

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 746

Short Title: Oversight of Home Schools. (Public)

Sponsors: Representatives Morey, Gill, von Haefen, and Prather (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ANNUAL NOTIFICATION OF HOME SCHOOL OPERATION AND
3 TO PROHIBIT ESTABLISHMENT OF HOME SCHOOLS BY INDIVIDUALS
4 CONVICTED OF CERTAIN CRIMES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Part 3 of Article 39 of Chapter 115C of the General Statutes reads as
7 rewritten:

8 "Part 3. Home Schools.

9 **"§ 115C-563. Definitions.**

10 As used in this Part or Parts 1 and 2 of this Article:

11 (a) ~~"Home school" means a Home School. – A~~ nonpublic school consisting of the
12 children of not more than two families or households, where the parents or legal guardians or
13 members of either household determine the scope and sequence of academic instruction, provide
14 academic instruction, and determine additional sources of academic instruction.

15 (b) ~~"Duly authorized representative of the State" means the Director. – The Director,~~
16 Division of Nonpublic Education, or his ~~staff or her designee.~~

17 (c) Parent. – A parent or legal guardian.

18 **"§ 115C-564. Qualifications and requirements.**

19 (a) A home school shall make the election to operate under the qualifications of either
20 Part 1 or Part 2 of this Article and shall meet the requirements of the Part elected, except ~~that any~~
21 as follows:

22 (1) Any requirement related to safety and sanitation inspections shall be waived
23 if the school operates in a private residence and except that testing residence.

24 (2) Testing requirements in G.S. 115C-549 and G.S. 115C-557 shall be on an
25 annual basis.

26 (3) Each home school shall have a chief administrator who is responsible for
27 submission of all information required by the Director. The chief
28 administrator shall be a parent of one or more children educated in the home
29 school.

30 (4) The persons providing academic instruction in a home school shall hold at
31 least a high school diploma or its equivalent.

32 (b) By July 1 annually, the chief administrator of a home school shall submit to the
33 Director a notice of intent to operate a home school. The information required in the notice of
34 intent shall be established by the Director and shall include at least the following information:

35 (1) The name of the school.



- 1 (2) The name of the chief administrator.
2 (3) The mailing address of the chief administrator of the school.
3 (4) The physical address of the school.
4 (5) Other contact information required by the duly authorized representative of
5 the State.
6 (6) The name and date of birth of each child educated in the home school.
7 (7) The names of each adult who will provide instruction to any child educated in
8 the home school.
9 (8) The dates for the school year during which the home school will operate
10 between July 1 and June 30.
11 (9) An attestation that neither the parent nor any other adult who will provide
12 academic instruction to a child enrolled in the home school is barred by the
13 requirements of subsection (d) of this section.
14 (c) The Director shall, upon receipt of a fully completed notice of intent to operate, issue
15 an acknowledgment of operation to a home school, unless that home school is not authorized to
16 operate as provided in subsection (d) of this section. A home school that has received an
17 acknowledgment of operation shall be eligible to satisfy the requirements of compulsory school
18 attendance.
19 (d) A parent shall not be authorized to establish or continue operation of a home school
20 if any of the following apply:
21 (1) The parent serving as chief administrator or any other adult who will provide
22 academic instruction to a child enrolled in the home school has been convicted
23 of any of the following offenses:
24 a. Felony child abuse, G.S. 14-318.4.
25 b. Misdemeanor child abuse, G.S. 14-318.4.
26 c. Kidnapping, G.S. 14-39, where the victim was a minor child.
27 d. Abduction of children, G.S. 14-41.
28 e. Offenses under Human Trafficking, Article 10A of Chapter 14 of the
29 General Statutes, where the victim was a minor child.
30 f. Offenses under Protection of Minors, Article 39 of Chapter 14 of the
31 General Statutes, where the victim was a minor child.
32 g. Murder in the first or second degree, G.S. 14-17.
33 h. Offenses under Rape and Other Sex Offenses, Article 7B of Chapter
34 14 of the General Statutes.
35 i. Maliciously assaulting in a secret manner, G.S. 14-31.
36 j. Felonious assault with deadly weapon with intent to kill or inflicting
37 serious injury, G.S. 14-32.
38 k. Assaults on individuals with a disability, G.S. 14-32.1.
39 l. Assault inflicting serious bodily injury, G.S. 14-32.4.
40 m. Stalking, G.S. 14-277.3A.
41 n. Any other violent felony, as defined in G.S. 14-7.7, where the victim
42 was a minor child.
43 (2) The child has been removed from the parent's custody following an
44 adjudication that the child is an abused or neglected juvenile under Chapter
45 7B of the General Statutes.
46 "

47 **SECTION 2.** This act is effective when it becomes law and applies to home schools
48 operating beginning with the 2023-2024 school year.