

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1519

Short Title: Modify School Funding Mediation Law. (Public)

Sponsors: Representatives Glazier, England, Williams, Cotham (Primary Sponsors);
 and Faison.

Referred to: Education, if favorable, Judiciary II.

April 17, 2007

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE LAW PERTAINING TO THE RESOLUTION OF
DISPUTES BETWEEN THE BOARD OF EDUCATION AND THE BOARD OF
COUNTY COMMISSIONERS REGARDING SCHOOL FUNDING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-431(d) reads as rewritten:

"(d) ~~If an appeal is taken to the appellate division of the General Court of Justice, and if such an appeal would result in a delay beyond a reasonable time for levying taxes for the year, the judge shall order the board of county commissioners to appropriate to the local school administrative unit for deposit in the local current expense fund a sum of money sufficient when added to all other moneys available to that fund to equal the amount of this fund for the previous year. All papers and records relating to the case shall be considered a part of the record on appeal. Appeals shall be expedited in accordance with the provisions governing appeals from juvenile orders under G.S. 7B-1001(a)(5) and Rule 3A of the North Carolina Rules of Appellate Procedure, provided that oral argument shall be permitted unless waived by the parties. Notice of appeal shall be given in writing within 10 days after entry of the judgment. The Court of Appeals shall render its decision no later than April 30 of the school fiscal year which is the subject of the budget dispute, unless a decision by that date is impracticable. If the appeal continues beyond the school fiscal year which is the subject of the budget dispute, the case shall not become moot for that reason, and any final judgment shall be legally binding on the parties at the conclusion of the appellate process. The payment of any final judgment by the county in favor of the local school administrative unit shall not be considered, or used in any manner, to deny or reduce appropriations to the local school administrative unit by the county in fiscal years subsequent to the one at issue. Such payment shall include interest at the legal rate calculated from the date of the county budget ordinance for the fiscal year at issue until paid.~~"

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