

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 989

Short Title: Safe Schs. Partnership Act.

(Public)

Sponsors: Senators Gulley, Perdue, Conder, Edwards, Hartsell, Speed, Warren, Gunter, and Winner of Mecklenburg.

Referred to: Rules Suspended; Education/Higher Education.

April 27, 1993

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO REPORT ACTS OF
2 SCHOOL VIOLENCE TO THE STATE BOARD OF EDUCATION AND TO
3 ADOPT CLEAR RULES REGARDING THE CONSEQUENCES OF
4 COMMITTING VIOLENT ACTS AT SCHOOL, TO REQUIRE THE
5 IMPLEMENTATION AND USE OF CONFLICT RESOLUTION PROGRAMS
6 AND PARENT INVOLVEMENT PROGRAMS IN SCHOOLS, AND TO
7 REQUIRE EMPLOYERS TO GRANT A MINIMUM OF FOUR HOURS PER
8 YEAR LEAVE TO EMPLOYEES FOR INVOLVEMENT AT THEIR
9 CHILDREN'S SCHOOLS.
10

11 Whereas, violence in the majority of North Carolina's schools is on the
12 increase;

13 Whereas, during the 1991-92 school year in North Carolina's public schools,
14 1407 students were arrested, including 693 for assault and battery, 193 for possession of
15 a firearm, and 24 for using a firearm in a violent act, and another 21,691 students were
16 suspended (and this does not include the more than 10,000 students who were placed in
17 In-School Suspension), including 537 students for firearm possession, 121 for using a
18 knife in a violent act, and 76 for the use of a firearm in a violent act;

19 Whereas, the majority of our school systems want clear, firm measures to
20 deal with the problems of violence, a parental responsibility law, and a curriculum to
21 train students to cope with stress and develop mediation and conflict resolution skills;

22 Whereas, the General Assembly finds that there are a number of reasons for the increase

1 of school violence, including the disintegration of families, the uncertainty of moral
2 values, and a popular culture that glorifies violence as a solution to conflict;

3 Whereas, the General Assembly finds that it is vital to our economic well-
4 being and educational success for parents to be involved in their children's education,
5 and further that parents should be responsible in significant degree for their children's
6 behavior in schools;

7 Whereas, the General Assembly finds that children have a compelling right to
8 feel safe and secure while in school; Now, therefore,

9 The General Assembly of North Carolina enacts:

10 Section 1. This act shall be known as "The Safe Schools Partnership Act of
11 1993."

12 Sec. 2. G.S. 115C-12(18) reads as rewritten:

13 "(18) Duty to Develop and Implement a Uniform Education Reporting
14 System, Which Shall Include Standards and Procedures for Collecting
15 ~~Fiscal and Personnel~~ Fiscal, Personnel, and Student Information.

16 a. The State Board of Education shall adopt standards and
17 procedures for local school administrative units to provide
18 timely, accurate, and complete fiscal and personnel information,
19 including payroll information, on all school personnel. All local
20 school administrative units shall comply with these standards
21 and procedures by the beginning of the 1987-88 school year.

22 b. The State Board of Education shall develop and implement a
23 Uniform Education Reporting System that shall include
24 requirements for collecting, processing, and reporting fiscal,
25 personnel, and student data, by means of electronic transfer of
26 data files from local computers to the State Computer Center
27 through the State Communications Network. All local school
28 administrative units shall comply with the requirements of the
29 Uniform Education Reporting System by the beginning of the
30 1989-90 school year.

31 **b1. The State Board of Education shall adopt rules, definitions,**
32 **forms, and procedures for local school administrative units to**
33 **provide timely, accurate, and complete information on all**
34 **violent or assaultive behavior, possessions of weapons, and**
35 **criminal acts, committed on school property or at school-**
36 **sponsored functions. The State Board of Education shall**
37 **compile and report this information at least annually to the**
38 **General Assembly.**

39 c. The State Board of Education shall comply with the provisions
40 of G.S. 116-11(10a) to plan and implement an exchange of
41 information between the public schools and the institutions of
42 higher education in the State."

43 Sec. 3. G.S. 115C-47 is amended by adding a new subdivision to read:

1 "(36) To report acts of violence to the State Board of Education. – Local
 2 boards of education shall report at least annually to the State Board of
 3 Education on all violent or assaultive behavior, possessions of
 4 weapons, and criminal acts, committed on school property or at
 5 school-sponsored functions."

6 Sec. 4. G.S. 115C-238.1 reads as rewritten:

7 "**§ 115C-238.1. Performance-based Accountability Program; development and**
 8 **implementation by State Board.**

9 The General Assembly believes that all children can learn. It is the intent of the
 10 General Assembly that the mission of the public school community is to challenge with
 11 high expectations each child to learn, to achieve, and to fulfill his or her potential. With
 12 that mission as its guide, the State Board of Education shall develop and implement a
 13 Performance-based Accountability Program. The primary goal of the Program shall be
 14 to improve student performance. The State Board of Education shall adopt:

15 (1) Procedures and guidelines through which, beginning with the 1990-91
 16 fiscal year, local school administrative units may participate in the
 17 Program;

18 (2) Guidelines for developing local school improvement plans with three-
 19 year student performance goals and annual milestones to measure
 20 progress in meeting those goals; ~~and~~

21 (3) A set of student performance indicators for measuring and
 22 assessing student performance in the participating local school
 23 administrative units. These indicators may include attendance rates,
 24 dropout rates, test scores, parent involvement, and post-secondary
 25 ~~outcomes~~-outcomes;

26 (4) A recommended list of conflict resolution education materials and
 27 curricula that include components for teacher training and ongoing
 28 assessment and evaluation to verify success and ensure the use of up-
 29 to-date information and strategies; and

30 (5) Guidelines and resources to be used by building-level committees in
 31 their development of parent involvement programs under G.S. 115C-
 32 238.3."

33 Sec. 5. G.S. 115C-238.3 reads as rewritten:

34 "**§ 115C-238.3. Development of local plans; elements of local plans.**

35 (a) Development of systemwide plan by the local board of education. – The
 36 board of education of a local school administrative unit that elects to participate in the
 37 Program shall develop and submit a local school improvement plan for the entire local
 38 school administrative unit to the State Superintendent of Public Instruction before April
 39 15 of the fiscal year preceding the fiscal year in which participation is sought.

40 A systemwide improvement plan shall remain in effect for no more than three years.

41 (b) Establishment of student performance goals by the local board of education
 42 for the systemwide plan. – The local board of education shall establish student
 43 performance goals, which shall include goals for parent involvement programs, for the
 44 local school administrative unit. The local board of education shall actively involve an

1 advisory panel composed of a substantial number of teachers, school administrators,
2 other school staff, and parents of children enrolled in the local school administrative
3 unit, in developing the student performance goals for the local school improvement
4 plan. It is the intent of the General Assembly that teachers have a major role in
5 developing the student performance goals for the local school improvement plan;
6 therefore, at least half of the staff members participating in this advisory panel shall be
7 teachers. The teachers in the local school administrative unit shall select the teachers
8 who are involved in the advisory panel.

9 The performance goals for the local school administrative unit shall address specific,
10 measurable goals for all student performance indicators adopted by the State Board.
11 Factors that determine gains in achievement vary from school to school; therefore,
12 socioeconomic factors and previous student performance indicators shall be used as the
13 basis of the local school improvement plan.

14 The goals for building-level parent involvement programs shall include
15 recommended strategies for the development of these programs so that building-level
16 committees are able to establish programs designed to meet the specific needs of
17 individual schools. These strategies may be based on the guidelines and resources
18 established by the State Board of Education, or may be developed solely by the advisory
19 panel.

20 (b1) Development by each school of strategies for attaining local student
21 performance goals. – The principal of each school, representatives of the building-level
22 staff, and parents of children enrolled in the school shall develop a building-level plan
23 to address student performance goals appropriate to that school from those established
24 by the local board of education. The strategies for attaining the school's student
25 performance goals shall include (i) a comprehensive nonviolent conflict resolution
26 program that includes instruction on responsible decision-making, the effects of
27 violence and its causes, nonviolent methods for resolving conflict, including peer
28 mediation, and cultural diversity that shall be available to every child in that school, and
29 (ii) a comprehensive parent involvement plan developed in accordance with the goals
30 established in the systemwide plan. Building-level committees may select conflict
31 resolution education materials and curricula from the list maintained by the State Board
32 of Education, or may develop their own materials and curricula to be approved by the
33 local board of education. These strategies also may include requests for waivers of
34 State laws, regulations, or policies for that school. A request for a waiver shall (i)
35 identify the State laws, regulations, or policies that inhibit the local unit's ability to
36 reach its local accountability goals, (ii) set out with specificity the circumstances under
37 which the waiver may be used, and (iii) explain how a waiver of those laws, regulations,
38 or policies will permit the local unit to reach its local goals.

39 Support among affected staff members is essential to successful implementation of a
40 building-level plan to address student performance goals appropriate to a school;
41 therefore, the principal of the school shall present the proposed building-level plan to all
42 of the staff assigned to the school building for their review and vote. The vote shall be
43 by secret ballot. The principal may submit the building-level plan to the local board of

1 education for inclusion in the systemwide plan only if the proposed building-level plan
2 has the approval of a majority of the staff who voted on the plan.

3 The local board of education shall accept or reject the building-level plan. The local
4 board shall not make any substantive changes in any building-level plan that it accepts;
5 the local board shall set out any building-level plan that it accepts in the systemwide
6 plan. If the local board rejects a building-level plan, the local board shall state with
7 specificity its reasons for rejecting the plan; the principal of the school for which the
8 plan was rejected, representatives of the building-level staff, and parents of children
9 enrolled in the school may then prepare another plan, present it to the building-level
10 staff for a vote, and submit it to the local board for inclusion in the systemwide plan. If
11 no building-level plan is accepted for a school before March 15 of the fiscal year
12 preceding the fiscal year in which participation is sought, the local board may develop a
13 plan for the school for inclusion in the systemwide plan; the General Assembly urges
14 the local board to utilize the proposed building-level plan to the maximum extent
15 possible when developing such a plan.

16 (c) Development by each school of a differentiated pay plan for that school;
17 development by the local board of education of a differentiated pay plan for central
18 office personnel. –

19 (1) The local school administrative unit shall consider a plan for
20 differentiated pay. The local plan shall include a plan for differentiated
21 pay, in accordance with G.S. 115C-238.4, unless the local school
22 administrative unit elects not to participate in any differentiated pay
23 plan.

24 (2) The principal of each school, representatives of the building-level
25 staff, and parents of children enrolled in the school shall develop a
26 building-level differentiated pay plan for the school when they develop
27 their building-level plan to address student performance goals
28 appropriate to the school.

29 Support among affected staff members is essential to successful
30 implementation of a building-level differentiated pay plan; therefore,
31 the principal of the school shall present the proposed building-level
32 plan to all of the staff eligible to receive differentiated pay, in
33 accordance with G.S. 115C-238.4(a), for their review and vote. The
34 vote shall be by secret ballot. The principal may submit the building-
35 level differentiated pay plan to the local board of education only if the
36 proposed building-level differentiated pay plan has the approval of a
37 majority of the staff who voted on the plan.

38 The local board of education shall accept or reject the building-
39 level differentiated pay plan. The local board shall not make any
40 substantive changes in any building-level plan that it accepts; the local
41 board shall set out any building-level plan that it accepts in the
42 systemwide differentiated pay plan. If the local board rejects a
43 building-level plan, the local board shall state with specificity its
44 reasons for rejecting the plan; the principal of the school for which the

1 plan was rejected, representatives of the building-level staff, and
2 parents of children enrolled in the school may then prepare another
3 plan, present it to all of the staff eligible to receive differentiated pay,
4 in accordance with G.S. 115C-238.4(a), for a vote, and submit it to the
5 local board for inclusion in the systemwide plan. If no building-level
6 plan is accepted for a school before March 15 of the fiscal year
7 preceding the fiscal year in which participation is sought, the local
8 board may develop a plan for the school building for inclusion in the
9 systemwide plan; the General Assembly urges the local board to utilize
10 the proposed building-level plan to the maximum extent possible when
11 developing such a plan.

12 (3) The local board of education shall develop a plan for differentiated pay
13 for all central office personnel eligible to receive differentiated pay, in
14 accordance with G.S. 115C-238.4(a), and shall include the plan in the
15 systemwide differentiated pay plan.

16 (4) A systemwide differentiated pay plan shall remain in effect for no
17 more than three years. At the end of three years, a plan to continue,
18 discontinue, or modify that differentiated pay plan shall be developed
19 in accordance with subdivisions (2) and (3) of this subsection.

20 (d) Repealed by Session Laws 1991 (Regular Session, 1992), c. 900, s. 75.1(b),
21 effective July 8, 1992."

22 Sec. 6. G.S. 115C-391 reads as rewritten:

23 "**§ 115C-391. Corporal punishment, suspension, or expulsion of ~~pupils~~ pupils;**
24 **responses to violent acts and possessions of weapons.**

25 (a) Local boards of education shall adopt clear policies not inconsistent with
26 the provisions of the Constitutions of the United States and North Carolina, governing
27 the conduct of ~~students~~ students; stating the consequences of violent or assaultive
28 behavior, possessions of weapons, and criminal acts, committed on school property or at
29 school-sponsored functions; and establishing procedures to be followed by school
30 officials in suspending or expelling any student, or in disciplining any student if the
31 offensive behavior could result in suspension, expulsion, or the administration of
32 corporal punishment. The policies that shall be adopted for the administration of
33 corporal punishment shall include at a minimum the following conditions:

34 (1) Corporal punishment shall not be administered in a classroom with
35 other children present;

36 (2) The student body shall be informed beforehand what general types of
37 misconduct could result in corporal punishment;

38 (3) Only a teacher, substitute teacher, principal, or assistant principal may
39 administer corporal punishment and may do so only in the presence of
40 a principal, assistant principal, teacher, substitute teacher, teacher
41 assistant, or student teacher, who shall be informed beforehand and in
42 the student's presence of the reason for the punishment; and

43 (4) An appropriate school official shall provide the child's parent or
44 guardian with notification that corporal punishment has been

1 administered, and upon request, the official who administered the
2 corporal punishment shall provide the child's parent or guardian a
3 written explanation of the reasons and the name of the second school
4 official who was present.

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

- 10 (1) To quell a disturbance threatening injury to others;
- 11 (2) To obtain possession of weapons or other dangerous objects on the
12 person, or within the control, of a student;
- 13 (3) For self-defense; or
- 14 (4) For the protection of persons or property.

15 (b) The principal of a school, or his delegate, shall have authority to suspend for
16 a period of 10 days or less any student who willfully violates policies of conduct
17 established by the local board of education: Provided, that a student suspended pursuant
18 to this subsection shall be provided an opportunity to take any quarterly, semester or
19 grading period examinations missed during the suspension period.

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

25 (d) A local board of education may, upon recommendation of the principal and
26 superintendent, expel any student 14 years of age or older who has been convicted of a
27 felony and whose continued presence in school constitutes a clear threat to the safety
28 and health of other students or employees. Notwithstanding the provisions of G.S.
29 115C-112, a local board of education has no duty to continue to provide a child with
30 special needs, expelled pursuant to this subsection, with any special education or related
31 services during the period of expulsion.

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

36 Sec. 7. Article 3 of Chapter 95 of the General Statutes is amended by adding
37 a new section to read:

38 "**§ 95-28.3. Discrimination against persons for requesting or taking a minimum of**
39 **four hours per year leave for parent involvement in schools prohibited.**

40 (a) It is the belief of the General Assembly that parent involvement is an
41 essential component of school success and positive student outcomes. Therefore,
42 employers shall grant a minimum of four hours per year leave to any employee who is a
43 parent, guardian, or person standing in loco parentis of a school-aged child so that the
44 employee may attend or otherwise be involved at that child's school. For the purpose of

1 this section, 'school' means any (i) public school, (ii) private church school, church of
2 religious charter, or nonpublic school described in Parts 1 and 2 of Article 39 of Chapter
3 115C of the General Statutes that regularly provide a course of grade school instruction,
4 (iii) preschool, and (iv) child day care facility as defined in G.S. 110-86(3).

5 (b) Employers shall not discharge, demote, or otherwise discriminate against an
6 employee who requests or takes leave under this section. Nothing in this section shall
7 require an employer to pay an employee for leave taken under this section.

8 (c) An employee who is demoted, discharged, or otherwise discriminated against
9 in violation of this section may bring a civil action within one year from the date of the
10 alleged violation against the employer who violates this section and obtain either of the
11 following:

12 (1) Any wages or benefits lost as a result of the violation; or

13 (2) An order of reinstatement without loss of position, seniority, wages, or
14 benefits.

15 The burden of proof shall be upon the employee."

16 Sec. 8. This act is effective upon ratification.