GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

H 3

HOUSE BILL 106 Committee Substitute Favorable 4/17/01 Third Edition Engrossed 4/25/01

Short Title: C	larify Appeals to Local School Boards.	(Public)
Sponsors:		
Referred to:		
	February 14, 2001	
	A BILL TO BE ENTITLED	
AN ACT TO	CLARIFY THE RIGHT TO APPEAL TO A LOC	CAL BOARD OF
EDUCATIO	ON.	
The General As	ssembly of North Carolina enacts:	
SEC	TION 1. G.S. 115C-45(c) reads as rewritten:	
"(c) Appe	eals to Board of Education and to Superior Court An	appeal shall lie to
the local board	of education from the any final administrative deci-	sion of all school
personnel to the	e appropriate local board of education. in the following	matters:
<u>(1)</u>	The discipline of a student under G.S. 115C-391(c),	(d), (d1), (d2), or
	<u>(d3).</u>	
<u>(2)</u>	An alleged violation of a specified federal law, State	
	of Education policy, State rule, or local board poli	cy, including any
(2)	policy regarding grade retention of students.	
<u>(3)</u>	The terms or conditions of employment or employ	yment status of a
(4)	school employee.	. 1 . 6 1 6
<u>(4)</u>	Any other decision that by statute specifically provi	_
	appeal to the local board of education and for which	there is no other
(5)	statutory appeal procedure.	1
<u>(5)</u>	Any other matter in which the local board of	education, in its
T 11 1	discretion, chooses to grant a hearing.	C 1 4: 4
In all such appeals to the board it shall be is the duty of the board of education to see		
	otice is given to all parties concerned and that a record	of the nearing is
properly entered in the records of the board conducting the hearing.		
The board of education may designate hearing panels composed of not less than two		

the board of education.

An appeal shall lie from the decision of a local board of education to the superior court of the State in any action of a local board of education affecting one's character or

members of the board to hear and act upon such appeals in the name and on behalf of

1

2

4

5

6

7

8

9

10

11

12

13

right to teach. An appeal of right brought before a local board of education under 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.

SECTION 2.1. This act does not apply to the following local school administrative units: Asheboro, Caldwell, Davie, Franklin, Gaston, Harnett, Johnston, McDowell, Moore, Onslow, Randolph, Stanly, Union, Wake, and Yancey.

SECTION 3. This act becomes effective July 1, 2001, and applies to final administrative or school board decisions on or after that date.