

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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HOUSE BILL 475  
Committee Substitute Favorable 4/27/89

Short Title: School Attendance Age/Youth Work.

(Public)

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Sponsors:

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Referred to:

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March 7, 1989

A BILL TO BE ENTITLED

1 AN ACT TO ADDRESS THE SCHOOL DROPOUT PROBLEM BY LIMITING THE  
2 NUMBER OF HOURS THAT YOUTH WHO HAVE NOT GRADUATED FROM  
3 HIGH SCHOOL MAY WORK, AND BY EXPANDING THE COMPULSORY  
4 ATTENDANCE AGE RANGE.  
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6 Whereas, principals and counselors have observed an increasing number of  
7 students who have demanding jobs that have interfered with their study opportunities;  
8 and

9 Whereas, recent studies have demonstrated that youth employment can and  
10 does have an adverse impact on the youth's academic performance, in that sixty-seven  
11 percent (67%) of eleventh grade dropouts worked 20 hours or more per week and that  
12 eight percent (8%) worked 40 hours or more per week; and

13 Whereas, about one-half of recent dropouts have admitted that jobs did  
14 interfere with school and that this situation was involved in their decision to drop out of  
15 school; and

16 Whereas, a major reason that youth drop out of school is to obtain or to  
17 continue employment that enables them to purchase an automobile or to make some  
18 other major purchase; and

19 Whereas, current law does not restrict the number of hours that youth who are  
20 16 years of age or older may work; allows youth to drop out of school at age 16; and  
21 allows youth to obtain a drivers license at age 16; Now, therefore,

22 The General Assembly of North Carolina enacts:

1 Section 1. Effective July 1, 1989, G.S. 95-25.5 is amended by adding a new  
 2 subsection to read:

3 "(b1) Youths 16 or 17 years of age may be employed by employers:

4 (1) Not before 7 a.m. except when there is no school for the youth on that  
 5 day, and not after 9 p.m. except when there is no school for the youth  
 6 the next day; and

7 (2) During a school term for the youth, no more hours per week than the  
 8 following:

<u>Days school in session</u>	<u>for the youth</u>	<u>Weekly hours</u>
	<u>5</u>	<u>20</u>
	<u>4</u>	<u>28</u>
	<u>3</u>	<u>36</u>
	<u>2 or less</u>	<u>40."</u>

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 15 Sec. 2. Effective July 1, 1989, G.S. 95-25.5(k) reads as rewritten:

16 "(k) Persons and establishments required to comply with or subject to regulation  
 17 of child labor under the Fair Labor Standards Act are exempt from all provisions of this  
 18 section, except the certificate requirements of subsection (a), the prohibition from  
 19 occupations found and declared to be detrimental by the Commissioner of Labor  
 20 pursuant to subsection (b), the provisions of subsection (b1), and the prohibitions of  
 21 subsection (j). In addition, employment certificates will not be issued if such person's  
 22 employment will be in violation of the applicable child labor provisions of the Fair  
 23 Labor Standards Act. Such employers may also be assessed civil penalties pursuant to  
 24 G.S. 95-25.23 for each violation of the provisions of this section or any regulation  
 25 issued hereunder from which there is no exemption."

26 Sec. 3. (a) Effective July 1, 1989, G.S. 115C-378 reads as rewritten:

27 "**§ 115C-378. Children between ~~seven-six~~ and ~~16-17~~ required to attend.**

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

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

41 All nonpublic schools receiving and instructing children of a compulsory school age  
 42 shall be required to keep such records of attendance and render such reports of the  
 43 attendance of such children and maintain such minimum curriculum standards as are  
 44 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 review  
18 any report or investigation prepared under G.S. 115C-381 and shall confer with the  
19 student and his parent, guardian, or custodian if possible to determine whether the  
20 parent, guardian, or custodian has received notification pursuant to this section and  
21 made a good faith effort to comply with the law. If the principal determines that parent,  
22 guardian, or custodian has not, he shall notify the district attorney. If he determines that  
23 parent, guardian, or custodian has, he may file a complaint with the juvenile intake  
24 counselor under G.S. 7A-561 that the child is habitually absent from school without a  
25 valid excuse. Evidence that shows that the parents, guardian, or custodian were notified  
26 and that the child has accumulated 10 absences which cannot be justified under the  
27 established attendance policies of the local board shall establish a prima facie case that  
28 the child's parent, guardian, or custodian is responsible for the absences."

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

30 "**§ 115C-382. Investigation of indigency.**

31 If affidavit shall be made by the parent of a child or by any other person that any  
32 child between the ages of ~~seven-six~~ and ~~16-17~~ years is not able to attend school by  
33 reason of necessity to work or labor for the support of himself or the support of the  
34 family, then the school social worker shall diligently inquire into the matter and bring it  
35 to the attention of some court allowed by law to act as a juvenile court, and said court  
36 shall proceed to find whether as a matter of fact such parents, or persons standing **in**  
37 **loco parentis**, are unable to send said child to school for the term of compulsory  
38 attendance for the reasons given. If the court shall find, after careful investigation, that  
39 the parents have made or are making bona fide effort to comply with the compulsory  
40 attendance law, and by reason of illness, lack of earning capacity, or any other cause  
41 which the court may deem valid and sufficient, are unable to send said child to school,  
42 then the court shall find and state what help is needed for the family to enable  
43 compliance with the attendance law. The court shall transmit its findings to the director

1 of social services of the county or city in which the case may arise for such social  
2 services officer's consideration and action."

3           Sec. 4. Effective July 1, 1990, G.S. 115C-378 and G.S. 115C-382, as  
4 amended by Section 3 of this act, are further amended by deleting the number  
5 "17" wherever it appears and substituting the number "18".

6           Sec. 5. This act is effective upon ratification and shall not apply to any person  
7 who has withdrawn from school before the provisions of G.S. 115C-378 and G.S. 115C-  
8 382 as amended by this act become applicable to such person.