

# STATE BUDGET CLARIFIES PARENTS' BILL OF RIGHTS



*Posted on October 12, 2023 by Elizabeth Yelverton*

The recently enacted 2023 state budget includes several provisions adjusting or clarifying requirements for public schools under the Parents' Bill of Rights, which became law in mid-August following the state legislature's successful override of Governor Cooper's earlier veto of the bill. Because much of the bill became effective only days before most traditional public schools were set to begin the 2023-2024 school year, many school leaders raised questions and concerns about quickly implementing the bill's numerous new requirements.

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schools were set to begin the 2023-2024 school year, many school leaders raised questions and concerns about quickly implementing the bill's numerous new requirements.

As a result, NCASA and other education groups successfully advocated for technical changes to the Parents' Bill of Rights be included in the state budget, addressing key areas of concern such as implementation deadlines, student participation in certain federal surveys, and the authority of school personnel to provide emergency health care. Because there are currently differing legal interpretations as to the new deadline for sharing information such as the Parents' Guide to Student Achievement, districts should follow forthcoming guidance on this topic from the Department of Public Instruction, in conjunction with advice from their local board attorney. The following outlines the main changes to the Parents' Bill of Rights, as included in Section 7.81 of the new state budget law:

**Student Biometric Scans** — Provides the following exceptions to the new prohibition against the "creation, sharing, or storage of a biometric scan" of a student without the parent's prior written consent: (a) when authorized by a court order; (b) when otherwise required by law; (c) when the biometric scan occurs in a public place in which there is no expectation of privacy; and (d) when the scan is used solely for security or surveillance of buildings, grounds, or school transportation.

**Parental Opt-Out For Certain Federal Surveys** — Excludes the Youth Risk Behavior Survey and the National Youth Tobacco Survey from the new requirement that parental permission be obtained before their child can participate in any "protected information survey." Instead, districts must now provide parent(s) with notice of "the opportunity to *opt out*" of their child's participation in either of these two surveys.

**Authority To Provide Emergency Health Care** — Clarifies that teachers and any other

public school employee may (i) administer prescribed drugs to students upon the written request of parents; (ii) give emergency health care when “reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the pupil”; and (iii) to perform any other first aid or lifesaving techniques in which the employee has been trained in a program approved by the State Board of Education. This section also states public school employees shall not be liable in civil damages for any authorized act or omission unless it amounts to “gross negligence, wanton conduct, or intentional wrongdoing.”

**Adjusted Timelines** — As mentioned above, school districts should consider any forthcoming guidance issued by DPI in conjunction with legal advice from their local board attorney on the following timeline adjustments:

- **Parent Guide To Student Achievement** — requires public school units (PSUs) to provide guide to parents, students, and school personnel “no later than the first day of school occurring after January 1, 2024.”
- **Local Policies To Increase Parental Involvement** — requires PSUs to establish applicable local policies “that are effective no later than January 1, 2024.”
- **Parental Notice Of Health Care Services** — requires PSUs to provide parents notice of health care services provided by their child's school and means for parental consent, “no later than the first day of school occurring after January 1, 2024.”
- **Remedies For Parental Concerns** — requires PSU governing bodies to adopt the procedures and process relating to new remedies for parental concerns “no later than December 15, 2023” and requires PSUs to allow parents to begin using that process “no later than January 1, 2024.”
- **SBE Deadline For Emergency Rules** — requires the State Board of Education (SBE) to adopt emergency rules for parental concern hearings established by the Parents' Bill of Rights and requires the SBE to receive requests for parental concern hearings “no later than January 30, 2024.”
- **PSU Reporting Deadline** — Requires PSUs to submit newly required reporting on areas in the Parents' Bill of Rights, such as the number of parental appeals to the local governing body and the number of parental concern hearings involving the PSU, “beginning September 15, 2024.”
- **SBE Reporting Deadline** — Requires the SBE to submit newly required reporting

"beginning November 15, 2024."

["money" report](#) comprising the 2023 state budget package became effective Oct. 3, many school leaders and education advocates have continued to find budget provisions outside the K-12 education section that nevertheless could have a significant impact on public schools. Recently, many school leaders have shared concerns with a provision contained in the budget law's higher education section that creates a new "Early Graduate Scholarship Program," which encourages students to graduate high school within three years and if eligible, receive an early graduate scholarship of up to \$2,800 for up to two years. As part of this new program, all local boards of education would be prohibited from requiring any additional credits for graduation beyond the minimum mandated by the State Board of Education, which is currently 22 credits.

Because many districts currently require more than 22 credits to graduate, NCASA sought and received legislative guidance stating this provision would be **effective**

**beginning with students in 10<sup>th</sup> grade during the 2023-2024 school year who would be eligible to graduate early following their junior year in 2024-2025.** NCASA and the Department of Public Instruction (DPI) are continuing to advocate for lawmakers to approve additional legislation to authorize a waiver process, as recently [proposed by the State Board of Education](#), for interested students to *opt into* early graduation, rather than blanket applicability to all students as under the current law, and to allow local school districts to continue requiring additional graduation credits they deem important. Lawmakers have indicated this change would ultimately be a "policy decision" for the bill sponsor, and if any technical correction bill moves forward, it would not be until at least early November.

NCASA has updated our [2023 state budget summary to](#) reflect the recent effective-date clarifications for the Early Graduate Program. We will also update our members if the additional requested changes to the program are made before lawmakers hold final adjournment for the 2023 long session, which is currently expected by mid-November.