Parents' Bill of Rights

On August 15, 2023, the North Carolina legislature passed the **Parents' Bill of Rights.** To better serve our families, a synopsis of that information is included below.

The Lexington City Board of Education believes that parent and family involvement/ engagement is a crucial aspect of a successful and effective school system. When parents are actively involved in their children's education, it often leads to positive outcomes for students, teachers, and the school as a whole.

1. **Pursuant to N.C.G.S. & 11SC-76.25, the district shall display on the Lexington City Schools website the following parental legal rights with regard to their child's education:**
    a. The right to consent or withhold consent for participation in reproductive health and safety education programs, consistent with the requirements of N.C.G.S. § 115C-81.30.
    b. The right to seek a medical or religious exemption from immunization requirements, consistent with the requirements of N.C.G.S. §§ G.S. 130A-156 and 130A-157.
    c. The right to review statewide standardized assessment results as part of the State report card.
    d. 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 in Article 9 of Chapter 11SC of the North Carolina General Statutes.
    e. The right to inspect and purchase public school unit textbooks and other supplementary instructional materials, as provided in Part 3 of Article 8 of Chapter 11SC of the North Carolina General Statutes.
    f. The right to access information relating to the Board's policies for promotion or retention, including high school graduation requirements.
    g. 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.
    h. The right to access information relating to the State public education system, State standards, report card requirements, attendance requirements, and textbook requirements.
    i. The right to participate in parent-teacher organizations.
    j. The right to opt-in to certain data collection for their child, as provided in N.C.G.S. § 11SC-76.65.

k. The right for students to participate in protected student information surveys only with parental consent, as provided in N.C.G.S. §11SC-76.65.
l. The right to review all available records of materials their child has borrowed from a school library.

2. **Pursuant to N.C.G.S. § 115C-76.30(c), the district shall provide to parents, students, and school personnel, at the beginning of each school year, a parent guide for student achievement that meets the following requirements:**
   a. Includes, at a minimum, the State Board requirements developed as provided in subsection (a) of N.C.G.S. § 11SC-76.30 and all Board policies and Superintendent regulations related to parent involvement, pursuant to N.C.G.S. § 115C-76.30.
   b. Is understandable to students and parents.
   c. Is provided in writing to the parent.
   d. Is discussed at the beginning of each school year in meetings of students, parents, and teachers.
3. **Pursuant to N.C.G.S. §§ 115C-76.20, 115C-76.25, and 115C-76.35, the Superintendent shall create a Regulation accompanying this Policy that creates processes to accomplish the following:**
   a. Inform parents of their legal rights and responsibilities with regard to their child's education.
   b. Provide to parents, on an annual basis, the parent's guide for student achievement as set forth in section 2 above.
   c. Allow parents to exercise their legal rights for their child's education, as enumerated in N.C.G.S. § 115C-76.25(a) and Section 1 above.
   d. Make the parental rights contained in in N.C.G.S. § 115C-76.25(a) and Section 1 above available to parents electronically or by displaying the information on the district's website.
   e. Provide links to parents for community services.
   f. Establish opportunities for parental involvement in the development, implementation, and evaluation of family involvement programs.
   g. Establish opportunities for parents to participate on school advisory councils and in school volunteer programs and other activities.
   h. Provide for parental participation in their child's education to improve parent and teacher cooperation in areas such as homework, school attendance, and discipline that aligns with the parent guide for student achievement required by N.C.G.S. § 115C-76.30 and Section 2 above.
   i. Require principals to effectively communicate to parents the manner in which textbooks are used to implement the school's curricular objectives.

4. **Parental Requests for Information**
   A parent may request in writing from the principal of the school in which his or her child is enrolled any of the information the parent has the right to access, as provided in this policy. The Superintendent shall adopt a regulation for the process of parent requests for information under this policy, and shall include the following:
   a. The process by which a parent may request the information from the Principal.
   b. A principal, within 10 business days of receipt of the request, shall either (i) provide the requested information to the parent or (ii) provide an extension notice to the parent that, due to the volume or complexity of the request, the information will be provided no later than 20 business days from the date of the parental request.
   c. If the principal (i) denies or fails to respond to the request for information within 10 business days, or (ii) fails to provide information within 20 business days following an extension notice, the parent may request in writing any of the information the parent has the right to access, as provided in this policy, from the superintendent, along with a statement specifying the time frame of the denial or failure to provide information by the principal.
   d. If the superintendent denies 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 Education no later than 20 business days from the date of the request to the superintendent.
5. **Appeal to Board of Education**
   If an information request is appealed to the Board within the time limit set forth above, the Board will place the parent's appeal on the agenda for the next meeting of the Board occurring more than three business days after submission of the appeal.
6. **Pursuant to N.C.G.S. § 115C-76.40(e), a decision of the Board under that statute and this policy is final and is not subject to judicial review.**
   Pursuant to N.C.G.S. § 115C-76.40(e), a decision of the Board under that statute and this policy is final and is not subject to judicial review.
7. **Pursuant to N.C.G.S. § 115C-76.40(d), the district shall display the procedures for requests for information and appeals on the CMS website.**
   Pursuant to N.C.G.S. § 115C-76.40(d), the district shall display the procedures for requests for information and appeals on the LCS website.

COMPREHENSIVE HEALTH EDUCATION PROGRAM

The Board of Education is committed to a sound, comprehensive health education program that provides students with accurate information and encourages them to be responsible for their own health and behavior.

The Board recognizes the primary role of parents in providing for the health and well-being of

their children and seeks to involve parents as provided in this policy. The LCS health education program will, at a minimum, meet all legal requirements, including the standards established by the North Carolina legislature in the Basic Education Program.

I. Comprehensive Health Education Program

A comprehensive health education program must be taught to students from kindergarten through ninth grade. As required by law, the health education program must include age-appropriate instruction on bicycle safety, nutrition, dental health, environmental health, family living, consumer health, disease control, growth and development, first aid and emergency care, mental and emotional health, drug and alcohol abuse prevention, and reproductive health and safety education.

In high school, the Healthy Living curriculum is part of the Health/PE course typically taken in ninth grade. In some instances, students take this course after ninth grade, generally because of scheduling issues.

II. **Reproductive Health and Safety Education Program**

A. Reproductive Health and Safety Education Curriculum

The Reproductive Health and Safety Education curriculum shall be taught to students beginning in fifth grade and shall include the following topics*:

*language taken directly from NCGS § 115C-81.30

(1) Teach that abstinence from sexual activity outside of marriage is the expected standard for all school-age children.

(2) Present techniques and strategies to deal with peer pressure and offering positive reinforcement.

(3) Present reasons, skills, and strategies for remaining or becoming abstinent from sexual activity.

(4) Teach that abstinence from sexual activity is the only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted diseases when transmitted through sexual contact, including HIV/AIDS, and other associated health and emotional problems. As used in this section, “HIV/AIDS” means Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome.

(5) Teach that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding sexually transmitted diseases, including HIV/AIDS.

(6) Teach the positive benefits of abstinence until marriage and the risks of premarital sexual activity.

(7) Provide opportunities that allow for interaction between the parent or legal guardian and the student.

(8) Provide factually accurate biological or pathological information that is related to the human reproductive system.

(9) Teach about the preventable risks for preterm birth in subsequent pregnancies, including induced abortion, smoking, alcohol consumption, the use of illegal drugs, and inadequate prenatal care.

(10) Teach about sexually transmitted diseases. Instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA)-approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases. Instruction shall include the rates of infection among pre-teen and teens of each known sexually transmitted disease and the effects of contracting each sexually transmitted disease. In particular, the instruction shall include information about the effects of contracting the Human Papilloma Virus, including sterility and cervical cancer.

(11) Teach about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy.

(12) Teach awareness of sexual assault, sexual abuse, and risk reduction. The instruction and materials shall:

a. Focus on healthy relationships.
b. Teach students what constitutes sexual assault and sexual abuse, the causes of those behaviors, and risk reduction.
c. Inform students about resources and reporting procedures if they experience sexual assault or sexual abuse.
d. Examine common misconceptions and stereotypes about sexual assault and sexual abuse.

(13) Teach about sex trafficking prevention and awareness. Each local school administrative unit shall:

a. Collaborate with a diverse group of outside consultants where practical, including law enforcement with expertise in sex-trafficking prevention education, to address the threats of sex trafficking.
b. Collaborate with a diverse group of outside consultants, including law enforcement with expertise in sex trafficking, on a referral protocol for high-risk pupils and minors.

B. Parental Opportunity to Review Materials and Consent or Withhold Consent for Student Participation

1. Opportunity for Parent Review of Materials

A copy of all objectives and instructional materials in the reproductive health and safety curriculum must be available for review in each school where these subjects will be taught for at least sixty (60) days prior to instruction. Before a student may participate in the reproductive health and safety education program, the principal or designee shall

notify the student's parents/guardians of the opportunity to review the instructional materials and objectives that will be used.

2. Parent/guardian Consent for Student Participation
   Pursuant to N.C.G.S. § 115C-76.35 (b) (5) and N.C.G.S. § 115C-81.30, the Board directs the Superintendent to establish procedures for the principal or principal's designee to notify a student's parents of the right to review materials and consent or withhold consent from the student's participation in all or specified portions of the reproductive health and safety education curriculum, as follows:
   a. the entire Reproductive Health and Safety Education curriculum, described above in Section IIA, 1 - 13; or
   b. the instruction on topics described in Section IIA, 1 - 7; or
   c. the instruction on topics described in Section IIA, 8 - 13.
      The principal or principal's designee shall not allow any student to participate in a reproductive health and safety education program unless parental consent is given.

C. Standards for Instruction

In teaching the Reproductive Health and Safety Education curriculum, teachers shall follow the instructional objectives and only use the age-appropriate materials that have been made available to parents for review in accordance with this policy. Information conveyed during instruction will be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in the field of sexual health education.

In all grades and throughout the program of instruction, the curriculum shall provide opportunities that allow for interaction between the parent or legal guardian and the student. NC Licensed Health Teachers will provide instruction for the Comprehensive Health Education Program. Teachers will be provided professional development that will keep them abreast of current trends, statistics, instructional materials and resources.

A determination of what is an appropriate education for any student with identified exceptionalities must be made in accordance with the student's individualized education program, following all procedures as provided in North Carolina law and State Board of Education policies.

STUDENT PHYSICAL AND MENTAL HEALTH

I. Notifications of student health

1. Pursuant to N.C.G.S. § 115C-76.45(a), at the beginning of every school year, principals shall notify parents of the following:
   (a) Notice of each health care service offered at their child's school and how the parent can provide consent for any specific service.

(b) Acknowledgement that a parent's consent to a health care service does not waive the parent's right to access his or her child's educational records or health records, or to be notified of changes in the child's services or monitoring.
(c) Procedures to exercise the parental remedies provided by N.C.G.S. § 11SC-76.60, set forth in Section IV of this policy.

2. Pursuant to N.C.G.S. § 115C-76.45(a), Principals shall notify parents of the following:
   (a) Prior to administration to students in kindergarten through third grade, a copy of any student well-being questionnaire or health screening form and the means for the parent to consent to the use of the questionnaire or form for his or her child.
   (b) Prior to or contemporaneous with changes, notice of changes in services or monitoring related to his or her child's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for that child.
   (c) Notice of the change prior to any changes in the name or pronoun used for a student in school records or by school personnel.
3. Pursuant to N.C.G.S. § 115C-76.45(b) and (e), school personnel:
   a. Are required to encourage a child to discuss issues related to the child's well-being with his or her parent and/or facilitate discussion of the issue with the child's parents.
   b. Shall not discourage or prohibit parental notification of, and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.
4. Nothing in this policy shall do any of the following:
   (a) Prohibit parents from accessing any of their child's education and health records created, maintained, or used by the public-school unit, except as follows:
      1. As limited by N.C.G.S. § 114A-10(6)a.
      2. When a reasonably prudent person would believe that disclosure would result in the child becoming an abused or neglected juvenile, as those terms are defined in N.C.G.S.§ 78-101.
   (b) Prohibit school employees from notifying a parent about his or her child's mental, emotional, or physical health or well-being, or a change in related services or monitoring.
   (c) Encourage or have the effect of encouraging a child to withhold from a parent information about his or her mental, emotional, or physical health or well-being, or a change in related services or monitoring.

II. **Student support services training**

Student support services training developed or provided to school personnel shall adhere to student services guidelines, standards, and frameworks established by the Department of Public Instruction

III. Age-appropriate instruction for kindergarten through fourth grade

Pursuant to N.C.G.S. § 11SC-76.55, 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. For the purposes of this section, curriculum includes the standard course of study and support materials, locally developed curriculum, supplemental instruction, and textbooks and other supplementary materials, but does not include responses to student-initiated questions.

IV. Remedies for Parental Concerns

Pursuant to N.C.G.S. § 11SC-76.60, a parent may notify the principal at his or her child's school regarding concerns about a public school unit's procedure or practice under this policy. This notification shall be sent to the principal, in writing.

1. Within seven days of the parental concern being made, the principal shall either:
   (a) Resolve the parental concern and notify the parent; or
   (b) Notify the learning community superintendent of the parental concern and why it cannot, or has not, been resolved to the parent's satisfaction.
2. Within seven days of being notified, the learning community superintendent shall
   (a) Resolve the parental concern and notify the parent; or
   (b) Notify the superintendent of the parental concern and why it cannot, or has not, been resolved to the parent's satisfaction.
3. Within ten days of being notified, the superintendent shall either:
   (a) Resolve the parental concern and notify the parent; or
   (b) Provide the parent a statement of the reason(s) for not resolving the concern.
      1. This statement shall be sent to the parent within 30 days of the initial concern raised by the parent.
      2. A copy of this statement shall be sent to the superintendent and to the Office of General Counsel.
4. If the concern is not resolved within 30 days of the initial concern raised by the parent, a parent may do either of the following:
   (a) Notify the State Board of Education of the concern and request a parental concern hearing.
   (b) Bring an action against the Lexington city School Board as provided in Article 26 of Chapter 1 of the North Carolina General Statutes for a declaratory judgment that the unit's procedure or practice violates N.C.G.S. § 115C-76.45, § 115C-76.50, or§ 115C-76.55.

   The court may award injunctive relief to a parent and shall award reasonable attorneys' fees and costs to a parent awarded injunctive relief.