

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 236

Short Title: Student Discipline/No Civil Liability.

(Public)

Sponsors: Senators Blust; Cochrane, Foxx, and Horton.

Referred to: Education/Higher Education.

February 25, 1997

A BILL TO BE ENTITLED

**AN ACT TO ALLOW SCHOOL PERSONNEL TO USE REASONABLE FORCE TO
MAINTAIN ORDER IN SCHOOL OR AT SCHOOL-RELATED ACTIVITIES,
AND TO MAKE SCHOOL OFFICERS AND EMPLOYEES IMMUNE FROM
CIVIL LIABILITY FOR ANY ACTION CARRIED OUT TO CONTROL OR
DISCIPLINE STUDENTS.**

The General Assembly of North Carolina enacts:

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

"(a) Local boards of education shall adopt policies not inconsistent with the provisions of the Constitutions of the United States and North Carolina, governing the conduct of students and establishing procedures to be followed by school officials in suspending or expelling any student, or in disciplining any student if the offensive behavior could result in suspension, expulsion, or the administration of corporal punishment. The policies that shall be adopted for the administration of corporal punishment shall include at a minimum the following conditions:

(1) Corporal punishment shall not be administered in a classroom with other children present;

(2) The student body shall be informed beforehand what general types of misconduct could result in corporal punishment;

1 (3) Only a teacher, substitute teacher, principal, or assistant principal may
2 administer corporal punishment and may do so only in the presence of a
3 principal, assistant principal, teacher, substitute teacher, teacher
4 assistant, or student teacher, who shall be informed beforehand and in
5 the student's presence of the reason for the punishment; and

6 (4) An appropriate school official shall provide the child's parent or
7 guardian with notification that corporal punishment has been
8 administered, and upon request, the official who administered the
9 corporal punishment shall provide the child's parent or guardian a
10 written explanation of the reasons and the name of the second school
11 official who was present.

12 ~~The~~ Each local board shall publish all the policies mandated by this ~~subsection~~ section and
13 make them available to each student and his parent or guardian at the beginning of each
14 school year.

15 (a1) Notwithstanding any policy adopted pursuant to this section, school personnel
16 may use reasonable force, including corporal punishment, to control behavior or to
17 remove a person from the scene in those situations when necessary:

18 (1) To quell a disturbance threatening injury to others;

19 (2) To obtain possession of weapons or other dangerous objects on the
20 person, or within the control, of a student;

21 (3) For self-defense; ~~or~~

22 (4) For the protection of persons or ~~property~~ property; or

23 (5) To maintain order on school property, in the classroom, or at a school-
24 related activity on or off school property."

25 Section 2. G.S.115C-391 is amended by adding the following new subsection
26 to read:

27 "(h) Notwithstanding any other law and except in the case of excessive force or
28 cruel and unusual punishment, no officer or employee of the State Board of Education or
29 of a local board of education shall be civilly liable for any action carried out in
30 conformity with State law, State or local rules, or State or local policies regarding the
31 control, discipline, suspension, and expulsion of students."

32 Section 3. This act is effective when it becomes law.