

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 151\*

Short Title: K-12 Residence Clarification.

(Public)

Sponsors: Senators Warren, Allran, Lee, Speed; and Sherron.

Referred to: Education/Higher Education.

February 15, 1993

A BILL TO BE ENTITLED

AN ACT TO CLARIFY WHO SHALL BE ENTITLED TO THE PRIVILEGES AND ADVANTAGES OF THE PUBLIC SCHOOLS, WHO SHALL PAY TUITION, AND TO CREATE AN EDUCATION POWER OF ATTORNEY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-364 reads as rewritten:

"§ 115C-364. Admission requirements.

A child, to be entitled to initial entry in the public schools, must have passed the fifth anniversary of his/her birth. A child is entitled to initial entry in the public schools if the child is five years old on or before October 16 of the year in which the child is presented for enrollment, and must be is presented for enrollment during the first month of the school year. The initial point of entry into the public school system shall be at the kindergarten level: Provided, that if a particular child has already been attending school in another state in accordance with the laws or regulations of the school authorities of such state before moving to and becoming a resident of North Carolina, such that state, the child will be is eligible for enrollment in the schools of this State in accordance with this Article regardless of whether such child has passed the fifth anniversary of his birth his or her fifth birthday before October 16. If the principal of a school finds as fact subsequent to initial entry that a child, by reason of maturity can be more appropriately served in the first grade rather than in kindergarten, the principal may act under the provisions of G.S. 115C-288 to implement this educational decision without regard to chronological age. The principal of any public school shall have the authority to require the parents of any child presented for admission for the first time to such school to furnish a certified copy of the child's birth certificate of such child, which shall be furnished by the register of

1 ~~deeds of the county having on file the record of the birth of such child, or other satisfactory~~  
2 ~~evidence of date of birth."~~

3 Sec. 2. G.S. 115C-366 is repealed.

4 Sec. 3. G.S. 115C-366.2 is repealed.

5 Sec. 4. Article 25 of Chapter 115C is amended by adding a new section to  
6 read:

7 **"§ 115C-364.1. Eligibility to attend public schools; school assignment.**

8 (a) All persons under the age of 21 years who are domiciled in a school  
9 administrative unit and who have neither been removed from school for cause, nor  
10 obtained a high school diploma, shall be entitled to all the privileges and advantages of  
11 the public schools to which they are assigned by the local boards of education.

12 (b) It is the policy of the State that every child of a homeless individual and every  
13 homeless child shall have access to a free, appropriate public education on the same  
14 basis as all children who are domiciled in this State. The local board of education of the  
15 school administrative unit in which the child is actually living shall enroll the child in  
16 that school administrative unit. In no event shall the child be denied enrollment because  
17 of uncertainty regarding the child's domiciliary status, regardless of whether the child is  
18 living with the homeless parents or has been temporarily placed elsewhere by the  
19 parents. The local board shall not charge the homeless child, as defined in this  
20 subsection, tuition for enrollment.

21 In the event the local board of education denies enrollment to the child, the child's  
22 parent, guardian, or person standing in loco parentis to the child may, within 10 days  
23 after notification of the denial, apply in writing to the local board for reconsideration of  
24 the decision. Written notification of the board's decision shall be delivered to the  
25 applicant in person. If the reconsideration is denied, the applicant shall have a right of  
26 appeal on the question of the child's enrollment in accordance with the hearing  
27 procedures set out in G.S. 115C-369 and G.S. 115C-370, however, written notification  
28 of all decisions shall be delivered to the applicant in person.

29 As used in this subsection, the term 'homeless' refers to an individual who (i) lacks  
30 a fixed, regular, and adequate nighttime residence or (ii) has a primary nighttime  
31 residence in a supervised publicly or privately operated shelter for temporary  
32 accommodations, an institution providing temporary residence for individuals intended  
33 to be institutionalized, or a public or private place not designated for, or ordinarily used  
34 as, a regular sleeping accommodation for human beings. The term does not include  
35 persons who are imprisoned or otherwise detained pursuant to federal or State law.

36 (c) The following persons under the age of 21 years who actually live in a North  
37 Carolina school administrative unit for reasons other than to attend school or to  
38 participate in school athletics, and who have neither been removed from school for  
39 cause, nor obtained a high school diploma, shall be entitled to attend public schools on  
40 the same basis as children who are domiciled in a school administrative unit in this  
41 State:

42 (1) Persons under the care, custody, control, and supervision of an  
43 institution established, operated, or incorporated for the purpose of

1            rearing and caring for children who do not live with their parents. This  
2            subdivision includes foster homes and group homes.

3            (2) Persons living with a parent, guardian, or custodian who is a student,  
4            employee, or faculty member, of a college or university, or a visiting  
5            scholar at the National Humanities Center.

6            (3) Persons residing on federal property located in the State with a parent,  
7            guardian, or custodian who is employed on federal property, or  
8            assigned to active duty in the uniformed services.

9            (4) Persons residing on Indian lands located in the State with a parent,  
10           guardian, or custodian.

11           (5) Persons living with a parent, guardian, or custodian who is a migrant  
12           agricultural worker as defined in G.S. 130A-417(2).

13           (6) Persons living with and under the care, control, and supervision of a  
14           domiciliary of the school unit provided that domiciliary provides  
15           substantial support for the person. Local boards shall require persons  
16           admitted under this subdivision to provide, on a yearly basis:

17           a. An education power of attorney in accordance with Article 4 of  
18           Chapter 32A; or

19           b. A notarized affidavit as set out in G.S. 115C-364.2 by the  
20           person enrolling the child if a child's parents, guardian, or  
21           custodian is unknown, or cannot be found after reasonable  
22           investigation, or is unwilling or unable to sign an education  
23           power of attorney due to death, serious illness, incarceration or,  
24           abandonment of the child. The local school board shall notify  
25           the county office of social services of any child admitted in  
26           accordance with this subdivision.

27           For purposes of this subsection a 'guardian' or 'custodian' is a person or agency that  
28           has been awarded legal guardianship or legal custody by a court.

29           (d) Any child who is qualified under the laws of this State for admission to a  
30           public school and who has a place of residence in a local school administrative unit  
31           incident to his or her parent's or guardian's service in the General Assembly, other than  
32           the local school administrative unit in which the child is domiciled, is entitled to attend  
33           school in the local school administrative unit of that residence as if the child were  
34           domiciled there, subject to the payment of applicable out-of-county fees.

35           (e) Each local board of education shall assign to a public school each student  
36           qualified for assignment under this section. Except as otherwise provided by law, and  
37           particularly the provisions of G.S. 115C-369 and G.S. 115C-370, the authority of each  
38           board of education in the matter of assignment of children to the public schools shall be  
39           full and complete, and its decision as to the assignment of any child to any school shall  
40           be final.

41           (f) A student domiciled in one local school administrative unit may be assigned  
42           either with or without the payment of tuition to a public school in another local school  
43           administrative unit upon the terms and conditions agreed to in writing between the local  
44           boards of education involved and entered in the official records of the boards. The

1 assignment shall be effective only for the current school year, but may be renewed  
2 annually in the discretion of the boards involved. The assignment of students living in  
3 one local school administrative unit or district to a school located in another local school  
4 administrative unit or district, shall have no effect upon the right of the local school  
5 administrative unit or district to which the students are assigned to levy and collect any  
6 supplemental tax heretofore or hereafter voted in that local school administrative unit or  
7 district.

8 (g) The boards of education of adjacent local school administrative units may  
9 operate schools in adjacent units upon written agreements between the respective boards  
10 of education and approval by the county commissioners and the State Board of  
11 Education.

12 (h) This section shall not be construed to allow students to transfer from one  
13 local school administrative unit to another for athletic participation purposes in violation  
14 of eligibility requirements established by the State Board of Education and the North  
15 Carolina High School Athletic Association."

16 Sec. 5. Chapter 32A is amended by adding a new Article to read:

17 **"ARTICLE 4.**

18 **"EDUCATION POWERS OF ATTORNEY.**

19 **"§ 32A-30. General purpose of this section.**

20 The purpose of this Article is to establish a method by which a parent or legal  
21 guardian who has legal and physical custody of a child may give to an agent the power  
22 to make any and all educational decisions concerning the child.

23 **"§ 32A-31. Definitions.**

24 As used in this Article, unless the context clearly requires otherwise, the following  
25 terms have the meanings specified:

26 (1) 'Educational decisions' means any decision concerning the instruction,  
27 supervision, or service provided for the education of a principal's child  
28 including enrolling the child in school and signing any school-related  
29 documents, including individual education plans, report cards, and  
30 permission slips.

31 (2) 'Education agent' means the person appointed as an education attorney-  
32 in-fact.

33 (3) 'Education power of attorney' means a written instrument, signed in the  
34 presence of two qualified witnesses, and acknowledged before a notary  
35 public, pursuant to which an attorney-in-fact or agent is appointed to  
36 act for the principal in matters relating to the education of a child of  
37 the principal, and which substantially meets the requirements of this  
38 Article.

39 (4) 'Principal' means the parent or legal guardian having physical and legal  
40 custody of the child making the education power of attorney.

41 (5) 'Qualified witness' means a witness in whose presence the principal  
42 has executed the education power of attorney, and who believes the  
43 principal to be of sound mind.

44 **"§ 32A-32. Who may make an education power of attorney.**

1 Any parent or legal guardian having legal and physical custody of a child may make  
2 an education power of attorney. Legal custody is custody granted by a court of  
3 competent jurisdiction. Whenever possible, the parent or legal guardian making the  
4 education power of attorney shall notify any other parent or guardian of the child.

5 **"§ 32A-33. Who may act as an education attorney-in-fact.**

6 Any competent person 18 years of age or older, who is domiciled in a school  
7 administrative unit and who provides a home, care, control, supervision, and substantial  
8 support for the child of the principal may act as an education agent. The education  
9 agent's notarized acceptance of the agency shall be included in an education power of  
10 attorney.

11 **"§ 32A-34. Extent of authority; limitations of authority.**

12 (a) A principal, pursuant to an education power of attorney, may grant to the  
13 education agent full power and authority to make education decisions to the same extent  
14 that the principal could make those decisions for his or her child, including, without  
15 limitation, the power to enroll the child in school, approve an individual education plan,  
16 sign report cards, and grant permission to attend school functions and outings.

17 (b) The powers and authority granted to the education agent pursuant to an  
18 education power of attorney shall be limited to the matters addressed in it and shall not  
19 confer any power or authority with respect to the property or financial affairs of the  
20 principal.

21 (c) This Article shall not be construed to invalidate a power of attorney that  
22 authorizes an agent to make education decisions for the principal's child which was  
23 executed prior to October 1, 1993.

24 **"§ 32A-35. Effectiveness and duration; revocation.**

25 (a) An education power of attorney shall become effective when signed by the  
26 principal in accordance with this section. It shall be valid for no more than one year. It  
27 may be revoked at any time by the principal.

28 The principal may exercise such right of revocation by executing and  
29 acknowledging an instrument of revocation, by executing and acknowledging a  
30 subsequent education power of attorney, or in any other written manner by which the  
31 principal is able to communicate his or her intent to revoke. Such revocation shall  
32 become effective only upon communication by the principal to each education agent  
33 named in the revoked education power of attorney and to the school administrative unit  
34 where the child named in the power of attorney attends school.

35 **"§ 32A-36. Relation of the education agent to a court-appointed fiduciary and to a**  
36 **general attorney-in-fact.**

37 (a) If, following the execution of an education power of attorney, a court of  
38 competent jurisdiction appoints a guardian of the person of the principal or a general  
39 guardian with powers over the person of the principal, the education power of attorney  
40 shall cease to be effective upon the appointment and qualification of the guardian. If,  
41 following the execution of an education power of attorney, a court of competent  
42 jurisdiction appoints a guardian of the person of the principal's child, or a general  
43 guardian with powers over the person of the principal's child, the education power of

1 attorney shall cease to be effective upon the appointment and qualification of the  
2 guardian.

3 (b) The execution of an education power of attorney shall not revoke, restrict, or  
4 otherwise affect any powers granted by the principal to an attorney-in-fact pursuant to a  
5 general power of attorney; provided that the powers granted to the education agent with  
6 respect to the education of the principal's child shall be superior to any similar powers  
7 granted by the principal to an attorney-in-fact under a general power of attorney.

8 (c) An education power of attorney may be combined with or incorporated into a  
9 general power of attorney which is executed in accordance with the requirements of this  
10 Article.

11 **"§ 32A-37. Reliance on education power of attorney; defense.**

12 (a) Any education provider involved in the education of the principal's child may  
13 rely upon the authority of the education agent contained in a signed and acknowledged  
14 education power of attorney in the absence of actual knowledge of revocation of the  
15 education power of attorney.

16 (b) Any education provider relying in good faith on the authority of an education  
17 agent shall be protected to the full extent of the power conferred upon the education  
18 agent, and no person so relying on the authority of the education agent shall be liable,  
19 by reason of his or her reliance, for actions taken pursuant to a decision of the education  
20 agent.

21 **"§ 32A-38. Statutory form education power of attorney.**

22 The use of the following form in the creation of an education power of attorney is  
23 lawful and, when used, it shall meet the requirements of and be construed in accordance  
24 with the provisions of this Article:

25 '(Notice: This document gives the person you designate your education agent broad  
26 powers to make education decisions for your child. Because the powers granted by this  
27 document are broad and sweeping, you should discuss your wishes concerning your  
28 child's education with your education agent.

29 Use of this form in the creation of an education power of attorney is lawful and is  
30 authorized pursuant to North Carolina law. However, use of this form is an optional and  
31 nonexclusive method for creating an education power of attorney, and North Carolina  
32 law does not bar the use of any other or different form of power of attorney that meets  
33 the statutory requirements.)

34 1. Designation of education agent.

35 I,....., being of sound mind, hereby appoint:

36 Name:.....

37 Home Address:.....

38 Home Telephone Number.....

39 Work Telephone Number.....

40 as my education attorney-in-fact (herein referred to as my 'education agent') to act for  
41 me and in my name (in any way I could act in person) to make education decisions for  
42 my child as authorized in this document.

1 If the person named as my education agent is unable or unwilling to act as my agent,  
2 then I appoint the following persons (each to act alone and successively, in the order  
3 named), to serve in that capacity: (Optional)

4       A. Name:.....  
5               Home Address:.....  
6               Home Telephone Number..... Work Telephone Number.....

7       B. Name:.....  
8               Home Address:.....  
9               Home Telephone Number..... Work Telephone Number.....

10 Each successor education agent designated shall be vested with the same power and  
11 duties as if originally named as my education agent.

12 2. Effectiveness of appointment.

13 (Notice: This education power of attorney may be revoked by you at any time in any  
14 written manner by which you are able to communicate your intent to revoke to your  
15 education agent and your child's school administrative unit.)

16 Absent revocation, the authority granted in this document shall be effective for one  
17 year.

18 3. General statement of authority granted.

19 Except as indicated in section 4 below, I hereby grant to my education agent named  
20 above full power and authority to make decisions regarding the education, care, control,  
21 and supervision of my child. Educational decisions on behalf of my child shall include  
22 enrolling my child in school and signing any school-related documents including  
23 individual education plans, report cards, and permission slips.

24 My education agent may take any lawful actions that may be necessary to carry out  
25 these decisions, including the granting of releases of liability to service providers.

26 4. Special provisions and limitations.

27 (Notice: The above grant of power is intended to be as broad as possible so that your  
28 education agent will have authority to make any decisions you could make to obtain or  
29 terminate any type of education services for your child. If you wish to limit the scope of  
30 your education agent's powers, you may do so in this section.)

31 In exercising the authority to make education decisions for my child on my behalf,  
32 the authority of my education agent is subject to the following special provisions and  
33 limitations (Here you may include any specific limitations you deem appropriate.):

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42 5. Reliance of third parties on education agent.

43       A. No person who relies in good faith upon the authority of or any  
44               representations by my education agent shall be liable to me, my estate,

my heirs, successors, assigns, or personal representatives, for actions or omissions by my education agent.

B. The powers conferred on my education agent by this document may be exercised by my education agent alone, and my education agent's signature or act under the authority granted in this document may be accepted by persons as fully authorized by me and with the same force and effect as if I were personally present, competent, and acting on my own behalf. All acts performed in good faith by my education agent pursuant to this power of attorney are done with my consent and shall have the same validity and effect as if I were present and exercised the powers myself, and shall inure to the benefit of and bind me, my estate, my heirs, successors, assigns, and personal representatives.

6. Miscellaneous provisions.

A. I revoke any prior education power of attorney.

B. My education agent shall be entitled to sign, execute, deliver, and acknowledge any contract or other document that may be necessary, desirable, convenient, or proper in order to exercise and carry out any of the powers described in this document. However, under no circumstances shall my education agent have any authority over my property or financial affairs.

C. My education agent and my education agent's estate, heirs, successors, and assigns are hereby released and forever discharged by me, my estate, my heirs, successors, and assigns and personal representatives from all liability and from all claims or demands of all kinds arising out of the acts or omissions of my education agent pursuant to this document, except for willful misconduct or gross negligence.

7. Signature of principal.

By signing here, I indicate that I am mentally alert and competent, fully informed as to the contents of this document, and understand the full import of this grant of powers to my education agent.

.....  
Signature of Principal    Date

8. Signatures of Witnesses.

I hereby state that the Principal,....., being of sound mind, signed the foregoing education power of attorney in my presence.

Witness:.....Date:.....

Witness:.....Date:.....

9. Acceptance by Education Agent.

I,....., agree to act as education agent for ....., pursuant to this education power of attorney.

This the.....day of....., 19.....

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STATE OF NORTH CAROLINA

COUNTY OF.....

**CERTIFICATE**

I,....., a Notary Public for.....County, North Carolina, hereby certify that.....appeared before me and swore to me and to the witnesses in my presence that this instrument is an education power of attorney, and that he/she willingly and voluntarily made and executed it as his/her free act and deed for the purposes expressed in it.

I further certify that.....and....., witnesses, appeared before me and swore that they witnessed.....sign the attached education power of attorney, believing him/her to be of sound mind. I further certify that I am satisfied as to the genuineness and due execution of the instrument.

I further certify that ..... appeared before me and swore to me that he/she agreed to act as education agent pursuant to this power of attorney, and that he/she willingly and voluntarily accepted that agency.

This the.....day of....., 19.....

.....

Notary Public

My Commission Expires:

.....

(A copy of this form should be given to your education agent and any alternate named in this power of attorney, and to your child's school administrative unit.)"

Sec. 6. Subdivision (9) of G.S. 32A-2 reads as rewritten:

"(9) Personal Relationships and Affairs. – To do all acts necessary for maintaining the customary standard of living of the principal, the spouse and children, and other dependents of the principal; to provide medical, dental and surgical care, hospitalization and custodial care for the principal, the spouse, and children, and other dependents of the principal; to continue whatever provision has been made by the principal, for the principal, the spouse, and children, and other dependents of the principal, with respect to automobiles, or other means of transportation; to continue whatever charge accounts have been operated by the principal, for the convenience of the principal, the spouse, and children, and other dependents of the principal, to open such new accounts as the attorney-in-fact shall think to be desirable for

the accomplishment of any of the purposes enumerated in this section, and to pay the items charged on such accounts by any person authorized or permitted by the principal or the attorney-in-fact to make such charges; to continue the discharge of any services or duties assumed by the principal, to any parent, relative or friend of the principal; to continue payments incidental to the membership or affiliation of the principal in any church, club, society, order or other organization, or to continue contributions thereto.

In the event the attorney-in-fact named pursuant to G.S. 32A-1 makes a decision regarding the health care of the principal that is contradictory to a decision made by a health care agent appointed pursuant to Article 3 of this Chapter, the decision of the health care agent shall overrule the decision of the attorney-in-fact.

In the event the attorney-in-fact named pursuant to G.S. 32A-1 makes a decision regarding the education of a child of the principal that is contradictory to a decision made by an education agent appointed pursuant to Article 4 of this Chapter the decision of the education agent shall overrule the decision of the attorney-in-fact."

Sec. 7. Article 25 of Chapter 115C is amended by adding a new section to read:

**"§ 115C-364.2. Affidavit for school attendance.**

The use of the following form shall meet the requirements of G.S. 115C-364.1(c)(6)(ii):

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

EDUCATION AGENT AFFIDAVIT  
G.S. 115C-364.1(c)(6)(ii)  
G.S. 115C-364.2

The undersigned affiant, being first duly sworn, says that:

1. I am domiciled in \_\_\_\_\_ County.

2. \_\_\_\_\_  
name of child \_\_\_\_\_ date of birth  
actually lives with me for other than to attend school or to participate in school athletics; and has neither been removed from school for cause, nor obtained a high school diploma; and

3. I provide substantial support for the above-named child; and

4. The above-named child's parent(s), legal guardian or legal custodian is:

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(check appropriately)

- unknown, or  
 cannot be found after reasonable investigation; or  
 is unwilling or unable to sign an agreement due to death; serious illness; incarceration; or, abandonment of the child, and

5. I am 18 years of age or older; and

6. I have accepted the responsibility for the care, custody, supervision, and control of  
name of child

and am acting for and in behalf of said minor child as if I were the parent. I am providing a home, food, clothing, shelter, and other care for the child named above. I will make educational decisions on behalf of the child, including enrolling the child in school and signing any school-related documents including individual education plans, report cards and permission slips.

SWORN TO AND SUBSCRIBED TO BEFORE ME

Date:

Signature:

Title of person authorized to administer oaths:

Date:

Signature of Affiant:

Relationship to above-named child (if any):

(Note: If the school administrative unit employs a person authorized to administer oaths, that person, in accordance with the duties of his or her office, shall administer the oath required by this form, and shall sign this form at no charge to the affiant.)"

Sec. 8. G.S. 115C-366.1 reads as rewritten:

**"§ 115C-366.1. Local boards of education; tuition charges.**

(a) Local boards of education may admit and may charge tuition ~~to~~ for the following persons:

- (1) Persons of school age who are not domiciliaries of the State—State and who are not entitled to attend North Carolina schools in accordance with G.S. 115C-364.1(b) or (c). The tuition charge for these students shall not exceed the amount of per pupil local and State funding. These

1 persons shall not be included in the average daily membership of the  
2 local school administrative unit for the purpose of allocating State  
3 funds: Provided, persons who live in a household in a state bordering  
4 North Carolina in which at least fifty-one percent (51%) of the gross  
5 household income is derived from a business, trade, profession, or  
6 occupation carried on in this State may be admitted by the local board  
7 of education, and, if admitted, shall be included in the average daily  
8 membership of the local school administrative unit for the purpose of  
9 allocating State funds. The tuition charge for these persons may not  
10 exceed the amount of the local supplement.

11 (2) Persons of school age who are domiciliaries of the State but who do  
12 not reside within the school administrative unit or district unit, and who  
13 are not entitled to attend North Carolina schools in accordance with  
14 G.S. 115C-364.1(b) or (c). This subdivision applies to students  
15 admitted in accordance with G. S. 115C-364.1(f). The tuition charge  
16 for these students shall not exceed the amount of per pupil local  
17 funding.

18 (3) ~~Persons of school age who reside on a military or naval reservation~~  
19 ~~located within the State and who are not domiciliaries of the State.~~  
20 ~~Provided, however, that no person of school age residing on a military~~  
21 ~~or naval reservation located within the State and who attends the~~  
22 ~~public schools within the State may be charged tuition if federal funds~~  
23 ~~designed to compensate for the impact on public schools of military~~  
24 ~~dependent persons of school age are funded by the federal government~~  
25 ~~at not less than fifty percent (50%) of the total per capita cost of~~  
26 ~~education in the State, exclusive of capital outlay and debt service, for~~  
27 ~~elementary or secondary pupils, as the case may be, of such school~~  
28 ~~administrative unit.~~

29 (4) ~~Persons who are 21 years of age or older before the beginning of the~~  
30 ~~school year in which they wish to enroll.~~

31 ~~—(b) The tuition charge for a student shall not exceed the amount of per pupil local~~  
32 ~~funding.~~

33 ~~(c) The tuition required in this section shall be determined by local boards of~~  
34 ~~education each August 1 prior to the beginning of a new school year. Persons subject to~~  
35 ~~tuition charges shall be notified of the current local amount and the prior year's State~~  
36 ~~amount as soon as possible but no later than that person's entering the school system.~~  
37 ~~Persons subject to State tuition shall be notified of the current amount as soon as~~  
38 ~~possible after the tenth school day of the current school year."~~

39 Sec. 9. G.S. 115C-113.1 reads as rewritten:

40 **"§ 115C-113.1. Surrogate parents.**

41 In the case of a child whose parent or guardian is unknown, whose whereabouts  
42 cannot be determined after reasonable investigation, or who is a ward of the State, the  
43 local educational agency shall appoint a surrogate parent for the child. ~~The~~ An education  
44 agent enrolling a child pursuant to G.S. 115C-364.1(c)(6) shall be named the surrogate

1 parent. In other cases the surrogate parent shall be appointed from a group of persons  
2 approved by the Superintendent of Public Instruction and the Secretary of Human  
3 Resources, but in no case shall the person appointed be an employee of the local  
4 educational agency or directly involved in the education or care of the child. The  
5 Superintendent shall ensure that local educational agencies appoint a surrogate parent  
6 for every child in need of a surrogate parent."

7           Sec. 10. The State Board of Education shall promulgate rules and regulations  
8 to administer this act, and in particular Section 8 of this act, no later than October 1,  
9 1993.

10           Sec. 11. The Department of Public Instruction shall report to the Joint  
11 Legislative Education Oversight Committee on January 15, 1994, and every year  
12 thereafter on how Section 8 of this act is being administered and on the number of  
13 students that fall into each of the categories of students enrolled in the public schools in  
14 accordance with Sections 4 and 8 of this act.

15           Sec. 12. This act becomes effective July 30, 1993.