

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 497
HOUSE BILL 361

AN ACT TO CONFORM STATE LAW TO THE FEDERAL LAW ON REGULATION FOR
EDUCATION OF THE HANDICAPPED.

The General Assembly of North Carolina enacts:

Section 1. Chapter 423 of the 1981 Session Laws is amended by rewriting G.S. 115C-116(b), as it appears therein, to read as follows:

"(b) The parent or guardian of a child placed or denied placement in a program shall be notified promptly, via parent or guardian conference, or by registered or certified mail, return receipt requested, of his placement, denial or impending placement or denial. Such notice shall contain a statement informing the parent or guardian that he is entitled to review of the determination and of the procedure for obtaining such review. The notice shall contain information that a hearing may be had upon written request, no more than 30 days from the date on which the notice was received. This hearing shall be before an impartial hearing officer appointed by the local school board, the Secretary of Human Resources or the Secretary of Corrections depending on which agency has jurisdiction. The parent or guardian of a child or the local education agency may, upon written request, not more than 30 days from the date of a decision, appeal the decision of the hearing officer to the State Superintendent of Public Instruction. Any appeal of the decision of the State Superintendent of Public Instruction to the General Court of Justice must be filed within 30 days after notice of the decision."

Sec. 2. Chapter 423 of the 1981 Session Laws is amended by adding a new subsection (bl) to G.S. 115C-116, as it appears therein, to read:

"(bl) In addition to any other subpoenas that are authorized to be issued by law, a local board of education or its designee may issue subpoenas upon its own motion or upon a written request. When the written request is made by a party to the hearing, the board or its designee shall issue subpoenas forthwith requiring the attendance and testimony of witnesses and the production of evidence including books, records, correspondence, and documents in their possession or under their control. On written request, the board or its designee shall revoke a subpoena if, upon a hearing the board or its designee finds that the evidence, the production of which is required, does not relate to a matter in issue, or if the subpoena does not describe with sufficient particularity the evidence the production of which is required, or if for any other reason sufficient in law the subpoena is invalid. Witness fees shall be paid by the party requesting the subpoena to subpoenaed witnesses in accordance with G.S. 7A-314. However, State officials or employees and officials or employees of a local board of education who are subpoenaed shall not be entitled to any witness fees, but they shall receive their normal salary and they shall not be required to take any annual leave for their witness days. Subject to availability of funds, travel expenses of State officials or employees who are subpoenaed shall be reimbursed as provided in G.S. 138-6."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1981.