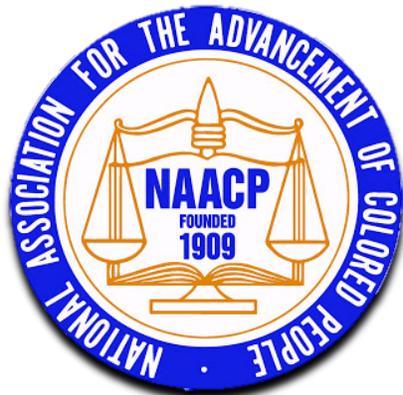


Brighter Futures

A Plan of Action for a Community Partnership
to Promote Student Achievement
in Chatham County, NC



*Prepared by the
NAACP Chatham Community Branch #5377
Criminal Justice Committee*

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Executive Summary

The NAACP seeks to “eliminate zero-tolerance policies implemented in our schools which are keeping kids out of the classroom and putting them on a path from the schoolhouse to the jailhouse.” Zero-tolerance policies often involve expulsions, out-of-school suspensions, transfers out of normal learning environments, or reports to law enforcement. Such policies emerged over decades, concurrent with a more visible presence of law enforcement officers in U.S. schools.

North Carolina law establishes numerous zero-tolerance policies. For example, principals must report a variety of assaults and other acts at school to law enforcement. School leaders retain discretion to handle other disciplinary matters, and court personnel exercise discretion handling juvenile justice complaints. Officially or unofficially, intentionally or not, zero-tolerance policies may operate in these environments. Thus, it is a combination of legal mandates and discretionary community decisions that diverts students to the criminal justice system.

The Committee researched these topics; interviewed educators, scholars, and community leaders; and drew upon member experience and expertise to shape this report. From this body of work, the Committee identified three primary areas for improvement to minimize—or even eliminate—school-related diversions to the criminal justice system: the role of school/student resource officers (SRO), school disciplinary practices, and state law.

Data describing these areas can be difficult to identify and analyze, especially since Covid prompted many instructional changes beginning in early 2020. However, North Carolina Department of Public Instruction (DPI) databases provide useful information, and the Southern Coalition for Social Justice published an instructive report on Chatham County Schools in 2019. The report found that 57% of all juvenile delinquency complaints were school-related and Black children were 4.8 times more likely than white students to receive short-term suspensions.

Using 2019-2020 DPI data, the Committee identified additional disparities that point to inequity affecting other racial groups and students with disabilities.

- The short-term suspension rate for the following student groups is much higher than for white students:

Black students – 4.4 times higher

Students with disabilities – 4 times higher

American Indian students – 3.5 times higher

Multiracial students – 3.2 times higher

Economically disadvantaged students – 2.4 times higher

- Multiracial and Black students are referred to law enforcement for alleged criminal acts at school at the highest rates (0.33 and 0.30 referrals per criminal act, respectively)
- Referrals of multiracial and Black students to law enforcement are 20-38% higher than the next highest student groups—students with disabilities and white students (0.25 and 0.24 referrals per criminal act, respectively)
- Compared to white students, other student subgroups experience much higher rates of alleged criminal acts at school and referrals to law enforcement:

Students with disabilities – highest disproportionate impact in both categories

Black and multiracial students – the only racial subgroups with higher rates of alleged criminal acts *and* much higher rates of law enforcement referrals for those acts

Hispanic students – greatest racial subgroup disparity in alleged criminal acts

Black students – greatest racial subgroup disparity in law enforcement referrals

Chatham County is not alone in confronting these challenges, and in many cases Chatham County is doing better than other counties and school districts. There are many national, state, and local efforts and resources to help public officials, nonprofits, and others make even greater strides without sacrificing school safety. Since 2017, nearly half of North Carolina counties have formed collaborative community partnerships for that work. The Committee sees great value and promise in such work and offers the following high-level suggestions for the NAACP and other stakeholders as they consider next steps, individually or collectively:

- Frame discussions positively around the school as a pathway to brighter futures and higher education, which it is for the overwhelming majority of students;
- Emphasize child development, positive disciplinary practices, and collective problem-solving to eliminate racial and demographic disparities;
- Attempt to eliminate exclusionary disciplinary practices like expulsions, out-of-school suspensions, and separate learning environments for those in the juvenile justice system; and
- Invest in child development for today’s pre-kindergarten children to start eliminating future disciplinary problems and related racial and demographic disparities.

More specifically, the Committee recommends that NAACP Chatham Community Branch #5377 take these steps to help Chatham County Schools (CCS), the Chatham County Sheriff’s Office (CCSO), and other stakeholders:

1. Collectively advance and advocate for these goals:
 - a. Limit CCSO SRO disciplinary and investigative roles to state law mandates;¹
 - b. Eliminate disparities across racial, ethnic, and disability groups in disciplinary practices or reports to law enforcement;
 - c. Reduce by 90% the total number of reports to law enforcement and disciplinary practices that remove students from normal learning environments.
2. Advance a stakeholder agreement to implement these goals in partnership with CCS and other public and private entities.
3. Work with the NAACP state conference and other NC NAACP branches to advance legislative changes that will eliminate zero-tolerance policies and racial disparities in reports to law enforcement agencies.

A plan to implement these steps is provided at page 27. Students with disabilities and Black and Hispanic students should see the greatest near-term benefits from this work because they are most negatively affected by current practices. But all students and all parts of the community benefit from these efforts to create brighter futures for all Chatham County children.

¹ This report does not address, and takes no position on, the need for law enforcement officers to serve as school resource officers on school grounds.

Improving Student Discipline Practices in Chatham County

A 2019 Southern Coalition for Social Justice (SCSJ) report² defines the school-to-prison pipeline (STPP) as “the system of policies and practices that push students out of school and into the juvenile and adult criminal systems. The STPP has many entry points.” This report adopts that general definition of problems to address; however, the terms “school to prison pipeline” and “STPP” are used only if quoted in other sources. The Committee’s hope is to demonstrate ways to frame the very serious concerns in ways that emphasize the positive outcomes that can be achieved.

The SCSJ report directs the community’s attention to the variety of actions that direct students out of school. Actions that remove students from normal learning environments are typically referred to as “exclusionary discipline.” Exclusionary practices include expulsions, suspensions, referral to law enforcement, and arrest at school. In contrast, “positive disciplinary practices” do not remove students from the normal learning environment. They may include in-school suspensions or focus on restorative justice practices or student emotional and behavioral development.

The remainder of this section provides an overview of exclusionary practices, summarizes the role of school/student resource officers (SRO) in Chatham County Schools (CCS), and presents relevant data on student discipline and juvenile crime in Chatham County.

Expulsions and Suspensions

School disciplinary practices can include short-term or long-term removal from normal learning environments. These expulsions and suspensions divert students into the criminal justice system in two ways. First, behavior that warrants expulsion or suspension may also violate a law that prompts investigation, arrest, or prosecution. These students likely have their first contact with law enforcement through a SRO on school property.

Second, expelled or suspended students may engage in out-of-school behavior that puts them in contact with law enforcement. Thus, even if a student’s in-school behavior did not initially lead them into the criminal justice system, expelling or suspending the student from the school’s structured, developmental environment contributes to their contact with law enforcement.

North Carolina law provides the following definitions for expulsion and suspensions:

- **expulsion** is “[t]he **indefinite exclusion** of a student from school enrollment for disciplinary purposes”³

² <https://rerc.southerncoalition.org/page/report-card-by-agency?var=agencyId:chatham-county-in-north-carolina-nc&var=reportCardStartYear:2018>

³ N.C.G.S. § 115C-390.1.b(5).

- **short-term suspension** is “[t]he **exclusion** of a student from school attendance for disciplinary purposes **for up to 10 school days** from the school to which the student was assigned at the time of the disciplinary action.”⁴
- **long-term suspension** is “[t]he **exclusion for more than 10 school days** of a student from school attendance for disciplinary purposes from the school to which the student was assigned at the time of the disciplinary action.”⁵ Long-term suspensions may be longer than one quarter of a school year. They can also span the final quarter of one school year and the first quarter of the following school year.⁶

The North Carolina General Assembly may mandate these forms of discipline for specific student behavior. For example, as required by federal law,⁷ North Carolina law mandates a long-term suspension of 365 calendar days for “possession of a firearm or destructive device” on school property.⁸ Students suspended and charged with crimes for these offenses are “considered for alternative educational services.”⁹ Together, the federal and state law operate as zero-tolerance policies because they mandate diversion to the criminal justice system, even if the item was in the student’s possession because of another person’s negligence or intentional act.

Expulsions and suspensions were once common in disciplinary programs, either because of a state law mandate or discretionary choice of a state or local board of education. These practices are now in steep decline. Decades of research in numerous disciplines reveal many ways that expulsions and suspensions harm children and limit their personal development and academic achievement. This evolving understanding of children’s social and emotional development needs provides an important framework to consider any disciplinary practice that removes children from their normal learning environment.

Public officials must carefully define, quantify, and balance the expected benefits and significant costs of expulsions and suspensions. Classroom safety may be increased. Students may be deterred from similar future events. But these benefits are unquestionably achieved with significant costs to the student and their classmates. Those costs may not be apparent when laws and policies are drafted or when exclusionary practices are administered.

Mandatory Reports to Law Enforcement

North Carolina law requires some student conduct on school property to be reported directly to law enforcement. Subsection (g) of General Statute § 115C-288 requires principals with “personal knowledge or actual notice from school personnel” of the following ten acts to

⁴ N.C.G.S. § 115C-390.1.b(12).

⁵ N.C.G.S. § 115C-390.1.b(7).

⁶ *Ibid.*

⁷ The Gun Free Schools Act, 20 U.S.C. § 7151.

⁸ N.C.G.S. 115C-390.10.

⁹ *Ibid.*

“immediately report” them to law enforcement and then the superintendent:

1. assault resulting in serious personal injury
2. sexual assault
3. sexual offense
4. rape
5. kidnapping
6. indecent liberties with a minor
7. assault involving the use of a weapon
8. possession of a firearm in violation of the law
9. possession of a weapon in violation of the law
10. possession of a controlled substance in violation of the law

The law further provides that “the State Board of Education shall not require the principal to report to law enforcement acts in addition to those required to be reported by law.” This provision expresses an important limitation of state-level power on law enforcement involvement in all other student misconduct.

The SRO is often the primary contact for reports under this law, and the Chatham County Sheriff’s Office (CCSO) provides all SROs to Chatham County Schools (CCS). However, the law does not require reporting to SROs. Rather, it requires reporting to the “appropriate local law enforcement agency.” In parts of Chatham County, a municipal police department and the CCSO may share jurisdiction for reportable acts. Therefore, CCS has flexibility to determine how school officials comply with the law’s reporting requirements.

A report to the SRO or police officer creates the student’s first school-related contact with the criminal justice system. That encounter may be as innocuous as a playground discussion between SRO and student. The SRO may, at her discretion, decide that no further inquiry, action, or student involvement with the criminal justice system is warranted. However, the SRO’s discretion in this first encounter may also lead to interrogation at school or at home, parent or attorney involvement, arrest, incarceration, or prosecution. Depending on the student’s age and alleged misconduct, the student may enter the juvenile or adult justice system. That broad spectrum of possibilities makes this first student-officer contact a most consequential event in the student’s life. It is therefore important to scrutinize the kind of student-SRO contact that occurs under agreements between CCS and the CCSO.

Discretionary Reports to Law Enforcement

Local school officials have discretion to determine whether to involve law enforcement when handling student conduct outside the ten acts listed above. Such reports may be considered discretionary. These discretionary reports to law enforcement can be as consequential for students as mandatory reports; therefore, minimizing them is an essential way to increase development opportunities for students.

Overreporting the Ten Acts

One category of discretionary reports stems from good-faith efforts to comply with North Carolina's mandatory reporting requirements. Although the State Board of Education has provided supplemental guidance on reportable acts, school officials may, for example, still report more assaults or possession offenses than is necessary due to difficulty knowing the legal standard. The official's reporting may not be unreasonable or malicious, but it creates a body of overreporting that puts more students in contact with the criminal justice system than the law requires.

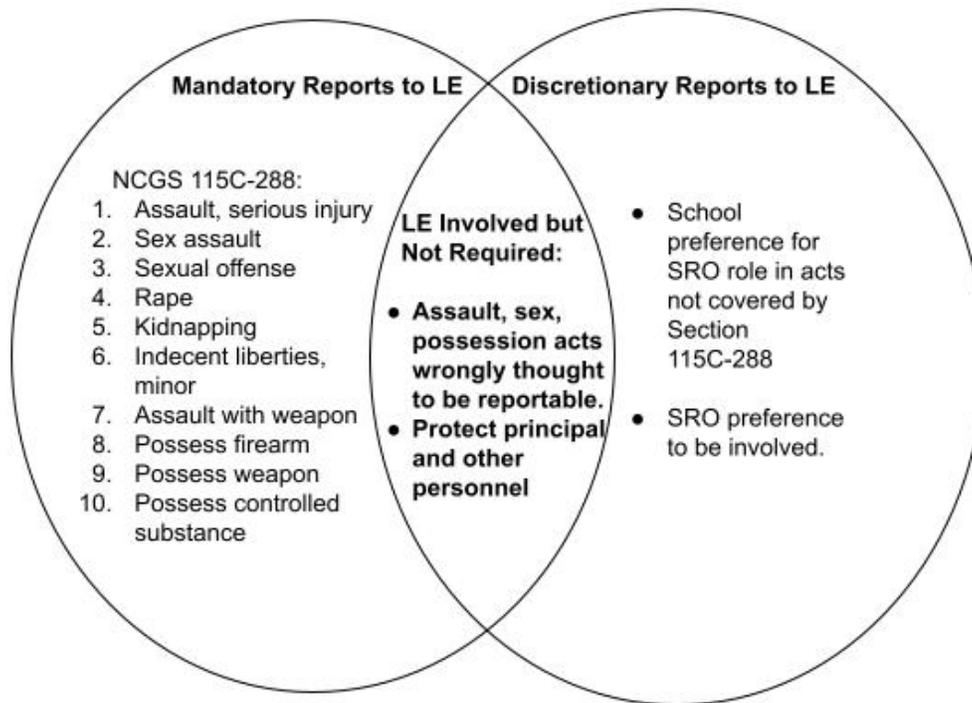
Subsection (b) of the law incentivizes such overreporting because principals who "knowingly and willfully" make a false report to the superintendent "shall be guilty of a Class 1 misdemeanor" and have their teaching licenses suspended. Principals acting in good faith to comply with the law, perhaps even with the benefit of legal advice, may reasonably be concerned that someone will allege willful misreporting or failure to report one of the ten acts. The mere threat of these consequential penalties could therefore lead principals to make reports to law enforcement that the law does not require. The penalties may also lead school districts to require such excessive reporting to provide the greatest legal protection to district employees or avoid the potential negative consequences of news stories.

Such overreporting must be understood as a rational implementation and consequence of the law's current design. Thus, further study of overreporting with a view to improving the legislation is warranted.

Law Enforcement or School Preference to Address Other Acts

A school district or law enforcement agency may also identify acts occurring on or off school property that they want law enforcement to address on school property. For example, a district board may decide to ask a sheriff's office to address, resolve, or investigate any physical assault, regardless whether state law requires the report or a school official seeks assistance. Or a police department may wish to investigate off-school activities while students are accessible to them on school property. Such matters fall to local communities to address through careful, candid conversation.

The diagram below depicts the relationship between legal reporting mandates and discretionary law enforcement involvement with students at school. Each region presents opportunities to reduce the total number of students entering the criminal justice system and to ensure that students of color, ethnic groups, students with disabilities, and other student groups are not overrepresented in the justice system.



Reducing the number of student behaviors that must be reported—the ten acts on the left side of the diagram—is a primary goal. For example, limiting access to weapons and controlled substances, developing students’ conflict resolution and de-escalation abilities, promoting respect and self-confidence, and educating school staff and children on child development topics can all result in fewer incidents that require referral to law enforcement. This short list of at-home, at-school, and other actions suggests how schools, families, law enforcement, and other community members share responsibility for a variety of important actions that keep children in school. Opportunities to nurture and develop children to prevent reportable behavior are nearly limitless.

Incidents in the center of the diagram—where the law prompts unnecessary overreporting to law enforcement—can be reduced through a very different set of actions and actors. The North Carolina General Assembly, State Board of Education, Chatham County Board of Education (BOE), attorneys advising those bodies, CCS personnel, and law enforcement agencies are exclusively responsible for the laws and policies that result in overreporting. To reduce the number of students who enter the criminal justice system this way, these public officials must find new, common approaches to issues, concerns, and solutions. The role for community members in this area is influencing those public officials to envision and achieve better outcomes for students. Even before studying data on overreporting, several areas to change public law and policy are evident: reduce the number of reportable acts; narrow the breadth of behavior that must be reported; and change law- and policy-based incentive structures for superintendents, principals, and other school personnel.

On the right side of the diagram, the CCS and/or CCSO have complete discretion to determine the appropriate discipline for student conduct. No higher-level public official has a decision-making role in their policies. Community members therefore have a large role in shaping policies and outcomes for students. With community input, CCS and CCSO policies essentially strike a mutually acceptable balance between a school's positive disciplinary practices and any punitive or exclusionary practices that may be warranted through the criminal justice system. CCS and CCSO thus share responsibility for positive and negative outcomes for all students across the disciplinary spectrum. Improved student outcomes on this side of the diagram should be easiest and quickest to achieve because new policies simply need the approval of the BOE and CCSO.

The Role of School Resource Officers

North Carolina Administrative Code defines "School Resource Officer" as

any law enforcement officer assigned to one or more public schools within a local school administrative unit, as defined in G.S. 115C-5(6), who works in a school at least 20 hours per week for more than 12 weeks per calendar year to assist with all of the following:

- (1) School safety;*
- (2) School security;*
- (3) Emergency preparedness;*
- (4) Emergency response; and*
- (5) Any additional responsibilities related to school safety or security assigned by the officer's employer while the officer is acting as a School Resource Officer.¹⁰*

Law enforcement officers must be certified to serve as SROs, separate from an officer's basic law enforcement certification. The North Carolina Justice Academy provides the training, and a one-hour refresher course is required annually.

A 2016 memorandum of agreement (Appendix A) between the CCSO and BOE describes the SRO program in Chatham County. The agreement lists the goals and objectives of the SRO program as:

- (1) minimizing the potential for crimes and violence on school campuses;
- (2) reducing conflict between students;
- (3) providing assistance to school faculty and staff on safety and violence prevention; and
- (4) increasing communication between the Sheriff's Office and the school community.

Additionally, CCSO provides all SROs to each CCS middle and high school during regular school hours. SROs wear uniforms, maintain visibility to deter crime, and exercise discretion to carry out "appropriate law enforcement action on criminal matters." SROs are not involved in enforcement of school policies or code of student conduct. As a general rule, SROs

¹⁰ 12 N.C.A.C. Section 9B.0313(A).

are not involved “in the enforcement of disciplinary rules that do not constitute violations of law (including...searches and interviews of students), except as absolutely necessary in the judgment of the SRO to maintain a safe school environment.”

The CCSO administers a Student Resources Unit supervised by the Special Operations Unit. SROs are commonly referred to as “student” resource officers, and the CCSO webpage provides this general description of the program:

Our Office proudly partners with Chatham County Schools to provide protection and support to our local students and school visitors. Our staff members work closely with youth throughout their school years to build positive relationships and offer meaningful guidance.

Our Student Resources Unit provides coverage for more than 20 schools across the county and more than 10,000 students. SROs are mentors and instructors who lead Gang Resistance Education and Training and Youth Leadership programs for students. They are largely responsible for:

- *Investigating criminal violations on school property*
- *Conducting active shooter/assailant training for students, teachers, law enforcement and other first responders¹¹*

Investigations, searches, interrogations, and arrests on school grounds are at the heart of student criminal justice issues. These topics were not a primary focus of the 2016 SRO agreement. In 2019 the CCSO, BOE, Siler City Police Department, and Pittsboro Police Department signed a supplemental agreement (Appendix B) to express shared expectations on those issues and to protect confidential student records and parameters for law enforcement officers. The supplemental agreement was motivated, in part, by a desire to reduce law enforcement investigations and other activities on school grounds that were unrelated to school. The BOE expressed a “strong preference” for non-school-related law enforcement activity to occur off school grounds. “To the maximum extent possible,” such actions are to be coordinated in advance with school administrators.

Many provisions of federal and state law define student rights and regulate law enforcement investigations, searches, interrogations, and arrests. The 2019 agreement references several of these legal parameters. The agreement also describes coordination between administrators and SROs when students are to be questioned, searched, arrested, or interrogated in custody. SROs retain significant discretion to determine when law enforcement actions and interventions are necessary on school grounds.

Striking acceptable balances between a student’s best interests (legal, developmental, etc.) and school safety and security is an ongoing effort among public entities and other stakeholders. There is room to further refine the agreements to reflect new balances and preferred outcomes. Other counties, state government bodies, and nonprofit groups provide a

¹¹ <https://sites.google.com/view/chathamcountysheriffnc/units/sro?authuser=0>

variety of examples and best practices as reference points. Some of those are discussed below and in the References section.

Student Discipline Data

The NAACP has a particular interest in laws, policies, and practices that disproportionately affect communities of color. According to the 2019 Southern Coalition of Social Justice (SCSJ) report, “[i]n almost every NC community, students of color are overrepresented at each entry point to the pipeline.” The SCSJ report highlights these Chatham

County concerns related to school discipline and the juvenile justice system:

- Black students were 4.8 times more likely than whites to receive a short-term suspension
- 56.9% of juvenile delinquency complaints are related to school

Additional data reviewed below show areas where Chatham County can work to eliminate such disparities.

The causes of overrepresentation and disparate treatment in any subgroup of students are numerous. Disproportionate impacts on Chatham County’s students of color can flow from explicit or implicit bias, formal or informal policies, intentional and unintentional effects of laws, and other factors. Accurate data on school disciplinary programs, SRO programs, and other law enforcement activity on school property help pinpoint specific racial disparities and suggest opportunities to eliminate them.

North Carolina Department of Public Instruction (DPI) data are used to generate North Carolina Schools Report Cards. The Chatham County report provides rates of suspensions, expulsions, referrals to law enforcement, arrests, alleged criminal acts, and other actions in 2019-2020 for a total of 8,972 enrolled students.

Expulsions and Suspensions

The following “Suspensions and Expulsions” chart of school discipline practices from the Chatham County Schools Report Card indicates that in-school suspensions have become the preferred option compared to expulsions and short-term and long-term suspensions. That practice is consistent with the NAACP goal to eliminate zero-tolerance policies and exclusionary discipline that send students into the criminal justice system. Multiplying the total number of enrolled students (8,972) by the numbers in the “ALL” row yields these total incidents:

Short-term Suspensions	626
Long-term Suspensions	2
Expulsions	0
In-school suspensions	1,511

In short, the most exclusionary disciplinary practices that schools administer are low (628, or 70 per 1,000 students) compared to in-school suspensions (1,511, or 168 per 1,000 students).

Suspensions and Expulsions (per 1000 Students in Subgroup) i				
Subgroup	Short-term Suspensions	Long-term Suspensions	Expulsions	In-school Suspensions
ALL	69.77	0.22	0.00	168.41
Female	33.53	0.00	0.00	90.23
Male	101.65	0.43	0.00	236.33
American Indian	150.00	0.00	0.00	200.00
Asian	8.26	0.00	0.00	57.85
Black	191.45	0.00	0.00	342.08
Hispanic	55.50	0.35	0.00	213.38
Two or More Races	137.47	2.22	0.00	228.38
White	43.31	0.00	0.00	91.34
Economically Disadvantaged	104.02	0.44	0.00	246.65
Students with Disabilities	172.39	0.80	0.00	310.46

It should be evident that these disciplinary practices and rates can vary over time for many reasons. For example, the 2019-2020 student population was 8,972, a one-year increase of 132 students. Multi-year data provided by CCS reports the total number of exclusionary suspensions in 2014 as 898 when student population was even lower. CCS reports that a variety of strategies implemented over three years helped reduce that raw number to the mid-500s. But exclusionary suspensions increased to over 800 again in 2019 due to new legal advice and changed expectations. It is unclear how many of these suspensions resulted in students entering the criminal justice system. Those data are essential to uncover so the relationship between juvenile justice and short- and long-term suspensions is better understood.

As that analysis is performed, the Committee urges attention to these 2019-2020 short-term suspension rates for priority reduction:

- Black – 4.4 times higher than White
- Students with Disabilities – 4 times higher than White
- American Indian – 3.5 times higher than White
- Two or More Races – 3.2 times higher than White
- Economically Disadvantaged – 2.4 times higher than White
- Hispanic – 1.3 times higher than White

Referrals to Law Enforcement

The following chart shows “Acts of Bullying, Law Enforcement Referrals and Arrests” in the Chatham County School Report Card. Multiplying the total number of enrolled students

(8,972) by the numbers in the “ALL” row yields these total incidents:

Bullying and Harassment	88
Referrals to Law Enforcement	11
Arrests	0
Criminal Acts	63

Subgroup	Bullying and Harassment	Referral to Law Enforcement	Arrests	Criminal Acts
ALL	9.81	1.23	0.00	7.02
Female	2.65	0.00	0.00	2.21
Male	16.30	2.36	0.00	11.37
American Indian	0.00	50.00	0.00	0.00
Asian	0.00	0.00	0.00	8.26
Black	21.38	2.92	0.00	9.72
Hispanic	8.96	0.69	0.00	11.03
Two or More Races	15.52	2.22	0.00	6.65
White	7.08	0.86	0.00	3.65
Economically Disadvantaged	12.73	1.54	0.00	10.31
Students with Disabilities	22.35	3.19	0.00	12.77

The absence of arrests at Chatham County schools stands out as a positive fact. Indeed, no arrests appear in DPI data since 2018 when this category was first reported on the North Carolina Schools Report Cards. Additional research and analysis would be needed to determine whether arrests at school were common before 2018, whether new public reporting requirements incentivized public officials to minimize arrests, and how key actors and stakeholders came together to improve outcomes for Chatham County children. The Committee is also interested in knowing where students are arrested for school-related acts, especially because the SCSJ reported a school relationship for 57% of 2018-2019 delinquency complaints.

While the Committee believes that such historical accomplishments and lessons can be instructive, the current focus is to identify and improve remaining points of concern. The Chatham County Schools Report Card chart above identifies several areas of improvement. Table 1 below uses that data to highlight clear disparities across student subgroups in the number of referrals to law enforcement per criminal act.

The bold text in Table 1 highlights the two student groups with the highest rates of law enforcement referrals per criminal act: Two or More Races (0.33) and Black (0.30). Those rates are roughly 20% higher than those of the next highest student groups—Students with Disabilities (0.25) and White (0.24).

These significantly higher rates merit closer scrutiny of all criminal acts to determine where officials made mandatory and discretionary referrals. With that kind of analysis, CCS, CCSO, and stakeholders can identify opportunities to reduce both criminal acts and law

enforcement referrals in these subgroups. The very low rates reported for American Indian, Asian, and Hispanic students are a hopeful sign that stakeholders can replicate successful practices that keep these rates low. Until there is much greater parity across these subgroups, it is possible that biases, de facto zero-tolerance policies, or other factors account for the disproportionate impact on Black and multiracial students.

Table 1: Reports to Law Enforcement per Student Group

Subgroup	Referrals to Law Enforcement per Criminal Act
All	0.18
White	0.24
Black	0.30
Hispanic	0.06
American Indian	0*
Asian	0^
Two or More Races	0.33
Economically Disadvantaged	0.15
Students with Disabilities	0.25

* A very high rate of American Indian students were referred to law enforcement, but not for criminal acts.

^ No criminal acts by Asian students were reported to law enforcement despite a rate of 8.26 acts per 1,000 students.

Table 2 below provides a different perspective on criminal acts and referrals to law enforcement. It shows the greater likelihood for certain subgroups of children to be referred to law enforcement compared to white students (3.65 criminal acts per 1,000 white students; 0.86 referrals to law enforcement per 1,000 white students). In nearly all categories, many fewer white students are referred to law enforcement or identified as committing criminal acts at school. Points of greatest concern on this table are:

- Students with disabilities experience the highest disproportionate impact in both categories compared to white students (3.5X and 3.7X higher);
- Among racial subgroups, Hispanic students experience the greatest disparity in criminal acts (3.1X higher);
- Among racial subgroups, Black students experience the greatest disparity in law enforcement referrals (3.4X higher);
- “Black” and “Two or More Races” are the only subgroups with *both* a higher rate of criminal acts compared to white students *and* much higher rates of law enforcement referrals for those acts.

Table 2: Key Punitive Discipline Rates Compared to White Students

Subgroup	Criminal Acts	Referral to Law Enforcement
Black	2.7X higher	3.4X higher
Hispanic	3.1X higher	<i>0.8X lower</i>
American Indian*	<i>No criminal acts</i>	58X higher
Asian	2.3X higher	<i>No referrals</i>
Two or More Races	<i>1.8X higher</i>	2.6X higher
Economically Disadvantaged	2.8X higher	1.79X higher
Students with Disabilities	3.5X higher	3.7X higher

Bold text shows points of particular concern. *Italicized text* shows relatively positive points.

* The DPI data suggest one or more anomalous incidents that warrant further inquiry before reaching conclusions about practices affecting American Indian students. Therefore, the American Indian subgroup is not included in the discussion and comparisons below.

These data suggest that the greatest focus of improvement should be directed toward disabled, Black, Hispanic, and multiracial students. The School Justice Partnership (SJP) program team within the North Carolina Judicial Branch¹² has noted a similar confluence of concerns. In particular, SJP personnel have observed that many North Carolina counties show a close intersection between disparities affecting Black students and students with disabilities. SJP personnel also report that although some counties successfully reduce the overall number of law enforcement referrals—in some cases by more than 70% in one year—racial disparities persist across student groups in remaining referrals to law enforcement. This experience demonstrates the importance of setting the community’s sights on racial disparities as a most persistent and pernicious form of social and educational inequity.

Bright spots in this table include:

- Hispanic referrals to law enforcement are lower than for white students;
- zero Asian referrals to law enforcement;
- zero criminal acts among American Indian students;
- the disparate treatment in law enforcement referrals that economically disadvantaged students experience is up to 50% less than those of other subgroups.

These data suggest that some existing policies and practices are bringing disciplinary practices into closer alignment across subgroups. If they can be identified, the reasons for these bright spots should be highlighted and perhaps expanded. Some positive practices that achieve these results may be intentional and collaborative. Others may be unintentional or too poorly understood to replicate them more broadly and effectively. But knowing that progress is being

¹² <https://www.nccourts.gov/programs/school-justice-partnership>

made can help motivate additional work to minimize diversions into the criminal justice system for all Chatham students.

Juvenile Justice System Data

The North Carolina Department of Public Safety (NCDPS) reports the following juvenile justice data in 2020 for Chatham County's population of 10,024 juveniles ages 6-17:¹³

Violent Class A-E	9
Serious, Class F-I	21
Minor Class 1-3	116
Infraction	0
Status*	3
Total Delinquent Complaints	146
Total Complaints	149

Key

<i>Violent Class A - E</i>	Person and violent offenses (i.e., robbery, kidnapping, attempted murder, etc.)
<i>Serious Class F - I, A1</i>	F-I felony class - serious property or weapons offenses; A1 misdemeanors - assaults
<i>Minor Class 1 - 3</i>	Misdemeanor classes (i.e., shoplifting, communicating threats, disorderly conduct at school)
<i>Infraction</i>	Non-criminal violation of law, punishable by up to a \$100 fine (i.e. motorcycle/moped violation, riding a bicycle/skating in a public area, etc.)
<i>Status</i>	Offenses that are not crimes if committed by adults (i.e., truancy, running away from home, ungovernable). The terms "status" and "undisciplined" are interchangeable.
<i>Total Delinquent Complaints</i>	Sum of delinquent complaints received
<i>Total Complaints</i>	Delinquent, undisciplined, infractions and status offenses summed

Additional NCDPS juvenile justice details describe the disposition of cases:

- 122 children were served by the county Juvenile Crime Prevention Council
- there were 3 juvenile admissions to county detention (rate of 0.30/1,000 children)
- 10 individuals were served by a residential contractual program
- 5 individuals were served by a community-based program

A clear picture of school relationships to delinquencies, arrests, detentions, and meeting students' out-of-school educational needs is not forthcoming from this data. The Committee believes it is important to obtain additional detail on all complaints, but especially all school-related delinquencies. Analyzing that information alongside school discipline data would ideally reveal all offenses, arrest information (e.g., location since no arrests were reported at schools), disposition, demographic data on juveniles, suspensions related to delinquencies, and whether the seven juvenile detentions were linked to school activity.

¹³ <https://www.ncdps.gov/documents/2020-county-databook>

While the total number of juveniles in county detention appears to be very low, looking at historical data and learning more about each case could reveal ways to decrease future totals even further. For example, NCDPS reports no violent Class A-E felonies in 2019,¹⁴ but 9 in 2020. Total 2020 delinquencies (146) declined by 26% from the 2019 total of 197 delinquencies. And the SCSJ report calculated that 57% (112) of the 197 delinquencies in 2019 were school-related. In further discussion with stakeholders, the Committee would like to learn more about the violent felonies and the percentage of school-related delinquencies in 2020.

A primary goal of additional research and discussion in this area is to improve educational opportunities for children in juvenile detention. Currently, Chatham children remain out of public school all year and are educated in a special location. Chapel Hill-Carrboro and Durham school districts have created an alternative school for juveniles so they have a more normal educational experience. Although a stigma often attaches to these schools, many educators believe that they play an essential role in keeping children on a path to higher education. With input and support from administrators and other senior education professionals, CCS might explore opportunities to create a similar school or arrange for Chatham students to use nearby schools.

¹⁴ <https://www.ncdps.gov/documents/2019-county-databook>

Current Reports and Reform Proposals

Recent studies and reports on topics to inform Chatham County’s approach to these issues abound. Recommendations generally promote improvements in the criminal justice system, policing practices, and community partnerships. Of note are these efforts and relevant recommendations:

North Carolina Commission on the Administration of Law and Justice

In 2017, the North Carolina Commission on the Administration of Law and Justice issued a final report on juvenile justice and other topics. The Commission recommended a statewide program for partnerships among courts, schools, and other stakeholders to be administered through chief district court judges and local stakeholders. The North Carolina Administrative Office of the Courts (NCAOC) now establishes policies and procedures for this School Justice Partnership (SJP) program¹⁵ to help reduce in-school arrests, out-of-school suspensions, and expulsions by addressing student misconduct within the school system and community rather than by referral to the criminal justice system.

The SJP is not the only way for a community to approach issues of juvenile justice, school discipline, use of SROs, and racial disparities in public programs. However, the structure and resources of the SJP program make it an attractive opportunity to move quickly within a broad, statewide community of professionals with access to excellent resources. A memorandum of agreement is now in place for NCAOC to pay for a judicial assistant to Chief District Court Judge Samantha Cabe to help Chatham County and Orange County schools conduct work in this field until June 2022. The NCAOC SJP toolkit¹⁶ helps communities move forward with model agreements and other resources.

North Carolina Task Force for Racial Equity in Criminal Justice (TREC)

Governor Roy Cooper established the TREC in 2020 to make recommendations in a wide range of areas. The final report¹⁷ includes the following directly relevant recommendations, as well as numerous others in the fields of public safety, improving policing practices, enhancing accountability, and improving recruitment and training.

- Eliminate racial disparities in justice systems to stem the school to prison pipeline and rethink juvenile justice
 - Raise the minimum age of juvenile court jurisdiction to 12
 - Require a school administrator or school social worker to sign a school-based petition initiated by a School Resource Officer before it can be accepted for filing in juvenile court

¹⁵ <https://www.nccourts.gov/programs/school-justice-partnership>

¹⁶ <https://www.nccourts.gov/documents/publications/school-justice-partnership-toolkit>

¹⁷ <https://ncdoj.gov/trec/>

- Allow prosecutors the discretion to accept pleas in juvenile court for juveniles charged with Class A through G felonies, in line with the Raise the Age Act
- Replace juvenile life without parole with life with parole sentences and parole eligibility after twenty-five years for first degree murder convictions
- Establish a juvenile review board within the Governor’s Clemency Office
- Revise the role of SROs
 - Hire behavioral health professionals in schools
 - Fund school personnel training on mental health, first aid, cultural competence/diversity/inclusion, and developmental disability
 - Develop inclusive processes for selecting and overseeing SROs
 - Train all public school employees and SROs on the proper role of SROs
 - Collect data on discipline in schools and school-based referrals to the juvenile courts
 - Encourage School Justice Partnerships to reduce students’ juvenile court involvement
 - Support Task Force on Safer Schools State Action Plan
- Promote diversion and other alternatives to arrest
 - Encourage citations and summons in lieu of arrest whenever possible
 - Establish and expand access to diversion programs

National Association of School Resource Officers (NASRO)

NASRO has been addressing many law enforcement issues related to schools and the criminal justice system since 1991. A 2015 report¹⁸ recommends these best practices:

- a clear and concise memorandum of understanding between law enforcement agency and educational institution
- clearly define the law enforcement, teaching, or counseling roles of officers
- prohibit SRO involvement in school administrators’ discipline situations
- SROs must receive special training regarding special needs children
- refrain from physical restraints unless arrest is necessary

North Carolina Sheriffs’ Association

A 2020 report by the North Carolina Sheriffs’ Association¹⁹ recommended no changes to the role of SROs. It further provides:

- The Association does not believe any change is needed with regard to the current use of school resource officers. The Association believes SROs are valuable assets in schools and as resources for students. The Association supports allowing the use and assignment

¹⁸ <https://www.nasro.org/aboutnasro/nasro-position-statement-on-police-involvement-in-student-discipline/>

¹⁹ North Carolina Sheriffs’ Association, *Report on Law Enforcement Professionalism*, p. 28 (2020) available at <https://ncsheriffs.org/wp-content/uploads/NCSA-Report-on-Law-Enforcement-Professionalism-FINAL-10-21-20.pdf>

of certified school resource officers in schools to be a local decision, made by local stakeholders as it has always been.

- The Association believes SROs should be carefully chosen by law enforcement agencies. Schools are not the place for personnel who do not have the desire and personality for the work. These law enforcement officers should be thoroughly vetted, as they will be interacting with minors on a daily basis.

Recommendations

The data discussed above provide important benchmarks to seek more equitable distribution of disciplinary and criminal justice practices across student groups. But those data do not point to every zero-tolerance policy or other factors that send students into the juvenile justice system. Nor do the data tell a complete story of positive, negative, or improving dimensions of these issues. CCS, CCSO, the North Carolina Judicial Branch, and local criminal justice officials can provide much of insight and resources to improve the status quo.

Since 2016, CCS has implemented a strategic “equity and excellence for everyone” program that encompasses these issues. The program’s mission is to “support students in reaching their potential by advocating for social justice, eliminating barriers for diverse populations, and utilizing culturally relevant resources while ensuring equity is embedded in all areas of our district’s culture.” An Executive Director for Excellence and Opportunity implements the program within a broader portfolio to support student academic achievement, especially of historically underrepresented student groups. CCS has also administered an Equity Community Ambassadors program to link community expertise and resources to strategic CCS activities.

This CCS posture is commendable, but more improvement is needed to achieve the NAACP’s goals. At the same time, law enforcement and criminal justice practices must be improved. However, the Committee does not have adequate insight into strategic approaches that those public officials may be taking to eliminate zero-tolerance policies and promote criminal justice equity in Chatham County.

The Committee therefore sees an essential, priority need for public officials in the court system, law enforcement, and CCS to work together on strategic improvements. Instead of commencing a protracted, costly search for specific reasons for each disparity shown in school discipline practices or DPI data, the Committee believes it would be beneficial to begin by asking all public officials to envision an outcome that is even more successful than other North Carolina counties that have addressed these concerns. By aiming for such a goal, each group can begin to consider the steps they would have to take to contribute to the goal.

Drastic changes are clearly possible in this area. In just a few years, total CCS suspensions declined 30-40% from their recent 2014 high of 898. And two North Carolina counties used School Justice Partnerships to reduce referrals to law enforcement by more than 70% over multi-year periods. These experiences suggest that school officials can be very effective through their own work, high goals are possible in schools and the justice system, and new ways to collaborate may spur the most significant improvements in each area.

Taking those details into consideration, the Committee recommends that CCS, CCSO, and the courts collectively work to reduce exclusionary practices and school-related delinquency complaints by 90% over one year. Table 3 below reports the goal numbers that reflect a 90% reduction in discipline practices, interactions with law enforcement, and delinquency complaints

that students experience. In order to achieve such a drastic reduction, all public entities and community stakeholders must look for every opportunity to prevent each item.

Table 3: Goal – 90 % Reduction in Exclusionary Discipline and Delinquency

<i>School Discipline and Law Enforcement</i>		
	Goal: 90% lower than 2019-2020	Adjusted for 10,000 students
Short-term Suspensions	63	70
Long-term Suspensions	0	0
Expulsions	0	0
In-school suspensions	151	168
Referrals to Law Enforcement	1	1
Arrests	0	0
<i>Juvenile Justice System</i>		
	Goal: 90% lower than 2020	
Violent Class A-E	1	
Serious, Class F-I	2	
Minor Class 1-3	12	
Infraction	0	
Status*	0	
Total Delinquent Complaints	15	
Total Complaints	15	

The Committee also recommends that NAACP Chatham Community Branch #5377 take the following steps:

1. Collectively advance and advocate for these goals:
 - a. Limit SRO disciplinary and investigative roles to state law mandates
 - b. Eliminate disparities across racial, ethnic, and disability groups in disciplinary practices and reports to law enforcement
 - c. Reduce by 90% the total number of reports to law enforcement and disciplinary practices that remove students from normal learning environments
2. Advance a stakeholder agreement to implement those goals in partnership with public and private entities.

3. Work with the NAACP state conference and other NC NAACP branches to advance legislative changes that will eliminate zero-tolerance policies and racial disparities in North Carolina law.

Through this work, the Committee further recommends focusing on these issues:

- *A New Baseline for 2026.* Child development specialists emphasize the importance of developing children’s essential emotional, behavioral, and social abilities before they turn five. A five-year focus serving newborns to 5-year-olds with appropriate screenings, interventions, and services would give Chatham County Schools a new baseline for disciplinary and equity considerations in 2026. The Committee therefore recommends a priority focus on serving children and parents in these areas. The CCS Equity Community Ambassadors program appears to present one excellent opportunity to bring professional expertise—for example, health, mental health, education—into this effort.
- *School/Student Resource “Teams” or “Offices.”* The Committee recommends that CCS explore opportunities to develop school-based teams that prioritize children’s social and emotional needs over punitive, exclusionary discipline. Nurses, social workers, mentors, child development specialists, or other specialists could be in school or on call to assist as needed. Such specialists would be a principal’s primary resource for the vast majority of disciplinary matters.
- *Students with Disabilities.* Special concern and planning is required to support students with disabilities, their families, and educators. More children with emotional and behavioral disabilities, attention deficit hyperactivity disorder (ADHD), and intellectual disabilities are involved in the justice system than are children with other disabilities. But other disabilities can affect behavior and discipline, too. Therefore, a comprehensive approach to reducing the number of students with disabilities entering the criminal justice system is essential. Such an approach should include: analysis of disciplinary incidents involving students with disabilities, staffing schools with adequate personnel specially trained to help in disciplinary matters, augmenting the resources of the Juvenile Crime Prevention Council, special training for SROs, and support to families. Disability specialists would ideally be prioritized as school resources based on the data showing disparate impact on students with disabilities.
- *SRO selection, training, and education.* The Committee sees this as a critical issue to ensure that CCS and CCSO personnel have common approaches to goals and practices affecting students.
 - The North Carolina Sheriffs’ Association calls for SROs to be “thoroughly vetted” to work in the school environment. The Committee supports this goal and recommends that stakeholders review selection criteria with a view to recommending best practices for vetting and selection. For example, SROs with “community policing” and “growth” mindsets may be well-suited for work at schools. In lieu of SRO selection solely by the Sheriff, the critical SRO selection process could be improved with more sophisticated profiling, background checks, or confidential assessments by others.

- The Committee also recommends that CCS and CCSO consider whether SROs have family members in the school or school system. Anecdotal evidence suggests that such personal ties may lead an SRO to exercise discretion in ways that lead to delinquency complaints instead of non-judicial disciplinary action.
- In addition to SRO training required by law, the Committee encourages stakeholders to consider additional training in child development, child psychology, and related topics. SROs might be included in CCS Equity & Excellence for Everyone training or taught by outside entities like the University of North Carolina School of Government or other schools.
- The Committee also recommends that stakeholders consider whether uniforms or civilian clothing are best for SROs.

The following section presents a plan of action and milestones for NAACP Branch #5377 to implement these steps in collaboration with interested stakeholders.

Plan of Action and Milestones

The Committee proposes the following framework for actions that can drastically reduce student diversions to the criminal justice system in Chatham County.

Recommendation	Action(s)	Milestone(s)	Next Steps	Goal Completion
1.a. Limit SRO disciplinary and investigative roles to state law mandates	<ul style="list-style-type: none"> ● Create or enhance school “Student Resource Teams” with child development specialists, social workers, or other professionals to maximize positive disciplinary practices ● Update SRO Memorandum of Agreement (MOA) and 2019 supplemental agreement 	<ul style="list-style-type: none"> ● Identify gaps and needs in current CCS capabilities, training programs, and school services ● Seek input, assistance, and funding from CIS, CEF, other nonprofits ● Propose and negotiate updates 	<ul style="list-style-type: none"> ● CCS; BOE; BOCC ● BOE; CCS; CCSO 	<ul style="list-style-type: none"> ● Determined by CCS; recommend January 2022 ● March 2022

Recommendation	Action(s)	Milestone(s)	Next Steps	Goal Completion
<p>1.b.</p> <p>Eliminate disparities across racial, ethnic, and disability groups in disciplinary practices and reports to law enforcement</p>	<ul style="list-style-type: none"> ● Validate CCS, CCSO, and other data to quantify current disparate treatment ● Identify in-school, out-of-school, pre-event, and post-event practices that eliminate disparities 	<ul style="list-style-type: none"> ● Identify reasons for disparate treatment ● Educate and train Student Resource Teams and other CCS staff on positive discipline, de-escalation techniques, and factors like implicit bias ● Educate and train SROs on child development, de-escalation techniques, and factors like implicit bias 	<ul style="list-style-type: none"> ● CCS; CCSO; NAACP #5377 ● CCS ● CCSO 	<ul style="list-style-type: none"> ● January 2022 ● January 2022 ● January 2022
<p>1.c</p> <p>Reduce by 90% the total number of reports to law enforcement and disciplinary practices that remove students from normal learning environments</p>	<ul style="list-style-type: none"> ● Assess past reports and removals to determine where alternative practices could be used ● Identify alternative disciplinary practices and train to implement them 	<ul style="list-style-type: none"> ● Report new goal numbers to all CCSO and CCS personnel ● Prepare staff and fill resource gaps to implement alternative practices ● Implement alternative practices 	<ul style="list-style-type: none"> ● CCS; CCSO ● CCS; BOE; CCSO ● CCS; CCSO 	<ul style="list-style-type: none"> ● October 2021 ● December 2021 ● January 2022

Recommendation	Action(s)	Milestone(s)	Next Steps	Goal Completion
<p>2.</p> <p>Advance a stakeholder agreement to implement Recommendations 1.a.-c. in partnership with public and private entities</p>	<ul style="list-style-type: none"> ● Contact Chatham Juvenile Crime Prevention Council to augment partnerships and current activities ● Consider the NC Courts School Justice Partnership model and resources ● Seek individual volunteers, non-profit and for-profit assistance, and other resources 	<ul style="list-style-type: none"> ● Meet with Renita Foxx ● Meet with Chief District Court Judge Samantha Cabe ● Contact CMO to conduct outreach plan ● Draft and sign an agreement 	<ul style="list-style-type: none"> ● NAACP #5377; CCS; CCSO ● NAACP #5377; CCS; CCSO ● NAACP #5377; BOE; CCS; ● Interested parties 	<ul style="list-style-type: none"> ● October 2021 ● October 2021 ● October 2021 ● November 2021 - January 2022

Recommendation	Action(s)	Milestone(s)	Next Steps	Goal Completion
3. Reduce zero-tolerance policies in NC law	<ul style="list-style-type: none"> Propose legislative changes that reduce mandatory reporting to law enforcement and promote positive discipline 	<ul style="list-style-type: none"> Collaborate with NAACP Branch #5378 and the NAACP state conference for Chatham-wide assessments and state-wide coordination Analyze CCS, CCSO, or other data to identify laws that send CCS students into the criminal justice system 	<ul style="list-style-type: none"> NAACP Branch #5377 	<ul style="list-style-type: none"> October 2021 January-June 2022

Key:

- BOCC Chatham County Board of County Commissioners
- BOE Chatham County Board of Education
- CCS Chatham County Schools
- CCMO Chatham County Manager’s Office
- CCSO Chatham County Sheriff’s Office
- SRO Student Resource Office

Key Partners and Points of Contact

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Resources

School Discipline Data

- North Carolina Department of Public Instruction, *North Carolina Discipline Data Reporting Procedures*, (2021) available at <https://www.dpi.nc.gov/media/9597/open>.
- Southern Coalition for Social Justice, *Chatham County Schools Racial Equity Report Card*, (2019) available at <https://rerc.southerncoalition.org/page/report-card-by-agency?var=agencyId:chatham-county-in-north-carolina-nc&var=reportCardStartYear:2018>.
- North Carolina School Report Cards, (2020) available at <https://ncreports.ondemand.sas.com/src/district?district=190LEA&year=2020&lng=en>.

Juvenile Justice

- North Carolina Department of Public Safety, Juvenile Justice Section, <https://www.ncdps.gov/juvenile-justice>.
- North Carolina Department of Public Safety, “2020 Juvenile Justice County Databook,” (2019) available at <https://www.ncdps.gov/documents/2020-county-databook>.
- Chatham County Juvenile Crime Prevention Council, <https://www.chathamcountync.gov/government/appointed-boards-and-committees/juvenile-crime-prevention-council>.

School Learning Environments

- U.S. Department of Education, “School Discipline Laws and Regulations by Category,” available at <https://safesupportivelearning.ed.gov/school-discipline-laws-regulations-category>.
- U.S. Department of Education, “Supportive School Discipline Webinar Series,” (2015) available at <https://safesupportivelearning.ed.gov/supportive-school-discipline-webinar-series>.

School Resource Officers

- National Association of School Resource Officers, *Best Practices Statement*, (2015) available at <https://www.nasro.org/aboutnasro/nasro-position-statement-on-police-involvement-in-student-discipline/>.

- North Carolina Sheriffs' Association, *Report on Law Enforcement Professionalism*, October 21, 2020, available at <https://ncsheriffs.org/wp-content/uploads/NCSA-Report-on-Law-Enforcement-Professionalism-FINAL-10-21-20.pdf>.
- Robinson, Moses; Zipp-Mclaughlin, Alecia; Canady, Mo and Thurau, Lisa, "At the Intersection of School Safety and Supportive Discipline: Navigating the Roles and Responsibilities of School Resource Officers," (2013, webinar with training materials) available at <https://safesupportivelearning.ed.gov/events/webinar/intersection-school-safety-and-supportive-discipline-navigating-roles-and>.
- Gottfredson, Denise C. et. al, "Effects of School Resource Officers on School Crime and Responses to School Crime," 19 *Criminology & Public Policy* 3, (2020) available at https://onlinelibrary.wiley.com/doi/abs/10.1111/1745-9133.12512?utm_medium=email&utm_content=PublicationUpdate&utm_source=govdelivery.
- Stinson, Philip Matther, Sr. and Watkins, Adam W., *The Nature of Crime by School Resource Officers: Implications for SRO Programs*, SAGE Open (2014) <https://doi.org/10.1177%2F2158244014521821>

School Justice Partnerships

- N.C. Judicial Branch, "School Justice Partnerships," <https://www.nccourts.gov/programs/school-justice-partnership>.
- ncIMPACT, "School Justice Partnerships," video, Dec. 2020, available at <https://www.facebook.com/ncimpactsog/videos/462922734672892>.

Acknowledgements

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APPENDIX A

AGREEMENT FOR SCHOOL RESOURCE OFFICER SERVICES

NORTH CAROLINA

CHATHAM COUNTY

This Agreement for School Resource Office Services (this "Agreement") made and entered this the 24TH day of AUGUST, 2016, by and between the Chatham County Board of Education (the "Board of Education") and Michael Roberson in his capacity as the duly elected Sheriff of Chatham County (the "Sheriff", or the "Sheriff's Office")

WITNESSETH:

WHEREAS, the Board of Education and the Sheriff mutually recognize the benefits to the citizens of Chatham County, and particularly to the students of the public school system of Chatham County, that will be derived from the assignment of deputies to provide school resource officer services in the public schools of Chatham County; and

WHEREAS, the Board of Education has requested that the Sheriff provide deputies to serve as school resource officers in certain Chatham County public schools; and

WHEREAS, the Sheriff, subject to the terms and conditions of this Agreement, has agreed to provide school resource officers to those public schools;

NOW, THEREFORE, in consideration of the premises and the covenants of the parties hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Board of Education and the Sheriff agree as follows:

1. **Purpose and Scope of Agreement.** The purpose of this Agreement is to formalize the relationship between the Board of Education and the Sheriff's Office to continue a program that will foster a positive relationship between law enforcement officers and Chatham County public school students. The Board of Education and the Sheriff hereby establish a school resource officer program (the "School Resource Officer Program") in the public schools of Chatham County to promote a safe and secure environment on the campuses of the schools listed on Schedule A, attached hereto and incorporated herein by reference. The goals and objectives of the School Resource Officer Program include (1) minimizing the potential for crimes and violence on school campuses; (2) reducing conflict between students; (3) providing assistance to school faculty and staff on safety and violence prevention; and (4) increasing communication between the Sheriff's Office and the school community. School resource officers ("SROs") remain law enforcement officers whose primary duty is enforcement of the law. Responsibility of the conduct of law enforcement officers, both personally and professionally, shall remain exclusively with the Sheriff. In no event shall any SRO be subject to supervision by any person other than the Sheriff; and the Sheriff does not and will not delegate to any other person or entity the responsibility for discharging his official duties.

2. **School Resource Officer Program.** The parties, in accordance with the terms of this Agreement, have conducted and intend to maintain and operate the School Resource Officer Program in a mutually beneficial manner, and each party understands and agrees that the School Resource Officer Program contemplates the following:
- a. The Sheriff's assignment of a uniformed regularly employed Deputy Sheriff in good standing to serve as an SRO at each of the schools listed on Schedule A. Each assigned SRO will be a certified law enforcement officer by the State of North Carolina and must complete a forty (40) hour School Resource Officer training course through the North Carolina Justice Academy, If an SRO has not completed this training prior to assignment as an SRO, the SRO will receive these trainings at the next available course offering. SROs should have positive experience working with youth in a school setting.
 - b. The Sheriff's designation of a regularly employed Deputy to serve as supervisor for the School Resource Officer Program (the "SRO Supervisor") and to coordinate the functions of the School Resource Officer Program with the Superintendent of Schools or the designee of the Superintendent. The duties of the SRO Supervisor shall include coordinating work assignments of the SROs between the various campuses, ensuring SRO compliance with the directives and policies of the Sheriff's Office and the requirements of law, and addressing concerns regarding performance and conduct of SROs in accordance with Sheriff's Office protocols and requisites.
 - c. The completion and maintenance of the SRO's in-service training and certification requirements as would normally apply to all other certified officers in the Sheriff's Office and, to the extent practicable, the Sheriff's Office will make reasonable attempts to schedule in service training to minimize the SRO's absence from school on an instructional day.
 - d. The SRO's maintaining visibility, especially in known areas of student gatherings and where incidents of crime or violence are most likely to occur.
 - e. The SRO's execution of such appropriate law enforcement action on criminal matters as in his or her judgment is necessary, and to the extent reasonably practicable under the circumstances, informing the principal before requesting additional enforcement assistance on campus and informing the principal of any additional law enforcement responsibilities that may need to be undertaken, and notification to the principal and the Sheriff's Office as soon as reasonable, permissible, and practicable, if an investigation produces solid evidence of danger for any individual associated with the Chatham County Schools.
 - f. No involvement by the SRO in the enforcement of school policies or disciplinary rules that do not constitute violations of the law except and only to the extent necessary or appropriate, in the judgment of the SRO, to maintain the safety of

the faculty, staff, or students of the school and to maintain a safe school environment.

- g. The SRO' shall not be involved in searches conducted by school personnel unless there is reasonable suspicion that a criminal act is involved, or about to take place, or unless school personnel require the assistance of the SRO because of usual and exigent circumstances, such as the need for safety or to prevent flight. Formal investigations and arrests by law enforcement officials will be conducted in accordance with applicable legal requirements and Sheriff's office policy.
- h. SROs may not access confidential student records except pursuant to an appropriate writ, warrant, or order, or with the approval of the Board of Education, or Superintendent or the designee of the Superintendent or the principal, or as allowed under the Family Educational Rights and Privacy Act (FERPA) and applicable Board of Education policies and procedures. Principals allow SROs to inspect and copy any public record maintained by the school. SROs may not inspect and/or copy confidential student records except in specific circumstances necessitating such a review or inspection in exigent circumstances that present imminent danger to students or other members of the community (including SROs) if knowledge of personally identifiable information in such records is reasonably necessary to protect the health and safety of the student or other persons, or unless another exception under FERPA or relevant Board of Education policies apply.
- i. Except for an SRO assigned to "roam" or rotate among certain schools, the SRO is generally expected to ordinarily remain on the school grounds during regular school hours for middle and high schools during the traditional staff (10 month) calendar during each school year, although there may be occasions when the SRO is called to assist at other schools within Chatham County. The SRO will of course leave the campus to assist in an emergency to attend required agency functions, to perform routine maintenance on equipment, to meet with parents about student issues related to the SRO Program, and to perform similar duties. To the extent practicable the principal or an administrator will be informed of any planned SRO absence from the campus.
- j. The SRO will endeavor to be a positive role model and seek to establish a rapport with staff, faculty, and students. The SRO may hold conferences and interviews with students, parents, and staff and faculty members, in order to assist them with law enforcement and crime prevention questions.
- k. The SRO may develop expertise in presenting various subjects, such as meeting federal and state mandates in drug abuse prevention and/or gang prevention education, and may provide presentations related to the same if requested by school personnel in accordance with the established curriculum. Notwithstanding the foregoing, the parties recognize that the Board of Education

shall maintain full, final and plenary authority over curriculum and instruction in the Chatham County Schools, including the instruction of individual students.

- l. The classroom instruction is the responsibility of the classroom teacher, and the SRO shall not attempt to control, influence, or interfere with any aspect of the school curriculum or classroom instruction except in emergency situations.
- m. The SRO may attend meetings of parent and faculty groups if requested by school administrators to solicit their support and understanding of the School Resource Officer Program and to promote awareness of law enforcement functions in the school setting.
- n. If requested the SRO will confer with the principal and the school's administrators to help develop plans and strategies to prevent and/or minimize dangerous situations on or near the campus or involving students at school-related activities.
- o. The Sheriff (or designee) collaborates with the Chatham County Schools to plan and host trainings and information sessions for SROs on topics relevant to the duties of the SRO.

3. The Board of Education agrees to provide each SRO assigned to each school listed on Schedule A the following at no additional cost or expense to the Sheriff:

- a. Access to suitable and appropriate facilities at the school, including, without limitation, a separate office approved by the Sheriff or his designee, and a separate, secure computer with the security cameras installed for the officer's home and pilot schools where they may be assigned. Computer should be programed to have access to the schools copier/printer.
- b. Access to the school's internet network for Sheriff owned laptops and other devices to access the Sheriff's server. Provided the School Board has delivered a copy of the current Board policy to the Sheriff. SROs shall comply with the user requirements of Board Policy 3225/4312/7320, Technology Responsible Use, as applicable, when accessing the school's internet network. Any violation of the Technology Responsible Use policy or misuse of the school's internet network by an SRO will be immediately reported to the SRO Supervisor.
- c. A radio for use while on campus and/or the radio frequencies for all schools that the officer is assigned.
- d. Reasonable opportunities to address students, teachers, school administrators, and parents about the School Resource Officer Program goals, objectives, and limitations.

4. **Board of Education's Recognition and Acknowledgment.** The Board of Education recognizes and acknowledges that enforcement of the school policies and the Code of Student Conduct is the sole responsibility of the principal at each school and that the principal shall not request assistance, or otherwise attempt to involve the SRO, in the enforcement of disciplinary rules that do not constitute violations of law (including, but not limited to, conducting searches and interviews of students), except as absolutely necessary in the judgment of the SRO to maintain a safe school environment.

The Board of Education acknowledges that the SRO constitutes a law enforcement presence at each school listed on Schedule A.

The Board of Education shall instruct principals to report any crimes that occur on campus to the assigned SRO in compliance with all applicable state laws and Board of Education policies that require school officials to report criminal acts occurring on school grounds to law enforcement.

School employees shall assist SROs as reasonably requested in criminal investigations and law enforcement actions or functions, but shall not interfere with such investigations and enforcement actions.

If requested by the SRO, the Board of Education may provide student and classroom time to receive gang resistance education & training programs and/or anti-bullying programs taught by the SROs. The Board of Education may designate a contact person at each school and provide the SRO Supervisor the contact information for such person.

5. **Employment Status of School Resource Officers.** The SROs are and shall remain exclusively the employees of the Chatham County Sheriff, and shall not be employees of the Board of Education. Chatham County shall be responsible for providing benefits (including but not limited to general and law enforcement liability insurance and worker's compensation coverage), uniforms, equipment, supplies, and law enforcement training to SROs.

Selection of personnel for assignment as SROs shall be made solely by the Sheriff. The Sheriff may dismiss or reassign a School Resource Officer based upon the Sheriff's Rules, Regulations, Policies, General Orders, Procedures, or, if in the judgment of the Sheriff, the same is necessary to improve the School Resource Officer Program.

In the event the school principal reasonably determines that an SRO is not effectively performing his or her duties or responsibilities and should be replaced, the principal shall submit a request in writing to the Superintendent that the SRO be replaced, citing specific reasons for the request. The Superintendent shall review the request and, if the Superintendent determines that the request has merit, shall forward the same to the Sheriff for consideration. Any decisions with respect to such request shall be solely at the discretion of the Sheriff.

In the event of the resignation, dismissal, or reassignment of an SRO, the Sheriff may provide a replacement SRO within a reasonable period of time, not to exceed sixty (60) days. During such interim period, the Sheriff may assign another officer to carry out the duties of the SRO until a replacement SRO can be secured.

6. **Payment.** The Board of Education shall appropriate and pay to the County an amount equal to 100% of the Sheriff's personnel costs including, without limitation, salary and benefits for the SRO Supervisor assigned to the middle schools and high schools listed on Schedule A. The estimated cost to the Board of Education for fiscal year 2016-2017 is \$77,232. Payment shall be made quarterly to the Sheriff's office and within thirty (30) days of receipt of invoices submitted to the Board of Education.
7. **Term.** The term of this Agreement shall begin on July 1, 2016, and, unless earlier terminated as herein provided, shall exist and continue until June 30, 2017. This Agreement shall be automatically renewed or extended for additional terms of one (1) year each unless one party advises the other party in writing that it does not wish to renew the Agreement on or before the 1st day of May of the current term. All terms and condition of this agreement shall remain in full force and effect during the renewal term except the cost to the Board of Education shall be adjusted to include the current personnel cost to the Sheriff.
8. **Termination of Agreement.** This Agreement may be terminated by either party, with or without cause, upon not less than ninety (90) days prior written notice to the other party specifying the effective date of termination. In the event the Agreement is terminated, compensation will be paid to the Sheriff as provided herein for all services performed to the date of effective termination. The Board of Education shall be entitled to a pro-rated refund for that period of time when any services paid for in advance are not provided because of the termination of the Agreement.
9. **Notices and Designation of Contact.** Any notice, consent or other communication in connection with this Agreement shall be in writing and may be delivered in person, by mail, or by facsimile transmission (provided sender confirms notice by written copy). If hand-delivered, the notice shall be effective upon delivery. If by facsimile copy, the notice shall be effective when received. If served by mail, the notice shall be effective three (3) business days after being deposited in the United States Postal Service by certified mail, return receipt requested, addressed appropriately to the intended recipient as follows:

Board of Education:

Attention: Dr. Derrick Jordan
Post Office Box 128
Pittsboro, North Carolina 27312

Chatham County Sheriff's Office:

Attention: Michael Roberson Sheriff
Post Office Box 429
Pittsboro, North Carolina 27313

10. **Applicability of Law.** This Agreement shall be governed by the laws of the State of North Carolina. Without limiting the generality of the provisions of law, the parties acknowledge that the requirements of N.C. Gen. Stat. §115C-332.1 apply to this Agreement. The Sheriff may conduct an annual check of the law enforcement officers assigned as SROs on the North Carolina Sex Offender and Public Protection Registration Program, the North Carolina Sexually Violent Predator Registration Program, and the National Sex Offender Registry. The Board of Education and the Sheriff agree that no individual may provide services to the Board under this Agreement if he or she appears on any of the foregoing sex offender registries.
11. **Relationship of the Parties.** The Sheriff and the Board of Education are independent contractors, and nothing herein shall be construed as creating a partnership or joint venture; nor shall any employee of either party be construed as employees, agents, or principals of the other party hereto. Each party shall be responsible for the actions of its own employees, to the extent permitted under North Carolina law.
12. **Forum Selection.** The venue for initiation of any action arising under, through, or by virtue of this Agreement or related to the Agreement shall be in the Superior Court of Chatham County, North Carolina, and no other place or court.
13. **Amendment or Modification.** This Agreement may be modified or amended only by the mutual consent of both parties and must be in writing and executed in the same manner as this Agreement.
14. **Entire Agreement.** This Agreement constitutes the entire agreement and understanding between the parties and supersedes all prior agreements and understandings, whether written or oral, relating to the subject matter of this Agreement.
15. **Partial Invalidity.** In the event that any provision of this Agreement shall be invalid, illegal or otherwise unenforceable, the validity, legality and enforceability of the remaining provisions shall in no way be affected or impaired thereby.
16. **No Third Party Beneficiaries.** Nothing in this Agreement shall be construed to create any right or remedy on the part of third parties.

IN WITNESS THEREOF, the parties hereby execute this Agreement effective as the date first indicated above.

CHATHAM COUNTY BOARD OF EDUCATION CHATHAM COUNTY



Dr. Derrick Jordan, Superintendent

Renee Paschal, County Manager

MIKE ROBERSON IN HIS CAPACITY AS
SHERIFF OF CHATHAM COUNTY



Mike Roberson, Sheriff

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Chatham County Finance Director

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

School Finance Director

Schedule A

Board of Education/Sheriff Michael Roberson
Schools July 2016 - June 2017
Assignments as of August 22, 2016

1. Chatham Central High School
2. Chatham Middle School
3. Horton Middle School
4. Jordan Matthews High School
5. Margaret Pollard Middle School
6. Northwood High School

APPENDIX B



MEMORANDUM

TO: Chief Percy Crutchfield, Pittsboro Police Chief
Chief Mike Wagner, Siler City Police Chief
Sheriff Mike Roberson, Chatham County Sheriff

FROM: Dr. Derrick D. Jordan, Superintendent 

DATE: January 24, 2020

RE: *Memorandum of Agreement Between Law Enforcement Agencies*

Enclosed is a fully executed copy of the *Memorandum of Agreement Relating to Law Enforcement Actions and Interventions on School Grounds*. This document is an awesome testament to everyone's commitment to partnering to support our students and community. Thank you again for your cooperative attitude and dedication to Chatham County.

If you have any questions, please contact Mr. Chris Blice, Chief Operations Officer, or me at (919) 542-3626.

Attachment

**Memorandum of Agreement Relating to Law Enforcement
Actions and Interventions on School Grounds**

This Memorandum of Agreement is entered into by and between Chatham County Schools (the "Board") and the Chatham County Sheriff's Office ("Sheriff"), the Siler City Police Department ("Siler City PD"), and the Pittsboro Policy Department ("Pittsboro PD") (collectively, "Agencies") on this the 1st day of October, 2019, for the purpose of memorializing shared expectations for the conduct of law enforcement activities on school grounds.

1. **Existing SRO Agreements.** Nothing in this MOA should be construed to supersede terms of any current or future MOU between the Board and the Sheriff regarding School Resource Officers in the Chatham County Schools.
2. **General Principles.** It is the Board's strong preference that, unless the safety and security of the school or its occupants is threatened or a delay would significantly disrupt or compromise a law enforcement investigation, any non-school-related law enforcement interventions, specifically including interviews, interrogations, and/or arrests, take place off of school grounds. To the maximum extent possible without jeopardizing safety or compromising an ongoing investigation, law enforcement actions or interventions on school grounds should be coordinated with the school administration in advance to minimize disruption to the educational environment. This MOA shall apply to any Agency personnel (collectively, "LEOs") acting on school grounds.
3. **Law Enforcement Actions and Safety Interventions.** When law enforcement interventions are deemed necessary on school grounds, any such intervention shall reasonably take into consideration the nature of the circumstances presented, the physical safety of members within the school community, and any unintended negative effects on students. All law enforcement actions and interventions on school grounds shall be consistent with all applicable laws, regulations, and policies. Physical force may be used by LEOs pursuant to Agency procedures and protocol as well as all applicable laws, if objectively reasonable based on the totality of the circumstances, and shall not be excessive, arbitrary, or malicious.
 - a. *Investigations and Arrests.* Criminal investigations and arrests will be conducted in accordance with all applicable legal requirements, including all applicable laws, regulations, and policies governing the use of force, interrogations, searches, and arrests. An LEO shall notify appropriate school authorities in advance whenever the LEO plans to ask a student questions of an investigative nature or take any direct law enforcement action against a student on school grounds; however, notification may be withheld until deemed appropriate by the LEO if such notification would endanger a student or any other person or compromise an ongoing criminal investigation. The appropriate school authorities shall promptly notify the parent(s) or guardian of any student suspected of criminal wrongdoing, whenever an LEO asks a student questions of an investigative nature or takes any direct action against any student suspected of criminal wrongdoing unless, in the sole discretion of the LEO, such notification should be withheld for purposes of maintaining the integrity of the criminal investigation. LEOs shall comply with the notification requirements of N.C.G.S. § 7B-1901(a)(1) (duty to notify parent, guardian, or custodian of juvenile upon taking of temporary

custody by law enforcement). LEOs shall comply with Miranda and juvenile Miranda rules whenever applicable in the course of questioning individuals suspected of criminal wrongdoing. If an LEO may need to question, search, or arrest a student at school, all reasonable efforts will be made to discreetly remove the student from other students and bystanders or otherwise to not bring undue attention to the student.

- b. *Searches.* LEOs shall comply with all laws and standards regarding searches of persons and property at school. In particular, LEOs shall be aware of the differing standards governing searches by law enforcement officers for law enforcement purposes as compared with searches by school personnel in connection with student discipline. At the same time, the Board recognizes the importance of maintaining safety in the schools and the value of LEOs as a resource in achieving that goal. To that end, the Board recognizes that Student Resource Officers are LEOs assigned on a full-time basis to the schools (“SROs”) and that these SROs are trained and authorized to safely perform searches in conjunction with school officials in creating and sustaining a safe school environment conducive to learning. SROs will be familiar with, and comply with, the law governing these searches, as that law is enumerated in *In re D.D.*, 146 N.C. App. 309 (2001) (interpreting *New Jersey v. T.L.O.*, 469 U.S. 325 (1985)). At no time, however, shall any LEO request that any school employee lead or conduct a search of a student for solely law enforcement purposes.
- c. *Interrogations.* In cases where a juvenile is to be subjected to custodial interrogation on school property, the school’s principal or designee must be present during the questioning unless the LEO directs otherwise for safety or investigative reasons, the juvenile’s parent, guardian, or custodian is present, or the juvenile objects to the presence of the principal or designee. Presence of the principal/designee does not in any way impact the LEO’s duty, if applicable in the situation, to comply with the student’s Miranda or juvenile Miranda rights. At no time shall the LEO request that any school employee act as an agent of law enforcement in any interrogation.

4. **Confidentiality; Access to Student Records.** LEOs may have access to confidential student records or to any personally identifiable information of any CCS student as defined in 34 CFR § 99.3, only to the extent allowed under the Family Educational Rights and Privacy Act (FERPA) and applicable Board policies and procedures. LEOs shall not automatically have access to confidential student records or personally identifiable information in those records simply because they are conducting a criminal investigation involving a student or for general non-specific purposes. School officials may, however, share relevant confidential student records and personally identifiable information contained in those records with LEOs under any of the following circumstances:

- a. The LEO has written consent from a parent or eligible student to review the records or information in question.
- b. The principal or designee reasonably determines that disclosure to the LEO without parental consent is necessary in light of a significant and articulable threat to one or more person’s health or safety.
- c. The disclosure is made pursuant to a valid subpoena or court order, provided that

