

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 439

Short Title: Raise Compulsory School Attendance Age. (Public)

Sponsors: Senator Garwood.

Referred to: Education/Higher Education.

March 9, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL
3 BEFORE THE AGE OF SEVENTEEN.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-378 reads as rewritten:

6 "§ 115C-378. Children required to attend.

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15 withdrawn from school.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

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

25 All nonpublic schools receiving and instructing children of a compulsory school age
26 shall be required to keep such records of attendance and render such reports of the
27 attendance of such children and maintain such minimum curriculum standards as are
28 required of public schools; and attendance upon such schools, if the school refuses or
29 neglects to keep such records or to render such reports, shall not be accepted in lieu of

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

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

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

29 **SECTION 2.** G.S. 116-235(b)(2) reads as rewritten:

30 "(2) School Attendance. – Every parent, guardian, or other person in this
31 State having charge or control of a child who is enrolled in the School
32 and who is less than ~~16-17~~ years of age shall cause such child to attend
33 school continuously for a period equal to the time which the School
34 shall be in ~~session~~session, until the child graduates from high school.
35 No person shall encourage, entice, or counsel any child to be
36 unlawfully absent from the School. Any person who aids or abets a
37 student's unlawful absence from the School shall, upon conviction, be
38 guilty of a Class 3 misdemeanor. The Director of the School shall be
39 responsible for implementing such additional policies concerning
40 compulsory attendance as shall be adopted by the Board of Trustees,
41 including regulations concerning lawful and unlawful absences,
42 permissible excuses for temporary absences, maintenance of
43 attendance records, and attendance counseling."

44 **SECTION 3.** G.S. 7B-1501(27) reads as rewritten:

1 "(27) Undisciplined juvenile. –

2 a. A juvenile who, while less than ~~16-17~~ years of age but at least 6
3 years of age, is unlawfully absent from school; or 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; or~~ hours.

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

13 **SECTION 4.** G.S. 143B-515(22) reads as rewritten:

14 "(22) Undisciplined juvenile. –

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

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

26 **SECTION 5.** This act becomes effective July 1, 2005.