

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 544

Short Title: Limit Sch. Appeals/Large Counties.

(Public)

Sponsors: Senators Horton; and Garrou.

Referred to: Judiciary II.

March 29, 1999

A BILL TO BE ENTITLED

AN ACT TO LIMIT APPEALS TO LOCAL BOARDS OF EDUCATION IN LARGE URBAN SCHOOL SYSTEMS.

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. – Each local board of education shall adopt a grievance procedure for hearing appeals of students, parents of students, and employees. An appeal shall lie from the decision of all school personnel the superintendent, associate superintendent, deputy superintendent, assistant superintendent, and all other school administrators as defined in G.S. 115C-287.1(a)(3) to the appropriate local board of education. ~~education regarding:~~

(1) The discipline of a student taken under G.S. 115C-391(c), (d), (d1), or (d2);

(2) Discrimination on the basis of race, religion, national origin, handicap, or gender;

(3) A violation of federal law, State law, State Board of Education policy, State rule, or local board policy;

(4) A violation of an employee's contract of employment; and

(5) Any other decision that by statute is subject to an appeal to the local board of education.

1 In addition, a local board of education may in its discretion grant a hearing regarding any
2 decision of school personnel within a local school administrative unit.

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

6 The board of education may require that a grievance be submitted to the school
7 principal and the superintendent before appealing to the board. The board may designate
8 hearing panels composed of not less than two members of the board to hear and act upon
9 ~~such~~ appeals in the name and on behalf of the board of education.

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

13 Section 2. G.S. 115C-305 is repealed.

14 Section 3. This act applies only to local school administrative units with an
15 average daily membership of 20,000 or more students.

16 Section 4. This act becomes effective August 1, 1999, and applies to decisions
17 by school personnel on or after that date.