

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1790

Short Title: Raise Compulsory Educ. Age & Grad. Rate. (Public)

Sponsors: Representatives Bryant, Bordsen, Wainwright, Jones (Primary Sponsors);
Brown, Carney, Faison, Rapp, Ross, and Womble.

Referred to: Education, if favorable, Appropriations.

April 19, 2007

A BILL TO BE ENTITLED

1 AN ACT TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE AND
2 REDUCE THE DROPOUT RATE AND TO ESTABLISH THE TASK FORCE
3 FOR ONE HUNDRED PERCENT GRADUATION BY EIGHTEEN.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Effective July 1, 2009, G.S. 115C-378 reads as rewritten:

7 **"§ 115C-378. Children required to attend.**

8 Every parent, guardian or other person in this State having charge or control of a
9 child between the ages of seven and ~~16~~17 years shall cause such child to attend school
10 continuously for a period equal to the time which the public school to which the child is
11 assigned shall be in ~~session~~session, until the child graduates from high school. Every
12 parent, guardian, or other person in this State having charge or control of a child under
13 age seven who is enrolled in a public school in grades kindergarten through two shall
14 also cause such child to attend school continuously for a period equal to the time which
15 the public school to which the child is assigned shall be in session unless the child has
16 withdrawn from school. No person shall encourage, entice or counsel any such child to
17 be unlawfully absent from school. The parent, guardian, or custodian of a child shall
18 notify the school of the reason for each known absence of the child, in accordance with
19 local school policy.

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

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

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

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

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

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

37 "**§ 115C-378. Children required to attend.**

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

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

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

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

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

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

1 attendance policies of the local board shall establish a prima facie case that the child's
2 parent, guardian, or custodian is responsible for the absences. Upon receiving
3 notification by the principal, the director of social services shall determine whether to
4 undertake an investigation under G.S. 7B-302."

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

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

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

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

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

38 "(27) Undisciplined juvenile. –

- 39 a. A juvenile who, while less than ~~46~~17 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

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

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

"(27) Undisciplined juvenile. –

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

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

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

"(22) Undisciplined juvenile. –

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

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

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

"(22) Undisciplined juvenile. –

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

- ~~b. A juvenile who is 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the~~

1 juvenile's parent, guardian, or custodian; or is regularly found in
2 places where it is unlawful for a juvenile to be; or has run away
3 from home for a period of more than 24 hours."

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

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

7 (1) Nine nonvoting, ex officio members:

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

21 (2) Eighteen voting members:

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

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

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

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

- 42 (1) Identify the costs to the State, local school administrative units, and
43 counties of implementing this age change, including the use of
44 community colleges, alternative schools, and programs such as

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

40 **SECTION 5.(d)** Consultation. – The Task Force shall consult with the
41 House Select Committee on High School Graduation and Drop Out Rates, the Task
42 Force for Juvenile Justice Administration, if established by the 2007 General Assembly,
43 and appropriate State departments, agencies, and board representatives, on issues related
44 to high school education.

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

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

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

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

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

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

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