GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S 2

SENATE BILL 994 Education/Higher Education Committee Substitute Adopted 4/30/03

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

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO ENABLE LOCAL BOARDS OF EDUCATION TO SUSPEND FROM SCHOOL THOSE STUDENTS WHO GIVE AWAY, SELL, OR USE 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.

1

2

3

4

5

6

7

8

9 10

11

12

13

14 15

16

17

18

19

20 21

22

23

24

25

26

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).

27 28 . . .

- (d6) A local board of education or superintendent may suspend for up to 365 days any student who knowingly offers, distributes, delivers, sells, gives away, possesses with intent to offer, distribute, deliver, sell, or give away, or uses any alcoholic beverage as defined in G.S. 18B-101(4) or any controlled substance as defined in G.S. 90-87(5) on educational property or at a school-sponsored curricular or extracurricular activity off educational property. A local board of education or superintendent also may suspend for up to 365 days any student who knowingly offers, distributes, delivers, sells, gives away, possesses with intent to offer, distribute, deliver, sell, or give away, or uses without authorization any prescription drug as defined in G.S. 90-85.3(s) on educational property or at a school-sponsored curricular or extracurricular activity off educational property. The local board of education or the superintendent may provide, or contract for the provision of, educational services to a student suspended under this subsection in an alternative school setting or other setting that provides educational and other services.
- (e) A decision of a superintendent under subsection (c), (d1), (d2), (d3), or (d4)(d4), or (d6) of this section may be appealed to the local board of education. A decision of the local board upon this appeal or of the local board under subsection (d) or (d1) of this section is final and, except as provided in this subsection, is subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes. A person seeking judicial review shall file a petition in the superior court of the county where the local board made its decision.

22 ..."

SECTION 2. G.S. 115C-45(c)(1) reads as rewritten:

- "(c) Appeals to Board of Education and to Superior Court. An appeal shall lie to the local board of education from any final administrative decision in the following matters:
 - (1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2), (d3), or (d4);(d4), or (d6);

SECTION 3. This act becomes effective December 1, 2003, and applies to acts committed on or after that date.