

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 370

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

S370-ATC-58 [v.3]

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Comm. Sub. [NO]  
Amends Title [NO]  
Second Edition

Date \_\_\_\_\_, 2013

Senator Daniel

1  
2  
3 moves to amend the bill on page 2, lines 21-44, by rewriting those lines to read:  
4  
5  
6

7 "(a) The local board of education may establish or make available an existing formal  
8 grievance process to allow students or the parents or guardians of students to present  
9 allegations that a right established under this Article has been violated by a public school. The  
10 formal grievance process shall include the right of appeal to the local board of education.

11 (b) If a local board of education fails to provide a formal grievance process, the  
12 following process shall be provided:

13 (1) A student or a student's parent or guardian shall state the complaint to the  
14 school's principal, who shall meet with the student or the student's parent or  
15 guardian, if requested.

16 (2) If the student's concerns are not resolved by the meeting with the principal,  
17 the student or student's parent or guardian may make a complaint in writing  
18 to the superintendent of the local school administrative unit with the specific  
19 facts of the alleged violation. The superintendent shall investigate and take  
20 appropriate action to ensure the alleged violation of the rights of the student  
21 is resolved within 30 days of receiving the written complaint.

22 (3) If the superintendent fails to resolve the student's concerns within 30 days,  
23 the student or student's parent or guardian may appeal to the local board of  
24 education as provided in G.S. 115C-45.

25 (c) If a right of a student established under this Article is violated by a public school  
26 and the student has exhausted the administrative remedies provided in this section, the student  
27 may assert the violation as a cause of action or defense in a judicial proceeding and obtain  
28 appropriate relief against the local board of education. The action shall be brought in the  
29 superior court of the county in which the local school administrative unit is located.

30 (d) No action may be maintained pursuant to this Article unless the student has  
31 exhausted the administrative remedies provided in subsections (a) and (b) of this section.



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- 1        (e) A student prevailing in a claim brought against a local school administrative unit for
- 2        a violation under this Article or any action brought by a public school against a student for
- 3        conduct covered by this Article shall be entitled to reasonable attorneys' fees and court costs.
- 4        (f) The Attorney General shall intervene and shall provide legal defense of this Article
- 5        in any action which includes claims challenging the constitutionality of this Article."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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and vote information, is available in the  
Senate Principal Clerk's Office**