

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 68

Short Title: Compulsory Attendance Law Enhanced.

(Public)

Sponsors: Representative Bowman.

Referred to: Education.

February 10, 1994

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE COMPULSORY ATTENDANCE LAW.

The General Assembly of North Carolina enacts:

Section 1. The title of Part 1 of Article 26 of Chapter 115C of the General Statutes reads as rewritten:

"PART 1. COMPULSORY ATTENDANCE. ATTENDANCE ENHANCED."

Sec. 2. G.S. 115C-378 reads as rewritten:

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

Every parent, legal guardian or other person in this State having charge or control of a child between the ages of seven and 16 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. Every parent, legal 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equal to the time which the public school to which the child is assigned shall be in session unless the child has withdrawn from school.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, legal 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 which 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

1 schools and such nonpublic schools as have teachers and curricula that are approved by
2 the State Board of Education.

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

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

25 After 10 accumulated unexcused absences in a school year the principal shall review
26 any report or investigation prepared under G.S. 115C-381 and shall confer with the
27 student and ~~his~~ the child's parent, legal guardian, or custodian ~~if possible~~ to determine
28 whether the parent, legal guardian, or custodian has received notification pursuant to
29 this section and made ~~a good faith~~ an effective effort to comply with the law. If the
30 principal determines that parent, legal guardian, or custodian has not, ~~he~~ the principal
31 shall notify the district attorney. If ~~he~~ the principal determines that parent, legal
32 guardian, or custodian has, ~~he may~~ has received notification pursuant to this section and
33 made an effective effort to comply with the law, the principal shall file a complaint with
34 the juvenile intake counselor under G.S. 7A-561 that the child is habitually absent from
35 school without a valid excuse. Evidence that shows that the parents, legal guardian, or
36 custodian were notified and that the child has accumulated 10 absences which cannot be
37 justified under the established attendance policies of the local board shall establish a
38 **prima facie** case that the child's parent, legal guardian, or custodian is responsible for
39 the absences."

40 Sec. 3. G.S. 115C-379 reads as rewritten:

41 "**§ 115C-379. Method of enforcement.**

42 It shall be the duty of the State Board of Education to formulate such rules and
43 regulations as may be necessary for the proper enforcement of the provisions of this
44 Part. The Board shall prescribe what shall constitute unlawful absence, what causes may

1 constitute legitimate excuses for temporary nonattendance due to physical or mental
2 inability to attend, and under what circumstances teachers, principals, or superintendents may
3 excuse pupils for nonattendance due to immediate demands of the farm or the home in certain
4 seasons of the year in the several sections of the State. ~~attend.~~ It shall be the duty of all
5 school officials to carry out such instructions from the State Board of Education, and
6 any school official failing to carry out such instructions shall be guilty of a
7 misdemeanor: Provided, that the compulsory attendance law herein prescribed shall not
8 be in force in any local school administrative unit that has a higher compulsory
9 attendance feature than that provided herein."

10 Sec. 4. G.S. 115C-380 reads as rewritten:

11 "**§ 115C-380. Penalty for violation.**

12 Any parent, legal guardian or other person violating the provisions of this Part shall
13 be guilty of a misdemeanor and upon conviction shall be fined not ~~more~~-less than ~~fifty~~
14 ~~dollars (\$50.00)~~ one hundred dollars (\$100.00) or imprisoned not more than 30 days, or
15 both, in the discretion of the court."

16 Sec. 5. G.S. 115C-381 reads as rewritten:

17 "**§ 115C-381. School social workers; reports; prosecutions.**

18 The Superintendent of Public Instruction shall prepare such rules and procedures and
19 furnish such blanks for teachers and other school officials as may be necessary for
20 reporting such case of unlawful absence or lack of attendance to the school social
21 worker of the respective local school administrative units. Such rules shall provide,
22 among other things, for a notification in writing, to the person responsible for the
23 nonattendance of any child, that the case is to be reported to the school social worker of
24 the local school administrative unit unless the law is complied with immediately. Upon
25 recommendation of the superintendent, local boards of education may employ school
26 social workers and such school social workers shall have authority to report and verify
27 on oath the necessary criminal warrants or other documents for the prosecutions of
28 violations of this Part: Provided, that local school administrative units shall provide in
29 their local operating budgets for travel and necessary office expense for such school
30 social workers as may be employed through State or local funds, or both. The State
31 Board of Education shall determine the process for allocating school social workers to
32 the various local school administrative units, establish their qualifications, and develop
33 a salary schedule which shall be applicable to such personnel: Provided, that persons
34 now employed by local boards of education as attendance counselors shall be deemed
35 qualified as school social workers under the terms of this Part subject to the approval of
36 said local boards of education.

37 The school social worker shall investigate all violators of the provisions of this Part.
38 The reports of unlawful absence required to be made by teachers and principals to the
39 school social worker shall, in ~~his hands~~, case of any prosecution, constitute **prima facie**
40 evidence of the violation of this Part and the burden of proof shall be upon the
41 defendant to show the lawful attendance of the child or children upon an authorized
42 school."

43 Sec. 6. G.S. 115C-382 is repealed.

1 Sec. 7. This act becomes effective July 1, 1994, and applies to school years
2 beginning after that date.