

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1999

SESSION LAW 1999-387  
HOUSE BILL 1154

AN ACT TO REQUIRE A ONE-YEAR SUSPENSION FOR ANY STUDENT WHO BRINGS OR POSSESSES A FIREARM OR EXPLOSIVE ON EDUCATIONAL PROPERTY OR AT A SCHOOL-SPONSORED CURRICULAR OR EXTRACURRICULAR ACTIVITY OFF EDUCATIONAL PROPERTY AND TO MAKE OTHER CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-391(d1), as rewritten by Section 6 of S.L. 1999-257, reads as rewritten:

"(d1) A local board of education or superintendent shall suspend for 365 calendar days any student ~~who brings who:~~

- (1) Brings onto educational property or to a school-sponsored curricular or extracurricular activity off educational property, or
- (2) Possesses on educational property or at a school-sponsored curricular or extracurricular activity off educational property,

a weapon, as defined in G.S. 14-269.2(b), 14-269.2(b1), and ~~14-269.2(g), onto educational property. 14-269.2(g).~~ The local board of education upon recommendation by the superintendent may modify this suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended pursuant to this subsection in an alternative school setting or in another setting that provides educational and other services."

Section 2. Effective December 1, 1999, G.S. 115C-391(d1), as rewritten by Section 1 of this act, reads as rewritten:

"(d1) A local board of education or superintendent shall suspend for 365 calendar days any student who:

- (1) Brings onto educational property or to a school-sponsored curricular or extracurricular activity off educational property, or
- (2) Possesses on educational property or at a school-sponsored curricular or extracurricular activity off educational property,

a weapon, as defined in G.S. 14-269.2(b), 14-269.2(b1), ~~and 14-269.2(g).~~ 14-269.2(g), and 14-269.2(h). The local board of education upon recommendation by the superintendent may modify this suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students

with disabilities and may also provide, or contract for the provision of, educational services to any student suspended pursuant to this subsection in an alternative school setting or in another setting that provides educational and other services."

Section 3. G.S. 115C-391(d3), as enacted by Section 7 of S.L. 1999-257, reads as rewritten:

"(d3) A local board of education shall suspend for 365 calendar days any student who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device designed to destroy or damage property by explosion, blasting, or burning, or who, with intent to perpetrate a hoax, conceals, places, or displays any device, machine, instrument, or artifact on educational property or at a ~~school-related~~ school-sponsored curricular or extracurricular activity ~~on or~~ off educational property, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property. The local board upon recommendation by the superintendent may modify either suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended under this subsection in an alternative school setting or in another setting that provides educational and other services. For purposes of this subsection and subsection (d1) of this section, the term 'educational property' has the same definition as in G.S. 14-269.2(a)(1)."

Section 4. Effective July 1, 2000, G.S. 20-11(n1) as created in Section 2 of S.L. 1999-243, reads as rewritten:

"(n1) Lose Control; Lose License.

(1) The following definitions apply in this subsection:

- a. Applicable State entity. – The State Board of Education for public schools and charter schools, the State Board of Community Colleges for community colleges, or the Secretary of Administration for nonpublic schools and home schools.
- b. Certificate. – A driving eligibility certificate that meets the conditions of subsection (n) of this section.
- c. Disciplinary action. – An expulsion, a suspension for more than 10 consecutive days, or an assignment to an alternative educational setting for more than 10 consecutive days.
- d. Enumerated student conduct. – One of the following behaviors that results in disciplinary action:
  1. The possession or sale of an alcoholic beverage or an illegal controlled substance on school property.
  2. ~~The possession or use~~ The bringing, possession, or use on school property of a weapon or firearm that resulted in disciplinary action under G.S. 115C-391(d1) or that could have resulted in that disciplinary action if the conduct had occurred in a public school.

3. The physical assault on a teacher or other school personnel on school property.
- e. School. – A public school, charter school, community college, nonpublic school, or home school.
  - f. School administrator. – The person who is required to sign certificates under subdivision (4) of subsection (n) of this section.
  - g. School property. – The physical premises of the school, school buses or other vehicles under the school's control or contract and that are used to transport students, and school-sponsored ~~or school-related~~ curricular or extracurricular activities that occur on or off the physical premises of the school.
  - h. Student. – A person who desires to obtain a permit or license issued under this section."

Section 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 14th day of July, 1999.

s/ Dennis A. Wicker  
President of the Senate

s/ James B. Black  
Speaker of the House of Representatives

s/ James B. Hunt, Jr.  
Governor

Approved 10:40 p.m. this 4th day of August, 1999