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MARTIN CO., C.S.

BY

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Martin County School Justice Partnership Agreement

Martin County Schools strives continually to create and maintain a safe and orderly school environment conducive to learning and to 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.

With that in mind and after careful study of county delinquency, particularly school-related charges, the Martin County School Justice Partnership has identified the following Focus Act for ongoing monitoring and application of this initial agreement:

- Disorderly Conduct

§ 14-288.4. Disorderly conduct.

(a) Disorderly conduct is a public disturbance intentionally caused by any person who does any of the following:

- (1) Engages in fighting or other violent conduct or in conduct creating the threat of imminent fighting or other violence.
- (2) Makes or uses any utterance, gesture, display or abusive language which is intended and plainly likely to provoke violent retaliation and thereby cause a breach of the peace.
- (6) Disrupts, disturbs or interferes with the teaching of students at any public or private educational institution or engages in conduct which disturbs the peace, order or discipline at any public or private educational institution or on the grounds adjacent thereto.
- (6a) Engages in conduct which disturbs the peace, order, or discipline on any public school bus or public school activity bus.

Graduated Response Model to Minor Infractions

Currently, Martin County Schools currently enlists the following strategies provided an incident that qualifies as one of the focus acts occurs where there are no mitigating circumstances that would require a more severe response:

Classroom Intervention - Classroom intervention is managed by the teacher for behaviors that are passive and non-threatening such as dress code violations and violations of minor classroom rules.

School Administration Intervention - Classroom interventions must be supported by school administrators who address more serious or repetitive behaviors and behaviors in school but outside of the classroom. Examples of behaviors at this level include repetitive patterns, defacing school property, truancy, threats, and minor behaviors in hallways, bathrooms, courtyards and school buses.

School-Based Teams - When the behavior and needs of the student warrant, an assessment process and intervention with the use of school and community services may be appropriate. This intervention is managed by the school administrator with a school based team. The team should consist of individuals knowledgeable about the student including one or more teachers, administrators, support personnel, and when appropriate, family, the student and community members. Repetitive truancy or defiance of school rules, and behaviors that interfere with others such as vandalism or harassment belong at this level as well as misbehaving students who would benefit from service provision. Assessment and service intervention options should include any Classroom or School Administration interventions and might include referral to community service or community based program, in-school suspension, out- of-school suspension, expulsion or referral to court.

Law Enforcement Intervention - The school may involve law enforcement, including the SRO in general misconduct but shall involve law enforcement in serious and emergency situations. Involvement of law enforcement does not necessarily mean arrest and referral to court. Law enforcement options may include verbal warning; written warning, conference with the student, parents, teachers and/or others; and could include referral to teen court or mediation if available, community service, and/or other community agencies. In some cases, criminal charges, juvenile charges and referral to court may follow.

Graduated responses to Focus Act

May include the following based on evaluation by the school official of information available. Administration has the ability to move directly to a higher level appropriate response considering the circumstances of the incident.

1. Teacher and Staff Communication & Intervention

Classroom teachers and staff use interventions and parental communication as an initial response to student misconduct including inappropriate language, dress code violations, insubordination, truancy, bullying, classroom disruptions and other code violations. Focus acts recognized under this agreement fall into the "School Discipline Rubric" beginning with Categories III-V offenses. (See appendix A)

2. Intervention

Commission of a Focus Act may result in a referral to a graduated program made available by the school, juvenile court, or community. SROs are not required to charge, and may admonish and counsel or give a warning, or defer to the disciplinary action taken by the administrator.

If it is serious enough to warrant juvenile justice intervention or criminal charges, the SRO will follow appropriate procedures.

The commission of a second Focus Act in the same school year may result in the filing of a juvenile petition, or charge as an adult but is not mandated by this agreement. The SRO has discretion to take other action that includes deferral to the administrator's disciplinary action, admonishment and counsel, or a graduated response program.

3. Diversion

SRO's are already utilizing Teen Court as an appropriate pre-charge diversion for minor offenses, even though a case could be referred to court. SRO's contact the Teen Court Coordinator for screening and approval. SRO's may also refer younger children to the Division of Juvenile Justice for a Court Counselor Consultation. Administrators and SRO's will have discretion when determining when to charge children with special needs and/or younger children under age twelve.

Martin County Schools Discipline Rubric

1. Martin County students who attend school sponsored activities after school hours on or off campus are subject to the same rules that apply during the school day.
2. School officials will evaluate each situation and act accordingly based on the information available. This means administration has the ability to go above and beyond the consequences listed based on the situation at hand.

Category I	1 st Referral	2 nd Referral	3 rd Referral	4 th Referral
<ul style="list-style-type: none"> • Minor Misconduct • Inappropriate Language • Dress Code Violation • Public display of Affection • Nuisance Item on campus 	<ul style="list-style-type: none"> • Verbal Warning • Ask student to change behavior 	<ul style="list-style-type: none"> • Up to 1 hour detention or 1 period ISS • Possible guidance referral 	<ul style="list-style-type: none"> • Up to 2 hours of detention or 2 periods of ISS • Guidance referral 	<ul style="list-style-type: none"> • Up to 2 days ISS • Possible OSS • Administrative Parent Contact • Possible behavior support referral
Category II	1 st Referral	2 nd Referral	3 rd Referral	4 th Referral
<ul style="list-style-type: none"> • Insubordination • Disrupting the Educational Process • Cheating/Plagiarism • Forgery • Disrespect to School Personnel / Students • Misconduct • Truancy / Skipping Class • Bullying • Horse Play • Confrontation 	<ul style="list-style-type: none"> • Up to 1 hour detention or 1 period ISS • Guidance referral • Possible OSS up to 3 days 	<ul style="list-style-type: none"> • Up to 2 hours of detention or 2 periods of ISS • Guidance referral • Possible OSS up to 5 days 	<ul style="list-style-type: none"> • Up to 2 days ISS • Administrative Parent Contact • Behavior support referral • Possible OSS up to 8 days 	<ul style="list-style-type: none"> • Up to 2 days ISS • Administrative Parent Contact • Behavior support referral • Possible OSS up to 10 days • Possible Expulsion Hearing

- This Rubric assumes that classroom teachers and staff have used prior interventions and parental communication before the student is written up and referred to the school administration

Category III	1 st Referral	2 nd Referral	3 rd Referral	4 th Referral
<ul style="list-style-type: none"> Reckless Aggressive Horse Play (hitting/slapping etc.) Tobacco Use and or Possession Lewd or Licentious Behavior Cell Phone Misuse Communicating Threats Failure to report to Detention, Care , or ISS Physical Fighting 	<ul style="list-style-type: none"> Administrative Parent contact Guidance referral Behavior support referral Up to 5 days OSS Possible charges 	<ul style="list-style-type: none"> Administrative Parent contact Behavior support referral Up to 8 days OSS Possible Charges 	<ul style="list-style-type: none"> Administrative Parent contact Up to 10 days OSS Possible Charges 	<ul style="list-style-type: none"> Administrative Parent contact Possible Expulsion Hearing Possible Charges
Category IV	1 st Referral	2 nd Referral	3 rd Referral	4 th Referral
<ul style="list-style-type: none"> Persistent Bullying Internet Misuse Theft /Vandalism Sexual Harassment Possession of Weapon (non- gun) Alcohol & Drug Use and or possession (marijuana<1oz) Sexual Act Assault 	<ul style="list-style-type: none"> Administrative Parent contact Guidance referral Behavior support referral Up to 10 day OSS Possible Expulsion Hearing Possible Charges Restitution/Restoration 	<ul style="list-style-type: none"> Administrative Parent contact Up to 10 day OSS Possible Expulsion Hearing Possible Charges Restitution/Restoration 	<ul style="list-style-type: none"> Administrative Parent contact 10 day OSS Expulsion Hearing Possible Charges Restitution/Restoration 	<ul style="list-style-type: none"> Administrative Parent contact 10 day OSS Expulsion Hearing Possible Charges Restitution/Restoration

• This Rubric assumes that classroom teachers and staff have used prior interventions and parental communication before the student is written up and referred to the school administration

Category V	1 st Referral	2 nd Referral	3 rd Referral	4 th Referral
<ul style="list-style-type: none"> • Drugs: Possession and /or sell (including marijuana >1 oz) • Assault with serious injury • Assault on school personnel • Sexual Assault • Extreme Misconduct • Bomb Threat • Possession of a Gun 	<ul style="list-style-type: none"> • Administrative Parent contact • Behavior support referral • 10 day OSS • Expulsion Hearing • Possible Charges • Restitution/Restoration • Possible 365 OSS 	<ul style="list-style-type: none"> • Administrative Parent contact • 10 day OSS • Expulsion Hearing • Possible Criminal Charges • Restitution/Restoration • Possible 365 OSS 	<ul style="list-style-type: none"> • Administrative Parent contact • 10 day OSS • Expulsion Hearing • Possible Criminal Charges • Restitution/Restoration • Possible 365 OSS 	<ul style="list-style-type: none"> • Administrative Parent contact • 10 day OSS • Expulsion Hearing • Possible Criminal Charges • Restitution/Restoration • Possible 365 OSS

*Category IV&IV violations may result in law enforcement intervention. In addition, depending on the situation, a more significant penalty than what is listed may result.

School Justice Partnership

All parties agree that the removal of students from school, while sometimes necessary, can exacerbate behavioral problems, diminish academic achievement, and hasten school dropout.

Since the General Assembly has declared as policy of this State that school discipline must balance these competing interests, school officials have the primary responsibility for maintaining order in the school environment and for investigating and responding to school disciplinary matters.

The duty of local law enforcement is to respond to and investigate imminent safety threats, uphold the law, and serve the population they are charged with protecting.

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 Martin County Schools and local law enforcement already partner together to meet their shared responsibility to create a safe school environment for all students.

Martin County schools and local law enforcement aim to respond to student behavior consistently and within the bounds of their respective legal duties and responsibilities. Therefore, school officials are encouraged to continue to use and expand the full range of responses to violations of disciplinary rules, including conferences, counseling, 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.

It is understood that 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.

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.

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.

An existing MOU between Martin County Sheriff's Office and Martin County Schools outlines these responsibilities and is supported by a long-standing and exceptional relationship as is evidenced by this agreement. See attached School Resource Officer Agreement.

The Parties to this Agreement support the following principles, best practices, and goals for the management of school-based misconduct:

A. 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.

B. 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.

C. The relationship between the local board of education, the school system's administrative personnel, and local law enforcement agency is addressed in the Memorandum of Understanding that clearly establishes the responsibilities and distinct roles of school and law enforcement officials in responding to school-based misconduct.

Therefore, the parties to this Agreement, having formed a School-Justice Partnership (SJP), which is a group of community stakeholders, have examined data, considered existing practices and relevant objective research, and acknowledged effective evidence-based and evidence-informed strategies that are already being 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.

Based on the data, current strategies and interventions implemented by Martin County Schools are effectively impacting suspensions, expulsions and school-based referrals to the Justice System. As such, modifications to the current intervention plan are not needed at this time. The stakeholders will therefore continue to monitor the data and make appropriate recommendations Every six months.

This Agreement is an expression of the Parties' collective goal of reducing suspensions, expulsions, and referrals to the justice system, particularly for the above-named Focus Act, 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 the Agreement.

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.

In an effort to achieve the SJP's purpose, the parties to this agreement commit to engaging in a regular and ongoing institutional dialogue, regarding 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, including available JCPC funded programs, and/or other evidence-based or evidence-informed practices.

P.J. Council 10/11/2019
NAME, Chair, Martin County Board of Education Date

Chris Mansfield 10/11/2019
NAME, Superintendent, Martin County Schools Date

Greg K. Smith 10/11/2019
NAME, Chief District Court Judge, 2nd Judicial District Date

Robert H. Edwards 10/11/2019
NAME, Prosecutor, 2nd Judicial District Date

Tim Manning 10/11/2019
NAME, Sheriff, Martin County Date

James Wood 10/11/2019
NAME, Chief Court Counselor, 2nd District, Department of Public Safety Date