

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS35128-MT-109

Short Title: Parents' Right to Know.

(Public)

Sponsors: Senators Sanderson, Krawiec, and Hise (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO MAINTAIN A
3 CONTINUOUS REPOSITORY OF MATERIALS USED IN PROGRAMS ON
4 REPRODUCTIVE HEALTH AND SAFETY, MENTAL AND EMOTIONAL HEALTH,
5 GROWTH AND DEVELOPMENT, ANTI-BULLYING, OR ANTI-HARASSMENT; TO
6 REQUIRE LOCAL BOARDS OF EDUCATION TO PROVIDE NOTICE TO PARENTS
7 OF THOSE UPCOMING PROGRAMS; TO PROVIDE PARENTS WITH A RIGHT TO
8 REVIEW THOSE PROGRAM MATERIALS; TO ALLOW PARENTS TO CONSENT TO
9 STUDENTS' PARTICIPATION IN THOSE PROGRAMS; AND TO REQUIRE LOCAL
10 BOARDS OF EDUCATION TO NOTIFY PARENTS OF THE ADOPTION,
11 AMENDMENT, OR MODIFICATION OF THOSE PROGRAMS.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.(a)** Article 8 of Chapter 115C of the General Statutes is amended by
14 adding a new section to read:

15 "**§ 115C-81.32. Parents' right to know curriculum and instruction.**

16 (a) Definitions. – For this section, the following definitions shall apply:

17 (1) Parent. – A student's parent or legal guardian.

18 (2) Program. – Any instruction, curricula, or materials intended to impart
19 information or promote discussion or understanding regarding any of the
20 following:

21 a. Reproductive health and safety, as provided in
22 G.S. 115C-81.30(a)(1)-(13).

23 b. Mental and emotional health, as provided in G.S. 115C-81.25(c)(1).

24 c. Growth and development, as provided in G.S. 115C-81.25(c)(9).

25 d. Anti-bullying or anti-harassment.

26 (b) Program Repository. – A local board of education shall maintain a continuous
27 repository of current objectives, entire curricula, texts, and all other materials used in any
28 program as follows:

29 (1) The current objectives, entire curricula, texts, and all other materials used in
30 any program shall be maintained at a central location for in-person review by
31 parents and the public upon request.

32 (2) Electronic copies of the current objectives and names of curricula, texts, or
33 any other materials used in any program shall be posted to the local school
34 administrative unit's Web site for review by parents and the public. The Web
35 site shall also include the curricula, texts, and any other materials used in the



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1 program, including links to any materials available on the publisher's Web
2 site.

3 (3) The local board of education shall add to the central location and electronic
4 repository any objectives, curricula, texts, and other materials that may be
5 proposed for adoption, amendment, or modification, and shall clearly indicate
6 that status while the materials are under consideration.

7 (c) Annual Notice to Parents of Programs. – Each school year, at least 14 days before
8 students participate in a program, a local board of education shall give both written and electronic
9 notice to parents of students participating in that program of the right of parents to review the
10 objectives, complete materials, and entire curriculum of that program in the program repository
11 maintained by the local board of education. The notice shall include the same information
12 provided under subdivision (2) of subsection (e) of this section. The notice shall also inform
13 parents of the local board's policy for participation in these programs, as established in subsection
14 (d) of this section, and provide a form that allows parents to exercise parental rights under that
15 policy.

16 (d) Participation Policies for Programs. – Local boards of education shall adopt policies
17 to provide opportunities either for parents to consent or for parents to withhold their consent to
18 the students' participation in any or all of these programs.

19 (e) Adopting, Amending, or Modifying a Program. – A local board of education shall do
20 the following when adopting, amending, or modifying a program:

21 (1) Prior to adoption of a program, the local board of education shall conduct a
22 public hearing after adequately notifying the public at least 10 days prior to
23 the hearing.

24 (2) The local board of education shall also provide both electronic and written
25 notice to all parents of students in the local school administrative unit of the
26 public hearing and the opportunity to review those materials in the program
27 repository, as provided in subsection (b) of this section, at least 60 days before
28 the public hearing occurs.

29 (3) The notice to parents provided for in subdivision (2) of this subsection shall
30 include the following in both written and electronic form:

31 a. A detailed description of the program's objectives and any proposed
32 changes, including any topics that the local board of education
33 determines that a reasonable parent in that community may wish to
34 examine as to the age appropriateness of the topics.

35 b. All written and audiovisual materials that will be used.

36 c. A link to, or information on how to access, the program repository on
37 the local school administrative unit's Web site, as provided in
38 subsection (b) of this section."

39 **SECTION 1.(b)** G.S. 115C-81.30(c) reads as rewritten:

40 "(e) ~~Parental Review and Consent. – Each school year, before students may participate in~~
41 ~~any portion of (i) a program that pertains to or is intended to impart information or promote~~
42 ~~discussion or understanding in regard to the prevention of sexually transmitted diseases,~~
43 ~~including HIV/AIDS, or to the avoidance of out of wedlock pregnancy or (ii) a reproductive~~
44 ~~health and safety education program, whether developed by the State or by the local board of~~
45 ~~education, the parents and legal guardians of those students shall be given an opportunity to~~
46 ~~review the objectives and materials as provided in G.S. 115C-81.25(d). Local boards of education~~
47 ~~shall adopt policies to provide opportunities either for parents and legal guardians to consent or~~
48 ~~for parents and legal guardians to withhold their consent to the students' participation in any or~~
49 ~~all of these programs."~~

50 **SECTION 1.(c)** No local board of education shall be required to hold a public
51 hearing for any program, as defined in this section, in use prior to the 2019-2020 school year,

1 until that program is amended, modified, or replaced. All local boards of education shall establish
2 a program repository of current programs, as defined in this section, for access to parents prior
3 to the start of the 2019-2020 school year, and shall not implement any program until that program
4 is included in the repository.

5 **SECTION 2.** This act is effective when it becomes law and applies beginning with
6 the 2019-2020 school year.