

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 1460

Short Title: Intervention Plans for Suspended Students. (Public)

Sponsors: Representatives Preston, Warner (Primary Sponsors); Bell, Blackwood, Bonner, Fisher, Parmon, Sauls, Warren, Womble, Farmer-Butterfield, Gorman, Lucas, and Luebke.

Referred to: Education.

May 17, 2004

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM  
3 COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR  
4 STUDENTS ON LONG-TERM SUSPENSION TO REQUIRE SCHOOLS TO  
5 DEVELOP AND IMPLEMENT INTERVENTION PLANS FOR STUDENTS  
6 WHO ARE SUSPENDED FROM SCHOOL.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Chapter 115C of the General Statutes is amended by adding  
9 the following new Article to read:

"Article 27B.

"Intervention Plans for Suspended Students.

12 **§ 115C-397.10. Intervention plans for suspended students.**

13 (a) Local school administrative units shall develop an intervention plan for any  
14 suspended student. This plan may be part of any other plan, such as an Individualized  
15 Education Program, that is required to be developed for a particular student. The plan  
16 shall include, at a minimum, all of the following:

17 (1) High educational expectations for the student.

18 (2) Strategies to address the underlying reasons for the student's conduct  
19 that led to the suspension.

20 (3) A focus on the student's particular educational needs, especially  
21 reading.

22 (4) The signature of the student's parent or guardian.

23 (5) An accountability component.

24 (b) For the purpose of this Article, the term "suspended student" means a student  
25 who meets at least one of the following criteria:

26 (1) The student receives a suspension of more than 10 school days.

1           (2)    The student receives multiple suspensions of individual terms of 10 or  
2                    fewer school days but that total more than 10 school days during one  
3                    school year.

4           (3)    The student accumulates five unexcused absences during one school  
5                    year."

6           **SECTION 2.** G.S. 115C-402 reads as rewritten:

7   **"§ 115C-402. Student records; maintenance; contents; confidentiality.**

8           (a)    The official record of each student enrolled in North Carolina public schools  
9 shall be permanently maintained in the files of the appropriate school after the student  
10 graduates, or should have graduated, from high school unless the local board determines  
11 that such files may be filed in the central office or other location designated by the local  
12 board for that purpose.

13          (b)    The official record shall contain, as a minimum, adequate identification data  
14 including date of birth, attendance data, grading and promotion data, and such other  
15 factual information as may be deemed appropriate by the local board of education  
16 having jurisdiction over the school wherein the record is maintained. Each student's  
17 official record also shall include notice of any suspension for a period of more than 10  
18 days or of any expulsion under ~~G.S. 115C-391~~ and G.S. 115C-391, the conduct for  
19 which the student was suspended or ~~expelled~~, expelled, and an intervention plan  
20 developed under G.S. 115C-397.10. The superintendent or the superintendent's designee  
21 shall expunge from the record the notice of suspension or expulsion and an intervention  
22 plan if the following criteria are met:

23           (1)    One of the following persons makes a request for expungement:

24                   a.    The student's parent, legal guardian, or custodian.

25                   b.    The student, if the student is at least 16 years old or is  
26                        emancipated.

27           (2)    The student either graduates from high school or is not expelled or  
28                    suspended again during the two-year period commencing on the date  
29                    of the student's return to school after the expulsion or suspension.

30           (3)    The superintendent or the superintendent's designee determines that  
31                    the maintenance of the record is no longer needed to maintain safe and  
32                    orderly schools.

33           (4)    The superintendent or the superintendent's designee determines that  
34                    the maintenance of the record is no longer needed to adequately serve  
35                    the child.

36          (c)    Notwithstanding subdivision (b)(1) of this section, a superintendent or the  
37 superintendent's designee may expunge from a student's official record any notice of  
38 suspension or expulsion and an intervention plan provided all other criteria under  
39 subsection (b) are met.

40          (d)    Each local board's policy on student records shall include information on the  
41 procedure for expungement under subsection (b) of this section.

42          (e)    The official record of each student is not a public record as the term "public  
43 record" is defined by G.S. 132-1. The official record shall not be subject to inspection  
44 and examination as authorized by G.S. 132-6.

1       (f)     The actual address and telephone number of a student who is a participant in  
2 the Address Confidentiality Program established pursuant to Chapter 15C of the  
3 General Statutes or a student with a parent who is a participant in the Address  
4 Confidentiality Program established pursuant to Chapter 15C of the General Statutes  
5 shall be kept confidential from the public and shall not be disclosed except as provided  
6 in Chapter 15C of the General Statutes."

7             **SECTION 3.** This act is effective when it becomes law and is applicable  
8 beginning with the 2005-2006 school year.