

**CATAWBA COUNTY BOARD OF EDUCATION SCHOOL-
JUSTICE PARTNERSHIP RESOLUTION**

THIS SCHOOL-JUSTICE PARTNERSHIP (herein referred to as the “Partnership”) is a partnership by and between the following Parties: The Catawba county Board of Education, the Catawba County Sheriff’s Office, the Maiden Police Department (herein collectively referred to as “law enforcement”), the District Court of the Twenty-fifth Judicial District (herein referred to as the “Court”), the District Attorney’s Office for the Thirty-Sixth Prosecutorial District (herein referred to as the “prosecutor”); and the North Carolina Department of Public Safety, specifically the Juvenile Court Counselors working in the Twenty-fifth Judicial District (herein referred to as the “counselors” and the Court, prosecutor and counselors are collectively referred to herein as “judicial agencies”).

WHEREAS, the Catawba County Board of Education has a duty to create and maintain a safe and orderly school environment conducive to learning and to continually teach students to respect themselves, others, and property, and to conduct themselves in a manner that fosters their own learning and the learning of those around them; and

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

WHEREAS, the General Assembly has declared as policy of this State that school discipline must balance these competing interests; and

WHEREAS, school officials have the primary responsibility for maintaining order in the school environment and for investigating and responding to school disciplinary matters; and

WHEREAS, the duty of local law enforcement agencies (defined as the local Sheriff’s Office and/or the local Police Department) is to respond to and investigate imminent safety threats, uphold the law and serve the population they are charged with protecting; and

WHEREAS, efficient use of judicial resources in the management of cases that may reach the juvenile court system is desirable; and

WHEREAS, the Catawba County Board of Education and local law enforcement agencies regularly partner together to meet their shared responsibility to create a safe school environment for all students; and

WHEREAS, the Catawba County Board of Education and local law enforcement agencies aim to respond to student behavior consistently and within the bounds of their respective legal duties and responsibilities; and

WHEREAS, school officials are encouraged to use a full range of responses to violations of disciplinary rules, such as conferences, counseling, peer mediation, behavior contracts,

WHEREAS, school officials are encouraged to use a full range of responses 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, and other similar tools that do not remove a student from the classroom or school building; and

WHEREAS, some minor, non-emergency disruptive behavior of students at school and school-related events may be 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; and

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

WHEREAS, clarifying the responsibilities and distinct roles of school officials and law enforcement personnel in responding to school-based misconduct is in the best interest of the students, the school system, law enforcement, and the community; and

WHEREAS, in light of the negative impact exclusionary discipline practices and referrals to the justice system may have on students, the interests of students, the school system, law enforcement, the judicial system, and the community at large can be served by engaging in an ongoing dialogue aimed at identifying effective strategies that can be implemented reasonably 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.

NOW, THEREFORE, BE IT RESOLVED that the Parties to this Resolution support 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 local board of education with the duty, responsibility, and authority to establish procedures for school discipline.
- C. The statutory framework (1) prohibits local boards 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 an 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 Catawba County Board of Education, its school officials, members of law enforcement, and 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 the 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. Minor school-based misconduct that does not pose a safety threat or threat of substantial disruption to the educational environment typically can be addressed through a range of interventions and strategies, both in-school strategies as well as out-of-school removals, and do not typically require the intervention or assistance of law enforcement.

H. 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 for certain alleged criminal acts, may mandate the involvement of law enforcement.

I. 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.

J. Ongoing institutional dialogue between school officials, members of law enforcement, judicial officials, and other relevant stakeholders is essential to support efforts to establish and maintain a safe, inclusive, and positive learning environment for all students and educators.

K. The relationship between the local board of education, the school system's administrative personnel, and local law enforcement agencies, i.e., local police and/or sheriffs, is best addressed in a Memorandum of Understanding signed on September 1, 2019, that clearly establishes the responsibilities and distinct roles of school and law enforcement officials in responding to

school-based misconduct and affirms the goal of reducing suspensions, expulsions, and referrals to the justice system. Nothing in this Resolution or Partnership shall be read or construed as altering or superseding the rights and responsibilities of either party in any prior agreement related to the school resource officers.

NOW, BE IT FURTHER RESOLVED that the parties to this Resolution intend to form and hereby form a School-Justice Partnership (herein referred to as “SJP”), including school board members, school administrators, law enforcement community, officials of the court system, juvenile justice personnel, and any other appropriate stakeholders as deemed appropriate by the SJP, that researches and recommends effective strategies that can be implemented within available resources to address student misconduct for the purpose of providing a safe, inclusive, and positive learning environment for all students and educators;

NOW, BE IT FURTHER RESOLVED that the purpose of the SJP is to create a district-wide, positive, relationship-based culture that is supportive of all members of this Partnership in their efforts to reduce the number of suspensions, expulsions, and referrals to the justice system while maintaining school safety and order;

NOW, BE IT FURTHER RESOLVED that in an effort to achieve the SJP’s purpose, the parties to this resolution commit to engaging in a regular and ongoing institutional dialogue 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.

NOW, BE IT FURTHER RESOLVED that this Resolution is an aspirational 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 omission made pursuant to this Resolution. In addition, this Partnership and Resolution shall not limit or be construed to limit the legal rights and duties of all parties to carry out their duties under the law to address student misconduct, ensure public safety and ensure the well-being of all students enrolled in Catawba County Schools. Furthermore, nothing in this Partnership or Resolution shall create or be construed to create a cause of action hereunder against any Party arising from the handling of school discipline, criminal charges, criminal prosecution, or juvenile delinquency.

The effective date of this resolution shall be January 27, 2020.

Adopted this the 27th day of January, 2020.

Becky Brittain

Becky Brittain, Vice-Chair, Catawba County Board of Education

Jan. 27, 2020

Date

Matthew Stover

Matthew W. Stover, Ed.D., Superintendent, Catawba County Board of Education

1/27/2020

Date

Burford A. Cherry
Burford A. Cherry, Chief District Court Judge, 25th Judicial District

2/19/2020

Date

Scott Reilly
Scott Reilly, Prosecutor, 25th Judicial District

2-19-20

Date

Donald G. Brown II
Donald G. Brown, Sheriff of Catawba County

19 FEB 2020

Date

Tracy Ledford
Tracy Ledford, Chief of Police, Town of Maiden, NC

2-25-2020

Date

Ronn Abernathy
Ronn Abernathy, Chief Court Counselor, 25th Judicial District, Department of Public Safety

01/27/2020

Date

Karen Harrington
Karen Harrington, Director, Catawba County DSS

2/20/2020

Date

L. Eric Loftin
L. Eric Loftin, Chief of Police, City of Conover

2/19/2020

Date