

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 958

Education/Higher Education Committee Substitute Adopted 4/28/97

House Committee Substitute Favorable 5/26/97

Short Title: Students Eligible to Attend School.

(Public)

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Sponsors:

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Referred to:

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April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW STUDENTS WHO RESIDE WITH DOMICILIARIES OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND THE PUBLIC SCHOOLS OF THAT UNIT WITHOUT THE PAYMENT OF TUITION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-366 is amended by adding the following new subsection to read:

"(a3) A student who is not a domiciliary of a local school administrative unit may attend, without the payment of tuition, the public schools of that unit if:

(1) The student resides with an adult, who is a domiciliary of that unit, as a result of:

a. The death, serious illness, or incarceration of a parent or legal guardian,

b. The abandonment by a parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance,

c. Abuse or neglect by the parent or legal guardian,

- 1           d.     The physical or mental condition of the parent or legal guardian  
2           is such that he or she cannot provide adequate care and  
3           supervision of the student, or  
4           e.     The loss or uninhabitability of the student's home as the result of  
5           a natural disaster;  
6       (2)   The student is not currently under a term of suspension or expulsion  
7           from a school for conduct that could have led to a suspension or an  
8           expulsion from the local school administrative unit; and  
9       (3)   The adult with whom the student resides and the student's parent,  
10           guardian, or legal custodian have each completed and signed separate  
11           affidavits that:  
12           a.     Confirm the qualifications set out in this subsection establishing  
13           the student's residency,  
14           b.     Attest that the student's claim of residency in the unit is not  
15           primarily related to attendance at a particular school within the  
16           unit, and  
17           c.     Attest that the adult with whom the student is residing has been  
18           given and accepts responsibility for educational decisions for the  
19           child, including receiving notices of discipline under G.S. 115C-  
20           391, attending conferences with school personnel, granting  
21           permission for school-related activities, and taking appropriate  
22           action in connection with student records.

23           For purposes of subdivision (1)c. of this subsection, a student shall be deemed to be  
24           abused or neglected if there has been an adjudication of that issue. The State Board may  
25           adopt an additional definition of abuse and neglect and that definition shall also apply to  
26           this subsection.

27           If the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise  
28           unavailable to sign the affidavit, then the adult with whom the student is living shall attest  
29           to that fact in the affidavit.

30           Upon receipt of both affidavits or an affidavit from the adult with whom the student is  
31           living that includes an attestation that the student's parent, guardian, or legal custodian is  
32           unable, refuses, or is otherwise unavailable to sign an affidavit, the local board shall  
33           admit and assign as soon as practicable the student to an appropriate school, as  
34           determined under the local board's school assignment policy, pending the results of any  
35           further procedures for verifying eligibility for attendance and assignment within the local  
36           school administrative unit.

37           If it is found that the information contained in either or both affidavits is false, then  
38           the local board may, unless the student is otherwise eligible for school attendance under  
39           other laws or local board policy, remove the student from school. If a student is  
40           removed from school, the board shall provide an opportunity to appeal the removal under  
41           the appropriate policy of the local board and shall notify any person who signed the  
42           affidavit of this opportunity. If it is found that a person willfully and knowingly provided  
43           false information in the affidavit, the maker of the affidavit shall be guilty of a Class 1

1 misdemeanor and shall pay to the local board an amount equal to the cost of educating  
2 the student during the period of enrollment. Repayment shall not include State funds.

3 Affidavits shall include, in large print, the penalty, including repayment of the cost of  
4 educating the student, for providing false information in an affidavit."

5 Section 2. This act is effective when it becomes law.