

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SENATE BILL 173
RATIFIED BILL**

AN ACT TO PROVIDE PARENTAL DISCRETION IN REQUIREMENTS FOR FACE COVERINGS ON PUBLIC SCHOOL UNIT PROPERTY.

The General Assembly of North Carolina enacts:

PART I. PARENTAL DISCRETION IN STUDENT FACE COVERINGS

SECTION 1. Article 25A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-375.30. Parental discretion in student face coverings.

(a) For the purposes of this section, the term "parent" means the parent or guardian of a child enrolled in a public school unit or attending any early childhood program located on property owned, used, or operated by a public school unit.

(b) Notwithstanding any other State or local law, rule, or policy, a parent may elect for their child to not wear a face covering while on public school unit property and shall notify a public school unit of that election. A public school unit shall adopt a process for parents to provide annual notification of the election. A parent shall not be required to provide a reason or any certification of the child's health or education status in making the election. As a result of a parental election under this section, students without face coverings shall not be treated differently than students with face coverings by the public school unit, including in classroom assignments, course assignments, non-academic portions of the school day, extracurricular activities, student discipline, and academic grading.

(c) No governing body of a public school unit, or its members, employees, designees, agents, or volunteers, shall be liable for any act or omission in compliance with this section that does not amount to gross negligence, willful or wanton conduct, or intentional wrongdoing."

PART II. CONFORMING CHANGES

SECTION 2.(a) G.S. 115C-47 is amended by adding a new subdivision to read:

"(68) Parental discretion in face coverings. – Local boards of education shall comply with the requirements of G.S. 115C-375.30, providing parental discretion in student face coverings."

SECTION 2.(b) G.S. 115C-218.75 is amended by adding a new subsection to read:

"(k) Parental Discretion in Face Coverings. – Charter schools shall comply with the requirements of G.S. 115C-375.30, providing parental discretion in student face coverings."

SECTION 2.(c) G.S. 115C-238.66 is amended by adding a new subdivision to read:

"(19) Parental discretion in face coverings. – Boards of directors shall comply with the requirements of G.S. 115C-375.30, providing parental discretion in student face coverings."

SECTION 2.(d) G.S. 116-239.8(b) is amended by adding a new subdivision to read:

"(22) Parental discretion in face coverings. – Laboratory schools shall comply with the requirements of G.S. 115C-375.30, providing parental discretion in student face coverings."



PART III. REPEAL OF MONTHLY VOTING REQUIREMENTS ON FACE COVERINGS

SECTION 3. Section 10 of S.L. 2021-130 is repealed.

PART IV. EFFECTIVE DATE

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 17th day of February, 2022.

s/ Warren Daniel
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2022