

NORTH CAROLINA STATE BOARD OF EDUCATION
Policy Manual

Item	Description
Policy Title	Parental Concern Hearings Procedure
Policy Category	Parent Involvement (PRNT)
Policy ID	PRNT-001
Policy Date	11/02/2023
Previous Policy Dates	
Statutory Reference	N.C.G.S. § 115C-76.45-76.60
Administrative Procedures Act (APA)	16 NCAC 06G .0701

I. Definitions

- A. For purposes of this policy, the following definitions shall apply:
1. “Child” is defined in G.S. 115C-76.1(2).
 2. “Hearing officer” means an individual who meets the requirements in G.S. 115C-76.60(b)(1)a.
 3. “Parent” is defined in G.S. 115C-76.1(5).
 4. “Practice” means a regular method, process, or course of conduct, whether or not established in the written policies of a PSU, by which the PSU provides the notices or information to parents as required by Chapter 115C, Article 7B, Part 4 of the General Statutes. “Practice” does not include isolated incidents or isolated conduct by individual PSU personnel, including those inconsistent with the established procedures of the PSU.
 5. “Principal” is defined in G.S. 115C-76.1(6).
 6. “Procedure” means a regular method or process, as established in the written policies of a PSU, by which the PSU provides the notices or information to parents as required by G.S. 115C-76.45, or age-appropriate instruction on certain topics as described in G.S. 115C-76.55. “Procedure” does not include isolated incidents or isolated conduct by individual PSU personnel, including those inconsistent with the established procedures of the PSU.
 7. “Public school unit” or “PSU” is defined in G.S. 115C-5(7a).
 8. “Superintendent” is defined in G.S. 115C-76.1(8).

II. Appealable Issues

This policy sets out the procedure to follow if a parent wishes to request a parental concern hearing pursuant to N.C.G.S. § 115C-76.60. This process is available only for appeals of procedures and

practices found in Article 7B, Part 4 of Chapter 115C of the North Carolina General Statutes. The issues that may be appealed under this policy are limited to:

- A. Failure of a child's public school unit ("PSU") to adopt and implement policies to notify parents of the following:
 1. At the beginning of each school year, notice of health care services offered at the child's school and a means for parents to provide consent for specific services.
 2. At the beginning of each school year, notice of procedures available to exercise the parents' remedies to the items covered by this policy.
 3. For students in kindergarten through third grade, and prior to its administration, a copy of any student well-being questionnaire or health screening form and the means for parents to consent to the use of the questionnaire or form for their child.
 4. Prior to or contemporaneous with changes, notice to parents of changes in services or monitoring related to their child's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for that child.
 5. Prior to any changes in the name or pronoun used for a student in school records or by school personnel, notice to the parent of the change.
- B. Procedures or practices, associated with items covered in this policy, that:
 1. Do not include a requirement that school personnel either encourage a child to discuss issues related to the child's well-being with his or her parents or facilitate a discussion of the issues with the child's parents.
 2. Prohibit parents from accessing their child's education and health records maintained by the PSU, except when:
 - a. an authorized investigator requests that information not be released to a parent because the parent is being investigated for either:
 - i. a crime committed against the child; or
 - ii. an abuse and neglect complaint;
 - b. a reasonable person would believe that disclosure would result in the child becoming an abused or neglected juvenile; or
 - c. otherwise prohibited by law.
 3. Prohibit school employees from notifying parents about their child's mental, emotional, or physical health or well-being or a change in related services or monitoring.
 4. Encourage or have the effect of encouraging a child to withhold information from that child's parents about his or her mental, emotional, or physical health or well-being or a change in related services or monitoring.
 5. Result in instruction on gender identity, sexual activity, or sexuality in grades kindergarten through fourth grade.

6. Do not adhere to DPI's guidelines, standards, and frameworks for student support services training.

III. Hearing Procedures

- A. A parent may notify the State Board of Education of a parental concern and request a hearing if:
 1. The parent has notified the principal at his or her child's school of the parent's concerns that his or her rights under section I above have been violated;
 2. The parent's concerns relate to a procedure or practice of his or her child's school as described in section I above; and
 3. The PSU has not resolved the parent's concerns within thirty (30) days of notification by the parent to the principal of the PSU.
- B. A parent's notification to the State Board of any unresolved concerns and **request for a hearing** shall:
 1. Be in writing;
 2. Specify the procedures or practices of the PSU that he or she has concerns about;
 3. Describe the concerns he or she has with the PSU's procedures or practices;
 4. Submit documentation that he or she has notified the principal of his or her child's school about these concerns thirty (30) or more days prior to notifying the State Board;
 5. **Include copies of all written correspondence and summaries of all verbal correspondence with PSU personnel, including date, time, and parties involved for any correspondence conducted by telephone or in person, regarding the parental concern and efforts by the PSU to resolve the concern;**
 6. Include a description of the relevant facts around the concerns;
 7. Specify how these concerns have not been resolved by the PSU; and
 8. Articulate a resolution to his or her concerns.
- C. Forms to submit a notification **and request for a hearing** to the State Board can be found on the Department of Public Instruction's website at (add link). **A copy of this form and the information included shall also be sent to the superintendent.**
- D. **Upon receipt of a request for a parental concern hearing in accordance with Section B of the Hearing Procedures, the Office of General Counsel is delegated the authority to review the request and determine whether the State Board has jurisdiction to review the matters therein addressed. The Office of General Counsel is also delegated the authority to dismiss a request for any of the following reasons:**
 1. **The parent has failed to provide any of the information required by Section B of the Hearing Procedures;**
 2. **The parent's concern does not address the procedures or practices of a PSU required by Chapter 115C, Article 7B, Part 4 of the General Statutes;**

3. The parent has failed to provide the PSU 30 days to resolve the parent's concern; or
 4. The parent's proposed resolution is not within the legal authority of the PSU or the State Board.
- E. If the Office of General Counsel determines that the State Board has jurisdiction to review the matters addressed in the request, on behalf of the State Board, the Office of General Counsel shall engage a hearing officer, from the list of independent hearing officers appointed by the State Board, to review the request. The Office of General Counsel shall engage a hearing officer who is a member in good standing of the North Carolina State Bar and has demonstrated experience in education or administrative law within the last five years. The PSU shall pay for the costs of the hearing officer in accordance with 16 NCAC 06G .0701.
- F. Individual hearings will be held unless the Office of General Counsel determines that a group hearing would be a more effective process in addressing the matter because two or more parents share the same or a similar concern or are involved in the same matter to be heard.
- G. The hearing officer shall hold a hearing and submit a recommended decision to the State Board within thirty (30) days after assignment to the parental concern hearing.
1. The hearing officer will provide the parties at least five business days' notice of the time and place for the hearing.
 2. Hearings under this policy may be held either in-person or virtually at the discretion of the hearing officer.
 3. Each party may submit information and written statements to the hearing officer no later than three business days before the hearing.
 4. Any party intending to be represented by legal counsel must notify the hearing officer at least three business days in advance of the hearing. If necessary, the hearing may be rescheduled to enable the other party to secure legal counsel for the hearing.
 5. Parties will be given the opportunity to address the hearing officer orally at the hearing. Each party will have thirty (30) minutes to present their case and respond to the hearing officer's questions. The hearing officer may extend the time for oral presentations in his or her discretion.
 6. All hearings under this policy will be recorded.
- H. Legal rules of evidence do not apply to information considered by the hearing officer and the State Board. The hearing officer and State Board may consider any information that a reasonably prudent person would consider in conducting the serious affairs of business.
- I. The hearing officer's recommended decision submitted to the State Board shall include:
1. Findings of fact;
 2. Conclusions of law, including citation to any statutes, rules, or policies related to the decision; and
 3. A recommended decision for resolution to the parent's concerns.

- J. At the next regularly scheduled State Board meeting, held more than seven days after receipt of the recommended decision, the State Board shall vote to either approve, reject, or amend the hearing officer's recommended decision.