

Forsyth County School-Justice Partnership Resolution

WHEREAS, the Winston-Salem/Forsyth County Board of Education (WS/FCS) 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, research documents the impact trauma can have on children's learning, behavior, and relationships in schools and also that students who have been exposed to trauma are at increased risk of receiving out-of-school discipline; and (Trauma and Learning Policy Institute, <https://traumasensitiveschools.org/> and the National Child Traumatic Stress Network at <https://www.nctsn.org/>).

WHEREAS, school discipline data shows that school suspensions disproportionately affect students of color, especially Black or African-American students, as well as students with disabilities, especially students with serious emotional disabilities; and

WHEREAS, WS/FCS has a goal in its strategic plan to reduce discipline disproportionality; and

WHEREAS, the General Assembly has established a State policy and statutory framework for school discipline in Chapter 115C, Article 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 schools; and

WHEREAS, the statutory framework vests the local board of education with the duty, responsibility, and authority to establish procedures for school discipline.

WHEREAS, 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.

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 local sheriffs and police departments) 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 WS/FCS and the Forsyth County Sheriff's Department (FCSD), the Kernersville Police Department (KPD), and the Winston-Salem Police Department (WSPD) regularly partner together to meet their shared responsibility to create a safe school environment for all students; and

WHEREAS, the WS/FCS, the FCSD, the KPD, and the WSPD aim to respond to student behavior consistently and within the bounds of their respective legal duties and responsibilities; 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;

WHEREAS, in light of the negative impact that 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, and decrease the disproportionality, 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 Resolution.

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. 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 preventing and addressing school-based conduct when and where it happens, helping students succeed in school, and preventing negative outcomes for both youth and their communities.
- B. 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.

- C. 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.
- D. Minor school-based misconduct that does not pose a direct safety threat to students or staff, 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. For example:**
1. 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.
 2. 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.
 3. Juvenile delinquency complaints for some less serious offenses may be appropriately referred to alternative remedies in order to bypass referral to the court system, depending on the unique circumstances of each instance.
- E. 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.
- F. 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 as well as ways to prevent student misconduct.
- G. Equity should be a factor in responding to school-based misconduct as well as the implementation of disciplinary consequences for students.
- H. 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, equitable, and positive learning environment for all students and educators.**

- I. 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 law enforcement officials in preventing and responding to school-based misconduct and affirms the goal of reducing suspensions, expulsions, and referrals to the justice system.
- J. Reducing the number and disproportionality of suspensions, expulsions, and referrals to the justice system will require a systems-change approach. That is, it will require shifting the conditions--including structures, practices, policies, resource flows, power dynamics, and mindsets--that produce societal problems and hold them in place. (Definition from Crosswalk of Frameworks for Understanding Systems at <https://mathematica.org/>.)

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 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 prevent and 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 Forsyth County 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 regular and ongoing institutional dialogue at least quarterly about how to leverage existing and potential resources to collaboratively prevent and respond to school-based misconduct in ways that maintain school safety and order while reducing the number and disproportionality of 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 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.

Malishai Woodbury
Chairman, Winston-Salem / Forsyth County Board of Education

Date

Tricia McManus
Superintendent, Winston-Salem / Forsyth County Schools

Date

Denise S. Hartsfield
District Court Judge, 21st Judicial District

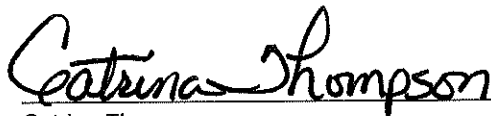
Date

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Sheriff, Forsyth County

Date

Tim Summers
Chief of Police, City of Kernersville

Date



Catrina Thompson
Chief of Police, City of Winston-Salem

09/09/21

Date

The Honorable James R. O'Neill
Elected District Attorney, Forsyth County

Date

Stan Clarkson
Chief Court Counselor, Juvenile Court Services District 21
NC Dept of Public Safety

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Rich Smith
Piedmont Area Consultant, Juvenile Crime Prevention Council (JCPC)
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Forsyth County

School-Justice Partnership

Resolution

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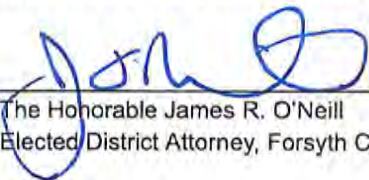
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The Honorable James R. O'Neill
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08-11-2021

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Executive Director, Triad Restorative Justice

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NOTES about DRAFT Round 2:

- The initial draft was shared with the SJP stakeholders group. Comments were received from:
 - Jennifer Martin, District Attorney's Office
 - Ellen Fox, Triad Restorative Justice
 - Dionne Jenkins, WSFC Schools
 - Stan Clarkson, Chief Court Counselor
- All purple and green font color was removed from the initial draft.
- Page numbers were added.

Signatures added:

- Added District Attorney to signatures.
- Added WSPD to signatures.
 - Although WSPD does not staff any SROs in the local public schools, they are actively involved in responding to student misconduct on school grounds (e.g., 911 calls).

Discussed during the June Stakeholders Meeting:

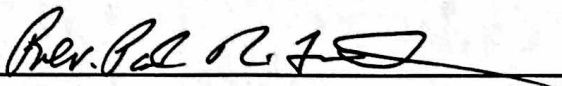
- Maintained from original draft:
 - Preventing misconduct as well as addressing it.
 - SJP's focus on Systems change. (Paragraph J on page 4.)
- Removed from document:
 - Focus on the role of adults in the systems to help children thrive.
- Added to the document:
 - Reference to trauma. (Added 3rd paragraph on page 1.)

Paragraph D3 on page on page 3 was changed as recommended by Stan:

- From "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."
- To "Juvenile **delinquency complaints** for some less serious offenses may be appropriately **referred to alternative remedies in order to bypass referral to the court system**, depending on the unique circumstances of each instance."
- Because:
 - Delinquent offenses are not referred to as "criminal"
 - Court counselors encourage minor school-based offenses to by-pass the court system altogether in favor of appropriate referrals to other programs and remedies.
 - The term "diversion" or 'diverted" is a legal term used for complaints that are formally filed with the juvenile court that are not approved for Court by Intake (§ 7B-1703, § 7B-1706).

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Date

Forsyth County School-Justice Partnership Resolution

WHEREAS, the Winston-Salem/Forsyth County Board of Education (WS/FCS) 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, research documents the impact trauma can have on children's learning, behavior, and relationships in schools and also that students who have been exposed to trauma are at increased risk of receiving out-of-school discipline; and (Trauma and Learning Policy Institute, <https://traumasensitiveschools.org/> and the National Child Traumatic Stress Network at <https://www.ncitsn.org/>).

WHEREAS, school discipline data shows that school suspensions disproportionately affect students of color, especially Black or African-American students, as well as students with disabilities, especially students with serious emotional disabilities; and

WHEREAS, WS/FCS has a goal in its strategic plan to reduce discipline disproportionality; and

WHEREAS, the General Assembly has established a State policy and statutory framework for school discipline in Chapter 115C, Article 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 schools; and

WHEREAS, the statutory framework vests the local board of education with the duty, responsibility, and authority to establish procedures for school discipline.

WHEREAS, 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.

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 local sheriffs and police departments) 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 WS/FCS and the Forsyth County Sheriff's Department (FCSD), the Kernersville Police Department (KPD), and the Winston-Salem Police Department (WSPD) regularly partner together to meet their shared responsibility to create a safe school environment for all students; and

WHEREAS, the WS/FCS, the FCSD, the KPD, and the WSPD aim to respond to student behavior consistently and within the bounds of their respective legal duties and responsibilities; 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;

WHEREAS, in light of the negative impact that 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, and decrease the disproportionality, 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 Resolution.

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. 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 preventing and addressing school-based conduct when and where it happens, helping students succeed in school, and preventing negative outcomes for both youth and their communities.
- B. 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.

- C. 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.
- D. Minor school-based misconduct that does not pose a direct safety threat to students or staff, 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. For example:**
1. 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.
 2. 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.
 3. Juvenile delinquency complaints for some less serious offenses may be appropriately referred to alternative remedies in order to bypass referral to the court system, depending on the unique circumstances of each instance.
- E. 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.
- F. 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 as well as ways to prevent student misconduct.
- G. Equity should be a factor in responding to school-based misconduct as well as the implementation of disciplinary consequences for students.
- H. 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, equitable, and positive learning environment for all students and educators.**

- I. 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 law enforcement officials in preventing and responding to school-based misconduct and affirms the goal of reducing suspensions, expulsions, and referrals to the justice system.
- J. Reducing the number and disproportionality of suspensions, expulsions, and referrals to the justice system will require a systems-change approach. That is, it will require shifting the conditions--including structures, practices, policies, resource flows, power dynamics, and mindsets--that produce societal problems and hold them in place. (Definition from Crosswalk of Frameworks for Understanding Systems at <https://mathematica.org/>.)

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 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 prevent and 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 Forsyth County 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 regular and ongoing institutional dialogue at least quarterly about how to leverage existing and potential resources to collaboratively prevent and respond to school-based misconduct in ways that maintain school safety and order while reducing the number and disproportionality of 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 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.

Malishai Woodbury
Chairman, Winston-Salem / Forsyth County Board of Education

Date

Tricia McManus
Superintendent, Winston-Salem / Forsyth County Schools

Date

Denise S. Hartsfield
Chief District Court Judge, 21st Judicial District

Date

Bobby F. Kimbrough, Jr.
Sheriff, Forsyth County

Date

Tim Summers
Chief of Police, City of Kernersville

Date

Catrina Thompson
Chief of Police, City of Winston-Salem

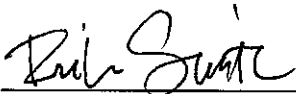
Date

Jim O'Neill
District Attorney
31st Prosecutorial District

Date

Stan Clarkson
Chief Court Counselor, Juvenile Court Services District 21
NC Dept of Public Safety

Date



Rich Smith
Piedmont Area Consultant, Juvenile Crime Prevention Council (JCPC)
NC Dept of Juvenile Justice and Delinquency Prevention

8.12.21

Date

Lisa Purcell
Interim President, The Winston-Salem Foundation

Date

Paul Ford
Pastor, First Baptist Church

Date

Valerie Glass
Executive Director, Triad Restorative Justice

Date

Lori Fuller
Consultant, Fuller Impact, LLC

Date

Forsyth County School-Justice Partnership Resolution

WHEREAS, the [Winston-Salem/Forsyth County Schools \(WS/FCS\)](#) 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, school discipline data shows that school suspensions disproportionately affect students of color, especially Black or African-American students, as well as students with disabilities, especially students with serious emotional disabilities; and

WHEREAS, [WS/FCS](#) has a goal in its strategic plan to reduce discipline disproportionality; and

WHEREAS, 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 schools; and

WHEREAS, the statutory framework vests the local board of education with the duty, responsibility, and authority to establish procedures for school discipline.

WHEREAS, 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.

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 local sheriffs and police departments) 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 [WS/FCS](#) and the [Forsyth County Sheriff's Department \(FCSD\)](#) and the [Kernersville Police Department \(KPD\)](#) regularly partner together to meet their shared responsibility to create a safe school environment for all students; and

WHEREAS, the [WS/FCS](#), the [FCSD](#), and the [KPD](#) aim to respond to student behavior consistently and within the bounds of their respective legal duties and responsibilities; 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;

WHEREAS, in light of the negative impact of exclusionary discipline practices and referrals to the justice system can have on students and the inequities in the use of those practices, engaging in an ongoing dialogue aimed at identifying effective strategies that reasonably can be implemented within available resources to reduce the number of and decrease the disproportionately 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 Resolution.

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. 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 **preventing and** addressing school-based conduct when and where it happens, helping students succeed in school, and preventing negative outcomes for both youth and their communities.
- B. 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.

- C. 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.
- D. Minor school-based misconduct 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.**

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.

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.

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.

- E. 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.
- F. 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 as well as ways to prevent student misconduct.
- G. Equity should be considered in both responses to school-based misconduct and the results of it to create schools that work for all students. Efficient and effective practices are needed that are likely to improve the outcomes for each student group.
- H. From whatever system they operate (e.g., schools, law enforcement, courts, community, etc.), adults interacting with and otherwise affecting students have a responsibility to show up in a way that aims to help students thrive.

- I. **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, equitable, and positive learning environment for all students and educators.**
- J. 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 law enforcement officials in preventing and responding to school-based misconduct and affirms the goal of reducing suspensions, expulsions, and referrals to the justice system.
- K. Reducing the number and disproportionality of suspensions, expulsions, and referrals to the justice system will require a systems-change approach. That is, it will require shifting the conditions--including structures, practices, policies, resource flows, power dynamics, and mindsets--that produce societal problems and hold them in place. (definition from [Crosswalk of Frameworks for Understanding Systems](#))
- L. Reducing the number and disproportionality of suspensions, expulsions, and referrals to the justice system will also require solutions that are comprehensive, multi-faceted, and take time. At the same time, there is an urgency to the situation as students are currently experiencing the negative and disparate outcomes of these practices.

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 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 prevent and 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 Forsyth County 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;

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measures, in-school interventions, diversion programs, graduated response models, community-based support services, and/or other evidence-based or evidence-informed practices.

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Malishai Woodbury
Chairman, Winston-Salem / Forsyth County Board of Education

Date

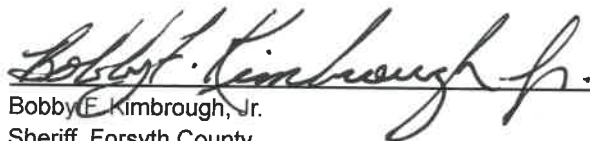
Tricia McManus
Superintendent, Winston-Salem / Forsyth County Schools

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Denise S. Hartsfield
Chief District Court Judge, 21st Judicial District

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Sheriff, Forsyth County



6/02/2021
Date

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Executive Director, Triad Restorative Justice

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Lori Fuller
Consultant, Fuller Impact, LLC

Date

NOTES about DRAFT:

- Initial draft by Lori Fuller from “Model School-Justice Partnership Resolution” shared by Dionne Jenkins.
- Anything in **purple** font indicates a change from the original “Model” document. These changes include:
 - Consistency for capitalizing Party/Parties and Resolution.
 - Filling in specific names of organizations, including the two local law enforcement agencies (Forsyth Co Sheriff & Kernersville Police) that partner with the local school system around School Resource Officers.
- Anything in **green** font indicates a change/addition based on the recent conversations of the SJP stakeholders. These include:
 - We should be about preventing misconduct (rather than only addressing it after it happens.)
 - Be explicit about equity--and its opposite: disproportionality. Some wording drawn from the National School Boards Associations post on [Achieving Equity in Discipline](#).
 - The school system’s strategic plan related to this and a high-level summary of the recently shared discipline data.
 - The commitment to focus on the role of the adults in the various systems (rather than the role of the students.)
 - The understanding that SJP would focus on systems change (rather than programming.)
- Signing parties
 - Signing parties mentioned in “Model document” have NOT been included here:
 - Prosecutor
 - DSS Director
 - Signing parties not mentioned added to “Model document” that are included here:
 - Juvenile Crime Prevention Council
 - The Winston-Salem Foundation
 - Triad Restorative Justice?
 - First Baptist Church?
 - Consultant/Facilitator, Fuller Impact?

Other changes

From the “Model”	Action Taken	Reason
<p><i>Early in the document:</i> WHEREAS, the General Assembly has declared as policy of this State that school discipline must balance these competing interested; and</p> <p><i>Later in the document:</i></p>	<p>Combined the two.</p> <p>Only shows up in the WHEREAS</p>	<p>Repetitive.</p> <p>Used the statement with more detail.</p>

<p>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 schools.</p>	<p>section now.</p>	
<p>Details about the statutory framework are in the lettered set of resolutions.</p>	<p>Moved to the WHEREAS section.</p>	<p>This is part of State policy, not a principles/ best practices/ goals.</p>
<p><i>In the WHEREAS section:</i> 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.</p> <p>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.</p> <p>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.</p>	<p>Moved to the lettered section.</p>	<p>More of principles/ best practices/ goals.</p>

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Chairman, Winston-Salem / Forsyth County Board of Education

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Tricia McManus
Superintendent, Winston-Salem / Forsyth County Schools

Date

Denise S. Hartsfield
District Court Judge, 21st Judicial District

Date

Bobby F. Kimbrough, Jr.
Sheriff, Forsyth County

Date


Tim Summers
Chief of Police, City of Kernersville

9-13-2021
Date

Catrina Thompson
Chief of Police, City of Winston-Salem

Date

The Honorable James R. O'Neill
Elected District Attorney, Forsyth County

Date

Stan Clarkson
Chief Court Counselor, Juvenile Court Services District 21
NC Dept of Public Safety

Date

Rich Smith
Piedmont Area Consultant, Juvenile Crime Prevention Council (JCPC)
NC Dept of Juvenile Justice and Delinquency Prevention

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Lisa Purcell
Interim President, The Winston-Salem Foundation

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Paul Ford
Board Chair, Action4Equity

Date

Valerie Glass
Executive Director, Triad Restorative Justice

Date

Lori Fuller
Consultant, Fuller Impact, LLC

Date

Forsyth County School-Justice Partnership Resolution

WHEREAS, the Winston-Salem/Forsyth County Board of Education (WS/FCS) 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, research documents the impact trauma can have on children's learning, behavior, and relationships in schools and also that students who have been exposed to trauma are at increased risk of receiving out-of-school discipline; and (Trauma and Learning Policy Institute, <https://traumasensitiveschools.org/> and the National Child Traumatic Stress Network at <https://www.nctsn.org/>).

WHEREAS, school discipline data shows that school suspensions disproportionately affect students of color, especially Black or African-American students, as well as students with disabilities, especially students with serious emotional disabilities; and

WHEREAS, WS/FCS has a goal in its strategic plan to reduce discipline disproportionality; and

WHEREAS, the General Assembly has established a State policy and statutory framework for school discipline in Chapter 115C, Article 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 schools; and

WHEREAS, the statutory framework vests the local board of education with the duty, responsibility, and authority to establish procedures for school discipline.

WHEREAS, 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.

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 local sheriffs and police departments) 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 WS/FCS and the Forsyth County Sheriff's Department (FCSD), the Kernersville Police Department (KPD), and the Winston-Salem Police Department (WSPD) regularly partner together to meet their shared responsibility to create a safe school environment for all students; and

WHEREAS, the WS/FCS, the FCSD, the KPD, and the WSPD aim to respond to student behavior consistently and within the bounds of their respective legal duties and responsibilities; 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;

WHEREAS, in light of the negative impact that 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, and decrease the disproportionality, 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 Resolution.

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. 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 preventing and addressing school-based conduct when and where it happens, helping students succeed in school, and preventing negative outcomes for both youth and their communities.
- B. 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.

- C. 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.
- D. Minor school-based misconduct that does not pose a direct safety threat to students or staff, 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. For example:**
1. 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.
 2. 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.
 3. Juvenile delinquency complaints for some less serious offenses may be appropriately referred to alternative remedies in order to bypass referral to the court system, depending on the unique circumstances of each instance.
- E. 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.
- F. 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 as well as ways to prevent student misconduct.
- G. Equity should be a factor in responding to school-based misconduct as well as the implementation of disciplinary consequences for students.
- H. 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, equitable, and positive learning environment for all students and educators.**

- I. 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 law enforcement officials in preventing and responding to school-based misconduct and affirms the goal of reducing suspensions, expulsions, and referrals to the justice system.
- J. Reducing the number and disproportionality of suspensions, expulsions, and referrals to the justice system will require a systems-change approach. That is, it will require shifting the conditions--including structures, practices, policies, resource flows, power dynamics, and mindsets--that produce societal problems and hold them in place. (Definition from Crosswalk of Frameworks for Understanding Systems at <https://mathematica.org/>.)

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 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 prevent and address student misconduct for the purpose of providing a safe, inclusive, and positive learning environment for all students and educators;**

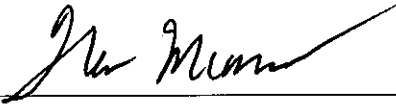
NOW, BE IT FURTHER RESOLVED that the purpose of the Forsyth County SJP is to create a district-wide, positive, relationship-based culture that is supportive of all members of the school system and the community in their efforts to reduce the number of suspensions, expulsions, and referrals to the justice 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 regular and ongoing institutional dialogue at least quarterly about how to leverage existing and potential resources to collaboratively prevent and respond to school-based misconduct in ways that maintain school safety and order while reducing the number and disproportionality of 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 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.


Malisha Woodbury
Chairman, Winston-Salem / Forsyth County Board of Education

Date


Tricia McManus
Superintendent, Winston-Salem / Forsyth County Schools

Date

Denise S. Hartsfield
District Court Judge, 21st Judicial District

Date

Bobby F. Kimbrough, Jr.
Sheriff, Forsyth County

Date

Tim Summers
Chief of Police, City of Kernersville

Date

Catrina Thompson
Chief of Police, City of Winston-Salem

Date

The Honorable James R. O'Neill
Elected District Attorney, Forsyth County

Date

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

WHEREAS, research documents the impact trauma can have on children’s learning, behavior, and relationships in schools and also that students who have been exposed to trauma are at increased risk of receiving out-of-school discipline; and (Trauma and Learning Policy Institute, <https://traumasensitiveschools.org/> and the National Child Traumatic Stress Network at <https://www.nctsn.org/>).

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WHEREAS, the statutory framework:

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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 WS/FCS and the Forsyth County Sheriff's Department (FCSD), the Kernersville Police Department (KPD), and the Winston-Salem Police Department (WSPD) regularly partner together to meet their shared responsibility to create a safe school environment for all students; and

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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;

WHEREAS, in light of the negative impact that 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, and decrease the disproportionality, 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 Resolution.

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C. 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.

D. Minor school-based misconduct that does not pose a direct safety threat to students or staff, 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. For example:

1. 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.
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- J. Reducing the number and disproportionality of suspensions, expulsions, and referrals to the justice system will require a systems-change approach. That is, it will require shifting the conditions--including structures, practices, policies, resource flows, power dynamics, and mindsets--that produce societal problems and hold them in place. (Definition from Crosswalk of Frameworks for Understanding Systems at <https://mathematica.org/>.)

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8/12/2021

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8/2/21

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