

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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**SENATE BILL 989**

Education/Higher Education Committee Substitute Adopted 5/12/93

Short Title: Safe Schs. Partnership Act.

(Public)

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Sponsors:

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Referred to:

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April 27, 1993

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO REPORT ACTS OF  
2 SCHOOL VIOLENCE TO THE STATE BOARD OF EDUCATION AND TO  
3 ADOPT CLEAR RULES REGARDING THE CONSEQUENCES OF  
4 COMMITTING VIOLENT ACTS AT SCHOOL, TO ENCOURAGE THE  
5 IMPLEMENTATION AND USE OF CONFLICT RESOLUTION PROGRAMS  
6 AND PARENT INVOLVEMENT PROGRAMS IN SCHOOLS, AND TO  
7 REQUIRE EMPLOYERS TO GRANT LEAVE AT A MUTUALLY AGREED  
8 UPON TIME TO EMPLOYEES FOR INVOLVEMENT AT THEIR CHILDREN'S  
9 SCHOOLS.  
10

11       Whereas, violence in the majority of North Carolina's schools is on the  
12 increase; and

13       Whereas, during the 1991-92 school year in North Carolina's public schools,  
14 1407 students were arrested, including 693 for assault and battery, 193 for possession of  
15 a firearm, and 24 for using a firearm in a violent act, and another 21,691 students were  
16 suspended (and this does not include the more than 10,000 students who were placed in  
17 In-School Suspension), including 537 students for firearm possession, 121 for using a  
18 knife in a violent act, and 76 for the use of a firearm in a violent act; and

19       Whereas, the majority of our school systems want clear, firm measures to  
20 deal with the problems of violence, a parental responsibility law, and a curriculum to  
21 train students to cope with stress and develop mediation and conflict resolution skills;  
22 and

1           Whereas, the General Assembly finds that there are a number of reasons for  
2 the increase of school violence, including the disintegration of families, the uncertainty  
3 of moral values, and a popular culture that glorifies violence as a solution to conflict;  
4 and

5           Whereas, the General Assembly finds that it is vital to our economic well-  
6 being and educational success for parents to be involved in their children's education,  
7 and further that parents should be responsible in significant degree for their children's  
8 behavior in schools; and

9           Whereas, the General Assembly finds that children have a compelling right to  
10 feel safe and secure while in school; Now, therefore,  
11 The General Assembly of North Carolina enacts:

12           Section 1. This act shall be known as "The Safe Schools Partnership Act of  
13 1993".

14           Sec. 2. G.S. 115C-12(18) reads as rewritten:

15           "(18) Duty to Develop and Implement a Uniform Education Reporting  
16 System, Which Shall Include Standards and Procedures for Collecting  
17 ~~Fiscal and Personnel~~ Fiscal, Personnel, and Student Information.

18           a. The State Board of Education shall adopt standards and  
19 procedures for local school administrative units to provide  
20 timely, accurate, and complete fiscal and personnel information,  
21 including payroll information, on all school personnel. All local  
22 school administrative units shall comply with these standards  
23 and procedures by the beginning of the 1987-88 school year.

24           b. The State Board of Education shall develop and implement a  
25 Uniform Education Reporting System that shall include  
26 requirements for collecting, processing, and reporting fiscal,  
27 personnel, and student data, by means of electronic transfer of  
28 data files from local computers to the State Computer Center  
29 through the State Communications Network. All local school  
30 administrative units shall comply with the requirements of the  
31 Uniform Education Reporting System by the beginning of the  
32 1989-90 school year.

33           b1. The State Board of Education shall adopt rules, definitions,  
34 forms, and procedures for local school administrative units to  
35 provide timely, accurate, and complete information on all  
36 violent or assaultive behavior, possessions of weapons, and  
37 criminal acts committed on school property or at school-  
38 sponsored functions. The State Board of Education shall  
39 compile and report this information at least annually to the  
40 General Assembly.

41           c. The State Board of Education shall comply with the provisions  
42 of G.S. 116-11(10a) to plan and implement an exchange of  
43 information between the public schools and the institutions of  
44 higher education in the State."

1           Sec. 3. G.S. 115C-47 is amended by adding a new subdivision to read:

2           "(36) To report acts of violence to the State Board of Education. – Local  
3           boards of education shall report at least annually to the State Board of  
4           Education on all violent or assaultive behavior, possessions of  
5           weapons, and criminal acts committed on school property or at school-  
6           sponsored functions."

7           Sec. 4. G.S. 115C-238.1 reads as rewritten:

8       **"§ 115C-238.1. Performance-based Accountability Program; development and**  
9       **implementation by State Board.**

10       The General Assembly believes that all children can learn. It is the intent of the  
11       General Assembly that the mission of the public school community is to challenge with  
12       high expectations each child to learn, to achieve, and to fulfill his or her potential. With  
13       that mission as its guide, the State Board of Education shall develop and implement a  
14       Performance-based Accountability Program. The primary goal of the Program shall be  
15       to improve student performance. The State Board of Education shall adopt:

16           (1) Procedures and guidelines through which, beginning with the 1990-91  
17           fiscal year, local school administrative units may participate in the  
18           Program;

19           (2) Guidelines for developing local school improvement plans with three-  
20           year student performance goals and annual milestones to measure  
21           progress in meeting those goals; ~~and~~

22           (3) A set of student performance indicators for measuring and  
23           assessing student performance in the participating local school  
24           administrative units. These indicators may include attendance rates,  
25           dropout rates, test scores, parent involvement, and post-secondary  
26           ~~outeomes.~~ outcomes;

27           (4) A recommended list of conflict resolution education materials and  
28           curricula that include components for teacher training and ongoing  
29           assessment and evaluation to verify success and ensure the use of up-  
30           to-date information and strategies; and

31           (5) Guidelines and resources to be used by building-level committees in  
32           their development of parent involvement programs under G.S. 115C-  
33           238.3."

34       Sec. 5. G.S. 115C-238.3 reads as rewritten:

35       **"§ 115C-238.3. Development of local plans; elements of local plans.**

36           (a) Development of systemwide plan by the local board of education. – The  
37           board of education of a local school administrative unit that elects to participate in the  
38           Program shall develop and submit a local school improvement plan for the entire local  
39           school administrative unit to the State Superintendent of Public Instruction before April  
40           15 of the fiscal year preceding the fiscal year in which participation is sought.

41           A systemwide improvement plan shall remain in effect for no more than three years.

42           (b) Establishment of student performance goals by the local board of education  
43           for the systemwide plan. – The local board of education shall establish student  
44           performance goals, which also may include goals for parent involvement programs, for

1 the local school administrative unit. The local board of education shall actively involve  
2 an advisory panel composed of a substantial number of teachers, school administrators,  
3 other school staff, and parents of children enrolled in the local school administrative  
4 unit, in developing the student performance goals for the local school improvement  
5 plan. It is the intent of the General Assembly that teachers have a major role in  
6 developing the student performance goals for the local school improvement plan;  
7 therefore, at least half of the staff members participating in this advisory panel shall be  
8 teachers. The teachers in the local school administrative unit shall select the teachers  
9 who are involved in the advisory panel.

10 The performance goals for the local school administrative unit shall address specific,  
11 measurable goals for all student performance indicators adopted by the State Board.  
12 Factors that determine gains in achievement vary from school to school; therefore,  
13 socioeconomic factors and previous student performance indicators shall be used as the  
14 basis of the local school improvement plan.

15 The goals for building-level parent involvement programs may include  
16 recommended strategies for the development of these programs so that building-level  
17 committees are able to establish programs designed to meet the specific needs of  
18 individual schools. These strategies may be based on the guidelines and resources  
19 established by the State Board of Education, or may be developed solely by the advisory  
20 panel.

21 (b1) Development by each school of strategies for attaining local student  
22 performance goals. – The principal of each school, representatives of the building-level  
23 staff, and parents of children enrolled in the school shall develop a building-level plan  
24 to address student performance goals appropriate to that school from those established  
25 by the local board of education. In developing strategies for attaining the school's  
26 student performance goals, schools are encouraged to include (i) a comprehensive  
27 nonviolent conflict resolution program that includes instruction on responsible decision-  
28 making, the effects of violence and its causes, nonviolent methods for resolving  
29 conflict, including peer mediation, and cultural diversity that shall be available to every  
30 child in that school, and (ii) a comprehensive parent involvement plan developed in  
31 accordance with the goals established in the systemwide plan. Building-level  
32 committees may select conflict resolution education materials and curricula from the list  
33 maintained by the State Board of Education, or may develop their own materials and  
34 curricula to be approved by the local board of education. These strategies also may  
35 include requests for waivers of State laws, regulations, or policies for that school. A  
36 request for a waiver shall (i) identify the State laws, regulations, or policies that inhibit  
37 the local unit's ability to reach its local accountability goals, (ii) set out with specificity  
38 the circumstances under which the waiver may be used, and (iii) explain how a waiver  
39 of those laws, regulations, or policies will permit the local unit to reach its local goals.

40 Support among affected staff members is essential to successful implementation of a  
41 building-level plan to address student performance goals appropriate to a school;  
42 therefore, the principal of the school shall present the proposed building-level plan to all  
43 of the staff assigned to the school building for their review and vote. The vote shall be  
44 by secret ballot. The principal may submit the building-level plan to the local board of

1 education for inclusion in the systemwide plan only if the proposed building-level plan  
2 has the approval of a majority of the staff who voted on the plan.

3 The local board of education shall accept or reject the building-level plan. The local  
4 board shall not make any substantive changes in any building-level plan that it accepts;  
5 the local board shall set out any building-level plan that it accepts in the systemwide  
6 plan. If the local board rejects a building-level plan, the local board shall state with  
7 specificity its reasons for rejecting the plan; the principal of the school for which the  
8 plan was rejected, representatives of the building-level staff, and parents of children  
9 enrolled in the school may then prepare another plan, present it to the building-level  
10 staff for a vote, and submit it to the local board for inclusion in the systemwide plan. If  
11 no building-level plan is accepted for a school before March 15 of the fiscal year  
12 preceding the fiscal year in which participation is sought, the local board may develop a  
13 plan for the school for inclusion in the systemwide plan; the General Assembly urges  
14 the local board to utilize the proposed building-level plan to the maximum extent  
15 possible when developing such a plan.

16 (b2) Waivers concerning central office staff – A local board of education may  
17 request waivers of State laws, regulations, or policies which are included in the building  
18 plans described in subsection (b1) of this section, and it may also request waivers which  
19 affect the organization, duties, and assignment of central office staff only. Provided,  
20 none of the duties to be performed pursuant to G.S. 115C-436 may be waived. A  
21 request for a waiver shall (i) identify the State laws, regulations, or policies that inhibit  
22 the local unit's ability to reach its local accountability goals, (ii) set out with specificity  
23 the circumstances under which the waiver may be used, and (iii) explain how a waiver  
24 of those laws, regulations, or policies will permit the local unit to reach its local goals.

25 (c) Development by each school of a differentiated pay plan for that school;  
26 development by the local board of education of a differentiated pay plan for central  
27 office personnel. –

28 (1) The local school administrative unit shall consider a plan for  
29 differentiated pay. The local plan shall include a plan for differentiated  
30 pay, in accordance with G.S. 115C-238.4, unless the local school  
31 administrative unit elects not to participate in any differentiated pay  
32 plan.

33 (2) The principal of each school, representatives of the building-level  
34 staff, and parents of children enrolled in the school shall develop a  
35 building-level differentiated pay plan for the school when they develop  
36 their building-level plan to address student performance goals  
37 appropriate to the school.

38 Support among affected staff members is essential to successful  
39 implementation of a building-level differentiated pay plan; therefore,  
40 the principal of the school shall present the proposed building-level  
41 plan to all of the staff eligible to receive differentiated pay, in  
42 accordance with G.S. 115C-238.4(a), for their review and vote. The  
43 vote shall be by secret ballot. The principal may submit the building-  
44 level differentiated pay plan to the local board of education only if the

1 proposed building-level differentiated pay plan has the approval of a  
2 majority of the staff who voted on the plan.

3 The local board of education shall accept or reject the building-  
4 level differentiated pay plan. The local board shall not make any  
5 substantive changes in any building-level plan that it accepts; the local  
6 board shall set out any building-level plan that it accepts in the  
7 systemwide differentiated pay plan. If the local board rejects a  
8 building-level plan, the local board shall state with specificity its  
9 reasons for rejecting the plan; the principal of the school for which the  
10 plan was rejected, representatives of the building-level staff, and  
11 parents of children enrolled in the school may then prepare another  
12 plan, present it to all of the staff eligible to receive differentiated pay,  
13 in accordance with G.S. 115C-238.4(a), for a vote, and submit it to the  
14 local board for inclusion in the systemwide plan. If no building-level  
15 plan is accepted for a school before March 15 of the fiscal year  
16 preceding the fiscal year in which participation is sought, the local  
17 board may develop a plan for the school building for inclusion in the  
18 systemwide plan; the General Assembly urges the local board to utilize  
19 the proposed building-level plan to the maximum extent possible when  
20 developing such a plan.

21 (3) The local board of education shall develop a plan for differentiated pay  
22 for all central office personnel eligible to receive differentiated pay, in  
23 accordance with G.S. 115C-238.4(a), and shall include the plan in the  
24 systemwide differentiated pay plan.

25 (4) A systemwide differentiated pay plan shall remain in effect for no  
26 more than three years. At the end of three years, a plan to continue,  
27 discontinue, or modify that differentiated pay plan shall be developed  
28 in accordance with subdivisions (2) and (3) of this subsection.

29 (d) Repealed by Session Laws 1991 (Regular Session, 1992), c. 900, s. 75.1(b),  
30 effective July 8, 1992."

31 Sec. 6. G.S. 115C-391 reads as rewritten:

32 "**§ 115C-391. Corporal punishment, suspension, or expulsion of ~~pupils.~~ pupils;**  
33 **responses to violent acts and possessions of weapons.**

34 (a) Local boards of education shall adopt clear policies not inconsistent with  
35 the provisions of the Constitutions of the United States and North Carolina, governing  
36 the conduct of ~~students~~ students; stating the consequences of violent or assaultive  
37 behavior, possessions of weapons, and criminal acts committed on school property or at  
38 school-sponsored functions; and establishing procedures to be followed by school  
39 officials in suspending or expelling any student, or in disciplining any student if the  
40 offensive behavior could result in suspension, expulsion, or the administration of  
41 corporal punishment. The policies that shall be adopted for the administration of  
42 corporal punishment shall include at a minimum the following conditions:

43 (1) Corporal punishment shall not be administered in a classroom with  
44 other children present;

- 1           (2) The student body shall be informed beforehand what general types of  
2           misconduct could result in corporal punishment;
- 3           (3) Only a teacher, substitute teacher, principal, or assistant principal may  
4           administer corporal punishment and may do so only in the presence of  
5           a principal, assistant principal, teacher, substitute teacher, teacher  
6           assistant, or student teacher, who shall be informed beforehand and in  
7           the student's presence of the reason for the punishment; and
- 8           (4) An appropriate school official shall provide the child's parent or  
9           guardian with notification that corporal punishment has been  
10          administered, and upon request, the official who administered the  
11          corporal punishment shall provide the child's parent or guardian a  
12          written explanation of the reasons and the name of the second school  
13          official who was present.

14 The board shall publish all the policies mandated by this subsection and make them  
15 available to each student and his parent or guardian at the beginning of each school  
16 year. Notwithstanding any policy adopted pursuant to this section, school personnel  
17 may use reasonable force, including corporal punishment, to control behavior or to  
18 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; or
- 23           (4) For the protection of persons or property.

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

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

34          (d) A local board of education may, upon recommendation of the principal and  
35 superintendent, expel any student 14 years of age or older who has been convicted of a  
36 felony and whose continued presence in school constitutes a clear threat to the safety  
37 and health of other students or employees. Notwithstanding the provisions of G.S.  
38 115C-112, a local board of education has no duty to continue to provide a child with  
39 special needs, expelled pursuant to this subsection, with any special education or related  
40 services during the period of expulsion.

41          (e) A decision of a local board under subsection (c) or (d) is final and, except as  
42 provided in this subsection, is subject to judicial review in accordance with Article 4 of  
43 Chapter 150B of the General Statutes. A person seeking judicial review shall file a  
44 petition in the superior court of the county where the local board made its decision."

1           Sec. 7. Article 3 of Chapter 95 of the General Statutes is amended by adding  
2 a new section to read:

3 **"§ 95-28.3. Leave for parent involvement in schools.**

4       (a) It is the belief of the General Assembly that parent involvement is an  
5 essential component of school success and positive student outcomes. Therefore,  
6 employers shall grant four hours per year leave to any employee who is a parent,  
7 guardian, or person standing in loco parentis of a school-aged child so that the  
8 employee may attend or otherwise be involved at that child's school. However, any  
9 leave under this section is subject to the following conditions:

10           (1) The leave shall be at a mutually agreed upon time between the  
11 employer and the employee.

12           (2) The employer may require an employee to provide the employer with a  
13 written request for the leave at least 48 hours before the time desired  
14 for the leave.

15           (3) The employer may require that the employee furnish written  
16 verification from the child's school that the employee attended or was  
17 otherwise involved at that school during the time of the leave.

18       For the purpose of this section, 'school' means any (i) public school, (ii) private  
19 church school, church of religious charter, or nonpublic school described in Parts 1 and  
20 2 of Article 39 of Chapter 115C of the General Statutes that regularly provide a course  
21 of grade school instruction, (iii) preschool, and (iv) child day care facility as defined in  
22 G.S. 110-86(3).

23       (b) Employers shall not discharge, demote, or otherwise take an adverse  
24 employment action against an employee who requests or takes leave under this section.  
25 Nothing in this section shall require an employer to pay an employee for leave taken  
26 under this section.

27       (c) An employee who is demoted or discharged or who has had an adverse  
28 employment action taken against him or her in violation of this section may bring a civil  
29 action within one year from the date of the alleged violation against the employer who  
30 violates this section and obtain either of the following:

31           (1) Any wages or benefits lost as a result of the violation; or

32           (2) An order of reinstatement without loss of position, seniority, wages, or  
33 benefits.

34       The burden of proof shall be upon the employee."

35       Sec. 8. This act becomes effective December 1, 1993, and applies to acts  
36 committed on or after that date.