

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 475

Short Title: School Attendance Age/Youth Work.

(Public)

Sponsors: Representative Watkins.

Referred to: Education.

March 7, 1989

A BILL TO BE ENTITLED

AN ACT TO ADDRESS THE SCHOOL DROP-OUT PROBLEM BY LIMITING THE NUMBER OF HOURS THAT YOUTH WHO HAVE NOT GRADUATED FROM HIGH SCHOOL MAY WORK, AND BY EXPANDING THE COMPULSORY ATTENDANCE AGE RANGE.

The General Assembly of North Carolina enacts:

Section 1. Effective July 1, 1989, G.S. 95-25.5(c) reads as rewritten:

"(c) No youth ~~14 or 15 years of age~~ between the ages of 14 and 18 who has not graduated from high school may be employed by an employer in any occupation except those determined by the United States Department of Labor to be permitted occupations under the Fair Labor Standards Act; provided, such youths may be employed by employers:

- (1) No more than three hours on a day when school is in session for the youth, except that the youth may work up to six hours on the last day of the school week;
- (2) No more than eight hours on a day when school is not in session for the youth;
- (3) Only between 7 A.M. and 7 P.M., except to 9 P.M. when there is no school for the youth the next day; and
- (4) No more hours per week than the following:

Days school in session for the youth	Weekly hours
5	18

1	4	26
2	3	34
3	2 or less	40"

4 Sec. 2. (a) Effective July 1, 1989, G.S. 115C-378 reads as rewritten:

5 **"§ 115C-378. Children between ~~seven-six~~ and ~~16-17~~ required to attend.**

6 Every parent, guardian or other person in this State having charge or control of a  
 7 child between the ages of ~~seven-six~~ and ~~16-17~~ years who has not graduated from high  
 8 school shall cause such child to attend school continuously for a period equal to the time  
 9 which the public school to which the child is assigned shall be in session. No person  
 10 shall encourage, entice or counsel any such child to be unlawfully absent from school.  
 11 The parent, guardian, or custodian of a child shall notify the school of the reason for  
 12 each known absence of the child, in accordance with local school policy.

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

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

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

39 After 10 accumulated unexcused absences in a school year the principal shall review  
 40 any report or investigation prepared under G.S. 115C-381 and shall confer with the  
 41 student and his parent, guardian, or custodian if possible to determine whether the  
 42 parent, guardian, or custodian has received notification pursuant to this section and  
 43 made a good faith effort to comply with the law. If the principal determines that parent,  
 44 guardian, or custodian has not, he shall notify the district attorney. If he determines that

1 parent, guardian, or custodian has, he may file a complaint with the juvenile intake  
2 counselor under G.S. 7A-561 that the child is habitually absent from school without a  
3 valid excuse. Evidence that shows that the parents, guardian, or custodian were notified  
4 and that the child has accumulated 10 absences which cannot be justified under the  
5 established attendance policies of the local board shall establish a prima facie case that  
6 the child's parent, guardian, or custodian is responsible for the absences.

7 (b) Effective July 1, 1989, G.S. 115C-382 reads as rewritten:

8 **"§ 115C-382. Investigation of indigency.**

9 If affidavit shall be made by the parent of a child or by any other person that any  
10 child between the ages of ~~seven-six~~ and ~~16-17~~ years is not able to attend school by  
11 reason of necessity to work or labor for the support of himself or the support of the  
12 family, then the school social worker shall diligently inquire into the matter and bring it  
13 to the attention of some court allowed by law to act as a juvenile court, and said court  
14 shall proceed to find whether as a matter of fact such parents, or persons standing in  
15 **loco parentis**, are unable to send said child to school for the term of compulsory  
16 attendance for the reasons given. If the court shall find, after careful investigation, that  
17 the parents have made or are making bona fide effort to comply with the compulsory  
18 attendance law, and by reason of illness, lack of earning capacity, or any other cause  
19 which the court may deem valid and sufficient, are unable to send said child to school,  
20 then the court shall find and state what help is needed for the family to enable  
21 compliance with the attendance law. The court shall transmit its findings to the director  
22 of social services of the county or city in which the case may arise for such social  
23 services officer's consideration and action."

24 Sec. 3. Effective July 1, 1990, G.S. 115C-378 and G.S. 115C-382, as  
25 amended by Section 2 of this act, are further amended by deleting the number  
26 "17" wherever it appears and substituting the number "18".

27 Sec. 4. This act is effective upon ratification.