

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
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House Committee Substitute #2 Favorable 6/14/95
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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 OF OTHER STUDENTS
4 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—Notwithstanding G.S. 115C-378, a local board of education may, upon
9 recommendation of the principal and superintendent, expel any student 14 years of age or
10 older who has been convicted of a felony and whose behavior indicates that the student's
11 continued presence in school constitutes a clear threat to the safety and health of other
12 students or employees. The local board of education's decision to expel a student under
13 this section shall be based on clear and convincing evidence. Prior to ordering the
14 expulsion of a student pursuant to this subsection, the local board of education shall
15 consider whether there is an alternative program offered by the local school

1 administrative unit that may provide education services for the student who is subject to
2 expulsion. At any time after the first July 1 that is at least six months after the board's
3 decision to expel a student under this subsection, a student may request the local board of
4 education to reconsider that decision. If the student demonstrates to the satisfaction of
5 the local board of education that the student's presence in school no longer constitutes a
6 threat to the safety of other students or employees, the board shall readmit the student to a
7 school in that local school administrative unit on a date the board considers appropriate.
8 Notwithstanding the provisions of G.S. 115C-112, a local board of education has no duty
9 to continue to provide a child with special needs, expelled pursuant to this subsection,
10 with any special education or related services during the period of expulsion."

11 Sec. 2. G.S. 115C-276 is amended by adding a new subsection to read:

12 "(r) To Maintain Student Discipline. – The superintendent shall maintain student
13 discipline in accordance with Article 27 of this Chapter and shall keep data on each
14 student suspended or expelled. This data shall include the race, gender, and age of each
15 student, the duration of suspension for each student, whether an alternative education was
16 considered or provided for each student, and whether a student had multiple
17 suspensions."

18 Sec. 3. The State Board of Education shall develop guidelines that define acts
19 and conduct that are considered a clear threat to the safety of students and teachers. The
20 State Board of Education shall report to the 1995 General Assembly and the Joint
21 Legislative Education Oversight Committee no later than December 1, 1996, on the
22 implementation of this act, including the numbers of students expelled under the act.

23 Sec. 4. This act becomes effective September 1, 1995, and applies to acts
24 committed on or after that date.