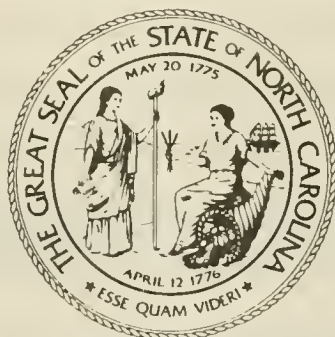


LEGISLATIVE RESEARCH COMMISSION

SCHOOL DISCIPLINE



REPORT TO THE
1987 GENERAL ASSEMBLY
OF NORTH CAROLINA

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December 12, 1986

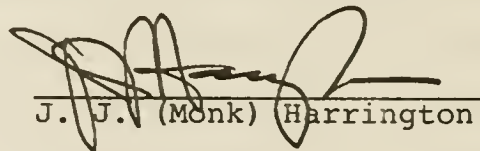
TO THE MEMBERS OF THE 1987 GENERAL ASSEMBLY:

The Legislative Research Commission herewith reports to the 1987 General Assembly on the matter of School Discipline. The report is made pursuant to Chapter 790 of the 1985 Session Laws.

This report was prepared by the Legislative Research Commission's Committee on School Discipline and is transmitted by the Legislative Research Commission for your consideration.

Respectfully submitted,


Liston B. Ramsey


J. J. (Monk) Harrington

Cochairmen

Legislative Research Commission

N26-66

PREFACE

The Legislative Research Commission, authorized by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is co-chaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigation into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" [G.S. 120-30.17(1)].

At the direction of the 1985 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The co-chairmen of the Legislative Research Commission, under the authority of General Statute 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Co-chairmen, one from each house of the General Assembly, were designated for each committee.

The study of School Discipline was authorized by Section 1(6) of Chapter 790 of the 1985 Session Laws. That act states that the Commission may consider House Joint Resolution 861 in determining the nature, scope and aspects of the study. Section 1(6) of

Chapter 790 and House Joint Resolution 861 are included in Appendix C.

The Legislative Research Commission grouped this study in its "Children" area under the direction of Senator Lura Tally. The Committee was chaired by Representative Marie W. Colton and Senator Marvin Ward. The full membership of the Committee is listed in Appendix A of this report.

N26-67

BACKGROUND

House Bill 861, introduced by Representative Marie Colton in the 1985 General Assembly, addressed the North Carolina law that prohibits local boards of education from banning the use of corporal punishment, or spanking, in the public schools. HB 861, HB 861 Committee Substitute #1, and HJR 861, as well as the statutes that set out the present law, are found in Appendix C. The bill permitted a local board of education to "by rule, regulate or prohibit the use of corporal punishment in its schools." The bill did not ban corporal punishment or remove the emergency use of reasonable force.

In the House Committee on Children and Youth, chaired by Representative Ruth Easterling, the bill was debated and considerable testimony was heard, some of which not only supported the bill's allowing local boards to prohibit corporal punishment, but which argued for banning corporal punishment outright, statewide. Some testimony positively supported the use of corporal punishment as an essential part of school discipline and objected to allowing local boards to ban it. Much testimony was heard in support of the idea of allowing corporal punishment to be banned locally but expressed practical caution over whether there were adequate discipline alternatives in place for teachers and school administrators should corporal punishment be removed.

The House Committee rewrote the bill. The Committee Substitute did not expressly allow local boards to ban corporal punishment. It merely removed the sentence that prohibited the

banning by local boards. The Committee Substitute also mandated that certain due process procedures recommended in court cases be followed if corporal punishment is used. The House of Representatives did not pass this Committee Substitute, but allowed it to be returned to the House Committee on Children and Youth, where it was redrafted as a resolution authorizing a Legislative Research Commission Study of the whole issue of school discipline, including corporal punishment. This resolution was incorporated by reference into Chapter 790 of the 1985 Session Laws, and the present study committee was created. The list of members of the 1985 Legislative Research Commission Study Committee on School Discipline is found in Appendix B.

COMMITTEE PROCEEDINGS

The 1985 Legislative Research Commission Study Committee on School Discipline met four times: December 11, 1985, February 26, 1986, November 13, 1986, and December 3, 1986.

The minutes of these meetings are found in Appendix F.

The Committee decided at its first meeting to focus on the issue of corporal punishment in the public schools, its appropriateness as a tool of discipline, its regulation and its relationship to other discipline measures. The Committee never considered banning any reasonable force, including corporal, in the event of emergency.

Almost all interested agencies were heard from. A list of witnesses is found in Appendix D, and copies of all presentations are included in the Committee files in the Legislative Library. Some few witnesses testified that corporal punishment was a positive, valuable discipline tool. But many witnesses testified that corporal punishment was not very successful, that it often engendered parental anger and parental law suits even though few if any of these suits resulted in a child abuse conviction. A number of witnesses, representing child advocacy agencies, and child services agencies, testified against any use of corporal punishment whatever. Several school principals who no longer used corporal punishment in their schools shared with the Committee their alternative discipline procedures, such as "Time-out" strategies which, they testified, worked far better than corporal punishment ever had.

However, a number of witnesses, including those representing several professional educators' associations, requested that the Committee consider very carefully before permitting corporal punishment to be banned. Even though corporal punishment is in no wise the favorite form of discipline, it is needed, until real, viable alternatives are in place. These witnesses testified that it is clear that these alternatives will not be in place for a while. Only about half of all high schools have in-school suspension. Teacher training programs are not yet all producing teachers trained in alternative discipline procedures. Local boards of education are not yet making available to their educators the excellent workshops in discipline that now exist. Teachers, themselves under siege, need assurance that they will not be left in that recourse, should corporal punishment be banned either by the action of an elected board of education or by legislation.

Almost all witnesses testified that, if corporal punishment were to be used, local boards of education should ensure that certain due process procedures were mandated.

The Committee considered a number of options, incorporated in legislative proposals, which are found in Appendix E. The proposals severally, (i) banned corporal punishment statewide, (ii) permitted local boards to ban corporal punishment, (iii) retained the present prohibition against local boards' banning corporal punishment but mandated that boards adopt procedural rules for its use, and (iv) retained the prohibition, mandated

procedural rules, and specified that these rules include several specific due process safeguards:

- (1) Before corporal punishment may be used, reasonable attempts to discipline the student by means other than corporal punishment shall be tried and found to be unsuccessful;
- (2) The student shall be informed beforehand that specific misbehavior can result in corporal punishment;
- (3) Only a teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a 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) The official who administers the corporal punishment shall provide the child's parent a written explanation of his reasons and the name of the second official who was present.

The Committee decided that the last mentioned proposal was the strongest step it could take. The proposed legislation would guarantee due process procedures in the event corporal punishment is used. These procedures would protect children from unregulated, irregular corporal punishment and would ensure that other discipline measures be tried and found wanting before corporal punishment could be administered. It would also protect teachers and administrators by giving them clear, approved procedures to

follow and by making these procedures known ahead of time to parents and the public.

The Commission also voted to notify local boards of education, the State Board of Education, and the Board of Governors of The University of North Carolina that it would like to consider banning corporal punishment in North Carolina in the future but only when it and the legislature and all educators and administrators involved in educating children in the public schools could be ensured that other satisfactory methods of discipline are available and that all involved are able to implement them. The Committee stated that it was the responsibility of these boards to teach these alternative methods to teachers using resources that they already have available.

COMMITTEE FINDINGS AND RECOMMENDATIONS

Pursuant to the direction of Chapter 790 of the 1985 Session Laws, the Legislative Research Commission's Committee on School Discipline, after having reviewed the information presented makes the following findings and recommendations to the 1987 General Assembly:

RECOMMENDATION 1: A BILL TO BE ENTITLED AN ACT TO MANDATE THAT LOCAL BOARDS OF EDUCATION ADOPT POLICIES REGULATING THE USE OF CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS (Legislative Proposal #1) SHOULD BE INTRODUCED IN THE 1987 GENERAL ASSEMBLY.

The Committee found that, while there was much testimony in favor of permitting local boards of education to ban corporal punishment, there was also great concern on the part of educators that alternative methods of discipline were not now uniformly available to teachers and administrators. The committee found that the use of corporal punishment as a last resort should not be removed until other methods of handling extremely disruptive behavior are uniformly available.

The Committee also found that, under North Carolina law, there was no requirement that local boards of education adopt and publish rules regarding the administration of discipline procedures other than suspension and expulsion procedures. Almost all witnesses testified that, if corporal punishment were to be continued as a last resort, rules governing its

administration should be spelled out statutorily, to protect both the children and the teachers involved.

Therefore, the Committee found that it was necessary to recommend the introduction of legislation that would not permit the prohibition of corporal punishment but that would mandate that local boards of education adopt and publish rules regarding the administration of corporal punishment. These rules shall include the following due process protections:

- (1) Before corporal punishment may be used, reasonable attempts to discipline the student by means other than corporal punishment shall be tried and found to be unsuccessful;
- (2) The student shall be informed beforehand that specific misbehavior can result on corporal punishment;
- (3) Only a teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a 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) The official who administers the corporal punishment shall provide the child's parent a written explanation of his reasons and the name of the second official who was present.

The legislation prepared by the Committee does not affect the present law regarding the permitted use of reasonable force in emergencies.

RECOMMENDATION 2: LOCAL BOARDS OF EDUCATION, THE STATE BOARD OF EDUCATION, AND THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHOULD USE CURRENT AVAILABLE RESOURCES TO ENSURE THAT ALTERNATIVE, EFFECTIVE DISCIPLINE METHODS TO CORPORAL PUNISHMENT ARE AVAILABLE AND IN PLACE AS SOON AS POSSIBLE SO THAT, IF CORPORAL PUNISHMENT IS REMOVED AS A DISCIPLINE METHOD OF LAST RESORT IN THE FUTURE, OTHER METHODS OF DISCIPLINE WILL BE UNIFORMLY AVAILABLE.

The Committee found that, although there are many discipline methods that are very adequate substitutes to corporal punishment and many other methods that are more satisfactory, teachers are not currently being trained in these measures in a uniform manner either in their teacher training courses or in their professional workshops. The university system, the State Board of Education, and local Boards of Education have the personnel and financial resources to teach student teachers available alternative discipline methods and to bring these methods to teachers already trained and in the field. As these boards have the resources and as good alternative methods are available, the Committee finds that these boards should begin immediately and in a uniform, coordinated fashion, to ensure that these methods are in place and that teachers can use them. The Committee finds that future consideration of the issue of corporal punishment will be necessary, and that the removal of corporal punishment, which many consider advisable, will depend on the availability of alternative discipline methods to all people involved in educating, and disciplining children in the public schools.

LEGISLATIVE PROPOSALS

Legislative Proposal #1

W23-8

A BILL TO BE ENTITLED
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 catchline 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) Before corporal punishment may be used, reasonable attempts to discipline the student by means other than corporal punishment shall be tried and found to be unsuccessful;

- (2) The student shall be informed beforehand that specific misbehavior can result in corporal punishment;
- (3) Only a teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a 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) The official who administers the corporal punishment shall provide the child's parent a written explanation of his reasons and the name of the second official who was present.

The board shall publish and make these policies available to each student and his parents at the beginning of each school year.

Notwithstanding any policy adopted pursuant to this section, school personnel may use reasonable force 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 of 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.

APPENDIX A

APPENDIX A

LEGISLATIVE RESEARCH COMMISSION

Senator J. J. Harrington, Cochairman
Senator Henson P. Barnes
Senator A. D. Guy
Senator Ollie Harris
Senator Lura Tally
Senator Robert D. Warren

Representative Liston B. Ramsey, Cochairman
Representative Christopher S. Barker, Jr.
Representative John T. Church
Representative Bruce Ethridge
Representative Aaron Fussell
Representative Barney Paul Woodard

APPENDIX B

APPENDIX B

MEMBERSHIP OF THE
LEGISLATIVE RESEARCH STUDY COMMITTEE
ON
SCHOOL DISCIPLINE

Senator Marvin Ward, Cochairman

Mrs. Coy Brewer

Mr. John Dornan

Senator William N. Martin

Senator Thomas F. Taft

Representative Marie W. Colton

Representative Betsy L. Cochrane

Representative Coy C. Privette

Representative Charles D. Woodard

Representative Richard Wright

Legislative Research Commission Member -

Senator Lura Tally

Legal Staff - Ms. Susan Sabre

Committee Clerk - Ms. Sue Floyd

APPENDIX C

"(d) It shall be unlawful to operate a noncommercial passenger vehicle registered or which is required to be registered in this State, including passenger cars, pickup trucks and passenger vans, upon any highway or public vehicular area with a windshield or any other window which does not meet the light transmittance requirements of federal motor vehicle safety standard No. 205. Provided, vehicles with a windshield or any other window installed prior to August 1, 1985 which does not meet the light transmittance requirements of federal motor vehicle standard No. 205 or vehicles transporting deceased human remains will be exempt from the provisions of this subsection.

(e) No motor vehicle inspection certificate shall be issued on or after January 1, 1987 for a motor vehicle subject to subsection (d) with a windshield or any other window which does not meet the light transmittance requirements of federal motor vehicle safety standard No. 205. Any motor vehicle otherwise subject to subsection (d) will be exempt from the provisions of this subsection provided the vehicle owner provides the motor vehicle inspector a document, attesting that any windshield or any other window not in compliance with subsection (d) was installed prior to August 1, 1985."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

S.B. 636

CHAPTER 790

AN ACT AUTHORIZING STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, MAKING TECHNICAL AMENDMENTS THERETO, AND TO MAKE OTHER AMENDMENTS.

The General Assembly of North Carolina enacts:

Section 1. Studies Authorized. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1985 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

- (1) Continuation of the Study of Revenue Laws (H.J.R. 17-Lilley),
- (2) Continuation of the Study of Water Pollution Control (H.J.R. 141-Evans),
- (3) Adolescent Sexuality Teaching (H.J.R. 275-Jerals),
- (4) Continuation of the Study on the Problems of the Aging (H.J.R. 322-Greenwood),
- (5) Continuation of the Study of Municipal Incorporations (H.J.R. 389-Greenwood),
- ★ (6) School Discipline (H.J.R. 861-Colton),
- (7) Bail Bondsmen and Bail Bond Forfeiture (H.B. 967-Watkins),
- (8) Preventative Medicine (H.B. 1052-Locks),
- (9) Life Care Arrangements (H.B. 1053-Locks),
- (10) State Personnel System (H.B. 1064-Wiser),
- (11) Long-Term Health Care Insurance (H.B. 1103-Locks),
- (12) Itinerant Merchants (H.B. 1170-Lancaster),

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1985

HOUSE BILL 861

Short Title: Regulate Corporal Punishment. (Public)

Sponsors: Representatives Colton, N. J. Crawford, Greenwood,*

Referred to: Children & Youth.

May 7, 1985

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO CONTROL THE USE OF
3 CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 115C-390 is rewritten to read:

6 "§ 115C-390. Use of corporal punishment; use of reasonable
7 force.-- (a) A local board of education may, by rule, regulate or
8 prohibit the use of corporal punishment in its schools.

9 (b) Notwithstanding any rule adopted pursuant to subsection
10 (a) of this section, certified school personnel may use
11 reasonable force to control dangerous behavior or remove a person
12 from the scene when necessary:

13 (1) To quell a disturbance threatening dangerous injury
14 to others;

15 (2) To obtain possession of weapons or other dangerous
16 objects on the person of or within the control of a
17 student;

18 (3) For self-defense; or

19 (4) For the protection of persons or property."

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1 Sec. 2. The first two sentences of G.S. 115C-288(e) are
2 rewritten to read:

3 "The principal shall have authority to exercise discipline over
4 the pupils of the school subject to the provisions of G.S. 115C-
5 390. The principal shall assign duties to teachers with regard
6 to the general well-being and the medical care of students
7 pursuant to the provisions of G.S. 115C-307 and G.S. 115C-390."

8 Sec. 3. This act is effective upon ratification and
9 applies to all school years beginning with the 1985-86 school
10 year.

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12 *Additional Sponsors: Nesbitt.

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985

H

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HOUSE BILL 861
Committee Substitute Favorable 6/20/85

Short Title: Regulate Corporal Punishment. (Public)

Sponsors: Representative

Referred to: Children & Youth.

May 7, 1985

A BILL TO BE ENTITLED

AN ACT TO MANDATE LOCAL BOARDS OF EDUCATION TO REGULATE THE USE
OF CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-390 amended by rewriting that
section to read:

"(a) Principals, teachers, substitute teachers, voluntary
teachers, teacher aides and assistants and student teachers in
the public schools of this State may use reasonable force in the
exercise of lawful authority to restrain or correct pupils and
maintain order.

(b) Local board of education policies adopted pursuant to G.S.
115C-391(a) allowing corporal punishment as one form of
discipline shall include at a minimum the following conditions:

(1) The student shall be informed beforehand that
specific misbehavior can result in corporal
punishment;

(2) A teacher or principal shall administer corporal
punishment only in the presence of a principal,
teacher, substitute teacher, teacher aide or

1 assistant, or student teacher, who shall be
2 informed beforehand and in the student's presence
3 of the reason for the punishment; and

4 (3) The official who administers the corporal
5 punishment shall provide the child's parent a
6 written explanation of his reasons and the name of
7 the second official who was present.

8 (c) Notwithstanding any rule adopted pursuant to subsection
9 (b) of this section, school personnel may use reasonable force to
10 control behavior or to remove a person from the scene in those
11 situations when necessary:

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

14 (2) To obtain possession of weapons or other dangerous
15 objects on the person of or within the control of a
16 student;

17 (3) For self-defense; or

18 (4) For the protection of persons or property."

19 Sec. 2. G.S. 115C-391 is amended in the catch line by
20 rewriting that line to read:

21 "Discipline, suspension or expulsion of pupils."

22 Sec. 3. G.S. 115C-391(a) is rewritten to read:

23 "(a) Local boards of education shall adopt policies, not
24 inconsistent with the provisions of this section or of the
25 Constitutions of the United States and North Carolina, governing
26 the conduct of students and establishing procedures to be
27 followed by school officials in disciplining, suspending or
28 expelling any student. The board shall publish and make these

1 policies available to each student and his parents at the
2 beginning of each school year."

3 Sec. 4. The first two sentences of G.S. 115C-288(e) are
4 rewritten to read:

5 "The principal shall have authority to exercise discipline over
6 the pupils of the school subject to the provisions of G.S. 115C-
7 390 and G.S. 115C-391. The principal shall assign duties to
8 teachers with regard to the general well-being and the medical
9 care of students pursuant to the provisions of G.S. 115C-307,
10 G.S. 115C-390 and G.S. 115C-391."

11 Sec. 5. This act is effective upon ratification and
12 applies to all school years beginning with the 1986-87 school
13 year.

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985

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HOUSE JOINT RESOLUTION 861
Committee Substitute Favorable 6/20/85
Committee Substitute #2 Favorable 6/28/85

Short Title: LRC School Discipline Study. (Public)

Sponsors: Representative

Referred to: Appropriations.

May 7, 1985

1 A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH
2 COMMISSION TO STUDY THE ISSUE OF DISCIPLINE IN THE PUBLIC
3 SCHOOLS.

4 Be it resolved by the House of Representatives, the Senate
5 concurring:

6 Section 1. The Legislative Research Commission may
7 study the issue of discipline in the public schools. This study
8 may include:

9 (1) An examination of other states' laws, regulations,
10 and local policies on public school discipline;

11 (2) An examination of the various discipline methods
12 that are used in North Carolina public schools, including an
13 analysis of the various methods' particular goals and of their
14 success in reaching them; and

15 (3) Recommendations as to what the State role should be
16 in setting discipline law and policy and what should be left to
17 the local school administrative unit, what to the individual
18 principal, and what to the individual teacher.

19 Sec. 2. The Legislative Research Commission may make an
20 interim report of this study, including recommendations, to the
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1 1985 General Assembly, Regular Session 1986, and may make a final
2 report to the 1987 General Assembly.

3 Sec. 3. This resolution is effective upon ratification.

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APPENDIX D

APPENDIX D

THE FOLLOWING WITNESSES APPEARED BEFORE THE COMMITTEE
ON SCHOOL DISCIPLINE:

December 11, 1985: Dr. George Auman
N. C. Pediatrics Society

Mr. James C. Fuller, Attorney

Dr. Craig Phillips, Superintendent
N. C. Department of Public Instruction

Mr. Patric Mullen
Assistant Executive Secretary for
Government Relations, N. C. Association
of Educators

Ms. Nancy Rhyne, N. C. Congress of
Parents and Teachers

Ms. Brenda Brinson, N. C. Child
Advocacy Institute

Ms. Joan Bishop, N. C. School
Counselors Association

Ms. Cheryl Posner-Cahill, North Carolina
School Psychologists Association

Dr. Richard Nelson, School Principal,
Hawley Middle School, Creedmoor

Mr. Phillip D. Rigdon, Merrick-Moore
School Principal

Ms. Greer Lysaght, State Public Affairs
Committee of the Jr. Leagues of N. C.

Ms. Roslyn Savitt, Executive Director,
State Council for Social Legislation

Dr. Raymond Sarbaugh, Executive Director,
N. C. Association of School Administrators

Ms. Cynthia Cover

Mr. Gene Baker, Governor's Office

Ms. Jan Halem Crotts, Association of
School Boards

February 26, 1986: Dr. Howard Maniloff, Special Assistant
to the Superintendent for Policy
Development, N. C. Department of Public
Instruction

Mr. Ralph Kimel, Executive Director
N. C. Association of Principals and
Assistant Principals

Ms. Pam Holland, Senior Advocate,
Governor's Advocacy Council on Children
and Youth, Youth Advocacy and Involvement
Office, Department of Administration

Dr. Raymond Sarbaugh, Executive Director,
N. C. Association of School Administrators

Dr. Gene Causby, Association of School
Boards

November 13, 1986: Mr. Lee Grier, Director
Division of Staff Development/
Leadership Institute for Administrators
Department of Public Instruction.

APPENDIX E

W23-7

A BILL TO BE ENTITLED
AN ACT TO MANDATE LOCAL BOARDS OF EDUCATION REGULATE THE USE
OF CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-390 is rewritten to read:

"§ 115C-390. Use of corporal punishment; use of reasonable force.--(a) Principals, teachers, substitute teachers, voluntary teachers, teacher aides and assistants and student teachers in the public schools of this State may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order.

(b) Local board of education policies adopted pursuant to G.S. 115C-391(a) allowing corporal punishment as one form of discipline shall include at a minimum the following conditions:

- (1) The student shall be informed beforehand that specific misbehavior can result in corporal punishment;
- (2) Only a teacher or principal may administer corporal punishment and may do so only in the presence of a 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
- (3) The official who administers the corporal punishment shall provide the child's parent a written

explanation of his reasons and the name of the second official who was present.

(c) Notwithstanding any rule adopted pursuant to subsection (b) of this section, school personnel may use reasonable force 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 of or within the control of a student;
- (3) For self-defense; or
- (4) For the protection of persons or property."

Sec. 2. G.S. 115C-391 is amended by rewriting the catch line to read: "Discipline, suspension, or expulsion of pupils."

Sec. 3. G.S. 115C-391(a) is rewritten to read:

"(a) Local boards of education shall adopt policies, not inconsistent with the provisions of this section or 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 disciplining, suspending or expelling any student. The board shall publish and make these policies available to each student and his parents at the beginning of each school year."

Sec. 4. The first two sentences of G.S. 115C-288(e) are rewritten to read:

"The principal shall have authority to exercise discipline over the pupils of the school subject to the provisions of G.S. 115C-390 and G.S. 115C-391. The principal shall assign duties to teachers with regard to the general well-being and the medical care of students pursuant to the provisions of G.S. 115C-307, G.S. 115C-390 and G.S. 115C-391."

Sec. 5. This act is effective upon ratification and applies to all school years beginning with the 1986-87 school year.

W23-6

A BILL TO BE ENTITLED
AN ACT TO MANDATE LOCAL BOARDS OF EDUCATION TO BAN USE OF
CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-390 is rewritten to read:

"§ 115C-390. Corporal punishment banned; reasonable force in emergencies.--(a) Principals, teachers, substitute teachers, voluntary teachers, teacher aides and assistants and student teachers in the public schools of this State may use reasonable force only 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 of or within the control of a student;
- (3) For self-defense; or
- (4) For the protection of persons or property."

Sec. 2. G.S. 115C-391 is amended by rewriting the catch line to read: "Discipline, suspension or expulsion of pupils."

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Sec. 5. This act is effective upon ratification and applies to all school years beginning with the 1986-87 school year.

W23-5

A BILL TO BE ENTITLED
AN ACT TO MANDATE 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 catchline to read: "Discipline, 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 Constitution of the United States and North Carolina, governing the conduct of students and establishing procedures to be followed by school officials in disciplining, suspending, or expelling any student. The board shall publish and make these policies available to each student and his parents at the beginning of each school year."

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 1986-87 school year.

W23-8

A BILL TO BE ENTITLED
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 catchline 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) Before corporal punishment may be used, reasonable attempts to discipline the student by means other than corporal punishment shall be tried and found to be unsuccessful;

- (2) The student shall be informed beforehand that specific misbehavior can result in corporal punishment;
- (3) Only a teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a 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) The official who administers the corporal punishment shall provide the child's parent a written explanation of his reasons and the name of the second official who was present.

The board shall publish and make these policies available to each student and his parents at the beginning of each school year. Notwithstanding any policy adopted pursuant to this section, school personnel may use reasonable force 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 of 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.

APPENDIX E

APPENDIX F

SCHOOL DISCIPLINE STUDY COMMITTEE

MINUTES

December 11, 1985

The first meeting of the School Discipline Study Committee was held on Wednesday, December 11, 1985, at 10:00 a.m. in Room 1425 of the State Legislative Building. Representative Marie Colton, Co-Chairman, presided.

Representative Colton introduced Ms. Susan Sabre, Legislative Counsel, and Ms. Sue Floyd, Committee Clerk. Members of the committee and visitors introduced themselves.

Ms. Sabre explained the budget, which is filed with the Committee Clerk as Appendix A. Senator Ward moved that the budget be approved, seconded by Representative Woodard. The motion carried.

Representative Colton briefly reviewed the background of House Bill 861. She explained that physical force is allowed only in the public school system--not in any other area of public life. She reported that there were approximately 60,000 incidents of corporal punishment last year.

Ms. Sabre reviewed Article 27 of Chapter 115C on school discipline. (See Appendix B filed with the Committee Clerk.) She called attention to G.S. 6-21.4 which allows for collection of attorney fees when principals or teachers are sued and the suit is found frivolous. She then reviewed HB 861, first edition, which does not ban corporal punishment in North Carolina's public schools; local option is given and local boards of education may

decide to ban corporal punishment. HB 861, second edition, eliminates the prohibition against local boards banning corporal punishment and outlines procedures to be followed before corporal punishment can be exercised. The last committee substitute goes well beyond the issue of corporal punishment.

Dr. Auman, representing the North Carolina Pediatric Society and having practiced pediatrics for 12½ years in Raleigh, spoke in opposition to corporal punishment in the public schools of North Carolina. A copy of his remarks is filed with the Committee Clerk as Appendix C.

Mr. James C. Fuller, Jr., an attorney having represented educators in child abuse cases resulting from corporal punishment, spoke in opposition to allowing corporal punishment in the North Carolina public schools. A copy of his remarks is filed with the Committee Clerk as Appendix D.

Dr. Craig Phillips, Superintendent of North Carolina Department of Public Instruction, stated his desire that the local school boards be allowed to maintain the right to control discipline through the use of reasonable force; however, the statute should be revised by legislation to prohibit the use of corporal punishment as a specific form of reasonable force. A copy of his statement is filed with the Committee Clerk as Appendix E.

Senator Martin requested that Dr. Phillips please make available a summary of alternative disciplinary methods. He also asked if there were a definition of corporal punishment. Ms. Sabre responded

that there was not to her knowledge. Senator Martin then asked that such definitions be collected from local boards and principals and be made available to the committee.

Mr. Patric Mullen, Assistant Executive Secretary for Government Relations, North Carolina Association of Educators, conveyed that his organization was split on the issue of corporal punishment about 50-50 among the 43,000 members. In short, NCAE would support the implementation of a statewide system of in-school suspension centers and time-out centers as a uniform method of school discipline. They would also support appropriate training for all school personnel in proven disciplinary techniques. They would further support that an alternative be in place before prohibiting corporal punishment. A copy of Mr. Mullen's paper is filed with the Committee Clerk as Appendix F.

Ms. Nancy Rhyne, North Carolina Congress of Parents and Teachers, distributed copies of a resolution adopted by the PTA on October 25, 1985, which opposes the use of corporal punishment in the public schools of the State. A copy is filed with the Committee Clerk as Appendix G. In response to questions, Ms. Rhyne stated that this resolution was approved by a show of hands at convention. Other questions to which Ms. Rhyne agreed to furnish answers include what number were present and what percentage of parents PTA membership represents.

Ms. Brenda Brinson, North Carolina Child Advocacy Institute, distributed "Plain Talk on Corporal Punishment - 11 Questions."

A copy is filed with the Committee Clerk as Appendix H and a copy of her remarks is filed as Appendix I. She requested the removal of corporal punishment from our public schools.

Ms. Joan Bishop spoke on behalf of the North Carolina School Counselors Association. A copy of her remarks is filed with the Committee Clerk as Appendix J. She spoke in support either of the abolition of corporal punishment in our schools or of local option, allowing each board of education to decide its own discipline policies.

Ms. Cheryl Posner-Cahill, North Carolina School Psychologists Association, spoke in opposition to corporal punishment in the classroom. A copy of her remarks is filed with the Committee Clerk as Appendix K. She also distributed an outline comparing discipline versus punishment as summarized by Dr. William Glasser. A copy is filed with the Committee Clerk as Appendix L.

Dr. Richard Nelson, principal of Hawley Middle School in Creedmoor, outlined disciplinary measures being presently used in his school that have changed the attitude of the whole school. His in-school suspension or attitude improvement center methods are outlined in Appendix M filed with the Committee Clerk.

Mr. Philip D. Rigdon, Merrick-Moore School principal of Durham County, outlined a time-out system being successfully used at his school. An excerpt from their parent-student handbook, which describes their procedures, is filed with the Committee Clerk as Appendix N.

After breaking for lunch, the meeting resumed with Representative Colton welcoming Mr. John Dornan, member of the committee. Mr. Dornan announced the launching of an on-going Public School Forum of North Carolina funded by a grant from the Z. Smith Reynolds Foundation of Winston-Salem. The 42-member board has elected Jay M. Robinson, superintendent of Charlotte-Mecklinberg school system, as president. As of February 1, Mr. Dornan will become full-time executive vice president at the offices in Raleigh. The Forum will help diverse groups reach a consensus on educational issues.

Ms. Greer Lysaght spoke on behalf of the State Public Affairs Committee of the Jr. Leagues of North Carolina. She voiced their support in allowing local school boards the option to ban corporal punishment as a school disciplinary measure. (See Appendix O filed with the Committee Clerk.)

Ms. Roslyn Savitt, Executive Director of the State Council for Social Legislation, expressed support for abolishing corporal punishment in the schools on a state-wide basis. A copy of her remarks is filed with the Committee Clerk as Appendix P.

Dr. Raymond Sarbaugh, Executive Director, North Carolina Association of School Administrators, delivered his association's position statement. (See Appendix Q filed with the Committee Clerk.) He gave the following information collected in response to a survey which they performed with 600 school administrators:

8% support the elimination of corporal punishment; 18% favor provisions to allow local boards of education the right to make a choice; 74% favor not changing the present statutes regarding corporal punishment. Dr. Sarbaugh stated that they do not consider corporal punishment to be child abuse. He suggested that consideration be given to proposing that local boards of education be required to develop and have in place comprehensive policies dealing with corporal punishment such as they do for suspension and expulsion. He further suggested that local boards develop comprehensive policies and that the Department of Public Instruction be asked to re-examine the Basic Education Plan in light of the possible ban of corporal punishment.

Ms. Cynthia Cover, an interested citizen and former teacher from Connecticut, spoke in opposition to corporal punishment and challenged the committee to consider the fiscal impact of such elimination.

Mr. Gene Baker of the Governor's office expressed his personal opinion that the statute regarding corporal punishment is fine as it is.

Ms. Jan Halem Crotts, Association of School Boards, spoke in favor of allowing the local systems the flexibility to ban corporal punishment in their areas. Mr. Henry Johnson, policy person for the Association, confirmed Ms. Crotts' statement.

Senator Martin suggested that the committee look into a feasible time table in terms of implementing some alternative.

Senator Ward suggested studying the following: what is required for the local boards of education to develop policy to protect children from child abuse in the process of corporal punishment and discipline, whether we give school boards the option to eliminate corporal punishment, and whether we need to make a decision three or five years down the road but in the meantime find alternatives. Ms. Sabre was instructed to develop such statements for consideration.

Mr. Dornan suggested looking at the Basic Education Program and focusing on getting resources and policies into place.

Ms. Colton suggested that the Committee make an interim report to the 1986 General Assembly and make a final report to the 1987 General Assembly.

Representative Martin requested that the Department of Instruction look at the implementation and make some recommendations.

Mr. Henry Johnson offered the North Carolina Association of School Board's assistance.

Ms. Sabre was instructed to gather guidelines from the Department of Public Instruction, North Carolina Association of Educators, and other sources on the implementation of the Basic Education Program with regards to alternatives to corporal punishment including a time table to implement training.

Mr. Dornan suggested a statewide policy and Ms. Sabre clarified that the second edition of HB 861 would do this.

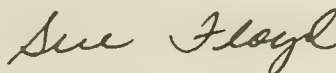
Ms. Sabre was instructed to contact other states who have the local option and to compile this information. She was further

instructed to compile alternatives and send them to the members prior to the next meeting upon a motion by Senator Ward, seconded by Representative Privette.

Ms. Colton suggested that Pam Holland of the Governor's office speak at the next meeting which was planned for Wednesday, February 26, 1986, at 10:00 in Room 1425 of the State Legislative Building.

The meeting adjourned.

Respectfully submitted,



Sue Floyd

APPROVED:

Rep. Marie Colton
Presiding Co-Chairman

SCHOOL DISCIPLINE STUDY COMMITTEE ·

MINUTES

February 26, 1986

The School Discipline Study Committee met on Wednesday, February 26, 1986, at 10:00 a.m. in Room 1425 of the State Legislative Building. Senator Marvin Ward, CoChairman, presided.

Senator Ward introduced Ms. Susan Sabre, Legislative Counsel, and Ms. Sue Floyd, Committee Clerk. Members of the Committee and visitors introduced themselves.

Dr. Howard Maniloff, Special Assistant to the Superintendent for Policy Development - N.C. Department of Public Instruction, outlined provisions included in the Basic Education Plan for preventing discipline problems and handling discipline problems that do occur. The curriculum includes teaching students respect for authority, listening skills, and respect for the rights and property of others.

Dr. Maniloff related that most discipline problems occur among children who are not succeeding. The Basic Education Plan allows for identifying and getting help for these children by comprehensive assessment and diagnostic testing. It also allows many avenues for success--art, academics, physical education, etc.

Problems are handled as they occur in the classroom. A disruptive child is removed in order to end disruptive behavior by that child and to allow others to continue learning. Having a child stand outside the classroom is not effective--direct supervision is essential and would also allow counselling. By

providing additional staffing (assistant principals, counselors, additional aides) the Basic Education Plan allows for direct supervision of any children who may be removed from the classroom and placed in in-school suspension. For each State-funded teaching position the Basic Education Plan provides \$100 to be used for development and training--maintaining discipline, assertive discipline, etc.

Mr. Ralph Kimel, Executive Director of the North Carolina Association of Principals and Assistant Principals, requested that corporal punishment not be banned; but that if corporal punishment is banned, some disciplinary procedure should be in place at such time. He also expressed concern about any workshops or training sessions this might require the teachers and staff to attend. Much time is already consumed with workshops and training. A copy of his statement is filed with the Committee Clerk as Appendix A.

Ms. Sabre distributed copies of a statement from the Stokes County Principals Association. A copy is filed with the Committee Clerk as Appendix B.

Ms. Pam Holland, Senior Advocate, Governor's Advocacy Council on Children and Youth, Youth Advocacy and Involvement Office, Department of Administration, distributed copies of a report--School Discipline Policies in North Carolina--Governor's Advocacy Council on Children and Youth, September 1985. Ms. Holland's report is filed with the Committee Clerk as Appendix C.

Ms. Holland reviewed the report stating that the Council supports banning corporal punishment.

Mr. Raymond Sarbaugh, Executive Director, N.C. Association of School Administrators, shared the results of a survey of principals and assistant principals. These results and the survey form are filed with the Committee Clerk as Appendix D. Mr. Sarbaugh stated that these survey results are representative of approximately 30% of the administrators.

In response to Senator Martin's question regarding what resources are needed to provide adequate alternatives to corporal punishment, Dr. Howard Maniloff indicated the need for assistant principals, counselors, and at the discretion of the administrators the use of social workers. Mr. Kimel added that schools are presently a long way from having what they need to provide adequate alternatives.

Representative Colton asked if any further statistics regarding the vote by the North Carolina Congress of Parents and Teachers to adopt the resolution opposing the use of corporal punishment in public schools/ ^{was available} Ms. Nancy Rhyne of that organization answered that the resolution was adopted by a vote of 95 for and 39 against with each vote being representative of at least 25 people. Those members' votes were to have been reflective of the desire of their local units. Ms. Rhyne had no reassurance that all local units were actually polled although they were previously notified and that the voting members were actually voting their local unit's convictions. Mr. Kimel added that he had polled 25 key principals who knew nothing about any PTA survey.

Dr. Gene Causby, Association of School Boards, clarified that his organization has not officially taken a position against corporal punishment.

Ms. Susan Sabre distributed copies of a summary of the areas covered by North Carolina State University in the training of classroom teachers. A copy is filed with the Committee Clerk as Appendix E.

Ms. Sabre outlined present statutes (copies of which are filed with the Committee Clerk as Appendix F). She then went on to explain proposed legislation which is filed with the Committee Clerk as Proposed Legislation #1, #2, #3, and #4.

Proposed Legislation #1 mandates that local boards of education adopt policies regulating the use of corporal punishment in public schools. Proposed Legislation #3 is similar to #1 and further specifies those conditions under which corporal punishment can be administered.

Representative Cochrane suggested using the term "corporal punishment" rather than "discipline" in Proposed Legislation #3. Senator Martin suggested using the term "discipline of such nature that could result in suspension, expulsion, or come to corporal punishment" which would mean that those policies would be part of the minimum that is required. Senator Walker suggested adding "assistant principal" to those who may administer or witness corporal punishment.

Proposed Legislation #2 allows the local boards of education the option to ban corporal punishment.

Proposed Legislation #4 mandates banning the use of corporal punishment in public schools.

Representative Privette moved that Proposed Legislation #1 be recommended to the General Assembly . Representative Colton pointed out that the 1985 adjournment resolution restricts the General Assembly from considering any controversial matters in the second session of the 1985 General Assembly meeting in June 1986. Representative Privette withdrew his motion.

Senator Martin moved that Proposed Legislation #3 be amended on page 2, line 6, by adding "if requested" to the end of the sentence. The motion carried.

Senator Martin moved that Proposed Legislation #3 be amended on page 1, Section 2, subsection (a), the line reading "officials in disciplining, suspending, or expelling any student." by substituting in lieu thereof the following: "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 motion carried along with allowing Ms. Sabre to make editorial corrections.

Senator Martin further moved that Proposed Legislation #3 be amended on page 1 and throughout to reflect the text as used in the Baker v. Owen and to include: "Where discipline is administered, reasonable attempts have been previously made to punish the students by other means." The motion carried.

Senator Martin requested that some consideration be given to requiring prior written parental consent allowing corporal

punishment prior to administration of corporal punishment. He also asked that further consideration be given to what steps would be needed to ultimately ban corporal punishment state-wide.

Ms. Sabre reported that the Committee has enough money to meet once more.

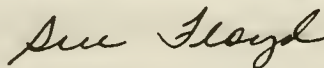
Representative Colton moved that an interim report be submitted to the 1985 General Assembly, second session meeting in June 1986, indicating that the Committee is considering a number of options on corporal punishment and will continue deliberations in the fall and make a final report to the 1987 Session pursuant to the resolution not to consider any controversial matters in the second session. The motion carried.

Senator Martin moved that the Legislative Research Commission be requested to further fund the continuation of this Committee's deliberations. The motion carried.

Representative Colton shared a newsclipping from the International-Herald Tribune which is filed with the Committee Clerk under "Newspaper Articles."

Senator Ward thanked the members and visitors for their interest and involvement in closing.

Respectfully submitted,



Sue Floyd

APPROVED:

Senator Marvin Ward
Presiding Co-Chairman

SCHOOL DISCIPLINE STUDY COMMITTEE

MINUTES

November 13, 1986

The School Discipline Study Committee met on Thursday, November 13, 1986, at 10:00 in Room 1425 of the State Legislative Building. Representative Marie Colton, Cochairman, presided.

Representative Colton introduced the staff and guests introduced themselves. A motion to adopt the minutes from the meeting on February 26, 1986 was made by Representative Woodard, seconded by Senator Ward. The minutes were adopted.

Representative Colton then introduced to the Committee Mr. Lee Grier, Director, Division of Staff Development/ Leadership Institute for Administrators, Department of Public Instruction. He informed the Committee that he has previously held workshops on discipline for teachers and school administrators in North Carolina. He discussed with the Committee three philosophies which the Department of Public Instruction shares with teachers in the discipline workshops. Copies are filed with the committee clerk as Appendix A, Appendix B, and Appendix C.

1. Non-Interventionists - Their basic belief is that if an individual understands internally why they are behaving certain ways, they can change their behavior. The role of the teacher is to help the student understand why he is behaving in a certain way.
2. Interactionalists - Their basic belief is that students come to school with needs and wants of their own, teachers have needs and wants, and they all have to be meshed to determine what is appropriate behavior in certain places.

3. Interventionists - They believe that behavior is controlled by using appropriate punishment and rewards . They also believe that inappropriate behavior is the result of using wrong rewards or punishment, the teacher's role being to find appropriate rewards or punishment. They also feel that no one technique will work for all teachers.

Mr. Grier then advised that, in his opinion, corporal punishment should not be used in the schools. He stated that he feels that other methods would get the results which are needed.

In response to questions from Senator Ward and Representative Colton concerning the training for teachers regarding alternative methods of discipline, Mr. Grier advised that the Effective Teaching Training Program which was funded by the General Assembly was designed to improve teaching and one section deals with management of student behavior and includes the philosophies of discipline which he previously explained to the Committee. His personal feeling is that classroom teachers should handle the majority of discipline problems with backup in certain cases. Because of this, classroom teachers need to learn ways to deal with discipline problems.

Representative Cochrane expressed her feeling that discipline training should be included in the college curriculum for teachers. Mr. Grier responded that, at present, some colleges address this issue more so than others.

In response to a question from Representative Colton, Mr. Grier defined "Reality Therapy", one of the alternative discipline

methods indicated on the chart. A copy is filed with the committee clerk as Appendix D. His definition of "Reality Therapy" was that a child must face what he is doing in order to be able to change. In order to recognize this, a teacher should ask "what" and not "why", discuss with the child if what he was doing was inappropriate behavior, and have the child suggest what he might do instead of what he was doing.

Mr. Grier also explained "Invitational Learning" as the five P's: People (caring and sensitive); Place (physically, academically, and socially); Policy (in place); Program (what's available); and the Process (preparation, initiating and responding to behaviors, and follow-up).

Representative Colton suggested that perhaps this Committee could make recommendations for alternative methods to be taught in the colleges and universities.

At this time, Representative Colton introduced Ms. Susan Sabre, Legal Counsel, who explained the proposals which the Committee had considered. She first explained Proposal #3 (filed with the committee clerk as Appendix E) which had been amended with the following changes:

The first set of underlinings reflect a recommendation from Representative Cochrane to substitute "Corporal Punishment" in lieu of "discipline."

The second set of underlinings reflect a request from Senator Martin that the rules being mandated to be adopted by the new change be specifically directed to those discipline rules that might result in suspension, expulsion, or the administering of corporal punishment.

She further explained that Subsection (1) is a new requirement which puts into place the Baker v. Owen requirement that corporal punishment is to be used only after methods of discipline have been tried and found to be unsuccessful.

She explained further that Subsection (3) reflects an amendment by Senator Walker to add assistant principals to the original proposal.

Senator Ward suggested that Sec. 4 should be amended to change the effective date to 1987-88 school year.

In response to a question from Representative Privette, Ms. Sabre explained that this proposal differs from the present policy in that there is no mandate now that rules be adopted and promulgated regarding discipline. This legislation would assure that all school boards would have to take some action regarding discipline. Under this proposal, parents would be notified in writing that corporal punishment is allowed but that other methods of discipline would be tried before corporal punishment is used. Ms. Sabre also advised that any written explanation to a parent that corporal punishment is used should include other methods that were used and did not prove to be successful.

Senator Ward made a motion that the committee adopt the corrections which were made in Proposal #3, the motion being seconded by Representative Privette. A vote was taken and the motion carried.

Ms. Sabre explained the other proposals which were discussed at the previous meeting: (Filed with committee clerk as Appendices Proposal #1 - Mandates that rules regarding discipline be adopted, but it does not specify what the rules would be. F, G, &
H)

Proposal #2 - Allows local Boards of Education to ban the use of corporal punishment if they desire. It also specifies the kind of corporal punishment which can be used for those Boards that continue to use corporal punishment.

Proposal #4 - Bans corporal punishment statewide.

Senator Ward made a motion that the Committee accept Proposal #3, seconded by Representative Woodard. A vote was taken and the motion carried.

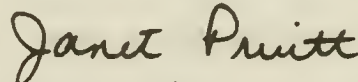
The Committee discussed whether or not they should recommend that the General Assembly appropriate additional funds for In School Suspension programs, teacher programs, etc. for training in discipline methods. Senator Ward suggested that instead of asking for more money, the Committee could suggest to the local Boards of Education and to the State Board of Education that the Committee would like to see corporal punishment banned in North Carolina, but only after teachers

have other methods of discipline and are able to implement these methods. He feels that this will enable these Boards to see their responsibility for teaching these methods to the teachers in North Carolina using resources which they may already have available.

Representative Colton announced that the next meeting will be at 2:00 on Wednesday, December 3, 1986. At this time, the Committee will approve a final report to be presented to the Legislative Research Commission for approval.

The meeting was adjourned.

Respectfully submitted,



Janet Pruitt
Committee Clerk

APPROVED:

Representative Marie Colton
Presiding CoChairman