IN THE SUPREME COURT OF NORTH CAROLINA

No. 481A09

FILED: 8 OCTOBER 2010

JESSICA HARDY, a minor, by and through her parent, GAIL HARDY

v.

BEAUFORT COUNTY BOARD OF EDUCATION; JEFFREY MOSS, Superintendent, Beaufort County Schools, in his official capacity

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 685 S.E.2d 550 (2009), affirming an order entered 16 May 2008 by Judge William C. Griffin, Jr. in Superior Court, Beaufort County. Heard in the Supreme Court 22 March 2010.

> *Children's Law Clinic, Duke Law School, by Jane Wettach; and Advocates for Children's Services, Legal Aid of North Carolina, Inc., by Erwin Byrd and Lewis Pitts, for plaintiff-appellant.*
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> *Tharrington Smith, L.L.P., by Curtis H. ("Trey") Allen III, for defendant-appellee Beaufort County Board of Education.*
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> *Jack Holtzman for North Carolina Justice Center; Concerned Citizens for the Betterment of Beaufort County Schools; Parents Supporting Parents; Tamar Birckhead; Southern Coalition for Social Justice; Center for Death Penalty Litigation, Inc.; Office of the Juvenile Defender; North Carolina Black Leadership Caucus; and NC Conference of NAACP Branches, amici curiae.*
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> *Campbell Shatley, PLLC, by Christopher Z. Campbell; and Allison B. Schafer, General Counsel, for North Carolina School Boards Association, amicus curiae.*

PER CURIAM.

For the reasons stated in *King v. Beaufort Cty. Bd. of Educ.*, ___ N.C. ___, ___ S.E.2d ___ (Oct. 8, 2010) (No. 480A09), the decision of the Court of Appeals is reversed, and this case

is remanded to that court for further remand to the trial court for further proceedings consistent with *King*.

REVERSED AND REMANDED.

Justices TIMMONS-GOODSON and HUDSON concur in part and dissent in part for the reasons stated in Justice TIMMONS-GOODSON's concurring and dissenting opinion in *King v. Beaufort Cty. Bd. of Educ.*, ___ N.C. ___, ___ S.E.2d ___ (Oct. 8, 2010) (No. 480A09). Justice NEWBY dissents for the reasons stated in his dissenting opinion in *King*.