

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 873

Short Title: End Book Bans Act. (Public)

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

Referred to: Rules and Operations of the Senate

May 6, 2024

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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



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

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

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

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

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