

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE DRS85172-LE-35 (2/4)

Short Title: School Suspension for Sale of Alcohol/Drug . (Public)

Sponsors: Senator Garrou.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENABLE LOCAL BOARDS OF EDUCATION TO EXPEL FROM SCHOOL THOSE STUDENTS WHO GIVE AWAY OR SELL ALCOHOLIC BEVERAGES, PRESCRIPTION DRUGS, OR CONTROLLED SUBSTANCES ON SCHOOL PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-391 reads as rewritten:

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

...

(d3) A local board of education or superintendent shall suspend for 365 calendar days any student who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device designed to destroy or damage property by explosion, blasting, or burning, or who, with intent to perpetrate a hoax, conceals, places, or displays any device, machine, instrument, or artifact on educational property or at a school-sponsored curricular or extracurricular activity off educational property, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property. The local board upon recommendation by the superintendent may modify either suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended under this subsection in an alternative school setting or in another setting that provides educational and other services. For purposes of this subsection and ~~subsection (d1)~~ subsections (d1), (d4), and (d6) of this section, the term "educational property" has the same definition as in G.S. 14-269.2(a)(1).

1 ...

2 (d6) A local board of education or superintendent may suspend for up to 365 days
3 any student who knowingly offers, distributes, delivers, sells, gives away, or possesses
4 with intent to offer, distribute, deliver, sell, or give away, any alcoholic beverage as
5 defined in G.S. 18B-101(4), any prescription drug as defined in G.S. 90-85.3(s), or any
6 controlled substance as defined in G.S. 90-87(5), on educational property or at a
7 school-sponsored curricular or extracurricular activity off educational property.

8 (e) A decision of a superintendent under subsection (c), (d1), (d2), (d3), ~~or~~
9 ~~(d4)~~(d4), or (d6) of this section may be appealed to the local board of education. A
10 decision of the local board upon this appeal or of the local board under subsection (d) or
11 (d1) of this section is final and, except as provided in this subsection, is subject to
12 judicial review in accordance with Article 4 of Chapter 150B of the General Statutes. A
13 person seeking judicial review shall file a petition in the superior court of the county
14 where the local board made its decision.

15 "

16 **SECTION 2.** This act becomes effective December 1, 2003, and applies to
17 acts committed on or after that date.