective legal duties and responsibilities;

**WHEREAS**, some minor, non-emergency disruptive behavior of students are adequately and effectively addressed through classroom, in-school, family, and community strategies and by maintaining a positive climate within schools rather than by exclusionary discipline practices or referral to Law Enforcement Agencies;

**WHEREAS**, juvenile criminal charges for some less serious offenses may be appropriately diverted to alternative, non-criminal remedies within the Judicial Agencies, depending on the circumstances of each instance;

**WHEREAS**, clarifying the responsibilities and distinct roles of the Board, Law Enforcement Agencies, and Judicial Agencies in responding to school-based misconduct is in the best interest of the students, the school system, law enforcement, and the community;

**WHEREAS**, due to the negative impact exclusionary discipline practices and referrals to the justice system can have on students, engaging in ongoing dialogue aimed at identifying effective strategies that reasonably can be implemented within available resources to reduce the number of student suspensions, expulsions, and referrals to the justice system while preserving safety and order within the schools is in the interest of all Parties to this Partnership;

**BASED ON THE ABOVE PREMISES**, and in a collective effort to provide better outcomes for students, the Parties support and declare the following principles, best practices, and goals for the management of school-based misconduct:

- A. The General Assembly has established a State policy and statutory framework for school discipline in Chapter 115C, art. 27 that balances the duty of schools to maintain a safe and productive learning environment with the interest of students in avoiding the negative effects of exclusion from school.
- B. The statutory framework vests the Board with the duty, responsibility, and authority to establish procedures for school discipline.
- C. The statutory framework (1) prohibits local board from imposing mandatory long-term suspensions or expulsions for specific misconduct unless otherwise provided by law ('zero tolerance policies"); (2) restricts the availability of long-term suspension and expulsion to serious instances of student misconduct that either pose a safety threat or a threat of substantial disruption to the educational environment; (3) allows for consideration of mitigating or aggravating factors when considering all exclusionary disciplinary consequence; (4) encourages the use of a full range of responses to misconduct, including a variety of tools that do not remove a student from school; and (5) allows schools to consider the

- availability of resources in providing services to students who are subject to long-term suspension from school.
- D. The Board, Law Enforcement Agencies, and the Judicial Agencies have a shared interest in reducing the number of student suspensions, expulsions, and referrals to the justice system by timely and constructively addressing school-based misconduct when and where it happens, helping students succeed in school, and preventing negative outcomes for both youth and their communities.
  - E. Consistent with State policy and statutory framework for school discipline established by the General Assembly, students should be held accountable for their misconduct using a system of disciplinary consequences that takes into consideration the nature, severity, and frequency of the behavior.
  - F. Responses to school-based misconduct should be reasonable, consistent, and fair with appropriate consideration of both aggravating and mitigating factors such as the student's age, intent, and academic and disciplinary history; the nature and severity of the incident; whether a weapon was involved, or injury occurred; and the misconduct's impact on the school environment.
  - G. The Board is encouraged to use a full range of responses and interventions to violations of disciplinary rules, such as conferences, counseling, peer mediation, behavior contracts, instruction in conflict resolution and anger management, detention, academic interventions, community service, restorative justice approaches and other similar tools that do not remove a student from the classroom or school building.
  - H. Minor serious school-based misconduct that does not pose a safety threat or threat of substantial disruption to the education environment often can be appropriately addressed through a range of interventions and strategies and do not require the intervention or assistance of Law Enforcement Agencies or referral to Judicial Agencies.
  - I. More serious school-based misconduct that threatens the safety of students, staff, or school visitors, or that threatens to substantially disrupt the educational environment may appropriately lead to the involvement of law enforcement and the Judicial Agencies, and for certain alleged criminal acts, such involvement may be required by law.
  - J. Ongoing institutional dialogue between the Parties is essential to support efforts to establish and maintain a safe, inclusive, and positive learning environment for all students and educators.
  - K. The use of evidence-based and evidence-informed alternatives that are effective in reducing the use of exclusionary discipline and referrals to law enforcement are encouraged as a first response to incidents of minor school-based misconduct.
  - L. The relationship between a local board of education and its local law enforcement agencies is generally addressed in a memorandum of

understanding that establishes the responsibilities and distinct roles of school and law enforcement officials, including School Resource Officers. Nothing in this Partnership shall be read or construed as altering or superseding the rights and responsibilities of either party in any prior agreement related, including a school resource officer Memorandum of Understanding.

In furtherance of the principles, best practices and goals set forth above:

1. The Parties hereby form a School-Justice Partnership (“District SJP”) within the Twenty-Third Judicial District that examines data, considers existing practices and relevant objective research, and recommends effective evidence-based and evidence-informed strategies that can be implemented within available resources to address student misconduct for the purpose of providing a safe, inclusive, and positive learning environment in the school and community. These strategies are outlined in a Graduated Response Model:

	<b>Types of Behavior</b>	<b>Intervention Options</b>
<b>Teacher/Classroom or School Interventions</b>	<ul style="list-style-type: none"> <li>- Dress code violations</li> <li>- Isolated and minor acts of disobeying behavioral expectations</li> <li>- Not meeting academic expectations</li> <li>- Repeated tardiness</li> <li>- Refusing to do work</li> </ul>	<ul style="list-style-type: none"> <li>- Redirection</li> <li>- Journaling/reflection</li> <li>- Re-teaching, tutoring, differentiation.</li> <li>- Modifying seating arrangements</li> <li>- Contacting parents</li> <li>- School climate initiatives: involvement with school wide interventions</li> <li>- Referral to appropriate support personnel: school counselor, social worker, graduation coach, nurse, school psychologist</li> </ul>
<b>Administrator/School or District Interventions</b>	<ul style="list-style-type: none"> <li>- Repeated behavior expectations violations</li> <li>- Truancy</li> <li>- Fighting</li> <li>- Late to school</li> </ul>	<ul style="list-style-type: none"> <li>- Referral to appropriate support personnel</li> <li>- In-school suspension with academic support and social skills training.</li> <li>- Targeted interventions such as: Juvenile Mediation, Ashe Youth Justice Project, &amp; Ashe TAB</li> </ul>

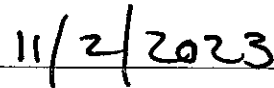
	<ul style="list-style-type: none"> <li>- Sexting/social media (other than communicating threats)</li> </ul>	<ul style="list-style-type: none"> <li>- If no improvement refer to School-Based Team</li> </ul>
<b>School-Based Team/District or Community Interventions</b>	<ul style="list-style-type: none"> <li>- Repeated school rule violations</li> <li>- Failure in classes</li> <li>- Difficulty with behavior in multiple school settings</li> <li>- Excessive absenteeism</li> </ul>	<ul style="list-style-type: none"> <li>- Using the problem-solving method (PSM) to determine best approach to help student</li> <li>- Functional Behavioral Assessment (FBA) with Behavior Intervention Plan (BIP)</li> <li>- Family Involvement Team and plan (FIT)</li> <li>- Response to Instruction (RTI) referral for academic and/or behavioral supports, Personal Education Plans (PEP)</li> <li>- McKinney-Vento considerations (homelessness)</li> <li>- Referral to targeted or intensive interventions</li> <li>- Out of school suspension should be avoided when possible and not used for absenteeism or tardiness.</li> </ul>
<b>Law Enforcement Interventions</b>	<ul style="list-style-type: none"> <li>- Weapons</li> <li>- Drugs</li> <li>- Battery</li> <li>- Communicating threats</li> </ul>	<ul style="list-style-type: none"> <li>- Ashe Youth Justice Project</li> <li>- Court System</li> </ul>

2. The Parties are encouraged to form local School-Justice Partnerships at the county level (Local "SJP's"). The Local SJP's should include representatives from the county Board of Education, the Sheriff's Department, city, and town law enforcement agencies located within the County, representatives from the Judicial Agencies, and other stakeholders as deemed appropriate by the Local SJP's, including but not limited to representatives from mental health agencies and the County Department of Social Services.
3. The purpose of the District SJP and local SJP's is to create a positive relationship-based culture that is supportive of all members of the school system and the community in their efforts to reduce the number of suspensions, expulsions, and referrals to the justice system while maintaining school safety and order.
4. In an effort to achieve the District SJP's purpose, the Parties commit to engaging in a regular and ongoing institutional dialogue, at least annually, about how to leverage existing and potential resources to collaboratively respond to school-based misconduct in ways that maintain school safety and order while reducing suspensions, expulsions, and referrals to the justice system, including consideration of alternative disciplinary measures, in-school interventions, diversion programs, graduated response models, community-based support services, and/or other evidence-based or evidence-informed practices.
5. Local SJP's are encouraged to meet on a regular basis, as determined by each local SJP's members.
6. In addition to the meetings of the District and Local SJP's, employees for the Boards, Juvenile Justice and Law Enforcement Agencies are encouraged to work together informally, to the extent allowed by law, to discuss and manage individual student matters in order to implement the appropriate responses and interventions for students who have engaged in misconduct.
7. This Partnership shall not limit or be construed to limit the legal rights and duties of the Parties to carry out their duties under the law to address misconduct, ensure public safety, and ensure the well-being of students in this community.
8. This is the full expression of the Parties' collective goal of reducing suspensions, expulsions, and referrals to the justice system and is not intended to bind the parties, impose legal obligations on the parties, or create legal liability for any actions or omissions made pursuant to this Partnership. Nothing in this

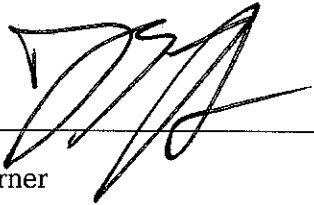
Partnership shall create or be construed to create a cause of action thereunder against any Party arising from solely from their handling of school discipline or juvenile delinquency.



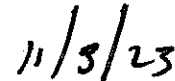
The Honorable, Robert J. Crumpton  
Chief District Court Judge, Twenty-Third Judicial District



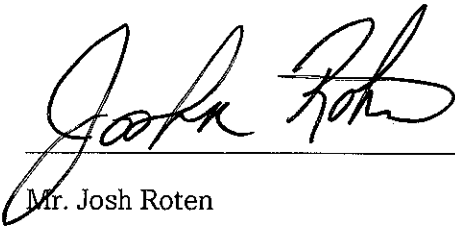
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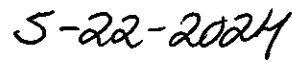
Mr. Tom Horner  
District Attorney, Thirty-Fourth Prosecutorial District



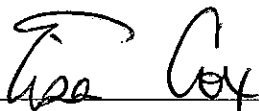
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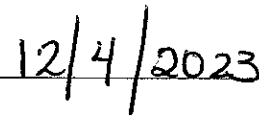
Mr. Josh Roten  
Chair, Ashe County Board of Education



Date



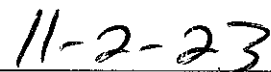
Dr. Eisa Cox  
Superintendent, Ashe County Schools



Date



Mr. Phil Howell  
Sheriff, Ashe County Sheriff's Office



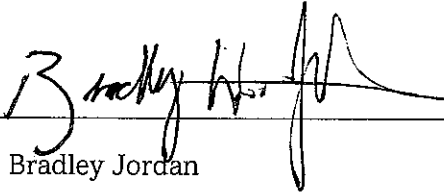
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Mr. David Witherspoon  
Chief of Police, Town of Jefferson

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Date



Mr. Bradley Jordan  
Chief of Police, Town of West Jefferson

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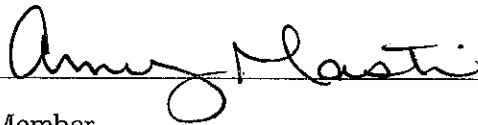
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Mr. Brant Wilkins  
Chief Court Counselor, Twenty-Third Judicial District

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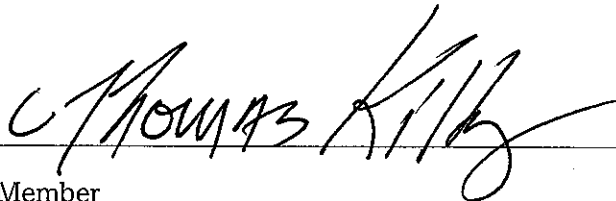
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