

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 874
HOUSE BILL 1117

AN ACT TO REWRITE G.S. 115-147 AND TO PERMIT THE PERMANENT EXPULSION
OF PUBLIC SCHOOL STUDENTS GUILTY OF FELONIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115-147 as the same now appears in Replacement Volume 3A, Part II, of the General Statutes is hereby rewritten to read as follows:

"§ 115-147. Suspension or expulsion of pupils. — (a) Local boards of education shall adopt policies governing the conduct of students and shall cause these policies to be published and made available at the beginning of each school year to each student and his parents. Local boards of education shall also adopt policies, not inconsistent with the provisions of this section or the Constitutions of the United States and North Carolina, establishing procedures to be followed by school officials in suspending or expelling any pupil from school and shall cause such procedures to be published and made available at the beginning of each school year to each student and his parents.

(b) The principal of a school, or his delegate, shall have authority to suspend any student who willfully violates policies of conduct established by the local board of education for a period of 10 days or less: provided, that a student suspended pursuant to this subsection shall be provided an opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

(c) The principal of a school, with the prior approval of the superintendent, shall have the authority to suspend any pupil who willfully violates the policies of conduct established by the local board of education for periods of times in excess of 10 school days, but not exceeding the time remaining in the school year. The pupil or his parents may appeal the decision of the principal to the local board of education.

(d) A local board of education may, upon recommendation of the principal and superintendent, expel any student 14 years of age or older who has been convicted of a felony and whose continued presence in school constitutes a clear threat to the safety and health of other students or employees. Notwithstanding the provisions of G.S. 115-374, a local board of education has no duty to continue to provide a child with special needs, expelled pursuant to this subsection, with any special education or related services during the period of expulsion.

(e) A final decision of the local board of education pursuant to subsections (c) and (d) shall be subject to judicial review in the manner provided by Article 4, Chapter 150A of the General Statutes."

Sec. 2. Add a new paragraph to G.S. 115-374 to read as follows:

"The expulsion or suspension of a child with special needs shall not be subject to the provisions of G.S. 115-179.1 and there shall be no requirement for continued special education or related services unless the risk of injury or disruption of education of others for which the child was suspended or expelled was caused by the lack of proper medication, appropriate educational services or ambulatory services for the child."

Sec. 3. This act shall become effective on July 1, 1979.

In the General Assembly read three times and ratified, this the 8th day of June, 1979.