

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 281

Short Title: Special Ed. Hearing Subpoena.

(Public)

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Sponsors: Senator Marvin.

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Referred to: Judiciary I.

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March 26, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE REVIEW OFFICERS WITH SUBPOENA POWER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-116(i) reads as rewritten:

"(i) Review by Review Officer. – Any party aggrieved by the decision of the administrative law judge may appeal that decision within 30 days after the receipt of notice of the decision by filing a written notice of appeal with the Superintendent of Public Instruction. The State Superintendent of Public Instruction shall appoint a Review Officer from a pool of review officers approved by the State Board of Education. A Review Officer ~~must~~ shall be an educator or other professional who is knowledgeable about special education and who possesses such other qualifications as may be established by the State Board of Education. The Review Officer may issue subpoenas upon his own motion or upon a written request.

No person may be appointed as a Review Officer if that person is an employee of an agency that has been involved in the education or care of the child whose parents have filed the petition (including an employee or official of the State Department of Education or the State Board of Education) or if the person is or has been employed by the local ~~Board of Education~~ board of education responsible for the education or care of the child whose parents have filed the petition. The decision of the Review Officer shall contain findings of fact and conclusions of law and becomes final unless an aggrieved party brings a civil action pursuant to subsection (k). A copy of the decision shall be served upon each party and a copy shall be furnished to the attorneys of record. The written notice shall contain a statement informing the parties of the right to file a civil action pursuant to subsection (k)."

1           Sec. 2. This act is effective upon ratification.