

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 799
SENATE BILL 643

1 AN ACT TO REQUIRE ASSIGNMENT ONLY FOR COMPULSORY ATTENDANCE
2 SCHOOL LAW AND TO REMOVE PORTIONS OF STATUTE DECLARED TO BE
3 UNCONSTITUTIONAL.
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5 The General Assembly of North Carolina do enact:
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7 **Section 1.** G.S. 115-166 is hereby rewritten to read as follows:

8 **"Sec. 115-166. Parent or guardian required to keep child in school: exceptions.** Every
9 parent, guardian or other person in this State having charge or control of a child between the
10 ages of seven and sixteen years shall cause such child to attend school continuously for a period
11 equal to the time which the public school to which the child is assigned shall be in session.

12 "The principal, superintendent, or teacher who is in charge of such school shall have the
13 right to excuse a child temporarily from attendance on account of sickness or other unavoidable
14 cause which does not constitute unlawful absence as defined by the State Board of Education.
15 The term 'school' as used herein is defined to embrace all public schools and such nonpublic
16 schools as have teachers and curricula that are approved by the county or city superintendent of
17 schools or the State Board of Education.

18 "All nonpublic schools receiving and instructing children of a compulsory school age shall
19 be required to keep such records of attendance and render such reports of the attendance of
20 such children and maintain such minimum curriculum standards as are required of public
21 schools; and attendance upon such schools, if the school refuses or neglects to keep such
22 records or to render such reports, shall not be accepted in lieu of attendance upon the public
23 school of the district to which the child shall be assigned: Provided, that instruction in a
24 nonpublic school shall not be regarded as meeting the requirements of the law unless the
25 courses of instruction run concurrently with the term of the public school in the district and
26 extend for at least as long a term. Provided, further that any child which is afflicted by mental,
27 emotional, or physical incapacities so as to make it unlikely that such child could substantially
28 profit by instruction given in the public schools, he or she need not be presented for enrollment
29 upon presentation to the superintendent of city or county schools of evidence that medical,
30 social, psychological and educational evaluation has been made showing that such child could
31 not substantially profit by instruction in the public schools."

32 **Sec. 2.** G.S. 115-169 is hereby rewritten to read as follows:

33 **"Sec. 115-169. Violation of Law: Penalty.** Any parent, guardian or other person violating the
34 provisions of this Article shall be guilty of a misdemeanor and upon conviction shall be fined
35 not more than fifty dollars (\$50.00) or imprisoned not more than thirty (30) days, or both, in the
36 discretion of the court."

37 **Sec. 3.** All laws and clauses of laws in conflict with the provisions of this Act are
38 hereby repealed.

39 **Sec. 4.** This Act shall be in full force and effect from and after its ratification.

40 In the General Assembly read three times and ratified, this the 12th day of June,

41 1969.