

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40586-NHa-156

Short Title: Revise Suspension & Parental Notice Policies. (Public)

Sponsors: Representative Morey.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE SUSPENSION POLICIES IN PUBLIC SCHOOL UNITS BY
3 DEFINING LENGTHS OF SUSPENSION, LIMITING THE USE OF SUSPENSION,
4 CREATING A RIGHT OF APPEAL FOR SHORT TERM SUSPENSION, DEFINING
5 WHAT CONSTITUTES REASONABLE PARENTAL NOTIFICATION OF
6 DISCIPLINARY ACTIONS, AND REQUIRING CHILD CARE PROVIDERS TO
7 REPORT DISCIPLINARY ACTIONS IN EARLY CHILD CARE SETTINGS.

8 The General Assembly of North Carolina enacts:

9 SECTION 1.(a) G.S. 115C-390.1 reads as rewritten:

10 "§ 115C-390.1. State policy and definitions.

11 ...

12 (b) The following definitions apply in this Article:

13 ...

14 (6a) Intermediate-term suspension. – The exclusion for more than 20, but no more
15 than 42, cumulative school days of a student from school attendance for
16 disciplinary purposes from the school to which the student was assigned at the
17 time of the disciplinary action.

18 (6b) In-school suspension. – The exclusion of a student from the classroom for
19 disciplinary purposes while the student remains on school grounds.

20 (7) Long-term suspension. – The exclusion for more than ~~40~~43 school days of a
21 student from school attendance for disciplinary purposes from the school to
22 which the student was assigned at the time of the disciplinary action. If the
23 offense leading to the long-term suspension occurs before the final quarter of
24 the school year, the exclusion shall be no longer than the remainder of the
25 school year in which the offense was committed. If the offense leading to the
26 long-term suspension occurs during the final quarter of the school year, the
27 exclusion may include a period up to the remainder of the school year in which
28 the offense was committed and the first semester of the following school year.

29 ...

30 (9a) Reasonable attempt. – Initiating contact with a parent or guardian and, if
31 unsuccessful, documenting each attempt to contact the parent or guardian at
32 least once a day for a least three consecutive days. Documentation of
33 communication attempts shall include the means of communication, date, and
34 time. For the initial contact, school personnel must utilize at least two of the
35 following means of communication:

36 a. Telephone call.



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- 1 b. Electronic communication, including email or text messaging.
 2 c. Written communication, including certified mail or hand-delivery to
 3 the parent by school personnel.

4 ...

- 5 (12) Short-term suspension. – The exclusion of a student from school attendance
 6 for disciplinary purposes for up to ~~10~~20 cumulative school days from the
 7 school to which the student was assigned at the time of the disciplinary action.

8 ...

9 (b1) Notice to a parent under this Article shall be written in plain language and easy to
 10 understand. If the school is aware that a parent has a primary language other than English, the
 11 school shall provide a copy of the written notice in both the primary language of the parent and
 12 in English.

13 "

14 **SECTION 1.(b)** G.S. 115C-390.2 reads as rewritten:

15 **"§ 115C-390.2. Discipline policies.**

16 ...

17 (d) ~~Governing body policies shall not allow students to be long-term suspended or~~
 18 ~~expelled from school solely for truancy or tardiness offenses and shall not allow short-term~~
 19 ~~suspension of more than two days for such offenses.~~ Governing boards are encouraged
 20 to implement truancy and tardiness policies that focus on intervention strategies aimed at
 21 addressing the root cause of absenteeism, promoting attendance through positive reinforcement
 22 and engagement.

23 ...

24 (j) ~~Governing bodies of public school units are encouraged to include in their safe~~
 25 ~~schools plans, adopted pursuant to G.S. 115C-105.47, use research-based behavior management~~
 26 ~~programs that take positive approaches to improving student behaviors.~~

27 ...

28 (n) Governing bodies of public school units shall adopt a policy for in-school suspension.
 29 A student may not be placed in in-school suspension for more than five consecutive schools days
 30 per suspension period, for more than 15 suspension periods in a school year, or for more than 40
 31 cumulative school days per school year. The school shall make a reasonable attempt to notify a
 32 student's parent that the student has been assigned to in-school suspension within one hour of the
 33 end of the school day during which the student was recommended for the suspension.

34 (o) Governing body policies shall not restrict physical activity, such as recess, as a form
 35 of punishment.

36 (p) Governing body policies shall not require a student to be detained for disciplinary
 37 purposes for more than one hour after the school day's official end.

38 (q) Governing body policies shall not authorize suspension for students in first through
 39 third grade except for incidents where the student is using or possessing illegal drugs or the
 40 student has committed a serious violation of the Code of Student Conduct that threatened the
 41 safety of themselves or others."

42 **SECTION 1.(c)** G.S. 115C-390.5 reads as rewritten:

43 **"§ 115C-390.5. Short-term suspension.**

44 ...

45 (b) ~~If a student's short-term suspensions accumulate to more than 10 days in a semester,~~
 46 ~~to the extent the principal has not already done so, he or she shall invoke the mechanisms~~
 47 ~~provided for in the applicable safe schools plan adopted pursuant to G.S. 115C-105.47(b)(5) and~~
 48 ~~(b)(6). A student may be placed on short-term suspension for no more than 10 consecutive school~~
 49 ~~days per suspension period and for no more than 20 cumulative school days per school year.~~
 50 "

51 **SECTION 1.(d)** G.S. 115C-390.6 reads as rewritten:

1 **"§ 115C-390.6. Short-term suspension procedures.**

2 ...
3 (c) The principal shall provide notice to the student's parent of any short-term suspension,
4 including the reason for the suspension and a description of the alleged student conduct upon
5 which the suspension is based. ~~The notice shall be given by the end of the workday during which~~
6 ~~the suspension is imposed when reasonably possible, but in no event more than two days after~~
7 ~~the suspension is imposed. The principal shall make a reasonable attempt to notify the parent of~~
8 ~~the suspension within one hour of the end of the school day during which the student was~~
9 ~~assigned short-term suspension.~~ The notice shall be given by certified mail, telephone, facsimile,
10 e-mail, or any other method reasonably designed to achieve actual notice.

11 (d) ~~If English is the second language of the parent, the notice shall be provided in the~~
12 ~~parent's primary language, when the appropriate foreign language resources are readily available,~~
13 ~~and in English, and both versions shall be in plain language and shall be easily understandable.~~

14 (e) A student is ~~not~~ entitled to appeal the principal's decision to impose a short-term
15 suspension to the superintendent ~~or governing body of the public school unit.~~ Further, such a
16 only if (i) the current period of suspension the student is appealing is for three days or more and
17 (ii) the student will have a cumulative 15 days or more of short-term suspension at the end of the
18 suspension period being appealed. The decision of the superintendent is not subject to judicial
19 review. Notwithstanding this subsection, the governing body, in its discretion, may provide
20 students an opportunity for a review or appeal of a short-term suspension to ~~to~~ from the
21 superintendent or to the governing body."

22 **SECTION 1.(e)** Article 27 of Chapter 115C of the General Statutes is amended by
23 adding the following two new sections to read:

24 **"§ 115C-390.6A. Intermediate-term suspension.**

25 (a) A principal may recommend to the superintendent the intermediate-term suspension
26 of any student who willfully engages in conduct that violates a provision of the Code of Student
27 Conduct that authorizes intermediate-term suspension.

28 (b) A student may be placed on intermediate-term suspension for no more than 21
29 consecutive school days per suspension period and for no more than 42 cumulative school days
30 per school year.

31 (c) A student recommended for intermediate-term suspension shall be offered the
32 opportunity for a hearing consistent with the provisions of G.S. 115C-390.6B.

33 (d) Only the superintendent has the authority to intermediate-term suspend a student. If
34 the student recommended for intermediate-term suspension declines the opportunity for a
35 hearing, the superintendent shall review the circumstances of the recommended suspension.
36 Following such review, the superintendent may do any of the following:

37 (1) Impose the suspension if it is consistent with board policy.

38 (2) Impose another appropriate penalty authorized by board policy.

39 (3) Decline to impose any penalty.

40 (e) A student subject to intermediate-term suspension shall be provided the following:

41 (1) The opportunity to take instructional materials home for the duration of the
42 suspension.

43 (2) Upon request, the right to receive all missed assignments.

44 (3) The opportunity to take quarterly, semester, or grading period examinations
45 missed during the suspension period.

46 **"§ 115C-390.6B. Intermediate-term suspension procedures.**

47 (a) When a student is recommended by the principal for intermediate-term suspension,
48 the principal shall make a reasonable attempt to give written notice to the student's parent within
49 one hour of the end of the workday during which the suspension was recommended. The written
50 notice shall provide at least the following information:

- 1 (1) A description of the incident and the student's conduct that led to the
2 intermediate-term suspension recommendation.
- 3 (2) A reference to the provisions of the Code of Student Conduct that the student
4 is alleged to have violated.
- 5 (3) The specific process by which the parent may request a hearing to contest the
6 decision, including the number of days within which the hearing must be
7 requested.
- 8 (4) The process by which a hearing will be held, including, at a minimum, the
9 procedures described in G.S. 115C-390.8(e).
- 10 (5) Notice that the parent is permitted to retain an attorney to represent the student
11 in the hearing process.
- 12 (6) The extent to which the governing body policy permits the parent to have an
13 advocate, instead of an attorney, accompany the student to assist in the
14 presentation of his or her appeal.
- 15 (7) Notice that the parent has the right to review and obtain copies of the student's
16 educational records before the hearing.
- 17 (8) A reference to the governing body policy on the expungement of discipline
18 records as required by G.S. 115C-402.
- 19 (b) No intermediate-term suspension shall be imposed on a student until an opportunity
20 for a hearing has been offered to the student.
- 21 (c) To opt out of the hearing, the student must affirmatively decline the hearing in writing,
22 and the superintendent shall follow the procedures described in G.S. 115C-390.6A(d).
- 23 (d) If a hearing is not declined, it shall be held and a decision issued before an
24 intermediate-term suspension is imposed, in accordance with the following:
- 25 (1) If the student or parent requests a postponement of the hearing, or if the
26 hearing is requested beyond the time set for such request, the hearing shall be
27 scheduled, but the student shall not have the right to return to school pending
28 the hearing.
- 29 (2) The student and parent shall be given reasonable notice of the time and place
30 of the hearing. If neither the student nor parent appears for the hearing, the
31 parent and student are deemed to have waived the right to a hearing, and the
32 superintendent shall conduct the review required by G.S. 115C-390.6A(d).
- 33 (e) The hearing may be conducted by the superintendent or by a person or group of
34 persons appointed by the superintendent to serve as a hearing officer or hearing panel. The
35 superintendent shall not appoint an individual to serve as a hearing officer or on a hearing panel
36 who is under the direct supervision of the principal recommending suspension. If the hearing is
37 conducted by an appointed hearing officer or hearing panel, such officer or panel shall determine
38 the relevant facts and credibility of witnesses based on the evidence presented at the hearing.
39 Following the hearing, the superintendent shall make a final decision regarding the suspension.
40 The superintendent shall adopt the hearing officer's or panel's factual determinations unless they
41 are not supported by substantial evidence in the record.
- 42 (f) Intermediate-term suspension hearings shall be conducted in accordance with the
43 requirements of G.S. 115C-390.8(e).
- 44 (g) Following the issuance of the decision, the superintendent shall authorize the student's
45 return to school or impose the suspension reflected in the decision.
- 46 (h) A student may appeal an intermediate-term suspension decision to the local board of
47 education in accordance with G.S. 115C-45(c) and policies adopted by the governing body of the
48 public school unit. Notwithstanding G.S. 115C-45(c), a student's appeal to the governing body
49 of a decision upholding an intermediate-term suspension shall be heard and a final written
50 decision issued in not more than 30 calendar days following the request for such appeal.

1 (i) Nothing in this section shall compel school officials to release names or other
 2 information that could allow the student or his or her representative to identify witnesses when
 3 such identification could create a safety risk for the witness.

4 (j) A decision of the governing body of the public school unit to uphold the
 5 intermediate-term suspension of a student is subject to judicial review in accordance with Article
 6 4 of Chapter 150B of the General Statutes. The action must be brought within 30 days of the
 7 governing body's decision. A person seeking judicial review shall file a petition in the superior
 8 court of the county where the governing body made its decision. Local rules notwithstanding,
 9 petitions for judicial review of an intermediate-term suspension shall be set for hearing in the
 10 first succeeding term of superior court in the county following the filing of the certified copy of
 11 the official record."

12 **SECTION 1.(f)** G.S. 115C-390.7 reads as rewritten:

13 "**§ 115C-390.7. Long-term suspension.**

14 ...

15 (b) Before the superintendent's imposition of a long-term suspension, the student must be
 16 provided an opportunity for a hearing consistent with G.S. 115C-390.8.

17 ~~(e) If the student recommended for long-term suspension declines the opportunity for a~~
 18 ~~hearing, the superintendent shall review the circumstances of the recommended long-term~~
 19 ~~suspension. Following such review, the superintendent (i) may impose the suspension if it~~
 20 ~~is consistent with board policies and appropriate under the circumstances, (ii) may impose another~~
 21 ~~appropriate penalty authorized by board policy, or (iii) may decline to impose any penalty.~~

22 "

23 **SECTION 1.(g)** G.S. 115C-390.8 reads as rewritten:

24 "**§ 115C-390.8. Long-term suspension procedures.**

25 (a) When a student is recommended by the principal for long-term suspension, the
 26 principal shall make a reasonable attempt to give written notice to the student's parent. The notice
 27 shall be provided to the student's parent by parent within one hour of the end of the workday
 28 during which the suspension was recommended when reasonably possible or as soon thereafter
 29 as practicable. recommended. The written notice shall provide at least the following information:

- 30 (1) A description of the incident and the student's conduct that led to the long-term
 31 suspension recommendation.
- 32 (2) A reference to the provisions of the Code of Student Conduct that the student
 33 is alleged to have violated.
- 34 ~~(3) The specific process by which the parent may request a hearing to contest the~~
 35 ~~decision, including the number of days within which the hearing must be~~
 36 ~~requested.~~
- 37 (4) The process by which a hearing will be held, including, at a minimum, the
 38 procedures described in subsection (e) of this section.
- 39 (5) Notice that the parent is permitted to retain an attorney to represent the student
 40 in the hearing process.
- 41 (6) The extent to which the governing body policy permits the parent to have an
 42 advocate, instead of an attorney, accompany the student to assist in the
 43 presentation of his or her appeal.
- 44 (7) Notice that the parent has the right to review and obtain copies of the student's
 45 educational records before the hearing.
- 46 (8) A reference to the governing body policy on the expungement of discipline
 47 records as required by G.S. 115C-402.

48 ~~(b) Written notice may be provided by certified mail, fax, e-mail, or any other written~~
 49 ~~method reasonably designed to achieve actual notice of the recommendation for long-term~~
 50 ~~suspension. When school personnel are aware that English is not the primary language of the~~
 51 ~~parent or guardian, the notice shall be written in both English and in the primary language of the~~

parent or guardian when the appropriate foreign language resources are readily available. All notices described in this section shall be written in plain English, and shall include the following information translated into the dominant non-English language used by residents within the public school unit:

- (1) The nature of the document, i.e., that it is a long-term suspension notice.
- (2) The process by which the parent may request a hearing to contest the long-term suspension.
- (3) The identity and phone number of a school employee that the parent may call to obtain assistance in understanding the English language information included in the document.

(c) No long-term suspension shall be imposed on a student until an opportunity for unless a formal hearing is provided to the student. If a hearing is timely requested, it shall be held and a decision issued before a long-term suspension is imposed, except as otherwise provided in this subsection. The student and parent shall be given reasonable notice of the time and place of the hearing. provided in accordance with the following:

- (1) ~~If no hearing is timely requested, the superintendent shall follow the procedures described in G.S. 115C-390.7(e).~~
- (2) If the student or parent requests a postponement of the hearing, ~~or if the hearing is requested beyond the time set for such request,~~ the hearing shall be scheduled, but the student shall not have the right to return to school pending the hearing.
- (3) The student and the parent shall be given reasonable notice of the time and place of the hearing. If neither the student nor parent appears for the scheduled hearing, ~~after having been given reasonable notice of the time and place of the hearing,~~ the parent and student are deemed to have waived the right to a hearing and the superintendent shall conduct ~~the a review required by G.S. 115C-390.7(e) of~~ the recommendation in accordance with the requirements of G.S. 115C-390.6A(d).

...."

SECTION 1.(h) G.S. 115C-390.11(a) reads as rewritten:

"(a) Upon recommendation of the superintendent, a governing body of a public school unit may expel any student 14 years of age or older whose continued presence in school constitutes a clear threat to the safety of other students or school staff. Prior to the expulsion of any student, the governing body shall conduct a hearing to determine whether the student's continued presence in school constitutes a clear threat to the safety of other students or school staff. The student shall be given reasonable notice of the recommendation in accordance with G.S. 115C-390.8(a) and (b), as well as reasonable notice of the time and place of the scheduled hearing. The following provisions apply:

...."

SECTION 1.(i) G.S. 115C-391.1 reads as rewritten:

"§ 115C-391.1. Permissible use of seclusion and restraint.

...

(j) Notice, Reporting, and Documentation. –

- (1) Notice of procedures. – Each governing body of a public school unit shall provide copies of this section and all governing body policies developed to implement this section to school personnel and parents or guardians at the beginning of each school year.
- (2) Notice of specified incidents:
 - a. School personnel shall promptly notify the principal or principal's designee of:
 1. Any use of aversive procedures.

1 2024-2025 fiscal year to assist the Department in developing and distributing guidance to public
2 school units on how to implement the requirements of this act.
3 **SECTION 4.** This act becomes effective July 1, 2024, and applies beginning with
4 the 2024-2025 school year.