

**CALDWELL COUNTY SCHOOL-JUSTICE PARTNERSHIP
RESOLUTION**

WHEREAS, the Caldwell 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 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 system is desirable; and

WHEREAS, the Caldwell 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 Caldwell 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, 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 can 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 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. 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.

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;

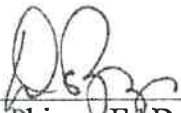
NOW, BE IT FURTHER RESOLVED that the purpose of the SJP is to create a district-wide, positive, relationship-based culture that is supportive of all members of the school system and the community in their efforts to reduce the number of suspensions, expulsions, and referrals to the justice system while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



Darrell Pennell, Chair, Caldwell County Board of Education 3/10/20
Date



Don Phipps, Ed D, Superintendent, Caldwell County Board of Education 3/10/20
Date




Burford A. Cherry, Chief District Court Judge, 25th Judicial District 6/10/20
Date



Scott Reilly, Prosecutor, 36th Prosecutorial District 6/9/2020
Date



Alan Jones, Sheriff of Caldwell County 6-10-2020
Date



Chris Jenkins, Chief of Police, Town of Granite Falls 6-11-2020
Date



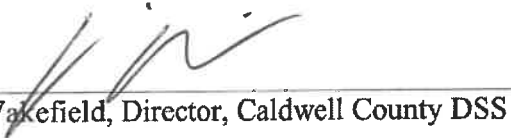
Richard Blevins, Chief of Police, Hudson 6-10-2020
Date


Brent Phelps, Chief of Police, City of Lenoir

6-10-2020
Date


Ronn Abernathy, Chief Court Counselor, 25th Judicial District

06/10/2020
Date


Will Wakefield, Director, Caldwell County DSS

6/10/2020
Date