



MODEL POLICIES

**NORTH CAROLINA
PARENTS’ BILL OF RIGHTS**

On August 16, 2023, the North Carolina General Assembly ratified N.C. Sess. Law. 2023-106, commonly known as the “Parents’ Bill of Rights.” The law enumerates rights of parents to participate in and direct the education of their children. It also requires public school units, including charter schools, to adopt numerous policies implementing its provisions.

The following model policies have been prepared and made available to members of the North Carolina Coalition for Charter Schools. As with any model or form, schools will need to adapt these policies to reflect their individual practices and procedures. Adapting these policies often requires a school to synthesize various laws and regulations, including the requirements of state and federal laws not reflected in the legislation itself. Schools are therefore encouraged to seek legal counsel regarding the application and implementation of these policies in their individual schools.

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PARENTAL RIGHTS

Parents' Bill of Rights

Pursuant to State and federal law, 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 any school choice option available to the parent for which the child is otherwise eligible
- (4) To access and review all education records relating to his or her child, as authorized by the Federal Educational Right and Privacy Act ("FERPA"), 20 U.S.C. § 1232g
- (5) To make health care decisions for his or her child, unless otherwise provided by law
- (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:
 - If an authorized investigator requests that information not be release to a parent because the parent is subject to an investigation of either (i) a crime committed against the child or (ii) an abuse and neglect complaint; or
 - 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 as authorized pursuant to a court order or otherwise required by law
- (8) To prohibit the creation, sharing, or storage of his or her child's blood or DNA without the parent's prior written consent, unless otherwise authorized by law
- (9) To prohibit the creation by the State, or the school, of a video or voice recording of his or her child without the parent's prior written consent, unless such record is made in connection with:
 - A court proceeding
 - An investigation into alleged neglect or abuse of the child
 - A safety demonstration
 - An academic or extracurricular activity
 - Classroom instruction
 - A photo identification card

- Security or surveillance of buildings, grounds, or school transportation
- (10) To be promptly notified if the school, or any employee of the school, suspects that a criminal offense has been committed against his or her child, unless doing so would impede an investigation by law enforcement or a county welfare agency

Specific Rights Related to Child's Education

Pursuant to G.S. 115C-76.25, a parent or legal guardian's rights with regard to his or her child's education include the following:

- The right to consent or withhold consent for participating in reproductive health and safety educational programs, consistent with the requirements of G.S. 115C-81.30
- The right to seek a medical or religious exemption from immunization requirements consistent with the requirements of G.S. 130A-156 and G.S. 130A-157
- The right to review statewide standardized assessment results as part of the State report card
- The right to request an evaluation of their child for an academically or intellectually gifted program, or for identification as a child with a disability, as provided by State and federal law
- The right to inspect and purchase public school unit textbooks and other supplementary instructional materials, when available
- The right to access information relating to <<SCHOOL's>> policies for promotion or retention, including high school graduation requirements
- The right to receive student report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance
- The right to access information relating to the State public education system, State standards, report card requirements, attendance requirements, and textbook requirements
- The right to participate in any parent-teacher organizations
- The right to be informed of, and to opt-in to, any survey of protected information under G.S. 115C-76.65
- The right to opt into certain data collection for their child, as provided in Part 5 of Article 7B and Article 29 of Chapter 115C the North Carolina General Statutes
- The right to review all available records of materials their child has borrowed from a school library

Definitions

- As used in these policies, “parent” shall mean a person who has legal custody of a child, including a natural parent, adoptive parent, or legal guardian.

Miscellaneous Provisions

- Nothing in this policy authorizes a parent or guardian to engage in unlawful conduct, or to abuse or neglect a child.
- Nothing in this policy shall prohibit or otherwise limit a State official, law enforcement, or a court of competent jurisdiction from acting pursuant to legal authority granted under local, state, or federal law.
- An employee who encourages, coerces, or attempts to encourage or coerce a child to withhold information from his or her parent may be subject to disciplinary action.
- A copy of this policy shall be posted on the school’s website.

Revised: September 9, 2023

Ref.: G.S. 114A-10; G.S. 114A-15; G.S. 115C-76.25

[Note: Several items in the above list of rights, which are drawn directly from the statutes, are worth nothing:

- *G.S. 114A-10 (listed in Item 10, above) grants parents the right to prohibit video recordings being made of their child unless in certain circumstances. These exceptions are broad enough to include most common uses of recordings in schools, including security surveillance footage and use in class and extracurricular activities.*

Schools may consider adding a separate policy concerning the use of video and audio recordings that prohibits personnel from recording students without first obtaining parent consent unless the recording meets one of the exceptions above.

- *G.S. 115C-76.25 grants parents the right to purchase textbooks “as provided in Article 8, Part 3, of Chapter 115C of the General Statutes,” which governs the selection and use of textbooks by LEAs. G.S. 115C-102, which is part of those statutes, requires LEAs to permit parents to purchase textbooks. Charter schools, however, are exempt from the statutes that govern LEAs purchase and use of textbooks pursuant to G.S. 115C-218.10. Accordingly, the language in this policy refers to the right to purchase textbooks “when available.”*

- *G.S. 115C-76.25 grants parents “The right to opt into certain data collection for their child, as provided in Part 5 of this Article and Article 29 of Chapter 115C the North Carolina General Statutes, which govern student records. These statutes, however, do not grant “opt-in” rights. Instead, two sections, G.S. 115C-402.5 and 115C-402.15, provide parents the right to “opt-out” from the disclosure of “Directory Information” as provided under FERPA. The reference to “opt-in” thus appears to be a misstatement. It is not clear whether this provision was meant to alter the right rules governing directory information. Accordingly, the model policy reflects the language of the Parents’ Bill of Rights and states “opt-in,” even though parents may only have “opt-out” rights with respect to such information.*

FERPA allows schools to publish directory information so long as the school provides notice to parents at the beginning of each school year that (i) directory information will be disclosed and (ii) parents may “opt-out” of the disclosure within a certain period of time. 34 CFR § 99.37(a). “Directory information” generally includes name, address, telephone numbers, date of birth, grade, dates of attendance, and participation in activities and sports.

Schools should continue to provide annual notice to parents regarding the disclosure of directory information and their right to opt-out if they choose.]

PARENT INVOLVEMENT

Purpose

<<SCHOOL>> believes that parental involvement and empowerment is fundamental to the successful education of all students. It is the responsibility of all teachers, administrators, and staff to (i) strengthen partnerships with parents and families and (ii) develop and implement a well-planned, comprehensive program to assist parents and families in effectively participating in their child's education.

To that end, <<SCHOOL>> has developed this and other policies to (i) inform parents of their legal rights and responsibilities with regards to their parent education; (ii) provide a parent's guide for student achievement on an annual basis; and (iii) effectively involve parents in the school and their child's education.

Ref. G.S. 115C-76.20

Parental Guide

Each year, the school shall distribute a written parental guide to student achievement that (i) includes, at minimum, the information required by the State Board of Education and (ii) is understandable to students and parents. The parental guide shall be discussed at the beginning of each school year in meetings with parents, students, and teachers.

Ref. G.S. 115C-76.30

Links to Community Services

The school shall provide on its website links to community services available to students and their families.

Ref. G.S. 115C-76.25(a)(1)

Parent Surveys / Parent Advisory Councils

Each year, the school shall survey and solicit input from parents regarding development, implementation, and evaluation of parent involvement programs. The results of this survey shall be shared with the board of directors.

The principal may form one or more parent advisory councils to assist the school in fostering cooperation among parents, teachers, administration, and staff. The principal shall inform parents about opportunities to participate in such parent advisory councils, as well as other volunteer programs and other activities, as they become available.

Ref. G.S. 115C-76.35(a)(2) and (3)

[Note: G.S. 115C-76.35(a)(2) requires schools to develop policies to establish opportunities for parental involvement in the development, implementation, evaluation, of parent involvement programs. The statute, however, spell out any particular process for doing so. This model policy suggests an annual survey, but the school may meet this requirement in other ways.

Similarly, G.S. 115C-76.35(a)(3) requires schools to develop policies establishing opportunities for parents to participate on school advisory councils, as well as volunteer and other activities. Once again, the statute allows room for schools to adapt their policies to their individual practices. This model policy merely authorizes the principal to form such councils, leaving the formation scope, and duration of those councils to his or her discretion.]

Information Regarding School Assignments and Progress

At the beginning of each year, the principal and teachers shall communicate to parents how textbooks are used to implement the curricular objectives in their child's classes. Teachers shall also provide a syllabus or other information explaining the major topics to be covered over the course of the class and identifying the textbooks and primary supplementary materials that will be used in the class. Teachers shall periodically update parents regarding changes in the curriculum and additional materials used in the class.

Parents may access information regarding their child's assignments, including homework assignments, and their child's attendance and progress through <<INSERT NAME OF PLATFORM>>.

[Note: This policy may be adapted to match the school's chosen method of communicating class assignments, such as PowerSchool, weekly folders, etc. No specific medium of communication is required.]

Ref. G.S. 115C-76.35(b)(1), (2), and (3)

Information Regarding Clubs and Activities

At the beginning of each year, the school shall provide information to parents regarding clubs, as well as curricular and extracurricular activities available to children at the school, including the purpose and nature of such clubs and activities. Information regarding clubs and extracurricular activities will be communicated to parents through the school's website or its newsletter.

Ref. G.S. 115C-76.35(b)(6)

[Note: This policy may be adapted to require such information to be provided on the school's website or other methods of communication, such as newsletters, weekly folders, or email. No specific medium of communication is required.]

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PARENT INFORMATION REQUESTS

A parent may request any information any information that the parent has a right to access under Article 7B, Part 1, of Chapter 115C of the North Carolina General Statutes, including the information set out in the school's policies governing Parent Rights, Parent Involvement, Parent Review of Instructional Materials, and Notifications Regarding Student Health. Parents requesting information under this section must submit their request in writing to the principal or his or her designee.

Process for Responding to Requests

If a parent submits such a written request for information pursuant to this policy:

- (1) Within 10 business days of receiving the request, the principal shall either (i) provide the requested information to the parent or (ii) provide a notice that an extension of no more than 20 business days is necessary to respond to the request due to either its volume or complexity
- (2) If the principal fails to respond to the request or provide the information within the timeframes set forth above, the parent may contact the Chair of the school's Board of Directors to request such information. In such case the Chair shall ensure that a response is provided to the parent within 10 business days.
- (3) If the Chair of the board denies the request or does not respond to the request for information within 10 business days, the parent may appeal the denial or lack of response to the Board of Directors. The parent must submit such an appeal within 20 business days of the date the request was submitted to the Chair.
- (4) If an information request is appealed to the Board of Directors within the time limit set forth in step 3, above, the Board shall place the parent's appeal on its agenda for the next board meeting. Pursuant to G.S. 115C-76.40, the Board's decision under this policy is final and is not subject to judicial review.

Publication

A copy of this policy shall be posted on the school's website.

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Ref. G.S. 115C-76.40

PARENT REVIEW OF INSTRUCTIONAL MATERIALS

Inspection of Textbooks and Supplementary Materials

Parents have a right to inspect all textbooks and supplementary instructional materials used in their child's classroom. Parents who wish to inspect materials may submit their request in writing to the child's teacher. If the teacher does not respond or denies the request, the parent may forward the request to the principal using the procedures set out in policy for Parent Information Requests.

Objections to Textbooks and Supplementary Materials

If a parent objects to textbooks or supplementary instructional materials used in their child's classroom, they shall share that objection with their child's teacher, who shall work to accommodate the objection to the extent practicable. A parent who is not satisfied with the teacher's response may then raise the objection with the principal using the same procedures set out in the school's policy for Resolution of Parent Concerns.

Publication

A copy of this policy shall be made available at the school site and on the school's website.

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Ref. G.S. 115C-76.40

RESOLUTION OF PARENT CONCERNS

This policy governs the resolution of parent concerns regarding the school's compliance with the requirements of Article 7B, Part 1, of Chapter 115C of the North Carolina General Statutes, or the school's policies governing Parent Rights, Parent Involvement, Parent Review of Inspection Materials, or Notifications Regarding Student Health. This policy does not govern the resolution of other parental concerns.

Parents are encouraged to communicate and seek to cooperatively resolve any concerns regarding their student's education with their student's individual classroom teachers before seeking to use the procedures set forth in this policy. This often serves as the quickest and most efficient way to address a parent's concerns.

Process for Responding to Parent Concerns

Parent concerns raised shall be submitted in writing to the principal and shall be resolved using the following procedure:

- (1) Within 10 business days of receiving the request, the principal shall either (i) provide a response to the parent's concern or (ii) inform the parent that additional time, up to 20 days, is required to respond to the parent's concern.
- (2) If the principal fails to respond within the timeframes set forth above, the parent may raise the concern in writing with the Chair of the school's Board of Directors. In such case the Chair shall ensure that a response is provided to the parent within 10 business days.
- (3) If Chair does not resolve the parent's concern, the parent may submit an appeal to the school's Board of Directors. The parent must submit such an appeal within 20 business days of the date the concern was submitted to the Chair.
- (4) If a concern is appealed to the Board of Directors within the time limit set forth in step 3, above, the Board shall place the parent's appeal on its agenda for the next board meeting.

Notice to Board of Directors

The principal shall inform the board of directors of any concerns submitted by a parent in this section.

Applicable Law

Nothing herein shall prevent or limit a parent's ability to utilize the remedies set forth in G.S. 115C-76.60.

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Ref. G.S. 115C-76.60

[Note: G.S. 115C-76.60 provides that if a parent's concerns are not resolved within 30 days that the parent may either (i) submit a complaint to the State Board of Education, who will appoint a hearing officer to recommend a solution to the State Board or (ii) file a lawsuit seeking in State court seeking a declaratory judgment, as well as attorneys' fees if the parent prevails. Accordingly, a school should work to resolve any parent concerns raised under this section within 30 days, notwithstanding the timelines set forth in this policy.]

STUDENT SURVEYS

Protected Information

The following shall constitute “Protected Information” for the purpose of this policy:

- Political affiliations or beliefs of the student or the student's parent
- Mental or psychological problems of the student or the student's family
- Sex behavior or attitudes.
- Illegal, antisocial, self-incriminating, or demeaning behavior.
- Critical appraisals of other individuals with whom respondents have close family relationships
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers
- Religious practices, affiliations, or beliefs of the student or student's parent
- Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program

Collection of Protected Information

Parents shall be notified before any survey or evaluation collecting or revealing Protected Information is conducted. The notice shall include the full text of the survey or evaluation.

No student shall be permitted to participate in a survey or evaluation collecting or revealing Protected Information unless the child’s parent provides prior written consent.

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Ref. G.S. 115C-76.65

NOTIFICATIONS REGARDING STUDENT HEALTH

Annual Notice of Health Care Services

The school shall notify parents at the beginning of each school year of each health care service offered at the school, if any, and the means for the parent to consent to such service.

Well-Being Questionnaires and Health Screenings

No well-being questionnaire or health screening shall be administered to a student in grades kindergarten through third grade without consent from the child's parent or legal guardian.

Prior to the administration to students in kindergarten through third grade, the school shall provide a copy of any student well-being questionnaire or health screening form. The notice shall include the method for the parent to consent to the use of the questionnaire or form for his or her child.

Changes in Services

The school shall notify parents of any changes in services related their child's mental, emotional, or physical health or well-being, or a change in the school's ability to provide a safe and supportive learning environment for the child. Such notice shall be provided prior to, or at least at the same time as, the change is made.

Parental Involvement

Teachers and staff shall encourage children to discuss issues related to their well-being with their parents, and, when appropriate, shall facilitate discussions of such issues with a child's parents.

No teacher or employee of the school shall prohibit or encourage a child to withhold information about the child's mental, emotional, or physical health or well-being, or changes in services related to the child's health, or well-being, from the child's parent.

Nothing in this policy shall prohibit parents from accessing their child's health or education records, unless school personnel, in consultation with the principal, reasonably believe that such disclosure would result in the child being subject to abuse or neglect.

Name Changes / Changes in Pronouns

The school shall notify a child's parent before changing the name or pronouns used for a child, either by the school's personnel or in the student's records. This policy does not apply to common nicknames or shortened versions of a child's first or middle name. (Such as using "Rob" for "Robert," or "Jane" for a child named "Sarah Jane").

Age-Appropriate Instruction for Children in Grades K-4

Instruction on gender identity, sexual activity, or sexuality shall not be included in the curriculum provided in kindergarten through fourth grade, regardless of whether the information is provided by school personnel or third parties.

This policy does not prohibit teachers or school personnel from responding to student-initiated questions.

Consent for Instruction Regarding Reproductive Health

The school shall notify parents before providing instruction regarding reproductive health, including instruction regarding health and safety provided to students in seventh grade. Parents may opt-out of this instruction by informing their child’s classroom teacher.

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Ref. G.S. 115C-76.45