

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH30599-SQz-13A* (04/25)

Short Title: Clarify Corporal Punishment Policy. (Public)

Sponsors: Representative England.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY CORPORAL PUNISHMENT POLICIES IN PUBLIC
SCHOOLS, AS RECOMMENDED BY THE PUBLIC HEALTH STUDY
COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-391(a) reads as rewritten:

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

(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. Local boards of education shall include a reasonable dress code for students in these policies.

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

- (1) Corporal punishment shall not be administered in a classroom with other children present;
- (2) The student body shall be informed beforehand what general types of misconduct could result in corporal punishment;
- (3) Only a teacher as defined in G.S. 115C-325(a)(6), substitute teacher, principal, or assistant principal of the same gender of the student and who has been trained in the administration of corporal punishment may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher assistant, or student teacher, who shall be informed beforehand and in the student's presence of the reason for the punishment; and

1 (4) An appropriate school official shall provide the child's parent or
2 guardian with notification that corporal punishment has been
3 administered, and upon request, the official who administered the
4 corporal punishment shall provide the child's parent or guardian a
5 written explanation of the reasons and the name of the second school
6 official who was ~~present~~.present;

7 (5) Corporal punishment shall be administered only by hand spanking on
8 the buttocks through the student's customary mode of dress; and

9 (6) Prior to administering corporal punishment the teacher, principal, or
10 assistant principal shall determine whether or not the student is a child
11 with a disability as defined in G.S. 115C-106.3(1). If the student is a
12 child with a disability, then the policies and procedures for discipline
13 shall be consistent with federal laws and regulations.

14 Each local board shall publish all the policies mandated by this subsection and make
15 them available to each student and his parent or guardian at the beginning of each
16 school year. Notwithstanding any policy adopted pursuant to this section, school
17 personnel may use reasonable force, including corporal punishment, to control behavior
18 or to remove a person from the scene in those situations when necessary:

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

20 (2) To obtain possession of weapons or other dangerous objects on the
21 person, or within the control, of a student;

22 (3) For self-defense;

23 (4) For the protection of persons or property; or

24 (5) To maintain order on school property, in the classroom, or at a
25 school-related activity on or off school property."

26 **SECTION 2.** Each local board shall report to the State Board of Education
27 by January 31, 2009, and annually thereafter on the number of times that corporal
28 punishment has been administered by student's age, gender, race, and whether the
29 student is receiving special education services in a manner prescribed by the State
30 Board of Education. The State Board of Education shall report by April 15, 2009, and
31 annually thereafter to the Joint Legislative Education Oversight Committee with
32 findings and recommendations based on information provided by the local boards.

33 **SECTION 3.** This act is effective when it becomes law and applies
34 beginning with the 2008-2009 school year.