

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 71
Education/Higher Education Committee Substitute Adopted 3/8/01
Third Edition Engrossed 3/15/01**

Short Title: Suspended Students Ass'd to Alternative Progs.

(Public)

Sponsors:

Referred to:

February 6, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING
3 LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO
4 ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE
5 LEARNING PROGRAMS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** The State Board of Education, in cooperation with the
8 Department of Juvenile Justice and Delinquency Prevention, shall establish a pilot
9 program under which participating local school administrative units place all students
10 who are on short-term out-of-school suspension in alternative learning programs. These
11 alternative placements may be in alternative learning programs, day reporting centers,
12 and other similar supervised programs for students. The Superintendent of Public
13 Instruction and the Secretary of the Department of Juvenile Justice and Delinquency
14 Prevention shall select no more than five local school administrative units to participate
15 in the program.

16 **SECTION 1.(b)** A local board of education that applies and is selected by
17 the Superintendent and the Secretary to participate in the program shall develop and
18 adopt a plan for placing in alternative learning programs, with the goal of successful
19 re-entry into the students' regular school setting, all students who are on short-term
20 out-of-school suspension except that:

- 21 (1) A pilot unit may elect not to include in its plan the placement of some
22 or all of the students who are on short-term out-of-school suspension
23 and for whom a recommendation to the local superintendent for
24 long-term suspension is pending; and
25 (2) The plan shall not require the placement of a child with disabilities in
26 an alternative learning program if it is determined that the placement is
27 inappropriate under the child's individual education plan.

1 The assignment of a child in an alternative learning program shall be for the
2 duration of the period of short-term suspension.

3 **SECTION 1.(c)** The chief court counselor in the judicial district or a
4 designee must work closely with the pilot unit in developing the plan. The pilot unit
5 shall consult with other interested parties such as local designees of the Department of
6 Public Instruction, the Department of Health and Human Services, and the Department
7 of Juvenile Justice and Delinquency Prevention, the local Juvenile Crime Prevention
8 Council, educators, parents, local public and private agencies serving juveniles and their
9 families, local business leaders, citizens with an interest in youth problems, and youth
10 representatives on the development of the plan.

11 **SECTION 1.(d)** Any selected pilot unit may delay implementation of its
12 plan until the local board determines that adequate funds are available from federal,
13 State, and local allocations and other sources. If the local board of a selected pilot unit
14 determines that funds will not be adequate to implement the pilot, the superintendent
15 shall notify the State Board of Education that the pilot program will not be implemented
16 so that another pilot unit may be selected.

17 **SECTION 1.(e)** The plan should:

18 (1) Include a detailed plan for:

- 19 a. Making the alternative placements;
- 20 b. Transporting each student to the student's alternative placement;
- 21 c. Ensuring that the student is participating in the alternative
22 placement;
- 23 d. Facilitating communication between the school from which the
24 student is suspended and the alternative placement;
- 25 e. Providing the student an opportunity to complete and receive
26 credit for work missed during the period of suspension and to
27 participate in the State accountability program; and
- 28 f. Notifying and providing parents the opportunity to be involved.

29 (2) Identify resources that will be used to implement the plan, the sources
30 of funds, and the process for procuring funds;

31 (3) State the plan's goals and anticipated outcomes of the pilot program;

32 (4) Include a process for assessing on an annual basis the success of the
33 local school administrative unit in implementing the plan and the
34 effectiveness of the plan; and

35 (5) Identify the extent to which the plan includes collaboration with other
36 agencies and the Juvenile Crime Prevention Councils.

37 **SECTION 1.(f)** Notwithstanding any other provision of law, the Department
38 of Juvenile Justice and Delinquency Prevention and Juvenile Crime Prevention Councils
39 may use their programs, employees, funds, and other resources to meet the needs of all
40 students on short-term out-of-school suspension in the pilot units who are placed in
41 alternative learning programs. The pilot unit shall, to the extent reasonable and
42 practicable, ensure that suspended students are in programs or classrooms that are
43 separate from those in which violent adjudicated offenders are placed.

1 Notwithstanding any other provision of law, the pilot unit may contract with
2 nonprofit corporations and other governmental entities to meet the needs of these
3 students and may assign students to programs administered and staffed in whole or in
4 part by these entities. The nonprofit shall maintain adequate liability insurance to cover
5 claims arising from the provision of services by the nonprofit. Local boards of education
6 shall not be responsible for the supervision or control of any program run by or under
7 the control of any other agency or corporation. No cause of action shall be maintained
8 against a local board of education or its officers or employees for any damages or injury
9 arising out of matters occurring in any program not under the direct supervision and
10 control of the local board of education and its employees.

11 **SECTION 1.(g)** Any absences from the alternative learning program shall
12 be subject to local board policies regarding promotion and course credits. Also, if a
13 pilot unit determines that attendance in the alternative learning program is mandatory
14 for eligible short-term suspended students, the students shall attend in accordance with
15 the compulsory attendance requirements of G.S. 115C-378.

16 **SECTION 1.(h)** Except as provided in subsection (e) of this section, the
17 pilots shall be implemented in accordance with G.S. 115C-391. The policies and
18 procedures for the discipline of students with disabilities shall be consistent with federal
19 and State laws and regulations.

20 **SECTION 1.(i)** The Department of Public Instruction and the Department of
21 Juvenile Justice and Delinquency Prevention shall report to the Joint Legislative
22 Education Oversight Committee by April 15, 2003, on:

- 23 (1) The implementation of the program in the pilot units;
- 24 (2) The full cost of implementing the pilot;
- 25 (3) The sources of funds and other resources used to implement the pilots;
- 26 (4) Each unit's assessment of its plan;
- 27 (5) Instances of effective local collaboration and coordination of services;
- 28 (6) Innovative or experimental aspects of the plans that would be useful
29 models for replication in other local school administrative units; and
- 30 (7) A recommendation as to whether the program should be instituted
31 statewide, including any legislative recommendations.

32 **SECTION 1.(j)** The State Board of Education, the Department of Juvenile
33 Justice and Delinquency Prevention, and the pilot units shall implement this act, within
34 existing State resources, by redirecting existing State resources and by using nonstate
35 funds.

36 **SECTION 2.** This act is effective when it becomes law.