

§ 115C-390.1. State policy and definitions.

(a) In order to create and maintain a safe and orderly school environment conducive to learning, school officials and teachers need adequate tools to maintain good discipline in schools. However, the General Assembly also recognizes that removal of students from school, while sometimes necessary, can exacerbate behavioral problems, diminish academic achievement, and hasten school dropout. School discipline must balance these interests to provide a safe and productive learning environment, to continually teach students to respect themselves, others, and property, and to conduct themselves in a manner that fosters their own learning and the learning of those around them.

(b) The following definitions apply in this Article:

- (1) Alternative education services. – Part or full-time programs, wherever situated, providing direct or computer-based instruction that allow a student to progress in one or more core academic courses. Alternative education services include programs established by the local board of education in conformity with G.S. 115C-105.47A and policies of the governing body of a public school unit.
- (2) Corporal punishment. – The intentional infliction of physical pain upon the body of a student as a disciplinary measure.
- (3) Destructive device. – An explosive, incendiary, or poison gas:
 - a. Bomb.
 - b. Grenade.
 - c. Rocket having a propellant charge of more than four ounces.
 - d. Missile having an explosive or incendiary charge of more than one-quarter ounce.
 - e. Mine.
 - f. Device similar to any of the devices listed in this subdivision.
- (4) Educational property. – Any school building or bus, school campus, grounds, recreational area, athletic field, or other property under the control of any public school unit.
- (5) Expulsion. – The indefinite exclusion of a student from school enrollment for disciplinary purposes.
- (6) Firearm. – Any of the following:
 - a. A weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
 - b. The frame or receiver of any such weapon.
 - c. Any firearm muffler or firearm silencer.The term shall not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.
- (7) Long-term suspension. – The exclusion for more than 10 school days of a student from school attendance for disciplinary purposes from the school to which the student was assigned at the time of the disciplinary action. If the offense leading to the long-term suspension occurs before the final quarter of the school year, the exclusion shall be no longer than the remainder of the school year in which the offense was committed. If the offense leading to the long-term suspension occurs during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.
- (8) Parent. – Includes a parent, legal guardian, legal custodian, or other caregiver adult who is acting in the place of a parent and is entitled to enroll the student in school under Article 25 of this Chapter.

- (9) Principal. – Includes the principal and the principal's designee, or if there is no designated principal, the staff member designated by the governing body of the public school unit with the highest decision-making authority at an individual school.
- (10) School official. – A superintendent or any other central office administrator to whom the superintendent has delegated duties under this Article and any principal or assistant principal.
- (11) School personnel. – Any of the following:
 - a. An employee of a governing body of a public school unit.
 - b. Any person working on school grounds or at a school function under a contract or written agreement with the public school unit to provide educational or related services to students.
 - c. Any person working on school grounds or at a school function for another agency providing educational or related services to students.
- (12) Short-term suspension. – The exclusion of a student from school attendance for disciplinary purposes for up to 10 school days from the school to which the student was assigned at the time of the disciplinary action.
- (13) Substantial evidence. – Such relevant evidence as a reasonable person might accept as adequate to support a conclusion; it is more than a scintilla or permissible inference.
- (14) Superintendent. – Includes the superintendent and the superintendent's designee, or if there is no superintendent, the staff member with the highest decision-making authority and that staff member's designee.

(c) Notwithstanding the provisions of this Article, the policies and procedures for the discipline of students shall be consistent with the requirements of the Gun Free Schools Act, 20 U.S.C. § 7151, the Individuals with Disabilities Education Act (IDEA), 29 U.S.C. § 1400, et seq., section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701, et seq., and with other federal laws and regulations. (2011-270, s. 1; 2011-282, s. 16; 2011-282, s. 2; 2022-74, s. 7.7(a).)