Student Court Handbook

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COSSA Academy

Wilder, Idaho

February 17, 2021

**Introduction**

 Student Court is an alternative sanction to more traditional punishments at school. On their third strike (serious offense or OSS), or after their second lunch detention for excessive tardies, students may be referred into Student Court where they may receive a sentence from their peers. If they complete the sentence they are given, then one of their disciplinary strikes will be removed. If they do not complete the sentence, then they are given their third strike back, and are referred for expulsion.

 A student’s attendance at Student Court is not about guilt. The Court will NOT decide guilt. That has already been decided by the school administration. A student’s attendance at Student Court is strictly to determine the appropriate punishment, and to provide a consequence that will hopefully deter repeat offenses.

 Student Court is an attempt by the school administration to give the student a chance to erase a "strike" from their disciplinary record so that they will not be processed for expulsion. A student’s attendance at Student Court is strictly voluntary. If the student refuses to attend Student Court and they receive a fourth “strike,” they will be processed for expulsion.

 Because Student Court is not about finding guilt and participation is strictly voluntary on a student’s part, the school administration may allow attendance by other members of the student body so that they understand the consequences of inappropriate action. Those who attend the student court, however, must fill out a confidentiality oath form.

**Referral Process**

 Students are referred into Student Court by the In-School-Suspension (ISS) Supervisor, through the school Principal. The ISS Supervisor will inform and invite the parents of minor students (under 18 years of age) to Student Court hearings.

**Volunteers**

 Volunteers for Student Court will be recruited from the Law Enforcement Class, Student Council, Government class, and/or COSSA Academy. Students will receive an orientation/training for Student Court and participate in a mock trial before hearing cases. All student volunteers will sign a confidentiality oath before they participate in their first Student Court case.

**Prior to Student Court Hearings**

 Offending students referred to Student Court will meet with the Student Court Coordinator prior to their Student Court hearing. The Student Court Coordinator will gather their statement regarding the incident and any other relevant information. The Student Court Coordinator will compile this information for the students acting as attorneys and judges prior to the hearing. The offending student will be advised that their statement will be used by the defense attorney and the prosecution to either mitigate or make their sentence worse, so their statement should be written accurately and succinctly. Other compiled information can include a student’s grades and/or discipline log.

 The Student Court Coordinator will ensure that student volunteers will sign a confidentiality agreement before they participate in their first Student Court case.

**Student Court Hearings**

 Student Court hearings will be held after school on designated days that coincide with available transportation, or at other times arranged by the Student Court Coordinator. Hearings will be scheduled as needed. Typically only one case will be heard to accommodate the time frame available.

 Various students will be trained to act as Judge, prosecutor, defense attorney, clerk, and jury members, to allow the Student Court Coordinator flexibility in assigning roles for multiple hearings in a quarter.

 Student Court Members may consult the Student Court Coordinator if needed during jury deliberations.

**Following Student Court Hearings**

 Following Student Court, the sentenced student meets with the Student Court Coordinator who will review the sentence. The student is responsible to report back to the Student Court Coordinator upon the completion of their sentence or if they have any questions.

 If a student does not complete their sentence in the designated time, the student will be referred back to the Principal for continued disciplinary action, up to and including referral for an expulsion hearing.

**Student Confidentiality**

 Student volunteers are required to sign a confidentiality agreement before they participate in their first Student Court. Students need to understand the seriousness of participating and imposing sentencing on a peer. If a student violates the confidentiality agreement, they may be removed as a Student Court volunteer and may, depending on the severity of the breach of security, be assigned disciplinary consequences.

**Visitor Confidentiality**

 Visitors may include: parents/guardians, school staff, other COSSA students, probation officer, School Resource Officer (SRO), or other law enforcement personnel. Any other visitor request must be approved by the student court coordinator. All visitors must sign a visitor’s confidentiality oath before attending a court hearing. Parent/guardian visitors are to only attend a court hearing that pertains to their student.

## COSSA STUDENT COURT

Referral Form

**Part 1. Completed by ISS Supervisor**

Student’s Name:

Strike One Violation:

Strike Two Violation:

Strike Three Violation:

 OR

After Two Lunch Detentions for Excessive Tardies: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Referred to Student Court:

**Part 2. Completed by Student**

Based on the violations listed above, you have been assigned to Student Court as a punishment for your repeated violations of the student handbook. Assignment to Student Court is voluntary – you may refuse. If you do, and you receive a third “strike”, you will be processed for expulsion per the student handbook.

Here are some other things that you should be aware of, related to Student Court:

* You may have a parent/guardian appear with you at Student Court.
* You will be sentenced by high school student-jurors.
* You must complete your sentence in the time frame indicated.
* You must serve as a Student Court juror following your sentence.
* **If you satisfactorily complete the Student Court sentence, you will have one of the existing two disciplinary “strikes” removed.**
* **If you do not complete the Student Court sentence, you will be assigned your third disciplinary “strike” and referred for expulsion.**

Your attendance at Student Court is not about guilt. The Court will NOT decide guilt. That has already been decided by the school administration. Your attendance at Student Court is strictly to determine the appropriate punishment.

Student Court is an attempt by the school administration to give you a chance to erase a "strike" from your disciplinary record so that you will not be processed for expulsion. Your attendance at Student Court is strictly voluntary. If you refuse to attend Student Court and you receive a third “strike” you will be processed for expulsion.

Remember, failure to complete all aspects of the “sentence” assigned by Student Court, within the time specified, and to the satisfaction of the Student Court Coordinator, is itself considered a major disciplinary violation.

Because Student Court is not about finding guilt and participation is strictly voluntary on your part, the school administration may allow attendance by other members of the student body so that they understand the consequences of inappropriate action.

Sign below indicating that you understand the above written statements. Your parents/guardian will be contacted so that they understand you have been referred to Student Court.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#  Signature Date

Parent Contacted: Yes No \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ISS Supervisor

#  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#  Date

**Part 3. Completed by Student Court Coordinator**

Date Student’s Statement Obtained (attach to this form): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Student’s Statement was Shared with Defense Attorney: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Student’s Statement was Shared with Prosecuting Attorney: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Student Court Date Assigned:

**Part 4. Forward Completed Form to the School Principal**

**COSSA STUDENT COURT**

Confidentiality Oath

 I affirm that I will keep the matters that occur at Student Court confidential. I will respect the privacy of the defendants at Student Court, as well as my fellow Student Court volunteers. I will act in a professional and appropriate manner during my Student Court service. I understand that willful failure to safeguard confidential information may result in disciplinary action being taken against me.

Signature Date

Print Name

**COSSA STUDENT COURT VISITOR**

Confidentiality Oath

 I affirm that I will keep the matters that occur at Student Court confidential. I will respect the privacy of the defendants at Student Court, as well as all Student Court volunteers. I will act in an appropriate manner during my Student Court attendance. I will keep matters brought before the court confidential. I understand that willful failure to safeguard confidential information may result in my being prohibited from Student Court attendance at a future date.

Signature Date

Print Name

COSSA Student Court

Instructions

***The clerk will ask everyone in the courtroom to rise (say, “All Rise”) as the Judge and Jury enter the room. Once the Judge and Jury have seated themselves, the clerk will ask everyone in the courtroom to “be seated”.***

# **Judge:** This session of Student Court will have \_\_\_\_\_\_\_\_ case(s):

# Case #1. The case of

#  (name)

# for three serious offenses of the student handbook rules.

# Case #2. The case of

#  (name)

# for three serious offenses of the student handbook rules.

***Judge continues listing the cases and offenders until all have been listed.***

**Judge**: Ladies and Gentlemen, each of you will serve as a juror in this (these) case(s) for Student Court. Your job is to select the most appropriate punishment for this (each of these) individual(s).

**Judge**: Will the jury please stand and raise your right hand so the Clerk may read the first oath.

**Judge**: The Clerk will proceed with the first oath

**Clerk Stands, Raises his/her Right Hand, Reads #1*:*** Do you solemnly swear that you will answer the questions of the judge honestly? If so say “I do”.

**Jury Members**: (In unison, if possible) I do

**Clerk**: You may lower your hand, but please remain standing

**Judge**: Next, I am going to ask the jury questions about your knowledge of the parties, the attorneys, or the facts of the case. We do this to make sure the jury will be fair. You need to answer these questions honestly. If any of you answers “yes” to a particular question, please raise your hand and wait for my direction:

1. Do any of you know anything about the facts of this (these) case(s) that may cause you to sentence the defendant either more harshly or more leniently?
2. Is there anyone who has already formed an opinion as to the sentence to be given in this (these) case(s)?
3. Do any of you think you cannot be a fair and impartial juror?

**If there are any jurors who have their hands raised, the Judge has the discretion to “dismiss” the juror [allow them to leave the Court] or ask further questions to determine if the juror can still sit on the jury**

**Judge:** Seeing no (more) affirmative answers, the Clerk will read the second oath

**Clerk**: The jury will please raise their right hands

**Clerk Stands, Raises his/her Right Hand, Reads #2:** Do you solemnly swear that you will openly listen to the evidence presented in this case and determine a sentence based only on what is presented in Student Court today? If so say “I do”.

**Jury Members**: (In unison, if possible) I do

**Clerk**: You may lower your hand and take your seats

**Judge:** Members of the Jury, your job is to decide a sentence based upon the testimony that will be presented. You will hear the defendant describe the incident in his or her own words. We are now ready to hear opening statements. The prosecution will give their opening statement, followed by the defense.

***Prosecuting Attorney –*** *(Please stand)*

Thank you, Your Honor.

My name is . Today I will be telling you about the case of . Please listen to the information I will present in Student Court today and decide punishment based on the facts. Thank you. *(Sit down.)*

***Defense Attorney –*** *(Please stand)*

Thank you, Your Honor.

My name is . Today I am representing who was referred to Student Court for . Please listen to the information that I will present that mitigates my client’s action before deciding a punishment. Thank you. *(Sit down.)*

**Judge:** The prosecution will call their first witness.

**Prosecution:** The prosecution calls as a witness.

*Witness will walk to the witness seat and stay standing to take the oath.*

***CLERK READS OATH TO WITNESS*** *(have the witness stand and raise their right hand):* Do you solemnly swear the testimony you give in this hearing will be the truth, the whole truth, and nothing but the truth? If so say “I do”.

Witness(es): I do

***Prosecuting Attorney – (****you will ask questions of the witness. Remember, the only information the jury will have about this incident will come from the questions you ask).*

*Examples of questions:*

* *Please state your name.*
* *Why didn’t you follow the school rules?*
* *What could you have done differently?*

**Judge:** The defense may cross-examine this witness.

***Defense Attorney – (****you will also ask questions of the witness. If you want more information than the prosecution already asked about, you can ask those questions. If you bring up new material, the Prosecution has a chance to cross-examine).*

*Examples of questions:*

* *What are you in Student Court for today?*
* *Please tell us about that incident.*
* *Have you had other disciplinary problems at school?*
* *Are you sorry for what you did?*
* *Are there mitigating circumstances that the jury should take into account when they assign a sentence?*

**Judge: (***after the witness has been questioned by the prosecution and defense, including any cross-examination, you may dismiss the witness).*

**Judge:** Do the attorneys have any other witness to call?

 *If yes, go through the same order again.*

*If not, go the opportunity for jurors to ask questions*

**Judge**: Members of the jury now have the opportunity to ask clarifying questions of any

witness and/or the defendant. The defendant has the right to consult with the

defendant’s attorney before answering any question.

**Jurors**: (If they have questions, they will raise their hands to be called on by the judge.

Questions must be germane to the case at hand and must be asked in a respectful

manner. Questions may be asked of witnesses and/or the defendant to clarify specific

issues of the case).

**Judge**: We will now hear closing statements. The prosecuting attorney will go first, followed by the defense attorney.

***Prosecuting Attorney*** *–* Thank you for listening to the case today. Based on the facts that I have presented, I recommend the following punishments for .

*(Remember, the closing statement is a conclusion. You should restate the most important parts of your case and then make a recommendation to the jury about what type of punishment the defendant should receive).*

***Defense Attorney –***

Thank you for listening to the case today. There are several mitigating facts that you should take into consideration, including \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I recommend the following punishment for .

*(Remember, the closing statement is a conclusion. You should restate the most important parts of your case and then make a recommendation to the jury about what type of punishment the defendant should receive).*

**Judge:** The Clerk will now take the jury to a private location to discuss the case. The jury will elect a foreperson who is in charge of the discussion and filling out the paperwork. Jurors must all agree on a punishment. After a punishment is decided, the jury foreperson will write it down. The Clerk will bring the jury back into the courtroom and the jury foreperson will stand and read the sentence. You will not discuss the case with anyone, during or after the hearing, who is not directly connected with the case.

***The clerk will ask everyone in the courtroom to rise (say, “All rise”) and then escort the jury to the jury deliberation area.***

***Jurors:*** *Once in the jury deliberation area, you will:*

* *Chose a jury foreperson*
* *Discuss the case*
* *Decide on a sentence*
* *Fill out the sentencing form*
* *Let the clerk know when you have reached a decision*

***The clerk will bring the jury back into the courtroom and say, “All Rise” as you enter.***

**Judge:** Has the jury reached a decision? *(Pause for answer)* Would the jury foreperson please read the sentence?

***Jury foreperson stands and reads the sentence. The prosecuting attorney, defense attorney, and defendant(s) also stand when the sentence is being read.***

**Judge:** Thank you students, staff, and parents who participated in Student Court. Defendant(s), please meet with the Student Court Coordinator after Student Court. Court is dismissed. Court is adjourned.

**Clerk**: All rise. Remain standing until the Court has left the room

**COSSA STUDENT COURT**

Sentencing Options

*This form is a guide for the jury to use in selecting a sentence during Student Court.*

NOTE 1: ALL STUDENT COURT DEFENDANTS ARE REQUIRED TO SERVE ON A FUTURE STUDENT COURT JURY, REGARDLESS OF THE SENTENCE OUTCOME

NOTE 2: THE JURY MAY NOT IMPOSE A SENTENCE ON THE DEFENDANT THAT ALSO CAUSES “WORK” OR HARDSHIP FOR ANY OTHER CRTEC STUDENT OR STAFF MEMBER WITHOUT THAT PERSON’S EXPRESS PERMISSION. FOR EXAMPLE, A SENTENCE OF “ATTEND ANGER MANAGEMENT CLASS” REQUIRES PARTICIPATION BY THE SCHOOL’S COUNSELOR, AND THAT PERSON SHOULD BE CONSULTED PRIOR TO IMPOSING THAT SENTENCE

***Please review the following choices and determine which one(s) will be the best sentence for the defendant. Check each box that applies.***

 **No Sentence** – The mitigating facts presented by the Defense cause the jury to vote to give no sentence; or the jury cannot reach a unanimous decision.

 **OR**

 **Sentence** – The facts presented by the Prosecution cause the jury to vote for the following sentence (requires unanimous vote). Choose from the following:

 **Contract** – Student is Placed onto a Contract by Principal

 Attendance

 Behavior

 **Community Service** – Complete hours of community service at the school. How many hours? \_\_\_\_\_\_\_\_\_\_\_\_

**Loss of Driving Privileges** – Student’s Parking Permit or Permission to Drive/Ride is revoked for a period of \_\_\_\_\_\_\_\_\_\_\_

 **AND/OR**

**Written Sentence** – (see examples of written sentences on the next page)

 **Letter of Apology -** The jury may recommend that the defendant write a letter(s) of apology to the victim(s). This writing requires the minor to admit to the unlawful action and communicate to the person(s) hurt by his/her actions. Letters of apology may be written to School Resource Officers, manager/business owners, teachers/administration, family members, friends, peers, etc.

 **Essays -** Essays are an excellent way to have the defendant reflect upon his/her actions and create acceptable ways to solve problems, to behave lawfully and responsibly. The topic should correlate to the offense or circumstances leading to the defendant’s behavior.

Some topic examples are given below. Circle the topic chosen for this sentence.

1. Why I should follow the law, even if I do not agree with it.

2. People I can call when faced with a crisis.

3. Positive ways to spend my time.

4. Lessons learned from \_\_\_\_\_\_\_\_\_\_\_ (offense).

5. The effects of \_\_\_\_\_\_\_\_\_\_ (offense) \_\_\_\_\_\_\_\_ on the community/victims.

6. How I would feel if I were my victim.

7. How my behavior effects my family.

8. How Drugs/Alcohol can ruin my life.

 9. Why \_\_\_ (offense) \_\_\_\_ is unacceptable.

10. Ways to solve my problems without fighting/violence.

11. Why I should not

 \_\_\_\_\_\_\_\_\_\_\_\_\_ (offense).

12. The importance of cooperating with law enforcement.

13. The negatives and positives of Peer Pressure.

14. The importance of school to my future.

1. What does it mean to be responsible?

**Posters** – Posters made on a topic related to the offense and hung up at school. Specify the topic of posters and how many.

 Topic: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 How Many: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Presentation –** Presentation related to the offense. Specify the topic and where the presentation will be given.

 Topic: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Where: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **AND/OR**

 **Other –** Describe another sentence to which the jury unanimously agreed:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

This sentence must be completed by .

 (date)

Jury Foreperson Judge

CANYON-OWYHEE SCHOOL SERVICE AGENCY

109 Penny Lane

Wilder, ID 83676

Phone (208) 482-6074

Fax (208) 482-7904

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

From: Student Court Coordinator

To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ you were sentenced by Student Court to the following sentence:

 1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 5. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

This sentence must be completed by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Failure to complete all elements of the sentence, by the date indicated, is a serious disciplinary violation which will result in consequences up to processing for expulsion.

Pease share this letter with your parent/guardian so that they understand the urgency and serious nature of your completing this sentence.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Student Court Coordinator

Acknowledgement:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Student Parent