

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 532**

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

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF  
EDUCATION.

The General Assembly of North Carolina enacts:

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

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

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

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

In all such appeals to the board it shall be the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is 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.