

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 1067

Short Title: Parent's Right to Know and Student Welfare. (Public)

Sponsors: Representatives Kidwell, McNeely, Brody, and Adams (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - K-12, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 27, 2022

1 A BILL TO BE ENTITLED
2 AN ACT TO ENUMERATE PARENTAL RIGHTS RELATED TO A CHILD'S WELL-BEING
3 AND EDUCATION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Subchapter III of Chapter 115C of the General Statutes is amended by
6 adding a new Article to read:

7 "Article 7B.

8 "Public School Unit Requirements.

9 "Part 1. Definitions.

10 "**§ 115C-76.1. Definitions.**

11 As used in this Article, the following definitions apply:

- 12 (1) Reserved for future codification purposes.
- 13 (2) Child. – A person less than 18 years of age who has not been emancipated
14 pursuant to Article 35 of Chapter 7B of the General Statutes.
- 15 (3) Reserved for future codification purposes.
- 16 (4) Reserved for future codification purposes.
- 17 (5) Parent. – A person who has legal custody of a child as a natural parent,
18 adoptive parent, or legal guardian.
- 19 (6) Principal. – A school administrator employed as a principal of a school, as
20 provided in Article 19 of this Chapter, or the staff member with the highest
21 decision-making authority at a school, if there is no principal.
- 22 (7) School personnel. – Any of the following:
- 23 a. An employee of a public school unit, whether full-time or part-time,
24 including substitute teachers, driver training teachers, bus drivers,
25 clerical staff, and custodians.
- 26 b. An independent contractor or employee of an independent contractor
27 of a public school unit, if the independent contractor carries out duties
28 customarily performed by school personnel and has significant access
29 to students, whether paid with federal, State, local, or other funds.
- 30 (8) Superintendent. – Any of the following:
- 31 a. A superintendent of a local school administrative unit, as provided in
32 Article 18 of this Chapter, or designee.
- 33 b. The staff member with the highest decision-making authority for a
34 public school unit, if there is no superintendent, or designee.



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1 "Part 2. Reserved for future codification purposes.

2 "Part 3. Reserved for future codification purposes.

3 "Part 4. Notifications of Student Physical and Mental Health.

4 **"§ 115C-76.16. Notifications of student physical and mental health.**

5 (a) The governing board of a public school unit shall adopt procedures to notify a parent
6 of the following:

7 (1) At the beginning of each school year, notice of each health care service offered
8 at his or her child's school, and the option to withhold consent or decline any
9 specific service. A parent's consent to a health care service does not waive the
10 parent's right to access his or her child's educational records or health records
11 or to be notified of changes in his or her child's services or monitoring.

12 (2) At the beginning of each school year, procedures to exercise the parental
13 remedies provided by G.S. 115C-76.10.

14 (3) Prior to administration to students in kindergarten through sixth grade, a copy
15 of any student well-being questionnaire or health screening form and the
16 means for the parent to consent to the use of the questionnaire or form for his
17 or her child.

18 (4) Prior to or contemporaneous with changes, notice of changes in services or
19 monitoring related to his or her child's mental, emotional, or physical health
20 or well-being, and the school's ability to provide a safe and supportive learning
21 environment for that child.

22 (b) In accordance with the rights of parents provided in Article 29E of this Chapter, the
23 procedures shall include a requirement that school personnel do one or both of the following:

24 (1) Encourage a child to discuss issues related to the child's well-being with his
25 or her parent.

26 (2) Facilitate discussion of the issue with the child's parents.

27 (c) The procedures shall not prohibit parents from accessing any of their child's education
28 and health records created, maintained, or used by the public school unit, except as follows:

29 (1) As limited by G.S. 115C-407.53(a)(6).

30 (2) When a reasonably prudent person would believe that disclosure would result
31 in the child becoming an abused juvenile or neglected juvenile, as those terms
32 are defined in G.S. 7B-101.

33 (d) The governing board and public school unit shall not adopt procedures or forms that
34 do any of the following:

35 (1) Prohibit school employees from notifying a parent about his or her child's
36 mental, emotional, or physical health or well-being or a change in related
37 services or monitoring.

38 (2) Encourage or have the effect of encouraging a child to withhold from that
39 child's parent information about his or her mental, emotional, or physical
40 health or well-being or a change in related services or monitoring.

41 (e) School personnel shall not discourage or prohibit parental notification of and
42 involvement in critical decisions affecting a student's mental, emotional, or physical health or
43 well-being.

44 **"§ 115C-76.17. Student support training.**

45 Student support services training developed or provided by a public school unit to school
46 personnel shall adhere to student services guidelines, standards, and frameworks established by
47 the Department of Public Instruction.

48 **"§ 115C-76.18. Age-appropriate instruction in reproductive health and safety education.**

49 Whether provided by school personnel or third parties, instruction on sexual orientation or
50 gender identity shall comply with age- and developmentally appropriate requirements for

1 reproductive health and safety education provided in G.S. 115C-81.30 and shall not occur in
2 kindergarten through sixth grade classrooms.

3 **"§ 115C-76.19. Remedies for parental concerns.**

4 (a) The governing board of a public school unit shall adopt procedures for a parent to
5 notify the principal at his or her child's school regarding concerns about a public school unit's
6 procedure or practice under this Part and a process for resolving those concerns within seven
7 days of the date of notification by the parent. If the parental concern has not been resolved within
8 30 days following the date of notification by the parent, the public school unit shall provide a
9 statement of the reasons for not resolving the concern.

10 (b) If a concern is not resolved by the public school unit within 30 days, a parent may do
11 either of the following:

12 (1) Notify the State Board of Education of the concern and request a parental
13 concern hearing. The State Board shall establish rules for parental concern
14 hearings. At a minimum, the rules shall require the following:

15 a. The State Board of Education shall appoint a qualified hearing officer.
16 To qualify as a hearing officer, an individual must be a member in
17 good standing of the North Carolina State Bar with demonstrated
18 experience in education or administrative law within the last five
19 years.

20 b. The hearing shall be conducted in accordance with rules established
21 by the State Board.

22 c. The hearing officer shall determine facts related to the dispute over the
23 public school unit's procedure or practice, consider information
24 provided by the public school unit, and render a recommended
25 decision for resolution to the State Board of Education within 30 days
26 after assignment to the parental concern hearing.

27 d. The State Board shall approve or reject the recommended decision at
28 its next regularly scheduled board meeting held more than seven days
29 after receipt of the recommended decision.

30 e. The public school unit shall pay for the costs of the hearing officer.

31 (2) Bring an action against the public school unit as provided in Article 26 of
32 Chapter 1 of the General Statutes for a declaratory judgment that the unit's
33 procedure or practice violates this Part. The court may award injunctive relief
34 and damages to a parent and shall award reasonable attorneys' fees and costs
35 to a parent awarded injunctive relief or damages.

36 (c) The provisions of this section are in addition to any other remedies or procedures
37 authorized or permitted by law."

38 **SECTION 2.** By June 30, 2023, the Department of Public Instruction shall review
39 and update, as necessary, all of the following in accordance with this act:

40 (1) School counseling frameworks and standards.

41 (2) Educator practices and professional conduct principles.

42 (3) Other student services and school personnel guidelines, standards, or
43 frameworks.

44 **SECTION 3.** There is appropriated from the General Fund to the Department of
45 Public Instruction the sum of two hundred fifty thousand dollars (\$250,000) in nonrecurring
46 funds for the 2022-2023 fiscal year to inform the public of the provisions of this act, including
47 updating websites or any other method the Department deems necessary.

48 **SECTION 4.** This act is effective when it becomes law and applies beginning with
49 the 2022-2023 school year.