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School-Justice PARTNERSHIP
National Resource Center

Developing a Memorandum of Understanding (MOU) for School-Justice Partnerships: Technical Assistance Tools

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STEP ONE: WHAT IS YOUR MESSAGE

A Community of Stakeholders Should Create a Message Matrix that Explains and describes the Why, Who, What, and How of a School-Justice Partnership before taking the Steps to Create a Partnership. The Message Informs the Community externally and Trains the Individual Partners internally.

WHY REDUCE SCHOOL-BASED REFERRALS TO THE COURT?
(List the positive outcomes associated with reducing school-based court referrals and replacing with a graduated response program)

WHAT SUPPORTS THE WHY?
(List the research and evidence that shows School-Justice Partnerships reduce school-based referrals to court and are positive for students, schools and the community.)

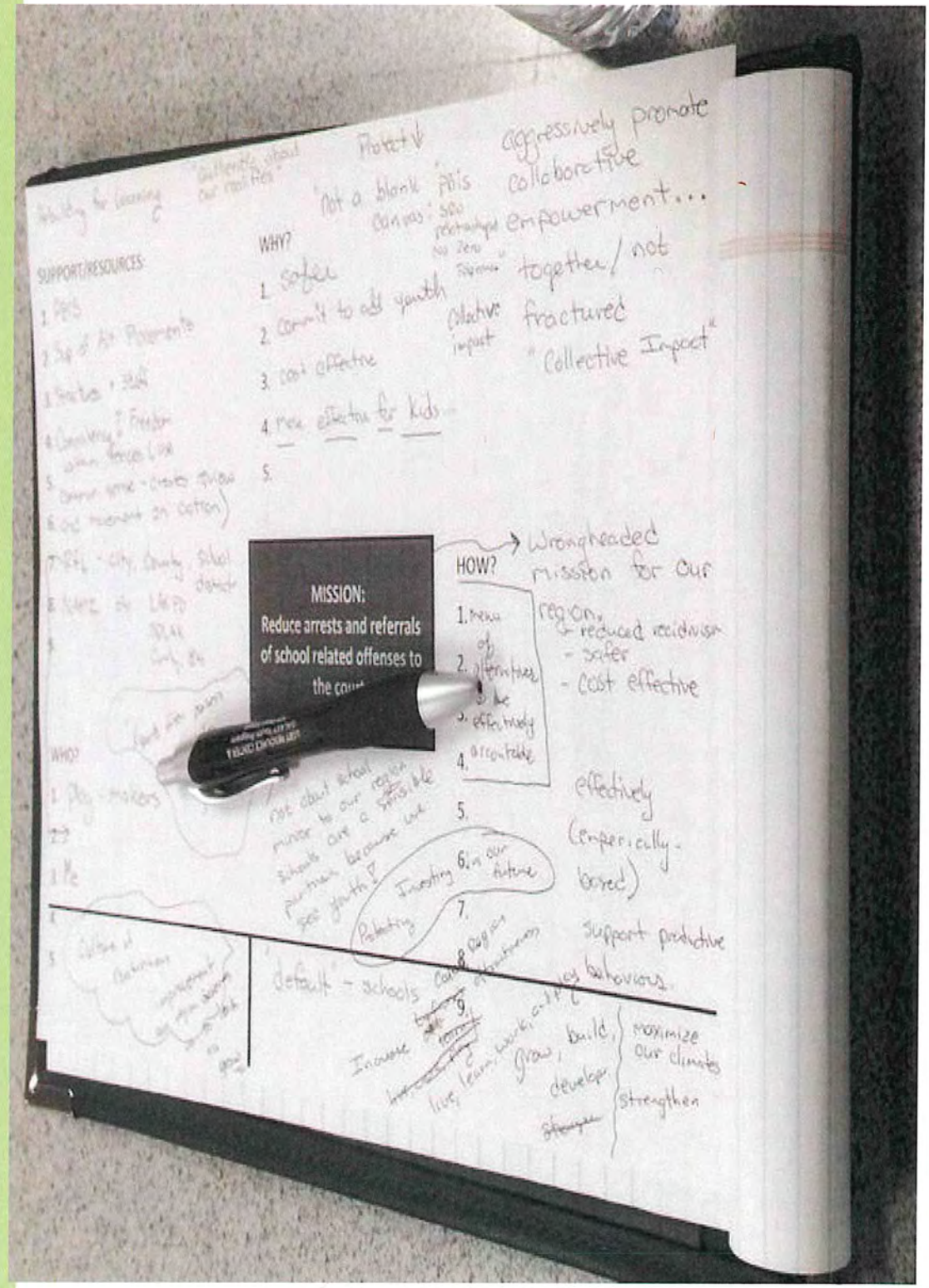
COMMON AGENDA: WHAT IS THE SHARED VISION FOR CHANGE?
(The group will develop a statement that describes the problem, goals, and the collective vision for solving it. Example: Keeping Kids in School, Out of Court, and on to a positive healthy future)

GOAL: REDUCE SCHOOL-BASED REFERRALS TO COURT BY DEVELOPING A GRADUATED RESPONSE PROGRAM

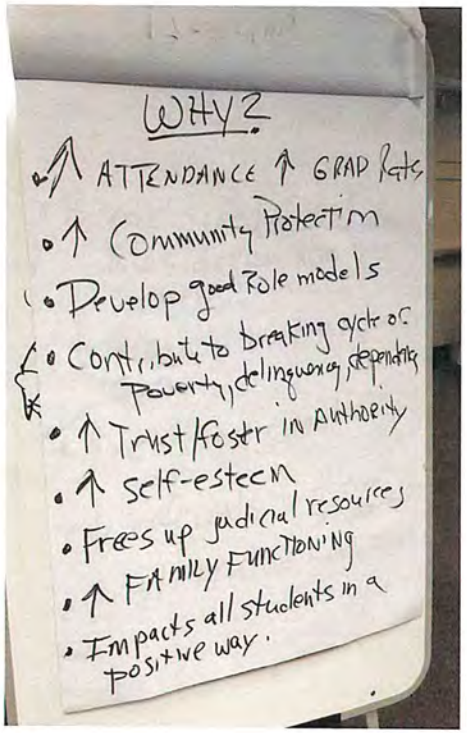
WHAT IS YOUR NAME?
(The group will create a name for the collaborative if one has not been created. Example: School-Justice Partnership)

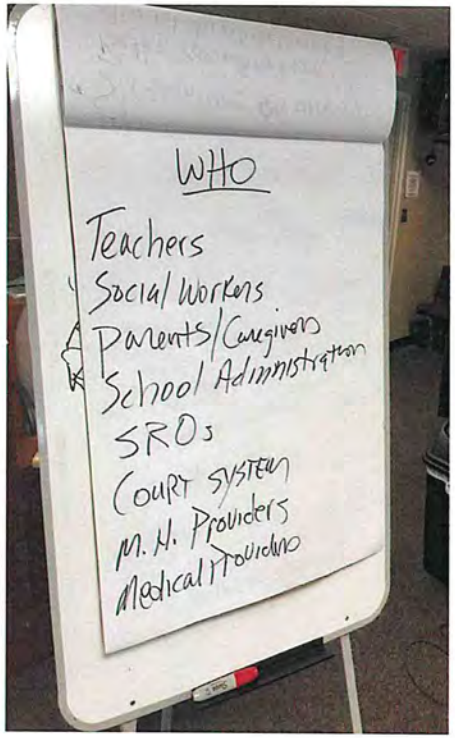
WHO ARE THE PARTNERS/STAKEHOLDERS?
(List the public and private organizations who can contribute to achieving the common goal and common agenda)

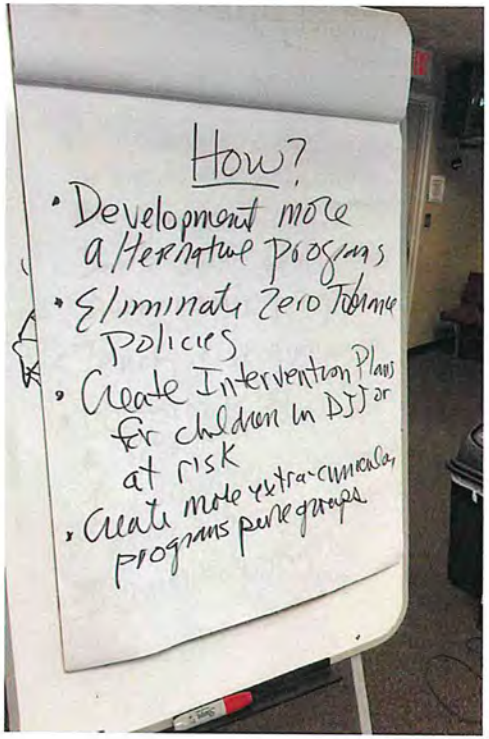
HOW WILL THE PARTNERS ACCOMPLISH THE GOAL?
(List the strategies and techniques used by others to achieve the common agenda)


MISSION:
Reduce arrests and referrals of school related offenses to the
WHY?
1. safer
2. commit to all youth
3. cost effective
4. more effective for kids
5.
HOW?
1.
2.
3.
4.
5.
6.
7.
8.
9.
SUPPORT/RESOURCES
aggressively promote collaborative empowerment...
together / not
fractured
"Collective Impact"
Wrongheaded mission for our region
- reduced recidivism
- safer
- cost effective
effectively
(especially - bored)
support protective behaviors
maximize our climate
strengthen
default - schools

Use Brainstorming & Idea generation techniques







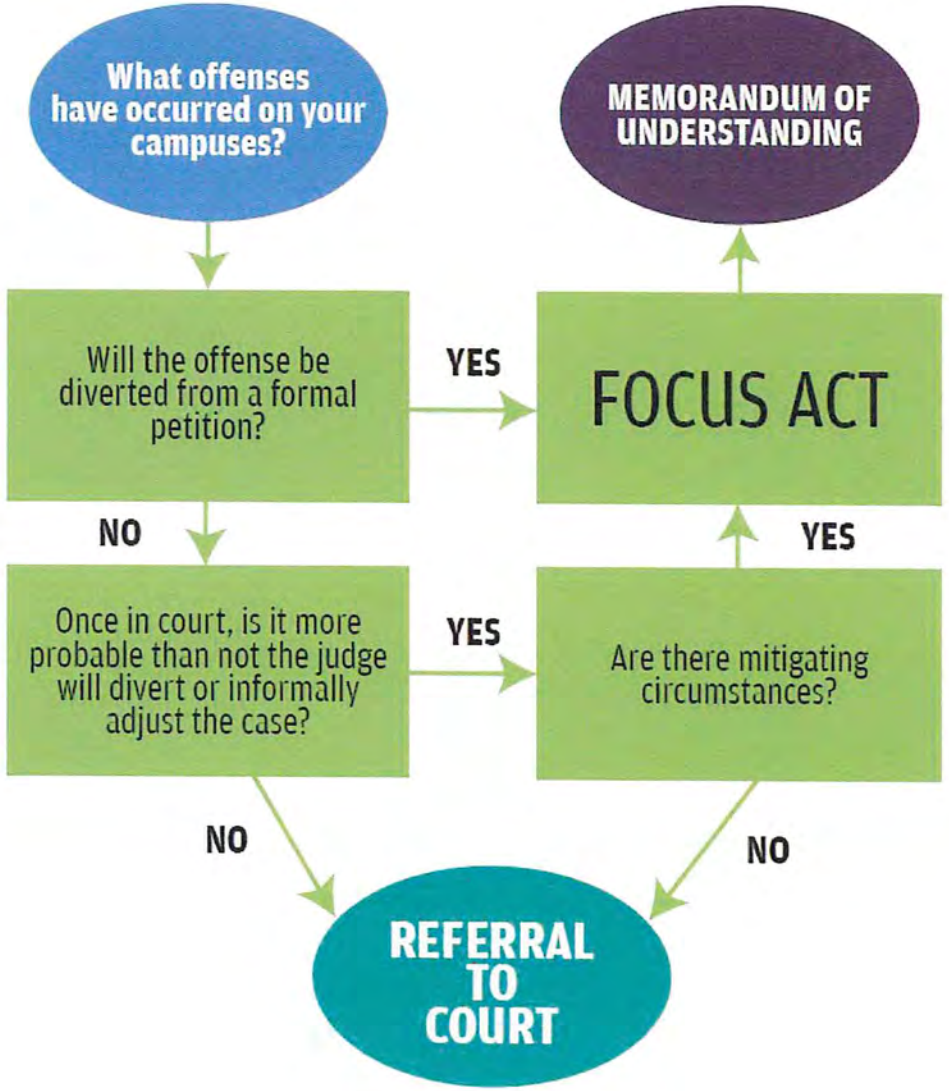
STEP TWO: DECIDING WHAT DELINQUENT ACTS SHOULD NOT BE REFERABLE TO THE COURT

We call these "Focus Acts" because these are the Delinquent Acts for which the MOU will focus to handle using alternative solutions

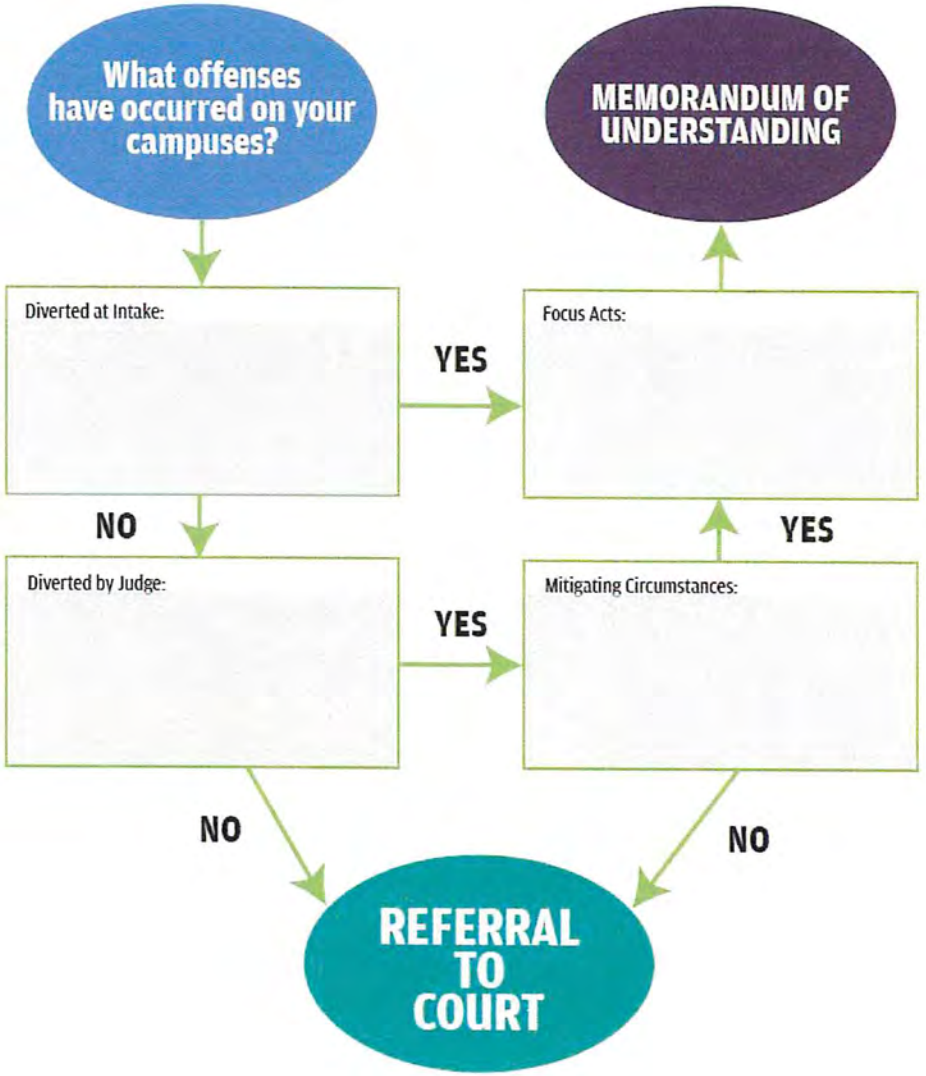
Focus Act Algorithm Rules

- Run all offenses regardless of their nature through the algorithm because some offenses may involve mitigating circumstances that could result in breaking down the offense into subcategories (e.g. Did an injury occur?);
- Do not make a decision based on the existence of resources or responses. Any offenses that become a Focus Act through this algorithmic process doesn't necessitate immediate application, but may be added later to MOU when the resource becomes available;
- Greater weight during the algorithmic process should be given to those stakeholders who are primarily responsible for decisionmaking (e.g. intake decision for diversion at initial filing, judicial discretion at hearing, etc.)

FOCUS ACT DECISION TREE



FOCUS ACT DECISION TREE WORKSHEET

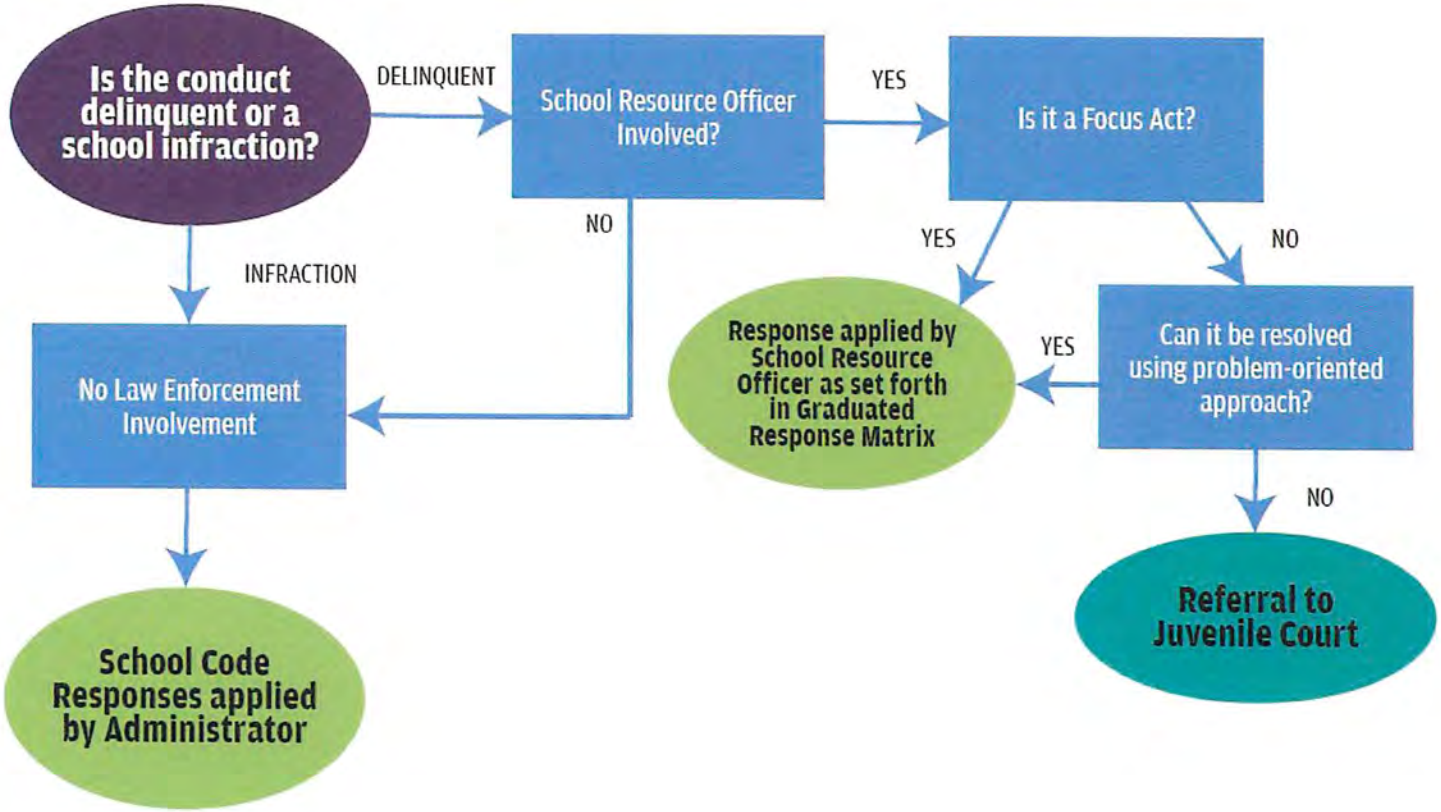


STEP THREE: ROLE CONFLICT AVOIDANCE

Partners from different domains working under the same roof should have guiding rules to govern their conduct to avoid role conflict. Whe this doesn't occur, students get hurt

ROLE CONFLICT AVOIDANCE DECISION TREE

This decision tree is designed to aid school-justice partnerships with developing written guidelines that clearly distinguish the role of school police and school administrators to avoid role conflict that results in the unintended criminalizing of school rules. This process also aids in developing least restrictive responses when the infraction is delinquent in nature. As suggested in this process, SRO's should be given discretion at every decision point to resolve delinquent acts using a problem-solving model if possible.



STEP FOUR: IDENTIFYING ALTERNATIVE SOLUTIONS TO COURT REFERRALS

Using a Matrix to methodically identify community based solutions to handling Focus Acts

FOCUS ACT RESPONSE MATRIX

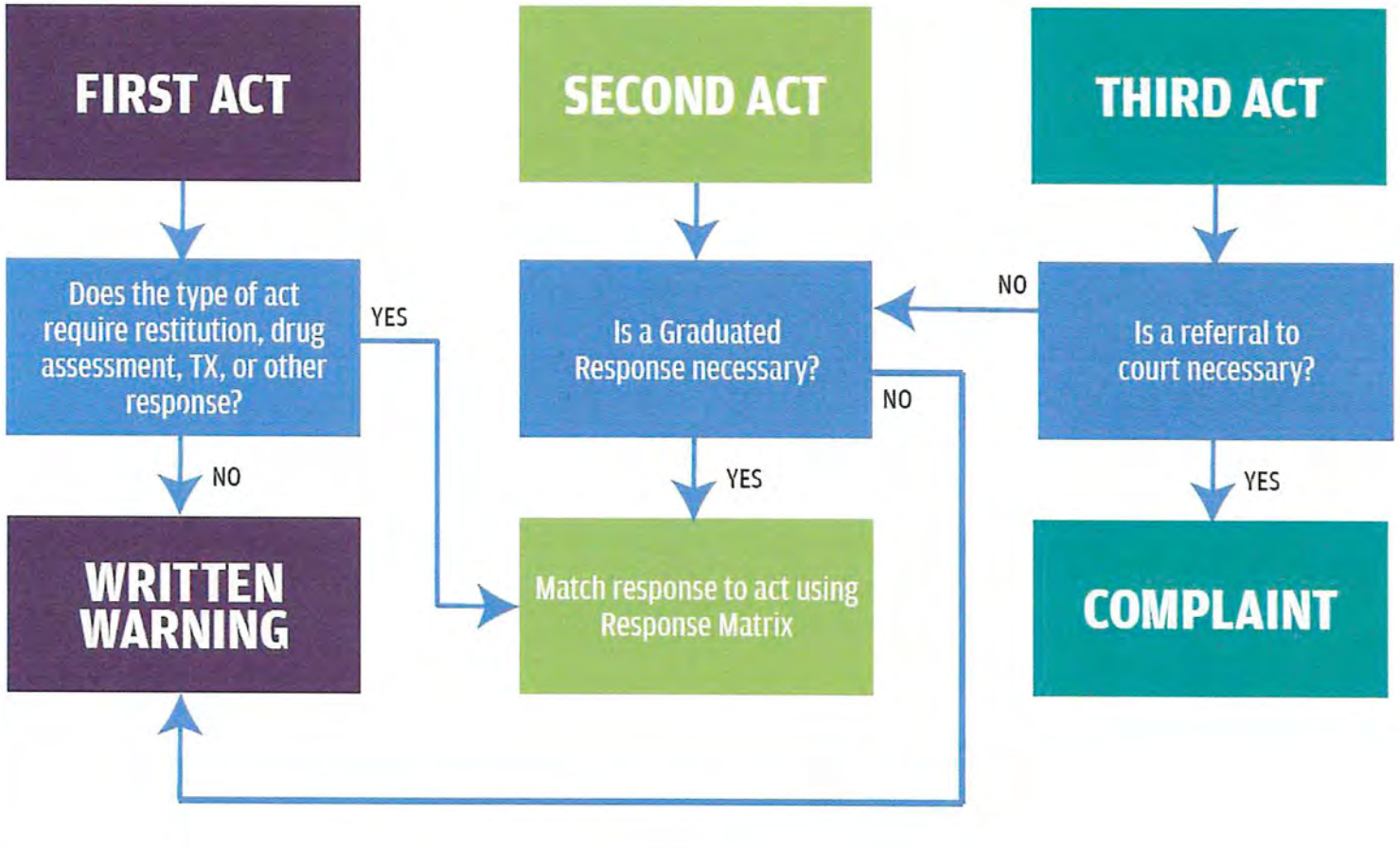
ACTS	List Focus Acts:						
TYPE	Person	Property	Weapon	Inappropriate Touching	Drugs	Public Order	Other
RESONSES							

STEP FIVE: DEVELOPING A GRADUATED RESPONSE SYSTEM

Using a Decision Tree to develop the language and terms of a MOU that ensures that students are provided the appropriate responses involving multiple infractions over time

GRADUATED RESPONSE DECISION TREE

Best practice requires that a response process engage the decision-maker at every decision point to ask what response can be narrowly tailored (least restrictive) to achieve the desired outcome (modify behavior)



Use Break-outs

STEP SIX: CREATE SJP GOVERNANCE STRUCTURE

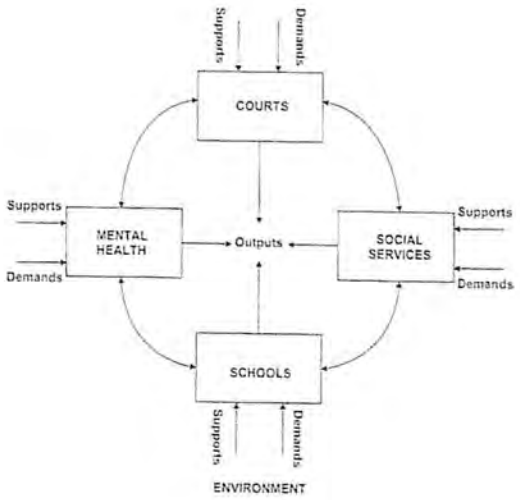
Using two SJP Governance Decision-Trees, the group will determine who should be a member of the collaborative body and how to govern their decision-making process as well branding the body with a name and common agenda theme.

Collaboration Defined

Collaboration occurs when a group of autonomous stakeholders of a problem domain engage in an interactive process, using shared rules, norms, and structures, to act or decide on issues related to that domain (Wood & Gray, 1991).

Multi-Integrated Systems Model: Moving from Organization-Focused to Domain-Focused

A problem domain-focused as opposed to an organization-focused analysis drives the evaluator to understanding that each system sometimes works within a larger system with shared boundaries. Instead of asking how do we address disruptive students, which will lead to punitive measures given the shortfall of resources, the question becomes who else shares our problem and has resources to help us?



Reasons for Collaboration

- Consequential Incentives: For example, a juvenile court judge who recognizes a 1,248 per cent increase in school referrals to the court-of which 92 per cent are low level offenses including school fights, disorderly conduct, and disrupting public school, as was the case in Clayton County, Georgia-is burdened with an overwhelming docket. This becomes a consequential incentive to address the negative impact of zero tolerance.
- Interdependency: It is an opportunity to convince the other stakeholders that the problem is interdependent because no organization on its own can increase graduation rates, improve school safety and reduce the court docket.
- Uncertainty: To act alone brings some uncertainty, but acting together reduces fear of the unknown through the "interactive process," also coined "Principled Engagement"

How Does Collaboration Begin?

There is usually an identified leader in a position to initiate the collaborate effort. Leadership typically takes the form of a convening role. A convener's role is "to identify and bring all the legitimate stakeholders to the table" (Gray, 1989).

Convener Characteristics

- **Convening Power**-the ability to bring stakeholders to the table;
- **Legitimacy**-the stakeholders perceive the convener to have authority, formal or informal, within the problem domain;
- **Vision**-the convener understands the problem domain and related issues to process stake holder concerns and needs; and
- **Stakeholder Knowledge**-the convener can identify the stakeholders and possesses knowledge of each stakeholder role in the problem domain (Gray, 1989).

Convener vs. Facilitator

Some literature includes neutrality as a convener characteristic, but from our experience in building SJP's, neutrality is not necessary if the convener's role is limited to bringing stakeholders together. It is difficult to be unbiased if the convener is also a stakeholder, and to exclude a stakeholder from convening a collaborative may be detrimental to initiating action. We recommend that a stakeholder convener identify a neutral facilitator to engage the stakeholders during the "interactive process."

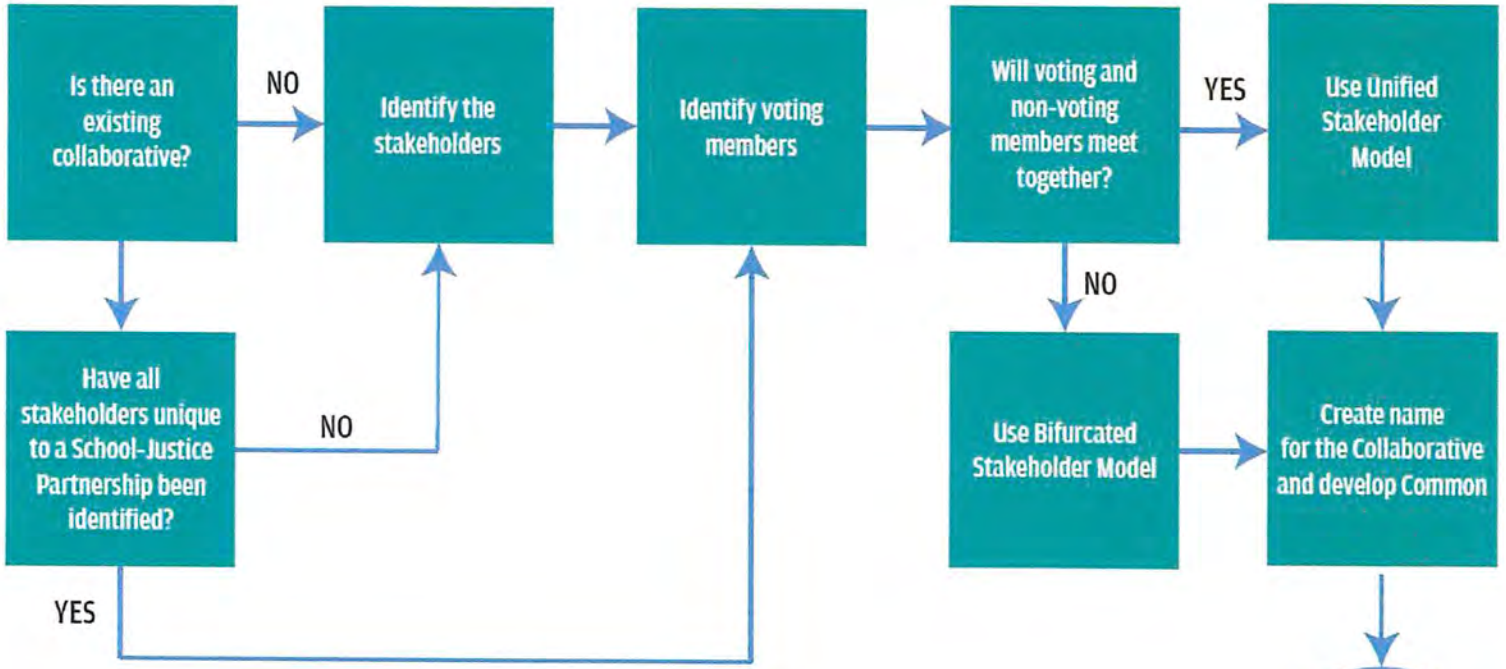
Convener Model Types: The Judicial Leadership Model

- The juvenile court is the one place where all agencies serving children and youth intersect. The juvenile court is the common denominator of all child service agencies (Teske, 2011). With the juvenile court situated at the crossroads of juvenile justice, the juvenile judge is placed in a unique role. (Teske & Huff, 2010).
- Juvenile judges are "incomparable agents for change within the juvenile justice system, and with the respect and authority accorded the bench, are in a unique position to bring together system stakeholders" (Teske & Huff, 2010). Juvenile court judges possess all of the characteristics of an effective convener. Their authority on the bench translates into informal authority off the bench (Wood & Gray, 1991).
- Former National Council of Juvenile and · Family Court Judges president Judge Leonard P. Edwards said it best: "This may be the most untraditional role for the juvenile court judge, but it may be the most important."

The Law Enforcement Leadership Model

- Law enforcement leaders are in a unique position to utilize their resources, including their officers, within the boundaries of best practices in the field.
- This includes employing a proven policing technique on school campuses that emphasize problem-oriented over incident driven approaches that is enveloped in a community policing style.
- Leaders in law enforcement using a problem-oriented approach will take upon themselves to engage school administrators to refrain from using SRO's in disciplinary situations or involving the breaking of school rules and minimize the use of arrests in misdemeanor incidents and to employ problem-oriented solutions.

SCHOOL-JUSTICE GOVERNANCE DECISION TREE



Bifurcated v. Unified: What's the Difference? The bifurcated approach separates the voting members from the advisors. This creates a smaller group, but the trade-off is creating additional meetings with the advisors to obtain feedback. Most choose the Unified Approach.

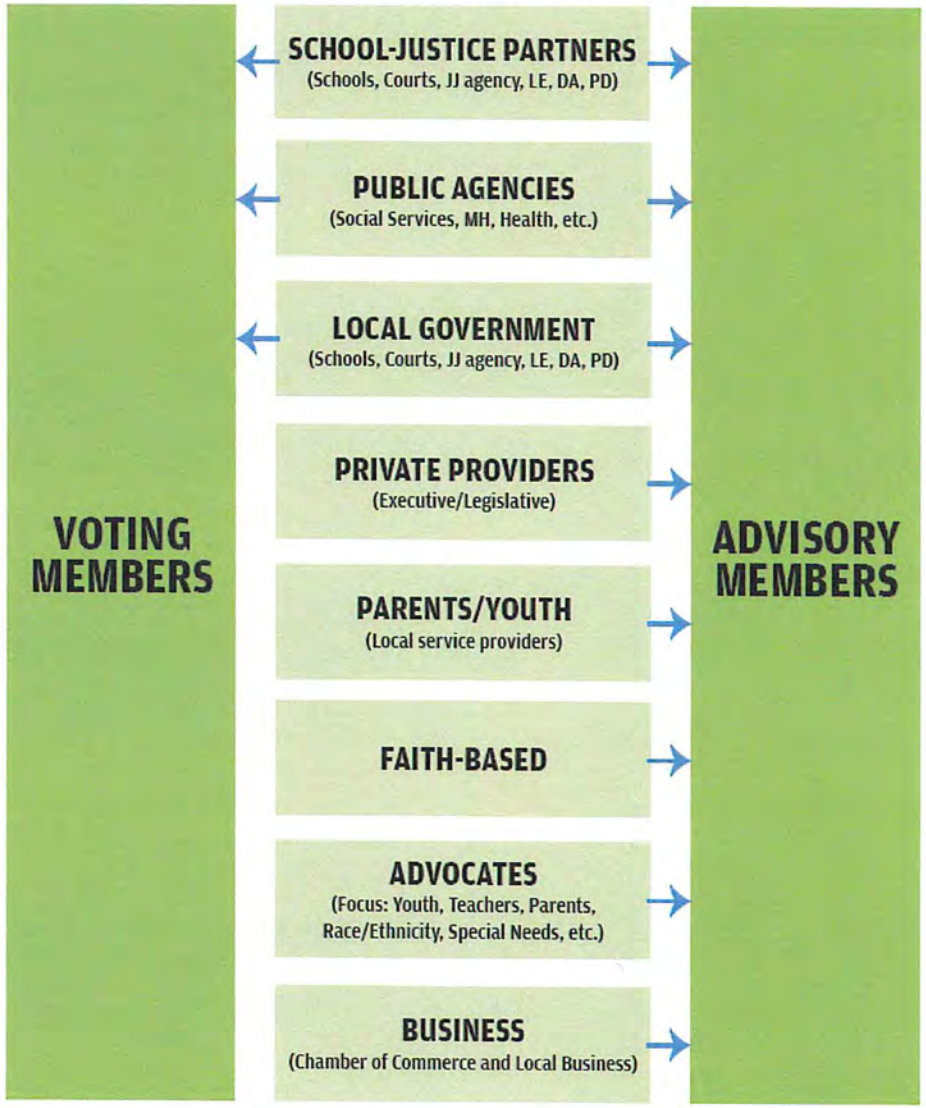
UNIFIED STAKEHOLDERS APPROACH

RULE ONE: School-Justice Partners responsible for school, law enforcement, and court decision-making are mandatory voting members;

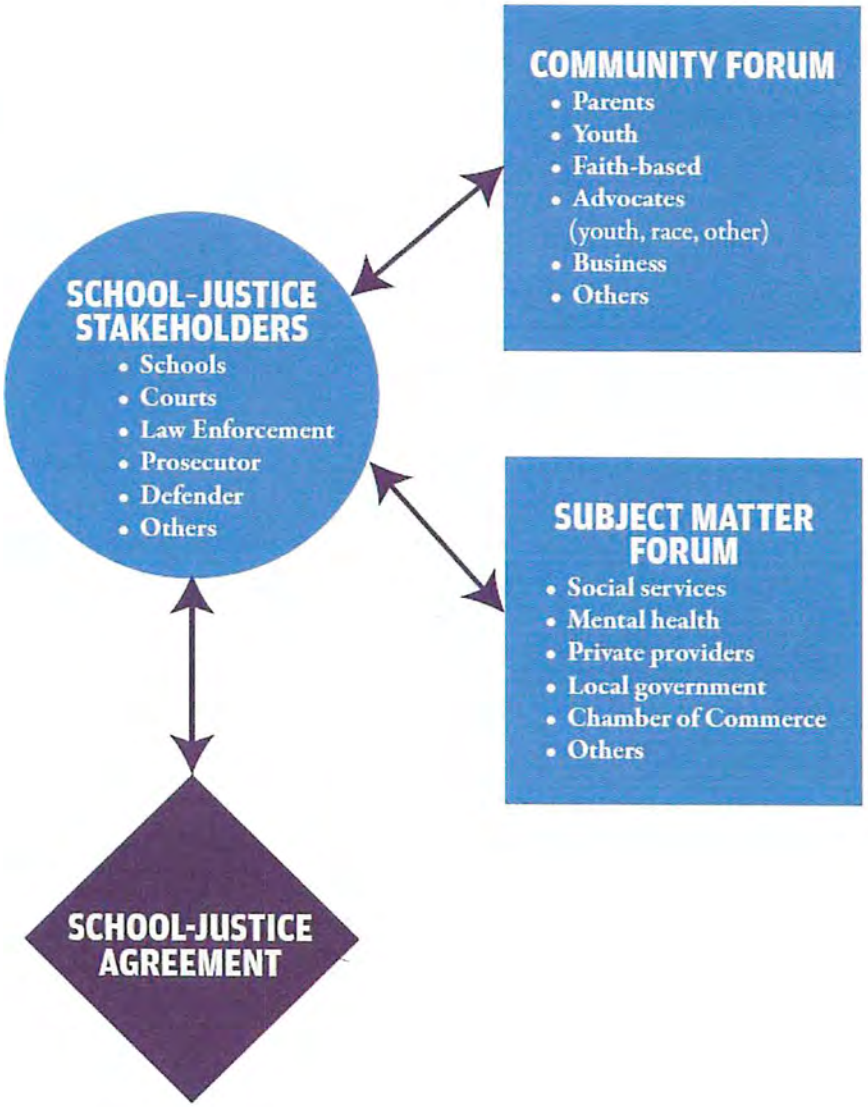
RULE TWO: May include those providing financial or in-kind support with voting authority;

RULE THREE: All others are advisory members; and

RULE FOUR: School-Justice voting members may veto decisions contrary to regulations or the law (unless subsequently changed by the proper authority).



BIFURCATED STAKEHOLDER GROUP

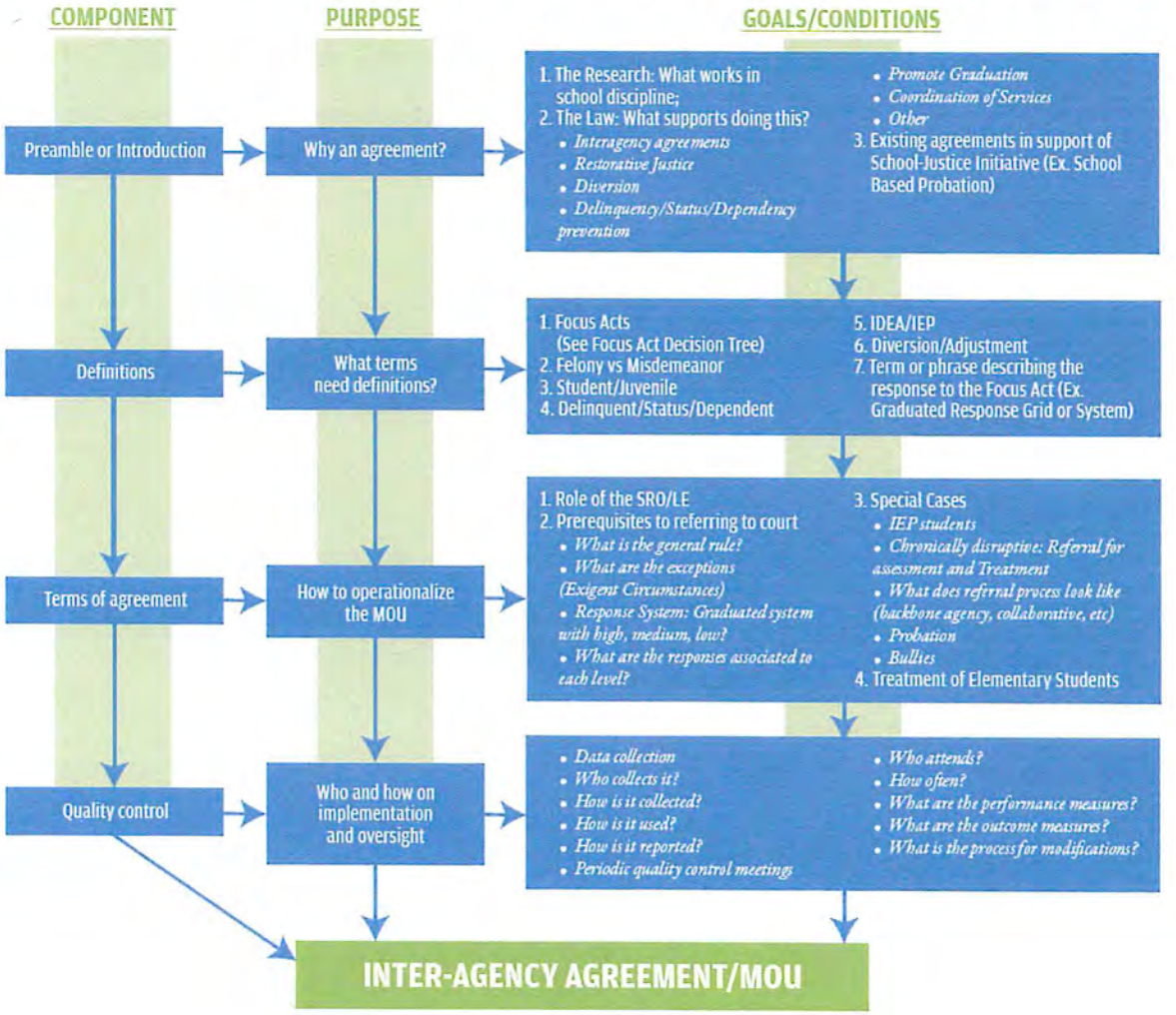


The Ranking & Voting By Dots: Its all in the Name
Be Sure to Give Yourself a name and Common Agenda

STEP SEVEN: DRAFTING THE MOU

Using a Decision Tree to engage stakeholders in drafting a school-justice partnership MOU that describes the components and the purpose and conditions and goals of each component

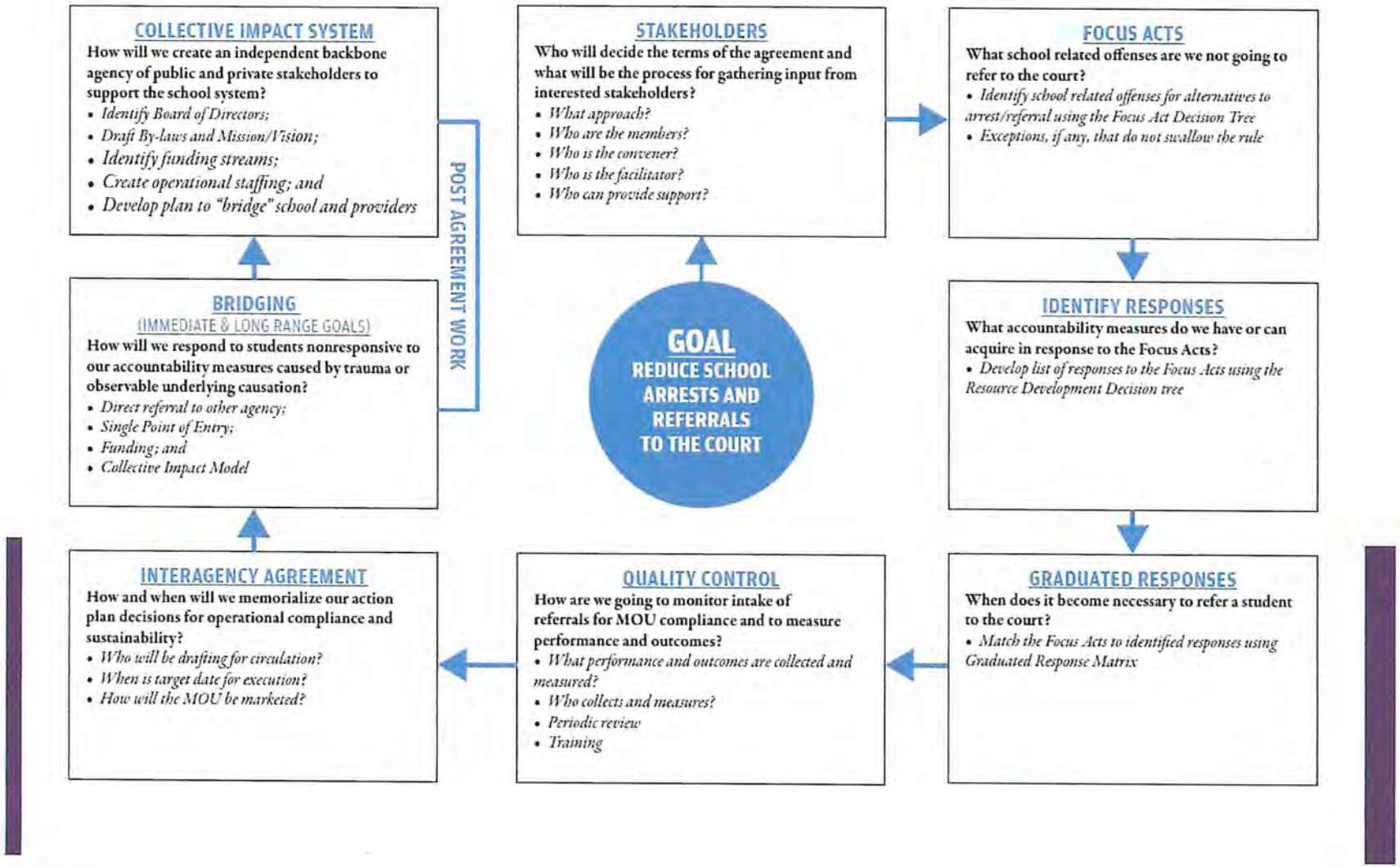
SCHOOL-JUSTICE AGREEMENT DECISION TREE



STEP EIGHT: ACTION PLAN

For Building a School-Justice Partnership

By Judge Steven Teske


COLLECTIVE IMPACT SYSTEM
How will we create an independent backbone agency of public and private stakeholders to support the school system?
• Identify Board of Directors;
• Draft By-laws and Mission/Vision;
• Identify funding streams;
• Create operational staffing; and
• Develop plan to "bridge" school and providers
POST AGREEMENT WORK
BRIDGING
(IMMEDIATE & LONG RANGE GOALS)
How will we respond to students nonresponsive to our accountability measures caused by trauma or observable underlying causation?
• Direct referral to other agency;
• Single Point of Entry;
• Funding; and
• Collective Impact Model
INTERAGENCY AGREEMENT
How and when will we memorialize our action plan decisions for operational compliance and sustainability?
• Who will be drafting for circulation?
• When is target date for execution?
• How will the MOU be marketed?
STAKEHOLDERS
Who will decide the terms of the agreement and what will be the process for gathering input from interested stakeholders?
• What approach?
• Who are the members?
• Who is the convener?
• Who is the facilitator?
• Who can provide support?
GOAL
REDUCE SCHOOL ARRESTS AND REFERRALS TO THE COURT
QUALITY CONTROL
How are we going to monitor intake of referrals for MOU compliance and to measure performance and outcomes?
• What performance and outcomes are collected and measured?
• Who collects and measures?
• Periodic review
• Training
FOCUS ACTS
What school related offenses are we not going to refer to the court?
• Identify school related offenses for alternatives to arrest/referral using the Focus Act Decision Tree
• Exceptions, if any, that do not swallow the rule
IDENTIFY RESPONSES
What accountability measures do we have or can acquire in response to the Focus Acts?
• Develop list of responses to the Focus Acts using the Resource Development Decision tree
GRADUATED RESPONSES
When does it become necessary to refer a student to the court?
• Match the Focus Acts to identified responses using Graduated Response Matrix

ACTION STEP ONE: STAKEHOLDER GROUP

GOAL: Who will decide the terms of the agreement, how will we gather input from interested stakeholders, and what will we call this group?

STEPS	WHO	DEADLINE
1. Identify the stakeholder approach (Who votes v. who advises).		
2. Identify Common Agenda (Mission: Keeping Kids in School, Out of Court, and...).		
3. Identify the stakeholders and their roles according to the approach (This may include those providing a supporting role e.g. assist convener, identify meeting place and time, etc.).		
4. Create a name for the group.		
5. Identify the convener(s).		
6. Identify the facilitator.		

ACTION STEP TWO: FOCUS ACTS

GOAL: What school related offenses are we not going to refer to the court?

STEPS	WHO	DEADLINE
1. Identify school related offenses for alternatives to arrest/referral using the Focus Act Decision Tree.		
2. Exceptions, if any, that do not swallow the rule.		
3. Develop clear guidelines defining the role of police on campus using the Role Conflict Avoidance Decision-Tree.		

ACTION STEP THREE: IDENTIFY RESPONSES

GOAL: What accountability measures do we have or can acquire in response to the Focus Acts?

STEPS	WHO	DEADLINE
1. Develop list of responses to the Focus Acts using the Focus Act Response Matrix.		

ACTION STEP FOUR: GRADUATED RESPONSES

GOAL: When do we refer a student to the court?

STEPS	WHO	DEADLINE
1. Using the Graduated Response Decision Tree as a guide, develop a Graduated Response Matrix.		

ACTION STEP FIVE: QUALITY CONTROL

GOAL: How are we going to monitor intake of referrals for MOU compliance and to measure performance and outcomes?

STEPS	WHO	DEADLINE
1. What performance and outcomes will be measured?		
2. What data will be collected?		
3. Who collects the data and measures performance and outcomes?		
4. Who provides oversight to ensure daily compliance?		
5. How often will group review status of protocol?		
6. Who provides training and how often?		

ACTION STEP SIX: INTERAGENCY AGREEMENT

GOAL: How and when will we memorialize our decisions for operational compliance and sustainability?

STEPS	WHO	DEADLINE
1. Who will draft the MOU for circulation?		
2. What is the date for execution?		
3. How will the MOU be marketed?		

ACTION STEP SEVEN: BRIDGING (POST-AGREEMENT WORK)

GOAL: How will we respond to students nonresponsive traditional responses and require clinical type or other involved services?

STEPS	WHO	DEADLINE
1. Develop direct referral system to other agencies.		
2. Create Single Point of Entry.		
3. Identify funding streams.		
4. Develop Independent Backbone Agency (optional).		

ACTION STEP EIGHT: COLLECTIVE IMPACT SYSTEM

GOAL: How will we create an independent backbone agency of public and private stakeholders to support the school system?

STEPS	WHO	DEADLINE
1. Identify Board of Directors.		
2. Draft by-laws and mission/vision.		
3. Identify funding streams.		
4. Create operational staffing.		
5. Develop plan to "bridge" school and providers.		