

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 804*
Second Edition Engrossed 6/26/91

Short Title: K-2 Students Must Attend.

(Public)

Sponsors: Senators Marvin, Carter, and Forrester.

Referred to: Education.

April 24, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE STUDENTS ENROLLED IN PUBLIC KINDERGARTEN,
3 FIRST GRADE OR SECOND GRADE WHO ARE UNDER THE AGE OF
4 SEVEN TO ATTEND SCHOOL.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-81(f) reads as rewritten:

7 "(f) Establishment and Maintenance of Kindergartens. –

8 (1) Local boards of education shall provide for their respective local
9 school administrative unit kindergartens as a part of the public school
10 system for all children living in the local school administrative unit
11 who are eligible for admission pursuant to subdivision (2) of this
12 subsection provided that funds are available from State, local, federal
13 or other sources to operate a kindergarten program as provided in ~~G.S.~~
14 ~~115C-81(f) this subsection and 115C-82.~~

15 All kindergarten programs so established shall be subject to the
16 supervision of the Department of Public Instruction and shall be
17 operated in accordance with the standards adopted by the State Board
18 of Education, upon recommendation of the Superintendent of Public
19 Instruction.

20 Among the standards to be adopted by the State Board of
21 Education shall be a provision that the Board will allocate funds for
22 the purpose of operating and administering kindergartens to each
23 school administrative unit in the State based on the average daily

1 membership for the best continuous three out of the first four school
2 months of pupils in the kindergarten program during the last school
3 year in that respective school administrative unit. Such allocations are
4 to be made from funds appropriated to the State Board of Education
5 for the kindergarten program.

6 (2) Any child who has passed the fifth anniversary of his birth on or
7 before October 16 of the year in which he enrolls shall be eligible for
8 enrollment in kindergarten. Any child who is enrolled in kindergarten
9 and not withdrawn by his parent or guardian shall attend kindergarten.

10 (3) Notwithstanding any other provision of law to the contrary, subject to
11 the approval of the State Board of Education, any local board of
12 education may elect not to establish and maintain a kindergarten
13 program. Any funds allocated to a local board of education which
14 does not operate a kindergarten program may be reallocated by the
15 State Board of Education, within the discretion of the Board, to a
16 county or city board of education which will operate such a program."

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

18 **"§ 115C-378. Children ~~between seven and 16~~ required to attend.**

19 Every parent, guardian or other person in this State having charge or control of a
20 child between the ages of seven and 16 years shall cause such child to attend school
21 continuously for a period equal to the time which the public school to which the child is
22 assigned shall be in session. Every parent, guardian, or other person in this State having
23 charge or control of a child under age seven who is enrolled in a public school in grades
24 kindergarten through two shall also cause such child to attend school continuously for a
25 period equal to the time which the public school to which the child is assigned shall be
26 in session unless the child has withdrawn from school. No person shall encourage,
27 entice or counsel any such child to be unlawfully absent from school. The parent,
28 guardian, or custodian of a child shall notify the school of the reason for each known
29 absence of the child, in accordance with local school policy.

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

36 All nonpublic schools receiving and instructing children of a compulsory school age
37 shall be required to keep such records of attendance and render such reports of the
38 attendance of such children and maintain such minimum curriculum standards as are
39 required of public schools; and attendance upon such schools, if the school refuses or
40 neglects to keep such records or to render such reports, shall not be accepted in lieu of
41 attendance upon the public school of the district to which the child shall be assigned:
42 Provided, that instruction in a nonpublic school shall not be regarded as meeting the
43 requirements of the law unless the courses of instruction run concurrently with the term
44 of the public school in the district and extend for at least as long a term.

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

12 After 10 accumulated unexcused absences in a school year the principal shall review
13 any report or investigation prepared under G.S. 115C-381 and shall confer with the
14 student and his parent, guardian, or custodian if possible to determine whether the
15 parent, guardian, or custodian has received notification pursuant to this section and
16 made a good faith effort to comply with the law. If the principal determines that parent,
17 guardian, or custodian has not, he shall notify the district attorney. If he determines that
18 parent, guardian, or custodian has, he may file a complaint with the juvenile intake
19 counselor under G.S. 7A-561 that the child is habitually absent from school without a
20 valid excuse. Evidence that shows that the parents, guardian, or custodian were notified
21 and that the child has accumulated 10 absences which cannot be justified under the
22 established attendance policies of the local board shall establish a prima facie case that
23 the child's parent, guardian, or custodian is responsible for the absences."

24 Sec. 3. G.S. 115C-382 reads as rewritten:

25 "**§ 115C-382. Investigation of indigency.**

26 If affidavit shall be made by the parent of a child or by any other person that any
27 child ~~between the ages of seven and 16 years~~ who is required to attend school under G.S.
28 115C-378 is not able to attend school by reason of necessity to work or labor for the
29 support of himself or the support of the family, then the school social worker shall
30 diligently inquire into the matter and bring it to the attention of some court allowed by
31 law to act as a juvenile court, and said court shall proceed to find whether as a matter of
32 fact such parents, or persons standing **in loco parentis**, are unable to send said child to
33 school for the term of compulsory attendance for the reasons given. If the court shall
34 find, after careful investigation, that the parents have made or are making bona fide
35 effort to comply with the compulsory attendance law, and by reason of illness, lack of
36 earning capacity, or any other cause which the court may deem valid and sufficient, are
37 unable to send said child to school, then the court shall find and state what help is
38 needed for the family to enable compliance with the attendance law. The court shall
39 transmit its findings to the director of social services of the county or city in which the
40 case may arise for such social services officer's consideration and action."

41 Sec. 4. This act becomes effective October 1, 1991.