

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 853
Committee Substitute Favorable 4/12/07

Short Title: Prohibit Corporal Punishment in Schools.

(Public)

Sponsors:

Referred to:

March 15, 2007

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE USE OF CORPORAL PUNISHMENT IN THE
PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-391 reads as rewritten:

"§ 115C-391. ~~Corporal punishment, suspension, or expulsion of pupils.~~ Students; corporal punishment prohibited.

(a) Local boards of education shall adopt policies not inconsistent with the provisions of the Constitutions of the United States and North Carolina, governing the conduct of students and establishing procedures to be followed by school officials in suspending or expelling any student, or in disciplining any student if the offensive behavior could result in ~~suspension, expulsion, or the administration of corporal punishment.~~ suspension or expulsion. Local boards of education shall adopt policies that prohibit both the administration of corporal punishment and the threat of corporal punishment. Local boards of education shall include a reasonable dress code for students in these policies.

~~The policies that shall be adopted for the administration of corporal punishment shall include at a minimum the following conditions:~~

- ~~(1) Corporal punishment shall not be administered in a classroom with other children present;~~
- ~~(2) The student body shall be informed beforehand what general types of misconduct could result in corporal punishment;~~
- ~~(3) Only a teacher, substitute teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher assistant, or student teacher, who shall be informed beforehand and in the student's presence of the reason for the punishment; and~~
- ~~(4) An appropriate school official shall provide the child's parent or guardian with notification that corporal punishment has been~~

1 ~~administered, and upon request, the official who administered the~~
2 ~~corporal punishment shall provide the child's parent or guardian a~~
3 ~~written explanation of the reasons and the name of the second school~~
4 ~~official who was present.~~

5 Each local board shall publish all the policies mandated by this subsection and make
6 them available to each student and his parent or guardian at the beginning of each
7 school year. Notwithstanding any policy adopted pursuant to this section, school
8 personnel may use reasonable ~~force, including corporal punishment,~~force to control
9 behavior or to remove a person from the scene in those situations when necessary:

- 10 (1) To quell a disturbance threatening injury to others;
11 (2) To obtain possession of weapons or other dangerous objects on the
12 person, or within the control, of a student;
13 (3) For self-defense;
14 (4) For the protection of persons or property; or
15 (5) To maintain order on school property, in the classroom, or at a
16 school-related activity on or off school property.

17 ...

18 (h) Notwithstanding any other law, no officer or employee of the State Board of
19 Education or of a local board of education shall be civilly liable for using reasonable
20 ~~force, including corporal punishment,~~force in conformity with State law, State or local
21 rules, or State or local policies regarding the control, discipline, suspension, and
22 expulsion of students. Furthermore, the burden of proof is on the claimant to show that
23 the amount of force used was not reasonable."

24 **SECTION 2.** G.S. 6-21.4 is repealed.

25 **SECTION 3.** Section 1 of this act is effective when it becomes law and
26 applies beginning with the 2007-2008 school year. The remainder of this act is effective
27 when it becomes law. Section 2 of this act does not apply to civil actions arising from
28 the use of corporal punishment prior to the effective date of this act.