

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 1457  
Committee Substitute Favorable 6/29/04  
Third Edition Engrossed 7/1/04

Short Title: Community Solutions for Suspended Students.

(Public)

Sponsors:

Referred to:

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO ENCOURAGE THE IDENTIFICATION AND DEVELOPMENT OF A CONTINUUM OF COMMUNITY SOLUTIONS TO MEET THE EDUCATIONAL NEEDS OF STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS, TO ADD AN ALTERNATIVE SCHOOL OR ALTERNATIVE LEARNING PROGRAM ADMINISTRATOR TO THE COUNTY JUVENILE CRIME PREVENTION COUNCILS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT A POLICY ESTABLISHING A CONTINUUM OF EDUCATIONAL SERVICES FOR THESE STUDENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.1.** Chapter 143B of the General Statutes is amended by adding a new section to read:

**"§ 143B-549.1. Community solutions to meet the needs of students who are suspended from school for more than 10 school days.**

Each County Council shall assess the needs of juveniles who are suspended from school for more than 10 school days, identify community solutions for meeting their educational needs, and evaluate the adequacy of resources available to meet those needs. As part of this effort, the County Council shall identify (i) a continuum of available and appropriate services, programs, and settings that can be offered to these juveniles; (ii) funding streams to provide those services, programs, and settings; and (iii) procedures to facilitate the delivery of those services, programs, and settings to those juveniles. The Council may examine the benefits of joint program development to meet the educational needs of these juveniles. The joint program may be developed between counties within the same judicial district or within a county among its agencies, local school administrative units, charter schools, and private organizations. The Council

1 shall report its findings and any recommendations under this section to the local school  
2 administrative unit located within the county. The initial report shall be no later than  
3 December 30, 2004. The Council shall review and update this report every five years."

4 **SECTION 1.2.** G.S. 143B-544(a) reads as rewritten:

5 "(a) As a prerequisite for a county receiving funding for juvenile court services  
6 and delinquency prevention programs, the board of commissioners of a county shall  
7 appoint a Juvenile Crime Prevention Council. Each County Council is a continuation of  
8 the corresponding Council created under G.S. 147-33.61. The County Council shall  
9 consist of not more than ~~26~~27 members and should include, if possible, the following:

- 10 (1) The local school superintendent, or that person's designee;
- 11 (1a) A principal or director of an alternative school or alternative learning  
12 program, if one is located in the county;
- 13 (2) A chief of police in the county;
- 14 (3) The local sheriff, or that person's designee;
- 15 (4) The district attorney, or that person's designee;
- 16 (5) The chief court counselor, or that person's designee;
- 17 (6) The director of the area mental health, developmental disabilities, and  
18 substance abuse authority, or that person's designee;
- 19 (7) The director of the county department of social services, or  
20 consolidated human services agency, or that person's designee;
- 21 (8) The county manager, or that person's designee;
- 22 (9) A substance abuse professional;
- 23 (10) A member of the faith community;
- 24 (11) A county commissioner;
- 25 (12) Two persons under the age of 18 years, one of whom is a member of  
26 the State Youth Council;
- 27 (13) A juvenile defense attorney;
- 28 (14) The chief district court judge, or a judge designated by the chief  
29 district court judge;
- 30 (15) A member of the business community;
- 31 (16) The local health director, or that person's designee;
- 32 (17) A representative from the United Way or other nonprofit agency;
- 33 (18) A representative of a local parks and recreation program; and
- 34 (19) Up to seven members of the public to be appointed by the board of  
35 commissioners of a county.

36 The board of commissioners of a county shall modify the County Council's  
37 membership as necessary to ensure that the members reflect the racial and  
38 socioeconomic diversity of the community and to minimize potential conflicts of  
39 interest by members."

40 **SECTION 2.** G.S. 115C-47 is amended by adding the following new  
41 subdivision to read:

42 "**§ 115C-47. Powers and duties generally.**

43 In addition to the powers and duties designated in G.S. 115C-36, local boards of  
44 education shall have the power or duty:

- 1           ...  
2           (44) To Establish a Continuum of Educational Services for Students Who  
3           Are Suspended for More Than 10 School Days. – Each local board of  
4           education is encouraged to direct school administrators, teachers,  
5           students, and parents to meet with community stakeholders in order to  
6           reach community solutions for meeting the needs of students who are  
7           suspended for more than 10 days. In particular, the board shall direct  
8           the superintendent or the superintendent's designee and a principal or  
9           director of an alternative school or alternative learning program, if one  
10           is located in the county, to attend regularly scheduled meetings of the  
11           Juvenile Crime Prevention Council established under G.S. 143B-544  
12           and to participate in the work of the Council under G.S. 143B-549.1.  
13           Based on the findings and recommendations of the Council under  
14           G.S. 143B-549.1, the board shall adopt a policy that:  
15           a.       Establishes a continuum of available and appropriate  
16           educational services that can be delivered in alternative  
17           settings to a student when the student is suspended for more  
18           than 10 school days. The alternative settings may be in a  
19           school within that local school administrative unit, in a  
20           school within another local school administrative unit, in a  
21           charter school, or in an outside setting. The outside settings  
22           may be under the control of a State agency, local agency, or  
23           private organization.  
24           b.       Establishes a procedure to facilitate, if appropriate, the  
25           delivery of services to a student in an alternative setting that  
26           is located outside the local school administrative unit.  
27           c.       Identifies funding sources or financial assistance, or both,  
28           that may be available to enable the delivery of these  
29           services."

30           **SECTION 3.** G.S. 115C-391 is amended by adding the following new  
31 subsection to read:

32           "(i) Notwithstanding any other law, at the time a student is suspended for more  
33           than 10 school days, the student shall be provided an opportunity to be placed in an  
34           alternative school or alternative learning program provided by the local school  
35           administrative unit. If this alternative school or alternative learning program is not an  
36           appropriate setting for the student or if the alternative school or alternative learning  
37           program is at capacity, the local school administrative unit shall facilitate the delivery of  
38           services to the student in an alternative setting located outside the local school  
39           administrative unit in accordance with the policy adopted under G.S. 115C-47(44).  
40           Nothing in this section shall be construed to require local school administrative units to  
41           create new alternative programs or to pay for the costs of students attending alternative  
42           learning programs outside the local school administrative unit."

1           **SECTION 4.** Section 3 of this act becomes effective July 1, 2005, and  
2 applies to schools beginning with the 2005-2006 school year. The remainder of this act  
3 is effective when it becomes law.