

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 561
PROPOSED COMMITTEE SUBSTITUTE H561-PCS20287-TC-16

Short Title: School System Auth. Re: Legal Proceedings.

(Public)

Sponsors:

Referred to:

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. Such disclosure shall be limited to those confidential portions
24 of the personnel file of the employee who filed the claim and only to the
25 extent necessary for the defense of the Board of Education."

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

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



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1 suspected of committing job-related misconduct and which, in the discretion of the board or
2 superintendent, require investigation. It shall be the duty of the sheriff or any process serving
3 officer to serve such subpoena upon payment of their lawful fees.

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

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