

# TABLED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 219

AMENDMENT NO. A4  
(to be filled in by  
Principal Clerk)

H219-ATC-71 [v.4]

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Amends Title [YES]  
Fourth Edition

Date \_\_\_\_\_, 2023

Senator Grafstein

1 moves to amend the bill on page 1, line 3, by rewriting that line to read:

2  
3 "SCHOOLS AND NONPUBLIC SCHOOLS THAT ACCEPT OPPORTUNITY  
4 SCHOLARSHIPS, AND TO ESTABLISH RIGHTS OF PARENTS AND STUDENTS FOR  
5 ALL PUBLIC SCHOOL UNITS.";

6  
7 and on page 6, lines 46-47, by inserting the following between those lines:

8  
9 **"PART VII-A. ADDITIONAL REQUIREMENTS FOR CHARTER SCHOOLS AND**  
10 **SCHOOLS THAT ACCEPT OPPORTUNITY SCHOLARSHIPS**

11 **SECTION 7A.1.** If Senate Bill 49, 2023 Regular Session becomes law,  
12 G.S. 115C-76.25 is repealed.

13 **SECTION 7A.2.** If Senate Bill 49, 2023 Regular Session becomes law, Article 7B  
14 of Chapter 115C of the General Statute is amended by adding a new section to read:

15 **"§ 115C-76.26. Parents' bill of rights.**

16 A parent has the right to the following:

- 17 (1) To access and review all education records, as authorized by the federal  
18 Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, relating to his  
19 or her child.
- 20 (2) To make healthcare decisions for his or her child, unless otherwise provided  
21 by law, including Article 1A of Chapter 90 of the General Statutes.
- 22 (3) To have access to transparent data about academic performance data for public  
23 school units and individual schools within those units.
- 24 (4) To have access to information, data, and statistics as to the successes,  
25 shortcomings, or failures of each school his or her child is allowed to attend.
- 26 (5) To know the nutrition facts of his or her child's meals.
- 27 (6) For his or her child to have a fully resourced classroom with the tools and  
28 technology to deliver a sound basic education as required by the North  
29 Carolina Constitution.
- 30 (7) To receive timely notification of information related to his or her child's  
31 health, well-being, and education.



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- 1           (8)    To know of threats to his or her child's safety, whether to the child individually  
2                   or to the school or public school unit as a whole.  
3           (9)    To have his or her child diagnosed and served by the public school unit for  
4                   any learning disabilities that may affect the child's educational outcomes.  
5           (10) To be able to sit in his or her child's class, so long as it is within reasonable  
6                   limits set by the public school unit."

7           **SECTION 7A.3.** If Senate Bill 49, 2023 Regular Session, becomes law, Article 7B  
8 of Chapter 115C of the General Statutes is amended by adding a new Part to read:

9                                   "Part 7. Student Rights.

10          "§ 115C-76.75. Students' bill of rights.

11           A student has the right to the following:

- 12           (1)    A learning environment in which discrimination in all forms is not tolerated  
13                   by the public school unit or school administration, school police or security  
14                   personnel, or students.  
15           (2)    A feeling of safety and comfort at school, including sufficient protections and  
16                   resources for the public school unit and schools within that unit, including  
17                   physical and mental protections for students and staff.  
18           (3)    Teachers and other school personnel who follow special plans that affect the  
19                   student's educational settings, such as individualized educational plans, 504  
20                   plans, and other accommodations.  
21           (4)    Extracurricular and after-school programs, the means and access to these  
22                   programs, and to request new clubs.  
23           (5)    Information, resources, and support to prepare them for life after high school,  
24                   including access to college readiness counselors and vocational counselors.  
25           (6)    A fully resourced classroom with the tools and technology to deliver a sound  
26                   basic education as required by the North Carolina Constitution.  
27           (7)    Affordable and nutritious food, including an option for breakfast and lunch.  
28           (8)    Due process, transparency within the discipline process, and freedom from  
29                   searches of personal property without reasonable cause.  
30           (9)    Access to gang violence prevention, peer-based mediation, and substance  
31                   abuse programs on campus.  
32           (10) To organize, and have the opportunity to organize, themselves and be  
33                   represented by their peers in important school decision-making processes.  
34           (11) Self-representation in meetings of the governing body of the public school  
35                   unit, notification of meeting times and places of the governing body of the  
36                   public school unit and the ability to organize collectively.  
37           (12) Adequate access to and encouragement to use mental health and substance  
38                   abuse services in educational settings and to be given resources to other  
39                   outside mental health and substance abuse services.  
40           (13) Access and the means to participate in school during emergencies, such as an  
41                   epidemic or pandemic, natural disaster, national security threat, or other  
42                   unforeseen event, including access to technology for online learning, mental  
43                   health services, nutritional services, and college or career readiness support.

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1           (14) Access a copy of the public school unit's student bill of rights and to seek  
2           changes to those rights when such changes will improve the learning  
3           environment."  
4

5 **PART VII-B. ADDITIONAL REQUIREMENTS FOR CHARTER SCHOOLS AND**  
6 **SCHOOLS THAT ACCEPT OPPORTUNITY SCHOLARSHIPS**

7           **SECTION 7B.1.** G.S. 115C-218.45(e) reads as rewritten:

8           "(e) Except as otherwise provided by law or the mission of the school as set out in the  
9 charter, the school shall not limit admission to students on the basis of intellectual ability,  
10 measures of achievement or aptitude, or athletic ability, or disability-ability. A charter school  
11 shall not limit admission to students on ~~the basis of race, creed, national origin, religion, or~~  
12 ~~ancestry~~ any basis provided in G.S. 115C-218.55, except as follows:

13           (1) A charter school whose mission is single-sex education may limit admission  
14           on the basis of sex.

15           (2) A charter school whose mission is education for students with disabilities may  
16           limit admission to those with disabilities. Unless the charter school's mission  
17           is education for students with disabilities, a charter school is prohibited from  
18           requesting information related to disability status from any applicant and from  
19           marketing or providing materials on the school's website or to parents that the  
20           charter school cannot serve students with disabilities or that students with  
21           disabilities may better receive services for disabilities at another school for  
22           any reason.

23           (3) A charter school that serves only certain grades may limit admission based on  
24           age.

25           (e1) Within one year after the charter school begins operation, the charter school shall  
26 make efforts for the population of the school to reasonably reflect the racial and ethnic  
27 composition of the general population residing within the local school administrative unit in  
28 which the school is located or the racial and ethnic composition of the special population that the  
29 school seeks to serve residing within the local school administrative unit in which the school is  
30 located. The school shall be subject to any court ordered desegregation plan in effect for the local  
31 school administrative unit."

32           **SECTION 7B.2.** G.S. 115C-218.55 reads as rewritten:

33           "**§ 115C-218.55. Nondiscrimination in charter schools.**

34           (a) A charter school shall not discriminate against any student in admissions or otherwise  
35           on the basis of ethnicity, national origin, gender, or disability-race, color, religion, age, disability,  
36           sex, marital status, familial status, sexual orientation, gender identity, military or veteran status,  
37           or genetic information.

38           (b) A person may bring suit for any violation of this section, discrimination in admissions  
39           as provided in G.S. 115C-218.45(e), and failure to comply with services for students with  
40           disabilities as required by G.S. 115C-218.85(a)(4). A person who successfully asserts a claim  
41           under this section may recover declaratory relief, injunctive relief, reasonable attorneys' fees and  
42           costs, and any other appropriate relief."

43           **SECTION 7.5.(c)** G.S. 115C-218.85(a)(4) reads as rewritten:

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1           "(4) The school is subject to and shall comply with Article 9 of Chapter 115C of  
2           the General ~~Statutes and Statutes~~, The Individuals with Disabilities Education  
3           Improvements Act, 20 U.S.C. § 1400, et seq., (2004), as ~~amended~~amended,  
4           and Section 504 of the Rehabilitation Act of 1973, as amended."

5           **SECTION 7B.3.** G.S. 115C-218.95(a) reads as rewritten:

6           "**§ 115C-218.95. Causes for nonrenewal or termination; disputes.**

7           (a) The State Board of Education may terminate, not renew, or seek applicants to assume  
8           the charter through a competitive bid process established by the State Board upon any of the  
9           following grounds:

- 10           (1) Failure to meet the requirements for student performance contained in the  
11           charter;  
12           (2) Failure to meet generally accepted standards of fiscal management;  
13           (3) Violations of law; law, including violations of G.S. 115C-218.45(e),  
14           G.S. 115C-218.55, and G.S. 115C-218.85(a)(4).  
15           (4) Material violation of any of the conditions, standards, or procedures set forth  
16           in the charter;  
17           (5) Two-thirds of the faculty and instructional support personnel at the school  
18           request that the charter be terminated or not renewed; or  
19           (6) Other good cause identified."

20           **SECTION 7B.4.** G.S. 115C-562.5 reads as rewritten:

21           "**§ 115C-562.5. Obligations of nonpublic schools accepting eligible students receiving**  
22           **scholarship grants.**

23           (a) A nonpublic school that accepts eligible students receiving scholarship grants shall  
24           comply with the following:

- 25           (1) Provide to the Authority documentation for required tuition and fees charged  
26           to the student by the nonpublic school.  
27           (2) Provide to the Authority a criminal background check conducted for the staff  
28           member with the highest decision-making authority, as defined by the bylaws,  
29           articles of incorporation, or other governing document. Information provided  
30           to the Authority in accordance with this subdivision is privileged information  
31           and is not a public record but is for the exclusive use of the Authority.  
32           (3) Provide to the parent or guardian of an eligible student, whose tuition and fees  
33           are paid in whole or in part with a scholarship grant, an annual written  
34           explanation of the student's progress, including the student's scores on  
35           standardized achievement tests.  
36           (4) Administer, at least once in each school year, a nationally standardized test or  
37           other nationally standardized equivalent measurement selected by the chief  
38           administrative officer of the nonpublic school to all eligible students whose  
39           tuition and fees are paid in whole or in part with a scholarship grant enrolled  
40           in grades three and higher. For grades three through eight, the nationally  
41           standardized test or other equivalent measurement selected must measure  
42           achievement in the areas of English grammar, reading, spelling, and  
43           mathematics. For grades nine through 12, the nationally standardized test or

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- 1 other equivalent measurement selected must measure either (i) achievement  
2 in the areas of English grammar, reading, spelling, and mathematics or (ii)  
3 competencies in the verbal and quantitative areas. Test performance data shall  
4 be submitted to the Authority by July 15 of each year. Test performance data  
5 reported to the Authority under this subdivision is not a public record under  
6 Chapter 132 of the General Statutes.
- 7 (5) Provide to the Authority graduation rates of the students receiving scholarship  
8 grants in a manner consistent with nationally recognized standards.
- 9 (6) Contract with a certified public accountant to perform a financial review,  
10 consistent with generally accepted accounting principles, for each school year  
11 in which the school enrolls 70 or more students receiving scholarship grants  
12 or scholarship funds awarded by the Authority.
- 13 (7) Not discriminate on the basis of ethnicity, national origin, gender, race, color,  
14 religion, age, disability, sex, marital status, familial status, sexual orientation,  
15 gender identity, military or veteran status, or genetic information. A nonpublic  
16 school may limit admissions on the basis of sex if the school only serves a  
17 single sex, and may limit admission on age based on the grades provided by  
18 the school.
- 19 (8) Admit students with disabilities. A nonpublic school shall not request  
20 information related to disability status from any applicant or market or provide  
21 materials on the school's website or to parents that the nonpublic school cannot  
22 serve students with disabilities or that students with disabilities may better  
23 receive services for disabilities at another school for any reason. A nonpublic  
24 school whose mission is education for students with disabilities may limit  
25 admission to those with disabilities.
- 26 (9) Comply with Article 9 of Chapter 115C of the General Statutes, The  
27 Individuals with Disabilities Education Improvements Act, 20 U.S.C. § 1400,  
28 et seq., (2004), as amended, and Section 504 of the Rehabilitation Act of 1973,  
29 as amended.
- 30 (b) A nonpublic school that accepts students receiving scholarship grants shall not require  
31 any additional fees based on the status of the student as a scholarship grant recipient.
- 32 (c) A nonpublic school enrolling more than 25 students whose tuition and fees are paid  
33 in whole or in part with a scholarship grant shall report to the Authority on the aggregate  
34 standardized test performance of eligible students. Aggregate test performance data reported to  
35 the Authority which does not contain personally identifiable student data shall be a public record  
36 under Chapter 132 of the General Statutes. Test performance data may be shared with public or  
37 private institutions of higher education located in North Carolina and shall be provided to an  
38 independent research organization selected by the Authority for research purposes as permitted  
39 by the Federal Education Rights and Privacy Act, 20 U.S.C. § 1232g.
- 40 ~~(c1) A nonpublic school shall not discriminate with respect to the categories listed in 42~~  
41 ~~U.S.C. § 2000d, as that statute read on January 1, 2014.~~
- 42 (d) If the Authority determines that a nonpublic school is not in compliance with the  
43 requirements of this section, including subdivisions (7), (8), and (9) of subsection (a) of this

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1 section, the nonpublic school shall be ineligible to receive future scholarship funds. The  
2 nonpublic school shall notify the parent or guardian of any enrolled student receiving a  
3 scholarship grant that the nonpublic school is no longer eligible to receive future scholarship  
4 grants. The Authority shall establish by rule a process for a nonpublic school to appeal for  
5 reconsideration of eligibility after one year. To ensure compliance, the Board of Directors of the  
6 Authority shall review the criminal history provided under subdivision (2) of subsection (a) of  
7 this section to ensure that the person has not been convicted of any crime listed in G.S. 115C-332.  
8 The Board shall determine through this review whether the nonpublic school is noncompliant  
9 with this section. The Board shall make written findings with regard to how the criminal history  
10 information was used when making the compliance determination. The Board of Directors may  
11 delegate any of the duties in this subsection to the Executive Director of the Authority. As part  
12 of its review, the Board shall determine whether the results indicate that the staff member has  
13 any of the following disqualifying characteristics:  
14           (1)   Poses a threat to the physical safety of students or personnel.  
15           (2)   Demonstrates that he or she does not have the integrity or honesty to fulfill his  
16                   or her duties in overseeing State funds and the requirements of the scholarship  
17                   grant program.  
18           (3)   Has not fully satisfied the criminal sentencing obligations imposed following  
19                   his or her conviction by a court of competent jurisdiction.  
20       (e)   A person may bring suit for any violation of the requirements of subdivisions (7), (8),  
21 and (9) of subsection (a) of this section. A person who successfully asserts a claim under this  
22 subsection may recover declaratory relief, injunctive relief, reasonable attorneys' fees and costs,  
23 and any other appropriate relief." .

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_