

CHAPEL HILL CARRBORO CITY SCHOOLS
JUDICIAL DISTRICT 15B/ PROSECUTORIAL DISTRICT 18
SCHOOL JUSTICE PARTNERSHIP AGREEMENT

WHEREAS, the Chapel Hill Carrboro City 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 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 (the Chapel Hill Police Department Office and the Carrboro 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, while the jurisdiction of the juvenile court does not extend to initial decisions of school and law enforcement personnel in disciplinary matters, efficient use of judicial resources is desirable; and

WHEREAS, the Chapel Hill Carrboro City Schools 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 inappropriate and unacceptable behaviors, such as conferences, counseling, peer mediation, behavior intervention plans, instruction in conflict resolution and anger management, academic interventions, restorative practices, and other similar tools that do not remove a student from the classroom or school building; and to implement these strategies fairly and with fidelity; 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 such behaviors may be addressed through a range of responses by school staff (including those identified in the preceding paragraph); and

WHEREAS, some less serious student misconduct that technically constitutes violation of the law, for which a juvenile may be charged with a crime, 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 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 is in the interest of all parties to this Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Parties to this Agreement support the following principles, best practices, and goals for the management of school-based misconduct:

1. 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.
2. The statutory framework vests the local board of education with the duty, responsibility, and authority to establish procedures for school discipline.
3. 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 discipline 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.
4. 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.
5. 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 student's age and developmental stage, the nature, frequency and severity of the behavior, and the impact on the learning environment.

6. 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. Disciplinary policies, procedures, and practices should be applied without regard to a student's disability, religious beliefs, gender, gender identity, sexual orientation, race, ethnicity, socioeconomic status, nationality, origin or other characteristic protected by federal law.
7. Minor school-based conduct that does not pose a safety threat or threat of substantial disruption to the educational environment often can be appropriately addressed through a range of interventions and strategies that do not require the intervention or assistance of law enforcement.
8. 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. Certain alleged criminal acts mandate the involvement of law enforcement. Some information must be reported to the Superintendent and, respectively, to the Department of Social Services. Specifically, the following provisions remain in effect and shall be observed:
 - a. Pursuant to N.C. Gen. Stat. § 115C-288(g), the requirement that the principal "report certain acts to law enforcement and the Superintendent";¹
 - b. Pursuant to N.C. Gen. Stat. § 14-318.6, the requirement that any person report certain crimes involving child victims to law enforcement;²
 - c. Pursuant to N.C. Gen. Stat. § 7B-301, the requirement that "[a]ny person or institution who has cause to suspect that any juvenile is abused, neglected, or

¹ The full text of § 115C-288(g) is as follows:

"(g) To Report Certain Acts to Law Enforcement and the Superintendent. When the principal has personal knowledge or actual notice from school personnel that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law, the principal shall immediately report the act to the appropriate local law enforcement agency.

Notwithstanding any other provision of law, the State Board of Education shall not require the principal to report to law enforcement acts in addition to those required to be reported by law.

For purposes of this subsection, "school property" shall include any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the principal.

The principal or the principal's designee shall notify the superintendent or the superintendent's designee in writing or by electronic mail regarding any report made to law enforcement under this subsection. This notification shall occur by the end of the workday in which the incident occurred when reasonably possible but not later than the end of the following workday. The superintendent shall provide the information to the local board of education.

Nothing in this subsection shall be interpreted to interfere with the due process rights of school employees or the privacy rights of students."

² The full text of N.C. Gen. Stat. § 14-318.6(b) is as follows:

"(b) Requirement - Any person 18 years of age or older who knows or should have reasonably known that a juvenile has been or is the victim of a violent offense, sexual offense, or misdemeanor child abuse under G.S. 14-318.2 shall immediately report the case of that juvenile to the appropriate local law enforcement agency in the county where the juvenile resides or is found. The report may be made orally or by telephone. The report shall include information as is known to the person making it, including the name, address, and age of the juvenile; the name and address of the juvenile's parent, guardian, custodian, or caretaker; the name, address, and age of the person who committed the offense against the juvenile; the location where the offense was committed; the names and ages of other juveniles present or in danger; the present whereabouts of the juvenile, if not at the home address; the nature and extent of any injury or condition resulting from the offense or abuse; and any other information which the person making the report believes might be helpful in establishing the need for law enforcement involvement. The person making the report shall give his or her name, address, and telephone number."

dependent, as defined by G.S. 7B-101, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the department of social services in the county where the juvenile resides or is found.”

9. 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. The Parties will work collaboratively to offer a joint training to school administrators, law enforcement, and officers of juvenile court in such practices as restorative practices, youth mental health first aid and other evidence-informed alternatives to support implementation of this Agreement, and will create opportunities for law enforcement such as SROs and other judicial related staff who support the enforcement of discipline and safe schools to take part in said trainings to provide collaborative partnership and effective implementation.
10. 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.
The local board of education and local law enforcement intend to enter a separate agreement (hereinafter referred to as “Memorandum of Understanding” or “MOU”) describing their relationship (specifically, the responsibilities and distinct roles of school and law enforcement officials in responding to school-based misconduct). Any such MOU between the Chapel Hill Police Department, Carrboro Police Department, and Chapel Hill-Carrboro City Schools shall control the relationship between those parties. Nothing in this School Justice Partnership agreement shall create, alter or supersede the rights and responsibilities of any party set forth in any MOU as it may be written or amended by the parties to any such MOU.
11. This Agreement shall not inhibit, discourage, or prevent individual victims of criminal conduct from initiating criminal or juvenile charges against students nor shall it affect the prosecution of such charges.
12. FERPA Compliance. Law enforcement officers and other third parties may have access to confidential student records or to any personally identifiable information of any student as defined in 34 CFR 99.3 only to the extent allowed under the Family Educational Rights and Privacy Act (FERPA).

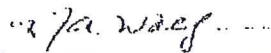
NOW, BE IT FURTHER RESOLVED that the parties to this Agreement intend to form a School Justice Partnership (SJP), which is a group of community stakeholders- including school board members, school administrators, the law enforcement community, court system actors, juvenile justice personnel, and others- that 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 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 Agreement commit to engaging in a regular and ongoing institutional dialogue at least twice a year 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.

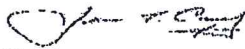
NOW, BE IT FURTHER RESOLVED that this Agreement is an expression of the Parties' collective goal of reducing suspensions, expulsions, and referrals to the justice system and is not intended to bind the parties, impose legal obligations on the parties, or create legal liability for any actions or omissions made pursuant to this Agreement.



Mary Ann Wolf, Chairperson,
Chapel Hill Carrboro City Schools Board of Education

11/23/2020

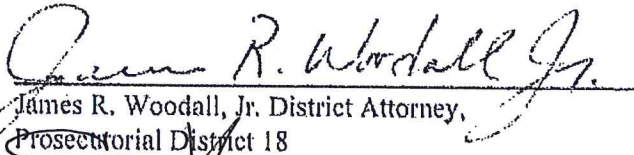
Date




Dr. James Causby, Interim Superintendent,
Chapel Hill Carrboro City Schools

11/23/2020

Date


James R. Woodall, Jr. District Attorney,
Prosecutorial District 18

11/30/2020
Date


Samantha H. Cabe, Chief District Court Judge,
Judicial District 15B

10-9-20
Date


Christopher Blue, Chief, Chapel Hill Police Department

12/1/2020
Date

Walter Horton

Digitally signed by Walter Horton
DN: cn=Walter Horton, o=Carrboro Police Department, ou=Chief
of Police, email=whorton@townofcarrboro.org, c=US
Date: 2020.12.01 08:19:11 -05'00'

Walter Horton, Chief, Carrboro Police Department

12/01/2020

Date

Bonnie B Hammersley

Digitally signed by Bonnie B Hammersley
DN: cn=Bonnie B Hammersley, o=Orange County, ou=County
Manager, email=bhammersley@orangecountync.gov, c=US
Date: 2020.11.30 14:28:02 -05'00'

Bonnie Hammersley, Manager, Orange County

Date

Peggy Hamlett
Peggy Hamlett, Chief Court Counselor,
Department of Juvenile Justice

11/30/2020
Date