

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 442
PROPOSED COMMITTEE SUBSTITUTE H442-PCS50533-RQ-9

Short Title: Parental Involvement in School Discipline.

(Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE SCHOOL OFFICIALS TO MAKE A REASONABLE ATTEMPT TO NOTIFY A PARENT OR GUARDIAN BEFORE ADMINISTERING CORPORAL PUNISHMENT ON A STUDENT, TO PROHIBIT THE ADMINISTRATION OF CORPORAL PUNISHMENT ON A STUDENT WHOSE PARENT OR GUARDIAN HAS STATED IN WRITING THAT CORPORAL PUNISHMENT SHALL NOT BE ADMINISTERED ON THAT STUDENT, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO REPORT OCCURRENCES OF CORPORAL PUNISHMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-391 reads as rewritten:

"§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.

(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. Local boards of education shall include a reasonable dress code for students in these policies.

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~~ students present;
- (2) The student body shall be informed beforehand what general types of misconduct could result in corporal punishment;
- (3) Only a teacher, substitute teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher assistant, or student teacher, who shall be informed beforehand and in the student's presence of the reason for the punishment; ~~and~~
- (3a) Prior to the administration of corporal punishment, an appropriate school official shall make a reasonable attempt to notify the student's parent or guardian of the impending action; and
- (4) An appropriate school official shall provide the ~~child's~~ student's parent or guardian with notification that corporal punishment has been administered, and upon request, the official who administered the corporal punishment



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1 shall provide the ~~child's~~ student's parent or guardian a written explanation of
2 the reasons and the name of the second school official who was present.

3 Each local board shall publish all the policies mandated by this subsection and make them
4 available to each student and ~~his~~ each student's parent or guardian at the beginning of each
5 school year. Corporal punishment shall not be administered on a student whose parent or
6 guardian has stated in writing that corporal punishment shall not be administered on that
7 student. Parents and guardians shall be given a form to make such an election at the beginning
8 of the school year or when the student first enters the school during the year. Notwithstanding
9 any policy adopted pursuant to this section, school personnel may use reasonable force,
10 including corporal punishment, to control behavior or to remove a person from the scene in
11 those situations when necessary:

- 12 (1) To quell a disturbance threatening injury to others;
- 13 (2) To obtain possession of weapons or other dangerous objects on the person,
14 or within the control, of a student;
- 15 (3) For self-defense;
- 16 (4) For the protection of persons or property; or
- 17 (5) To maintain order on school property, in the classroom, or at a
18 school-related activity on or off school property.

19 (a1) Each local board of education shall report annually to the State Board of Education,
20 in a manner prescribed by the State Board of Education, on the number of times that corporal
21 punishment was administered. The report shall be in compliance with the federal Family
22 Educational Rights and Privacy Act, 20 U.S.C. § 1232g and shall include the following:

- 23 (1) The number of students who received corporal punishment;
- 24 (2) The number of students who received corporal punishment who were also
25 students with disabilities and were eligible to receive special education and
26 related services under the federal Individuals with Disabilities Education
27 Improvement Act, 20 U.S.C. § 1400, et. seq.; and
- 28 (3) The race of the students who received corporal punishment.

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30 **SECTION 2.** This act is effective when it becomes law and applies beginning with
31 the 2009-2010 school year.