

SCHOOL PROPERTY

North Carolina Law & School Boards – An Overview

General Legal Responsibility

- All matters pertaining to the public schools in their designated area, including enforcement of North Carolina school law
 - Exception: Public school matters *specifically designated by law* to other officials

School Building Responsibility

- All building and repair of public school buildings
- School Boards have exclusive control

County Commission Role

- Board of Education determines need
- After confirming the need, County Commission determines level of expenditure
 - *“Control over funds not interpreted so as to interfere with the exclusive control of the schools vested in the Board of Education.” Dilday v. Beaufort County (1966)*

Donating School Property

- *“...all moneys, stocks, bonds, and other property belonging to a county school fund, and the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools.”*
 - North Carolina Constitution Article IX, Section 7
- Board of Education must receive fair market value if selling or leasing property for non-public school use.
 - Boney v. Board of Trustees of Kinston Graded (1948)