



SENATE BILL 295: Standards of Student Conduct.

2019-2020 General Assembly

Committee:		Date:	August 7, 2019
Introduced by:	Sen. Tillman	Prepared by:	Brian Gwyn
Analysis of:	Fourth Edition		Staff Attorney

OVERVIEW: *The 4th Edition of SB 295 would make various changes to the requirements for school discipline policies and would temporarily exempt teachers with the North Carolina Virtual Public School from the 12-month maximum limit for temporary appointments while the Department of Public Instruction develops a plan of employment for these teachers going forward.*

SCHOOL DISCIPLINE POLICIES

CURRENT LAW: Article 27 of Chapter 115C of the General Statutes establishes requirements that local boards of education (LBEs) must follow when administering student discipline. Additionally, charter schools, regional schools, innovative schools, and lab schools must follow the requirements of Article 27.

G.S. 115C-390.2(a) requires LBEs to adopt policies and procedures that school officials must follow when disciplining students. The policies must be consistent with State and federal law.

G.S. 115C-390.2(f) requires board policies to restrict long-term suspensions or expulsions to serious violations of the 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 violations not deemed serious include:

- Inappropriate or disrespectful language.
- Noncompliance.
- Dress code violations.
- Minor physical altercations that do not involve weapons or injury.

The principal may determine that aggravating circumstances justify treating a minor violation as a serious violation.

G.S. 115C-390.2(k) encourages school officials to use a full range of responses to disciplinary violations that do not involve removing the student from the classroom or school building.

BILL ANALYSIS: The bill would do the following:

- Require LBEs to consult with teachers, school-based administrators, parents, and local law enforcement agencies when adopting policies related to student conduct.
- Require LBEs to review current federal guidance on school discipline practices prior to adopting discipline policies.
- Require LBEs to send their most current discipline policies to the Department of Public Instruction (DPI) each year by September 1.
- Require school officials to inform parents or guardians at the beginning of each school year about the full range of responses to disciplinary violations.
- Authorize LBEs to require students and parents or guardians to sign an acknowledgement that they received a copy of any discipline policies, procedures, or rules.

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- Clarify that State law does not regulate an LBE's discretion to devise, impose, or enforce personal appearance codes.
- Clarify that Article 27 applies to all public school units (local boards of education, charter schools, regional schools, innovative schools, Schools for the Blind and Deaf, School of the Arts, School of Science and Math, and lab schools).

NORTH CAROLINA VIRTUAL PUBLIC SCHOOL (NCVPS) TEACHERS

CURRENT LAW: Under 25 N.C. Admin. Code 1C.0407, a temporary part-time appointment to a State government position "is an appointment of less than full-time for a limited term not to exceed 12 consecutive months", with exceptions for students and retirees. Any part-time temporary appointments must have a 31-day break in service to avoid violating this requirement.

BILL ANALYSIS: The bill would exempt NCVPS teachers from the 12-month maximum limit for temporary appointments until June 14, 2020. DPI would be required to develop a plan for contracting and payment of NCVPS teachers beginning with the spring 2020 semester. DPI would be required to report to the Joint Legislative Education Oversight Committee on the plan by October 15, 2019.

EFFECTIVE DATE: The bill would be effective when it becomes law. The discipline policy reporting requirement would apply beginning with the 2020-2021 school year. The requirement to consult with teachers, school-based administrators, parents, and local law enforcement agencies when adopting policies related to student conduct would apply to material changes to policies existing on July 1, 2020, or new policies adopted on or after July 1, 2020.

BACKGROUND: The [North Carolina Virtual Public School](#) (NCVPS) provides access to e-learning opportunities for students already enrolled in North Carolina public schools. NCVPS has approximately 800 teachers as temporary employees. Since NCVPS began offering courses in 2007, teachers have been hired as temporary employees.