

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 90
Education/Higher Education Committee Substitute Adopted 3/15/23
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PROPOSED HOUSE COMMITTEE SUBSTITUTE S90-CSTC-55 [v.6]
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Short Title: Children's Laws Omnibus.

(Public)

Sponsors:

Referred to:

February 13, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO LAWS RELATED TO CHILDREN.
3 The General Assembly of North Carolina enacts:

4
5 **PART I: SEARCHES OF STUDENTS**

6 **SECTION 1.(a)** Article 27 of Chapter 115C of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 115C-391.2. Searches of students.**

9 (a) Policies adopted by governing bodies of public school units governing searches of a
10 student's person or property shall be consistent with the provisions of this Article and the
11 constitutions, statutes, and regulations of the United States and the State of North Carolina. All
12 searches performed by school officials in accordance with the policies shall be executed using
13 methods that are narrowly tailored to be minimally intrusive while investigating the suspected
14 activity. If a student is searched, the principal shall notify the student's parent the same day the
15 search is performed.

16 (b) Each policy adopted by a governing body of a public school unit in accordance with
17 subsection (a) of this section shall require that searches of a student's person are conducted in
18 private by one school official and one adult witness, both of whom shall be the same sex as the
19 student. The policy may provide an exception to this requirement for searches conducted using a
20 walk-through metal detector, handheld wand, or other similar minimally intrusive device
21 designed to detect weapons and regularly used for security scanning."

22 **SECTION 1.(b)** This section is effective when it becomes law and applies beginning
23 with the 2023-2024 school year.

24
25 **PART II. REVISE SCHOOL DISCIPLINE POLICIES**

26 **SECTION 2.(a)** G.S. 115C-390.2 reads as rewritten:

27 **"§ 115C-390.2. Discipline policies.**

28 (a) Governing bodies of public school units, in consultation with teachers, school-based
29 administrators, parents, and local law enforcement agencies, shall adopt policies to govern the
30 conduct of students and establish procedures to be followed by school officials in disciplining
31 students. These policies must be consistent with the provisions of this Article and the
32 constitutions, statutes, and regulations of the United States and the State of North Carolina.

33 (a1) Governing bodies shall use best practices to develop and enforce discipline policies
34 that do not discriminate against students on the basis of race, ethnicity, national origin, gender,



1 or disability. In adopting these policies, governing bodies of public school units shall consider
 2 any existing federal guidance for the discipline of students with disabilities as well as other
 3 guidance on school discipline practices issued by the United States Department of Education.

4 ...

5 (f) Governing body policies shall minimize the use of long-term suspension and
 6 expulsion by restricting the availability of long-term suspension or expulsion to those violations
 7 deemed to be serious violations of the governing body's Code of Student Conduct that either
 8 threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the
 9 educational environment. ~~Examples of conduct that would not be deemed to be a serious violation~~
 10 ~~include the use of inappropriate or disrespectful language, noncompliance with a staff directive,~~
 11 ~~dress code violations, and minor physical altercations that do not involve weapons or injury.~~ The
 12 principal may, however, in his or her discretion, determine that aggravating circumstances justify
 13 treating a minor violation as a serious violation.

14 ...

15 (h1) Governing body policies shall include the measures that will be taken to support a
 16 student during a suspension, including measures to mitigate learning loss.

17 (h2) Governing body policies shall include the procedures to be followed by school
 18 officials when assigning a student to in-school suspension. School officials are encouraged to use
 19 in-school suspension over punishment that removes a student from the school building.

20"

21 **SECTION 2.(b)** G.S. 115C-390.2(j) is repealed.

22 **SECTION 2.(c)** G.S. 115C-390.5(b) is repealed.

23 **SECTION 2.(d)** This section is effective when it becomes law and applies beginning
 24 January 1, 2024. G.S. 115C-390.2, as amended by this section, applies to material changes made
 25 to policies established prior to January 1, 2024, and to new policies established on or after January
 26 1, 2024.

27 **PART III: STANDARD COURSE OF STUDY ADVISORY COMMISSION**

28 **SECTION 3.(a)** G.S. 115C-12(9c) reads as rewritten:

29 "(9c) Power to Develop Content Standards. – The Board shall adopt the standard
 30 course of study as provided in Part 1 of Article 8 of this Chapter.

31 a. ~~The Board shall develop a comprehensive plan to revise content~~
 32 ~~standards and the standard course of study in the core academic areas~~
 33 ~~of reading, writing, mathematics, science, history, geography, and~~
 34 ~~civics. The Board shall involve and survey a representative sample of~~
 35 ~~parents, teachers, and the public to help determine academic content~~
 36 ~~standard priorities and usefulness of the content standards. A full~~
 37 ~~review of available and relevant academic content standards that are~~
 38 ~~rigorous, specific, sequenced, clear, focused, and measurable,~~
 39 ~~whenever possible, shall be a part of the process of the development~~
 40 ~~of content standards. The revised content standards developed in the~~
 41 ~~core academic areas shall (i) reflect high expectations for students and~~
 42 ~~an in-depth mastery of the content; (ii) be clearly grounded in the~~
 43 ~~content of each academic area; (iii) be defined grade by grade and~~
 44 ~~course by course; (iv) be understandable to parents and teachers; (v)~~
 45 ~~be developed in full recognition of the time available to teach the core~~
 46 ~~academic areas at each grade level; and (vi) be measurable, whenever~~
 47 ~~possible, in a reliable, valid, and efficient manner for accountability~~
 48 ~~purposes.~~

49 b. ~~High school course content standards shall include the knowledge and~~
 50 ~~skills necessary to pursue further postsecondary education or to attain~~
 51

1 employment in the 21st century economy. The high school course
 2 content standards also shall be aligned with the minimum
 3 undergraduate course requirements for admission to the constituent
 4 institutions of The University of North Carolina.

- 5 e. ~~The Board also shall develop and implement an ongoing process to
 6 align State programs and support materials with the revised academic
 7 content standards for each core academic area on a regular basis.
 8 Alignment shall include revising textbook criteria, support materials,
 9 State tests, teacher and school administrator preparation, and ongoing
 10 professional development programs to be compatible with content
 11 standards. The Board shall develop and make available to teachers and
 12 parents support materials, including teacher and parent guides, for
 13 academic content standards. The State Board of Education shall work
 14 in collaboration with the Board of Governors of The University of
 15 North Carolina to ensure that teacher and school administrator degree
 16 programs, ongoing professional development, and other university
 17 activity in the State's public schools align with the State Board's
 18 priorities."~~

19 **SECTION 3.(b)** G.S. 115C-81.5 reads as rewritten:

20 **"§ 115C-81.5. Standard course of study.**

21 (a) All children can learn. It is the intent of the General Assembly that the mission of the
 22 public school community is to challenge with high expectations each child to learn, to achieve,
 23 and to fulfill his or her potential. With that mission as its guide, the State Board of Education
 24 shall adopt a plan of education and a standard course of study as provided in ~~G.S. 115C-12(9e)~~
 25 this Part for the public schools of the State. It is the intent of the General Assembly that the focus
 26 of State educational funding shall be to ensure that each student receives a sound basic education.
 27 It is further a goal of the General Assembly to provide supplemental funds to low-wealth counties
 28 to allow those counties to enhance the instructional program and student achievement. Instruction
 29 shall be offered in the areas of arts, communication skills, physical education and personal health
 30 and safety, mathematics, media and computer skills, science, second languages, social studies,
 31 and career and technical education. In addition, instruction shall be offered in all of the areas
 32 provided in this Part.

33 (b) The standard course of study shall provide all of the following:

- 34 (1) A core curriculum for all students that takes into account the special needs of
 35 children.
 36 (2) A set of competencies, by grade level, for each curriculum area.
 37 (3) A list of textbooks for use in providing the curriculum.
 38 (4) Standards for student performance and promotion based on the mastery of
 39 competencies, including standards for graduation, that take into account
 40 children with disabilities and, in particular, include appropriate modifications.
 41 (5) A program of remedial education.
 42 (6) Required support programs.
 43 (7) A definition of the instructional day.
 44 (8) Class size recommendations and requirements.
 45 (9) Prescribed staffing allotment ratios.
 46 (10) Material and equipment allotment ratios.
 47 (11) Facilities guidelines that reflect educational program appropriateness,
 48 long-term cost efficiency, and safety considerations.
 49 (12) Any other information the Board considers appropriate and necessary."

50 **SECTION 3.(c)** Article 8 of Chapter 115C of the General Statutes is amended by
 51 adding a new section to read:

1 "§ 115C-81.6. SCOS Commission.

2 (a) There is established the Standard Course of Study Advisory Commission, hereinafter
3 referred to as the SCOS Commission. The purpose of the Commission is to involve stakeholders
4 in establishing the standard course of study. The Commission shall make recommendations
5 regarding all aspects of the standards and competencies of the standard course of study.

6 (b) The Commission shall be located administratively in the Department of Public
7 Instruction but shall exercise all of its powers and duties independently of the Department of
8 Public Instruction.

9 (c) The Commission shall consist of the following members:

10 (1) The General Assembly, upon the recommendation of the President Pro
11 Tempore of the Senate, shall appoint the following six members:

12 a. One superintendent of a public school unit with a student population
13 greater than 20,000 at the time of appointment.

14 b. One principal of an elementary school.

15 c. One high school teacher.

16 d. One elementary school teacher.

17 e. One parent of a student in middle or high school enrolled in a public
18 school unit at the time of appointment.

19 f. One curriculum specialist from a public school unit with a student
20 population of 20,000 or less at the time of appointment.

21 (2) The General Assembly, upon the recommendation of the Speaker of the House
22 of Representatives, shall appoint the following six members:

23 a. One superintendent of a public school unit with a student population
24 of 20,000 or less at the time of appointment.

25 b. One principal of a high school.

26 c. One principal of a middle school.

27 d. One middle school teacher.

28 e. One parent of a student in elementary school enrolled in a public
29 school unit at the time of appointment.

30 f. One curriculum specialist from a public school unit with a student
31 population of greater than 20,000 at the time of appointment.

32 (3) The Governor shall appoint the following six members:

33 a. Two members of the business community.

34 b. Four at-large members.

35 (4) The Superintendent of Public Instruction or his or her designee.

36 (5) The President of the North Carolina Community College System, or the
37 President's designee, as a nonvoting member.

38 (6) The President of The University of North Carolina, or the President's
39 designee, as a nonvoting member.

40 (7) The President of the North Carolina Chamber, or the President's designee, as
41 a nonvoting member.

42 (d) In making appointments to the Commission, appointing authorities are encouraged to
43 select qualified citizens who are committed to improving the standard course of study and student
44 achievement and who represent the racial, geographic, and gender diversity of the State.
45 Vacancies in the membership shall be filled for the remainder of the term of office by the
46 appointing authority using the same criteria as provided in subsection (c) of this section.
47 Vacancies in membership appointed by the General Assembly shall be filled as provided in
48 G.S. 120-122.

49 (e) Members of the Commission shall serve four-year terms of office beginning on July
50 1. No appointed member shall serve more than eight consecutive years.

1 (f) The Commission shall elect a chair, a vice-chair, and a secretary from among its
2 membership. In the absence of the chair, the vice-chair shall preside over the Commission's
3 meetings. All members are voting members and a majority of the Commission constitutes a
4 quorum. The Commission shall adopt rules to govern its proceedings.

5 (g) Meetings of the Commission shall be held upon the call of the chair or the vice-chair
6 in the absence of the chair. The Superintendent shall call the initial meeting of the Commission.

7 (h) Members of the Commission shall receive compensation for their services and
8 reimbursement for expenses incurred in the performance of their duties required by this Article
9 at the rate prescribed in G.S. 138-5 and G.S. 138-6.

10 (i) The Superintendent of Public Instruction shall assign staff to assist the Commission's
11 work. The Commission may contract with content area experts to assist in its deliberations from
12 funds available.

13 (j) The Commission shall:

14 (1) Develop and recommend to the State Board of Education the standard course
15 of study in accordance with G.S. 115C-81.7.

16 (2) Develop support materials, including teacher and parent guides, for academic
17 content standards that can be made available to teachers and parents upon
18 approval by the State Board.

19 (3) Provide recommendations as requested to the State Board of Education related
20 to alignment of State programs and support materials with the revised
21 academic content standards for each core academic area, including revising
22 textbook criteria, support materials, State tests, teacher and school
23 administrator preparation, and ongoing professional development programs to
24 be compatible with content standards.

25 (k) The Commission shall submit its recommendations under subsection (j) of this section
26 to the State Board. The State Board shall adopt or reject the recommended standard course of
27 study. The State Board shall not make any substantive changes to any recommended standard
28 course of study that it adopts. If the State Board rejects the recommendation, it shall state with
29 specificity its reasons for rejection; the Commission may then amend the recommendation and
30 resubmit it to the State Board. The State Board shall adopt or reject the amended
31 recommendation.

32 (l) If the State Board fails to adopt the Commission's original and amended
33 recommendations as provided in subsection (k) of this section, the State Board may develop and
34 adopt its own recommended standard course of study, subject to the requirements of
35 G.S. 115C-81.8.

36 (m) The Commission shall submit a report by December 1, 2024, and annually thereafter,
37 to the Joint Legislative Education Oversight Committee and the State Board of Education of its
38 activities during the preceding year, together with any recommendations and findings regarding
39 the process for revisions to the standard course of study."

40 **SECTION 3.(d)** Article 8 of Chapter 115C of the General Statutes is amended by
41 adding a new section to read:

42 **"§ 115C-81.7. Development of standard course of study.**

43 (a) The State Board shall develop a comprehensive plan to revise, on a regular basis,
44 content standards and the standard course of study in the core academic areas of reading, writing,
45 mathematics, science, history, geography, and civics that clearly designates by year the subjects
46 for review by the Commission. The State Board shall provide this plan to the Commission. The
47 Commission shall review the designated subjects and standard course of study in accordance
48 with the plan developed by the State Board.

49 (b) The Commission shall involve and survey a representative sample of parents,
50 teachers, and the public to help determine academic content standard priorities and usefulness of
51 the content standards. A full review of available and relevant academic content standards that are

1 rigorous, specific, sequenced, clear, focused, and measurable, whenever possible, shall be a part
2 of the process of the development of content standards. The revised content standards developed
3 in the core academic areas shall do all of the following:

- 4 (1) Reflect high expectations for students and an in-depth mastery of the content.
- 5 (2) Be clearly grounded in the content of each academic area.
- 6 (3) Be defined grade-by-grade and course-by-course.
- 7 (4) Be understandable to parents and teachers.
- 8 (5) Be developed in full recognition of the time available to teach the core
9 academic areas at each grade level.
- 10 (6) Be measurable, whenever possible, in a reliable, valid, and efficient manner
11 for accountability purposes.

12 (c) High school course content standards shall include the knowledge and skills necessary
13 to pursue further postsecondary education or to attain employment in the twenty-first century
14 economy. The high school course content standards also shall be aligned with the minimum
15 undergraduate course requirements for admission to the constituent institutions of The University
16 of North Carolina.

17 (d) The State Board, in consultation with the Commission, shall also develop and
18 implement an ongoing process to align State programs and support materials with the revised
19 academic content standards for each core academic area on a regular basis. Alignment shall
20 include revising textbook criteria, support materials, State tests, teacher and school administrator
21 preparation, and ongoing professional development programs to be compatible with content
22 standards.

23 (e) The State Board shall work in collaboration with the Board of Governors of The
24 University of North Carolina to ensure that teacher and school administrator degree programs,
25 ongoing professional development, and other university activity in the State's public schools align
26 with the State Board's priorities."

27 **SECTION 3.(e)** Article 8 of Chapter 115C of the General Statutes is amended by
28 adding a new section to read:

29 **"§ 115C-81.8. Review of standard course of study developed by State Board.**

30 (a) Prior to implementation of a standard or competency of the standard course of study
31 adopted as provided in G.S. 115C-81.6(l), the State Board of Education shall submit a report of
32 the proposed changes to the Joint Legislative Education Oversight Committee. The report shall
33 contain the following:

- 34 (1) A copy of the existing standard or competency of the standard course of study
35 in a format that includes page and line numbers for the text with the material
36 struck through that is being deleted and the material underlined that is being
37 added.
- 38 (2) An explanation of the reasons for the changes.
- 39 (3) A copy of the minutes of each State Board meeting where the proposed
40 changes were discussed.

41 (b) A change to a standard, competency, or content of the standard course of study that
42 has been submitted to the Joint Legislative Education Oversight Committee may be implemented
43 as follows:

- 44 (1) Except as provided in subdivision (2) of this subsection, a change may be
45 implemented following the thirty-first legislative day after the date the State
46 Board submits the change to the Joint Legislative Education Oversight
47 Committee.
- 48 (2) If a bill that specifically disapproves the change is introduced in either house
49 of the General Assembly by the thirty-first legislative day following the
50 submission of a change to the Joint Legislative Education Oversight
51 Committee, the change becomes effective on the earlier of (i) the day an

1 unfavorable final action is taken on the bill or (ii) the day that session of the
 2 General Assembly adjourns without ratifying a bill that specifically
 3 disapproves the rule.

4 (3) A change that is specifically disapproved by a bill enacted into law before it
 5 becomes effective shall not be implemented. A bill specifically disapproves a
 6 change if it contains a provision that refers to the report submitted to the Joint
 7 Legislative Education Oversight Committee by title and date and the specific
 8 change by page and line number in the report that is disapproved.
 9 Notwithstanding any rule of either house of the General Assembly, any
 10 member of the General Assembly may introduce a bill at any time during any
 11 regular session to disapprove a change that has been submitted to the Joint
 12 Legislative Education Oversight Committee that has not become effective."

13 **SECTION 3.(f)** G.S. 150B-1(d) is amended by adding a new subdivision to read:

14 "(34) The State Board of Education with respect to adoption of the standard course
 15 of study as required by Part 1 of Article 8 of Chapter 115C of the General
 16 Statutes."

17 **SECTION 3.(g)** Initial appointments to the Standard Course of Study Advisory
 18 Commission shall be made by the General Assembly for terms beginning August 1, 2023, and
 19 shall be appointed as follows:

- 20 (1) Notwithstanding G.S. 115C-81.6, as enacted by this act, members appointed
 21 pursuant to G.S. 115C-81.6(c)(1)a., c., and e. and G.S. 115C-81.6(c)(2)b., d.,
 22 and f. shall be appointed for two-year terms.
 23 (2) Members appointed pursuant to G.S. 115C-81.6(c)(1)b., d., and f. and
 24 G.S. 115C-81.6(c)(2)a., c., and e. shall be appointed for four-year terms.

25 **SECTION 3.(h)** Notwithstanding G.S. 115C-81.7(a), the Standard Course of Study
 26 Advisory Commission shall review the social studies standard course of study during the
 27 2023-2024 school year and provide recommendations to the State Board of Education no later
 28 than January 1, 2025.

29 **SECTION 3.(i)** This section applies to all standard courses of study implemented on
 30 or after the effective date of this act.

31 **PART IV: STUDENT REASSIGNMENT**

32 **SECTION 4.(a)** G.S. 115C-369 reads as rewritten:

33 "**§ 115C-369. Application for reassignment; notice of disapproval; hearing before board.**

34 (a) The parent or guardian of any child, or the person standing in loco parentis to any
 35 child, who is dissatisfied with the assignment made by a local board of education or with the
 36 domiciliary local school administrative unit may, within 10 days after notification of the
 37 assignment, or the last publication thereof, apply in writing to the local board of education for
 38 the reassignment of the child to a different public school in the local school administrative
 39 unit or a different public school in another local public school unit. Application for reassignment
 40 shall be made on forms prescribed by the local board of education pursuant to rules and
 41 regulations adopted by the board of education. Department of Public Instruction.

42 (a1) An application for reassignment to a school within the local school administrative
 43 unit shall be approved by the local board of education unless one of the following apply:

- 44 (1) The school at which the student reassignment is requested is at capacity for
 45 that student's grade level.
 46 (2) The student does not meet the eligibility criteria for enrollment at the school
 47 such as course or grade prerequisites.
 48 (3) The student has been suspended or expelled from a public school under G.S.
 49 115C-390.5 through G.S. 115C-390.11 until the period of suspension or
 50 expulsion is over.
 51

1 (4) The student's reassignment is for athletic purposes in violation of eligibility
2 requirements established by the State Board of Education in accordance with
3 Article 29E of this Chapter.

4 (5) The student's assignment would violate a court order.

5 (6) The student has previously been reassigned twice in the same school year.

6 (7) The student's reassignment would violate the student's individualized
7 education program.

8 (a2) A local board of education shall, within 10 days of receipt, notify and provide a copy
9 of the application for reassignment in a public school in another local school administrative unit
10 to the local board of education of that unit. An application for reassignment to a school within
11 another local school administrative unit shall be approved by the receiving local board of
12 education unless one of the following apply:

13 (1) The school at which the student reassignment is requested is at capacity for
14 that student's grade level.

15 (2) The student does not meet the eligibility criteria for enrollment at the school
16 such as course or grade prerequisites.

17 (3) The student has been suspended or expelled from a public school under G.S.
18 115C-390.5 through G.S. 115C-390.11 until the period of suspension or
19 expulsion is over.

20 (4) The student's reassignment is for athletic purposes in violation of eligibility
21 requirements established by the State Board of Education in accordance with
22 Article 29E of this Chapter.

23 (5) The student's assignment would violate a court order.

24 (6) The student has previously been reassigned twice in the same school year.

25 (7) The student's reassignment would violate the student's individualized
26 education program.

27 (a3) If the application for reassignment is disapproved, the local board of education shall
28 give notice to the applicant of the statutory reason for disapproval by registered or certified mail,
29 and to the domiciliary local board of education, if relevant, and the applicant may within five days
30 after receipt of such notice apply to the local board for a hearing. The applicant shall be entitled
31 to a prompt and fair hearing on the question of reassignment of such child to a different
32 school. ~~statutory disqualification for reassignment.~~

33 (b) The local board of education shall make a final determination on the question of
34 statutory disqualification for reassignment. The board of education may establish initial hearings
35 prior to the final determination. If the board of education establishes initial hearings, the board
36 of education shall designate hearing panels composed of not less than two members of the board
37 to hear such appeals in the name of the board of education, and may designate a hearing officer
38 to hear such appeals for fact-finding and a recommended decision, or may designate both. If both
39 are designated, an applicant must select the entity to hold the hearing. The hearing panel's
40 recommendations or the hearing officer's recommended findings of fact and recommended
41 decision shall be submitted to the board of education for final determination.

42 (c) At the hearing the local board of education shall consider ~~the best interest of the child,~~
43 ~~the orderly and efficient administration of the public schools, the proper administration of the~~
44 ~~school to which reassignment is requested and the instruction, health, and safety of the pupils~~
45 ~~there enrolled, and shall assign said child in accordance with such factors.~~ evidence related to the
46 statutory disqualification for reassignment. The local board shall render prompt decision upon
47 the hearing, and notice of the decision shall be given to the applicant by mail, telephone, telefax,
48 e-mail, or any other method reasonably designed to achieve notice.

49 (d) A local board of education may in its discretion provide transportation to a student
50 reassigned under this section. If the local board of education does not provide transportation, the
51 parent or guardian of the child, or the person standing in loco parentis to the child, shall be

1 responsible for providing transportation to the requested reassignment school or to a designated
2 school transportation stop.

3 (e) A student reassigned under this section is eligible to remain in the school to which the
4 student is reassigned until the student completes all grade levels available at that school.

5 (f) Notwithstanding G.S. 115C-366 and G.S.115C-366.1, tuition shall not be charged for
6 a student domiciled in one local school administrative unit by another local school administrative
7 unit for a student reassigned as provided in this section. For any fiscal year in which a student is
8 enrolled in a school in a non-domiciliary local school administrative unit, the domiciliary local
9 school administrative unit shall transfer to the local school administrative unit to which the
10 student is reassigned a prorated amount equal to the per pupil share of the local current expense
11 fund of the domiciliary local school administrative unit."

12 **SECTION 4.(b)** This section is effective when it becomes law, and applies to
13 applications for reassignment submitted on or after that date.
14

15 **PART V. SCHOOL HEALTH EDUCATION**

16 **SECTION 5.(a)** G.S. 115C-81.25(c)(9) reads as rewritten:

17 "(9) Growth and ~~development~~.development, consistent with the requirements of
18 G.S. 115C-81.29."

19 **SECTION 5.(b)** Article 8 of Chapter 115C of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 115C-81.29. Human growth and development for elementary school students.**

22 (a) Each public school unit shall provide a human growth and development program in
23 grades four and five. Materials used in this instruction shall be age-appropriate for use with
24 students, and shall not include information on gender identity, sexual activity, or sexuality.
25 Information conveyed during the instruction shall be objective and based upon scientific research
26 that is peer reviewed and accepted by professionals and credentialed experts in any of the
27 following fields: medicine, human anatomy, biology, or health education. A human growth and
28 development program provided by the public school unit shall do the following:

29 (1) **Fourth grade.** – Students in fourth grade shall be instructed in single sex
30 student groups as follows:

31 a. Summarize biological changes during puberty.

32 b. Recognize that individuals experience puberty at different rates.

33 (2) **Fifth grade.** – Students in fifth grade shall be instructed in single sex student
34 groups as follows:

35 a. Recall that puberty is characterized by the development of secondary
36 sex characteristics and onset of reproductive capacity.

37 b. Differentiate between accurate and inaccurate sources of information
38 about puberty and development.

39 c. Summarize the functions of the male and female reproductive systems.

40 d. Illustrate how societal influences can impact reproductive health
41 behavioral choices and consequences.

42 e. Summarize normal weight gain and body changes during puberty.

43 (b) Each local board of education shall adopt a policy and provide a mechanism to allow
44 a parent or a legal guardian to opt his or her child in to or out of instruction required under this
45 section. Each governing body of a public school unit shall provide notice on the public school
46 unit's website and directly to parents in written and electronic form at the beginning of fourth and
47 fifth grade and again at least 14 days prior to teaching the human growth and development
48 programs required by this section that includes the following in a format provided by the
49 Superintendent of Public Instruction:

- 1 (1) A detailed description of the program's objectives, including any topics that
 2 the governing board determines that a reasonable parent in that community
 3 may wish to examine as to the age appropriateness of the topics.
 4 (2) All written and audio materials that will be used.
 5 (3) The ways that a parent may review the objectives and materials of the
 6 program, including a link to, or information on how to access, the program
 7 repository on the public school unit's website, as provided in G.S. 115C-102.1.
 8 (4) The option and process to opt the parent's child in to or out of the program or
 9 portions of the program required under this section.
 10 (c) In implementing this section, a governing body of a public school unit shall not
 11 expand beyond the subject areas provided in this section."

12 **SECTION 5.(c)** G.S. 115C-81.30 reads as rewritten:

13 "**§ 115C-81.30. Reproductive health and safety education provided by ~~local~~ public school**
 14 **administrative units.**

15 (a) Each ~~local~~ public school ~~administrative~~ unit shall provide a reproductive health and
 16 safety education program commencing in the seventh grade. Materials used in this instruction
 17 shall be age-appropriate for use with students. Law enforcement agencies, criminal justice
 18 agencies, and nongovernmental organizations with experience in sex-trafficking prevention and
 19 awareness may provide materials and information. Information conveyed during the instruction
 20 shall be objective and based upon scientific research that is peer reviewed and accepted by
 21 professionals and credentialed experts in any of the following fields: sexual health education,
 22 adolescent psychology, behavioral counseling, medicine, human anatomy, biology, ethics, or
 23 health education. Reproductive health and safety instruction provided by the ~~local~~ public school
 24 ~~administrative~~ units shall do the following:

25 ...

- 26 (13) Teach about sex trafficking prevention and awareness. Each ~~local~~ public
 27 school ~~administrative~~ unit shall:
 28 a. Collaborate with a diverse group of outside consultants where
 29 practical, including law enforcement with expertise in sex-trafficking
 30 prevention education, to address the threats of sex trafficking.
 31 b. Collaborate with a diverse group of outside consultants, including law
 32 enforcement with expertise in sex trafficking, on a referral protocol for
 33 high-risk pupils and minors.

34 (b) Each local board of education shall adopt a policy and provide a mechanism to allow
 35 a parent or a legal guardian to ~~withdraw~~ opt his or her child ~~from~~ in to or out of instruction
 36 ~~required under subdivisions (10) through (13) of subsection (a) of this section as provided in this~~
 37 subsection. Each governing body of a public school unit shall provide notice on the public school
 38 unit's website and directly to parents in written and electronic form at the beginning of the school
 39 year and again at least 14 days prior to teaching any portion of (i) the instruction required under
 40 subdivisions (10) through (13) of subsection (a) of this section, (ii) a program that pertains to or
 41 is intended to impart information or promote discussion or understanding in regard to the
 42 prevention of sexually transmitted diseases, including HIV/AIDS, or to the avoidance of
 43 out-of-wedlock pregnancy, or (iii) a reproductive health and safety education program, whether
 44 developed by the State or by the governing body of the public school unit. The notice shall
 45 include the following in a format provided by the Superintendent of Public Instruction:

- 46 (1) A detailed description of the program's objectives, including any topics that
 47 the governing board determines that a reasonable parent in that community
 48 may wish to examine as to the age appropriateness of the topics.
 49 (2) All written and audio materials that will be used.

- 1 (3) The ways that a parent may review the objectives and materials of the
 2 program, including a link to, or information on how to access, the program
 3 repository on the public school unit's website, as provided in G.S. 115C-102.1.
 4 (4) The option and process to opt the parent's child in to or out of the program or
 5 portions of the program required under this section.

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

16 (d) Information on Contraceptives and Abortion Referral Services. – Students may
 17 receive information about where to obtain contraceptives and abortion referral services only in
 18 accordance with a ~~local board's~~governing body's policy regarding parental consent. Any
 19 instruction concerning the use of contraceptives or prophylactics shall provide accurate statistical
 20 information on their effectiveness and failure rates for preventing pregnancy and sexually
 21 transmitted diseases, including HIV/AIDS, in actual use among adolescent populations and shall
 22 explain clearly the difference between risk reduction and risk elimination through abstinence.
 23 The Department of Health and Human Services shall provide the most current available
 24 information at the beginning of each school year.

25 ...

26 ~~(g) Duty of Local Public School Administrative Units. — Each local public school~~
 27 ~~administrative unit shall provide a comprehensive school health education program that meets~~
 28 ~~all the requirements of this section and all the objectives established by the State Board. Each~~
 29 ~~local board of education may expand on the subject areas to be included in the program and on~~
 30 ~~the instructional objectives to be met. In implementing this section, a governing body of a public~~
 31 ~~school unit shall not expand beyond the subject areas provided in this section."~~

32 **SECTION 5.(d)** G.S. 115C-218.85(a) is amended by adding a new subdivision to
 33 read:

34 "(6) A charter school shall provide instruction as required by G.S. 115C-81.29 and
 35 G.S. 115C-81.30."

36 **SECTION 5.(e)** G.S. 115C-238.66(1) is amended by adding a new sub-subdivision
 37 to read:

38 "f. The board of directors shall provide instruction as required by
 39 G.S. 115C-81.29 and G.S. 115C-81.30."

40 **SECTION 5.(f)** G.S. 116-239.8(b)(2) is amended by adding a new sub-subdivision
 41 to read:

42 "e. The chancellor shall provide instruction as required by
 43 G.S. 115C-81.29 and G.S. 115C-81.30."

44 **SECTION 5.(g)** This section is effective when it becomes law and applies beginning
 45 with the 2023-2024 school year. For the 2023-2024 school year, notices required to be sent to
 46 parents at the beginning of the school year under G.S. 115C-81.29, as enacted by this section,
 47 and G.S. 115C-81.30, as amended by this section, shall instead be sent no later than 60 days after
 48 the date this section becomes effective.

50 **PART VI: INSTRUCTIONAL MATERIALS**

51 **SECTION 6.(a)** G.S. 115C-85 reads as rewritten:

1 **"§ 115C-85. Textbook needs are determined by course of study.**

2 (a) When the State Board of Education has adopted, upon the recommendation of the
3 Superintendent of Public Instruction, a standard course of study at each instructional level in the
4 elementary school and the secondary school, setting forth what subjects shall be taught at each
5 level, it shall proceed to select and adopt textbooks.

6 (b) As used in this ~~part~~, Part, the following definitions apply:

7 (1) – (3) Reserved for future codification.

8 (4) Health and safety program means any instruction, curricula, or materials
9 intended to impart information or promote discussion or understanding
10 regarding any of the following, including instruction, curricula, or materials
11 implemented to comply with any federal law, regulation, or guidance:

12 a. Reproductive health and safety, as provided in G.S. 115C-81.30.

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

14 c. Growth and development, as provided in G.S. 115C-81.25(c)(9) and
15 G.S. 115C-81.29.

16 d. Anti-bullying or anti-harassment.

17 (5) – (7) Reserved for future codification.

18 (8) ~~"textbook"~~ Textbook means systematically organized material comprehensive
19 enough to cover the primary objectives outlined in the standard course of
20 study for a grade or course. Formats for textbooks may be print or nonprint,
21 including hardbound books, softbound books, activity-oriented programs,
22 classroom kits, and technology-based programs that require the use of
23 electronic equipment in order to be used in the learning process.

24 (c) Textbooks adopted in accordance with the provisions of this Part shall be used by the
25 public schools of the State except as provided in G.S. 115C-98(b1)."

26 **SECTION 6.(b)** G.S. 115C-98 reads as rewritten:

27 **"§ 115C-98. ~~Local boards of education~~ Public school units to provide for local operation of
28 the textbook program, the selection and procurement of other instructional
29 materials, and the use of nonadopted textbooks.**

30 (a) ~~Local boards of education~~ Governing bodies of public school units shall adopt rules
31 not inconsistent with the policies of the State Board of Education concerning the local operation
32 of the textbook program.

33 (b) ~~Local boards of education~~ Governing bodies shall adopt written policies concerning
34 the procedures to be followed in their local school administrative units for the selection and
35 procurement of supplementary textbooks, ~~library books,~~ periodicals, audiovisual materials, and
36 other supplementary instructional materials needed for instructional purposes in the public
37 schools of their ~~units~~ units, consistent with the requirements of G.S. 115C-98.1. Public school
38 units shall adopt library materials as provided in G.S. 115C-98.2.

39 ~~Local boards of education~~ Governing bodies shall have sole authority to select and procure
40 supplementary instructional materials, whether or not the materials contain commercial
41 advertising, to determine if the materials are related to and within the limits of the prescribed
42 curriculum, and to determine when the materials may be presented to students during the school
43 day. Supplementary materials and contracts for supplementary materials are not subject to
44 approval by the State Board of Education.

45 Supplementary books and other instructional materials shall neither displace nor be used to
46 the exclusion of basic textbooks.

47 A ~~local board of education~~ governing bodies ~~may~~ shall establish a community media advisory
48 committee to investigate and evaluate challenges from parents, teachers, and members of the
49 public to textbooks and supplementary instructional materials on the grounds that they are
50 educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level
51 of the students. The State Board of Education shall review its rules and policies concerning these

1 challenges and shall establish guidelines to be followed by community media advisory
2 committees.

3 The ~~local board, governing body,~~ at all times, has sole authority and discretion to determine
4 whether a challenge has merit and whether challenged material should be retained or removed.

5 (b2) ~~Local boards of education~~ Governing bodies may:

- 6 (1) Select, procure, and use textbooks that have not been adopted by the State
7 Board of Education for use throughout the ~~local school administrative~~ public
8 school unit for selected grade levels and courses; and
- 9 (2) Approve school improvement plans developed under G.S. 115C-105.27 that
10 include provisions for using textbooks that have not been adopted by the State
11 Board of Education for selected grade levels and courses.

12 All textbook contracts made under this subsection shall include a clause granting to the ~~local~~
13 ~~board of education~~ governing body the license to produce braille, large print, and audiocassette
14 tape copies of the textbooks for use in the ~~local school administrative unit,~~ public school unit.

15 (c) Funds allocated by the State Board of Education or appropriated in the current
16 expense or capital outlay budgets of the ~~local school administrative units,~~ public school units,
17 may be used for the above-stated purposes."

18 **SECTION 6.(c)** Part 3 of Article 8 of Chapter 115C of the General Statutes is
19 amended by adding a new section to read:

20 "**§ 115C-98.1. Selection of health and safety instructional and supplemental materials.**

21 (a) When adopting, modifying, or amending a health and safety program and the
22 instructional and supplemental materials for that program, a governing body of a public school
23 unit shall conduct a public hearing after adequately notifying the public at least 10 days prior to
24 the hearing.

25 (b) The governing body of a public school unit shall also provide both electronic and
26 written notice to all parents of students in the public school unit of the public hearing and the
27 opportunity to review those materials in the program repository, as provided in G.S. 115C-102.1,
28 at least 60 days before the public hearing occurs.

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

- 31 (1) A detailed description of the program's objectives and any proposed changes,
32 including any topics that the local board of education determines that a
33 reasonable parent in that community may wish to examine as to the age
34 appropriateness of the topics.
- 35 (2) All written and audio materials that will be used.
- 36 (3) A link to, or information on how to access, the program repository on the local
37 school administrative unit's website, as provided in G.S. 115C-102.1."

38 **SECTION 6.(d)** Part 3 of Article 8 of Chapter 115C of the General Statutes is
39 amended by adding a new section to read:

40 "**§ 115C-98.2. Library books.**

41 (a) For the purposes of this Part, the term library books means electronic, print, and
42 nonprint resources, excluding textbooks, for independent use by students and school personnel
43 outside of the standard course of study for any grade or course. Library books may be held in a
44 formal school library or in a classroom.

45 (b) Governing bodies of public school units shall establish criteria for selection of library
46 books, including a recommendation review process, and shall select and procure library books
47 based on recommendations from the superintendent in accordance with this section. Selection of
48 materials shall be an ongoing process that includes the removal of collections determined to no
49 longer meet the criteria for selection and the periodic replacement or repair of materials still of
50 educational value.

- 1 (c) Notwithstanding subsection (b) of this section, the governing body may delegate the
2 authority for selection of library books to the superintendent subject to the following:
- 3 (1) Any library book that has received more than ten letters of objection which
4 state with specificity the criteria the library book fails to meet as part of the
5 recommendation review process shall not be selected without approval of the
6 governing body, who shall review the submitted objections at a public meeting
7 prior to a vote on selection.
- 8 (2) The superintendent shall provide a list of all library books recommended for
9 selection to the governing body for a minimum of 30 days of review that
10 includes at least one meeting of the governing body prior to final selection. If
11 any governing body member questions or desires further information on any
12 title or author, the member shall contact the superintendent to request the
13 information. Any governing body member may make a motion at the meeting
14 of the governing body held prior to final selection to place a recommended
15 book before the body for approval.
- 16 (d) At a minimum, the criteria for selection shall require that a library book meet the
17 following standards:
- 18 (1) Supports and enriches students' personal learning and the standard course of
19 study for grades and courses offered at that school.
- 20 (2) Meets high standards in literary, artistic, and aesthetic quality, as well as
21 technical aspects and physical format.
- 22 (3) Is appropriate for the subject area and for the age, intellectual development,
23 and ability level of the students for whom the materials are selected, and
24 received access level designation.
- 25 (4) For non-fiction resources, incorporates accurate and authentic factual content
26 from authoritative sources.
- 27 (5) Balances financial cost with need.
- 28 (6) Meets the requirements of subsection (f) and (g) of this section.
- 29 (7) For fiction, narrative nonfiction, including memoirs and biographies, and
30 graphic novels, in addition to the other requirements of this subsection, a
31 determination that that library book is:
- 32 a. Integral to the instructional program.
- 33 b. Reflects the learning needs of the students and school personnel.
- 34 c. Is appropriate for the reading levels and understanding of students.
- 35 d. Is included because of the library book's literary or artistic value.
- 36 e. If narrative nonfiction, presents information with accuracy and clarity.
- 37 (e) The governing body shall establish a recommendation review process that includes
38 the following:
- 39 (1) The superintendent may delegate the responsibility to identify the library
40 books recommended for selection to appropriate public school unit personnel.
- 41 (2) As part of the recommendation for any library book, a content access
42 designation shall be assigned to the book that reflects the grade levels for
43 which the book is appropriate based on the age and intellectual development
44 of the students. A school shall not provide access to students to books with a
45 content access designation higher than the grade level of students enrolled in
46 that school. There shall be three content access designations as follows:
- 47 a. Elementary: Library books for students in grades kindergarten through
48 fifth grade.
- 49 b. Middle School: Library books for students in grades sixth through
50 eighth.

1 c. High School: Library books for students in grades ninth through
2 twelfth.

3 (3) To ensure parental engagement, all library books recommended for selection
4 shall be readily available for parental review a minimum of 30 days prior to
5 consideration for selection by posting a list of the recommended books in a
6 publicly accessible portion of the public school unit's website, and by
7 including a copy of all recommended library books in the instructional
8 materials repository established by G.S. 115C-102.1 for in-person review.
9 The list shall also provide the process for submitting an objection to selection
10 of the book, including a means for identifying with specificity the criteria that
11 the recommended book fails to meet.

12 (f) All library books should contain material appropriate for students, and should reflect
13 the age and grade levels of students enrolled in the school. No library book shall be used if the
14 book contains material that is harmful to minors, as defined in G.S. 14-190.13.

15 (g) Local boards of education shall require, as part of the criteria, compliance with the
16 Children's Internet Protection Act (CIPA), 47 U.S.C. §254(h)(5), including technology protection
17 measures.

18 (h) In addition to the selection process, all governing bodies shall establish a community
19 library advisory committee to investigate and evaluate challenges from parents, teachers, and
20 members of the public to library books on the grounds that they do not conform to the criteria for
21 selection of library books. The State Board of Education shall review its rules and policies
22 concerning these challenges and shall establish guidelines to be followed by community library
23 advisory committees.

24 (i) Prior to any school conducting or partnering with a third party to conduct a student
25 book fair, the principal of that school shall designate appropriate school personnel to review all
26 books that will be made available to students at the book fair to determine if the books meet the
27 criteria established under subsection (d) of this section and meets the content access designation,
28 as established under subsection (e) of this section, for the school. The principal shall ensure that
29 no books shall be accepted by the school or made available to students in the student book fair
30 that do not meet the established criteria and content access designation of that school."

31 **SECTION 6.(e)** Part 3 of Article 8 of Chapter 115C of the General Statutes is
32 amended by adding a new section to read:

33 "**§ 115C-102.1. Instructional materials repository.**

34 (a) A governing body of a public school unit shall maintain a continuous repository of
35 current instructional and supplemental materials that have been selected and acquired by the
36 governing body of a public school unit pursuant to this Article. The repository shall not be
37 required to include classroom materials developed by teachers if those materials are publicly
38 available as required by G.S. 115C-102.2. The materials shall be maintained at a central location
39 for in-person review by parents and the public upon request, and the names of all those materials
40 shall be posted to the local school administrative unit's website for review by parents and the
41 public.

42 (b) In addition to the requirements of subsection (a) of this section, a governing body of
43 a public school unit shall also maintain a continuous program repository of current objectives,
44 entire curricula, texts, and all other materials used in any health and safety program as follows:

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

48 (2) Electronic copies of the current objectives and names of curricula, texts, or
49 any other materials used in any health and safety program shall be posted to
50 the local school administrative unit's website for review by parents and the
51 public. The website shall also include the curricula, texts, and any other

1 materials used in the health and safety program, including links to any
2 materials available on the publisher's website.

3 (3) The governing body of a public school unit shall add to the central location
4 and electronic repository any objectives, curricula, texts, and other materials
5 that may be proposed for adoption, amendment, or modification to the health
6 and safety program and shall clearly indicate that status while the materials
7 are under consideration.

8 (c) Each school year, at least 14 days before students participate in a health and safety
9 program, a governing body of a public school unit shall give both written and electronic notice
10 to parents of students participating in that program of the right of parents to review the objectives,
11 complete materials, and entire curriculum of that program in the program repository maintained
12 by the governing body of a public school unit, as provided in subsection (b) of this section. The
13 notice shall include the same information provided under G.S. 115C-98.1. The notice shall be in
14 conjunction and combination with the notifications of participation options for certain health and
15 safety programs, as established in G.S. 115C-81.29 and G.S. 115C-81.30.

16 **SECTION 6.(f)** Part 3 of Article 8 of Chapter 115C of the General Statutes is
17 amended by adding a new section to read:

18 **"§ 115C-102.2. Inform the public about instructional plans.**

19 (a) The following definitions apply in this section:

20 (1) Instructional material. – Any material used in the planned instructional
21 sequence from the instructional material repository, as provided in G.S. 115C-
22 102.1.

23 (2) Syllabus. – An outline of the planned instructional sequence for a course for
24 a minimum of one semester. The syllabus shall include at least the following:

25 1. The units to be covered and the aligned elements of the standard course
26 of study.

27 2. A summary of the major content for each unit.

28 3. The instructional materials that will be used as part of the syllabus,
29 including the title and the author, organization, or website associated
30 with each instructional material, (ii) a brief descriptor of the
31 instructional material, and (iii) a link to the instructional material, if
32 publicly available on the internet.

33 4. Any supplemental materials, library books or other materials that will
34 be used or recommended by the teacher in instruction.

35 (b) The governing body of a public school unit shall ensure that the following information
36 for each school it governs is prominently displayed on the school website, organized, at a
37 minimum, by subject area, grade level, and teacher of record:

38 (1) The syllabus for each course.

39 (2) Any procedures for the documentation, review, or approval of the syllabus,
40 including instructional materials identified in those syllabi, by the principal,
41 curriculum administrators, or other teachers.

42 (3) The procedure established by the governing board for requesting an in-person
43 review of any instructional material not publicly available on the internet.

44 (c) The governing body shall provide access from the website of the public school unit
45 to the information required by subsection (b) of this section no later than the first instructional
46 day of the school calendar. At the conclusion of the instructional calendar, the governing body
47 shall provide access to an archive of the syllabi for a minimum of one additional school year,
48 either through a website maintained by the public school unit or by a link to another website
49 where the information is publicly accessible. The Department of Public Instruction shall make
50 available to public school units one or more templates for providing information as required by
51 this section. A public school unit may exercise flexibility in determining the most effective means

1 of compliance with the requirements of this section, including, but not limited to, utilizing any
 2 of the following in its discretion:

3 (1) Providing a template created by the Department of Public Instruction to
 4 teachers to facilitate creation of syllabi.

5 (2) Creating one or more templates to provide to teachers to facilitate creation of
 6 syllabi. The public school unit may customize templates for grades or courses
 7 and may autopopulate any instructional materials required by the public
 8 school unit as part of the curriculum for a particular grade or course.

9 (3) Allowing utilization of online collaborative software, documents, or
 10 spreadsheets to allow multiple authorized users to update content.

11 (d) A governing body that is responsible for the operation of schools with fewer than 400
 12 students cumulatively is not required to comply with the requirements of this section.

13 (e) The requirements of this section shall not apply to courses taught solely in a
 14 self-contained classroom to students with disabilities."

15 **SECTION 6.(g)** This section is effective when it becomes law. Subsections (b), (c),
 16 (d) and (e) of this section apply beginning with the 2023-2024 school year. Public school units
 17 shall complete establishment of instructional materials repositories, as required by G.S. 115C-
 18 102.1, as enacted by this act, no later than December 31, 2023. Subsection (f) of this section
 19 applies beginning with the 2024-2025 school year.

21 **PART VII. CLARIFY DEFENSES FOR MATERIAL HARMFUL TO MINORS**

22 **SECTION 7.(a)** G.S. 14-190.15 reads as rewritten:

23 **"§ 14-190.15. Disseminating harmful material to minors; exhibiting harmful performances**
 24 **to minors.**

25 (a) Disseminating Harmful Material. – A person commits the offense of disseminating
 26 harmful material to minors if, with or without consideration and knowing the character or content
 27 of the material, ~~he~~the person does any of the following:

28 (1) Sells, furnishes, presents, or distributes to a minor material that is harmful to
 29 ~~minors; or~~minors.

30 (2) Allows a minor to review or peruse material that is harmful to minors.

31 (b) Exhibiting Harmful Performance. – A person commits the offense of exhibiting a
 32 harmful performance to a minor if, with or without consideration and knowing the character or
 33 content of the performance, ~~he~~the person allows a minor to view a live performance that is
 34 harmful to minors.

35 (c) Defenses. – Except as provided in subdivision (3), a mistake of age is not a defense
 36 to a prosecution under this section. It is an affirmative defense to a prosecution under this section
 37 that:

38 (1) The defendant was a parent or legal guardian of the minor.

39 (2) The defendant was a ~~school~~, church, museum, ~~public library~~, governmental
 40 agency, medical clinic, or hospital carrying out its legitimate function; or an
 41 employee or agent of such an organization acting in that capacity and carrying
 42 out a legitimate duty of ~~his~~that person's employment.

43 (3) Before disseminating or exhibiting the harmful material or performance, the
 44 defendant requested and received a driver's license, student identification
 45 card, or other official governmental or educational identification card or paper
 46 indicating that the minor to whom the material or performance was
 47 disseminated or exhibited was at least 18 years old, and the defendant
 48 reasonably believed the minor was at least 18 years old.

49 (4) The dissemination was made with the prior consent of a parent or guardian of
 50 the recipient.

51 (d) Punishment. – Violation of this section is a Class 1 misdemeanor."

SECTION 7.(b) This section becomes effective December 1, 2023, and applies to offenses committed on or after that date.

PART VIII. PUBLIC LIBRARY ACCESS FOR MINORS

SECTION 8.(a) G.S. 125-19 read as rewritten:

"§ 125-19. Confidentiality of library user records.

(a) Disclosure. – A library shall not disclose any library record that identifies a person as having requested or obtained specific materials, information, or services, or as otherwise having used the library, except as provided for in subsection (b).

(b) Exceptions. – Library records may be disclosed in the following instances:

- (1) When necessary for the reasonable operation of the library; library.
(2) Upon written consent of the user; or user.
(3) Pursuant to subpoena, court order, or where otherwise required by law.
(4) To the parent of a minor for library records of that minor."

SECTION 8.(b) Chapter 125 of the General Statutes is amended by adding a new Article to read:

"Article 4.
"Access for Minors.

"§ 125-25. Definitions.

- (1) Library. - A library established by the State; a county, city, township, village, or other local unit of government or authority or combination of local units of governments and authorities.
(2) Library book. – Any electronic, print, or nonprint resources held for use, reference, or circulation to the public by a library.
(3) Harmful to minors. – As defined in G.S. 14-190.13.
(4) Minor. – A person less than 18 years of age who has not been emancipated pursuant to Article 35 of Chapter 7B of the General Statutes
(5) Parent. – A person who has legal custody of a child, including a natural parent, adoptive parent, or legal guardian.

"§ 125-26. Access of materials to minors.

(a) A library shall ensure that any library books containing material harmful to minors held by the library are inaccessible to minors in both print, nonprint, and electronic form. The library may place library books containing material harmful to minors in an age-restricted portion of the library that is accessible only to those 18 years of age and older.

(b) A library shall lend books to minors only with the prior written consent of the minor's parent. Prior written consent may be demonstrated by a parent providing written consent for a minor to receive a library card. A library card issued to a minor shall be denoted as such, and shall restrict the minor from accessing material harmful to minors held by the library, whether in print, nonprint, or electronic form.

(c) A parent shall be authorized to access the library records of that parent's minor child as provided in G.S. 125-19."

SECTION 8.(c) This section is effective October 1, 2023. For library cards issued to minors without written parental consent prior to the effective date of this section, a library shall either establish written consent from the parent prior to December 31, 2023, or shall revoke the library card of the minor after that date.

PART IX. MENTAL HEALTH CARE OF MINORS

SECTION 9.(a) G.S. 90-21.4 reads as rewritten:

"§ 90-21.4. Responsibility, liability and immunity of physicians.

(a) Any physician licensed to practice medicine in North Carolina providing health services to a minor under the terms, conditions and circumstances of this Article shall not be held

1 liable in any civil or criminal action for providing such services without having obtained
2 permission from the minor's parent, legal guardian, person standing in loco parentis, or a legal
3 custodian other than a parent when granted specific authority in a custody order to consent to
4 medical or psychiatric treatment. The physician shall not be relieved on the basis of this Article
5 from liability for negligence in the diagnosis and treatment of a minor.

6 (b) The physician shall not notify a parent, legal guardian, person standing in loco
7 parentis, or a legal custodian other than a parent when granted specific authority in a custody
8 order to consent to medical ~~or psychiatric~~ treatment, without the permission of the minor,
9 concerning the medical health services set out in G.S. 90-21.5(a), unless the situation in the
10 opinion of the attending physician indicates that notification is essential to the life or health of
11 the minor. If a parent, legal guardian[,] person standing in loco parentis, or a legal custodian other
12 than a parent when granted specific authority in a custody order to consent to medical or
13 psychiatric treatment contacts the physician concerning the treatment or medical services being
14 provided to the minor, the physician may give information."

15 **SECTION 9.(b)** G.S. 90-21.5 reads as rewritten:

16 **"§ 90-21.5. Minor's consent sufficient for certain medical health services.**

17 (a) Subject to subsection (a1) of this section, any minor may give effective consent to a
18 physician licensed to practice medicine in North Carolina for medical health services for the
19 prevention, diagnosis and treatment of the following:

20 (1) (i) ~~venereal~~ Veneral disease and other diseases reportable under
21 G.S. 130A-135, G.S. 130A-135.

22 (2) (ii) ~~pregnancy~~, Pregnancy.

23 (3) (iii) ~~abuse~~ Abuse of controlled substances or alcohol, and (iv) ~~emotional~~
24 disturbance. alcohol.

25 ~~This section does not authorize the inducing of an abortion, performance of a sterilization~~
26 ~~operation, or admission to a 24 hour facility licensed under Article 2 of Chapter 122C of the~~
27 ~~General Statutes except as provided in G.S. 122C-223. This section does not prohibit the~~
28 ~~admission of a minor to a treatment facility upon his own written application in an emergency~~
29 ~~situation as authorized by G.S. 122C-223.~~

30 (a1) Notwithstanding any other provision of law to the contrary, a health care provider
31 shall obtain written consent from a parent or legal guardian prior to administering any vaccine
32 that has been granted emergency use authorization and is not yet fully approved by the United
33 States Food and Drug Administration to an individual under 18 years of age.

34 (a2) A minor may also give effective consent to a physician licensed to practice medicine
35 in North Carolina for mental health services if the minor believes themselves to be a danger to
36 themselves or to others. The physician shall notify a parent of the minor's consent to mental health
37 services unless the situation in the opinion of the attending physician indicates that the minor is
38 an abused or neglected juvenile, as defined in Article 7B of the General Statutes. If the parent
39 cannot be located within 72 hours of admission or the physician believes that the minor is an
40 abused or neglected juvenile, the physician shall report as provided in G.S. 90-21.20(c1).

41 (a3) This section does not authorize the inducing of an abortion, performance of a
42 sterilization operation, or admission to a 24-hour facility licensed under Article 2 of Chapter
43 122C of the General Statutes except as provided in G.S. 122C-223. This section does not prohibit
44 the admission of a minor to a treatment facility upon his own written application in an emergency
45 situation as authorized by G.S. 122C-223.

46 (b) Any minor who is emancipated may consent to any medical treatment, dental and
47 health services for himself or for his child."

48 **SECTION 9.(c)** Part 1 of Article 1A of Chapter 90 of the General Statutes is
49 amended by adding a new section to read:

50 **"§ 90-21.5A. Limited exception for examinations related to suspected abuse and neglect.**

1 (a) A health care practitioner may conduct or continue an examination of a minor without
2 parental consent if the health care practitioner has a reasonable belief that the examination will
3 reveal information triggering the obligation to report under G.S. 7B-301.

4 (b) A physician may conduct an examination or continue an examination of a minor
5 without parental consent if the physician has a reasonable belief that the examination will reveal
6 information triggering the obligation to report under G.S. 90-21.20(c1).

7 **SECTION 9.(d)** This section becomes effective December 1, 2023.

9 **PART X. REMEDIES FOR VIOLATIONS**

10 **SECTION 10.(a)** G.S. 115C-45 is amended by adding a new subsection to read:

11 "(d) In addition to any appeal of right brought as provided in subsection (c) of this section,
12 a parent may bring an appeal of right before a local board of education that may be further
13 appealed to the superior court of the State for any knowing violation of the fundamental right to
14 parent. The fundamental right to parent is the liberty of a parent to direct the upbringing,
15 education, health care, and mental health of that parent's child. A local board shall not
16 substantially burden the fundamental right to parent without demonstrating that the burden is
17 required by a compelling governmental interest as applied to the parent and the child and is the
18 least restrictive means of furthering that compelling interest. A parent who successfully appeals
19 a violation of a fundamental right to parent before the superior court shall be entitled to recover
20 declaratory relief, injunctive relief, damages of a minimum of five thousand dollars (\$5,000),
21 reasonable attorneys' fees and costs, and any other appropriate relief. Governmental and qualified
22 immunities to suit and from liability are waived and abolished to the extent of liability created
23 by this subsection."

24 **SECTION 10.(b)** This section is effective when it becomes law, and applies to
25 violations occurring on or after that effective date.

27 **PART XI. SUPERINTENDENT CONTRACTS**

28 **SECTION 11.(a)** G.S. 115C-271(b) reads as rewritten:

29 "(b) Each local board of education shall elect a superintendent under a written contract of
30 employment for a term of no more than four years, ending on June 30 of the final months of the
31 contract. All contracts for employment shall include terms consistent with G.S. 115C-271.1.
32 Contracts of employment for a period of less than one year shall be governed and limited by G.S.
33 115C-275. Each local board shall file a copy of the contract with the State Board of Education
34 before the individual is eligible for this office."

35 **SECTION 11.(b)** Article 18 of Chapter 115C of the General Statutes is amended by
36 adding a new section to read:

37 **§ 115C-271.1. Superintendent Contracts.**

38 (a) A contract for a superintendent is void unless it contains the following terms:

39 (1) Receipt of five affidavits, as provided in subsection (b) of this section, may be
40 grounds for termination of the superintendent's contract, in the discretion of
41 the governing body. No additional funds beyond the salary for actual days of
42 employment shall be paid to the superintendent if a contract is terminated on
43 those grounds.

44 (2) Receipt of five affidavits, as provided in subsection (b) of this section, shall
45 result in an automatic reduction in pay of the superintendent's salary in an
46 amount equal to the State funds provided for that salary, if the superintendent's
47 contract is not terminated.

48 (b) A parent may file with the local board an affidavit containing the name of the
49 superintendent and a copy of the court orders in a final claim of violation of G.S. 115C-45(d)
50 that occurred while the superintendent was employed by the local board. Upon receipt by local
51 board of five affidavits, the local board may terminate the superintendent's contract, in the

1 discretion of the local board. If the local board does not terminate the superintendent's contract,
2 the local board shall reduce the superintendent's salary as provided in subsection (a) of this
3 section for the remainder of the term of the contract, effective within 30 days of the submission
4 of the fifth affidavit. If the local board reduces salary or terminates the superintendent's contract
5 as provided in this section, the local board shall report the reduction in salary or termination to
6 the State Board of Education within thirty days for discretionary revocation of the
7 superintendent's professional educator's license."

8 **SECTION 11.(c)** G.S. 115C-270.35(d) reads as rewritten:

9 "(d) Discretionary Revocation. – The State Board may revoke or refuse to renew a
10 professional educator's license for any of the following reasons:

11 (1) ~~when the~~ The Board identifies the school in which the professional educator is
12 employed as low-performing under G.S. 115C-105.37 or G.S. 143B-146.5,
13 and the assistance team assigned to that school makes the recommendation to
14 revoke or refuse to renew the professional educator's license for one or more
15 reasons established by the State Board in its rules for license suspension or
16 revocation.

17 (2) A superintendent's contract has been terminated or salary reduced as provided
18 in G.S. 115C-271.1."

19 **SECTION 11.(d)** The requirements of G.S. 115C-271.1, as enacted by this section,
20 shall apply to all new and renewed contracts entered into on or after the effective date of this act.

21 22 **PART XII. REQUIRE PARENTAL CONSENT FOR EXTRACURRICULAR** 23 **ACTIVITIES**

24 **SECTION 12.(a)** G.S. 115C-47(4) reads as rewritten:

25 "(4) To Regulate Extracurricular Activities. – Local boards of education shall
26 make all rules and regulations necessary for the conducting of extracurricular
27 activities in the schools under their supervision, including a program of
28 athletics, where desired, without assuming liability therefor; provided, that all
29 interscholastic athletic activities shall be conducted in accordance with rules
30 adopted by the State Board of Education, in accordance with
31 G.S. 115C-12(23) and Article 29E of this Chapter. The rules and regulations
32 shall require that a student shall not participate in extracurricular activities
33 without parental consent. For the purposes of this subdivision, extracurricular
34 activities include:

35 a. Clubs, programs, or activities offered, sponsored, or coordinated by
36 the school on campus.

37 b. Clubs, programs, or activities offered, sponsored, or coordinated by
38 the school off campus.

39 c. Clubs, programs, or activities presented by youth groups or other
40 non-school organizations to students on campus.

41 d. Student book fairs conducted on campus in accordance with the
42 requirements of G.S. 115C-98.2(i)."

43 **SECTION 12.(b)** This section is effective January 1, 2024.

44 45 **PART XIII. PARENTAL CONSENT FOR HEALTH QUESTIONNAIRES IN ALL** 46 **GRADES**

47 **SECTION 13.(a)** G.S. 115C-402.15 reads as rewritten:

48 "**§ 115C-402.15. Parental notification regarding rights to student records and opt-out and**
49 **opt-in opportunities.**

50 (a) Annual Parental Notification. – Local boards of education shall annually provide
51 parents, by a method reasonably designed to provide actual notice, information on parental rights

1 under State and federal law with regards to student records and opt-out opportunities for
2 disclosure of directory information as provided under the Family Educational Rights and Privacy
3 Act, 20 U.S.C. § 1232g, and notice and opt-out opportunities for surveys covered by the
4 Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h. Parents shall also be notified of any
5 student well-being questionnaire or health screening form and the means for the parent to consent
6 to the use of the questionnaire or form for his or her child.

7 (b) Notice Content. – The notice shall include information on parental rights under State
8 and federal law to:

- 9 (1) Inspect and review education records.
- 10 (2) Seek to amend inaccurate education records.
- 11 (3) Provide written consent prior to disclosure of personally identifiable
12 information from education records, except as otherwise provided by law.
13 Information shall be included on disclosure of directory information and
14 parental rights to opt out of disclosure of directory information.
- 15 (4) File a complaint with the U.S. Department of Education concerning alleged
16 failures to comply with the Family Educational Rights and Privacy Act.
- 17 (5) Receive notice and the opportunity to opt out prior to the participation of the
18 student in a protected information survey under 20 U.S.C. § 1232h.
- 19 (6) Receive notice and the option to opt the student in to participation in a student
20 well-being questionnaire or health screening form."

21 **SECTION 13.(b)** This section is effective when it becomes law. For the 2023-2024
22 school year, notice of student well-being questionnaires or health screening forms and the
23 opportunity to opt in shall be provided to parents within 60 days of the effective date of this
24 section.
25

26 **PART XIV. INFORMATION FOR PARENTS ON MENTAL HEALTH CONCERNS**

27 **SECTION 14.(a)** Article 25A of Chapter 115C of the General Statutes is amended
28 by adding a new section to read:

29 **"§ 115C-375.6. Parental notifications on mental health concerns.**

30 (a) All licensed school personnel employed by local boards of education shall comply
31 with the following:

- 32 (1) The licensed school personnel shall report to the child's parent as provided in
33 subdivision (2) of this subsection if, in the course of his or her employment,
34 that individual has reason to believe as a result of direct communication from
35 a child that the child is either of the following:
 - 36 a. At imminent risk of suicide.
 - 37 b. Is self-identifying as a gender different from the student's biological
38 sex.
- 39 (2) The licensed school personnel shall contact at least one of the child's parents
40 as soon as practicable to ask whether the parent is aware of the child's mental
41 state and whether the parent wishes to obtain or has already obtained
42 counseling for that child, in accordance with the parental contact guidelines,
43 as provided in subsection (b) of this section.
- 44 (3) Notwithstanding subdivisions (1) and (2) of this subsection, if the child has
45 indicated that (i) the reason for being at imminent risk of suicide relates to
46 being an abused or neglected juvenile as the result of parental abuse or neglect,
47 or (ii) disclosure of the child's self-identifying as a gender different from the
48 student's biological sex disclosure would result in the child becoming an
49 abused or neglected juvenile, contact shall not be made with the parent.
50 Instead, the personnel shall, as soon as practicable, report the abuse or neglect
51 to the Director of Social Services of the county, as provided in Article 3 of

Chapter 7B of the General Statutes, consistent with the requirements of G.S. 115C-400. When giving this notice to the Director of Social Services, the personnel shall stress the need to take immediate action to protect the child from harm.

(b) The Department of Public Instruction, in consultation with the Department of Health and Human Services, shall establish guidelines for parental contact. These guidelines may include case studies and problem-solving exercises and may be designed as materials for in-service training programs for licensed school personnel. These guidelines shall include at least the following:

- (1) Criteria to assess the suicide risks of children.
- (2) Characteristics to identify potentially suicidal children.
- (3) Appropriate responses to students expressing suicidal intentions.
- (4) Available and appropriate community services for children expressing suicidal intentions.
- (5) Suicide prevention strategies which may be implemented by public school units for children expressing suicidal intentions.
- (6) Criteria to assess whether children have begun to self-identify as a gender different from their biological sex.
- (7) Criteria for notification of and discussions with parents of children expressing suicidal intentions or self-identifying as a gender different from their biological sex.
- (8) Criteria for as-soon-as-practicable contact with parents.
- (9) Appropriate sensitivity to religious beliefs.
- (10) Legal requirements and criteria for notification of public service agencies, including, but not limited to, appropriate social services and mental health agencies."

SECTION 14.(b) This section is effective when it becomes law. The requirements of G.S. 115C-375.6(a), as enacted by this section, shall apply beginning with the 2024-2025 school year. The Department of Public Instruction shall establish guidelines, as required by G.S. 115C-375.6(b), as enacted by this section, no later than December 15, 2023. The Department of Public Instruction shall report on those guidelines to the Joint Legislative Education Oversight Committee no later than December 31, 2023. The Department of Public Instruction shall provide those guidelines to local school administrative units no later than February 1, 2024.

PART XV. CLARIFY DEFINITION OF ABUSED OR NEGLECTED JUVENILE

SECTION 15.(a) G.S. 7B-101 reads as rewritten:

"§ 7B-101. Definitions.

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

- (1) Abused juveniles. – Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker:
 - a. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental ~~means;~~means.
 - b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental ~~means;~~means.
 - c. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify ~~behavior;~~behavior.
 - d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: first-degree forcible

- 1 rape, as provided in G.S. 14-27.21; second-degree forcible rape as
 2 provided in G.S. 14-27.22; statutory rape of a child by an adult as
 3 provided in G.S. 14-27.23; first-degree statutory rape as provided in
 4 G.S. 14-27.24; first-degree forcible sex offense as provided in
 5 G.S. 14-27.26; second-degree forcible sex offense as provided in
 6 G.S. 14-27.27; statutory sexual offense with a child by an adult as
 7 provided in G.S. 14-27.28; first-degree statutory sexual offense as
 8 provided in G.S. 14-27.29; sexual activity by a substitute parent or
 9 custodian as provided in G.S. 14-27.31; sexual activity with a student
 10 as provided in G.S. 14-27.32; unlawful sale, surrender, or purchase of
 11 a minor, as provided in G.S. 14-43.14; crime against nature, as
 12 provided in G.S. 14-177; incest, as provided in G.S. 14-178;
 13 preparation of obscene photographs, slides, or motion pictures of the
 14 juvenile, as provided in G.S. 14-190.5; employing or permitting the
 15 juvenile to assist in a violation of the obscenity laws as provided in
 16 G.S. 14-190.6; dissemination of obscene material to the juvenile as
 17 provided in G.S. 14-190.7 and G.S. 14-190.8; displaying or
 18 disseminating material harmful to the juvenile as provided in
 19 G.S. 14-190.14 and G.S. 14-190.15; first and second degree sexual
 20 exploitation of the juvenile as provided in G.S. 14-190.16 and
 21 G.S. 14-190.17; promoting the prostitution of the juvenile as provided
 22 in G.S. 14-205.3(b); and taking indecent liberties with the juvenile, as
 23 provided in ~~G.S. 14-202.1~~; G.S. 14-202.1.
- 24 e. Creates or allows to be created serious emotional damage to the
 25 juvenile; serious emotional damage is evidenced by a juvenile's severe
 26 anxiety, depression, withdrawal, or aggressive behavior toward
 27 himself or ~~others~~; others. In no event shall referring to and raising a
 28 juvenile in a manner consistent with the child's biological sex,
 29 including related mental health or medical decisions, be considered
 30 abuse, but such actions shall not authorize any other actions prohibited
 31 by other sub-subdivisions of this subdivision, including infliction of
 32 serious physical injury.
- 33 f. Encourages, directs, or approves of delinquent acts involving moral
 34 turpitude committed by the ~~juvenile~~; or juvenile.
- 35 g. Commits or allows to be committed an offense under G.S. 14-43.11
 36 (human trafficking), G.S. 14-43.12 (involuntary servitude), or
 37 G.S. 14-43.13 (sexual servitude) against the child.
- 38 ...
- 39 (15) Neglected juvenile. – Any juvenile less than 18 years of age (i) who is found
 40 to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose
 41 parent, guardian, custodian, or caretaker does any of the following:
 42 a. Does not provide proper care, supervision, or discipline.
 43 b. Has abandoned the juvenile, except where that juvenile is a safely
 44 surrendered infant as defined in this Subchapter.
 45 c. Has not provided or arranged for the provision of necessary medical
 46 or remedial care. In no event shall referring to and raising a juvenile
 47 in a manner consistent with the child's biological sex, including related
 48 mental health or medical decisions, be considered neglect, but such
 49 actions shall not authorize any other actions prohibited by other sub-
 50 subdivisions of this subdivision, including abandonment or creation of
 51 an injurious living environment.

- 1 d. Or whose parent, guardian, or custodian has refused to follow the
 2 recommendations of the Juvenile and Family Team made pursuant to
 3 Article 27A of this Chapter.
 4 e. Creates or allows to be created a living environment that is injurious
 5 to the juvenile's welfare.
 6 f. Has participated or attempted to participate in the unlawful transfer of
 7 custody of the juvenile under G.S.14-321.2.
 8 g. Has placed the juvenile for care or adoption in violation of law.
 9 In determining whether a juvenile is a neglected juvenile, it is relevant whether
 10 that juvenile lives in a home where another juvenile has died as a result of
 11 suspected abuse or neglect or lives in a home where another juvenile has been
 12 subjected to abuse or neglect by an adult who regularly lives in the home.

13"

14 **SECTION 15.(b)** This section is effective December 1, 2023.
 15

16 **PART XVI. CHARTER SCHOOLS NOT STATE ACTORS**

17 **SECTION 16.1(a)** G.S. 115C-218.10 reads as rewritten:

18 **"§ 115C-218.10. Charter school exemptions.**

19 Except as provided in this Article and pursuant to the provisions of its charter, a charter school
 20 is exempt from statutes and rules applicable to a local board of education or local school
 21 administrative unit. Actions of a charter school shall be considered as actions of private nonprofit
 22 and not of a state actor."

23 **SECTION 16.1(b)** G.S. 115C-218.20 reads as rewritten:

24 **"§ 115C-218.20. Civil liability and insurance requirements.**

25 (a) The board of directors of a charter school may sue and be sued. The State Board of
 26 Education shall adopt rules to establish reasonable amounts and types of liability insurance that
 27 the board of directors shall be required by the charter to obtain. The board of directors shall obtain
 28 at least the amount of and types of insurance required by these rules to be included in the charter.
 29 Any sovereign immunity of the charter school, of the organization that operates the charter
 30 school, or its members, officers, or directors, or of the employees of the charter school or the
 31 organization that operates the charter school, is waived to the extent of indemnification by
 32 insurance.

33 (b) No civil liability shall attach to the State Board of Education, the Superintendent of
 34 Public Instruction, or to any of their members or employees, individually or collectively, for any
 35 acts or omissions of the charter school. Actions of a charter school shall be considered as actions
 36 of private nonprofit and not of a state actor."

37 **SECTION 16.1(c)** G.S. 115C-218.105(b) reads as rewritten:

38 "(b) Funds allocated by the State Board of Education may be used to enter into operational
 39 and financing leases for real property or mobile classroom units for use as school facilities for
 40 charter schools and may be used for payments on loans made to charter schools for facilities,
 41 equipment, or operations. However, State funds shall not be used to obtain any other interest in
 42 real property or mobile classroom units. The school also may own land and buildings it obtains
 43 through non-State sources. No indebtedness of any kind incurred or created by the charter school
 44 shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of
 45 the charter school shall involve or be secured by the faith, credit, or taxing power of the State or
 46 its political subdivisions. Every contract or lease into which a charter school enters shall include
 47 the previous sentence. Actions of a charter school shall be considered as actions of private
 48 nonprofit and not of a state actor."

49 **SECTION 16.2** The State Treasurer shall seek a private letter ruling from the Internal
 50 Revenue Service to determine if the amendments to G.S. 115C-218.10, 115C-218.20, and 115C-
 51 218.105, as enacted by this section, jeopardize the status of charter schools in the Teachers' and

1 State Employees' Retirement System. This section shall become effective 30 days after the date
2 of receipt by the State Treasurer of a private letter ruling from the Internal Revenue Service
3 determining that the amendments to G.S. 115C-218.10, 115C-218.20, and 115C-218.105, as
4 enacted by this section, do not jeopardize the status of participation of charter schools in the
5 Teachers' and State Employees' Retirement System of North Carolina under the Internal Revenue
6 Code. Upon receipt of that determination, the State Treasurer shall notify the Revisor of Statutes
7 of the determination and the date of receipt, and shall also notify the State Board of Education
8 and the Joint Legislative Education Oversight Committee and provide a copy of the private letter
9 ruling.

10 **SECTION 16.3** Section 16.1 is effective 30 days after the date of the receipt by the
11 State Treasurer of a private letter ruling from the Internal Revenue Service providing that the
12 changes in law in Section 16.1 do not jeopardize the status of charter schools in the Teachers'
13 and State Employees' Retirement System.

14
15 **PART XVII: EFFECTIVE DATE**

16 **SECTION 17.** Except as otherwise provided, this act is effective when it becomes
17 law.