

Another effective device which is at the disposal of school administrators is G.S. 14-273, which makes it a criminal offense for any person or persons to willfully interrupt or disturb any public or private school, injure any school building, or deface any school furniture, apparatus or other school property. This statute, in my opinion, is very appropriate for principals to use when they are confronted with a disruptive situation dealing with one or more students as well as outsiders who are not on the school premises, yet are on property adjacent to school property.

Another effective device is G.S. 14-134, which provides in pertinent part the following:

"If any person, after being forbidden to do so, shall go or enter upon the lands of another, without a license therefor, he shall be guilty of a misdemeanor, and on conviction, shall be fined or imprisoned in the discretion of the court."

This statute is applicable to school situations where an individual is requested not to come on school property. If he does, after being requested not to do so, he is a trespasser and may be prosecuted as such.

The next topic you asked to have discussed this morning is what constitutes an "interruption" and what authority does the principal have to deal with it. I have already discussed the authority that the principal has to deal with an interruption. As far as defining "interruption," Webster's dictionary is probably the best source. This, of course, is something you as administrators will have to evaluate personally.

The next subject you wanted to discuss generally is what responsibility and authority does the principal have for crowd

control at a school function such as a football game. Generally speaking, since this is a function sponsored by the particular school, it would seem that the principal would have authority to discipline students of the school for ungentlemanly or other disruptive type conduct at the football game. For instance, if a student were drunk at the football game, I think that the student would be subject to dismissal or expulsion on the grounds of immoral conduct. I would like for you all to generally give me your ideas as to what you mean by "crowd control."

You next ask to have discussed what changes in North Carolina school law have come about as a result of recent rulings of the United States Supreme Court. (Here discuss Tinker v. Des Moines, Iowa - School Armband Base.) (Discuss also generally the fact that because of recent Supreme Court of the United States' rulings on due process especially students have been afforded more "adult rights" than had heretofore been the case.)

You next ask to have discussed the authority that a principal had to suspend students. I believe that we have already covered that point but if there are any specific questions, I would be glad to discuss them with you now.

You next ask what school board policies are needed to support principals in the maintenance of discipline. I'm not exactly sure what you are referring to here. It would seem to me that the statutory authority is certainly sufficient to support principals in dismissing or expelling a pupil for immoral or disreputable conduct or for being a persistent nuisance. If you would be more specific, I would be glad to try to answer any questions you may have.

The next question involves what responsibility the school has in regard to student injuries. What type of injuries are you referring to and when did the injuries occur. I assume that we are talking about injuries occurring on the school ground while or during the normal school hours. Of course, the only time one becomes involved in legal discussions on liability in the event of injuries is where the individual who has a responsibility of taking care of the child is negligent and because of this negligence, the child is injured. (I can elaborate on that without any particular difficulty).

Next you ask to be advised what constitutes "negligence" on the part of school board employees. In North Carolina, we operate under the prudent man doctrine as far as negligence is concerned. That is, if the person charged with negligence has done something that "the ordinary prudent man would not or should not have done under the same circumstances" the individual would be, probably, declared negligent by a jury. It's a very difficult term to define because it all depends on particular circumstances and situations and it is hard to discuss it in terms of hypothetical situations.

You next want to discuss teacher rights, particularly in dismissal proceedings. Please elaborate on what you mean by teacher rights and then I'll be glad to try to answer any questions you may have or to discuss it in general.

You next want to discuss what constitutes "reasonableness" in the administration of corporal punishment. North Carolina has adopted the rule that a teacher, in punishing a pupil, acts in a judicial or quasi-judicial capacity, and is not criminally liable for such an offense on evidence that the punishment either resulted

in permanent injury or was inflicted with express malice, as with spite, hatred, ill will, passion, anger, or with the motive of revenge, or implied malice, as with wantonness or recklessness, and not in good faith or for motives of duty or the purpose being to correct the pupil.

I'd like to point out one further thing in this regard and that is that, by statute, the board of education may not promulgate any rule or regulation prohibiting teachers from inflicting punishment, proper punishment that is, upon pupils. As stated in G.S. 115-146:

"No county or city board of education or district committee shall promulgate or continue in effect the rule, regulation, or by-law which prohibits the use of such force as specified in this section."

The force referred to in that quote is the fact that the statute gives teachers and principals the right to restrain or correct pupils and maintain order.

The next and last question you suggested that we discuss this morning is what force do state regulations have under law. That can be answered very simply by saying that if a rule or regulation is promulgated by the superintendent of public instruction or by the State Board of Education which rule or regulation is in keeping with a particular statute granting them the authority to promulgate the rule, and they have such authority, such rule or regulation would have the same force as law.