

§ 114A-10. Parents' bill of rights.

A parent has the right to the following:

- (1) To direct the education and care of his or her child.
- (2) To direct the upbringing and moral or religious training of his or her child.
- (3) To enroll his or her child in a public or nonpublic school and in any school choice options available to the parent for which the child is otherwise eligible by law in order to comply with compulsory attendance laws, as provided in Part 1 of Article 26 of Chapter 115C of the General Statutes.
- (4) To access and review all education records, as authorized by the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, relating to his or her child.
- (5) To make health care decisions for his or her child, unless otherwise provided by law, including Article 1A of Chapter 90 of the General Statutes.
- (6) To access and review all medical records of his or her child, as authorized by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191, as amended, except as follows:
 - a. If an authorized investigator requests that information not be released to a parent because the parent is the subject of an investigation of either of the following:
 1. A crime committed against the child under Chapter 14 of the General Statutes.
 2. An abuse and neglect complaint under Chapter 7B of the General Statutes.
 - b. When otherwise prohibited by law.
- (7) To prohibit the creation, sharing, or storage of a biometric scan of his or her child without the parent's prior written consent, except for information stored within the United States in any of the following circumstances:
 - a. When authorized pursuant to a court order.
 - b. When otherwise required by law, including G.S. 7B-2102 and G.S. 7B-2201.
 - c. When the biometric scan occurs in a place open to the public, whether it is publicly or privately owned, in which there is no expectation of privacy.
 - d. When the scan is used solely for security or surveillance of buildings, grounds, or school transportation.
- (8) To prohibit the creation, sharing, or storage of his or her child's blood or deoxyribonucleic acid (DNA) without the parent's prior written consent, except as authorized pursuant to a court order or otherwise required by law, including G.S. 7B-2201.
- (9) To prohibit the creation by the State of a video or voice recording of his or her child without the parent's prior written consent, except a recording made in the following circumstances:
 - a. During or as part of a court proceeding.
 - b. As part of an investigation under Chapter 7B or Chapter 14 of the General Statutes.
 - c. When the recording will be used solely for any of the following purposes:
 1. A safety demonstration, including one related to security and discipline on educational property.
 2. An academic or extracurricular activity.

3. Classroom instruction.
 4. Photo identification cards.
 5. Security or surveillance of buildings, grounds, or school transportation.
- (10) To be promptly notified if an employee of the State suspects that a criminal offense has been committed against his or her child, unless the incident has first been reported to law enforcement or the county child welfare agency, and notification of the parent would impede the investigation. (2023-106, s. 1; 2023-134, s. 7.81(a).)