GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

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HOUSE BILL 106 Committee Substitute Favorable 4/17/01

	Short Title: Clarify Appeals to Local School Boards. (Public)	
	Sponsors:	
	Referred to:	
	February 14, 2001	
1	A BILL TO BE ENTITLED	
2	AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD (ЭF
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	<u>to</u>
7	the local board of education from the any final administrative decision of all sche	юł
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	<u>(d3).</u>	
11	(2) <u>An alleged violation of a specified federal law, State law, State Boa</u>	
12	of Education policy, State rule, or local board policy, including a	<u>ny</u>
13	policy regarding grade retention of students.	r
14	(3) The terms or conditions of employment or employment status of	<u>a</u>
15	$\frac{\text{school employee.}}{\text{Any other decision that by statute encodifically provides for a right}$	of
16 17	(4) Any other decision that by statute specifically provides for a right	
17	appeal to the local board of education and for which there is no oth statutory appeal procedure.	lei
10	(5) Any other matter in which the local board of education, in	ite
20	discretion, chooses to grant a hearing.	115
20	In all such appeals to the board it shall be is the duty of the board of education to s	see
22	that a proper notice is given to all parties concerned and that a record of the hearing	
23	properly entered in the records of the board conducting the hearing.	
24	The board of education may designate hearing panels composed of not less than tw	WO
25	members of the board to hear and act upon such appeals in the name and on behalf	
26	the board of education.	
27	An appeal shall lie from the decision of a local board of education to the superi	ior
28	court of the State in any action of a local board of education affecting one's character	
29	right to teach. An appeal of right brought before a local board of education und	

GENERAL ASSEMBLY OF NORTH CAROLINA

- subdivision (1), (2), (3), or (4) of this subsection may be further appealed to the superior court of the State on the grounds that the local board's decision is in violation of constitutional provisions, is in excess of the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected by other error of law, is unsupported by substantial evidence in view of the entire record as submitted, or is arbitrary or capricious."
 SECTION 2. G.S. 115C-305 is repealed.
- 8 **SECTION 3.** This act becomes effective July 1, 2001, and applies to final 9 administrative or school board decisions on or after that date.