

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE DRS85072-MK-47 (02/20)

Short Title: Foster Children/Corp. Punish. Changes.

(Public)

Sponsors: Senators Robinson, Barringer, and Randleman (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT THE ADMINISTRATION OF CORPORAL PUNISHMENT ON  
3 CHILDREN LIVING IN FOSTER CARE AND TO INCREASE SAFEGUARDS FOR  
4 CORPORAL PUNISHMENT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 115C-390.4 reads as rewritten:

7 "§ 115C-390.4. Corporal punishment.

8 (a) Each local board of education shall determine whether corporal punishment will be  
9 permitted in its school administrative ~~unit~~unit, except that corporal punishment shall not be  
10 administered on a student who school personnel know to be living in foster care, as defined in  
11 G.S. 131D-10.2(9). A foster parent or caregiver of a student living in foster care is not required  
12 to notify the school in writing, as set forth in subdivision (b)(6) of this section, that corporal  
13 punishment shall not be administered on the student.

14 Notwithstanding a local board of education's prohibition on the use of corporal punishment,  
15 school personnel may use physical restraint in accordance with federal law and  
16 G.S. 115C-391.1 and reasonable force pursuant to G.S. 115C-390.3.

17 (b) To the extent that corporal punishment is permitted, the policies adopted for the  
18 administration of corporal punishment shall include at a minimum the following:

- 19 (1) Corporal punishment shall not be administered in a classroom with other  
20 students present.
- 21 (2) Only a teacher, principal, or assistant principal of the same gender as the  
22 student may administer corporal punishment and may do so only in the  
23 presence of a principal, assistant principal, or teacher of the same gender as  
24 the student who shall be informed beforehand and in the student's presence  
25 of the reason for the punishment.
- 26 (3) A school person shall provide the student's parent with notification that  
27 corporal punishment has been administered, and the person who  
28 administered the corporal punishment shall provide the student's parent a  
29 written explanation of the reasons and the name of the second person who  
30 was present.
- 31 (4) The school shall maintain records of each administration of corporal  
32 punishment and the reasons for its administration.
- 33 (5) In no event shall excessive force be used in the administration of corporal  
34 punishment. Excessive force includes force that results in injury to the child  
35 that requires medical attention beyond simple first aid.



1           (6) Corporal punishment shall not be administered on a student whose parent or  
2           guardian has stated in writing that corporal punishment shall not be  
3           administered to that student. Parents and guardians shall be given a form to  
4           make such an election at the beginning of the school year or when the  
5           student first enters the school during the year. The form shall advise the  
6           parent or guardian that the student may be subject to suspension, among  
7           other possible punishments, for offenses that would otherwise not require  
8           suspension if corporal punishment were available. ~~¶~~Except as otherwise  
9           provided in subsection (a) of this section, if the parent or guardian does not  
10          return the form, corporal punishment may be administered on the student.

11          (c) Each local board of education shall report annually to the State Board of Education,  
12          in a manner prescribed by the State Board of Education, on the number of times that corporal  
13          punishment was administered. The report shall be in compliance with the federal Family  
14          Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and shall include the following:

15           (1) The number of students who received corporal punishment.

16           (2) The number of students who received corporal punishment who were also  
17           students with disabilities and were eligible to receive special education and  
18           related services under the federal Individuals with Disabilities Education  
19           Act, 20 U.S.C. § 1400, et seq.

20           (3) The grade level of the students who received corporal punishment.

21           (4) The race, gender, and ethnicity of the students who received corporal  
22           punishment.

23           (5) The reason for the administration of the corporal punishment for each  
24           student who received corporal punishment."

25          **SECTION 2.** This act is effective when it becomes law and applies beginning with  
26          the 2013-2014 school year.