

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 106

Short Title: Clarify Appeals to Local School Boards.

(Public)

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Sponsors: Representative Goodwin.

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Referred to: Education.

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February 14, 2001

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF  
2 EDUCATION.  
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115C-45(c) reads as rewritten:

6 "(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to  
7 the local board of education from the any final administrative decision of all school  
8 personnel to the appropriate local board of education, in the following matters:

- 9 (1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2), or  
10 (d3);  
11 (2) An alleged violation of a specified federal law, State law, State Board  
12 of Education policy, State rule, or local board policy;  
13 (3) An alleged violation of an employee's contract of employment, unless  
14 there is a more specific appeal procedure provided by law;  
15 (4) Any decision affecting a school employee's character or right to teach,  
16 unless there is a more specific appeal procedure provided by law; and  
17 (5) Any other decision that by statute specifically provides for a right of  
18 appeal to the local board of education and for which there is no other  
19 statutory appeal procedure.

20 A local board of education may also, in its discretion, grant a hearing regarding  
21 any final decision of school personnel within the local school administrative unit.

22 In all ~~such~~ appeals to the board it shall be ~~is~~ the duty of the board of education to  
23 see that a proper notice is given to all parties concerned and that a record of the hearing  
24 is properly entered in the records of the board conducting the hearing.

25 The board of education may designate hearing panels composed of not less than two  
26 members of the board to hear and act upon such appeals in the name and on behalf of  
27 the board of education.

1 An appeal shall lie from the decision of a local board of education to the superior  
2 court of the State in any action of a local board of education affecting one's character or  
3 right to teach."

4 **SECTION 2.** G.S. 115C-305 reads as rewritten:

5 "**§ 115C-305. Appeals to ~~board of education and to superior court.~~**

6 ~~Appeals to the local board of education or to the superior court shall lie from the~~  
7 ~~decisions of all school personnel, including~~ School employees have a right to appeal  
8 final school board decisions affecting their character or the right to teach, as provided in  
9 G.S. 115C-45(c)."

10 **SECTION 3.** This act becomes effective January 1, 2002, and applies to  
11 final administrative or school board decisions on or after that date.