

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 51

Short Title: Remove Dangerous Students From Sch.

(Public)

Sponsors: Senators Cooper; Parnell, Hoyle, Odom, Rand, Plyler, Plexico, Carpenter, and Allran.

Referred to: Judiciary I/Constitution.

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A ONE-YEAR SUSPENSION FOR ANY STUDENT WHO BRINGS A GUN ONTO SCHOOL PROPERTY AND TO ALLOW FOR EXPELLING OF STUDENTS WHOSE CONTINUED PRESENCE IN SCHOOL CONSTITUTES A CLEAR THREAT TO THE SAFETY AND HEALTH OF OTHER STUDENTS OR EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-391 reads as rewritten:

"§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.

(a) Local boards of education shall adopt policies not inconsistent with the provisions of the Constitutions of the United States and North Carolina, governing the conduct of students and establishing procedures to be followed by school officials in suspending or expelling any student, or in disciplining any student if the offensive behavior could result in suspension, expulsion, or the administration of corporal punishment. The policies that shall be adopted for the administration of corporal punishment shall include at a minimum the following conditions:

- (1) Corporal punishment shall not be administered in a classroom with other children present;
- (2) The student body shall be informed beforehand what general types of misconduct could result in corporal punishment;
- (3) Only a teacher, substitute teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher

1 assistant, or student teacher, who shall be informed beforehand and in
2 the student's presence of the reason for the punishment; and

3 (4) An appropriate school official shall provide the child's parent or
4 guardian with notification that corporal punishment has been
5 administered, and upon request, the official who administered the
6 corporal punishment shall provide the child's parent or guardian a
7 written explanation of the reasons and the name of the second school
8 official who was present.

9 The board shall publish all the policies mandated by this subsection and make them
10 available to each student and his parent or guardian at the beginning of each school
11 year. Notwithstanding any policy adopted pursuant to this section, school personnel
12 may use reasonable force, including corporal punishment, to control behavior or to
13 remove a person from the scene in those situations when necessary:

- 14 (1) To quell a disturbance threatening injury to others;
15 (2) To obtain possession of weapons or other dangerous objects on the
16 person, or within the control, of a student;
17 (3) For self-defense; or
18 (4) For the protection of persons or property.

19 (b) The principal of a school, or his delegate, shall have authority to suspend for
20 a period of 10 days or less any student who willfully violates policies of conduct
21 established by the local board of education: Provided, that a student suspended pursuant
22 to this subsection shall be provided an opportunity to take any quarterly, semester or
23 grading period examinations missed during the suspension period.

24 (c) The principal of a school, with the prior approval of the superintendent, shall
25 have the authority to suspend for periods of times in excess of 10 school days but not
26 exceeding the time remaining in the school year, any pupil who willfully violates the
27 policies of conduct established by the local board of education. The pupil or his parents
28 may appeal the decision of the principal to the local board of education.

29 (d) A local board of education may, upon recommendation of the principal and
30 superintendent, expel any student 14 years of age or older (i) who has been convicted of
31 a felony and felony, (ii) who has been adjudicated delinquent for committing an offense
32 that would be a felony if committed by an adult, or (iii) whose continued presence in
33 school constitutes a clear threat to the safety and health of other students or employees.
34 Notwithstanding the provisions of G.S. 115C-112, a local board of education has no
35 duty to continue to provide a child with special needs, expelled pursuant to this
36 subsection, with any special education or related services during the period of
37 expulsion.

38 (d1) A local board of education shall suspend for 365 calendar days any student
39 who brings a firearm onto school property.

40 (e) A decision of a local board under subsection (c) or (d) is final and, except as
41 provided in this subsection, is subject to judicial review in accordance with Article 4 of
42 Chapter 150B of the General Statutes. A person seeking judicial review shall file a
43 petition in the superior court of the county where the local board made its decision.

1 (f) Local boards of education shall, no later than December 1, 1993, reevaluate
2 and update their policies related to school safety so they reflect changes authorized by
3 the 1993 General Assembly. In particular, boards shall ensure they have clear policies
4 governing the conduct of students, which state the consequences of violent or assaultive
5 behavior, possessions of weapons, and criminal acts committed on school property or at
6 school-sponsored functions. The State Board shall develop guidelines to assist local
7 boards in this process."

8 Sec. 2. This act becomes effective August 1, 1995.