

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SESSION LAW 2009-404
SENATE BILL 708

AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-378 reads as rewritten:

"§ 115C-378. Children required to attend.

(a) Every parent, guardian or ~~other person~~custodian in this State having charge or control of a child between the ages of seven and 16 years shall cause ~~such the~~ child to attend school continuously for a period equal to the time which the public school to which the child is assigned shall be in session. Every parent, guardian, or ~~other person~~custodian in this State having charge or control of a child under age seven who is enrolled in a public school in grades kindergarten through two shall also cause ~~such the~~ child to attend school continuously for a period equal to the time which the public school to which the child is assigned shall be in session unless the child has withdrawn from school.

(b) No person shall encourage, entice or counsel any ~~such~~ child of compulsory school age to be unlawfully absent from school. The parent, guardian, or custodian of a child shall notify the school of the reason for each known absence of the child, in accordance with local school board policy.

(c) The principal, superintendent, or ~~teacher who is in charge of such school~~ a designee of the principal or superintendent shall have the right to excuse a child temporarily from attendance on account of sickness or other unavoidable cause that does not constitute unlawful absence as defined by the State Board of Education. The term "school" as used ~~herein is defined to embrace~~ in this section includes all public schools and ~~such any~~ nonpublic schools as which have teachers and curricula that are approved by the State Board of Education.

(d) All nonpublic schools receiving and instructing children of a compulsory school age shall be required to ~~keep such~~ make, maintain, and render attendance records of attendance and render such reports of the attendance of such children those children and maintain ~~such the~~ minimum curriculum standards ~~as are~~ required of public ~~schools;~~ schools. If a nonpublic school refuses or neglects to make, maintain, and render required attendance records, attendance at that school and attendance upon such schools, if the school refuses or neglects to keep such records or to render such reports, shall not be accepted in lieu of attendance ~~upon at~~ the public school of the district to which the child shall be ~~assigned;~~ assigned. ~~Provided, that instruction~~ Instruction in a nonpublic school shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term.

(e) The principal or ~~his the principal's~~ designee shall notify the parent, guardian, or custodian of his or her child's excessive absences after the child has accumulated three unexcused absences in a school year. After not more than six unexcused absences, the principal or the principal's designee shall notify the parent, guardian, or custodian by mail that he or she may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified under the established attendance policies of the State and local boards of education. Once the parents are notified, the school attendance counselor shall work with the



child and ~~his~~ the child's family to analyze the causes of the absences and determine steps, including adjustment of the school program or obtaining supplemental services, to eliminate the problem. The attendance counselor may request that a law enforcement officer accompany him or her if ~~he~~ the attendance counselor believes that a home visit is necessary.

(f) After 10 accumulated unexcused absences in a school year, the principal or the principal's designee shall review any report or investigation prepared under G.S. 115C-381 and shall confer with the student and the student's parent, guardian, or custodian, if possible, to determine whether the parent, guardian, or custodian has received notification pursuant to this section and made a good faith effort to comply with the law. If the principal or the principal's designee determines that the parent, guardian, or custodian has not made a good faith effort to comply with the law, the principal shall notify the district attorney and the director of social services of the county where the child resides. If the principal or the principal's designee determines that the parent, guardian, or custodian has made a good faith effort to comply with the law, the principal may file a complaint with the juvenile court counselor pursuant to Chapter 7B of the General Statutes that the child is habitually absent from school without a valid excuse. Upon receiving notification by the principal or the principal's designee, the director of social services shall determine whether to undertake an investigation under G.S. 7B-302.

(g) ~~Evidence-Documentation that shows-demonstrates that the parents, guardian, or custodian were notified and that the child has accumulated 10 absences which cannot be justified under the established attendance policies of the local board shall establish-constitute a prima facie ease-evidence that the child's parent, guardian, or custodian is responsible for the absences. Upon receiving notification by the principal, the director of social services shall determine whether to undertake an investigation under G.S. 7B-302."~~

SECTION 2. This act is effective when it becomes law and applies beginning with the 2009-2010 school year.

In the General Assembly read three times and ratified this the 28th day of July, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 2:02 p.m. this 5th day of August, 2009