

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 1043
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30536-NGa-136A

Short Title: CHCCS Act.

(Public)

Sponsors: Representative B. Jones.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND PUBLIC SCHOOL UNIT REQUIREMENTS REGARDING CERTAIN PARENTAL RIGHTS, TO PROVIDE FOR CERTAIN REMEDIES AND COMPLIANCE ACTIONS FOR VIOLATIONS OF ARTICLE 7B OF CHAPTER 115C OF THE GENERAL STATUTES, TO PROVIDE FOR GENERAL ASSEMBLY ACCESS TO SCHOOL PERSONNEL RECORDS, TO ADD A RESPONSIBILITY FOR THE STATE AUDITOR TO CONDUCT INVESTIGATIONS INTO VIOLATIONS OF ARTICLE 7B OF CHAPTER 115C OF THE GENERAL STATUTES BY PUBLIC SCHOOL UNITS, AND TO APPROPRIATE FUNDS FOR THOSE PURPOSES.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1. This act shall be known and may be cited as the Curriculum Honesty, Compliance, and Child Safety (CHCCS) Act.

PART II. AMEND PUBLIC SCHOOL UNIT REQUIREMENTS

SECTION 2.1. G.S. 115C-76.25(a) is amended by adding the following new subdivisions to read:

"(13) The right to consent to official changes to their child's name, gender designation, or identity within school records. The school shall not change these without first receiving consent from a parent.

(14) The right to access the educational records, as defined in 20 U.S.C. § 1232g, of their child. These include counseling records, intervention records, behavioral and support plans, and communications with third parties regarding the student."

SECTION 2.2. G.S. 115C-76.45(a) reads as rewritten:

"(a) The governing body of a public school unit shall adopt procedures to notify a parent of the following:

(1) At the beginning of each school year, notice of each health care service offered at his or her child's school and the means for the parent to provide consent for any specific service. 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 his or her child's services or monitoring.

(2) At the beginning of each school year, procedures to exercise the parental remedies provided by G.S. 115C-76.60.



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- 1 (3) Prior to administration to students in kindergarten through third grade, a copy
 2 of any student well-being questionnaire or health screening form and the
 3 means for the parent to consent to the use of the questionnaire or form for his
 4 or her child.
- 5 (4) Prior to or contemporaneous with changes, notice of changes in services or
 6 monitoring related to his or her child's mental, emotional, or physical health
 7 or well-being and the school's ability to provide a safe and supportive learning
 8 environment for that child.
- 9 (5) Prior to any changes in the name or pronoun used for a student in school
 10 records or by school personnel, notice to the parent of the ~~change~~change and
 11 receive parental consent for the change pursuant to G.S. 115C-76.25(a)(13).
 12 The following are examples of changes in name use by school personnel:
- 13 a. Teacher or administrator, by request of the student, calls a student by
 14 a name other than the student's first or middle name.
- 15 b. Teacher or administrator uses a name other than the student's first or
 16 middle name on any certificate, award, or other document.
- 17 (6) Prior to the school taking action involving sensitive matters related to the
 18 child, schools shall provide written notice to parents of the sensitive matter.
 19 The following is a nonexhaustive list of sensitive matters related to a child:
- 20 a. The child receiving counseling services related to the student's
 21 sexuality or gender identity.
- 22 b. Referral to outside service providers related to the following:
- 23 1. Mental health of the student.
- 24 2. Emotional well-being of the student.
- 25 3. Sexuality or gender identity of the student.
- 26 c. Classroom or school-wide discussions regarding gender identity."

27 **SECTION 2.3.** G.S. 115C-76.55 reads as rewritten:

28 **"§ 115C-76.55. Age-appropriate instruction for grades kindergarten through fourth grade.**

29 Instruction on gender identity, sexual activity, or sexuality shall not be included in the
 30 curriculum provided in grades kindergarten through fourth grade, regardless of whether the
 31 information is provided by school personnel or third parties. For the purposes of this section,
 32 curriculum includes (i) the standard course of study and support materials, (ii) locally developed
 33 curriculum, (iii) supplemental instruction, (iv) any electronic, print, or non-print resources for
 34 independent use by students and school personnel and not used as part of the standard course of
 35 study for any grade or course, and (v) textbooks and other supplementary materials, but does not
 36 include responses to student-initiated questions. Teachers teaching students in kindergarten
 37 through fourth grade shall not use any third-party resources for instruction, including
 38 instructional materials, supplementary materials, or websites, except those provided by the public
 39 school unit."

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 41 **PART III. REMEDIES AND COMPLIANCE ACTIONS FOR VIOLATIONS OF**
 42 **ARTICLE 7B OF CHAPTER 115C OF THE GENERAL STATUTES**

43 **SECTION 3.1.** Article 7B of Chapter 115C of the General Statutes is amended by
 44 adding a new Part to read:

45 "Part 2. Legal Remedies.

46 **"§ 115C-76.10. Remedies for violations of this Part.**

47 (a) Civil Remedies. – In addition to any other remedies or procedures provided by law,
 48 for any violation of this Article, a parent may bring a cause of action against the public school
 49 unit for any of the following forms of relief:

- 50 (1) Declaratory relief.
- 51 (2) Injunctive relief.

1 (3) Damages of five thousand dollars (\$5,000) per violation.

2 (4) Reasonable attorneys' fees and costs.

3 (5) Any other appropriate relief as determined by the court.

4 (b) Exhaustion of Administrative Remedies. – Prior to filing a legal challenge pursuant
5 to subsection (a) of this section, a parent shall exhaust all administrative remedies available
6 pursuant to this Chapter."

7 **SECTION 3.2.(a)** Article 7B of Chapter 115C of the General Statutes is amended
8 by adding a new Part to read:

9 "Part 10. Investigative Authority and Public School Unit Accountability.

10 **§ 115C-76.150. Authority to investigate violations of this Article.**

11 (a) The following entities may conduct independent investigations into noncompliance
12 with this Article:

13 (1) The Department of Public Instruction.

14 (2) The Office of the State Auditor.

15 (b) An entity referenced in subsection (a) of this section may perform any of the following
16 functions as part of an independent investigation pursuant to subsection (a) of this section:

17 (1) Conduct audits.

18 (2) Review public school unit policies and records, not including student
19 information protected pursuant to the Family Educational Rights and Privacy
20 Act (FERPA), 20 U.S.C. § 1232g.

21 (3) Interview personnel employed by the public school unit, including
22 contractors, temporary, or interim employees.

23 (4) Issue formal findings of noncompliance with this Article.

24 (c) A formal finding by an entity referenced in subsection (a) of this section of
25 noncompliance with this Article triggers the accountability measures provided in
26 G.S. 115C-76.155. Concurrence by another entity referenced in subsection (a) of this section is
27 not required.

28 **§ 115C-76.155. Public school unit accountability measures.**

29 Upon a formal finding by an entity referenced in subsection (a) of G.S. 115C-76.150 of
30 noncompliance with this Article by a public school unit, the following shall occur:

31 (1) The entity that issued the formal finding of noncompliance shall issue notice
32 to the following entities:

33 a. The noncompliant public school unit.

34 b. Each other entity referenced in subsection (a) of G.S. 115C-76.150.

35 c. The State Board of Education.

36 d. The Joint Legislative Education Oversight Committee.

37 e. The Joint Legislative Commission on Governmental Operations.

38 (2) The noncompliant public school unit has a cure period of 45 days from the
39 date that the formal finding of noncompliance is received by the noncompliant
40 public school unit during which the public school unit shall take steps to cure
41 its noncompliance, as stated in the formal finding issued pursuant to
42 G.S. 115C-76.150. The State Auditor may grant a single 30-day extension to
43 the cure period upon submission by the public school unit of evidence of
44 substantial progress toward a cure of the noncompliance to the State Auditor.
45 For purposes of this section, "cure" means submitting documented evidence
46 demonstrating corrective action for each instance of noncompliance found
47 during investigations conducted pursuant to G.S. 115C-76.150. The following
48 is a nonexhaustive list of types of evidence that may be submitted to the State
49 Auditor as proof of cure:

50 a. Revised public school unit policies that correct any policies that are
51 noncompliant with this Article.

- 1 b. Resolutions or minutes adopted by the governing body of a public
2 school unit showing it has corrected all instances of noncompliance
3 with this Article.
4 c. Updated public-facing materials that are compliant with this Article.
5 d. Training records that show faculty and staff have been trained in a
6 manner compliant with this Article.
7 e. Evidence of the removal of any of the following that are noncompliant
8 with this Article:
9 1. Support material.
10 2. Locally developed curriculum.
11 3. Supplemental instruction.
12 4. Electronic, print, or non-print resource for independent use by
13 students and school personnel and not used as part of the
14 standard course of study for any grade or course, whether held
15 in a formal school library or in a classroom.
16 5. Textbook or other supplementary material.
17 f. Affidavit submitted under penalty of perjury by the superintendent that
18 all actions listed in this subdivision have been completed.

19 (3) The State Auditor shall review any evidence of cure submitted pursuant to
20 subdivision (2) of this section within 30 days of receipt. The State Auditor
21 shall make a determination as to whether a noncompliant public school unit
22 has made sufficient changes to comply with this Article based on any evidence
23 of cure submitted by the public school unit. If a public school unit does not
24 submit evidence of cure prior to the end of the cure period, the State Auditor
25 shall issue a determination that the public school unit has not made sufficient
26 changes to be compliant with this Article. A determination that the public
27 school unit has not made sufficient changes to be compliant with this Article
28 by the end of the cure period pursuant to subdivision (2) of this section shall
29 lead to the withholding of State funds pursuant to subdivision (4) of this
30 section. The State Auditor shall send notice of the determination to the
31 following entities:

- 32 a. The Department of Public Instruction.
33 b. The Joint Legislative Education Oversight Committee.
34 c. The Joint Legislative Commission on Governmental Operations.
35 d. If the noncompliant public school unit is a local school administrative
36 unit, regional school, or laboratory school, the superintendent of the
37 public school unit, as defined in G.S. 115C-76.1.
38 e. If the noncompliant public school unit is a residential school, the
39 superintendent of the residential school, as defined in G.S. 115C-76.1,
40 and the Director of the Budget.

41 (4) Beginning with the end of the cure period, upon a determination by the State
42 Auditor that a noncompliant public school unit has not made sufficient
43 changes to be compliant with this Article, the entity responsible for allocating
44 funds to the public school unit shall withhold from the noncompliant public
45 school unit funding, or assess administrative penalties equivalent to the
46 amount to be withheld, until the State Auditor determines that the public
47 school unit is no longer noncompliant and provides notice to the entity.
48 Funding shall be withheld as follows:

- 49 a. For a local school administrative unit, funds from the central office
50 administration allotment.

b. For a charter school, regional school, or laboratory school, an amount equal to the per pupil equivalent of the central office administration allotment allocated to the school from the local school administrative unit in which the charter school, regional school, or laboratory school is located for each child enrolled in the charter school, regional school, or laboratory school.

c. For a residential school operating under Article 9C of this Chapter, upon receipt of notice from the State Board that a residential school is noncompliant with this Article pursuant to subdivision (3) of this section, the Director of the Budget shall withhold from the residential school the percentage of funds allocated to the residential school equivalent to the percentage of State funds received by the local school administrative unit where the residential school is located from the central office administration allotment when compared to the total amount of State funds received by the local school administrative unit where the residential school is located.

(5) A public school unit may continue to submit evidence of cure to the State Auditor to show sufficient changes to be compliant with this Article beyond the cure period. The State Auditor shall continue to evaluate evidence of cure submitted by a public school unit until the State Auditor makes a determination that the public school unit is compliant with this Article.

(6) Upon a determination by the State Auditor that a noncompliant public school unit has made sufficient changes to be compliant with this Article after the end of the cure period, any funds withheld shall be released to the public school unit and any administrative penalties assessed shall be forgiven."

SECTION 3.2.(b) G.S. 115C-218.105(a2) reads as rewritten:

"(a2) The State Board shall withhold or reduce distribution of funds to a charter school if any of the following applies:

...
 (4) An entity submits a formal finding of noncompliance with Article 7B of this Chapter by the charter school pursuant to G.S. 115C-76.150 and the charter school does not provide sufficient evidence of cure to the State Auditor during the cure period pursuant to G.S. 115C-76.155(2) resulting in the State Auditor determining that the charter school is noncompliant pursuant to G.S. 115C-76.155(3)."

PART IV. GENERAL ASSEMBLY ACCESS TO SCHOOL PERSONNEL RECORDS

SECTION 4. G.S. 115C-321(a) reads as rewritten:

"§ 115C-321. Confidential information in personnel files; access to information.

(a) All information contained in a personnel file, except as otherwise provided in this Chapter, is confidential and shall not be open for inspection and examination except to any of the following persons:

...
 (7) The General Assembly or any committee of the General Assembly upon issuance of a subpoena by the General Assembly or any committee of the General Assembly for the personnel file."

PART V. RESPONSIBILITIES OF STATE AUDITOR

SECTION 5. G.S. 147-64.6(c) is amended by adding the following new subdivisions to read:

- 1 "(25) The Auditor may make independent investigations of public school units for
- 2 compliance with Article 7B of Chapter 115C of the General Statutes pursuant
- 3 to G.S. 115C-76.150.
- 4 (26) The Auditor shall perform the duties required by G.S. 115C-76.155."
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6 **PART VI. APPROPRIATIONS**

7 **SECTION 6.** There is appropriated from the General Fund to the Department of
8 Public Instruction the sum of ten thousand dollars (\$10,000) in nonrecurring funds for the
9 2026-2027 fiscal year to implement the provisions of this act.

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11 **PART VII. EFFECTIVE DATE**

12 **SECTION 7.** This act becomes effective July 1, 2026.