

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**HOUSE DRH30242-LE-115 (3/24)**

Short Title: Education Instead of Long-Term Suspension. (Public)

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Sponsors: Representatives Preston, L. Johnson, Parmon, Nesbitt (Primary Sponsors);  
Yongue and Womble.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT STUDENTS RECOMMENDED FOR LONG-TERM  
SUSPENSION RECEIVE A FREE AND APPROPRIATE EDUCATION.

Whereas, providing students with a nurturing school experience in which they are able to grow socially, intellectually, and emotionally is an effective strategy for keeping them out of trouble; and

Whereas, unfortunately, too many young North Carolinians are deprived of this school experience; and

Whereas, when suspended students are not otherwise involved, their likelihood of getting into trouble and involved with the law and the juvenile justice system dramatically increases; and

Whereas, most students with behavior problems should be maintained in their regular schools and communities, to the extent possible; and

Whereas, to follow the letter and spirit of the *Leandro* decision, the schools must give all suspended students, including the few who need to be placed in special settings, a sound basic education; and

Whereas, these students should also receive special services as needed and as directed under special education procedures under State and federal law; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The Department of Public Instruction, in conjunction with the Department of Juvenile Justice and Delinquency Prevention, shall develop a State plan to ensure that students recommended for long-term suspension receive a free and appropriate education. In the course of developing the plan, the Department of Public Instruction and the Department of Juvenile Justice and Delinquency Prevention shall consult with the Communities In Schools Program, the North Carolina Child Advocacy

1 Institute, the North Carolina Justice and Community Development Center, and the  
2 Covenant with North Carolina's Children.

3 **SECTION 2.** The plan shall include the following elements:

- 4 (1) Local school administrative units in North Carolina shall provide or  
5 cause to be provided a free appropriate education for all students  
6 recommended for a long-term suspension;
- 7 (2) Each student recommended for long-term suspension shall receive a  
8 multidisciplinary assessment and evaluation to (i) ascertain his or her  
9 educational history, needs, and special learning problems and (ii)  
10 assess the risk the child poses to staff and other students. The  
11 assessment and evaluation shall include feedback and  
12 recommendations from local mental health and juvenile justice  
13 professionals;
- 14 (3) An individualized education and service plan shall be developed for all  
15 students recommended for long-term suspension by a committee that  
16 includes education, mental health, and juvenile justice professionals,  
17 the child's parent or guardian, and any other person the committee  
18 deems appropriate. The chair of the Juvenile Crime Prevention  
19 Council or a designee shall serve as chair of the committee;
- 20 (4) All efforts shall be made to reduce the risk the child poses to staff and  
21 other students and to allow the child to continue his or her education in  
22 his or her regular school without disruption. These efforts shall include  
23 the provision of related services and interventions from other agencies  
24 when deemed necessary by the committee;
- 25 (5) During the first 10 days of suspension, the local school administrative  
26 unit shall place the student recommended for suspension in a  
27 diagnostic setting for purposes of ensuring there is no disruption to his  
28 or her education and to complete the assessment process;
- 29 (6) The local education agency shall contract with private or public  
30 agencies if an appropriate education cannot be provided within the  
31 school system. Funds appropriated to a local school administrative unit  
32 for the education of the child shall be used to pay for the program in  
33 which the child is placed.
- 34 (7) The child's parent or guardian shall have the right to appeal the  
35 recommendation for the long-term suspension or any placement  
36 decision made by the local school administrative unit;
- 37 (8) No child shall be rejected for education and services by a local school  
38 administrative unit unless a District Court Judge places the child in a  
39 juvenile justice program or facility. In that circumstance, the  
40 Department of Juvenile Justice and Delinquency Prevention is  
41 responsible for providing the child's education.

42 **SECTION 3.** The Department of Public Instruction shall report to the Joint  
43 Legislative Commission on Governmental Operations and the Joint Legislative  
44 Education Oversight Committee prior to January 1, 2004, on the plan it developed, the

1 cost of implementing the plan beginning with the 2004-2005 school year, and any  
2 statutory changes necessary to implement the plan.

3           **SECTION 4.** It is the intent of the General Assembly to implement a plan  
4 beginning with the 2004-2005 school year to ensure that students recommended for  
5 long-term suspension receive a free and appropriate education.

6           **SECTION 5.** This act is effective when it becomes law.