

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 994
Education/Higher Education Committee Substitute Adopted 4/30/03
House Committee Substitute Favorable 6/11/03

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

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO ENABLE SUPERINTENDENTS TO REMOVE TO AN
2 ALTERNATIVE EDUCATIONAL SETTING OR TO SUSPEND FROM SCHOOL
3 STUDENTS FOR CONDUCT RELATED TO CONTROLLED SUBSTANCES,
4 ALCOHOLIC BEVERAGES, OR PRESCRIPTION DRUGS.
5

6 The General Assembly of North Carolina enacts:

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

8 **"§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.**

9 ...

10 (d3) A local board of education or superintendent shall suspend for 365 calendar
11 days any student who, by any means of communication to any person or group of
12 persons, makes a report, knowing or having reason to know the report is false, that there
13 is located on educational property or at a school-sponsored curricular or extracurricular
14 activity off educational property any device designed to destroy or damage property by
15 explosion, blasting, or burning, or who, with intent to perpetrate a hoax, conceals,
16 places, or displays any device, machine, instrument, or artifact on educational property
17 or at a school-sponsored curricular or extracurricular activity off educational property,
18 so as to cause any person reasonably to believe the same to be a bomb or other device
19 capable of causing injury to persons or property. The local board upon recommendation
20 by the superintendent may modify either suspension requirement on a case-by-case
21 basis that includes, but is not limited to, the procedures established for the discipline of
22 students with disabilities and may also provide, or contract for the provision of,
23 educational services to any student suspended under this subsection in an alternative
24 school setting or in another setting that provides educational and other services. For
25 purposes of this subsection and ~~subsection (d1)~~ subsections (d1), (d4), and (d6) of this
26 section, the term "educational property" has the same definition as in G.S.
27 14-269.2(a)(1).

28 ...

1 (d6) The superintendent may, upon recommendation of the principal, remove to an
2 alternative educational setting any student who (i) knowingly offers, distributes,
3 delivers, sells, gives away, possesses with intent to offer, distribute, deliver, sell, or give
4 away, or uses any controlled substance as defined in G.S. 90-87(5), or (ii) knowingly
5 offers, distributes, delivers, sells, gives away, or possesses with intent to offer,
6 distribute, deliver, sell, or give away, any alcoholic beverage as defined in G.S.
7 18B-101(4) or any prescription drug as defined in G.S. 90-85.3(s), on educational
8 property or at a school-sponsored curricular or extracurricular activity off educational
9 property. If no appropriate alternative educational setting is available, the
10 superintendent may, upon recommendation of the principal, suspend this student for up
11 to 365 days.

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

19 ..."

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

21 "(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to
22 the local board of education from any final administrative decision in the following
23 matters:

24 (1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2),
25 (d3), ~~or (d4)~~;(d4), or (d6);

26 ..."

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