

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1443

Short Title: Teacher Protection Act.

(Public)

Sponsors: Representatives Blust; Capps, Hilton, and Wiley.

Referred to: Education.

April 21, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE TEACHER PROTECTION ACT.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 115C-390 reads as rewritten:
5 **"§ 115C-390. School personnel may use reasonable force.**

6 ~~Except as restricted or prohibited by rules adopted by the local boards of education,~~
7 ~~principals, Principals,~~ teachers, substitute teachers, voluntary teachers, ~~and teacher~~
8 ~~assistants-assistants,~~ and student teachers in the public schools of this State may use
9 reasonable force in the exercise of lawful authority to restrain or correct pupils and
10 maintain ~~order-order~~ order and proper discipline.

11 No principal, teacher, substitute teacher, voluntary teacher, teacher assistant, or
12 student teacher shall be held civilly liable unless the trier of fact specifically finds that
13 excessive force was used by the principal, teacher, substitute teacher, voluntary teacher,
14 teacher assistant, or student teacher.

15 Any plaintiff wishing to file an action against a principal, teacher, substitute teacher,
16 voluntary teacher, teacher assistant, or student teacher must first appeal to the local
17 board of education in which the alleged use of excessive force took place. No action
18 against a principal, teacher, substitute teacher, voluntary teacher, teacher assistant, or
19 student teacher may be filed until the board of education has made a finding whether
20 excessive force was used.

21 If the plaintiff files an action against a principal, teacher, substitute teacher,
22 voluntary teacher, teacher assistant, or student teacher after the school board has found
23 that no excessive force was used by the principal, teacher, substitute teacher, voluntary
24 teacher, teacher assistant, or student teacher, that finding by the school board shall
25 create a rebuttable presumption in the action that reasonable force was employed by the
26 principal, teacher, substitute teacher, voluntary teacher, teacher assistant, or student
27 teacher."

28 **SECTION 2.** This act becomes effective December 1, 2005, and applies to
29 actions filed on or after that date.