

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 295
PROPOSED HOUSE COMMITTEE SUBSTITUTE S295-PCS15399-BE-34

Short Title: Standards of Student Conduct.

(Public)

Sponsors:

Referred to:

March 20, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO LOCAL STANDARDS OF STUDENT
3 CONDUCT.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115C-390.2 reads as rewritten:

6 "**§ 115C-390.2. Discipline policies.**

7 (a) Local boards of ~~education~~education, in consultation with teachers, school-based
8 administrators, parents, and local law enforcement agencies, shall adopt policies to govern the
9 conduct of students and establish procedures to be followed by school officials in disciplining
10 students. These policies must be consistent with the provisions of this Article and the
11 constitutions, statutes, and regulations of the United States and the State of North Carolina. Prior
12 to adopting these policies, local boards of education shall review current federal guidance issued
13 by the United States Department of Education.

14 (a1) No later than September 1 of each year, each local board of education shall provide
15 the Department of Public Instruction with a copy of its most up-to-date student discipline
16 policies.

17 (b) Board policies shall include or provide for the development of a Code of Student
18 Conduct that notifies students of the standards of behavior expected of them, conduct that may
19 subject them to discipline, and the range of disciplinary measures that may be used by school
20 officials.

21 (c) Board policies may authorize suspension for conduct not occurring on educational
22 property, but only if the student's conduct otherwise violates the Code of Student Conduct and
23 the conduct has or is reasonably expected to have a direct and immediate impact on the orderly
24 and efficient operation of the schools or the safety of individuals in the school environment.

25 (d) Board policies shall not allow students to be long-term suspended or expelled from
26 school solely for truancy or tardiness offenses and shall not allow short-term suspension of more
27 than two days for such offenses.

28 (e) Board policies shall not impose mandatory long-term suspensions or expulsions for
29 specific violations unless otherwise provided in State or federal law.

30 (f) Board policies shall minimize the use of long-term suspension and expulsion by
31 restricting the availability of long-term suspension or expulsion to those violations deemed to be
32 serious violations of the board's Code of Student Conduct that either threaten the safety of
33 students, staff, or school visitors or threaten to substantially disrupt the educational environment.
34 ~~Examples of conduct that would not be deemed to be a serious violation include the use of~~
35 ~~inappropriate or disrespectful language, noncompliance with a staff directive, dress code~~
36 ~~violations, and minor physical altercations that do not involve weapons or injury.~~ The principal



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1 may, however, in his or her discretion, determine that aggravating circumstances justify treating
2 a minor violation as a serious violation.

3 (g) Board policies shall not prohibit the superintendent and principals from considering
4 the student's intent, disciplinary and academic history, the potential benefits to the student of
5 alternatives to suspension, and other mitigating or aggravating factors when deciding whether to
6 recommend or impose long-term suspension.

7 (h) Board policies shall include the procedures to be followed by school officials in
8 suspending, expelling, or administering corporal punishment to any student, which shall be
9 consistent with this Article.

10 (i) Each local board shall publish all policies, administrative procedures, or school rules
11 mandated by this section and make them available to each student and his or her parent at the
12 beginning of each school year and upon request. Local boards of education may require students
13 and parents or guardians to sign an acknowledgement that they have received a copy of such
14 policies, procedures, or rules.

15 (j) Local boards of education are encouraged to include in their safe schools plans,
16 adopted pursuant to G.S. 115C-105.47, research-based behavior management programs that take
17 positive approaches to improving student behaviors.

18 (k) ~~School~~ After informing the parent or guardian, school officials are encouraged to use
19 a full range of responses to violations of disciplinary rules, such as conferences, counseling, peer
20 mediation, behavior contracts, instruction in conflict resolution and anger management,
21 detention, academic interventions, community service, and other similar tools that do not remove
22 a student from the classroom or school building.

23 (l) Board policies shall state that absences under G.S. 130A-440 shall not be suspensions.
24 A student subject to an absence under G.S. 130A-440 shall be provided the following:

25 (1) The opportunity to take textbooks and school-furnished digital devices home
26 for the duration of the absence.

27 (2) Upon request, the right to receive all missed assignments and, to the extent
28 practicable, the materials distributed to students in connection with the
29 assignment.

30 (3) The opportunity to take any quarterly, semester, or grading period
31 examinations missed during the absence period.

32 (m) Nothing in this section or any section of this Chapter shall be construed as regulating
33 a local board of education's discretion to devise, impose, and enforce personal appearance codes."

34 **SECTION 2.** This act is effective when it becomes law and applies beginning with
35 the 2020-2021 school year.