

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 89*

Short Title: Suspended Students Ass'd to Alternative Progs. (Public)

Sponsors: Representatives Baddour, Cunningham; Black, Alexander, Barefoot, Blue, Church, Cox, Culp, Culpepper, Dedmon, Easterling, Fitch, Fox, Gibson, Grady, Hackney, Haire, Hall, Hill, Insko, Jarrell, Jeffus, Luebke, McAllister, McLawhorn, Michaux, Oldham, Owens, Russell, Saunders, Sherrill, Smith, Sutton, Tolson, Wainwright, Warner, Warren, Warwick, Weiss, G. Wilson, Womble, Wright, and Yongue.

Referred to: Education, if favorable, Appropriations.

February 12, 2001

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING
2 LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO
3 ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE
4 LEARNING PROGRAMS.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** The State Board of Education, in cooperation with the
8 Department of Juvenile Justice and Delinquency Prevention, shall establish a pilot
9 program under which participating local school administrative units place all students
10 who are on short-term out-of-school suspension in alternative learning programs. These
11 alternative placements may be in alternative learning programs, day reporting centers,
12 and other similar supervised programs for juveniles. No more than five local school
13 administrative units may participate in the program.

14 **SECTION 1.(b)** A local board of education that is selected to participate in
15 the program shall develop and adopt a plan for the placement in alternative learning
16 programs of (i) all students who are on short-term out-of-school suspension and (ii) all
17 students who are on short-term out-of-school suspension and for whom a
18 recommendation to the local superintendent for long-term suspension is pending. The
19 assignment shall be for the duration of the period of short-term suspension. In
20 developing the plan, the pilot unit must work closely with the chief court counselor in
21 the judicial district, or a designee. The pilot unit is encouraged to consult with other
22 interested parties such as representatives of the Department of Public Instruction and the
23 Department of Juvenile Justice and Delinquency Prevention, the local Juvenile Crime

1 Prevention Council, educators, parents, local public and private agencies serving
2 juveniles and their families, local business leaders, citizens with an interest in youth
3 problems, and youth representatives, on the development of the plan.

4 **SECTION 1.(c)** The plan should:

- 5 (1) Include a detailed plan for:
- 6 a. Making the alternative placements;
 - 7 b. Transporting each student to the student's alternative placement;
 - 8 c. Ensuring that the student is participating in the alternative
9 placement;
 - 10 d. Facilitating communication between the school from which the
11 student is suspended and the alternative placement;
 - 12 e. Providing the student an opportunity to complete and receive
13 credit for work missed during the period of suspension;
- 14 (2) Identify resources that will be used to implement the plan;
- 15 (3) State the plan's goals and anticipated outcomes of the pilot program;
16 and
- 17 (4) Include a process for assessing on an annual basis the success of the
18 local school administrative unit in implementing the plan and the
19 effectiveness of the plan.

20 **SECTION 1.(d)** Notwithstanding any other provision of law, the
21 Department of Juvenile Justice and Delinquency Prevention and Juvenile Crime
22 Prevention Councils may use their programs, employees, funds, and other resources to
23 meet the needs of all students on short-term out-of-school suspension in the pilot units
24 who are placed in alternative learning programs.

25 Notwithstanding any other provision of law, the pilot unit may contract with
26 nonprofit corporations and other governmental entities to meet the needs of these
27 students and may assign students to programs administered and staffed in whole or in
28 part by these entities. Both the participating unit and the nonprofit shall maintain
29 adequate liability insurance to cover claims arising from the provision of services by the
30 nonprofit. Neither the participating unit nor any nonprofit shall be liable for a
31 transferred student's action, except where such actions are deemed wanton and willful.

32 **SECTION 1.(e)** The Department of Public Instruction and the Department
33 of Juvenile Justice and Delinquency Prevention shall report to the Joint Legislative
34 Education Oversight Committee by April 15, 2003, on:

- 35 (1) The implementation of the program in the pilot units;
- 36 (2) The sources of funds and other resources used to implement the pilots;
- 37 (3) Each unit's assessment of its plan;
- 38 (4) Instances of effective local collaboration and coordination of services;
- 39 (5) Innovative or experimental aspects of the plans that would be useful
40 models for replication in other local school administrative units; and
- 41 (6) A recommendation as to whether the program should be instituted
42 statewide, including any legislative recommendations.

43 **SECTION 2.** This act is effective when it becomes law.