

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-195
HOUSE BILL 620**

AN ACT TO GIVE SCHOOL SUPERINTENDENTS FLEXIBILITY REGARDING
THE EXPUNCTION OF RECORDS OF A STUDENT'S SUSPENSION OR
EXPULSION FROM SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-402 reads as rewritten:

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

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

(b) The official record shall contain, as a minimum, adequate identification data including date of birth, attendance data, grading and promotion data, and such other factual information as may be deemed appropriate by the local board of education having jurisdiction over the school wherein the record is maintained. Each student's official record also shall include notice of any suspension for a period of more than 10 days or of any expulsion under G.S. 115C-391 and the conduct for which the student was suspended or expelled. ~~The notice of suspension or expulsion shall be expunged from the record if the~~ The superintendent or the superintendent's designee shall expunge from the record the notice of suspension or expulsion if the following criteria are met:

- (1) One of the following persons makes a request for expungement:
 - a. The student's parent, legal guardian, or custodian.
 - b. The student, if the student is at least 16 years old or is emancipated.
- (2) The student ~~(i)~~ either graduates from high school or ~~(ii)~~ is not expelled or suspended again during the two-year period commencing on the date of the student's return to school after the expulsion or suspension.
- (3) The superintendent or the superintendent's designee determines that the maintenance of the record is no longer needed to maintain safe and orderly schools.
- (4) The superintendent or the superintendent's designee determines that the maintenance of the record is no longer needed to adequately serve the child.

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

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

(e) The official record of each student is not a public record as the term 'public record' is defined by G.S. 132-1. The official record shall not be subject to inspection and examination as authorized by G.S. 132-6."

SECTION 2. G.S. 115C-391(f) reads as rewritten:

"(f) Local boards of education shall ensure they have clear policies governing the conduct of students. At a minimum, these policies shall state the consequences of violent or assaultive behavior, possessions of weapons, and criminal acts committed on school property or at school-sponsored functions. These policies shall provide that when notice is given to students or parents of a suspension of more than 10 days or expulsion, this notice shall identify what information will be included in the student's official record and the procedure for expungement of this information under G.S. 115C-402. The State Board shall develop guidelines to assist local boards in this process."

SECTION 3. This act is effective when it becomes law and applies beginning with the 2001-2002 school year.

In the General Assembly read three times and ratified this the 4th day of June, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 3:23 p.m. this 13th day of June, 2001