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GENERAL STATUTES OF NORTH CAROLINA
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*** ANNOTATIONS CURRENT THROUGH APRIL 28, 2006 ***

CHAPTER 115C. ELEMENTARY AND SECONDARY EDUCATION
SUBCHAPTER 05 . PERSONNEL
ARTICLE 19. PRINCIPALS AND SUPERVISORS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

N.C. Gen. Stat. § 115C-288 (2006)

§ 115C-288. Powers and duties of principal

(a) To Grade and Classify Pupils. — The principal shall have authority to grade and classify pupils. In determining the appropriate grade for a pupil who is already attending a public school, the principal shall consider the pupil's classroom work and grades, the pupil's scores on standardized tests, and the best educational interests of the pupil. The principal shall not make the decision solely on the basis of standardized test scores. If a principal's decision to retain a child in the same grade is partially based on the pupil's scores on standardized tests, those test scores shall be verified as accurate.

A principal shall not require additional testing of a student entering a public school from a school governed under Article 39 of this Chapter if test scores from a nationally standardized test or nationally standardized equivalent measure that are adequate to determine the appropriate placement of the child are available.

(b) To Make Accurate Reports to the Superintendent and to the Local Board. — The principal shall make all reports to the superintendent. Every principal of a public school shall make such reports as are required by the boards of education, and the superintendent shall not approve the vouchers for the pay of principals until the required monthly and annual reports are made: Provided, that the superintendents may require teachers to make reports to the principals and principals to make reports to the superintendent: Provided further, that any principal or supervisor who knowingly and willfully makes or procures another to make any false report or records, requisitions, or payrolls, respecting daily attendance of pupils in the public schools, payroll data sheets, or other reports required to be made to any board or officer in the performance of his duties, shall be guilty of a Class 1 misdemeanor and the certificate of such person to teach in the public schools of North Carolina shall be revoked by the Superintendent of Public Instruction.

(c) To Improve Instruction and Community Spirit. — The principal shall give suggestions to teachers for the improvement of instruction.

(d) To Conduct Fire Drills and Inspect for Fire Hazards. — It shall be the duty of the principal to conduct a fire drill during the first week after the opening of school and thereafter at least one fire drill each school month, in each building in his charge, where children are assembled. Fire drills shall include all pupils and school employees, and the use of various ways of egress to simulate evacuation of said buildings under various conditions, and such other regulations as shall be prescribed for fire safety by the Commissioner of Insurance, the Superintendent of Public Instruction and the State Board of Education. A copy of such regulations shall be kept posted on the bulletin board in each building.

It shall be the duty of each principal to inspect each of the buildings in his charge at least twice each month during the regular school session. This inspection shall include cafeterias, gymnasiums, boiler rooms, storage rooms, auditoriums and stage areas as well as all classrooms. This inspection shall be for the purpose of keeping the buildings safe from the accumulation of trash and other fire hazards.

It shall be the duty of the principal to file two copies of a written report once each month during the regular school session with the superintendent of his local school administrative unit, one copy of which shall be transmitted by the

superintendent to the chairman of the local board of education. This report shall state the date the last fire drill was held, the time consumed in evacuating each building, that the inspection has been made as prescribed by law and such other information as is deemed necessary for fire safety by the Commissioner of Insurance, the Superintendent of Public Instruction and the State Board of Education.

It shall be the duty of the principal to minimize fire hazards pursuant to the provisions of *G.S. 115C-525*.

(e) To Discipline Students and to Assign Duties to Teachers with Regard to the Discipline, General Well-being, and Medical Care of Students. — The principal shall have authority to exercise discipline over the pupils of the school under policies adopted by the local board of education as prescribed by *G.S. 115C-391(a)*. The principal shall use reasonable force to discipline students under *G.S. 115C-390* and may suspend or dismiss pupils under *G.S. 115C-391*. The principal shall assign duties to teachers with regard to the general well-being and the medical care of students under *G.S. 115C-307* and Article 26A of this Chapter.

(f) To Protect School Property. — The principal shall protect school property as provided in *G.S. 115C-523*.

(g) To Report Certain Acts to Law Enforcement. — When the principal has personal knowledge or actual notice from school personnel that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law, the principal shall immediately report the act to the appropriate local law enforcement agency. Failure to report under this subsection is a Class 3 misdemeanor. For purposes of this subsection, "school property" shall include any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the principal. It is the intent of the General Assembly that the principal notify the superintendent and the superintendent notify the local board of any report made to law enforcement under this subsection.

(h) To Make Available School Budgets and School Improvement Plans. — The principal shall maintain a copy of the school's current budget and school improvement plan, including any amendments to the plan, and shall allow parents of children in the school and other interested persons to review and obtain such documents in accordance with Chapter 132 of the General Statutes.

(i) To Evaluate Certified Employees and Develop Action Plans. — Each school year, the principal assigned to a low-performing school that has not received an assistance team shall provide for the evaluation of all certified employees assigned to the school. The principal also shall develop action plans as provided under *G.S. 115C-333(b)* and shall monitor an employee's progress under an action plan.

(j) To Transfer Student Records. — The principal shall not withhold the transfer of student records, except as is provided in *G.S. 115C-403(b)*.

(k) To Sign Driving Eligibility Certificates and to Notify the Division of Motor Vehicles. — In accordance with rules adopted by the State Board of Education, the principal or the principal's designee shall do all of the following:

(1) Sign driving eligibility certificates that meet the conditions established in *G.S. 20-11*.

(2) Obtain the necessary written, irrevocable consent from parents, guardians, or emancipated juveniles, as appropriate, in order to disclose information to the Division of Motor Vehicles.

(3) Notify the Division of Motor Vehicles when a student who holds a driving eligibility certificate no longer meets its conditions.

(l) To Establish School Improvement Teams. — Each school year, the principal shall ensure that a school improvement team is established under *G.S. 115C-105.27* for the purpose of developing, reviewing, and revising a school improvement plan.

HISTORY: 1955, c. 1372, art. 17, ss. 6, 8; 1957, c. 843; 1959, c. 573, s. 13; c. 1294; 1965, c. 584, s. 15; 1981, c. 423, s. 1; 1985 (Reg. Sess., 1986), c. 975, s. 4; 1987, c. 572, s. 3; 1993, c. 327, s. 1; c. 539, s. 883; 1994, Ex. Sess., c. 24, s. 14(c); 1995 (Reg. Sess., 1996), c. 716, s. 7.1; 1996, 2nd Ex. Sess., c. 18, s. 18.27; 1997-443, s. 8.29(t); 1998-5, s. 7; 1998-220, s. 13; 1999-243, s. 7; 1999-373, s. 2; 2001-424, s. 28.17(b); 2005-22, s. 5.

NOTES:

FAIRNESS IN TESTING PROGRAM.—Session Laws 2001–424, s. 28.17(a), provides: "The State Board of Education shall provide the Joint Legislative Education Oversight Committee with a detailed analysis of the current resources allocated to meet the needs of all students subject to the Statewide Student Accountability Standards, and in addition, shall submit recommendations regarding other resources that would best assist students in meeting these new standards."

Session Laws 2001–424, s. 28.17(g), provides: "Schools shall devote no more than two days of instructional time per year to the taking of practice tests that do not have the primary purpose of assessing current student learning."

Session Laws 2001–424, s. 28.17(h), as amended by Session Laws 2001–487, s. 116, provides: "Students in a local school shall not be subject to field tests or national tests during the two-week period preceding the administration of the end-of-grade tests, end-of-course tests, or the school's regularly scheduled final exams. No school shall participate in more than two field tests at any one grade level during a school year unless:

"(1) That school volunteers, through a vote of its school improvement team, to participate in an expanded number of field tests; or

"(2) The State Board of Education makes written findings, based on information provided by the Department of Public Instruction, that an additional field test must be administered at that school to ensure the reliability and validity of a specific test."

Session Laws 2001–424, s. 28.17(j), provides: "The State Board of Education shall develop and report to the Joint Legislative Education Oversight Committee on its objectives for the Statewide Testing Program and on the implementation of that Program. The report shall include:

"(1) A statement of the relationship between these objectives and the tests currently administered under the Program;

"(2) An analysis of whether the current tests appropriately achieve these objectives;

"(3) A statement of any actions that may be needed to coordinate the objectives and the tests more effectively; and

"(4) Strategies for communicating the objectives of the Program, the tests administered under the Program, and the relationship between these objectives and tests to principals, teachers, parents, and students throughout the State."

EDITOR'S NOTE.—Session Laws 1999–243, s. 10, provides: "The State Board of Education shall initiate and coordinate meetings with the Division of Nonpublic Education in the Office of the Governor, with representatives of nonpublic schools, and with the State Board of Community Colleges in order to develop coordinated rules, policies, and guidelines needed to implement this act."

Session Laws 1999–243, s. 11, provides: "Sections 5, 6, 9, and 10 of this act are effective when they become law. The remainder of this act becomes effective July 1, 2000. This act does not apply to any person who held a valid North Carolina limited learner's permit issued before December 1, 1997, who held a valid North Carolina learner's permit issued before December 1, 1997, or who was a provisional licensee and held a valid North Carolina drivers license issued before December 1, 1997. This act shall apply only to conduct committed on or after July 1, 2000, by a person who is expelled, suspended, or placed in an alternative educational setting as a result of that conduct."

Session Laws 2001–424, s. 1.2, provides: "This act shall be known as the 'Current Operations and Capital Improvements Appropriations Act of 2001'."

Session Laws 2001–424, s. 36.3, provides: "Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 2001–2003 fiscal biennium, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 2001–2003 fiscal biennium."

Session Laws 2001–424, s. 36.5, is a severability clause.

EFFECT OF AMENDMENTS.—Session Laws 2005–22, s. 5, effective April 28, 2005, in subsection (e), substituted "under" for "pursuant to" in the first sentence, combined and rewrote the former second and third sentences, and added the present third sentence.

LEGAL PERIODICALS.—For note on constitutional restrictions on the infliction of corporal punishment, see *50 N.C.L. Rev. 911 (1972)*.

CASE NOTES

EDITOR'S NOTE.—Most of the cases below were decided under corresponding provisions of former Chapter 115.

SUPERINTENDENT AND PRINCIPAL AS AGENTS OF BOARD.—By statute and under traditional common-law principles, the superintendent and principal are agents of the board. The board cannot escape responsibility for its actions,

based on the recommendations of its agents, by simply refusing to inquire into its agents' reasons. *Abell v. Nash County Bd. of Educ.*, 71 N.C. App. 48, 321 S.E.2d 502 (1984), cert. denied, 313 N.C. 506, 329 S.E.2d 389 (1985).

SCHOOL OFFICIALS DO NOT POSSESS ABSOLUTE AUTHORITY OVER THEIR STUDENTS. *Givens v. Poe*, 346 F. Supp. 202 (W.D.N.C. 1972).

STUDENTS POSSESS FUNDAMENTAL RIGHTS.—Students in school as well as out of school are "persons" under the North Carolina Constitution, possessed of fundamental rights which the State must respect. *Givens v. Poe*, 346 F. Supp. 202 (W.D.N.C. 1972).

BUT BOARDS AND OFFICIALS MAY ADOPT REASONABLE REGULATIONS.—Local school boards and school officials have the implied right to adopt appropriate and reasonable rules and regulations for the purpose of carrying out their powers and duties. *Fowler v. Williamson*, 39 N.C. App. 715, 251 S.E.2d 889 (1979).

SCHOOL DRESS CODE.—A school may adopt a dress code and may exclude a student from participating in certain school programs, including graduation ceremonies, if the student does not comply with the dress code. *Fowler v. Williamson*, 39 N.C. App. 715, 251 S.E.2d 889 (1979).

VIOLATION OF DRESS CODE.—Where the principal of a high school established a lawful and valid dress code for eligible graduates participating in the graduation ceremony, and the plaintiffs' son appeared for the graduation ceremony attired in violation of the code, in that he did not wear dress pants as required, but instead wore denim jeans, the defendant principal had the legal right to exclude plaintiffs' son from the graduation ceremony for violation of the dress code. *Fowler v. Williamson*, 39 N.C. App. 715, 251 S.E.2d 889 (1979).

PRINCIPAL WAS JUSTIFIED IN USING REASONABLE FORCE TO PREVENT STUDENT FROM LEAVING SCHOOL PREMISES.—A student, in failing to heed the principal's warnings not to exit the building, engaged in and continued a difficulty with the principal that required the principal, under *G.S. 115C-288(e)*, to undertake some reasonable force to protect defendant's safety and to prevent defendant from leaving the school premises. *In re Pope*, 151 N.C. App. 117, 564 S.E.2d 610 (2002).

PRINCIPAL'S DUTY TO KEEP SUPERINTENDENT AND BOARD INFORMED.—It is the duty of the principal to keep the superintendent and, through the superintendent, the board of education, informed about all phases of school operations. *Johnson v. Gray*, 263 N.C. 507, 139 S.E.2d 551 (1965).

REPORTS QUALIFIEDLY PRIVILEGED.—The reports a principal makes in the performance of his duties are qualifiedly privileged. *Johnson v. Gray*, 263 N.C. 507, 139 S.E.2d 551 (1965).

OPINIONS OF THE ATTORNEY GENERAL

AGE REQUIREMENTS FOR ENTRY INTO PUBLIC SCHOOL.—Unless a child qualifies for one of the two exceptions set out in *G.S. 115C-364*, a principal has no discretion with regard to the age at which a child may initially enroll in public school — by statute a child must have reached age 5 on or before October 16 of the kindergarten year; however, once a child is old enough to enroll in public school, his or her grade placement in the initial year or any subsequent years is governed by subsection (a) of this section. See opinion of Attorney General to Mr. T. Brooks Skinner, Jr., General Counsel, North Carolina Department of Administration, 2003 N.C.A.G. 12 (9/16/03).