

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 572
HOUSE BILL 231

AN ACT TO MANDATE THAT LOCAL BOARDS OF EDUCATION ADOPT
POLICIES REGULATING THE USE OF CORPORAL PUNISHMENT IN THE
PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-391 is amended by rewriting the catch line to read:

"Corporal punishment, suspension, or expulsion of pupils.–"

Sec. 2. G.S. 115C-391(a) is rewritten to read:

"(a) Local boards of education shall adopt policies not inconsistent with the provisions of the Constitutions of the United States and North Carolina, governing the conduct of students and establishing procedures to be followed by school officials in suspending or expelling any student, or in disciplining any student if the offensive behavior could result in suspension, expulsion, or the administration of corporal punishment. The policies that shall be adopted for the administration of corporal punishment shall include at a minimum the following conditions:

- (1) Corporal punishment shall not be administered in a classroom with other children present;
- (2) The student body shall be informed beforehand what general types of misconduct could result in corporal punishment;
- (3) Only a teacher, substitute teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher aide or assistant, or student teacher, who shall be informed beforehand and in the student's presence of the reason for the punishment; and
- (4) An appropriate school official shall provide the child's parent or guardian with notification that corporal punishment has been administered, and upon request, the official who administered the corporal punishment shall provide the child's parent or guardian a written explanation of the reasons and the name of the second school official who was present.

The board shall publish all the policies mandated by this subsection and make them available to each student and his parent or guardian at the beginning of each school year. Notwithstanding any policy adopted pursuant to this section, school personnel may use reasonable force, including corporal punishment, to control behavior or to remove a person from the scene in those situations when necessary:

- (1) To quell a disturbance threatening injury to others;

- (2) To obtain possession of weapons or other dangerous objects on the person, or within the control, of a student;
- (3) For self-defense; or
- (4) For the protection of persons or property."

Sec. 3. G.S. 115C-288(e) is amended in the first sentence by inserting between the phrase "of the school" and the period the phrase "pursuant to policies adopted by the local board of education as prescribed by G.S. 115C-391(a)."

Sec. 4. This act is effective upon ratification and applies to all school years beginning with the 1987-88 school year.

In the General Assembly read three times and ratified this the 7th day of July, 1987.