

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS35051-LE-79 (2/6)

Short Title: Raise Compulsory School Attendance Age.

(Public)

Sponsors: Senator Garrou.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE.

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equal to the time which the public school to which the child is assigned shall be in session unless the child has withdrawn from school.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 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

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

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

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

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

36 "**§ 115C-378. Children required to attend.**

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

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

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

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

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

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

1 parent, guardian, or custodian is responsible for the absences. Upon receiving
2 notification by the principal, the director of social services shall determine whether to
3 undertake an investigation under G.S. 7B-302."

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

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

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

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

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

37 "(27) Undisciplined juvenile. –

- 38 a. A juvenile who, while less than ~~46~~17 years of age but at least 6
39 years of age, is unlawfully absent from school; or is regularly
40 disobedient to and beyond the disciplinary control of the
41 juvenile's parent, guardian, or custodian; or is regularly found in
42 places where it is unlawful for a juvenile to be; or has run away
43 from home for a period of more than 24 hours; or

- 1 b. A juvenile who is ~~16 or~~ 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 3.(b)** Effective July 1, 2011, G.S. 7B-1501(27), as rewritten by
7 subsection (a) of this section, reads as rewritten:

8 "(27) Undisciplined juvenile. –

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

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

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

22 "(22) Undisciplined juvenile. –

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

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

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

36 "(22) Undisciplined juvenile. –

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

- 43 ~~b. A juvenile who is 17 years of age and who is regularly
44 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.** Except as otherwise provided, this act becomes effective July
5 1, 2009.