

Parent's Bill of Rights

Compliance Policies

THESE POLICIES WILL BE POSTED AND AVAILABLE ON THE SCHOOL'S WEBSITE.

The Board is committed to developing policies to involve parents in schools and their child's education effectively. N.C.G.S. § 115C-76.20(b)(3).

All parents/families and educators must prioritize family involvement in education; thus, the Board commits to providing support and coordination for school staff and parents to implement and sustain appropriate parent involvement.

Improved student achievement must be the equally shared responsibility and the goal of parents, teachers, the school system, and the community. Thus, the Board commits to seeing that each school has effective volunteer programs to address student needs and commits to utilizing schools to assist students and families in connecting with community resources.

The Board commits that it will impact student achievement significantly by improving the quality and quantity of parent/family involvement. Consequently, the Board will provide guidance, support, cooperation, and the necessary funding to enable parents to become active partners in education.

A. Parent Rights

A parent has the right to the following:

- (1) To direct the education and care of their child.
- (2) To direct the child's upbringing and moral or religious training.
- (3) To enroll their 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 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 their child.
- (5) To make health care decisions for their 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 their 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:

- A crime committed against the child under Chapter 14 of the General Statutes.
 - An abuse and neglect complaint under Chapter 7B of the General Statutes.
 - b. When otherwise prohibited by law.
- (2) To prohibit the creation, sharing, or storage of a biometric scan of their 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.
- (3) To prohibit the creation, sharing, or storage of their 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.
- (4) To prohibit the creation by the State of a video or voice recording of their 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:
 - A safety demonstration, including one related to security and discipline on educational property.
 - An academic or extracurricular activity.
 - Classroom instruction.
 - Photo identification cards.
 - Security or surveillance of buildings, grounds, or school transportation.
- (5) To be promptly notified if an employee of the State suspects that a criminal offense has been committed against their 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.

B. Limitations on the right to parent:

- (1) The requirements of this Article do not authorize a parent to do any of the following:
 - a. Engage in unlawful conduct.
 - b. Abuse or neglect of the child, as defined in Chapter 7B of the General Statutes.
- (2) The requirements of this Article do not prohibit the following:
 - a. A State official or employee from acting in their official capacity within the reasonable and prudent scope of their authority.

- b. 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.

C. Pursuant to N.C.G.S. § 115C-76.25, the School shall display on its website the following parental legal rights regarding their child’s education:

- (1) The right to consent or withhold consent for participation in reproductive health and safety education programs, consistent with the requirements of G.S. 115C-81.30. The School will provide parents with a consent form prior to such programming.
- (2) The right to seek a medical or religious exemption from immunization requirements, consistent with the requirements of G.S.130A-156 and G.S. 130A-157. Please consult the Student Handbook for this information.
- (3) The right to review statewide standardized assessment results as part of the State report card. The School will provide such information following such assessments.
- (4) The right to request an evaluation for identification as a child with a disability, as provided in Article 9 of this Chapter. Please consult the Mountain Discovery website for this information.
- (5) The right to inspect and purchase public school unit textbooks and other supplementary instructional materials, as provided in Part 3 of Article 8 of this Chapter. Please refer to the School's Policy on Curriculum, Textbooks, Supplementary Materials and Library Materials.
- (6) The right to access information relating to the MDCS policies for promotion or retention, including high school graduation requirements. Please consult the Family Handbook for this information.
- (7) The right to receive student report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance. Please consult the Family Handbook for this information.
- (8) The right to access information relating to the State public education system, State standards, report card requirements, attendance requirements, and textbook requirements. Please consult the Family Handbook and the Mountain Discovery website for this information as well as the Department of Public Instruction.
- (9) The right to participate in parent-teacher organizations. This information will be provided directly from the parent-teacher organization.
- (10) The right to opt into certain data collection for their child, as provided in Part 5 of this Article and Article 29 of this Chapter. Please consult the Family Handbook and website for this information

- (11) The right for students to participate in protected student information surveys only with parental consent, as provided in Part 5 of this Article. Please consult the Student Handbook for this information.

D. Parent Guide for Student Achievement Pursuant to 115C-76.30.

The Parent Guide to Student Achievement is an effort by the State Board of Education (“SBE”). The SBE’s Guide will be posted on the School’s website once it has been provided by the State Board of Education and going forward at the beginning of each school year. The SBE’s Guide will be in writing, understandable to students and parents, and discussed at any forum designated by the School. The SBE Guide shall meet the requirements set forth in N.C.G.S. 115C-76.30.

E. The School’s Guide for Student Achievement Pursuant to 115C-76.30.

- (1) The School has chosen to comply with these provisions by ensuring the following information is in the Family Handbook and the school’s website:
 - a. Requirements for students to be promoted to the next grade.
 - b. School entry requirements, including required immunizations and the recommended immunization schedule.
 - c. Ways for parents to do the following:
 - Strengthen their child's academic progress, especially in reading, as provided in Part 1A of Article 8 of this Chapter.
 - Strengthen their child's citizenship, especially social skills, and respect for others.
 - Strengthen their child's realization of high expectations and setting lifelong learning goals.
 - Enhance communication between the school and the home.
- (2) The School has chosen to comply with 115C-76.30, making the following information available through its website; the Family Handbook found on the School’s website; School and classroom communications (hard copy or via email); as well as through any other medium appropriate to communicate in an understandable way with parents and students:
 - a. Services available for parents and their children, such as family literacy services; mentoring, tutoring, and other academic reinforcement programs; academic advisement, and student counseling services; and after-school programs.
 - b. Opportunities for parental participation, such as parenting classes, adult education, school advisory councils, and school volunteer programs.
 - c. Educational choices available to parents, including each type of public-school unit available to residents of the county in which the child

lives and nonpublic school options, educational choice options offered within the public school unit, and scholarship grant programs under Part 2A of Article 39 and Article 41 of this Chapter.

- d. Rights of students who have been identified as students with disabilities, as provided in Article 9 of this Chapter.
- e. Contact information for school's offices.
- f. Resources for information on the importance of student health and other available resources for parents, including the following information on available immunizations and vaccinations:
 - A recommended immunization schedule in accordance with the United States Centers for Disease Control and Prevention recommendations.
 - Information about meningococcal meningitis and influenza, as required by G.S. 115C-375.4.

F. Efforts to Increase Parent Involvement Pursuant to § 115C-76.35.

The School shall, in consultation with parents, teachers, administrators, and community partners, develop and adopt policies to promote parental involvement and empowerment. The School will use existing committees, communication mediums, and structures to engage in the consultation requirement set forth in § 115C-76.35 and/or may create new avenues to comply with this provision. Opportunities and information will be available on the School's website and/or in community and/or school communications. The School will ensure policies provide for parental choices as set forth in SB49, establish parental responsibilities, and provide for parental involvement, which shall include the following:

- (1) Providing links to parents for community services.
- (2) Establishing opportunities for parental involvement in developing, implementing, and evaluating family involvement programs.
- (3) Establish opportunities for parents to participate in school advisory councils, volunteer programs, and other activities.

G. The School has established policies to do all the following:

- (1) Provide for parental participation in their child's education to improve parent and teacher cooperation in areas such as homework, school attendance, and discipline that aligns with the parent guide for student achievement required by G.S. 115C-76.30. *Please consult the School's website and Family Handbook on the School's website.*
- (2) Effectively communicate to parents the way textbooks are used to implement the school's curricular objectives. *Please refer to the School's Policy on Curriculum,*

Textbooks, Supplementary Material, and Library Materials; the School's website; and the Family Handbook on the School's website.

- (3) Establish a procedure for parents to learn about their child's course of study and the source of any supplementary instructional materials. This procedure shall include the process for parents to inspect and review all textbooks and supplementary instructional materials that will be used in their child's classroom. The policy shall be available for in-person review by parents at the school site and publicly available on the school's website. For this section, a textbook is defined in G.S. 115C-85, and supplementary instructional materials include supplementary textbooks, periodicals, audiovisual materials, and other supplementary materials used for instructional purposes. *Please refer to the School's Policy on Curriculum, Textbooks, Supplementary Materials, and Library Materials.*
- (4) Establish a means for parents to object to textbooks and supplementary instructional materials. *Please refer to the School's Policy on Curriculum, Textbooks, Supplementary Materials, and Library Materials.*
- (5) Establish a process for parents to review materials for and to consent or withhold consent for participation in reproductive health and safety education programs consistent with the requirements of G.S. 115C-81.30. The School already provides such review, notice, and consent requirements and will continue to follow our current procedures. *Please consult the Family available on the School's website for further information.*
- (6) Establish a process for parents to learn about the nature and purpose of clubs and activities offered at their child's school, including both curricular and extracurricular activities. Such information will be provided through School and/or classroom communications. *Please also consult the Family Handbook available on the School's website.*

H. Further Compliance

- (1) The qualifications of teachers, including licensure status, will be made available to parents at the beginning of each school year and updated from time to time as needed. This information will include teacher degrees, licensure status, and any other information necessary to comply with §115C-76.30(1)(d).
- (2) Our School is a school of choice. Parents have other educational choices available to them, including traditional district schools, non-public schools (religious and secular), other charter schools, and home schools. Information on scholarship programs is available at [Opportunity Scholarship - NCSEAA \(https://www.ncseaa.edu/k12/opportunity/\)](https://www.ncseaa.edu/k12/opportunity/)

I. Student Health Notifications Pursuant to N.C.G.S. § 115C-76.45

- (1) The School does not prohibit school employees from notifying a parent about their child's mental, emotional, or physical health or well-being or a change in related services or monitoring.
- (2) The School does not encourage or have the effect of encouraging a child to withhold from that child's parent information about their mental, emotional, or physical health or well-being or a change in related services or monitoring.
- (3) School personnel shall not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being except where a reasonably prudent person would believe that notification would result in the child becoming an abused juvenile or neglected juvenile, as those terms are defined in G.S. 7B-101 or jeopardize the student's safety.
- (4) Notifications:
 - a. At the beginning of each school year, the Co-Directors will notify parents about each healthcare service offered at the school and provide information on how parents can consent to such service. The Co-Directors will notify parents of changes, prior to or contemporaneous with changes, in service or monitoring related to their child's mental, emotional, or physical health or wellbeing and the school's ability to provide a safe and supportive learning environment for that child. (§115C-78.45)
 - b. The Co-Directors shall notify parents of kindergarten through grade three students of any student well-being questionnaire or health screening form prior to administration and shall provide information on how parents can consent to such questionnaire or health screening.
 - c. [The Co-Directors shall provide notice of a change prior to any changes in the name of a pronoun used for a student in school records or by school personnel except where a reasonably prudent person would believe that notification would result in the child becoming an abused juvenile or neglected juvenile, as those terms are defined in G.S. 7B-101 or jeopardize the student's safety.
 - d. The School's policy and procedure for parents to exercise the parental remedies provided by G.S. § 115.C-76.60 is set forth in this policy, **Entitled Parental Remedies**.

J. Timelines for parental requests for information under § 115C-76.40.

- (1) This information parents have a right to access under this SB49 has been made accessible to parents as set forth in this policy. Parents are encouraged to review this policy and the policies referenced herein before making a request for information under § 115C-76.40.
- (2) A parent of a child enrolled at our School may request in writing from the Co-Directors any of the information the parent has the right to access, as provided

in this Part. The request must be made via email sent to admin.@mountaindiscovery.org. Within 10 business days, the Co-Directors shall either (i) provide the requested information to the parent or (ii) provide an extension notice to the parent that, due to the volume or complexity of the request, the information will be provided no later than 20 business days from the date of the parental request.

- (3) If the Co-Directors (i) denies or fails to respond to the request for information within 10 business days or (ii) fails to provide information within 20 business days following an extension notice as provided in subsection (2) of this section, the parent may request in writing any of the information the parent has the right to access, as provided in this Part, from the Co-Directors, along with a statement specifying the time frame of the denial or failure to provide information by the principal.
- (4) If the Co-Directors denies or does not respond to the request for information within 10 business days, the parent may appeal the denial or lack of response to the governing body of the public school unit no later than 20 business days from the date of the request to the Co-Directors, as provided in subsection (2) of this section. The Board shall place the parents' appeal on the agenda for the next regularly scheduled board meeting occurring more than three business days after submission of the appeal. During that meeting, the Board shall make a decision regarding the appeal. The Board's decision under this section is final and is not subject to judicial review.

K. Student support services training § 115C-76.50.

Student support services training developed or provided by the School to the school personnel shall adhere to student services guidelines, standards, and frameworks established by the Department of Public Instruction.

L. Parental rights to opt-in to protected information surveys § 115C-76.65

- (1) Definitions:
 - a. Adult student – An enrolled student who is 18 or older or an emancipated minor.
 - b. Protected information survey – A survey, analysis, or evaluation that reveals information concerning any of the following:
 - Political affiliations or beliefs of the student or the student's parent.
 - Mental or psychological problems of the student or the student's family.
 - Sex behavior or attitudes.
 - Illegal, antisocial, self-incriminating, or demeaning behavior.
 - Critical appraisals of other individuals with whom respondents have close family relationships.

- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
 - Religious practices, affiliations, or beliefs of the student or student's parent.
 - Income other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.
- (2) The School shall make the following available to parents and adult students at least 10 days prior to administration of a protected information survey. The public school unit shall provide opportunities for review of the following both electronically and in person:
- a. The process for providing consent to participation in the protected information survey.
 - b. The full text of the protected information survey.
- (3) No student shall be permitted to participate in a protected information survey without the parent or the adult student's prior written or electronic consent.
- (4) The requirements of this provision are in addition to the rights provided to parents and students under the Protection of Pupil Rights Amendment, which are set forth in the Student Handbook available on the School's website.

M. Procedures and Remedies for Parent Concerns

This provision sets forth procedures and remedies required by § 115C-76.60. A parent has the right to notify the principal about concerns under this policy pursuant to § 115C-76.60. The School's procedures and remedies for parental concerns are as follows:

- (1) The parent shall submit in writing a detailed description of their concern to the School via email at admin@mountaindiscovery.org __. Such description shall clearly state the SB49 procedure or practice of concern. For a concern to be covered by this Section, it must be a concern about the School's procedure or practice under SB49.
- (2) Within seven business days of receiving the concern, the Co-Directors shall either:
- a. Resolve the concern and notify the parent of the resolution, or
 - b. Develop a plan for resolution and notify the parent of the plan to resolve the concern within 30 days of receiving written notification of the concern from the parent, or
 - c. Notify the parent of why the concern cannot be resolved.
- (3) If the concern is not resolved within 30 days, a parent may do one of the following:

- a. Notify the State Board of Education and request a Parental Concern hearing, or
 - b. Bring an action against the school as provided in Article 26 of Chapter 1 of the North Carolina General Statutes for a declaratory judgment that the unit's procedure or practice violates N.C.G.S. § 115C-76.45, § 115C-76.50, or § 115C-76.55.
- (4) The court may award injunctive relief to a parent and shall award reasonable attorneys' fees and costs to a parent awarded injunctive relief.

N. Reporting requirements under § 115C-76.70

[THIS COULD BE REMOVED FROM THE POLICY BUT INCLUDED IN THE BOARD HANDBOOK; BE SURE TO COMPLY WITH THE TIMELINE AND INFORMATION REQUIREMENTS.]

- (1) The School shall report annually by September 15 the following information to the State Board of Education in a format designated by the State Board:
- a. The most current version of the policies and procedures adopted as required by this Article, with any modifications of the policy or procedure from the prior year's submission clearly delineated.
 - b. The following information from the prior school year:
 - The number of appeals to the governing body under G.S. 115C-76.40 and the percentage of appeals decided in favor of the parent and in favor of the administration in the prior school year.
 - The number of statements provided to parents as required by G.S. 115C-76.60(a).
 - The number of parental concern hearings involving the public school unit as provided in G.S. 115C-76.60(b)(1).
 - The number of actions brought against the public school unit as provided in G.S. 115C-76.60(b)(2) and the number of declaratory judgments entered against the public school unit.

O. School's Policy on Curriculum, Textbooks, Supplementary Material, and Library Materials.

- (1) **Compliance with SB49.** In compliance with SB49, this policy serves to communicate understandably and effectively the manner in which textbooks are used to implement the school's curricular objectives. In addition, this policy establishes a procedure for parents to learn about their child's course of study and the source of any supplementary instructional materials. Our procedure includes the process for parents to inspect and review all textbooks and supplementary

instructional materials that will be used in their child's classroom. Finally, this policy also establishes a means for parents to object to textbooks and supplementary instructional materials consistent with the requirements of N.C.G.S. 115C-9

- (2) **Parent Participation.** Parent participation in their child's education is important and encouraged. We strongly encourage parents and teachers to cooperate regarding homework, school attendance, and discipline. Information and ways parents can help their children and encourage cooperation with their child's teacher are included in our FamilyHandbook as well as the following: The weekly Happenings that is sent out via email and Bright Arrow. Teacher communication via email and Class Dojo, and Bright Arrow messages
- (3) **Charter School exemptions.** A charter school is exempt from statutes and rules applicable to a local board of education or local school administrative unit. As such, the School determines its own curriculum and textbooks and is not bound by the laws governing local boards of education and local school administrative units. The School has the sole authority to select and procure curriculum, textbooks, supplementary instructional materials, and library materials. Further, the School has the sole authority to determine if the materials are related to and within the curriculum's limits and when the materials may be presented to students during the school day. In general, supplementary books and other instructional materials shall neither displace nor be used to the exclusion of basic textbooks where the School has selected textbooks.
- (4) **Textbook Definition.** For the purposes of this section, a textbook is defined as a systematically organized material comprehensive enough to cover the primary objectives outlined in the standard course of study for a grade or course. Formats for textbooks may be print or nonprint, including hardbound books, softbound books, activity-oriented programs, classroom kits, and technology-based programs that require the use of electronic equipment to be used in the learning process. Textbooks do not include supplementary instructional materials, including supplementary textbooks, periodicals, audiovisual materials, and other supplementary materials used for instructional purposes.
- (5) **Requirements of § 115C-76.55.** Instruction on gender identity, sexual activity, or sexuality shall not be included in the curriculum provided in grades kindergarten through fourth grade, regardless of whether the information is provided by school personnel or third parties. For the purposes of this section, the curriculum includes the standard course of study and support materials, locally developed curriculum, supplemental instruction, textbooks, and other supplementary materials but does not include responses to student-initiated questions. Further, students may discuss gender identity, sexual activity, and sexuality with the school counselor and/or social worker, or any adult they feel comfortable with. This provision shall be

implemented consistent with Title IX, and where a conflict arises between the two laws, federal law will control. Nothing in this provision prevents school staff and teachers from appropriate classroom displays not inconsistent with any school policy on such displays.

- (6) **Use and Purpose of Textbooks.** The School selects and uses textbooks as part of its curriculum and course of study. The textbooks selected are intended to advance the school's curricular objectives.
- (7) **Process For Selecting Curriculum, Textbooks, Supplementary Books And Instructional Materials.** The School's process for selecting curriculum, textbooks, supplementary books, and instructional material is as follows: Co-Directors and teachers will consult on the best and most appropriate materials for a given grade-level.
- (8) **Procedures for Learning about the Course of Study.** Parents are provided their child's course of study, including textbooks and the source of any supplementary instructional materials in a variety of ways: weekly learning goals sent via email or class dojo, in our Family Handbook, at Open House, Exhibition Night, Parent Conference Day, and through teacher communications.
- (9) Parents may inspect and review all textbooks and supplementary instructional materials that will be used in their child's classroom at Open House, Exhibition Night, and Parent Conference Day and by making an appointment with their child's teacher to be held between the hours of 8:00 am and 3:30 pm

P. Process for Parent Challenges to Textbooks and Supplementary Instructional Materials.

- (1) The School reserves the right to create an advisory committee to investigate and evaluate challenges from parents, teachers, and members of the public to textbooks and supplementary instructional materials on the grounds that they are educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of the students. To the extent the School establishes such an advisory committee, information about that advisory committee will be communicated to parents, teachers, and the community.
- (2) In the event the School has not established such an advisory committee, parents may submit challenges to textbooks and supplementary instructional materials for the following reasons only: the textbook and/or supplementary materials are educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of the students. There are no other grounds for challenges to textbooks or supplementary materials under this provision.
- (3) To submit a challenge to a particular textbook and/or supplementary material, the parent shall submit in writing a detailed description of their challenge to the School. Such challenge must clearly identify the textbook and/or supplementary material they are challenging, and what precise material they contend is

educationally unsuitable, pervasively vulgar, or inappropriate to the student's age, maturity, or grade level. The parent should also provide suggestions for alternatives to such textbooks and/or supplementary materials that they are challenging. Challenges must be sent to the School via email at admin@mountaindiscovery.org and the respective teacher's email or sent via mail or hand delivered to the School's address and designate on the outside of the letter: *Textbook and/or Supplementary Material Challenge*.

- (4) The Co-Directors or their designee, shall review such challenge and respond to the challenge within ten (10) business days.
- (5) If the decision does not resolve the matter, the parent may file a written appeal to the Co-Directors if they were not involved in the initial review of the challenge. The Co-Directors shall review and respond to the challenge within five (5) business days.
- (6) If the Co-Directors are not able to resolve the matter, the parent may file a written appeal on the record with the School's Board of Directors within five (5) business days. There are no hearings on appeal, and decisions will be based solely on the written challenge provided by the parent and information provided by the School. The appeal must comply with section (1) above. The Board will designate a Board Panel to review the challenge and communicate its decision to remove or retain the challenged material within twenty (20) business days. The Board Panel's decision is final.
- (7) The Board always has sole authority and discretion to determine whether a challenge has merit and whether challenged material should be retained or removed. There is no appeal from a decision of the Board Panel.
- (8) Timelines set forth herein may be extended for good cause.