

1 16 NCAC 06G .0701 is adopted under emergency procedures as follows:

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3 **16 NCAC 06G .0701 PARENTAL CONCERN HEARINGS**

4 (a) For the purposes of this Rule, the following definitions shall apply:

5 (1) "Child" is defined in G.S. 115C-76.1(2).

6 (2) "Hearing officer" means an individual who meets the requirements in G.S. 115C-76.60(b)(1)a.

7 (3) "Parent" is defined in G.S. 115C-76.1(5).

8 (4) "Principal" is defined in G.S. 115C-76.1(6).

9 (5) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a).

10 (6) "Superintendent" is defined in G.S. 115C-76.1(8).

11 (b) A parent who wishes to request a parental concern hearing before the State Board of Education ("SBE") under
12 G.S. 115C-76.60 shall do so in writing. The written request shall include the following information:

13 (1) The specific procedures or practices of the PSU about which the parent is concerned.

14 (2) The specific concerns that the parent has about the procedures or practices of the PSU.

15 (3) Documented evidence that the parent has notified the principal of the school at which the parent's child is
16 enrolled about these concerns at least 30 days prior to requesting a hearing before the SBE.

17 (4) A description of the relevant facts.

18 (5) An explanation of why the parent believes that the concerns have not been resolved by the PSU.

19 (6) A proposed resolution to address the parent's concerns.

20 (c) Upon receipt of a request in accordance with Paragraph (b) of this Rule, the SBE shall appoint a hearing officer to
21 review the request.

22 (d) Upon appointment, the hearing officer shall hold a hearing, subject to the following requirements:

23 (1) The parent and the superintendent of the PSU (or the superintendent's designee) shall attend as parties to the
24 hearing and may be represented by legal counsel, provided that any party intending to be represented notifies the
25 hearing officer at least 3 business days before the hearing. The hearing officer may delay the hearing if a party
26 requests additional time to secure legal representation.

27 (2) The hearing officer shall provide the parties with notice of the time and place for the hearing at least 5 business
28 days in advance. The hearing may be held in person or via teleconference, at the discretion of the hearing officer.

29 (3) Each party shall provide any documentation or written statements to the hearing officer at least 3 business
30 days before the hearing.

31 (4) Each party shall have up to 30 minutes to present the party's case to and answer questions from the hearing
32 officer. The hearing officer may extend time for each party's presentation at the hearing officer's discretion.

33 (5) The North Carolina Rules of Evidence, codified at Chapter 8C of the General Statutes, shall not apply to the
34 hearing, and the hearing officer may consider any information that is relevant to the proceedings.

35 (6) The hearing officer shall arrange for audio and video recording of the hearing.

36 (e) Within 30 days of appointment and after having conducted a hearing in accordance with Paragraph (d) of this Rule,
37 the hearing officer shall provide a recommendation to the SBE that includes the following:

- 1 (1) Findings of fact.
- 2 (2) Conclusions of law, including citations to any relevant statutes, rules, or policies.
- 3 (3) A proposed resolution to the to the case.
- 4 (f) At the next regularly scheduled meeting of the SBE held more than 7 days after receipt of the hearing officer's
5 recommendation, the SBE shall vote to either approve, reject, or amend the hearing officer's recommendation. The
6 decision of the SBE shall be final.
- 7 (g) The hearing officer shall provide an invoice to the PSU for the cost of the hearing officer's services, at a rate of
8 \$200.00 per hour, within 45 days of submitting the hearing officer's recommendation to the SBE. The PSU shall pay
9 the hearing officer within 60 days of receipt of the invoice.

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11 *History Note: Authority G.S. 115C-76.60*

12 *Emergency Adoption Eff. Jan. 30, 2024*