

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH70376-RHz-10 (3/19)

Short Title: Intervention Plans for Suspended Students. (Public)

Sponsors: Representatives Preston, Warner (Primary Sponsors); Bell, Blackwood, Bonner, Fisher, Parmon, Sauls, Warren, and Womble.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM
3 COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR
4 STUDENTS ON LONG-TERM SUSPENSION TO REQUIRE SCHOOLS TO
5 DEVELOP AND IMPLEMENT INTERVENTION PLANS FOR STUDENTS
6 WHO ARE SUSPENDED FROM SCHOOL.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Chapter 115C of the General Statutes is amended by adding
9 the following new Article to read:

10 "Article 27B.

11 "Intervention Plans for Suspended Students.

12 "**§ 115C-397.10. Intervention plans for suspended students.**

13 (a) Local school administrative units shall develop an intervention plan for any
14 suspended student. This plan may be part of any other plan, such as an Individualized
15 Education Program, that is required to be developed for a particular student. The plan
16 shall include, at a minimum, all of the following:

17 (1) High educational expectations for the student.

18 (2) Strategies to address the underlying reasons for the student's conduct
19 that led to the suspension.

20 (3) A focus on the student's particular educational needs, especially
21 reading.

22 (4) The signature of the student's parent or guardian.

23 (5) An accountability component.

24 (b) For the purpose of this Article, the term "suspended student" means a student
25 who meets at least one of the following criteria:

26 (1) The student receives a suspension of more than 10 school days.

1 (2) The student receives multiple suspensions of individual terms of 10 or
2 fewer school days but that total more than 10 school days during one
3 school year.

4 (3) The student accumulates five unexcused absences during one school
5 year."

6 **SECTION 2.** G.S. 115C-402 reads as rewritten:

7 **"§ 115C-402. Student records; maintenance; contents; confidentiality.**

8 (a) The official record of each student enrolled in North Carolina public schools
9 shall be permanently maintained in the files of the appropriate school after the student
10 graduates, or should have graduated, from high school unless the local board determines
11 that such files may be filed in the central office or other location designated by the local
12 board for that purpose.

13 (b) The official record shall contain, as a minimum, adequate identification data
14 including date of birth, attendance data, grading and promotion data, and such other
15 factual information as may be deemed appropriate by the local board of education
16 having jurisdiction over the school wherein the record is maintained. Each student's
17 official record also shall include notice of any suspension for a period of more than 10
18 days or of any expulsion under ~~G.S. 115C-391~~ and G.S. 115C-391, the conduct for
19 which the student was suspended or ~~expelled~~, expelled, and an intervention plan
20 developed under G.S. 115C-397.10. The superintendent or the superintendent's designee
21 shall expunge from the record the notice of suspension or expulsion and an intervention
22 plan if the following criteria are met:

23 (1) One of the following persons makes a request for expungement:

24 a. The student's parent, legal guardian, or custodian.

25 b. The student, if the student is at least 16 years old or is
26 emancipated.

27 (2) The student either graduates from high school or is not expelled or
28 suspended again during the two-year period commencing on the date
29 of the student's return to school after the expulsion or suspension.

30 (3) The superintendent or the superintendent's designee determines that
31 the maintenance of the record is no longer needed to maintain safe and
32 orderly schools.

33 (4) The superintendent or the superintendent's designee determines that
34 the maintenance of the record is no longer needed to adequately serve
35 the child.

36 (c) Notwithstanding subdivision (b)(1) of this section, a superintendent or the
37 superintendent's designee may expunge from a student's official record any notice of
38 suspension or expulsion and an intervention plan provided all other criteria under
39 subsection (b) are met.

40 (d) Each local board's policy on student records shall include information on the
41 procedure for expungement under subsection (b) of this section.

42 (e) The official record of each student is not a public record as the term "public
43 record" is defined by G.S. 132-1. The official record shall not be subject to inspection
44 and examination as authorized by G.S. 132-6.

1 (f) The actual address and telephone number of a student who is a participant in
2 the Address Confidentiality Program established pursuant to Chapter 15C of the
3 General Statutes or a student with a parent who is a participant in the Address
4 Confidentiality Program established pursuant to Chapter 15C of the General Statutes
5 shall be kept confidential from the public and shall not be disclosed except as provided
6 in Chapter 15C of the General Statutes."

7 **SECTION 3.** This act is effective when it becomes law and is applicable
8 beginning with the 2005-2006 school year.