

Part 5. Notification Requirements for Parental Options.

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

- (a) The following definitions shall apply in this section:
- (1) Adult student. – An enrolled student who is 18 years of age or older or is an emancipated minor.
 - (2) Protected information survey. – A survey, analysis, or evaluation that reveals information concerning any of the following:
 - a. Political affiliations or beliefs of the student or the student's parent.
 - b. Mental or psychological problems of the student or the student's family.
 - c. Sex behavior or attitudes.
 - d. Illegal, antisocial, self-incriminating, or demeaning behavior.
 - e. Critical appraisals of other individuals with whom respondents have close family relationships.
 - f. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
 - g. Religious practices, affiliations, or beliefs of the student or student's parent.
 - h. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.
- (b) The public school unit 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:
- (1) The process for providing consent to participation in the protected information survey.
 - (2) The full text of the protected information survey.
- (c) Except for protected information surveys that are given as part of the Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey or the North Carolina Youth Tobacco Survey, no student shall be permitted to participate in a protected information survey without the prior written or electronic consent of the parent or the adult student. A parent shall be provided notice of the opportunity to opt out of any protected information survey given as part of the Center for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey or the North Carolina Youth Tobacco Survey.
- (d) The requirements of this section are in addition to the rights provided to parents and students under the Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h. (2023-106, s. 2(a); 2023-134, s. 7.81(b); 2024-1, s. 2.8.)