

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 1460  
Committee Substitute Favorable 6/29/04

Short Title: Intervention Plans for Suspended Students.

(Public)

Sponsors:

Referred to:

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM  
COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR  
STUDENTS ON LONG-TERM SUSPENSION TO REQUIRE SCHOOLS TO  
DEVELOP AND IMPLEMENT INTERVENTION PLANS FOR STUDENTS  
WHO ARE SUSPENDED FROM SCHOOL.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 115C of the General Statutes is amended by adding  
the following new Article to read:

"Article 27B.

"Intervention Plans for Suspended Students.

**"§ 115C-397.10. Definitions.**

For the purpose of this Article, the term "suspended student" means a student who  
meets at least one of the following criteria:

(1) The student receives a suspension of more than 10 school days.

(2) The student receives multiple suspensions of individual terms of 10 or  
fewer school days but that total more than 10 school days during one  
school year.

**"§ 115C-397.11. Intervention plans for suspended students.**

Local school administrative units shall develop an intervention plan for any  
suspended student. This plan may be part of any other plan, such as an Individualized  
Education Program, that is required to be developed for a particular student. The plan  
shall include, at a minimum, all of the following:

(1) High educational expectations for the suspended student.

(2) Strategies to address the underlying reasons for the student's conduct  
that led to the suspension.

(3) A focus on the suspended student's particular educational needs,  
especially reading, where appropriate.

1           (4) A list of community-based or school-based educational services that  
2           may be made available to the student during any suspension of at least  
3           10 days.

4           (5) A plan for how the suspended student may be able to make up  
5           schoolwork missed.

6           (6) An accountability component.

7           Parents should be included in the implementation of a plan developed under this  
8           section.

9           "**§ 115C-397.12. Exceptions; promotion and course credit.**

10          Nothing in this Article shall require a local school administrative unit to promote or  
11          to provide course credit to a suspended student who does not otherwise meet the federal,  
12          State, local, or individual teacher criteria for promotion or course credit."

13          **SECTION 2.** G.S. 115C-402 reads as rewritten:

14          "**§ 115C-402. Student records; maintenance; contents; confidentiality.**

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

20          (b) The official record shall contain, as a minimum, adequate identification data  
21          including date of birth, attendance data, grading and promotion data, and such other  
22          factual information as may be deemed appropriate by the local board of education  
23          having jurisdiction over the school wherein the record is maintained. Each student's  
24          official record also shall include notice of any suspension for a period of more than 10  
25          days or of any expulsion under ~~G.S. 115C-391~~ and ~~G.S. 115C-391~~, the conduct for  
26          which the student was suspended or ~~expelled.~~ expelled, and an intervention plan  
27          developed under Article 27B of this Chapter. The superintendent or the superintendent's  
28          designee shall expunge from the record the notice of suspension or expulsion and an  
29          intervention plan if the following criteria are met:

30               (1) One of the following persons makes a request for expungement:

31                   a. The student's parent, legal guardian, or custodian.

32                   b. The student, if the student is at least 16 years old or is  
33                   emancipated.

34               (2) The student either graduates from high school or is not expelled or  
35               suspended again during the two-year period commencing on the date  
36               of the student's return to school after the expulsion or suspension.

37               (3) The superintendent or the superintendent's designee determines that  
38               the maintenance of the record is no longer needed to maintain safe and  
39               orderly schools.

40               (4) The superintendent or the superintendent's designee determines that  
41               the maintenance of the record is no longer needed to adequately serve  
42               the child.

43          (c) Notwithstanding subdivision (b)(1) of this section, a superintendent or the  
44          superintendent's designee may expunge from a student's official record any notice of

1 suspension or expulsion and an intervention plan provided all other criteria under  
2 subsection (b) are met.

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

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

8 (f) The actual address and telephone number of a student who is a participant in  
9 the Address Confidentiality Program established pursuant to Chapter 15C of the  
10 General Statutes or a student with a parent who is a participant in the Address  
11 Confidentiality Program established pursuant to Chapter 15C of the General Statutes  
12 shall be kept confidential from the public and shall not be disclosed except as provided  
13 in Chapter 15C of the General Statutes."

14 **SECTION 3.** This act is effective when it becomes law and is applicable  
15 beginning with the 2005-2006 school year.