

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 1474**

Short Title: Raise Compulsory School Attendance Age. (Public)

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Sponsors: Representatives Blue; Faison, Farmer-Butterfield, Hall, Luebke, Ross,  
and Womble.

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Referred to: Education.

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April 16, 2007

A BILL TO BE ENTITLED

AN ACT TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Effective July 1, 2008, G.S. 115C-378 reads as rewritten:

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

Every parent, guardian or other person in this State having charge or control of a child between the ages of seven and ~~16-18~~ years shall cause such 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-session, until the child graduates from high school.~~ Every parent, guardian, or other person 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 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equal to the time which the public school to which the child is assigned shall be in session unless the child has withdrawn from school. No person shall encourage, entice or counsel any such child 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 policy.

The principal, superintendent, or teacher who is in charge of such school 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 all public schools and such nonpublic schools as have teachers and curricula that are approved by the State Board of Education.

All nonpublic schools receiving and instructing children of a compulsory school age shall be required to keep such records of attendance and render such reports of the attendance of such children and maintain such minimum curriculum standards as are required of public schools; 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

1 attendance upon the public school of the district to which the child shall be assigned:  
2 Provided, that instruction in a nonpublic school shall not be regarded as meeting the  
3 requirements of the law unless the courses of instruction run concurrently with the term  
4 of the public school in the district and extend for at least as long a term.

5 The principal or his designee shall notify the parent, guardian, or custodian of his  
6 child's excessive absences after the child has accumulated three unexcused absences in a  
7 school year. After not more than six unexcused absences, the principal shall notify the  
8 parent, guardian, or custodian by mail that he may be in violation of the Compulsory  
9 Attendance Law and may be prosecuted if the absences cannot be justified under the  
10 established attendance policies of the State and local boards of education. Once the  
11 parents are notified, the school attendance counselor shall work with the child and his  
12 family to analyze the causes of the absences and determine steps, including adjustment  
13 of the school program or obtaining supplemental services, to eliminate the problem. The  
14 attendance counselor may request that a law-enforcement officer accompany him if he  
15 believes that a home visit is necessary.

16 After 10 accumulated unexcused absences in a school year, the principal shall  
17 review any report or investigation prepared under G.S. 115C-381 and shall confer with  
18 the student and the student's parent, guardian, or custodian, if possible, to determine  
19 whether the parent, guardian, or custodian has received notification pursuant to this  
20 section and made a good faith effort to comply with the law. If the principal determines  
21 that the parent, guardian, or custodian has not made a good faith effort to comply with  
22 the law, the principal shall notify the district attorney and the director of social services  
23 of the county where the child resides. If the principal determines that the parent,  
24 guardian, or custodian has made a good faith effort to comply with the law, the principal  
25 may file a complaint with the juvenile court counselor pursuant to Chapter 7B of the  
26 General Statutes that the child is habitually absent from school without a valid excuse.  
27 Evidence that shows that the parents, guardian, or custodian were notified and that the  
28 child has accumulated 10 absences which cannot be justified under the established  
29 attendance policies of the local board shall establish a prima facie case that the child's  
30 parent, guardian, or custodian is responsible for the absences. Upon receiving  
31 notification by the principal, the director of social services shall determine whether to  
32 undertake an investigation under G.S. 7B-302."

33 **SECTION 2.** Effective July 1, 2008, G.S. 116-235(b)(2) reads as rewritten:

34 "(2) School Attendance. – Every parent, guardian, or other person in this  
35 State having charge or control of a child who is enrolled in the School  
36 and who is less than ~~16~~<sup>18</sup> years of age shall cause such child to attend  
37 school continuously for a period equal to the time which the School  
38 shall be in ~~session~~-session, until the child graduates from high school.  
39 No person shall encourage, entice, or counsel any child to be  
40 unlawfully absent from the School. Any person who aids or abets a  
41 student's unlawful absence from the School shall, upon conviction, be  
42 guilty of a Class 1 misdemeanor. The Chancellor of the School shall be  
43 responsible for implementing such additional policies concerning  
44 compulsory attendance as shall be adopted by the Board of Trustees,

1 including regulations concerning lawful and unlawful absences,  
2 permissible excuses for temporary absences, maintenance of  
3 attendance records, and attendance counseling."

4 **SECTION 3.** Effective July 1, 2008, G.S. 7B-1501(27) reads as rewritten:

5 "(27) Undisciplined juvenile. –

6 a. A juvenile who, while less than ~~16~~18 years of age but at least 6  
7 years of age, is unlawfully absent from school; or is regularly  
8 disobedient to and beyond the disciplinary control of the  
9 juvenile's parent, guardian, or custodian; or is regularly found in  
10 places where it is unlawful for a juvenile to be; or has run away  
11 from home for a period of more than 24 hours. ~~hours; or~~

12 b. ~~A juvenile who is 16 or 17 years of age and who is regularly~~  
13 ~~disobedient to and beyond the disciplinary control of the~~  
14 ~~juvenile's parent, guardian, or custodian; or is regularly found in~~  
15 ~~places where it is unlawful for a juvenile to be; or has run away~~  
16 ~~from home for a period of more than 24 hours."~~

17 **SECTION 4.** Effective July 1, 2008, G.S. 143B-515(22) reads as rewritten:

18 "(22) Undisciplined juvenile. –

19 a. A juvenile who, while less than ~~16~~18 years of age but at least 6  
20 years of age, is unlawfully absent from school; or is regularly  
21 disobedient to and beyond the disciplinary control of the  
22 juvenile's parent, guardian, or custodian; or is regularly found in  
23 places where it is unlawful for a juvenile to be; or has run away  
24 from home for a period of more than 24 hours; or hours.

25 b. ~~A juvenile who is 17 years of age and who is regularly~~  
26 ~~disobedient to and beyond the disciplinary control of the~~  
27 ~~juvenile's parent, guardian, or custodian; or is regularly found in~~  
28 ~~places where it is unlawful for a juvenile to be; or has run away~~  
29 ~~from home for a period of more than 24 hours."~~

30 **SECTION 5.** This act becomes effective July 1, 2008