

Brooks Pierce Attorneys Represent School Boards in Key Cases

01.31.2014

Four Brooks Pierce attorneys (Jill Wilson, Bob King, Julia Ambrose, and Jennifer Van Zant) recently scored two precedent-setting victories in ongoing litigation involving charter school funding. These cases are expected to help further clarify the roles and responsibilities of local school boards when it comes to financing charter schools (private schools which receive public funding).

On January 23, 2014, the Honorable Allen Baddour dismissed *Doe v. New Hanover County Board of Education*, a potential class action filed on behalf of charter school students statewide. The plaintiffs sought damages from boards of education for allegedly underfunding charter schools during a ten-year period. After a briefing and a hearing, the Court determined that the case should be dismissed in its entirety.

On February 18, 2014, the North Carolina Court of Appeals issued its opinion in *Charter Day School v. New Hanover County Board of Education*. In the *Charter Day School* matter, the trial court had ruled that boards of education must share their unappropriated fund balance with charter school students on an annual basis. The Court of Appeals reversed that decision, finding that the trial court had erred and limiting the portions that must be shared to the fund balance appropriated each year.

Each of these decisions could potentially save the public school boards in North Carolina tens of millions of dollars on an annual basis. The court ruling also further clarifies the financial relationship between public schools and charter schools.

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