

March 21, 2007

S 1326. CONSISTENCY/WAIVER OF GOVERNMENTAL IMMUNITY. Filed 3/21/07. *TO PROVIDE CONSISTENCY IN WAIVER OF IMMUNITY BY LOCAL GOVERNMENT BY TREATING PARTICIPATION IN RISK POOLS AND TRUSTS FOR PAYMENT OF LIABILITY CLAIMS BY SCHOOL BOARDS LIKE PARTICIPATION IN OTHER GOVERNMENTAL RISK POOLS.*

Amends GS 58-23-1 to make the Local Government Risk Pool Act applicable to local boards of education. Amends GS 115C-42 to include the North Carolina School Board Trust as a qualified insurer and to permit a local government risk pool to determine who is a qualified insurer. Effective July 1, 2007.

Intro. by Berger of Rockingham.

GS 58, 115C

May 17, 2007

S 1326. CONSISTENCY/WAIVER OF GOVERNMENTAL IMMUNITY. Filed 3/21/07. Senate committee substitute makes the following changes to 1st edition. Changes the effective date from July 1, 2007, to July 1, 2009.

July 15, 2008

S 1326. CERTAIN INFO FROM SCHBD TO INJURED PARTY (NEW). Filed 3/21/07. House committee substitute deletes the provisions of the 2nd edition and replaces it with *AN ACT TO REQUIRE LOCAL SCHOOL SYSTEMS TO IDENTIFY INDIVIDUALS ASSOCIATED WITH ALLEGED SCHOOL INCIDENTS UPON REQUEST OF AN INJURED PARTY.* Enacts new GS 115C-44.5 to require a local board of education to provide the name and last known address of the following individuals upon request: (1) school personnel with personal knowledge of the alleged school incident, (2) direct supervisor of each of the identified school personnel, and (3) all known witnesses of the alleged school incident, other than students for who records are maintained under GS 115C-402. Requires that the request: (1) be in writing; (2) be signed by the requestor; (3) include a description of the alleged school incident, including specified information related to the incident; and (4) be delivered to the superintendent by certified mail, return receipt requested, within three years of the date of the alleged incident. Requires the local board of education to respond to a request within 30 days and gives the local school board the right to extend the response time an additional 30 days. Prohibits a request or response from being admitted at the trial of any civil action arising out of the alleged incident or from constituting an admission of liability. Provides that a local school board is not relieved of its obligation to respond to a request by the filing of a motion to dismiss in a civil action arising out of the alleged incident and prohibits a motion to dismiss from being heard until the local board of education responds as required. Defines *alleged school incident* as an occurrence in which a party is injured or sustains property damage while on school property, while participating in a school event, or as the result of an alleged action or series of alleged actions on the part of the local school board or any of its agents or employees. Defines *injured party*, *response*, *requestor*, *school property*, and *school event*. Makes a conforming change to GS 115C-321(a). Effective January 1, 2009.