



SENATE BILL 476: Reaffirm Local Control of Discipline Policies.

2019-2020 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	April 10, 2019
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. Horner, Tillman, Ballard	Prepared by:	Kara McCraw
Analysis of:	Second Edition		Committee Counsel

OVERVIEW: Senate Bill 476 directs local boards of education to repeal any student discipline policies based on policy and guidance promulgated by the United States Department of Justice (DOJ) and the United States Department of Education (DOE) on January 8, 2014 and withdrawn by those agencies on December 21, 2018. The bill also requires input from various stakeholders when local boards of education adopt policies on the conduct of students.

CURRENT LAW: Local boards of education must adopt policies that govern the conduct of students and establish procedures to be followed by school official in disciplining students. The policies must be consistent with the provisions of the discipline statutes in Chapter 115C of the General Statutes, and the constitutions, statutes, and regulations of the United States and the State of North Carolina.

BILL ANALYSIS: Senate Bill 476 directs local boards of education to repeal any student discipline policies based on policy and guidance promulgated by the DOJ and the DOE on January 8, 2014 and withdrawn by those agencies on December 21, 2018. Local boards of education must adopt student discipline policies in consultation with teachers, school-based administrators, parents, and local law enforcement agencies. The policies must be based on local standards of conduct and do not have to be consistent with interpretations of federal law which were promulgated by federal agencies and then withdrawn by those agencies.

The bill also requires each local board of education to provide a copy of its most up-to-date student discipline policies by September 1 of each year to the Department of Public Instruction.

EFFECTIVE DATE: The bill becomes effective when it becomes law and applies beginning with the 2019-2020 school year. The consultation requirement with stakeholders when adopting policies and basing the policies on local standards of conduct would apply to student discipline policies adopted on or after the effective date of this act.

BACKGROUND: On January 8, 2014, the DOJ and DOE issued guidance to public elementary and secondary schools about administering school discipline without discriminating on the basis of race, color, or national origin (Guidance) under Title IV of the Civil Rights Act of 1964 and Title VI of the Civil Rights Act of 1964. The Guidance summarized the schools' obligations to avoid and address racial discrimination in the administration of student discipline.

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