

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 819

Short Title: Student Discipline Data Reports. (Public)

Sponsors: Representatives Meyer, Glazier, Lambeth, and Watford (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Education - K-12, if favorable, Judiciary II.

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO INCLUDE IN ITS
3 REPORTS ON STUDENT DISCIPLINE AN ANALYSIS OF
4 DISPROPORTIONALITIES IN REFERRAL OF STUDENTS FOR DISCIPLINARY
5 ACTIONS AND REPORTS TO LAW ENFORCEMENT AGENCIES AND TO MAKE
6 DATA ON STUDENT DISCIPLINE PUBLICLY AVAILABLE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 27 of Chapter 115C of the General Statutes reads as
9 rewritten:

10 "Article 27.

11 "Discipline.

12 "§ 115C-390: Repealed by Session Laws 2011-282, s. 1, effective June 23, 2011, and
13 applicable beginning with the 2011-2012 school year.

14 "Part 1. Student Discipline Policies and Procedures.

15 "**§ 115C-390.1. State policy and definitions.**

16 ...

17 "Part 2. Student Discipline Data Reporting.

18 "**§ 115C-393. Student discipline reports.**

19 (a) The State Board of Education shall submit a consolidated annual report to the Joint
20 Legislative Education Oversight Committee by March 15 of each year that includes the
21 information compiled under G.S. 115C-12(21) on acts of violence in the public schools and the
22 information compiled under G.S. 115C-12(27) on public school dropout rates, corporal
23 punishment, suspensions, expulsions, and alternative placements. In addition, the consolidated
24 report shall include data and analysis of disproportionalities in expulsions, long-term
25 suspensions, short-term suspensions, in-school suspensions, alternative learning placements,
26 and reports to law enforcement agencies or the juvenile justice or adult corrections systems for
27 additional action. To document disproportionalities, the report shall include at least the
28 following information:

29 (1) The number of violations of student discipline policies.

30 (2) The rate of violation of student discipline policies calculated by dividing the
31 total number of violations by the total number of enrolled students.

32 (3) The number of students with at least one disciplinary action for a violation.

33 (4) The rate of student discipline calculated by dividing the total number of
34 students with a disciplinary action for a violation by the total number of
35 enrolled students.



1 (5) The rate of violation of student discipline policies determined under
2 subdivision (2) of this subsection and the rate of student discipline
3 determined under subdivision (4) of this subsection disaggregated according
4 to the following groups with subgroups within each group, as applicable:

5 a. Gender.

6 b. Race and ethnicity.

7 c. English Language Learners.

8 d. Students with disabilities with Section 504 plans under section 504 of
9 the Rehabilitation Act of 1973, as amended.

10 e. Students with disabilities with individualized education programs
11 (IEPs) under the Individuals with Disabilities Education Act (IDEA).

12 f. Economically disadvantaged students.

13 g. Students performing below grade level as identified by end-of-course
14 (EOC) and end-of-grade (EOG) tests.

15 (6) The disproportionality rate for each violation should be calculated by
16 dividing the rate of student discipline for a subgroup or group set forth in
17 subdivision (5) of this subsection by the rate of student discipline for all
18 students.

19 (b) All data maintained by superintendents of local school administrative units in
20 accordance with G.S. 115C-276(r) and all student discipline information reported to the
21 Department of Public Instruction by local school administrative units shall be made available to
22 the public via the Department of Public Instruction's Web site in the form of an electronic
23 spreadsheet file. Only data associated with five or more student discipline violations shall be
24 provided to the public. Data associated with less than five violations may be reported as not
25 applicable. The electronic spreadsheet file shall provide base student enrollment data and be
26 disaggregated by the following:

27 (1) Student demographics, including the following:

28 a. Gender.

29 b. Race and ethnicity.

30 c. English Language Learners.

31 d. Students with disabilities with Section 504 plans under section 504 of
32 the Rehabilitation Act of 1973, as amended.

33 e. Students with disabilities with individualized education programs
34 (IEPs) under the Individuals with Disabilities Education Act (IDEA).

35 f. Economically disadvantaged students.

36 g. Students performing below grade level as identified by end-of-course
37 (EOC) and end-of-grade (EOG) tests.

38 (2) Each local school administrative unit.

39 (3) Each individual school.

40 (4) Code of student conduct behavior violation code, including the following:

41 a. Noncompliant behavior, including but not limited to, failing to
42 follow directives, tardiness or truancy, minor class disruption,
43 skipping class, inappropriate language, inappropriate dress,
44 unauthorized use of electronic devices, improper bus behavior,
45 gambling, cheating, falsifying documents, plagiarizing, lying, using
46 tobacco products, indecent exposure, possession of indecent
47 materials, and consensual sexual behavior.

48 b. Harmful behaviors, including, but not limited to, theft, fire setting,
49 property damage, false fire alarms, other false threats, repeated or
50 serious classroom or school disruption, and gang-related activity.

- 1 c. Bullying and harassment of other students, including, but not limited
2 to, sexual harassment, extortion, intimidation, and serious threats to
3 harm another person.
- 4 d. Fighting and assault without weapons and without resulting in
5 serious physical injuries, excluding with school personnel.
- 6 e. Fighting and assault with a weapon or resulting in serious physical
7 injury, excluding with school personnel.
- 8 f. Assault on school personnel without resulting in serious physical
9 injury.
- 10 g. Assault on school personnel resulting in serious physical injury.
- 11 h. Possession and personal use of unlawful substances, including
12 alcohol and unlawful drugs.
- 13 i. Sale and distribution of unlawful substances, including alcohol and
14 unlawful drugs.
- 15 j. Possession of a weapon, excluding firearms.
- 16 k. Possession of firearms.
- 17 (5) Disciplinary actions and positive interventions, including the following:
18 a. Short-term suspension.
19 b. Long-term suspension.
20 c. In-school suspension.
21 d. Expulsion.
22 e. Interim alternative education services.
23 f. School transportation suspension.
24 g. No disciplinary action.
25 h. Other disciplinary action not listed under this subdivision.
26 i. Behavior intervention plan.
27 j. Restorative justice.
28 k. Mediation.
29 l. Drug treatment or counseling referral.
30 m. Mandatory counseling.
31 n. Restitution.
32 o. Community service.
33 p. Other positive interventions not listed under this subdivision.
- 34 (6) Number of days a student is suspended or expelled.
- 35 (7) Number of days a student is assigned to alternative education services.
- 36 (8) Documentation of disciplinary hearing processes as a result of disciplinary
37 actions, including any of the following:
38 a. No appeal.
39 b. Appeal, with change in category of disciplinary actions.
40 c. Appeal, with suspension or disciplinary action overturned.
41 d. Appeal, with no reduction in number of days of a disciplinary action.
42 e. Appeal, with reduction in number of days of a disciplinary action.
- 43 (9) Referrals to law enforcement agencies or the juvenile justice or adult
44 corrections systems for additional action, including the following:
45 a. Number of school-based referrals to law enforcement and direct
46 referrals to law enforcement or juvenile justice or criminal justice
47 agencies.
- 48 b. Number of students referred to law enforcement or juvenile justice or
49 criminal justice agencies from school.
- 50 c. Number of school-based arrests.
- 51 (10) Any other categories deemed relevant by the State Board of Education."

1 **SECTION 2.** G.S. 115C-12 reads as rewritten:

2 "**§ 115C-12. Powers and duties of the Board generally.**

3 The general supervision and administration of the free public school system shall be vested
4 in the State Board of Education. The State Board of Education shall establish policy for the
5 system of free public schools, subject to laws enacted by the General Assembly. The powers
6 and duties of the State Board of Education are defined as follows:

7 ...
8 (21) Duty to Monitor Acts of School Violence. – The State Board of Education
9 shall monitor and compile an annual report on acts of violence in the public
10 schools. The State Board shall adopt standard definitions for acts of school
11 violence and shall require local boards of education to report them to the
12 State Board in a standard format adopted by the State Board. The State
13 Board shall submit its report on acts of violence in the public schools in a
14 consolidated report as provided in G.S. 115C-393 to the Joint Legislative
15 Education Oversight Committee by March 15 of each year.

16 ...
17 (27) Reporting Dropout Rates, Corporal Punishment, Suspensions, Expulsions,
18 and Alternative Placements. – The State Board shall ~~report~~ submit a
19 consolidated report as provided in G.S. 115C-393 by March 15 of each year
20 to the Joint Legislative Education Oversight Committee on the numbers of
21 students who have dropped out of school, been subjected to corporal
22 punishment, been suspended, been expelled, been reassigned for disciplinary
23 purposes, or been provided alternative education services. The data shall be
24 reported in a disaggregated manner, reflecting the local school
25 administrative unit, race, gender, grade level, ethnicity, and disability status
26 of each affected student. Such data shall be readily available to the
27 ~~public~~ public in accordance with G.S. 115C-393. The State Board shall not
28 include students that have been expelled from school when calculating the
29 dropout rate. The Board shall maintain a separate record of the number of
30 students who are expelled from school and the reasons for the expulsion.

31 "

32 **SECTION 3.(a)** The Department of Public Instruction shall study and develop
33 guidelines for use by local school administrative units on the consistent application of student
34 discipline code violations, reporting to law enforcement agencies, and data reporting for the
35 purposes of G.S. 115C-393, as enacted by this act. In studying and developing these guidelines,
36 the Department shall do at least the following:

- 37 (1) Create standard definitions for local school administrative units' codes of
38 student conduct and school student discipline policies, including guidelines
39 for definitions of unclear prohibited behaviors such as "disrespect" and
40 "disruptive behavior."
41 (2) Develop and adopt guidance for local school administrative units on
42 consistency of reporting student discipline data based on standard definitions
43 of student discipline codes, analysis of that data to address
44 disproportionalities, and the information required to be collected to comply
45 with G.S. 115C-393.
46 (3) Develop and adopt guidance related to reporting violations of student
47 discipline policies to law enforcement agencies, other than acts required to
48 be reported under G.S. 115C-288(g), and the use of alternative positive
49 interventions when available.
50 (4) Consider stakeholder input on developing the guidelines required by this
51 section, including local boards of education, school administrators, public

1 school students and their parents, school resource officers, local law
2 enforcement agencies, and juvenile justice system and adult corrections
3 representatives.

4 **SECTION 3.(b)** By November 15, 2015, the Department of Public Instruction
5 shall report to the Joint Legislative Education Oversight Committee on the results of its study
6 and the adoption of the guidelines required by this section. The Department may include any
7 policy recommendations or proposals for legislation in its report.

8 **SECTION 4.** This act is effective when it becomes law and applies beginning with
9 the 2015-2016 school year.