

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1460
Committee Substitute Favorable 6/29/04
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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 or guardians, or students if emancipated, shall be notified of and included in
8 the development and implementation of a plan developed under this 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.