

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 488
Committee Substitute Favorable 5/10/07
Senate Education/Public Instruction Committee Substitute Adopted 7/19/07
Fourth Edition Engrossed 7/23/07

Short Title: Alternative Hearing Before School Reassign.

(Public)

Sponsors:

Referred to:

March 6, 2007

A BILL TO BE ENTITLED

AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO PROVIDE FOR AN
ADMINISTRATIVE INITIAL SCREENING OF REASSIGNMENT APPEALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-369 reads as rewritten:

"§ 115C-369. Application for reassignment; notice of disapproval; hearing before board.

(a) The parent or guardian of any child, or the person standing in loco parentis to any child, who is dissatisfied with the assignment made by a local board of education may, within 10 days after notification of the assignment, or the last publication thereof, apply in writing to the local board of education for the reassignment of the child to a different public school. Application for reassignment shall be made on forms prescribed by the local board of education pursuant to rules and regulations adopted by the board of education. If the application for reassignment is disapproved, the local board of education shall give notice to the applicant by registered or certified mail, and the applicant may within five days after receipt of such notice apply to the local board for a hearing, and shall hearing. The applicant shall be entitled to a prompt and fair hearing on the question of reassignment of such child to a different school.

(b) The local board of education shall make a final determination on the question of reassignment. The board of education may establish initial hearings prior to the final determination. If the board of education establishes initial hearings, the local board of education may shall designate hearing panels composed of not less than two members of the board to hear such appeals in the name of the board of education-education, and may designate a hearing officer to hear such appeals for fact-finding and a recommended decision, or may designate both. If both are designated, an applicant must select the entity to hold the hearing. The hearing panel's recommendations or the hearing officer's recommended findings of fact and

1 recommended decision shall be submitted to the board of education for final
2 determination.

3 (c) At the hearing the local board of education shall consider the best interest of
4 the child, the orderly and efficient administration of the public schools, the proper
5 administration of the school to which reassignment is requested and the instruction,
6 health, and safety of the pupils there enrolled, and shall assign said child in accordance
7 with such factors. The local board shall render prompt decision upon the hearing, and
8 notice of the decision shall be given to the applicant by ~~registered or certified mail.~~
9 mail, telephone, telefax, e-mail, or any other method reasonably designed to achieve
10 notice."

11 **SECTION 2.** This act is effective when it becomes law.