## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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## **HOUSE BILL 1135**

## Committee Substitute Favorable 4/24/03 Senate Education/Higher Education Committee Substitute Adopted 6/5/03

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

## April 10, 2003

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, 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 spirit of the *Leandro* decision, the schools should give all suspended students, including the few who need to be placed in special settings, the opportunity to obtain a sound basic education; Now, therefore,

The General Assembly of North Carolina enacts:

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SECTION 1. The Chair of the State Board of Education, Superintendent of Public Instruction, Secretary of Juvenile Justice and Delinquency Prevention, and Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services shall constitute a committee to study the feasibility and cost of developing a State plan to ensure that students recommended for long-term suspension receive a free and appropriate education. In the course of this study, these individuals, or their designees, shall consult with the Communities In Schools Program, the North Carolina Child Advocacy Institute, the North Carolina Justice and Community Development Center, and the Covenant with North Carolina's Children. The Chair of the State Board of Education, or his designee, shall convene and chair the meetings.

**SECTION 2.** The committee shall consider and report on whether and to what extent North Carolina should mandate the following:

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

**SECTION 3.** The Chair of the State Board of Education shall report to the Joint Legislative Education Oversight Committee by April 15, 2004, on the committee's findings and recommendations, which may include a State plan or elements to be included in a State plan, the feasibility and cost of implementing a State plan beginning with the 2004-2005 school year, and any statutory changes necessary to implement a State plan.

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43 44 1 **SECTION 4.** This act is effective when it becomes law.