

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-61
HOUSE BILL 218**

AN ACT TO MODIFY THE REQUIREMENTS FOR THE NOTICE THAT MUST BE GIVEN TO A PARENT WHEN A STUDENT IS RECOMMENDED FOR A SUSPENSION OF MORE THAN TEN DAYS OR AN EXPULSION FROM SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-391(d5) reads as rewritten:

"(d5) When a student is ~~expelled or suspended~~ recommended for expulsion or suspension for more than 10 days, the local board shall give written notice to the student's parent or guardian by certified mail, telephone, telefax, e-mail, or any other method reasonably designed to achieve actual notice of the student's rights under this section. ~~parent.~~ For the purposes of this subsection, the word "parent" shall mean parent, guardian, caregiver, or other person legally responsible for the student. The written notice shall be provided to the student's parent by the end of the workday during which the suspension for more than 10 days or expulsion is recommended when reasonably possible, but in no event later than the end of the following workday. The written notice shall provide at least the following information:

- (1) A description of the incident leading to the recommendation that the student be expelled or suspended for more than 10 days;
- (2) The specific provisions of the student conduct policy or rule alleged to have been violated;
- (3) The specific process by which the parent may request a hearing to contest the suspension for more than 10 days or expulsion, including the number of days within which the hearing must be requested;
- (4) The process by which a hearing will be held, including, to the extent provided by law, the student's opportunity to examine evidence and present evidence, to confront and cross-examine witnesses supporting the charge, and to call witnesses to verify the student's version of the incident;
- (5) The parent is permitted to retain an attorney to represent the student in the hearing process;
- (6) The extent to which the local board policy permits the parent to have an advocate to accompany the student to assist in the presentation of his or her appeal instead of an attorney; and
- (7) The parent has a right to review the student's educational records prior to the hearing.

Written notice may be provided by certified mail, telefax, e-mail, or any other written method reasonably designed to achieve actual notice of the recommendation for expulsion or suspension for more than 10 days. If English is the second language of the parent or guardian, the notice shall be written in the parent or guardian's first language when the appropriate foreign language resources are readily available and in English, and both English. Both versions shall be in plain language and shall be easily understandable."



SECTION 2. This act is effective when it becomes law and applies beginning with the 2009-2010 school year.

In the General Assembly read three times and ratified this the 1st day of June, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 4:27 p.m. this 5th day of June, 2009