

IN THE SUPREME COURT OF NORTH CAROLINA

No. 290PA02

FILED: 28 FEBRUARY 2003

IN THE MATTER OF: NICHOLAS R. ROBERTS and the BUNCOMBE COUNTY
BOARD OF EDUCATION

On discretionary review pursuant to N.C.G.S. § 7A-31 and on appeal of right of a constitutional question pursuant to N.C.G.S. § 7A-30(1) to review a unanimous decision of the Court of Appeals, 150 N.C. App. 86, 563 S.E.2d 37 (2002), affirming an amended order entered 29 January 2001 by Judge C. Walter Allen in Superior Court, Buncombe County. Heard in the Supreme Court 5 February 2003.

Paul Louis Bidwell for petitioner-appellee.

Root & Root, P.L.L.C., by Allan P. Root, for respondent-appellant Buncombe County Board of Education.

Tharrington Smith, L.L.P., by Ann Majestic and Carolyn A. Waller, on behalf of the North Carolina School Boards Association, amicus curiae.

Jane R. Wettach and Brenda Berlin, on behalf of the Children's Education Law Clinic, The American Civil Liberties Union Legal Foundation of North Carolina, Inc., The North Carolina Justice and Community Development Center, The North Carolina Child Advocacy Institute, Legal Aid of North Carolina, Inc., The Council for Children, The Children's Law Center, Legal Services of the Southern Piedmont, The Child Advocacy Commission of Durham, North Carolina Central University School of Law Juvenile Law Clinic, The North Carolina Academy of Trial Lawyers, The North Carolina Association of Women Attorneys, amici curiae.

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED; APPEAL

DISMISSED EX MERO MOTU.