

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 188

Short Title: Standards of Student Conduct. (Public)

Sponsors: Representatives Torbett, Blackwell, Willis, and Wheatley (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 1, if favorable, Rules, Calendar, and
Operations of the House

February 27, 2023

A BILL TO BE ENTITLED

AN ACT TO USE BEST PRACTICES TO AVOID DISCRIMINATION IN PUBLIC SCHOOL
UNIT DISCIPLINE POLICIES, TO REQUIRE DISCIPLINE POLICIES TO ADDRESS
SUPPORT OF STUDENTS ON SUSPENSION AND PROCEDURES FOR ASSIGNMENT
TO IN-SCHOOL SUSPENSION, AND TO MAKE TECHNICAL CORRECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-390.2 reads as rewritten:

"§ 115C-390.2. **Discipline policies.**

(a) Governing bodies of public school units, in consultation with teachers, school-based administrators, parents, and local law enforcement agencies, shall adopt policies to govern the conduct of students and establish procedures to be followed by school officials in disciplining students. These policies must be consistent with the provisions of this Article and the constitutions, statutes, and regulations of the United States and the State of North Carolina.

(a1) Governing bodies shall use best practices to develop and enforce discipline policies that do not discriminate against students on the basis of race, ethnicity, national origin, gender, or disability. In adopting these policies, governing bodies of public school units shall consider any existing federal guidance for the discipline of students with disabilities as well as other guidance on school discipline practices issued by the United States Department of Education.

...

(f) Governing body policies shall minimize the use of long-term suspension and expulsion by restricting the availability of long-term suspension or expulsion to those violations deemed to be serious violations of the governing body's Code of Student Conduct that either threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational environment. ~~Examples of conduct that would not be deemed to be a serious violation include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations, and minor physical altercations that do not involve weapons or injury.~~ The principal may, however, in his or her discretion, determine that aggravating circumstances justify treating a minor violation as a serious violation.

...

(h1) Governing body policies shall include the measures that will be taken to support a student during a suspension, including measures to mitigate learning loss.

(h2) Governing body policies shall include the procedures to be followed by school officials when assigning a student to in-school suspension. School officials are encouraged to use in-school suspension over punishment that removes a student from the school building.



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2 **SECTION 2.** G.S. 115C-390.11(a) reads as rewritten:

3 "(a) Upon recommendation of the superintendent, a governing body of a public school
4 unit may expel any student 14 years of age or older whose continued presence in school
5 constitutes a clear threat to the safety of other students or school staff. Prior to the expulsion of
6 any student, the governing body shall conduct a hearing to determine whether the student's
7 continued presence in school constitutes a clear threat to the safety of other students or school
8 staff. The student shall be given reasonable notice of the recommendation in accordance with
9 G.S. 115C-390.8(a) and (b), as well as reasonable notice of the time and place of the scheduled
10 hearing. The following provisions apply:

11 (1) The procedures described in G.S. 115C-390.8(e)(1)-(8) apply to students
12 facing expulsion pursuant to this section, except that the decision to expel a
13 student by the local board of education shall be based on clear and convincing
14 evidence that the student's continued presence in school constitutes a clear
15 threat to the safety of other students and school staff.

16 (2) A local board of education may expel any student subject to G.S. 14-208.18
17 in accordance with the procedures of this section. Prior to ordering the
18 expulsion of a student, the local board of education shall consider whether
19 there are alternative education services that may be offered to the student. As
20 provided by G.S. 14-208.18(f), if the local board of education determines that
21 the student shall be provided educational services on school property, the
22 student shall be under the supervision of school personnel at all times.

23 (3) At the time a student is expelled under this section, the student shall be
24 provided notice of the right to petition for readmission pursuant to
25 G.S. 115C-390.12."

26 **SECTION 3.** G.S. 115C-390.2(j) is repealed.

27 **SECTION 4.** G.S. 115C-390.5(b) is repealed.

28 **SECTION 5.** This act is effective when it becomes law and applies beginning with
29 the 2023-2024 school year. G.S. 115C-390.2, as amended by this act, applies to material changes
30 made to policies established prior to July 1, 2023, and to new policies established on or after July
31 1, 2023.