

FILED SCHOOL-JUSTICE PARTNERSHIP RESOLUTION
THIRTEENTH JUDICIAL DISTRICT
FIFTEENTH PROSECUTORIAL DISTRICT

2019 NOV 13 1P 3:42

~~COLUMBUS CO~~
~~THIS SCHOOL JUSTICE PARTNERSHIP~~ (the "Partnership") is a partnership, by and between, the following Parties:

1. The COLUMBUS COUNTY BOARD OF EDUCATION, ("the Board");
2. The SHERIFF OF COLUMBUS COUNTY and the POLICE DEPARTMENTS of TABOR CITY, CHADBOURN, FAIR BLUFF AND LAKE WACCAMAW (collectively "Law Enforcement Agencies");
3. The DISTRICT COURT of the THIRTEENTH JUDICIAL DISTRICT ("the Court");
4. The DISTRICT ATTORNEY'S OFFICE of the FIFTEENTH PROSECUTORIAL DISTRICT ("the Prosecutor"); and
5. The NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, specifically the Juvenile Court Counselors working in the Thirteenth Judicial District ("the Counselors"), (the Court, Prosecutor and Counselors collectively referred to as the "Judicial Agencies").

WHEREAS, the Columbus County Schools have 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 the 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 Department or Office and/or the local Police Department) is to 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 is desirable; and

WHEREAS, the Columbus County Schools and law enforcement agencies regularly partner together to meet their shared responsibility to create a safe school environment for all students; and

WHEREAS, the Columbus County Schools and 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, instruction in conflict resolution and anger management, detention, academic intervention, 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 Agencies; 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 the 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 can have on students, engaging in an 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.

NOW, THEREFORE, BE IT RESOLVED that the Parties to this Resolution support the following principals, 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. 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 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, 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.

NOW, BE IT FURTHER RESOLVED that the parties to this Resolution intend to form a School-Justice Partnership (SJP), which is a group of community stakeholders – including school board members, school administrators, the law enforcement community, court system actors, juvenile justice personnel, and others –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 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.

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 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 omissions made pursuant to this Resolution.

Monte Herring

Monte Herring,
Chairman, Columbus County Board of Education

10/07/2019
Date

Deanne Meadows
Deanne R. Meadows, Ed. D.,
Superintendent, Columbus County Schools

10/07/2019
Date

SL Usery
The Honorable Scott L. Usery
Chief District Court Judge, 13th Judicial District

10-9-19
Date

Jon David
Prosecutor, 15th Prosecutorial District

10-11-19
Date

S. Jody Greene
S. Jody Greene, Sheriff of Columbus County

10/11/19
Date

Joey Todd
Lance Britt ~~Joey Todd~~
~~Chief Court Counselor, 13th District, Department of Public Safety~~
~~Court Counselor Supervisor~~

10/22/19
Date

Donald Dowless
Donald Dowless,
Chief of Police for Tabor City, NC

10-11-19
Date

Anthony Spivey
Anthony Spivey,
Chief of Police for Chadbourne, NC

11-13-19
Date

Chris Chafin
Chris Chafin,
Chief of Police for Fair Bluff, NC

11-13-19
Date

Scott Hyatt
Scott Hyatt
Chief of Police for Lake Waccamaw, NC

11-7-19
Date

Algernon McKenzie
Algernon McKenzie
Director, Columbus County DSS

11-7-19
Date

A TRUE COPY

JESS H. HILL
CLERK OF SUPERIOR COURT
COLUMBUS COUNTY

BY Jana Penza
Assistant Deputy Clerk of Superior Court