

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 47  
Committee Substitute Favorable 5/14/91

Short Title: School Discipline by Parent.

(Public)

Sponsors:

Referred to:

February 11, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT SUPPORTING THE EFFORTS OF TEACHERS TO CONTROL THEIR  
3 CLASSES AND REQUIRING PARENTS TO ASSIST IN DISCIPLINING THEIR  
4 CHILDREN AT SCHOOL.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-390 reads as rewritten:

7 "**§ 115C-390. ~~School-State policy; school personnel may use reasonable force.~~**

8 (a) The State of North Carolina stands behind its teachers in taking the steps  
9 necessary to maintain authority in their classes and recognizes that it is the  
10 responsibility of parents and guardians to instill in students respect for school authority.

11 (b) Principals, teachers, substitute teachers, voluntary teachers, and teacher  
12 assistants and student teachers in the public schools of this State may use reasonable  
13 force in the exercise of lawful authority to restrain or correct pupils and maintain order.  
14 No local board of education shall promulgate or continue in effect a rule, regulation or  
15 bylaw which prohibits the use of such force as is specified in this section."

16 Sec. 2. G.S. 115C-391 reads as rewritten:

17 "**§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.**

18 (a) Local boards of education shall adopt policies not inconsistent with the  
19 provisions of the Constitutions of the United States and North Carolina, governing the  
20 conduct of students and establishing procedures to be followed by school officials in  
21 suspending or expelling any student, or in disciplining any student if the offensive  
22 behavior could result in suspension, expulsion, or the administration of corporal

1 punishment. The policies that shall be adopted for the administration of corporal  
2 punishment shall include at a minimum the following conditions:

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

18 The board shall publish all the policies mandated by this subsection and make them  
19 available to each student and his parent or guardian at the beginning of each school  
20 year. Notwithstanding any policy adopted pursuant to this section, school personnel  
21 may use reasonable force, including corporal punishment, to control behavior or to  
22 remove a person from the scene in those situations when necessary:

- 23 (1) To quell a disturbance threatening injury to others;
- 24 (2) To obtain possession of weapons or other dangerous objects on the  
25 person, or within the control, of a student;
- 26 (3) For self-defense; or
- 27 (4) For the protection of persons or property.

28 (b) The principal of a school, or his delegate, shall have authority to suspend for  
29 a period of 10 days or less any student who willfully violates policies of conduct  
30 established by the local board of ~~education~~: education. Prior to suspension the principal  
31 may ask the student's parent or guardian to come to the school to discuss and resolve the  
32 student's conduct: Provided, that a student suspended pursuant to this subsection shall  
33 be provided an opportunity to take any quarterly, semester or grading period  
34 examinations missed during the suspension period.

35 (c) The principal of a school, with the prior approval of the superintendent, shall  
36 have the authority to suspend for periods of times in excess of 10 school days but not  
37 exceeding the time remaining in the school year, any pupil who willfully violates the  
38 policies of conduct established by the local board of education. The pupil or his parents  
39 may appeal the decision of the principal to the local board of education.

40 (d) A local board of education may, upon recommendation of the principal and  
41 superintendent, expel any student 14 years of age or older who has been convicted of a  
42 felony and whose continued presence in school constitutes a clear threat to the safety  
43 and health of other students or employees. Notwithstanding the provisions of G.S.  
44 115C-112, a local board of education has no duty to continue to provide a child with

1 special needs, expelled pursuant to this subsection, with any special education or related  
2 services during the period of expulsion.

3 (e) A decision of a local board under subsection (c) or (d) is final and, except as  
4 provided in this subsection, is subject to judicial review in accordance with Article 4 of  
5 Chapter 150B of the General Statutes. A person seeking judicial review shall file a  
6 petition in the superior court of the county where the local board made its decision."

7 Sec. 3. This act is effective upon ratification and applies to all school years  
8 beginning with the 1991-92 school year.