

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 26
Judiciary I/Constitution Committee Substitute Adopted 5/4/95

Short Title: School Expulsion Modified.

(Public)

Sponsors:

Referred to:

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO ENABLE LOCAL BOARDS OF EDUCATION TO EXPEL FROM SCHOOL THOSE 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(d) reads as rewritten:

"(d) A local board of education may, upon recommendation of the principal and superintendent, expel any student 14 years of age or older ~~who has been convicted of a felony and~~ whose continued presence in school constitutes a clear threat to the safety and health of other students or employees. At any time after the first July 1 that is at least six months after the board's decision to expel a student under this subsection, a student may request the local board of education to reconsider that decision. If the student demonstrates to the satisfaction of the local board of education that the student's presence in school no longer constitutes a threat to the safety and health of other students or employees, the board shall readmit the student to a school in that local school administrative unit on a date the board considers appropriate. The decision of the board on an expelled student's request to reconsider his expulsion is not appealable.

Notwithstanding the provisions of G.S. 115C-112, a local board of education has no duty

1 to continue to provide a child with special needs, expelled pursuant to this subsection,
2 with any special education or related services during the period of expulsion."

3 Sec. 2. The State Board of Education shall report to the 1995 General
4 Assembly and the Joint Legislative Education Oversight Committee no later than
5 December 1, 1996, on the implementation of this act, including the numbers of students
6 expelled under the act.

7 Sec. 3. This act becomes effective September 1, 1995, and applies to acts
8 committed on or after that date.