

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 532
Second Edition Engrossed 4/12/01**

Short Title: Clarify Appeals to Local School Boards. (Public)

Sponsors: Senators Dalton; Carter, Gulley, Hartsell, Hoyle, and Lucas.

Referred to: Education/Higher Education.

March 19, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF
3 EDUCATION.

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, including
13 policies regarding grade retention of students;
14 (3) An alleged violation of an employee's contract of employment, unless
15 there is a more specific appeal procedure provided by law;
16 (4) Any decision affecting a school employee's character or right to teach,
17 unless there is a more specific appeal procedure provided by law; and
18 (5) Any other decision that by statute specifically provides for a right of
19 appeal to the local board of education and for which there is no other
20 statutory appeal procedure.

21 Any person aggrieved by a decision not covered under subdivisions (1) through (5)
22 of this subsection shall have the right to petition the local board of education for a
23 hearing, and the local board may grant a hearing regarding any final decision of school
24 personnel within the local school administrative unit.

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

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

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

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

8 "**§ 115C-305. Appeals to ~~board of education and to superior court.~~**

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

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