

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 561

Short Title: School System Auth. Re: Legal Proceedings. (Public)

Sponsors: Representatives Blackwell and Glazier (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Judiciary IV.

April 6, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE AUTHORITY OF SCHOOL SYSTEMS WITH REGARD TO  
3 LEGAL PROCEEDINGS AND INVESTIGATIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115C-321(a) reads as rewritten:

6 "(a) All information contained in a personnel file, except as otherwise provided in this  
7 Chapter, is confidential and shall not be open for inspection and examination except to any of  
8 the following persons:

9 (1) The employee, applicant for employment, former employee, or his properly  
10 authorized agent, who may examine his own personnel file at all reasonable  
11 times in its entirety except for letters of reference solicited prior to  
12 employment.

13 (2) The superintendent and other supervisory personnel.

14 (3) Members of the local board of education and the board's attorney.

15 (4) A party by authority of a subpoena or proper court order may inspect and  
16 examine a particular confidential portion of an employee's personnel file.

17 (5) Any state or federal administrative agency that has a quasi-judicial function  
18 or any court of law, when disclosure is necessary in the discretion of the  
19 superintendent or superintendent's designee to adequately defend against a  
20 claim filed by a current or former employee against the local board of  
21 education or a school official or employee for any alleged act or omission  
22 arising during the course and scope of his or her official duties or  
23 employment."

24 **SECTION 2.** G.S. 115C-45(a) reads as rewritten:

25 "(a) Power to Subpoena and to Punish for Contempt. – Local boards of education shall  
26 have power to issue subpoenas for the attendance of ~~witnesses~~ witnesses and for the production  
27 of all tangible things, including, but not limited to, documents, papers, letters, maps, books,  
28 photographs, films, sound recordings, magnetic or other tapes, electronic communications,  
29 electronic data-processing records, artifacts, or other documentary material, regardless of  
30 physical form or characteristics. Subpoenas may be issued in any and all matters which may  
31 lawfully come within the powers of the board and which, in the discretion of the board, require  
32 investigation; and it shall be the duty of the sheriff or any process serving officer to serve such  
33 subpoena upon payment of their lawful fees.

34 Local boards of education shall have power to punish for contempt for any disorderly  
35 conduct or disturbance tending to disrupt them in the transaction of official business."



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**SECTION 3.** This act becomes effective October 1, 2015.