

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

3

HOUSE BILL 207
Senate Education/Higher Education Committee Substitute Adopted 6/12/24
Third Edition Engrossed 6/20/24

Short Title: Discipline Changes.

(Public)

Sponsors:

Referred to:

February 28, 2023

A BILL TO BE ENTITLED
AN ACT TO ALLOW FOR WRITTEN ACCOUNTS FOR INCIDENTS THAT MAY RESULT
IN SHORT-TERM OR LONG-TERM SUSPENSIONS AND TO MAKE CHANGES TO
THE SHORT-TERM SUSPENSION PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-390.2 is amended by adding a new subsection to read:
"(h1) Governing body policies shall require the principal or principal's designee to accept any detailed eyewitness account of an incident that could result in a short-term or long-term suspension if the account is provided by the end of the school day following the day the principal or principal's designee is given notice of the incident. Nothing in this subsection prohibits a principal or principal's designee from accepting any detailed eyewitness account after that date. For the purposes of this subsection, a detailed eyewitness account may be written or oral. If the account is oral, the principal or principal's designee shall reduce it to writing."

SECTION 2. G.S. 115C-390.6 reads as rewritten:

"§ 115C-390.6. Short-term suspension procedures.

(a) Except as authorized in this section, no short-term suspension shall be imposed upon a student without first providing the student an opportunity for an informal hearing with the principal. The notice to the student of the charges may be oral or written, and the hearing may be held immediately after the notice is given. The student has the right to be present, to be informed of the charges and the basis for the accusations, and to make statements in defense or mitigation of the charges. At the informal hearing, the principal or the principal's designee shall provide the student with detailed, written documentation of the specific section of the public school unit's Code of Student Conduct that the student's conduct violated and how the conduct violated it. If applicable, the student shall also be provided with information on the student's right to appeal the decision in accordance with subsection (f) of this section and notice of the procedures for such an appeal.

...

(e) ~~A~~ Except as provided in subsection (f) of this section, a student is not entitled to appeal the principal's decision to impose a short-term suspension to the superintendent or governing body of the public school unit. Further, such a decision is not subject to judicial review. Notwithstanding this subsection, the governing body, in its discretion, may provide students an opportunity for a review or appeal of a short-term suspension to the superintendent or governing body.

(f) A student in grade nine or above is entitled to appeal the principal's decision to impose a short-term suspension if the short-term suspension is for five or more days and the appeal is



* H 2 0 7 - V - 3 *

made within 14 days of the principal's decision. The governing body shall adopt a policy providing the procedures for the appeal of any short-term suspension decision under this subsection and may allow the superintendent or the superintendent's designee to conduct the hearing for the appeal. The superintendent or superintendent's designee who conducts the hearing for the appeal shall provide a detailed, written decision based on substantial evidence to reverse or uphold the principal's decision.

(g) A written decision issued pursuant to subsection (f) of this section reversing the principal's decision shall include the expunction of any record of the suspension from the student's official record created in accordance with G.S. 115C-402 and governing body policy.

(h) A written decision issued pursuant to subsection (f) of this section upholding the short-term suspension shall include at least the following information:

(1) The basis for the decision, including a reference to any policy or rule that the student was determined to have violated.

(2) Notice of what information will be included in the student's official record pursuant to G.S. 115C-402 and governing board policy."

SECTION 3. G.S. 115C-402 reads as rewritten:

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

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

(b) The official record shall contain, as a minimum, adequate identification data including date of birth, attendance data, grading and promotion data, and such other factual information as may be deemed appropriate by the local board of education having jurisdiction over the school wherein the record is maintained. Each student's official record also shall include notice of any long-term suspension or expulsion imposed pursuant to G.S. 115C-390.7 through G.S. 115C-390.11 and the conduct for which the student was suspended or expelled. The superintendent or the superintendent's designee shall expunge from the record the notice of suspension or expulsion if the following criteria are met:

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

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

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

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

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

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

(b1) Any notice of a short-term suspension imposed pursuant to G.S. 115C-390.5 to a student in grade nine or above shall be expunged from the record, at the earliest, at the end of the school year in which the suspension was imposed if the following criteria are met:

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

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

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

(2) The student either graduates from high school or has not been expelled or suspended again during the same school year.

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

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

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

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

...."

SECTION 4. This act is effective when it becomes law and applies beginning with the 2024-2025 school year.