

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.