

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 399  
Second Edition Engrossed 5/21/91

Short Title: Prekindergarten Programs Established.

(Public)

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Sponsors: Representatives Luebke; Barnhill, Bowman, Church, N.J. Crawford, Cunningham, Diamont, Easterling, Ethridge, Fitch, Fletcher, Gamble, Gist, Gottovi, Hardaway, Hensley, Holt, H. Hunter, Hurley, Jeffus, Kennedy, McLawhorn, Michaux, Miller, Oldham, Smith, Wainwright, Warner, and Withrow.

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Referred to: Education.

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March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH PREKINDERGARTEN PROGRAMS IN THE PUBLIC  
SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-81.2. Prekindergarten programs.**

(a) The Department of Public Education shall establish and implement high quality, developmentally appropriate prekindergarten programs for the public schools of the State. The Department of Public Education shall also establish criteria for high quality, developmentally appropriate programs. These programs shall be provided for economically disadvantaged four-year-old children who are at risk of school failure. As used in this section, an economically disadvantaged child is a child from a family whose income is below the federal poverty level.

During the 1991-93 biennium, the Department shall solicit proposals from local school administrative units and select such units as it may determine, so as to provide services to one-half of the children who are determined to be eligible for such services.

It is the intent of the General Assembly that funds be appropriated in the 1993-95 biennium to extend this program to the remaining eligible children in the State.

1       (b) Local school administrative units may operate programs for children who  
2 reach their fourth birthday on or before October 16 of the year of enrollment. Local  
3 school administrative units may apply to the State Board of Education for funds to  
4 operate such programs. The State Board shall select local school administrative units  
5 for funding from recommendations made by the Superintendent of Public Instruction.

6       (c) Local school administrative units may use funds provided under this section  
7 to operate prekindergarten programs for economically disadvantaged four-year olds.  
8 Funds may also be used for extending the program day and to provide services to the  
9 parents of the children served by the program. These services may include referral to  
10 appropriate State agencies for information concerning nutrition and health care,  
11 assistance in obtaining employment, budget management, tutoring in reading, and  
12 assistance in attaining a high school diploma."

13               Sec. 2. G.S. 115C-364 reads as rewritten:

14 **"§ 115C-364. Admission requirements.**

15       A child, to be entitled to initial entry in the public schools, must have passed the fifth  
16 anniversary of his/her birth on or before October 16 of the year in which the child is  
17 presented for enrollment, and must be presented for enrollment during the first month of  
18 the school year. The initial point of entry into the public school system shall be at the  
19 kindergarten level: Provided, that if a particular child has already been attending school  
20 in another state in accordance with the laws or regulations of the school authorities of  
21 such state before moving to and becoming a resident of North Carolina, such child will  
22 be eligible for enrollment in the schools of this State regardless of whether such child  
23 has passed the fifth anniversary of his birth before October 16. A child may be enrolled  
24 in a prekindergarten program operated by the public schools if such child has passed the  
25 fourth anniversary of his/her birth on or before October 16 of the year in which the child  
26 is presented for enrollment in the prekindergarten program. If the principal of a school  
27 finds as fact subsequent to initial entry that a child, by reason of maturity can be more  
28 appropriately served in the first grade rather than in kindergarten, the principal may act  
29 under the provisions of G.S. 115C-288 to implement this educational decision without  
30 regard to chronological age. The principal of any public school shall have the authority  
31 to require the parents of any child presented for admission for the first time to such  
32 school to furnish a certified copy of the birth certificate of such child, which shall be  
33 furnished by the register of deeds of the county having on file the record of the birth of  
34 such child, or other satisfactory evidence of date of birth."

35               Sec. 3. G.S. 115C-84(a) reads as rewritten:

36 **"§ 115C-84. Length of school day, month, and term; Veterans Day.**

37       (a) School Day. – The length of the school day shall be determined by the several  
38 local boards of education for all public schools in their respective local school  
39 administrative units, and the minimum time for which teachers shall be employed in the  
40 schoolroom or on the grounds supervising the activities of children shall not be less than  
41 six hours: Provided, the several local boards of education may adopt rules and  
42 regulations allowing handicapped pupils, prekindergarten and kindergarten pupils, and  
43 pupils attending the first, second, and third grades to attend school for a period less than  
44 six hours. The superintendent of the several local boards of education, in the event of an

1 emergency, act of God, or any other conditions requiring the termination of classes  
2 before six hours have elapsed, may suspend the operation of any school for that  
3 particular day without loss of credit to the pupil or loss of pay to the teacher."

4 Sec. 4. G.S. 115C-242(1) reads as rewritten:

5 "(1) A school bus may be used for the transportation of pupils enrolled in  
6 and employees in the operation of the school to which such bus is  
7 assigned by the superintendent of the local school administrative unit.  
8 Except as otherwise herein provided, such transportation shall be  
9 limited to transportation to and from such school for the regularly  
10 organized school day, and from and to the points designated by the  
11 principal of the school to which such bus is assigned, for the receiving  
12 and discharging of passengers. No pupil or employee shall be so  
13 transported upon any bus other than the bus to which such pupil or  
14 employee has been assigned pursuant to the provisions of this Article:  
15 Provided, that children enrolled in a Headstart program which is  
16 housed in a building owned and operated by a local school  
17 administrative unit where school is being conducted may be  
18 transported on public school buses, so long as the contractual  
19 arrangements made cause no extra expense to the State: Provided  
20 further, that children with special needs may be transported to and  
21 from the nearest appropriate private school having a special education  
22 program approved by the State Board of Education if the children to be  
23 transported are or have been placed in that program by a local school  
24 administrative unit as a result of the State or the unit's duty to provide  
25 such children with a free appropriate public ~~education.~~ education:  
26 Provided further, that the parents of children enrolled in  
27 prekindergarten programs operated by the public schools may be  
28 transported to the school for services provided in conjunction with  
29 such programs."

30 Sec. 5. G.S. 130A-152(e) reads as rewritten:

31 "(e) When the Commission requires immunization against a disease not listed in  
32 paragraph (a) of this section, or requires an additional dose of a vaccine, the  
33 Commission is authorized to exempt from the new requirement children who are or who  
34 have been enrolled in school (prekindergarten and K-12) on or before the effective date  
35 of the new requirement."

36 Sec. 6. G.S. 130A-155(a) reads as rewritten:

37 "(a) No child shall attend a school (prekindergarten and K-12), whether public,  
38 private or religious, or a day-care facility as defined in G.S. 110-86(3), unless a  
39 certificate of immunization indicating that the child has received the immunizations  
40 required by G.S. 130A-152 is presented to the school or facility. The parent, guardian,  
41 or responsible person must present a certificate of immunization on the child's first day  
42 of attendance to the principal of the school or operator of the facility, as defined in G.S.  
43 110-86(7). If a certificate of immunization is not presented on the first day, the  
44 principal or operator shall present a notice of deficiency to the parent, guardian or

1 responsible person. The parent, guardian or responsible person shall have 30 calendar  
2 days from the first day of attendance to obtain the required immunization for the child.  
3 If the administration of vaccine in a series of doses given at medically approved  
4 intervals requires a period in excess of 30 calendar days, additional days upon  
5 certification by a physician may be allowed to obtain the required immunization. Upon  
6 termination of 30 calendar days or the extended period, the principal or operator shall  
7 not permit the child to attend the school or facility unless the required immunization has  
8 been obtained."

9           Sec. 7. There is appropriated from the General Fund to the Department of  
10 Public Education the sum of \$22,000,000 for the 1991-92 fiscal year and the sum of  
11 \$44,000,000 for the 1992-93 fiscal year for the purpose of implementing this act.

12           Sec. 8. This act becomes effective July 1, 1991.