

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 442

Short Title: Parental Involvement in School Discipline. (Public)

Sponsors: Representatives M. Alexander, Fisher, Glazier, Parmon (Primary Sponsors); Bordsen, Bryant, Cotham, Earle, England, Hughes, Insko, Lucas, Mackey, Pierce, and Womble.

Referred to: Education, if favorable, Judiciary II.

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE WRITTEN PERMISSION OF A PARENT OR GUARDIAN
3 BEFORE A CHILD RECEIVES CORPORAL PUNISHMENT IN THE PUBLIC
4 SCHOOLS AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO
5 REPORT OCCURRENCES OF CORPORAL PUNISHMENT.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 115C-391 reads as rewritten:

8 "§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.

9 (a) Local boards of education shall adopt policies not inconsistent with the provisions
10 of the Constitutions of the United States and North Carolina, governing the conduct of students
11 and establishing procedures to be followed by school officials in suspending or expelling any
12 student, or in disciplining any student if the offensive behavior could result in suspension,
13 expulsion, or the administration of corporal punishment. Local boards of education shall
14 include a reasonable dress code for students in these policies.

15 The policies that shall be adopted for the administration of corporal punishment shall
16 include at a minimum the following conditions:

- 17 (1) Signed permission from the student's parent or guardian shall be on file in
18 the school before corporal punishment is administered on a student;
19 (1a) Corporal punishment shall not be administered in a classroom with other
20 children present;
21 (2) The student body shall be informed beforehand what general types of
22 misconduct could result in corporal punishment;
23 (3) Only a teacher, substitute teacher, principal, or assistant principal may
24 administer corporal punishment and may do so only in the presence of a
25 principal, assistant principal, teacher, substitute teacher, teacher assistant, or
26 student teacher, who shall be informed beforehand and in the student's
27 presence of the reason for the punishment; and
28 (4) An appropriate school official shall provide the child's parent or guardian
29 with notification that corporal punishment has been administered, and upon
30 request, the official who administered the corporal punishment shall provide
31 the child's parent or guardian a written explanation of the reasons and the
32 name of the second school official who was present.

33 Each local board shall publish all the policies mandated by this subsection and make them
34 available to each student and his parent or guardian at the beginning of each school year.
35 Notwithstanding any policy adopted pursuant to this section, school personnel may use



1 reasonable force, including corporal punishment, to control behavior or to remove a person
2 from the scene in those situations when necessary:

- 3 (1) To quell a disturbance threatening injury to others;
- 4 (2) To obtain possession of weapons or other dangerous objects on the person,
5 or within the control, of a student;
- 6 (3) For self-defense;
- 7 (4) For the protection of persons or property; or
- 8 (5) To maintain order on school property, in the classroom, or at a
9 school-related activity on or off school property.

10 (a1) Each local board shall report annually to the State Board of Education, in a manner
11 prescribed by the Board, on the number of times that corporal punishment was administered by
12 student's grade, age, gender, race, and whether the student was receiving special education
13 services.

14"

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