

Chapter 114A.
Parents' Bill of Rights.

§ 114A-1. Definitions.

The following definitions apply in this Article:

- (1) Reserved for future codification purposes.
- (2) Child. – A person less than 18 years of age who has not been emancipated pursuant to Article 35 of Chapter 7B of the General Statutes.
- (3) Reserved for future codification purposes.
- (4) Reserved for future codification purposes.
- (5) Parent. – A person who has legal custody of a child, including a natural parent, adoptive parent, or legal guardian.
- (6) State. – The State, any of its political subdivisions, or any public school unit. (2023-106, s. 1.)

§ 114A-2. Reserved for future codification purposes.

§ 114A-3. Reserved for future codification purposes.

§ 114A-4. Reserved for future codification purposes.

§ 114A-5. Reserved for future codification purposes.

§ 114A-6. Reserved for future codification purposes.

§ 114A-7. Reserved for future codification purposes.

§ 114A-8. Reserved for future codification purposes.

§ 114A-9. Reserved for future codification purposes.

§ 114A-10. Parents' bill of rights.

A parent has the right to the following:

- (1) To direct the education and care of his or her child.
- (2) To direct the upbringing and moral or religious training of his or her child.
- (3) To enroll his or her child in a public or nonpublic school and in any school choice options available to the parent for which the child is otherwise eligible by law in order to comply with compulsory attendance laws, as provided in Part 1 of Article 26 of Chapter 115C of the General Statutes.
- (4) To access and review all education records, as authorized by the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, relating to his or her child.
- (5) To make health care decisions for his or her child, unless otherwise provided by law, including Article 1A of Chapter 90 of the General Statutes.
- (6) To access and review all medical records of his or her child, as authorized by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191, as amended, except as follows:

- a. If an authorized investigator requests that information not be released to a parent because the parent is the subject of an investigation of either of the following:
 - 1. A crime committed against the child under Chapter 14 of the General Statutes.
 - 2. An abuse and neglect complaint under Chapter 7B of the General Statutes.
- b. When otherwise prohibited by law.
- (7) To prohibit the creation, sharing, or storage of a biometric scan of his or her child without the parent's prior written consent, except as authorized pursuant to a court order or otherwise required by law, including G.S. 7B-2102 and G.S. 7B-2201.
- (8) To prohibit the creation, sharing, or storage of his or her child's blood or deoxyribonucleic acid (DNA) without the parent's prior written consent, except as authorized pursuant to a court order or otherwise required by law, including G.S. 7B-2201.
- (9) To prohibit the creation by the State of a video or voice recording of his or her child without the parent's prior written consent, except a recording made in the following circumstances:
 - a. During or as part of a court proceeding.
 - b. As part of an investigation under Chapter 7B or Chapter 14 of the General Statutes.
 - c. When the recording will be used solely for any of the following purposes:
 - 1. A safety demonstration, including one related to security and discipline on educational property.
 - 2. An academic or extracurricular activity.
 - 3. Classroom instruction.
 - 4. Photo identification cards.
 - 5. Security or surveillance of buildings, grounds, or school transportation.
- (10) To be promptly notified if an employee of the State suspects that a criminal offense has been committed against his or her child, unless the incident has first been reported to law enforcement or the county child welfare agency, and notification of the parent would impede the investigation. (2023-106, s. 1.)

§ 114A-11. Reserved for future codification purposes.

§ 114A-12. Reserved for future codification purposes.

§ 114A-13. Reserved for future codification purposes.

§ 114A-14. Reserved for future codification purposes.

§ 114A-15. Limitations on the right to parent.

- (a) The requirements of this Article do not authorize a parent to do any of the following:

- (1) Engage in unlawful conduct.
- (2) Abuse or neglect the child, as defined in Chapter 7B of the General Statutes.
- (b) The requirements of this Article do not prohibit the following:
 - (1) A State official or employee from acting in his or her official capacity within the reasonable and prudent scope of his or her authority.
 - (2) A court of competent jurisdiction from acting in its official capacity within the reasonable and prudent scope of its authority or issuing an order otherwise permitted by law. (2023-106, s. 1.)

§ 114A-16. Reserved for future codification purposes.

§ 114A-17. Reserved for future codification purposes.

§ 114A-18. Reserved for future codification purposes.

§ 114A-19. Reserved for future codification purposes.

§ 114A-20. Employee penalties.

An employee of the State who encourages, coerces, or attempts to encourage or coerce a child to withhold information from his or her parent may be subject to disciplinary action. (2023-106, s. 1.)