

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 207
PROPOSED SENATE COMMITTEE SUBSTITUTE H207-PCS40625-RQ-19

Short Title: Discipline Changes.

(Public)

Sponsors:

Referred to:

February 28, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW FOR WRITTEN ACCOUNTS FOR INCIDENTS THAT MAY RESULT
3 IN SHORT-TERM OR LONG-TERM SUSPENSIONS AND TO MAKE CHANGES TO
4 THE SHORT-TERM SUSPENSION PROCESS.

5 The General Assembly of North Carolina enacts:

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

7 "(h1) For short-term or long-term suspensions, a governing body shall require the principal
8 or principal's designee to accept a detailed, written eyewitness account of an incident that could
9 result in a short-term or long-term suspension within 24 hours of the incident. The account may
10 be provided by any of the following:

11 (1) School personnel.

12 (2) The student subject to the discipline."

13 SECTION 2. G.S. 115C-390.6 reads as rewritten:

14 "§ 115C-390.6. **Short-term suspension procedures.**

15 (a) Except as authorized in this section, no short-term suspension shall be imposed upon
16 a student without first providing the student an opportunity for an informal hearing with the
17 principal. The notice to the student of the charges may be oral or written, and the hearing may be
18 held immediately after the notice is given. The student has the right to be present, to be informed
19 of the charges and the basis for the accusations, and to make statements in defense or mitigation
20 of the charges. At the informal hearing, the principal or the principal's designee shall provide the
21 student with detailed, written documentation of the specific section of the public school unit's
22 Code of Student Conduct that the student's conduct violated and how the conduct violated it. If
23 applicable, the student shall also be provided with information on the student's right to appeal the
24 decision in accordance with subsection (f) of this section and notice of the procedures for such
25 an appeal.

26 ...

27 (e) ~~A~~Except as provided in subsection (f) of this section, a student is not entitled to
28 appeal the principal's decision to impose a short-term suspension to the superintendent or
29 governing body of the public school unit. Further, such a decision is not subject to judicial review.
30 Notwithstanding this subsection, the governing body, in its discretion, may provide students an
31 opportunity for a review or appeal of a short-term suspension to the superintendent or governing
32 body.

33 (f) A student in grade nine or above is entitled to appeal the principal's decision to impose
34 a short-term suspension if the short-term suspension is for five or more days and the appeal is
35 made within 14 days of the principal's decision. The governing body shall adopt a policy
36 providing the procedures for the appeal of any short-term suspension decision under this



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1 subsection and may allow the superintendent or the superintendent's designee to conduct the
2 hearing for the appeal. The superintendent or superintendent's designee who conducts the hearing
3 for the appeal shall provide a detailed, written decision based on substantial evidence to reverse
4 or uphold the principal's decision.

5 (g) A written decision issued pursuant to subsection (f) of this section reversing the
6 principal's decision shall include the expunction of any record of the suspension from the
7 student's official record created in accordance with G.S. 115C-402 and governing body policy.

8 (h) A written decision issued pursuant to subsection (f) of this section upholding the
9 short-term suspension shall include at least the following information:

10 (1) The basis for the decision, including a reference to any policy or rule that the
11 student was determined to have violated.

12 (2) Notice of what information will be included in the student's official record
13 pursuant to G.S. 115C-402 and governing board policy."

14 **SECTION 3.** G.S. 115C-402 reads as rewritten:

15 **"§ 115C-402. Student records; maintenance; contents; confidentiality.**

16 (a) The official record of each student enrolled in North Carolina public schools shall be
17 permanently maintained in the files of the appropriate school after the student graduates, or
18 should have graduated, from high school unless the local board determines that such files may
19 be filed in the central office or other location designated by the local board for that purpose.

20 (b) The official record shall contain, as a minimum, adequate identification data including
21 date of birth, attendance data, grading and promotion data, and such other factual information as
22 may be deemed appropriate by the local board of education having jurisdiction over the school
23 wherein the record is maintained. Each student's official record also shall include notice of any
24 long-term suspension or expulsion imposed pursuant to G.S. 115C-390.7 through
25 G.S. 115C-390.11 and the conduct for which the student was suspended or expelled. The
26 superintendent or the superintendent's designee shall expunge from the record the notice of
27 suspension or expulsion if the following criteria are met:

28 (1) One of the following persons makes a request for expungement:

29 a. The student's parent, legal guardian, or custodian.

30 b. The student, if the student is at least 16 years old or is emancipated.

31 (2) The student either graduates from high school or is not expelled or suspended
32 again during the two-year period commencing on the date of the student's
33 return to school after the expulsion or suspension.

34 (3) The superintendent or the superintendent's designee determines that the
35 maintenance of the record is no longer needed to maintain safe and orderly
36 schools.

37 (4) The superintendent or the superintendent's designee determines that the
38 maintenance of the record is no longer needed to adequately serve the child.

39 (b1) Any notice of a short-term suspension imposed pursuant to G.S. 115C-390.5 to a
40 student in grade nine or above shall be expunged from the record, at the earliest, at the end of the
41 school year in which the suspension was imposed if the following criteria are met:

42 (1) One of the following persons makes a request for expungement:

43 a. The student's parent, legal guardian, or custodian.

44 b. The student, if the student is at least 16 years old or is emancipated.

45 (2) The student either graduates from high school or has not been expelled or
46 suspended again during the same school year.

47 (3) The superintendent or the superintendent's designee determines that the
48 maintenance of the record is no longer needed to maintain safe and orderly
49 schools.

50 (4) The superintendent or the superintendent's designee determines that the
51 maintenance of the record is no longer needed to adequately serve the child.

1 (c) Notwithstanding subdivision (b)(1) of this section, a superintendent or the
2 superintendent's designee may expunge from a student's official record any notice of suspension
3 or expulsion provided all other criteria under subsection (b) are met.

4 (d) Each local board's policy on student records shall include information on the
5 procedure for expungement under subsection (b) of this section.

6"

7 **SECTION 4.** This act is effective when it becomes law and applies beginning with
8 the 2024-2025 school year.