

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH80356-LE-266 (4/5)

Short Title: Raise Compulsory Educ. Age & Grad. Rate.

(Public)

Sponsors: Representative Bryant.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE AND
REDUCE THE DROPOUT RATE AND TO ESTABLISH THE TASK FORCE
FOR ONE HUNDRED PERCENT GRADUATION BY EIGHTEEN.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Effective July 1, 2009, 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~~17 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equal to the time which the public school to which the child is assigned shall be in session unless the child has withdrawn from school.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

1 attendance of such children and maintain such minimum curriculum standards as are
2 required of public schools; and attendance upon such schools, if the school refuses or
3 neglects to keep such records or to render such reports, shall not be accepted in lieu of
4 attendance upon the public school of the district to which the child shall be assigned:
5 Provided, that instruction in a nonpublic school shall not be regarded as meeting the
6 requirements of the law unless the courses of instruction run concurrently with the term
7 of the public school in the district and extend for at least as long a term.

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

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

36 **SECTION 1.(b)** Effective July 1, 2011, G.S. 115C-378, as rewritten by
37 subsection (a) of this section, reads as rewritten:

38 "**§ 115C-378. Children required to attend.**

39 Every parent, guardian or other person in this State having charge or control of a
40 child between the ages of seven and ~~17~~18 years shall cause such child to attend school
41 continuously for a period equal to the time which the public school to which the child is
42 assigned shall be in session, until the child graduates from high school. Every parent,
43 guardian, or other person in this State having charge or control of a child under age
44 seven who is enrolled in a public school in grades kindergarten through two shall also

1 cause such child to attend school continuously for a period equal to the time which the
2 public school to which the child is assigned shall be in session unless the child has
3 withdrawn from school. No person shall encourage, entice or counsel any such child to
4 be unlawfully absent from school. The parent, guardian, or custodian of a child shall
5 notify the school of the reason for each known absence of the child, in accordance with
6 local school policy.

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

13 All nonpublic schools receiving and instructing children of a compulsory school age
14 shall be required to keep such records of attendance and render such reports of the
15 attendance of such children and maintain such minimum curriculum standards as are
16 required of public schools; and attendance upon such schools, if the school refuses or
17 neglects to keep such records or to render such reports, shall not be accepted in lieu of
18 attendance upon the public school of the district to which the child shall be assigned:
19 Provided, that instruction in a nonpublic school shall not be regarded as meeting the
20 requirements of the law unless the courses of instruction run concurrently with the term
21 of the public school in the district and extend for at least as long a term.

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

33 After 10 accumulated unexcused absences in a school year, the principal shall
34 review any report or investigation prepared under G.S. 115C-381 and shall confer with
35 the student and the student's parent, guardian, or custodian, if possible, to determine
36 whether the parent, guardian, or custodian has received notification pursuant to this
37 section and made a good faith effort to comply with the law. If the principal determines
38 that the parent, guardian, or custodian has not made a good faith effort to comply with
39 the law, the principal shall notify the district attorney and the director of social services
40 of the county where the child resides. If the principal determines that the parent,
41 guardian, or custodian has made a good faith effort to comply with the law, the principal
42 may file a complaint with the juvenile court counselor pursuant to Chapter 7B of the
43 General Statutes that the child is habitually absent from school without a valid excuse.
44 Evidence that shows that the parents, guardian, or custodian were notified and that the

1 child has accumulated 10 absences which cannot be justified under the established
2 attendance policies of the local board shall establish a prima facie case that the child's
3 parent, guardian, or custodian is responsible for the absences. Upon receiving
4 notification by the principal, the director of social services shall determine whether to
5 undertake an investigation under G.S. 7B-302."

6 **SECTION 2.(a)** Effective July 1, 2009, G.S. 116-235(b)(2) reads as
7 rewritten:

8 "(2) School Attendance. – Every parent, guardian, or other person in this
9 State having charge or control of a child who is enrolled in the School
10 and who is less than ~~46~~17 years of age shall cause such child to attend
11 school continuously for a period equal to the time which the School
12 shall be in ~~session~~session, until the child graduates from high school.
13 No person shall encourage, entice, or counsel any child to be
14 unlawfully absent from the School. Any person who aids or abets a
15 student's unlawful absence from the School shall, upon conviction, be
16 guilty of a Class 1 misdemeanor. The Chancellor of the School shall be
17 responsible for implementing such additional policies concerning
18 compulsory attendance as shall be adopted by the Board of Trustees,
19 including regulations concerning lawful and unlawful absences,
20 permissible excuses for temporary absences, maintenance of
21 attendance records, and attendance counseling."

22 **SECTION 2.(b)** Effective July 1, 2011, G.S. 116-235(b)(2), as rewritten by
23 subsection (a) of this section, reads as rewritten:

24 "(2) School Attendance. – Every parent, guardian, or other person in this
25 State having charge or control of a child who is enrolled in the School
26 and who is less than ~~47-18~~ years of age shall cause such child to attend
27 school continuously for a period equal to the time which the School
28 shall be in session, until the child graduates from high school. No
29 person shall encourage, entice, or counsel any child to be unlawfully
30 absent from the School. Any person who aids or abets a student's
31 unlawful absence from the School shall, upon conviction, be guilty of
32 a Class 1 misdemeanor. The Chancellor of the School shall be
33 responsible for implementing such additional policies concerning
34 compulsory attendance as shall be adopted by the Board of Trustees,
35 including regulations concerning lawful and unlawful absences,
36 permissible excuses for temporary absences, maintenance of
37 attendance records, and attendance counseling."

38 **SECTION 3.(a)** Effective July 1, 2009, G.S. 7B-1501(27) reads as rewritten:

39 "(27) Undisciplined juvenile. –

40 a. A juvenile who, while less than ~~46~~17 years of age but at least 6
41 years of age, is unlawfully absent from school; or is regularly
42 disobedient to and beyond the disciplinary control of the
43 juvenile's parent, guardian, or custodian; or is regularly found in

1 places where it is unlawful for a juvenile to be; or has run away
2 from home for a period of more than 24 hours; or

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

8 **SECTION 3.(b)** Effective July 1, 2011, G.S. 7B-1501(27), as rewritten by
9 subsection (a) of this section, reads as rewritten:

10 "(27) Undisciplined juvenile. –

- 11 a. A juvenile who, while less than ~~17~~ 18 years of age but at least 6
12 years of age, is unlawfully absent from school; or 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; or~~ hours.

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

22 **SECTION 4.(a)** Effective July 1, 2009, G.S. 143B-515(22) reads as
23 rewritten:

24 "(22) Undisciplined juvenile. –

- 25 a. A juvenile who, while less than ~~16~~ 17 years of age but at least 6
26 years of age, is unlawfully absent from school; or is regularly
27 disobedient to and beyond the disciplinary control of the
28 juvenile's parent, guardian, or custodian; or is regularly found in
29 places where it is unlawful for a juvenile to be; or has run away
30 from home for a period of more than 24 hours; or

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

36 **SECTION 4.(b)** Effective July 1, 2011, G.S. 143B-515(22), as rewritten by
37 subsection (a) of this section, reads as rewritten:

38 "(22) Undisciplined juvenile. –

- 39 a. A juvenile who, while less than ~~17~~ 18 years of age but at least 6
40 years of age, is unlawfully absent from school; or is regularly
41 disobedient to and beyond the disciplinary control of the
42 juvenile's parent, guardian, or custodian; or is regularly found in
43 places where it is unlawful for a juvenile to be; or has run away
44 from home for a period of more than 24 ~~hours; or~~ hours.

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

6 **SECTION 5.(a)** Creation of the Task Force. – The Task Force for 100%
7 Graduation by 18 is established with the Department of Public Instruction.

8 **SECTION 5.(b)** Membership – The Task Force shall consist of 27 members:

9 (1) Nine nonvoting, ex officio members:

- 10 a. The President of The North Carolina System of Community
11 Colleges or a designee;
12 b. The Superintendent of Public Instruction or a designee;
13 c. The Chair of the State Board of Education or a designee;
14 d. The Secretary of Juvenile Justice and Delinquency Prevention
15 or a designee;
16 e. The Administrative Officer of the Courts or a designee;
17 f. The Secretary of Health and Human Services or a designee;
18 g. The Director of the Division of Mental Health, Developmental
19 Disabilities, and Substance Abuse Services or a designee;
20 h. The Director of the North Carolina Human Relations
21 Commission or a designee;
22 i. The President of the University of North Carolina or a designee;

23 (2) Eighteen voting members:

- 24 a. One high school student, one local school superintendent, one
25 member of a local board of education; and three at-large
26 members, appointed by the Speaker of the House of
27 Representatives;
28 b. One high school student, one local school superintendent, one
29 member of a local board of education; and three at-large
30 members, appointed by the President Pro Tempore of the
31 Senate;
32 c. One representative of the Governor's Crime Commission and
33 one juvenile court counselor, appointed by the Governor; and
34 d. Two high school teachers and two high school principals,
35 appointed by the Superintendent of Public Instruction.

36 Appointments shall be made by September 1, 2007. Vacancies shall be filled
37 in the same manner as the original appointment.

38 The Speaker of the House of Representatives and the President Pro Tempore
39 of the Senate shall each designate one member to serve as cochair of the Task Force.

40 **SECTION 5.(c)** Duties of the Task Force. – The Task Force shall study
41 issues related to raising the compulsory school attendance age to 18 and shall analyze
42 the legal and systemic impact of raising the compulsory school age and implementing
43 that change sequentially over a four-year period. In particular, the Task Force shall:

- 1 (1) Identify the costs to the State, local school administrative units, and
2 counties of implementing this age change, including the use of
3 community colleges, alternative schools, and programs such as
4 Opportunities Industrialization Centers, and home, private, and
5 parochial schools;
- 6 (2) Review State laws and regulations that should be conformed or
7 amended and make recommendations to the General Assembly
8 regarding proposed amendments;
- 9 (3) Develop proposals regarding alternative programs and services and
10 collaborative programs to successfully handle this additional student
11 population;
- 12 (4) Identify the interconnections between the student and family
13 populations affected and likely to be affected by this provision and the
14 student and family populations likely to be involved in the juvenile
15 justice system and develop a collaborative plan for all agencies,
16 providers, and programs to jointly tailor and direct programs and
17 services to this student cohort by proactively taking the services and
18 programs to the students and families likely to be affected rather than
19 responding to triggering violations or penalties;
- 20 (5) Develop a model to have a per capita allocation per student follow the
21 student into an alternative program or school, community college, or
22 private or parochial school upon the award of a high school diploma or
23 equivalent if such alternative program or entity is not a public school
24 and if the student was determined not to be able to be accommodated
25 in the public schools because of space, special needs,
26 suspension/expulsion or other eligibility issues;
- 27 (6) Identify best practices to provide racial equity in opportunities to stay
28 in and succeed in school and to eliminate the barriers of racism,
29 classism, sexism and other "ISMS" that can impact the 16-18 year olds
30 targeted by this provision;
- 31 (7) Develop a comprehensive plan and time line to implement the raising
32 of the compulsory school age including maximizing the use of
33 community colleges, alternative schools and programs, and home,
34 private, and parochial schools to minimize impact and costs to the
35 public schools and the State and local governments and meet the
36 implementation time frames; and
- 37 (8) Develop a reliable method to count, measure, track and monitor
38 children to age 18 in all the environments they might be in, including
39 mental health, juvenile justice, correction or alternative care
40 institutions, community colleges, private, parochial, or home schools
41 and on the streets, and the ways and methods they might be provided
42 the opportunity for a high school degree.

43 **SECTION 5.(d)** Consultation. – The Task Force shall consult with the
44 House Select Committee on High School Graduation and Drop Out Rates, the Task

1 Force for Juvenile Justice Administration, if established by the 2007 General Assembly,
2 and appropriate State departments, agencies, and board representatives, on issues related
3 to high school education.

4 **SECTION 5.(e)** Meetings. – The cochairs shall call the initial meeting of the
5 Task Force on or before October 1, 2007. Subsequent meetings shall be held upon
6 notice and in a manner as the members of the Task Force determine. A majority of the
7 members shall constitute a quorum.

8 **SECTION 5.(f)** Members of the Commission shall receive per diem,
9 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
10 appropriate.

11 **SECTION 5.(g)** Assistance to the Task Force. – The Department of Public
12 Instruction shall provide professional and clerical staff and other services, supplies,
13 including meeting space, as needed for the Task Force to carry out its duties in effective
14 manner.

15 All departments, agencies, institutions, and officers of the State and its
16 political subdivisions shall provide facilities, data, and other assistance upon request of
17 the Task Force.

18 **SECTION 5.(h)** Funding. – The Task Force may apply for, receive, and
19 accept grants of non-State funds, or other contributions as appropriate to assist it in the
20 performance of its duties.

21 **SECTION 5.(i)** Report. – The Task Force shall submit an interim report to
22 the 2008 Regular Session of the 2007 General Assembly. The Task Force shall make a
23 final report of its findings and recommendations, including legislative, administrative,
24 and funding recommendations by January 15, 2009, to the General Assembly, the
25 Governor, and the citizens of the State. The Task Force shall terminate upon filing its
26 final report.

27 **SECTION 6.** Sections 5 and 6 of this act are effective when it becomes law.
28 Except as otherwise provided, the remainder of this act becomes effective July 1, 2009.