

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE RESOLUTION 1493

Sponsors: Senators Cochrane; Allran, Ballantine, Carpenter, Carrington, East, Forrester, Foxx, Garwood, Hartsell, Horton, Moore, Rucho, Shaw of Guilford, and Webster.

Referred to: Rules and Operations of the Senate.

May 25, 2000

1 A SENATE RESOLUTION REQUESTING THE JOINT LEGISLATIVE EDUCATION
2 OVERSIGHT COMMITTEE TO STUDY THE ISSUE OF TEACHER LIABILITY
3 FOR FRIVOLOUS LAWSUITS.

4 Be it resolved by the Senate:

5 Section 1. The Senate finds a compelling public interest in ensuring that
6 schools are made safe, effective, and drug-free for all students and school employees.
7 Some educators find difficulty achieving these goals due to threats of frivolous lawsuits.

8 Section 2. The Senate requests the Joint Legislative Education Oversight
9 Committee study the following proposal and make recommendations to the 2001 Regular
10 Session of the General Assembly:

11 No certified or noncertified employee of the State Board of Education or any
12 local board of education shall be subject to civil or criminal liability in the following
13 cases:

- 14 (1) Any action carried out in conformity with State law and system or
15 school rules regarding control, discipline, grading, suspension, and
16 expulsion of students.
- 17 (2) Except in cases involving cruel or unusual punishment, using reasonable
18 and appropriate physical force upon students when and to the extent that
19 he reasonably believes it necessary and appropriate to maintain
20 discipline or to promote the welfare of the student.

- 1 (3) Any action where a teacher or administrator, in good faith, reports
2 suspected drug abuse by a student to the proper authorities.
3 Section 3. This resolution is effective upon adoption.