

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 770

Short Title: Reduce & Prevent School Discipline Problems. (Public)

Sponsors: Representatives Cotham, Brandon, and Glazier (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Education.

April 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE SCHOOL DISCIPLINE LAW TO REDUCE AND PREVENT  
3 DISRUPTIVE BEHAVIORS, SUSPENSIONS, AND EXPULSIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115C-47(55) reads as rewritten:

6 "**§ 115C-47. Powers and duties generally.**

7 In addition to the powers and duties designated in G.S. 115C-36, local boards of education  
8 shall have the power or duty:

9 ...

10 (55) To Reduce Suspension and Expulsion Rates and Provide for Academic  
11 Progress During Suspensions. – Local boards of education are encouraged to  
12 adopt policies and best practices to prevent disruptive behaviors that lead to  
13 suspension and expulsion and thereby to reduce suspension and expulsion  
14 rates and to provide alternative learning programs for continued academic  
15 progress for students who have been suspended. These policies and practices  
16 shall be included in safe school plans developed pursuant to  
17 G.S. 115C-105.47.

18 Programs that prevent disruptive behaviors may include, but are not  
19 limited to, positive behavioral intervention and supports, an on-campus  
20 intervention, program consistency management and cooperative discipline,  
21 and conflict resolution.

22 Programs that offer alternatives to suspension, include, but are not  
23 limited to, in-school alternatives, community service programs, and  
24 graduated levels of disciplinary actions matched to the seriousness of the  
25 infraction."

26 **SECTION 2.** G.S. 115C-105.47 reads as rewritten:

27 "**§ 115C-105.47. Local safe school plans.**

28 (a) Each local board of education shall develop a local school administrative unit safe  
29 school plan designed to prevent to the greatest possible extent, disruptive behaviors,  
30 suspensions, and expulsions. The safe school plan shall be implemented to provide that every  
31 school in the local school administrative unit is safe, secure, and orderly, that there is a climate  
32 of respect in every school, and that appropriate personal conduct is a priority for all students  
33 and all public school personnel. The board shall include parents, the school community,  
34 representatives of the community, including, but not limited to, the local law enforcement and



1 department of social services, and others in the development or review of this plan. The plan  
2 may be developed by or in conjunction with other committees.

3 (b) Each plan shall include each of the following components:

4 ...

5 (4) Clear statements of the roles of other administrators, teachers, and other  
6 school personnel in preventing disruptive behaviors, violence, suspensions,  
7 and expulsions, and restoring, if necessary, and maintaining a safe, secure,  
8 and orderly school environment.

9 ...

10 (6a) Services meeting the needs of students who are at risk of academic failure or  
11 of engaging in disruptive or disorderly behavior or those engaging in  
12 disruptive or disorderly behaviors shall include, at minimum, through  
13 community collaboration and when appropriate the following:

14 a. Family engagement, including parental involvement, parent  
15 leadership, family literacy, and parent education programs.

16 b. Mentoring and other youth development programs.

17 c. Community service and service learning programs.

18 d. Job training and career counseling.

19 e. Nutrition services, physical activities, and access to health and dental  
20 care.

21 f. Financial literacy.

22 g. Mental health and social health services.

23 h. Adult education, including English as a second language.

24 (7) Measurable objectives for improving school safety and ~~order~~ order,  
25 including prevention of disruptive behaviors, violence, suspensions, and  
26 expulsions.

27 ...

28 (9) Professional development clearly matched to the goals and objectives of the  
29 plan. This professional development shall include a component to train  
30 appropriate school personnel in the prevention and management of  
31 disruptive or dangerous student behavior. Appropriate school personnel may  
32 include, but is not limited to, teachers, teacher assistants, school  
33 administrators, bus drivers, school resource officers, school psychologists,  
34 and school ~~counselors.~~ counselors, in collaboration with community  
35 providers to the greatest extent possible. The training shall include  
36 instruction in positive interventions, supports, and management of student  
37 behavior, effective communication for defusing and deescalating disruptive  
38 or dangerous behavior, and safe and appropriate use of seclusion and  
39 restraint. The appropriate personnel with priority for the training shall  
40 include those staff members who are most likely to be called upon to prevent  
41 or address disruptive or dangerous student behavior. Each local board of  
42 education shall include in this component of its safe school plan procedures  
43 to evaluate the effectiveness of this training in preventing or addressing  
44 disruptive or dangerous student behavior. Local boards of education are  
45 encouraged to use available sources of discretionary revenue to implement  
46 the plan to train personnel in the management of disruptive or dangerous  
47 student behavior. Local boards may only be required to implement the  
48 behavior management training component of the plan to the extent that funds  
49 have been appropriated for this purpose by the General Assembly or by local  
50 units of government. By January 1, 2006, local boards of education shall  
51 amend their safe school plans to include this training component.

1                   ...  
 2           (13) Direction to school improvement teams within the local school  
 3           administrative unit to consider the special conditions at their schools and to  
 4           incorporate into their school improvement plans the appropriate components  
 5           of the local plan ~~for~~for the following:

- 6           a.     Preventing disruptive behaviors, violence, suspensions, and  
 7                 expulsions.  
 8           b.     ~~maintaining~~ Maintaining safe and orderly schools; ~~and~~ schools.  
 9           ~~b.c.~~ addressing Addressing the needs of students who are at risk of  
 10           academic failure or who are disruptive or both.

11                   ...  
 12           A local board may develop its plan under this section by conducting a comprehensive  
 13           review of its existing policies, plans, statements, and procedures to determine whether they: (i)  
 14           are effective; (ii) have been updated to address recent changes in the law; (iii) meet the current  
 15           needs of each school in the local school administrative unit; and (iv) address the components  
 16           required to be included in the local plan. The board then may consolidate and supplement any  
 17           previously developed policies, plans, statements, and procedures that the board determines are  
 18           effective and updated, meet the current needs of each school, and meet the requirements of this  
 19           subsection.

20           Once developed, the board shall submit the local plan to the State Board of Education and  
 21           shall ensure the plan is available and accessible to parents and the school community. The  
 22           board shall provide annually to the State Board information that demonstrates how the At-Risk  
 23           Student Services/Alternative Schools Funding allotment has been used to (i) prevent academic  
 24           failure and (ii) promote school safety.

25           (c) A local board may amend the plan as often as it considers necessary or appropriate."

26           **SECTION 3.** G.S. 115C-391(b) reads as rewritten:

27           "(b) The principal of a school, or his or her delegate, shall have authority to suspend for  
 28           a period of 10 days or less any student who willfully violates policies of conduct established by  
 29           the local board of education. The principal may take into account specific conditions  
 30           surrounding discipline cases, including, but not limited to, the individual needs of the student,  
 31           the context in which the offense was committed, and family circumstances, when making this  
 32           decision. When a student is suspended under this subsection for a period of 10 days or less, the  
 33           principal, or his or her delegate, shall give notice to the student's parent or guardian of the  
 34           student's suspension and the student's rights under this subsection. The notice shall be given by  
 35           telephone, telefax, e-mail, or any other method reasonably designed to achieve actual notice. A  
 36           student suspended under this subsection shall be provided all of the following:

- 37           (1) The opportunity to take textbooks home for the duration of the suspension.  
 38           (2) The right to inquire about homework assignments for the duration of the  
 39           suspension.  
 40           (3) The opportunity to take any quarterly, semester, or grading period  
 41           examinations missed during the suspension period."

42           **SECTION 4.** This act is effective when it becomes law and applies beginning with  
 43           the 2011-2012 school year.