

ASHEBORO DISCUSSION

November 24, 1969

The question is raised as to how the new system of district courts will affect juvenile cases arising at school, with particular emphasis being on nonattendance. Of course, as you all know, the compulsory attendance laws are still in effect. The only change has been made in forum where the situation, if you can call it that, is aired. Therefore, I can see no change which will take place because of the district court situation.

You also asked to be advised on student rights. This, of course, was the subject of my main discussion and I do not feel that it needs any elaboration.

The next question involves what authority the principal has to control "undesirable visitors" who come on school property. I have to ask you first to define what you mean by undesirable. Of course, assuming that undesirable means a group of individuals or individual who is disrupting the orderly educational process at the particular school, the superintendent or principal has the right to ask the undesirable to leave and if he does not leave, to call in the law enforcement officials and eject him from the property as a trespasser. I would like to also call to your attention some changes made in the General Statutes by the 1969 General Assembly. Before I go into that, let me state some general principles. Under the law of North Carolina, principals and teachers are charged with the duty of maintaining order and discipline in the public schools. G.S. 115-146 states in pertinent part the following:

"It shall be the duty of all teachers to maintain good order and discipline in their schools.... principals and teachers in the public schools of this State may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order...."

The 1969 General Assembly extended this authority to student teachers. In G.S. 115-147 the general powers of the principal to suspend or dismiss pupils is prescribed. This statute provides that a principal of a school shall have the authority to suspend or dismiss a pupil who willfully and persistently violates the rules of the school or who may be guilty of immoral or disreputable conduct, or who may be a menace to the school. The section then goes on to provide that where a dismissal or suspension is in excess of ten school days or where it occurs during the last ten days of the school period, then the approval of the board of education is necessary. As allowed by G.S. 115-147, the principal may immediately send a student home where this is necessary to protect the health or the safety of other students or where this is necessary to preserve order in the particular school. These measures, of course, should only be used as emergency measures.

In any instance involving violation of the criminal law, the school authorities should summon the local police or other appropriate authority, especially where uncontrollable violence is occurring or is threatened.

As I started to say before, the 1969 General Assembly passed a law codified as G.S. 14-288.18, which clarifies the State law in the area of violence and disorders. The new law gives the public and private school administrator the authority to apply to the superior court judge for injunctive relief from a disruptive situation which puts the school in a state of emergency or the imminence of one.