North Carolina Statutory Framework
Safe Schools, Student Behavior, Student Discipline

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Broad Mandates for Safe School Environments

1. To ensure the existence of a safe environment conducive to instruction, the General Assembly has prescribed detailed responsibilities for the local board and school personnel. The local board is required to develop a “safe school plan” to ensure that every school is “safe, secure, and orderly.” N.C. Gen. Stat. § 115C-105.47(a).


4. Recent legislation expands on these responsibilities by requiring local boards to adopt a policy to promote an environment free of bullying and harassing behavior and mandating that school personnel implement strategies included in the policy. N.C. Gen. Stat. §§ 115C-407.5 through -407.8.

5. The school district safe school plan must direct the school improvement team at each school in the district to incorporate into the school improvement plan any special conditions at the school in order to maintain a safe and orderly school and to address the needs of students who are disruptive. N.C. Gen. Stat. §§ 115C-105.47(b)(13), 115C-105.28(b)(2).

6. And to help students learn how to better manage their own behaviors, the General Assembly encourages schools to consider the inclusion of conflict resolution programs in the school improvement plan. N.C. Gen. Stat. § 115C-105.32.

Accountability of School Personnel for Safe Schools

1. The superintendent is charged with coordinating the implementation of the safe school plan, working with law enforcement, court officials and the community and implementing all State policies and rules. N.C. Gen. Stat. § 115C-105.47(b)(2), (b)(10), (b)(11), 115C-276 (g).

2. The local board can reprimand the superintendent or withhold salary for not meeting responsibilities outlined in the safe school plan N.C. Gen. Stat. § 115C-105.47(b)(2).

3. The principal is responsible for “restoring, if necessary, and maintaining a safe secure, and orderly school environment” and must report serious violent acts to law enforcement N.C. Gen. Stat. §§ 115C-105.47(b)(3), 115C-288(g).

4. Principal accountability is covered by provisions that require the superintendent to evaluate each principal’s performance on school safety and implementation of the plan. N.C. Gen. Stat. § 115C-105.47(b)(2).

5. Teachers are required to maintain “good order and discipline” and to report acts of violence N.C. Gen. Stat. § 115C-307(a).
6. If a school needs help in promoting or restoring safety and an orderly learning environment, the school improvement team or a parent organization may request assistance from the local board, and, if necessary from the State Board. N.C. Gen. Stat. § 115C-105.33.

Requirements for Professional Development

1. Safe school plans must provide for professional development to train in managing disruptive or dangerous student behavior, including positive management of student behavior, effective communication for defusing and deescalating disruptive or dangerous behavior, as well as safe and appropriate use of seclusion and restraint. N.C. Gen. Stat. §§ 115C-105.47(b)(9), 115C-391.1.

2. Funds made available by the local board to schools for professional development must be used in accordance with the school improvement plan (SIP). The SIP must identify how funds will be used. The SIP must address school safety and discipline concerns and instructional practices and methods to improve academic performance of those at risk of academic failure or of dropping out of school. N.C. Gen. Stat. §§ 115C-105.27(b)(1)(2), (4), 115C-105.30.

Requirements and Options for Addressing the Behavioral Needs of Individual Students

1. School districts must develop procedures to identify students who are engaging in disruptive or disorderly behavior, assess their needs, provide services to assist in modifying behavior, and evaluate the effectiveness of these efforts. N.C. Gen. Stat. § 115C-105.47(b)(5), (b)(6), (b)(8).

2. If a teacher finds that a student’s behavior continues to disrupt the class after requesting assistance from the principal two or more times, the teacher may refer the issue of a student’s behavior to a school-based committee. N.C. Gen. Stat. § 115C-397.1.

3. Seclusion, restraint, and isolation are approaches that only may be used in accordance with N.C. Gen. Stat. § 115C-391.1.

4. Behavior may be linked to a student’s engagement in learning: a school improvement plan must include instructional practices and methods that will improve the academic performance of students at risk of academic failure or of dropping out of school. N.C. Gen. Stat. § 115C-105.27(b)(4)

5. Alternative education is one option to addressing behavioral needs (see below).

Alternative Education to Meet Educational or Behavior Needs of Students


2. Since the 2006-2007 school year, local boards of education must submit proposals to the State Board to establish alternative learning programs or alternative schools. These proposals must address goals, policies, strategies, estimated cost of the program, and “documented support of school personnel and the community for the implementation of the program or school.” N.C. Gen. Stat. § 115C-105.7A(a)(6). The State Board of
Education must review these proposals and make recommendations, which the local board must consider before acting on a proposal. N.C. Gen. Stat. § 115C-105.47A.

3. The General Assembly also has addressed the process for placement of a student in an alternative school. Before a student can be referred to an alternative school, the referring school must document how the student was identified and the reasons for the referral. Once placed, the staff of the alternative school or program must determine the support services and interventions that are necessary. N.C. Gen. Stat. § 115C-105.48.

4. Alternative education placement is specifically addressed as an option for some disruptive or violent behavior. The General Statutes require principals to provide “alternative placements for students who are seriously disruptive”. N.C. Gen. Stat. § 115C-105.47(b)(3). The local safe school plan must provide consequences, including “placement in an alternative setting” for a student under 13 years of age who physically assaults a teacher or other individual. N.C. Gen. Stat. § 115C-105.47(b)(1).

5. At present, the General Assembly does not provide a separate funding stream for alternative learning programs and schools. Instead, school districts may choose to fund alternative educational programs from several allocations, including those related to serving at-risk students. Moreover, the State has asserted that it is not responsible for appropriating funds for alternative programs or schools. When the General Assembly passed N.C. Gen. Stat. 115C-105.47A to establish a process for proposing new alternative programs and schools, the session laws provided:

   Nothing in this act requires the North Carolina General Assembly to appropriate funds for the implementation of alternative learning programs or alternative schools.”


Authority in Student Discipline

1. The principal is given authority to exercise discipline over students in accordance with local board policy and is responsible for providing appropriate disciplinary consequences for disruptive students. N.C. Gen. Stat. §§ 115C-288(e), 115C-105.47(b)(3)

2. In order to be able to act quickly to maintain or restore order, the General Assembly authorizes school personnel, including principals and teachers, to use reasonable force, including appropriate use of physical restraint and seclusion. N.C. Gen. Stat. §§ 115C-390, 115C-391.1

3. And to address the need for safe classrooms, the General Assembly requires safe school plans to establish mechanisms for removing students from the classroom when necessary and consequences for assaults of teachers by those under 13 N.C. Gen. Stat. § 115C-105.47(b)(6), (b)(1).

4. Suspensions are one possible disciplinary consequence (described below).

Suspensions as a Disciplinary Consequence

1. The General Assembly requires local boards to establish board policies that identify behavior that could result in suspensions. N.C. Gen. Stat. § 115C-391(a).
2. Principals are given authority to suspend for up to ten days, and with prior approval from the superintendent, for the remainder of the school year N.C. Gen. Stat. § 115C-391(b), (c).

3. Students who receive short-term suspensions must be given specific opportunities for making up missed work: they can take textbooks home during the suspension, request homework assignments, and take quarterly, semester, or grading period examinations missed. N.C. Gen. Stat. § 115C-391(b)(1)-(3).

4. The General Assembly has established detailed provisions for suspensions of up to 365 days for weapons, certain serious assaults, and false or real bomb threats. N.C. Gen. Stat. § 115C-391(d1), (d2), and (d3). The suspension for weapons was enacted to comply with federal legislation. All other permissive and mandatory suspensions for up to 365 days were enacted at the discretion of the General Assembly.

5. Permanent expulsion must meet statutory standards and the student has a statutory right to petition the local board to return to school. N.C. Gen. Stat. § 115C-391(e).

6. In the 2009 session, the General Assembly added detailed notice provisions that must be met each time a student is recommended for long-term suspension. 2009 N.C. Sess. Laws 61 adding N.C. Gen. Stat. § 115C-391(d5). This was added to an existing requirement to provide the notice in the parent’s first language in circumstances where English is the second language and when resources are readily available.

7. In the same session, the General Assembly also addressed the transfer of suspended special education students. 2009 N.C. Sess. Laws 331, amending 115C-366(a3)(2),(a5).

Alternative Education for Suspended or Expelled Students

1. For a student facing permanent removal, the local board must consider if the district offers an alternative program “that may provide education services for the student who is subject to expulsion.” N.C. Gen. Stat. § 115C-391(d)(1).

2. In the case of 365-days suspensions for weapons violations or false reports of bomb threats, school officials may also provide, or contract for the provision of, educational services in an alternative school setting or in another setting that provides educational and other services. N.C. Gen. Stat. § 115C-391(d1), (d3).

3. When a student 13 years or older physically assaults and seriously injures school personnel, superintendent shall remove the student to an “appropriate” alternative educational setting if available. If an appropriate setting is not available, then the superintendent must suspend the student 300-365 days. N.C. Gen. Stat. § 115C-391(d2)(1). For this offense, the statutes further provide that the superintendent can lengthen or shorten time in alternative setting if the superintendent finds “this would be more appropriate.” (d)(4)

4. Finally, in specific situations where a student 13 years or older physically assaults another individual, the superintendent may remove the student to an alternative educational setting if available, and if not may suspend the student for up to 365 days. N.C. Gen. Stat. § 115C-391(d2)(1)(2).