

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

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3 **SECTION .0700 – PUBLIC SCHOOL UNIT OVERSIGHT**

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5 **16 NCAC 06G .0701 PARENTAL CONCERN HEARINGS**

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

7 (1) “Child” is defined in G.S. 115C-76.1(2).

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

9 (3) “Parent” is defined in G.S. 115C-76.1(5).

10 (4) “Practice” means a regular method, process, or course of conduct, whether or not established in the written
11 policies of a PSU, by which the PSU provides the notices or information to parents as required by Chapter 115C,
12 Article 7B, Part 4 of the General Statutes. “Practice” does not include isolated incidents or isolated conduct by
13 individual PSU personnel, including those inconsistent with the established procedures of the PSU.

14 ~~(4)(5)~~ (Principal) is defined in G.S. 115C-76.1(6).

15 (6) “Procedure” means a regular method or process, as established in the written policies of a PSU, by which the
16 PSU provides the notices or information to parents as required by G.S. 115C-76.45, or age-appropriate instruction
17 on certain topics as described in G.S. 115C-76.55. “Procedure” does not include isolated incidents or isolated
18 conduct by individual PSU personnel, including those inconsistent with the established procedures of the PSU.

19 ~~(5)(7)~~ “Public school unit” or “PSU” is defined in G.S. 115C-5(7a).

20 ~~(6)(8)~~ “Superintendent” is defined in G.S. 115C-76.1(8).

21 (b) A parent who wishes to request a parental concern hearing before the State Board of Education (“SBE”) ~~under~~
22 ~~G.S. 115C-76.60~~ regarding the procedures or practices of a PSU required by Chapter 115C, Article 7B, Part 4 of the
23 General Statutes shall do so in writing. The written request shall ~~be submitted to the SBE, with a copy to the~~
24 ~~superintendent, and include the following information:~~

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

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

27 (3) ~~Documented~~ Copies of all written correspondence and summaries of all verbal correspondence with PSU
28 personnel, including date, times, and parties involved for any correspondence conducted by telephone or in
29 person, regarding the parental concern and efforts by the PSU to resolve the concern. The parent shall also include
30 documented evidence that the parent has notified the principal of the school at which the parent’s child is enrolled
31 about these concerns at least 30 days prior to requesting a hearing before the SBE.

32 (4) A description of the relevant facts.

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

34 (6) A proposed resolution to address the parent’s concerns.

35 (c) Upon receipt of a request in accordance with Paragraph (b) of this Rule, the SBE ~~shall appoint a hearing officer to~~
36 ~~review the request,~~ or its authorized designee shall review the request and determine whether the SBE has jurisdiction
37 to review the matters therein addressed. The SBE or designee may dismiss the request for any of the following reasons:

1 (1) The parent has failed to provide any of the information required by Paragraph (b) of this Rule.

2 (2) The parent's concern does not address the procedures or practices of a PSU required by Chapter 115C, Article
3 7B, Part 4 of the General Statutes.

4 (3) The parent has failed to provide the PSU 30 days to resolve the parent's concern.

5 (4) The parent's proposed resolution is not within the legal authority of the PSU or SBE.

6 (d) If the SBE or designee determines that it has jurisdiction to review the matters addressed in the request, the SBE
7 or designee shall appoint a hearing officer to review the request.

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

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

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

16 (3) Each party shall provide any documentation or written statements to the hearing officer ~~and the other party~~
17 at least ~~3~~three business days before the hearing.

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

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

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

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

25 (1) Findings of fact.

26 (2) Conclusions of law, including citations to any relevant statutes, rules, or policies.

27 (3) A proposed resolution ~~to the~~to the case, ~~which may include a finding that the parental concern lacks merit.~~

28 ~~(f)~~(g) At the next regularly scheduled meeting of the SBE held more than ~~7~~seven days after receipt of the hearing
29 officer's recommendation, the SBE shall vote to either approve, reject, or amend the hearing officer's
30 recommendation. The decision of the SBE shall be final.

31 ~~(g)~~(h) The hearing officer shall provide an invoice to the PSU for the cost of the hearing officer's services, at a rate of
32 ~~\$200.00~~two hundred dollars (\$200.00) per hour, within 45 days of submitting the hearing officer's recommendation
33 to the SBE. The PSU shall pay the hearing officer within 60 days of receipt of the invoice.

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35 History Note: Authority G.S. 115C-76.60;

36 Emergency Adoption Eff. ~~Jan. 30, 2024~~Nov. 16, 2023.

37 Temporary Adoption Eff.