

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1135
Committee Substitute Favorable 4/24/03
Senate Education/Higher Education Committee Substitute Adopted 6/5/03
Fourth Edition Engrossed 6/11/03

Short Title: Education Instead of Long-Term Suspension.

(Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT STUDENTS RECOMMENDED FOR LONG-TERM
SUSPENSION RECEIVE A FREE AND APPROPRIATE EDUCATION.

Whereas, providing students with a nurturing school experience in which they are able to grow socially, intellectually, and emotionally is an effective strategy for keeping them out of trouble; and

Whereas, when suspended students are not otherwise involved, their likelihood of getting into trouble and involved with the law and the juvenile justice system dramatically increases; and

Whereas, most students with behavior problems should be maintained in their regular schools and communities, to the extent possible; and

Whereas, to follow the spirit of the *Leandro* decision, the schools should give all suspended students, including the few who need to be placed in special settings, the opportunity to obtain a sound basic education; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. There is created a committee to study the feasibility and cost of developing a State plan to ensure that students recommended for long-term suspension receive a free and appropriate education. The committee shall consist of the following members:

- (1) The Chair of the State Board of Education or his designee.
- (2) The Superintendent of Public Instruction or his designee.
- (3) The Secretary of Juvenile Justice and Delinquency Prevention or his designee.
- (4) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services or the Director's designee.

1 (5) Three educators, appointed by the Chair of the State Board of
2 Education, who have experience dealing with students recommended
3 for long-term suspension.

4 In the course of its study, the committee shall consult with representatives of parents,
5 teachers, students, school boards, county commissioners, or other interested parties.
6 The Chair of the State Board of Education, or his designee, shall convene and chair the
7 meetings.

8 **SECTION 2.** The committee shall consider and report on whether and to
9 what extent North Carolina should mandate the following:

10 (1) Local school administrative units in North Carolina shall provide or
11 cause to be provided a free appropriate education for all students
12 recommended for a long-term suspension.

13 (2) Each student recommended for long-term suspension shall receive a
14 multidisciplinary assessment and evaluation to (i) ascertain his or her
15 educational history, needs, and special learning problems and (ii)
16 assess the risk the child poses to staff and other students. The
17 assessment and evaluation shall include feedback and
18 recommendations from local mental health and juvenile justice
19 professionals.

20 (3) An individualized education and service plan shall be developed for all
21 students recommended for long-term suspension by a committee that
22 includes education, mental health, and juvenile justice professionals,
23 the child's parent or guardian, and any other person the committee
24 considers appropriate. The chair of the Juvenile Crime Prevention
25 Council or a designee shall serve as chair of this committee.

26 (4) All efforts shall be made to reduce the risk the child poses to staff and
27 other students and to allow the child to continue his or her education in
28 his or her regular school without disruption. These efforts shall include
29 the provision of related services and interventions from other agencies
30 when considered necessary by the committee.

31 (5) During the first 10 days of suspension, the local school administrative
32 unit shall place the student recommended for suspension in a
33 diagnostic setting for purposes of ensuring there is no disruption to the
34 student's education and to complete the assessment process.

35 (6) The local education agency shall contract with private or public
36 agencies if an appropriate education cannot be provided within the
37 school system. Funds appropriated to a local school administrative unit
38 for the education of the child shall be used to pay for the program in
39 which the child is placed.

40 (7) The child's parent or guardian shall have the right to appeal the
41 recommendation for the long-term suspension or any placement
42 decision made by the local school administrative unit.

43 (8) No child shall be rejected for education and services by a local school
44 administrative unit unless a district court judge places the child in a

1 juvenile justice program or facility. In that circumstance, the
2 Department of Juvenile Justice and Delinquency Prevention is
3 responsible for providing the child's education.

4 **SECTION 3.** The Chair of the State Board of Education shall report to the
5 Joint Legislative Education Oversight Committee by April 15, 2004, on the committee's
6 findings and recommendations, which may include a State plan or elements to be
7 included in a State plan, the feasibility and cost of implementing a State plan beginning
8 with the 2004-2005 school year, and any statutory changes necessary to implement a
9 State plan.

10 **SECTION 4.** This act is effective when it becomes law.