

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1326
Judiciary I (Civil) Committee Substitute Adopted 5/17/07
House Committee Substitute Favorable 7/15/08

Short Title: Certain Info From SchBd to Injured Party.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE LOCAL SCHOOL SYSTEMS TO IDENTIFY
INDIVIDUALS ASSOCIATED WITH ALLEGED SCHOOL INCIDENTS UPON
REQUEST OF AN INJURED PARTY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 115C of the General Statutes is amended
by adding a new section to read:

"§ 115C-44.5. Requests for information related to alleged school incidents.

(a) Upon receipt of a request as provided in subsection (b) of this section, the
local board of education shall provide the following information to the requestor:

- (1) The name and last known address of all school personnel who have
personal knowledge of the alleged school incident.
- (2) The name and last known address of the direct supervisor of each of
the school personnel identified under subdivision (1) of this section.
- (3) The name and last known address of all known witnesses of the
alleged school incident, other than students for whom records are
maintained under G.S. 115C-402.

(b) The request for information shall comply with all of the following:

- (1) Be in writing.
- (2) Be signed by the requestor.
- (3) A description of the alleged school incident, including at least the
following:
 - a. The date.
 - b. The location.
 - c. The names of any persons present known to the requestor.
 - d. A brief statement of the facts known to the requestor.
- (4) Be delivered to the superintendent by certified mail, return receipt
requested, within three years of the date of the alleged school incident.

1 (c) The local board of education shall respond to a request properly made under
2 this section within 30 days of receipt. The local board of education shall have the right
3 to, upon written notification to the requestor, extend the time to respond an additional
4 30 days.

5 (d) No request or response under this section shall be admissible at the trial of
6 any civil action arising out of an alleged school incident or constitute an admission of
7 liability on behalf of a local board of education, or any of its employees or agents.

8 (e) A local board of education is not relieved of its obligation to respond to a
9 request properly made under this section by the filing of a motion to dismiss in a civil
10 action arising out of the alleged school incident. A motion to dismiss in that civil action
11 may not be heard until the local board of education has responded as required by this
12 section.

13 (f) For purposes of this section, the following terms shall mean:

14 (1) Alleged school incident. – An occurrence in which a party is injured
15 or sustains property damage while on school property, while
16 participating in a school event, or as the result of an alleged action or
17 series of alleged actions on the part of the local board of education or
18 any of its agents or employees.

19 (2) Injured party. – The party who is injured or who sustains property
20 damage.

21 (3) Response. – The written document containing the information
22 described in subdivisions (1), (2), and (3) of subsection (a) of this
23 section.

24 (4) Requestor. – The injured party, or the injured party's parent, legal
25 guardian, or legal representative.

26 (5) School property. – Property owned, leased, or controlled by the local
27 board of education.

28 (6) School event. – An educational or sporting event occurring off school
29 property which is organized, supervised, or under the direction of the
30 local board of education or any of its agents or employees."

31 **SECTION 2.** G.S. 115C-321(a) is amended by adding a new subdivision to
32 read:

33 "(5) A requestor may seek and obtain information regarding the names of
34 employees, other than students, who were witnesses to, involved in, or
35 have supervisory authority over those involved in an alleged school
36 incident by the local board of education or its agents or employees, as
37 provided in G.S. 115C-44.5."

38 **SECTION 3.** This act becomes effective January 1, 2009.