

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 295
House Committee Substitute Favorable 7/30/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S295-PCS15402-BE-35

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 AND TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO
4 DEVELOP A PLAN OF EMPLOYMENT FOR TEACHERS WITH THE NORTH
5 CAROLINA VIRTUAL PUBLIC SCHOOL AND REPORT TO THE JOINT
6 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

7 The General Assembly of North Carolina enacts:

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

9 **"§ 115C-390.2. Discipline policies.**

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

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

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

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

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

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

33 (f) Board policies shall minimize the use of long-term suspension and expulsion by
34 restricting the availability of long-term suspension or expulsion to those violations deemed to be
35 serious violations of the board's Code of Student Conduct that either threaten the safety of



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1 students, staff, or school visitors or threaten to substantially disrupt the educational environment.
2 ~~Examples of conduct that would not be deemed to be a serious violation include the use of~~
3 ~~inappropriate or disrespectful language, noncompliance with a staff directive, dress code~~
4 ~~violations, and minor physical altercations that do not involve weapons or injury.~~ The principal
5 may, however, in his or her discretion, determine that aggravating circumstances justify treating
6 a minor violation as a serious violation.

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

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

14 (i) Each local board shall publish all policies, administrative procedures, or school rules
15 mandated by this section and make them available to each student and his or her parent at the
16 beginning of each school year and upon request. This information shall include the full range of
17 responses to violations of disciplinary rules, including responses that do not remove a student
18 from the classroom or school building. Local boards of education may require students and
19 parents or guardians to sign an acknowledgement that they have received a copy of such policies,
20 procedures, or rules.

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

24 (k) School officials are encouraged to use a full range of responses to violations of
25 disciplinary rules, such as conferences, counseling, peer mediation, behavior contracts,
26 instruction in conflict resolution and anger management, detention, academic interventions,
27 community service, and other similar tools that do not remove a student from the classroom or
28 school building.

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

- 31 (1) The opportunity to take textbooks and school-furnished digital devices home
32 for the duration of the absence.
- 33 (2) Upon request, the right to receive all missed assignments and, to the extent
34 practicable, the materials distributed to students in connection with the
35 assignment.
- 36 (3) The opportunity to take any quarterly, semester, or grading period
37 examinations missed during the absence period.

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

40 **SECTION 2.(a)** Notwithstanding 25 NCAC 01C .0405, instructors with the North
41 Carolina Virtual Public School shall be exempt from the 12-month maximum limit for temporary
42 appointments.

43 **SECTION 2.(b)** The Department of Public Instruction, in consultation with the State
44 Board of Education, shall develop a plan for contracting and payment of instructors in
45 compliance with law for the North Carolina Virtual Public School that shall be implemented for
46 all instructors contracted beginning with the 2020 spring semester. The Department of Public
47 Instruction shall report on the plan no later than October 15, 2019.

48 **SECTION 2.(c)** Subsection (a) of this section is effective when it becomes law and
49 expires December 31, 2019.

50 **SECTION 3.** This act is effective when it becomes law. Section 1 of this act applies
51 beginning with the 2020-2021 school year.