

**SCHOOL-JUSTICE PARTNERSHIP  
TWENTY-EIGHTH JUDICIAL DISTRICT  
BUNCOMBE COUNTY**

THIS SCHOOL-JUSTICE PARTNERSHIP (the “Partnership”) is a partnership, by and between, the following Parties:

1. The BUNCOMBE COUNTY and ASHEVILLE CITY BOARDS OF EDUCATION (“the Boards”);
2. The SHERIFF OF BUNCOMBE COUNTY, the POLICE DEPARTMENT of ASHEVILLE [add other potential law enforcement agencies] (collectively “Law Enforcement Agencies”);
3. The DISTRICT COURT of the TWENTY-EIGHTH JUDICIAL DISTRICT (“the Court”);
4. The DISTRICT ATTORNEY’S OFFICE of the FORTIETH PROSECUTORIAL DISTRICT (“the Prosecutor”); and
5. The NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, specifically the Juvenile Court Counselors working in the Twenty-Eighth Judicial District (“the Counselors”), (the Court, Prosecutor and Counselors collectively referred to as the “Judicial Agencies”).
6. The BUNCOMBE COUNTY GOVERNMENT and the ASHEVILLE CITY GOVERNMENT (collectively the “Government”).

**WHEREAS**, the Boards have a duty to create and maintain a safe and orderly school environment conducive to learning;

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

**WHEREAS**, the Boards and their employees have the primary responsibility for maintaining order in the school environment and for investigating and responding to school disciplinary matters and the Boards have adopted graduated disciplinary response interventions to address this responsibility;

**WHEREAS**, the duty of Law Enforcement Agencies is to respond to and investigate imminent safety threats, uphold the law, and serve the population they are charged with protecting;

**WHEREAS**, the efficient use of judicial resources is desirable, and the jurisdiction of the Judicial Agencies does not extend to initial decisions of school personnel in disciplinary matters;

**WHEREAS**, the Board and Law Enforcement Agencies regularly partner together to meet their shared responsibility to create a safe school environment for all students;

**WHEREAS**, the Board and the Law Enforcement Agencies aim to respond to student behavior consistently and within the bounds of their respective legal duties and responsibilities;

**WHEREAS**, across the United States, students of colors, students with disabilities and LGBTQ students are disproportionately impacted by arrests, including arrests occurring in schools, for the same behavior as their peers. The Board, the Law Enforcement Agencies, and the Judicial Agencies have a shared commitment to refrain from policies or practices that result in a disparate impact for students of color, students with disabilities, and LGBTQ students;

**WHEREAS**, some minor, non-emergency disruptive behavior of students at school and school-related events are adequately and effectively addressed through classroom, in-school, family, and community strategies and by maintaining a positive climate within schools rather than by exclusionary discipline practices or referral to Law Enforcement Agencies;

**WHEREAS**, juvenile criminal charges for some less serious offenses may be appropriately diverted to alternative, non-criminal remedies within the Judicial Agencies, depending on the unique circumstances of each instance;

**WHEREAS**, clarifying the responsibilities and distinct roles of the Board, the Law Enforcement Agencies, and the Judicial Agencies 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 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 Partnership.

**WHEREAS**, the several schools of the region are located in both the City of Asheville and Buncombe County. The local governments will provide assistance to carry out the School-Justice Partnership, including but not limited to, infrastructure support for the program, including coordination services, planning evaluation, data gathering and data analysis.

**BASED ON THE ABOVE PREMISES**, and in a collective effort to provide better outcomes for students, the Parties support and declare 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 Board 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. The Board, the Law Enforcement Agencies, and the 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. The Boards have each adopted graduated response models that use a full range of responses and interventions 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, restorative justice approaches and other similar tools that do not remove a student from the classroom or school building. The Boards are encouraged to continue to amend these response models as necessary.
- H. 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 and do not require the intervention or assistance of Law Enforcement Agencies or referral to Judicial Agencies.
- I. 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 the Judicial Agencies, and for certain alleged criminal acts, such involvement may be required by law.
- J. Ongoing institutional dialogue between the Parties is essential to support efforts to establish and maintain a safe, inclusive, and positive learning environment for all students and educators.
- K. 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.

- L. The relationship between a local board of education and its local law enforcement agencies is generally addressed in a memorandum of understanding that establishes the responsibilities and distinct roles of school and law enforcement officials, including School Resource Officers. Nothing in this Partnership shall be read or construed as altering or superseding the rights and responsibilities of either party in any prior agreement related, including a school resource officer Memorandum of Understanding.

In furtherance of the principles, best practices and goals set forth above:

1. The Parties hereby form a School-Justice Partnership (“SJP”) within the Twenty-Eighth Judicial District 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 in the school and community.
2. The purpose of the SJP is to create a 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.
3. In an effort to achieve the SJP’s purpose, the Parties commit to engaging in a regular and ongoing institutional dialogue, at least bi-annually, to examine data and to discuss 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.
4. The Parties of the SJP may collectively determine what, if any, data to collect to assess the effectiveness of the Partnership, including and to the extent feasible, data that is disaggregated by race, national origin, sex, gender, and/or disability.
5. In addition to the meetings of the SJP’s, employees for the Boards, the Counselors and Law Enforcement Agencies are encouraged to work together

informally, to the extent allowed by law (e.g. information sharing), to discuss and manage individual student matters in order to implement the appropriate responses and interventions for students who have engaged in misconduct.

6. When resources are available, the Parties will provide appropriate training to its employees in the content and implementation of this Partnership and any initiatives created by the Partnership.
7. The SJP shall not limit or be construed to limit the legal rights and duties of the Parties to carry out their duties under the law to address misconduct, ensure public safety, and ensure the well-being of students in this community.
8. This is the full 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 Partnership. Nothing in this Partnership shall create or be construed to create a cause of action thereunder against any Party arising from solely from their handling of school discipline or juvenile delinquency.

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The Honorable J. Calvin Hill  
Chief District Court Judge  
28<sup>th</sup> Judicial District

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Date

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The Honorable Patricia Kaufmann Young  
District Court Judge  
28<sup>th</sup> Judicial District

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Date

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The Honorable Julie M. Kepple  
District Court Judge  
28<sup>th</sup> Judicial District

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The Honorable Andrea F. Dray  
District Court Judge  
28<sup>th</sup> Judicial District

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The Honorable Ward D. Scott  
District Court Judge  
28th Judicial District

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The Honorable Edwin D. Clontz  
District Court Judge  
28th Judicial District

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The Honorable Susan Dotson-Smith  
District Court Judge  
28th Judicial District

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Brownie Newman, Chairman  
Buncombe County Commissioners

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Date

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Esther Manheimer, Mayor

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Avril Pinder, County Manager

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Debra Campbell, City Manager

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Quentin Miller, Sheriff  
Buncombe County

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David Zack, Chief of Police  
Asheville City

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Todd Williams, District Attorney  
28th Judicial District

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Dr. Tony Baldwin, Superintendent  
Buncombe County Board of Education

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Dr. Bobbie Short, Superintendent  
Asheville City Board of Education

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Ann Franklin, Chair  
Buncombe County Board of Education

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Shaunda Sanford, Chair  
Asheville City Board of Education

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Date

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LeAnn Melton, Chief Public Defender  
28th Judicial District

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Date

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Sylvia Clement, Chief Court Counselor  
28th Judicial District

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David Thompson, Member  
Member

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Member

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