

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 26
Judiciary I/Constitution Committee Substitute Adopted 5/4/95
Third Edition Engrossed 5/8/95

Short Title: School Expulsion Modified.

(Public)

Sponsors:

Referred to:

January 26, 1995

A BILL TO BE ENTITLED

1 AN ACT TO ENABLE LOCAL BOARDS OF EDUCATION TO EXPEL FROM
2 SCHOOL THOSE STUDENTS WHOSE CONTINUED PRESENCE IN SCHOOL
3 CONSTITUTES A CLEAR THREAT TO THE SAFETY AND HEALTH OF
4 OTHER STUDENTS OR EMPLOYEES.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115C-391(d) reads as rewritten:

8 "(d) A local board of education may, upon recommendation of the principal and
9 superintendent, expel any student 14 years of age or older ~~who has been convicted of a~~
10 ~~felony and~~ whose behavior indicates that the student's continued presence in school
11 constitutes a clear threat to the safety and health of other students or employees. The
12 local board of education's decision to expel a student under this section shall be based on
13 clear and convincing evidence. At any time after the first July 1 that is at least six
14 months after the board's decision to expel a student under this subsection, a student may
15 request the local board of education to reconsider that decision. If the student
16 demonstrates to the satisfaction of the local board of education that the student's presence
17 in school no longer constitutes a threat to the safety and health of other students or
18 employees, the board shall readmit the student to a school in that local school

1 administrative unit on a date the board considers appropriate. The decision of the board
2 on an expelled student's request to reconsider his expulsion is not appealable.
3 Notwithstanding the provisions of G.S. 115C-112, a local board of education has no duty
4 to continue to provide a child with special needs, expelled pursuant to this subsection,
5 with any special education or related services during the period of expulsion."

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

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