

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 340
SENATE BILL 353

1 AN ACT TO REWRITE G.S. 115-165 TO ESTABLISH AN APPEAL PROCEDURE FROM
2 THE DECISION OF A COUNTY OR CITY SCHOOL SUPERINTENDENT TO
3 EXCLUDE A CHILD FROM THE PUBLIC SCHOOLS.
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5 The General Assembly of North Carolina do enact:
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7 **Section 1.** Rewrite G.S. 115-165 to read as follows:

8 **"Section 115-165. Children not entitled to attend public schools.** A child so severely
9 afflicted by mental, emotional or physical incapacities as to make it unlikely for such child to
10 substantially profit by instruction given in the public schools shall not be permitted to attend
11 the public schools of the State. When such child is presented for enrollment in a public school,
12 it shall be the duty of the county or city superintendent of schools to have made the appropriate
13 medical, social, psychological and educational examination of the child to determine whether
14 the child can profit from attending the public schools. When appropriate the school
15 superintendent also may consult with the local health director and county director of public
16 welfare. Upon receipt of a report indicating that the child cannot substantially profit from
17 instruction given in the public school, the county or city superintendent of schools is authorized
18 to exclude the child from the public schools.

19 "If the child is excluded from the public schools, the parent, person standing in loco
20 parentis, or guardian of the child may appeal the superintendent's decision to the City or County
21 Board of Education as the case may be. Such Board of Education may uphold the
22 superintendent's decision to exclude the child or it may reverse the decision and order the
23 child's enrollment. If it deems necessary, the Board of Education may require additional
24 examination of the child. In the event the Board upholds the superintendent's decision to
25 exclude the child, the action of the Board of Education shall be the final administrative
26 determination. The parent or guardian, however, shall have the right to appeal the school
27 board's decision to the court under Article 33 of Chapter 143 of the North Carolina General
28 Statutes. In all such cases in which a child is excluded from a public school, a complete record
29 of the transaction shall be available to the parent, person standing in loco parentis, or guardian
30 at their request."

31 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

32 **Sec. 3.** This Act shall be effective from and after its ratification.

33 In the General Assembly read three times and ratified, this the 28th day of April,

34 1969.