

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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PRINCIPAL CLERK

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SENATE BILL DRS45450-NHa-170

Short Title: End Book Bans Act.

(Public)

Sponsors: Senators Grafstein, Batch, and Garrett (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A RIGHT TO APPEAL THE BANNING OF INSTRUCTIONAL
3 MATERIAL IN PUBLIC SCHOOL UNITS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 115C-98(b1) is recodified as G.S. 115C-76.45, Restricting use
6 of instructional material; Appeals, in Part 3 of Article 7B of Chapter 115C of the General Statutes
7 and reads as rewritten:

8 "**§ 115C-76.45 Restricting use of instructional material; Appeals.**

9 (a) ~~A local board of education may establish a community media advisory committee to~~
10 ~~investigate and evaluate challenges from parents, Parents, teachers, and members of the public~~
11 ~~to may challenge~~ textbooks and supplementary instructional materials on the grounds that they
12 are educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade
13 level of the students. ~~The State Board of Education shall review its rules and policies concerning~~
14 ~~these challenges and shall establish guidelines to be followed by community media advisory~~
15 ~~committees.~~

16 ~~The local board, at all times, has sole authority and discretion to determine whether a~~
17 ~~challenge has merit and whether challenged material should be retained or removed.~~The
18 challenge to the material shall be submitted to the superintendent or their designee. The
19 superintendent or their designee shall then decide whether the material will be removed from use
20 in the school.

21 (b) If the superintendent or their designee prohibits use of the instructional material in a
22 school, the prohibition may be appealed to the local board of education if at least four percent
23 (4%) of the parents of children attending that school request the appeal.

24 (c) The local board of education shall consider the appeal and may only overturn the
25 decision of the superintendent with a two thirds majority vote.

26 (d) A local board of education may establish a community media advisory committee to
27 investigate and evaluate appeals brought pursuant to this section. The State Board of Education
28 shall establish guidelines to be followed by community media advisory committees.

29 (e) If the local board of education upholds the decision of the superintendent to prohibit
30 use of the instructional materials, then the group of parents that initiated the appeal may appeal
31 the decision of the local board to the State Board of Education. The State Board of Education
32 may only overturn the decision of the local board of education with a two thirds majority vote.
33 The decision of the State Board is not subject to judicial review.

34 (f) Appeals to removals of instructional materials on the basis that the material relates to
35 or includes the study of the role and contributions of any individual or group that is part of a



1 protected class under federal law are prohibited unless the material is discriminatory or contains
2 bias against the protected class.'

3 **SECTION 1.(b)** G.S. 115C-12 is amended by adding a new subdivision to read:

4 "(50) Duty to hear appeals for challenged instructional materials. – The State Board
5 of Education shall adopt rules to create a process to appeal the decision of a
6 governing body of a public school unit issued pursuant to G.S. 115C-76.45."

7 **SECTION 2.** There is appropriated from the General Fund to the Department of
8 Public Instruction the sum of one hundred thousand dollars (\$100,000) in nonrecurring funds for
9 the 2024-2025 fiscal year for the Department to develop and distribute guidance to public school
10 units about the provisions of this act and enforcement.

11 **SECTION 3.** This act is effective July 1, 2024, and applies beginning with the
12 2024-2025 school year.