

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-178
SENATE BILL 71**

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

The General Assembly of North Carolina enacts:

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

SECTION 1.(b) The State Board of Education and the Department of Juvenile Justice and Delinquency Prevention shall develop an application process that encourages local boards of education to apply for inclusion in the pilot program. As a part of the application process, a local board shall indicate how it proposes to address the issues set out in subsection (e) of this section. A local board of education that applies and is selected by the Superintendent and the Secretary to participate in the program shall develop and adopt a plan for placing in alternative learning programs, with the goal of successful reentry into the students' regular school setting, all students who are on short-term out-of-school suspension except that:

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

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

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

SECTION 1.(d) Any selected pilot unit may delay implementation of its plan until the local board determines that adequate funds are available from federal, State, and local allocations and other sources. If the local board of a selected pilot unit determines that funds will not be adequate to implement the pilot program, the

superintendent shall notify the State Board of Education that the pilot program will not be implemented so that another pilot unit may be selected.

SECTION 1.(e) The plan should:

- (1) Include a detailed plan for:
 - a. Making the alternative placements;
 - b. Transporting each student to the student's alternative placement;
 - c. Ensuring that the student is participating in the alternative placement;
 - d. Facilitating communication between the school from which the student is suspended and the alternative placement;
 - e. Providing the student an opportunity to complete and receive credit for work missed during the period of suspension and to participate in the State accountability program; and
 - f. Notifying and providing parents the opportunity to be involved;
- (2) Identify resources that will be used to implement the plan, the sources of funds, and the process for procuring funds;
- (3) State the plan's goals and anticipated outcomes of the pilot program;
- (4) Include a process for assessing on an annual basis the success of the local school administrative unit in implementing the plan and the effectiveness of the plan; and
- (5) Identify the extent to which the plan includes collaboration with other agencies and the Juvenile Crime Prevention Councils.

SECTION 1.(f) Notwithstanding any other provision of law, the Department of Juvenile Justice and Delinquency Prevention and Juvenile Crime Prevention Councils may use their programs, employees, funds, and other resources to meet the needs of all students on short-term out-of-school suspension in the pilot units who are placed in alternative learning programs. The pilot unit shall, to the extent reasonable and practicable, ensure that suspended students are in programs or classrooms that are separate from those in which violent adjudicated offenders are placed. The pilot unit shall not send suspended students to programs or classrooms in training schools, detention centers, or other similar facilities.

Notwithstanding any other provision of law, the pilot unit may contract with nonprofit corporations and other governmental entities to meet the needs of these students and may assign students to programs administered and staffed in whole or in part by these entities. The nonprofit shall maintain adequate liability insurance to cover claims arising from the provision of services by the nonprofit.

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

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

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

- (1) The implementation of the program in the pilot units;
- (2) The full cost of implementing the pilot program;
- (3) The sources of funds and other resources used to implement the pilot programs;
- (4) Each unit's assessment of its plan;
- (5) Instances of effective local collaboration and coordination of services;

- (6) Innovative or experimental aspects of the plans that would be useful models for replication in other local school administrative units; and
- (7) A recommendation as to whether the program should be instituted statewide, including any legislative recommendations.

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

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

In the General Assembly read three times and ratified this the 28th day of May, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker Pro Tempore of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:21 a.m. this 7th day of June, 2001