

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

2

**SENATE BILL 71
Education/Higher Education Committee Substitute Adopted 3/8/01**

Short Title: Suspended Students Ass'd to Alternative Progs.

(Public)

Sponsors:

Referred to:

February 6, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING
3 LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO
4 ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE
5 LEARNING PROGRAMS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** The State Board of Education, in cooperation with the
8 Department of Juvenile Justice and Delinquency Prevention, shall establish a pilot
9 program under which participating local school administrative units place all students
10 who are on short-term out-of-school suspension in alternative learning programs. These
11 alternative placements may be in alternative learning programs, day reporting centers,
12 and other similar supervised programs for students. The Superintendent of Public
13 Instruction and the Secretary of the Department of Juvenile Justice and Delinquency
14 Prevention shall select no more than five local school administrative units to participate
15 in the program.

16 **SECTION 1.(b)** A local board of education that applies and is selected by
17 the Superintendent and the Secretary to participate in the program shall develop and
18 adopt a plan for the placement in alternative learning programs of all students who are
19 on short-term out-of-school suspension except that:

20 (1) A pilot unit may elect not to include in its plan the placement of some
21 or all of the students who are on short-term out-of-school suspension
22 and for whom a recommendation to the local superintendent for
23 long-term suspension is pending; and

24 (2) The plan shall not require the placement of a child with disabilities in
25 an alternative learning program if it is determined that the placement is
26 inappropriate under the child's individual education plan.

27 The assignment of a child in an alternative learning program shall be for the
28 duration of the period of short-term suspension.

1 **SECTION 1.(c)** The chief court counselor in the judicial district or a
2 designee must work closely with the pilot unit in developing the plan. The pilot unit is
3 encouraged to consult with other interested parties such as representatives of the
4 Department of Public Instruction and the Department of Juvenile Justice and
5 Delinquency Prevention, the local Juvenile Crime Prevention Council, educators,
6 parents, local public and private agencies serving juveniles and their families, local
7 business leaders, citizens with an interest in youth problems, and youth representatives
8 on the development of the plan.

9 **SECTION 1.(d)** Any selected pilot unit may delay implementation of its
10 plan until the local board determines that adequate funds are available from federal,
11 State, and local allocations and other sources. If the local board of a selected pilot unit
12 determines that funds will not be adequate to implement the pilot, the superintendent
13 shall notify the State Board of Education that the pilot program will not be implemented
14 so that another pilot unit may be selected.

15 **SECTION 1.(e)** The plan should:

- 16 (1) Include a detailed plan for:
 - 17 a. Making the alternative placements;
 - 18 b. Transporting each student to the student's alternative placement;
 - 19 c. Ensuring that the student is participating in the alternative
20 placement;
 - 21 d. Facilitating communication between the school from which the
22 student is suspended and the alternative placement;
 - 23 e. Providing the student an opportunity to complete and receive
24 credit for work missed during the period of suspension and to
25 participate in the State accountability program; and
 - 26 f. Notifying and providing parents the opportunity to be involved.
- 27 (2) Identify resources that will be used to implement the plan, the sources
28 of funds, and the process for procuring funds;
- 29 (3) State the plan's goals and anticipated outcomes of the pilot program;
- 30 (4) Include a process for assessing on an annual basis the success of the
31 local school administrative unit in implementing the plan and the
32 effectiveness of the plan; and
- 33 (5) Identify the extent to which the plan includes collaboration with other
34 agencies and the Juvenile Crime Prevention Councils.

35 **SECTION 1.(f)** Notwithstanding any other provision of law, the Department
36 of Juvenile Justice and Delinquency Prevention and Juvenile Crime Prevention Councils
37 may use their programs, employees, funds, and other resources to meet the needs of all
38 students on short-term out-of-school suspension in the pilot units who are placed in
39 alternative learning programs.

40 Notwithstanding any other provision of law, the pilot unit may contract with
41 nonprofit corporations and other governmental entities to meet the needs of these
42 students and may assign students to programs administered and staffed in whole or in
43 part by these entities. The nonprofit shall maintain adequate liability insurance to cover

1 claims arising from the provision of services by the nonprofit. Local boards of education
2 shall not be responsible for the supervision or control of any program run by or under
3 the control of any other agency or corporation. No cause of action shall be maintained
4 against a local board of education or its officers or employees for any damages or injury
5 arising out of matters occurring in any program not under the direct supervision and
6 control of the local board of education and its employees.

7 **SECTION 1.(g)** Any absences from the alternative learning program shall
8 be subject to local board policies regarding promotion and course credits. Also, if a
9 pilot unit determines that attendance in the alternative learning program is mandatory
10 for eligible short-term suspended students, the students shall attend in accordance with
11 the compulsory attendance requirements of G.S. 115C-378.

12 **SECTION 1.(h)** Except as provided in subsection (e) of this section, the
13 pilots shall be implemented in accordance with G.S. 115C-391. The policies and
14 procedures for the discipline of students with disabilities shall be consistent with federal
15 and State laws and regulations.

16 **SECTION 1.(i)** The Department of Public Instruction and the Department of
17 Juvenile Justice and Delinquency Prevention shall report to the Joint Legislative
18 Education Oversight Committee by April 15, 2003, on:

- 19 (1) The implementation of the program in the pilot units;
- 20 (2) The full cost of implementing the pilot;
- 21 (3) The sources of funds and other resources used to implement the pilots;
- 22 (4) Each unit's assessment of its plan;
- 23 (5) Instances of effective local collaboration and coordination of services;
- 24 (6) Innovative or experimental aspects of the plans that would be useful
25 models for replication in other local school administrative units; and
- 26 (7) A recommendation as to whether the program should be instituted
27 statewide, including any legislative recommendations.

28 **SECTION 2.** This act is effective when it becomes law.