

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

FILED SENATE
Apr 2, 2019
S.B. 476
PRINCIPAL CLERK

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SENATE BILL DRS35216-MT-56

Short Title: Reaffirm Local Control of Discipline Policies. (Public)

Sponsors: Senators Horner, Tillman, and Ballard (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REAFFIRM LOCAL CONTROL OVER STUDENT DISCIPLINE POLICIES
3 NOT INCONSISTENT WITH STATE AND FEDERAL LAW.

4 Whereas, it is the intent of the General Assembly, in accordance with Article 27 of
5 Chapter 115C of the General Statutes, to create and maintain a safe and orderly school
6 environment in which students are taught to respect themselves, others, and property, and to
7 conduct themselves in a manner that fosters their own learning and the learning of those around
8 them; and

9 Whereas, the General Assembly believes that, in order to achieve these goals,
10 teachers, parents, local boards of education, and community stakeholders must play a significant
11 role in developing and enforcing student discipline policies adopted in their local school
12 administrative units; Now, therefore,
13 The General Assembly of North Carolina enacts:

14 **SECTION 1.(a)** Local boards of education with student discipline policies based on
15 any of the following statements of policy and guidance, promulgated by the United States
16 Department of Justice and the United States Department of Education on January 8, 2014, and
17 withdrawn by those same agencies on December 21, 2018, shall repeal those policies and adopt
18 new policies in accordance with local standards of conduct, Article 27 of Chapter 115C of the
19 General Statutes, and current federal law:

- 20 (1) Dear Colleague Letter on Nondiscriminatory Administration of School
21 Discipline, dated January 8, 2014.
22 (2) Overview of the Supportive School Discipline Initiative, dated January 8,
23 2014.
24 (3) Guiding Principles: A Resource Guide for Improving School Climate and
25 Discipline, dated January 8, 2014.
26 (4) Appendix 1: U.S. Department of Education Directory of Federal School
27 Climate and Discipline Resources, dated January 8, 2014.
28 (5) Appendix 2: Compendium of School Discipline Laws and Regulations for the
29 50 States, Washington, D.C., and Puerto Rico, dated January 8, 2014.
30 (6) School Discipline Guidance Package FAQs, dated January 8, 2014.

31 **SECTION 1.(b)** Student discipline policies adopted in accordance with this section
32 shall comply with all applicable State and federal statutory and constitutional nondiscrimination
33 requirements.

34 **SECTION 1.(c)** G.S. 115C-390.2(a) reads as rewritten:

35 "(a) Local boards of ~~education~~education, in consultation with teachers, school-based
36 administrators, parents, and local law enforcement agencies, shall adopt policies to govern the



1 conduct of students and establish procedures to be followed by school officials in disciplining
2 students. These policies shall be based on local standards of conduct and must be consistent with
3 the provisions of this Article and the constitutions, statutes, and regulations of the United States
4 and the State of North Carolina. These policies need not be consistent with interpretations of
5 federal law promulgated by federal agencies that have been withdrawn by those agencies."

6 **SECTION 1.(d)** G.S. 115C-390.2 is amended by adding a new subsection to read:

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

9 **SECTION 2.** This act is effective when it becomes law and applies beginning with
10 the 2019-2020 school year. Sections 1(b) and 1(c) of this act apply to student discipline policies
11 adopted on or after the effective date of this act.