

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 218
Committee Substitute Favorable 4/1/09
Committee Substitute #2 Favorable 4/14/09

Short Title: Parent & Student Educational Involvement Act.

(Public)

Sponsors:

Referred to:

February 19, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE REQUIREMENTS FOR THE NOTICE THAT MUST BE
3 GIVEN TO A PARENT WHEN A STUDENT IS RECOMMENDED FOR A
4 SUSPENSION OF MORE THAN TEN DAYS OR AN EXPULSION FROM SCHOOL.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-391(d5) reads as rewritten:

7 "(d5) When a student is ~~expelled or suspended~~ recommended for expulsion or suspension
8 for more than 10 days, the local board shall give written notice to the student's ~~parent or~~
9 ~~guardian by certified mail, telephone, telefax, e-mail, or any other method reasonably designed~~
10 ~~to achieve actual notice of the student's rights under this section.~~ parent. For the purposes of this
11 subsection, the word "parent" shall mean parent, guardian, caregiver, or other person legally
12 responsible for the student. The written notice shall be provided to the student's parent by the
13 end of the workday during which the suspension for more than 10 days or expulsion is
14 recommended when reasonably possible, but in no event later than the end of the following
15 workday. The written notice shall provide at least the following information:

- 16 (1) A description of the incident leading to the recommendation that the student
17 be expelled or suspended for more than 10 days;
18 (2) The specific provisions of the student conduct policy or rule alleged to have
19 been violated;
20 (3) The specific process by which the parent may request a hearing to contest
21 the suspension for more than 10 days or expulsion, including the number of
22 days within which the hearing must be requested;
23 (4) The process by which a hearing will be held, including, to the extent
24 provided by law, the student's opportunity to examine evidence and present
25 evidence, to confront and cross-examine witnesses supporting the charge,
26 and to call witnesses to verify the student's version of the incident;
27 (5) The parent is permitted to retain an attorney to represent the student in the
28 hearing process;
29 (6) The extent to which the local board policy permits the parent to have an
30 advocate to accompany the student to assist in the presentation of his or her
31 appeal instead of an attorney; and
32 (7) The parent has a right to review the student's educational records prior to the
33 hearing.

34 Written notice may be provided by certified mail, telefax, e-mail, or any other written
35 method reasonably designed to achieve actual notice of the recommendation for expulsion or
36 suspension for more than 10 days. If English is the second language of the parent or guardian,



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1 the notice shall be written in the parent or guardian's first language when the appropriate
2 foreign language resources are readily available and in ~~English, and both~~English. Both versions
3 shall be in plain language and shall be easily understandable."

4 **SECTION 2.** This act is effective when it becomes law and applies beginning with
5 the 2009-2010 school year.