

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1997**

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**SENATE BILL 4**

Education/Higher Education Committee Substitute Adopted 4/9/97

Short Title: Safe Schools Act of 1997.

(Public)

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Sponsors:

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Referred to: Appropriations.

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February 3, 1997

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO ENACT THE SAFE SCHOOLS ACT OF 1997.  
3 The General Assembly of North Carolina enacts:

4  
5 **TITLE OF ACT**

6           Section 1. This act shall be known as "The Safe Schools Act of 1997".

7  
8                                   \*\*\*\*\*

9           An outline of the provisions of the act follows this section. The outline shows  
10 the heading "**CONTENTS/INDEX**" and it lists by general category the descriptive  
11 captions for the various sections and groups of sections that make up the act. This outline  
12 is designed for reference only, and it in no way limits, defines, or prescribes the scope or  
13 application of the text of the act.

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### 3 **SAFETY TEAMS TO RESTORE ORDER TO SCHOOLS**

4 Section 2. There is appropriated from the General Fund to the State Board of  
5 Education the sum of five hundred thousand dollars (\$500,000) for the 1997-98 fiscal  
6 year and the sum of five hundred thousand dollars (\$500,000) for the 1998-99 fiscal year  
7 to provide safety intervention teams to schools to assist those schools in restoring safety  
8 and order. Upon the request of a local board of education, a superintendent, a principal, a  
9 school improvement team, or a parent-teacher organization at a school, the State Board of  
10 Education is authorized to provide a safety intervention team to a school. The team may  
11 consist of teachers, retired teachers, school administrators, retired school administrators,  
12 and others who have demonstrated their ability to restore and maintain order in public  
13 schools. The team shall spend a sufficient amount of time at the school to assess the  
14 problems at the school, assist school personnel with resolving those problems, and work  
15 with school personnel and others to develop a long-term plan for restoring and  
16 maintaining order and discipline at the school. The team shall also make  
17 recommendations to the local board of education and the superintendent on actions the  
18 board and the superintendent should consider taking to resolve problems at the school.  
19 The team shall revisit the school as needed to monitor the school's progress in  
20 implementing the plan and in restoring and maintaining order and discipline in the  
21 school. If appropriate, the team may make further recommendations to the local board of  
22 education and the superintendent on additional actions, including dismissal of teachers or  
23 administrators, to resolve problems at the school. If the school fails to make adequate  
24 progress on its implementation of a long-term plan, the team recommends the dismissal  
25 of any teacher or administrator, and the local board fails to take action on the dismissal  
26 recommendation, then the team may make the dismissal recommendation to the State  
27 Board of Education. Upon receipt of a dismissal recommendation, the State Board shall  
28 follow the procedure established in G.S. 115C-325(q)(1) or G.S. 115C-325(q)(2),  
29 whichever is applicable, for the dismissal of the teacher or administrator.  
30

### 31 **MANAGEMENT OF DISRUPTIVE STUDENTS**

32 Section 3. Chapter 115C of the General Statutes is amended by adding a new  
33 Article to read:

#### 34 **"ARTICLE 27A.**

#### 35 **"MANAGEMENT AND PLACEMENT OF DISRUPTIVE STUDENTS.**

#### 36 **"§ 115C-397.1. Management and placement of disruptive students.**

37 If, after a teacher has requested assistance from the principal two or more times due to  
38 a student's disruptive behavior, the teacher finds that the student's disruptive behavior  
39 continues to interfere with the academic achievement of that student or other students in  
40 the class, then the teacher may refer the matter to the school-based committee established  
41 at that school as authorized by the State Board of Education in its Procedures Governing  
42 Programs and Services for Children with Special Needs. The teacher may request that  
43 additional classroom teachers participate in the committee's proceedings. For the

1 purposes of this section, the student's parent, guardian, or legal custodian shall be  
2 requested to participate in the proceedings of the committee concerning the student.  
3 Furthermore, a student is not required to be screened, evaluated, or identified as a child  
4 with special needs under this section. The committee shall review the matter and shall  
5 take one or more of the following actions: (i) advise the teacher on managing the  
6 student's behavior more effectively, (ii) recommend to the principal the transfer of the  
7 student to another class within the school, (iii) recommend to the principal a  
8 multidisciplinary diagnosis and evaluation of the student, (iv) recommend to the principal  
9 that the student be assigned to an alternative learning program, or (v) recommend to the  
10 principal that the student receive any additional services that the school or the school unit  
11 has the resources to provide for the student. If the principal does not follow the  
12 recommendation of the committee, the principal shall provide a written explanation to the  
13 committee, the teacher who referred the matter to the committee, and the superintendent,  
14 of any actions taken to resolve the matter and of the reason the principal did not follow  
15 the recommendation of the committee.

16 This section shall be in addition to and supplemental to disciplinary action taken in  
17 accordance with any other law. The recommendation of the committee is final and may  
18 not be appealed under G.S. 115C-45(c). Nothing in this section shall authorize a student  
19 to refer a disciplinary matter to this committee or to have the matter of the student's  
20 behavior referred to this committee before any discipline is imposed on the student."

#### 21 22 **SMALLER CLASS SIZE FOR STUDENTS ENTERING MIDDLE SCHOOL OR** 23 **JUNIOR HIGH SCHOOL WHO ARE ACADEMICALLY BELOW GRADE** 24 **LEVEL**

25 Section 4. (a) There is appropriated from the General Fund to State Aid to  
26 Local School Administrative Units the sum of seventeen million one hundred forty-six  
27 thousand seven hundred twenty dollars (\$17,146,720) for the 1997-98 fiscal year and the  
28 sum of seventeen million one hundred forty-six thousand seven hundred twenty dollars  
29 (\$17,146,720) for the 1998-99 fiscal year to provide additional teachers for middle or  
30 junior high school-age children who are academically below grade level.

31 The State Board of Education shall allocate these teacher positions on the basis  
32 of the number of students in grades six or seven who scored at proficiency Level I on the  
33 end-of-grade test in mathematics, on the end-of-grade test in reading, or on both, at the  
34 end of their last school year. Under this allocation, all county school administrative units  
35 shall receive at least one whole teacher position.

36 (b) The purpose of these funds is to improve the academic performance and the  
37 behavior of these students during the first two school years after elementary school by  
38 placing them in classes with a low student-to-teacher ratio for either all of their core  
39 academic subjects or for the subject or subjects in which they are below grade level. In  
40 order to accomplish this purpose, local school administrative units shall use (i) the  
41 teachers allocated for these students pursuant to the regular teacher allotment and (ii) the  
42 teachers allocated for these students under this section only to improve the academic  
43 performance and the behavior of these students. Local boards of education shall adopt

1 rules to ensure that each student for whom funds for additional teacher positions are  
2 allocated under this section shall be assigned a teacher who is responsible for monitoring  
3 the academic progress of the student.

4 (c) Of the funds appropriated in this section, the State Board of Education may  
5 use up to twenty-five thousand dollars (\$25,000) to evaluate the effectiveness of these  
6 smaller classes in improving academic performance and discipline in middle schools and  
7 junior high schools.

8  
9 **RESTRICTIONS ON ADMISSION OF A STUDENT WHO IS UNDER**  
10 **SUSPENSION OR EXPULSION FROM ANOTHER SCHOOL OR HAS BEEN**  
11 **CONVICTED OF A FELONY**

12 Section 5. G.S. 115C-366 is amended by adding the following new  
13 subsections to read:

14 "(a3) Before the admission of a student to any public school in North Carolina, the  
15 local board shall require the student's parent, guardian, custodian, or other person  
16 satisfactory to the local board to provide a statement made under oath or affirmation  
17 before a qualified official indicating whether the student is, at the time, under suspension  
18 or expulsion from attendance at a private or public school in this or any other state or has  
19 been convicted of a felony in this or any other state.

20 (a4) Notwithstanding any other law, a local board may deny admission to or place  
21 reasonable conditions on the admission of a student who has been suspended from a  
22 school under G.S. 115C-391 or who has been suspended from a school for conduct that  
23 could have led to a suspension from a school within the local school administrative unit  
24 where the student is seeking admission until the period of suspension has expired. Also,  
25 a local board may deny admission to or place reasonable conditions on the admission of a  
26 student who has been expelled from a school under G.S. 115C-391 or who has been  
27 expelled from a school for behavior that indicated the student's continued presence in  
28 school constituted a clear threat to the safety of other students or employees or who has  
29 been convicted of a felony in this or any other state. If the local board denies admission  
30 to a student who has been expelled or convicted of a felony, the student may request the  
31 local board to reconsider that decision in accordance with G.S. 115C-391(d)."

32  
33 **NOTIFICATION OF SCHOOL OF UNLAWFUL ACTS BY A STUDENT AND**  
34 **OF THE STATUS OF LEGAL ACTION REGARDING THOSE ACTS**

35 Section 6. Article 54 of Chapter 7A of the General Statutes is amended by  
36 adding the following new section to read:

37 **"§ 7A-675.1. Notification of schools when juveniles are alleged or found to be**  
38 **delinquent.**

39 (a) Notwithstanding G.S. 7A-675, the juvenile court counselor shall deliver verbal  
40 and written notification of the following actions to the principal of the school that the  
41 juvenile attends:

42 (1) A petition is filed under G.S. 7A-560 that alleges delinquency for an  
43 offense that would be a felony if committed by an adult;

- 1           (2)    The judge transfers jurisdiction over a juvenile to superior court under  
2           G.S. 7A-608;
- 3           (3)    The judge dismisses under G.S. 7A-637 the petition that alleges  
4           delinquency for an offense that would be a felony if committed by an  
5           adult;
- 6           (4)    The judge issues a dispositional order under Article 52 of Chapter 7A of  
7           the General Statutes including, but not limited to, an order of probation  
8           that requires school attendance, concerning a juvenile alleged or found  
9           delinquent for an offense that would be a felony if committed by an  
10           adult; or
- 11          (5)    The judge modifies or vacates any order or disposition under G.S. 7A-  
12           664 concerning a juvenile alleged or found delinquent for an offense  
13           that would be a felony if committed by an adult.

14          Notification of the school principal in person or by telephone shall be made before the  
15          beginning of the next school day. Delivery of the written notification shall be made as  
16          soon as practicable but at least within five days of the action. Delivery shall be made in  
17          person or by certified mail. Notification that a petition has been filed shall describe the  
18          nature of the offense. Notification of a dispositional order, a modified order, a vacated  
19          order, or a transfer to superior court shall describe the judge's action and any applicable  
20          disposition requirements. As used in this subsection, the term 'offense' shall not include  
21          any offense under Chapter 20 of the General Statutes.

22          (b)    If the principal of the school the juvenile attends returns any notification as  
23          required by G.S. 115C-404 and if the juvenile court counselor learns that the juvenile is  
24          transferring to another school, the juvenile court counselor shall deliver the notification to  
25          the principal of the school to which the juvenile is transferring. Delivery shall be made  
26          as soon as practicable and shall be made in person or by certified mail.

27          (c)    Principals shall handle any notification delivered under this section in  
28          accordance with G.S. 115C-404.

29          (d)    For the purpose of this section, 'school' means any public or private school in  
30          the State that is authorized under Chapter 115C of the General Statutes."

31          Section 7. Article 29 of Chapter 115C of the General Statutes is amended by  
32          adding a new section to read:

33          "**§ 115C-404. Use of juvenile court information.**

34          (a)    Written notifications received in accordance with G.S. 7A-675.1 are  
35          confidential records, are not public records as defined under G.S. 132-1, and shall not be  
36          made part of the student's official record under G.S. 115C-402. Immediately upon  
37          receipt, the principal shall maintain these documents in a safe, locked record storage that  
38          is separate from the student's other school records. The principal shall maintain these  
39          documents until the principal receives notification that the judge dismissed the petition  
40          under G.S. 7A-637, the judge transferred jurisdiction over the student to superior court  
41          under G.S. 7A-608, or the judge granted the student's petition for expunction of the  
42          records. At that time, the principal shall shred, burn, or otherwise destroy the documents

1 to protect the confidentiality of this information. In no case shall the principal make a  
2 copy of these documents.

3 (b) Documents received under this section may be used only to protect the safety  
4 of the student or others and to improve the educational opportunities in the school. Upon  
5 receipt of each document, the principal shall share the document with those individuals  
6 who have (i) direct guidance, teaching, or supervisory responsibility for the student, and  
7 (ii) a specific need to know in order to protect the safety of the student or others. Those  
8 individuals shall indicate in writing that they have read the document and that they agree  
9 to maintain its confidentiality. Failure to maintain the confidentiality of these documents  
10 as required by this section is grounds for dismissal of an employee who is not a career  
11 employee and is grounds for dismissal of an employee who is a career employee, in  
12 accordance with G.S. 115C-325(e)(1)i.

13 (c) If the student graduates, withdraws from school, is suspended for the  
14 remainder of the school year, is expelled, or transfers to another school, the principal  
15 shall return the documents to the juvenile court counselor and, if applicable, shall provide  
16 the counselor with the name and address of the school to which the student is  
17 transferring."

18 Section 8. G.S. 15A-505 reads as rewritten:

19 "**§ 15A-505. Notification of ~~minor's parent.~~ parent and school.**

20 (a) A law-enforcement officer who charges a minor with a criminal offense shall  
21 notify the minor's parent or guardian of the charge, as soon as practicable, in person or by  
22 telephone. If the minor is taken into custody, the law enforcement officer or the officer's  
23 immediate superior shall notify a parent or guardian in writing that the minor is in  
24 custody within 24 hours of the minor's arrest. If the parent or guardian of the minor  
25 cannot be found, then the officer or the officer's immediate superior shall notify the  
26 minor's next-of-kin of the minor's arrest as soon as practicable.

27 (b) The notification provided for by subsection (a) of this section shall not be  
28 required if:

29 (1) The minor is emancipated;

30 (2) The minor is not taken into custody and has been charged with a motor  
31 vehicle moving violation for which three or fewer points are assessed  
32 under G.S. 20-16(c), except an offense involving impaired driving, as  
33 defined in G.S. 20-4.01(24a); or

34 (3) The minor has been charged with a motor vehicle offense that is not a  
35 moving violation.

36 (c) A law enforcement officer who charges a person with a criminal offense that is  
37 a felony, except for a criminal offense under Chapter 20 of the General Statutes, shall  
38 notify the principal of any school the person attends of the charge as soon as practicable  
39 but at least within five days. The notification may be made in person or by telephone. If  
40 the person is taken into custody, the law enforcement officer or the officer's immediate  
41 supervisor shall notify the principal of any school the person attends. This notification  
42 shall be in writing and shall be made within five days of the person's arrest. As used in

1 this subsection, the term 'school' means any public or private school in the State that is  
2 authorized under Chapter 115C of the General Statutes."

3  
4 **LOCAL PLANS TO MAINTAIN, IMPROVE, OR RESTORE ORDER AND**  
5 **DISCIPLINE WITHIN SCHOOLS**

6 Section 9. G.S. 115C-12 is amended by adding a new subdivision to read:

7 "(25) Duty to Provide Technical Assistance on School Safety Plans. – The  
8 State Board of Education shall provide technical assistance to local  
9 school administrative units on developing, implementing, and  
10 evaluating local plans to maintain, improve, or restore order and  
11 discipline within their schools."

12  
13 **TRAINING FOR SCHOOL PERSONNEL ON MAINTAINING SAFE AND**  
14 **ORDERLY SCHOOLS**

15 Section 10. The Board of Governors of The University of North Carolina shall  
16 develop a plan for ensuring that school administrator and teacher preparation and  
17 continuing education programs provide their students with the training and experience  
18 they need to maintain and restore safety and order in schools.

19 The Board of Governors shall report on the plan, prior to February 15, 1998, to  
20 the Joint Legislative Education Oversight Committee.

21  
22 **MODIFICATION OF SCHOOL FACILITY GUIDELINES IN ORDER TO**  
23 **IMPROVE SCHOOL CLIMATE**

24 Section 11. The State Board of Education shall review and consider  
25 modifications to its school facility guidelines in light of research on the relationship  
26 between (i) school design components, especially school size, and (ii) school climate and  
27 order.

28 The State Board shall also develop recommendations to local boards of  
29 education on modifications to the design or organization of existing schools that would  
30 improve school climate and order.

31 The State Board of Education shall report to the Joint Legislative Education  
32 Oversight Committee prior to February 15, 1998, on actions taken to implement the  
33 provisions of this section.

34  
35 **MAKE REPORTS OF VIOLENT ACTS IN SCHOOLS MORE ACCURATE AND**  
36 **CONSISTENT THROUGHOUT THE STATE**

37 Section 12. Prior to August 15, 1997, the State Board of Education shall review  
38 and modify, if necessary, its policies and procedures on data kept and reports made on  
39 acts of violence in school and on students suspended or expelled from school, to ensure  
40 that data and reports are accurate and consistent on a statewide basis. The State Board  
41 shall report to the Joint Legislative Education Oversight Committee prior to March 15,  
42 1998, on the impact of its efforts to attain accurate and consistent reports.



**MULTIAGENCY TASK FORCE TO ASSIST AT-RISK STUDENTS AT THE COMMUNITY LEVEL**

Section 13. (a) There is created the At-Risk Students Task Force under the State Board of Education. The Task Force shall consist of the Chair of the State Board of Education, the Superintendent of Public Instruction, the Secretary of Human Resources, the State Health Director, and the Director of the Administrative Office of the Courts. Each officer may designate one representative from that officer's department or office to represent that officer on the Task Force. These officers also may appoint additional members who represent other State and local public agencies to the Task Force. The Chair of the State Board of Education, or the Chair's designee, shall serve as the Chair of the Task Force. The Department of Public Instruction and the Department of Human Resources shall provide staff and clerical support to the Task Force. The State Board of Education shall fund the Task Force within funds available to it.

(b) The Task Force shall develop a plan to develop interagency agreements between local school administrative units and other local public agencies, including, among others, health departments, departments of social services, mental health agencies, and courts, in order to provide cooperative services to students who are at risk of school failure, at risk of participation in juvenile crime, or both.

(c) The Task Force shall report its plan, along with any suggested statutory revisions, to the Joint Legislative Education Oversight Committee by October 15, 1997, at which time the Task Force shall terminate.

**EXPANSION OF THE S.O.S. PROGRAM**

Section 14. (a) There is appropriated from the General Fund to the Department of Human Resources the sum of one million dollars (\$1,000,000) for the 1997-98 fiscal year and the sum of one million dollars (\$1,000,000) for the 1998-99 fiscal year to expand the S.O.S. Program.

(b) G.S. 143B-152.5 reads as rewritten:

**"§ 143B-152.5. Grants review and selection.**

(a) The Department shall develop and disseminate a request for applications and establish procedures to be followed in developing and submitting applications to establish local S.O.S. programs and administering grants to establish local S.O.S. programs. This information shall include examples of the design and types of S.O.S. programs that evaluations have shown are likely to be successful in improving the academic performance of the participants or in reducing disruptive or illegal behavior.

(b) The Secretary of Human Resources shall appoint a State task force to assist the Secretary in reviewing grant applications. The State task force shall include representatives of the Department of Human Resources, the Department of Public Instruction, local school administrative units, educators, parents, the juvenile justice system, social services, and governmental agencies providing services to children, and other members the Secretary considers appropriate. In appointing the State task force, the Secretary shall consult with the Superintendent of Public Instruction in an effort to coordinate the membership of this State task force, the State task force appointed by the

1 Secretary pursuant to G.S. 143B-152.14, and the State task force appointed by the  
2 Superintendent pursuant to G.S. 115C-238.42.

3 In reviewing grant applications, the Secretary and the State task force may consider (i)  
4 the severity of the local problems as determined by the needs assessment data,  
5 (ii) the likelihood that the locally designed plan will result in high quality after-school  
6 services for school-aged children, (iii) evidence of local collaboration and coordination of  
7 services, (iv) any innovative or experimental aspects of the plan that will make it a useful  
8 model for replication in other neighborhoods and communities, ~~and (v)-(v) evidence that~~  
9 similarly designed programs have been efficient and effective in improving the academic  
10 performance of the participants or in reducing disruptive or illegal behavior, and (vi) any  
11 other factors which affect the well-being of school-aged children.

12 (c) In determining the amount of funds an applicant receives, the Secretary and the  
13 State task force may consider (i) the number of children to be served, (ii) the number and  
14 percentage of children to be served who participate in the subsidized lunch program, (iii)  
15 the number and percentage of school-aged children with two working parents or one  
16 single parent to be served, (iv) the availability of other resources or funds, and (v) the  
17 amount needed to implement the proposal.

18 (d) The Secretary shall award the grants."

19 (c) G.S. 143B-152.7(a) reads as rewritten:

20 "(a) The Department of Human Resources shall develop and implement an  
21 evaluation system that will assess the efficiency and effectiveness of the S.O.S. Program.  
22 The Department shall design this system to:

23 (1) Provide information to the Department and to the General Assembly  
24 on how to improve and refine the programs;

25 (1a) Develop information for dissemination to potential grant applicants  
26 on the design of programs that experience has shown are likely to be  
27 successful;

28 (2) Enable the Department and the General Assembly to assess the  
29 overall quality, efficiency, and impact of the existing programs;

30 (3) Enable the Department and the General Assembly to determine  
31 whether to modify the S.O.S. Program; and

32 (4) Provide a detailed fiscal analysis of how State funds for these  
33 programs were used."  
34

## 35 TESTING AND REMEDIATION IN ALTERNATIVE SCHOOLS

36 Section 15. G.S. 115C-12(24) reads as rewritten:

37 "(24) Duty to Develop Guidelines for Alternative Learning Programs,  
38 Provide Technical Assistance on Implementation of Programs, and  
39 Evaluate Programs. – The State Board of Education shall adopt  
40 guidelines for assigning students to alternative learning programs.  
41 These guidelines shall include (i) a description of the programs and  
42 services that are recommended to be provided in alternative learning  
43 programs and (ii) a process for ensuring that an assignment is

1 appropriate for the student and that the student's parents are involved  
2 in the decision.

3 The State Board of Education shall provide technical support to  
4 local school administrative units to assist them in developing and  
5 implementing plans for alternative learning programs.

6 The State Board of Education shall recommend to local boards of  
7 education ways to measure the academic achievement of students while  
8 they are in the alternative learning programs or in remedial learning  
9 programs.

10 The State Board shall evaluate the effectiveness of alternative  
11 learning programs and, in its discretion, of any other programs funded  
12 from the Alternative Schools/At-Risk Student allotment. Local school  
13 administrative units shall report to the State Board of Education on how  
14 funds in the Alternative Schools/At-Risk Student allotment are spent  
15 and shall otherwise cooperate with the State Board of Education in  
16 evaluating the alternative learning programs. The State Board of  
17 Education shall report annually to the Joint Legislative Education  
18 Oversight Committee, beginning in December 1996, on the results of  
19 this evaluation."  
20

## 21 **STUDY ON OPTIONS FOR STUDENTS WITH SEVERE EMOTIONAL AND** 22 **BEHAVIORAL PROBLEMS**

23 Section 16. The State Board of Education and the Secretary of the Department  
24 of Human Resources shall appoint an advisory committee to consider the advisability of  
25 and to develop a proposal for creating regional residential schools for students with  
26 emotional and behavioral problems so severe that the public schools cannot serve them.  
27 The advisory committee shall clearly define the population and the age limits of the  
28 population for whom such a residential school would be appropriate, estimate the number  
29 of students in that population, devise a plan for building and operating such schools, and  
30 estimate the costs and benefits of such schools. The advisory committee shall consider  
31 whether any existing State facilities would be available and appropriate to house such a  
32 school. The advisory committee shall report the results of its study, including its  
33 recommendation on the advisability of creating these schools, to the State Board of  
34 Education and the Secretary of the Department of Human Resources prior to January 15,  
35 1998. The State Board of Education and the Secretary of Human Resources shall report  
36 the results of the study to the Joint Legislative Education Oversight Committee prior to  
37 February 15, 1998.  
38

## 39 **STUDENT DISCIPLINE/NO CIVIL LIABILITY**

40 Section 17. (a) G.S. 115C-391(a) reads as rewritten:

41 "(a) Local boards of education shall adopt policies not inconsistent with the  
42 provisions of the Constitutions of the United States and North Carolina, governing the  
43 conduct of students and establishing procedures to be followed by school officials in

1 suspending or expelling any student, or in disciplining any student if the offensive  
2 behavior could result in suspension, expulsion, or the administration of corporal  
3 punishment. The policies that shall be adopted for the administration of corporal  
4 punishment shall include at a minimum the following conditions:

- 5 (1) Corporal punishment shall not be administered in a classroom with  
6 other children present;
- 7 (2) The student body shall be informed beforehand what general types of  
8 misconduct could result in corporal punishment;
- 9 (3) Only a teacher, substitute teacher, principal, or assistant principal may  
10 administer corporal punishment and may do so only in the presence of a  
11 principal, assistant principal, teacher, substitute teacher, teacher  
12 assistant, or student teacher, who shall be informed beforehand and in  
13 the student's presence of the reason for the punishment; and
- 14 (4) An appropriate school official shall provide the child's parent or  
15 guardian with notification that corporal punishment has been  
16 administered, and upon request, the official who administered the  
17 corporal punishment shall provide the child's parent or guardian a  
18 written explanation of the reasons and the name of the second school  
19 official who was present.

20 ~~The Each local~~ board shall publish all the policies mandated by this ~~subsection-section~~ and  
21 make them available to each student and his parent or guardian at the beginning of each  
22 school year.

23 (a1) Notwithstanding any policy adopted pursuant to this section, school personnel  
24 may use reasonable force, including corporal punishment, to control behavior or to  
25 remove a person from the scene in those situations when necessary:

- 26 (1) To quell a disturbance threatening injury to others;
- 27 (2) To obtain possession of weapons or other dangerous objects on the  
28 person, or within the control, of a student;
- 29 (3) For self-defense; ~~or~~
- 30 (4) For the protection of persons or ~~property-property~~; or
- 31 (5) To maintain order on school property, in the classroom, or at a school-  
32 related activity on or off school property."

33 (b) G.S. 115C-391 is amended by adding the following new subsection to read:

34 "(h) Notwithstanding any other law, no officer or employee of the State Board of  
35 Education or of a local board of education shall be civilly liable for using reasonable  
36 force, including corporal punishment, in conformity with State law, State or local rules,  
37 or State or local policies regarding the control, discipline, suspension, and expulsion of  
38 students. Furthermore, the burden of proof is on the claimant to show that the amount of  
39 force used was not reasonable."

40  
41 **CAPTIONS ARE FOR REFERENCE ONLY AND DO NOT LIMIT TEXT**

1           Section 18. The series of captions used in this act (the descriptive phrases in  
2 boldface and capital letters) are inserted for convenience and reference only, and they in  
3 no way define, limit, or prescribe the scope or application of the text of this act.

4

5 **EFFECTIVE DATE**

6           Section 19. This act is effective when it becomes law.