



HOUSE BILL 207: Discipline Changes.

2023-2024 General Assembly

Committee: Senate Education/Higher Education. If **Date:** June 5, 2024
favorable, re-refer to Rules and Operations of
the Senate

Introduced by: Reps. Elmore, Clemmons, Torbett

Prepared by: Drupti Chauhan

Analysis of: PCS to First Edition
H207-CSRQ-19

Committee Counsel

OVERVIEW: *House Bill 207 would allow educators to obtain continuing education units from completing mandatory trainings, however, the provisions of the bill were enacted in the 2023 Appropriations Act. The Proposed Committee Substitute (PCS) would remove entire contents of the first edition of the bill and provide for changes to the discipline statutes including: (i) allowing written accounts for incidents that could lead to short-term or long-term suspensions and (ii) revising short-term suspension procedures to allow for appeals and expungements.*

SECTIONS 1 and 2: SUSPENSION PROCEDURE REVISIONS

CURRENT LAW: For short-term suspensions (suspensions of less than 10 ten days), a student must be provided an opportunity for an informal hearing with principal. The notice of the charges can be oral or written with the hearing held immediately after the notice is given. The student has a right to be present, be informed of the charges and the basis for the accusations, and to make statements in defense or mitigation of the charges. If the presence of the student creates an immediate threat to the safety of others or causes a substantial disruption, the notice of the charges and the informal hearing can happen at a later time but must be as soon as practicable. Short-term suspensions are not appealable and are not subject to judicial review, however, a governing body of a public school unit may provide students with the opportunity for a review or appeal of a short-term suspension. Students given long-term suspensions must be provided with a right to a hearing in accordance with the policies adopted by the governing body of the public school unit and must include, among other rights, the right to be represented by an attorney or non-attorney advocate and the right to question witnesses appearing at the hearing.

BILL ANALYSIS:

Eyewitness Accounts: The PCS for House Bill 207 would direct governing bodies of public school units to require principals or their designees to accept a detailed, written eyewitness account of an incident that could result in a short-term or long-term suspension within 24 hours of the incident. The written account can be provided by school personnel and the student subject to the discipline.

Written Documentation of Specific Code Violations: For the informal hearings that can lead to short-term suspensions, the PCS would require the principal or the principal's designee to 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 must also be provided with information on the right to appeal and the notice of the appeal procedures.

Right to Appeal for Students in Grade 9 or Above for Short-Term Suspensions of 5 or More Days: Students in grade 9 or above would have the right to appeal short-term suspensions of 5 days or more if

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the request for the appeal is made within 14 days of the principal's decision. A student in this situation must be provided with information on the right to appeal and the notice of procedures for the appeal. The governing body of the public school unit must adopt procedures for such appeals and may allow the superintendent or the superintendent's designee to conduct the appeal hearing. A detailed, written decision based on substantial evidence must be provided. If the decision on appeal reverses the principal's decision, it must also contain an expunction of any record of the suspension in the student's official record. If the decision upholds the short-term suspension, it must at least contain: (i) the basis for the decision with references to policies or rules that the student was determined to have violated; and (ii) notice of what information will be included in the student's official record.

SECTION 3: OFFICIAL STUDENT RECORDS

CURRENT LAW: Each student enrolled in a North Carolina public school must have an official record that includes identification data and such other factual information as deemed appropriate by the local board of education. State law requires each student's official record to also include notice of any long-term suspension or expulsion imposed and the conduct for which the student was suspended or expelled. The suspension or expulsion must be expunged from the official record if the following are met:

- The student's parent, legal guardian, custodian, or the student (if the student is at least 16 or is emancipated) makes the request.
- The student either graduates from high school or is not expelled or suspended again during the 2 year period commencing on the date the student returns to school after the suspension or expulsion.
- The superintendent or designee determines that the maintenance of the record is no longer needed to maintain safety in the schools and that the maintenance of the record is no longer needed to serve the student.

State law, however, does allow a superintendent or designee, in his or her discretion, to expunge even if a request is not made if the other factors are present.

BILL ANALYSIS: The PCS would provide that a short-term suspension imposed on a student in grade 9 or above must be expunged from the student's official record, at the earliest, by the end of the school year in which the suspension was imposed if the following are met:

- The student's parent, legal guardian, custodian, or the student (if the student is at least 16 or is emancipated) makes the request.
- The student either graduates from high school or is not expelled or suspended again during the same school year.
- The superintendent or designee determines that the maintenance of the record is no longer needed to maintain safety in the schools and that the maintenance of the record is no longer needed to serve the student.

EFFECTIVE DATE: The bill would become effective when it becomes law and apply to the 2024-2025 school year.