Amends Title [YES]  Date ___________________________ . 2023

Fourth Edition

Senator Grafstein

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

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

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

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

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 If Senate Bill 49, 2023 Regular Session becomes law, G.S. 115C-76.25 is repealed.

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

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

A parent has the right to the following:

(1) To access and review all education records, as authorized by the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, relating to his or her child.

(2) To make healthcare decisions for his or her child, unless otherwise provided by law, including Article 1A of Chapter 90 of the General Statutes.

(3) To have access to transparent data about academic performance data for public school units and individual schools within those units.

(4) To have access to information, data, and statistics as to the successes, shortcomings, or failures of each school his or her child is allowed to attend.

(5) To know the nutrition facts of his or her child's meals.

(6) For his or her child to have a fully resourced classroom with the tools and technology to deliver a sound basic education as required by the North Carolina Constitution.

(7) To receive timely notification of information related to his or her child's health, well-being, and education."
(8) To know of threats to his or her child’s safety, whether to the child individually or to the school or public school unit as a whole.

(9) To have his or her child diagnosed and served by the public school unit for any learning disabilities that may affect the child's educational outcomes.

(10) To be able to sit in his or her child's class, so long as it is within reasonable limits set by the public school unit."

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

"Part 7. Student Rights.

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

A student has the right to the following:

(1) A learning environment in which discrimination in all forms is not tolerated by the public school unit or school administration, school police or security personnel, or students.

(2) A feeling of safety and comfort at school, including sufficient protections and resources for the public school unit and schools within that unit, including physical and mental protections for students and staff.

(3) Teachers and other school personnel who follow special plans that affect the student's educational settings, such as individualized educational plans, 504 plans, and other accommodations.

(4) Extracurricular and after-school programs, the means and access to these programs, and to request new clubs.

(5) Information, resources, and support to prepare them for life after high school, including access to college readiness counselors and vocational counselors.

(6) A fully resourced classroom with the tools and technology to deliver a sound basic education as required by the North Carolina Constitution.

(7) Affordable and nutritious food, including an option for breakfast and lunch.

(8) Due process, transparency within the discipline process, and freedom from searches of personal property without reasonable cause.

(9) Access to gang violence prevention, peer-based mediation, and substance abuse programs on campus.

(10) To organize, and have the opportunity to organize, themselves and be represented by their peers in important school decision-making processes.

(11) Self-representation in meetings of the governing body of the public school unit, notification of meeting times and places of the governing body of the public school unit and the ability to organize collectively.

(12) Adequate access to and encouragement to use mental health and substance abuse services in educational settings and to be given resources to other outside mental health and substance abuse services.

(13) Access and the means to participate in school during emergencies, such as an epidemic or pandemic, natural disaster, national security threat, or other unforeseen event, including access to technology for online learning, mental health services, nutritional services, and college or career readiness support.
(14) Access a copy of the public school unit’s student bill of rights and to seek changes to those rights when such changes will improve the learning environment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Provide to the Authority documentation for required tuition and fees charged to the student by the nonpublic school.
(2) Provide to the Authority a criminal background check conducted for the staff member with the highest decision-making authority, as defined by the bylaws, articles of incorporation, or other governing document. Information provided to the Authority in accordance with this subdivision is privileged information and is not a public record but is for the exclusive use of the Authority.
(3) Provide to the parent or guardian of an eligible student, whose tuition and fees are paid in whole or in part with a scholarship grant, an annual written explanation of the student's progress, including the student's scores on standardized achievement tests.
(4) Administer, at least once in each school year, a nationally standardized test or other nationally standardized equivalent measurement selected by the chief administrative officer of the nonpublic school to all eligible students whose tuition and fees are paid in whole or in part with a scholarship grant enrolled in grades three and higher. For grades three through eight, the nationally standardized test or other equivalent measurement selected must measure achievement in the areas of English grammar, reading, spelling, and mathematics. For grades nine through 12, the nationally standardized test or
other equivalent measurement selected must measure either (i) achievement
in the areas of English grammar, reading, spelling, and mathematics or (ii)
competencies in the verbal and quantitative areas. Test performance data shall
be submitted to the Authority by July 15 of each year. Test performance data
reported to the Authority under this subdivision is not a public record under
Chapter 132 of the General Statutes.

(5) Provide to the Authority graduation rates of the students receiving scholarship
grants in a manner consistent with nationally recognized standards.

(6) Contract with a certified public accountant to perform a financial review,
consistent with generally accepted accounting principles, for each school year
in which the school enrolls 70 or more students receiving scholarship grants
or scholarship funds awarded by the Authority.

(7) Not discriminate on the basis of ethnicity, national origin, gender, race, color,
religion, age, disability, sex, marital status, familial status, sexual orientation,
gender identity, military or veteran status, or genetic information. A nonpublic
school may limit admissions on the basis of sex if the school only serves a
single sex, and may limit admission on age based on the grades provided by
the school.

(8) Admit students with disabilities. A nonpublic school shall not request
information related to disability status from any applicant or market or provide
materials on the school’s website or to parents that the nonpublic school cannot
serve students with disabilities or that students with disabilities may better
receive services for disabilities at another school for any reason. A nonpublic
school whose mission is education for students with disabilities may limit
admission to those with disabilities.

(9) Comply with Article 9 of Chapter 115C of the General Statutes, The
Individuals with Disabilities Education Improvements Act, 20 U.S.C. § 1400,
et seq., (2004), as amended, and Section 504 of the Rehabilitation Act of 1973,
as amended.

(b) A nonpublic school that accepts students receiving scholarship grants shall not require
any additional fees based on the status of the student as a scholarship grant recipient.

(c) A nonpublic school enrolling more than 25 students whose tuition and fees are paid
in whole or in part with a scholarship grant shall report to the Authority on the aggregate
standardized test performance of eligible students. Aggregate test performance data reported to
the Authority which does not contain personally identifiable student data shall be a public record
under Chapter 132 of the General Statutes. Test performance data may be shared with public or
private institutions of higher education located in North Carolina and shall be provided to an
independent research organization selected by the Authority for research purposes as permitted

(e) A nonpublic school shall not discriminate with respect to the categories listed in 42

(d) If the Authority determines that a nonpublic school is not in compliance with the
requirements of this section, including subdivisions (7), (8), and (9) of subsection (a) of this
section. the nonpublic school shall be ineligible to receive future scholarship funds. The
nonpublic school shall notify the parent or guardian of any enrolled student receiving a
scholarship grant that the nonpublic school is no longer eligible to receive future scholarship
grants. The Authority shall establish by rule a process for a nonpublic school to appeal for
reconsideration of eligibility after one year. To ensure compliance, the Board of Directors of the
Authority shall review the criminal history provided under subdivision (2) of subsection (a) of
this section to ensure that the person has not been convicted of any crime listed in G.S. 115C-332.
The Board shall determine through this review whether the nonpublic school is noncompliant
with this section. The Board shall make written findings with regard to how the criminal history
information was used when making the compliance determination. The Board of Directors may
delegate any of the duties in this subsection to the Executive Director of the Authority. As part
of its review, the Board shall determine whether the results indicate that the staff member has
any of the following disqualifying characteristics:

(1) Poses a threat to the physical safety of students or personnel.
(2) Demonstrates that he or she does not have the integrity or honesty to fulfill his
or her duties in overseeing State funds and the requirements of the scholarship
grant program.
(3) Has not fully satisfied the criminal sentencing obligations imposed following
his or her conviction by a court of competent jurisdiction.

(e) A person may bring suit for any violation of the requirements of subdivisions (7), (8),
and (9) of subsection (a) of this section. A person who successfully asserts a claim under this
subsection may recover declaratory relief, injunctive relief, reasonable attorneys’ fees and costs,
and any other appropriate relief.".