

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 779*

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

Sponsors: Representatives Fisher; Carney, Church, Dollar, Farmer-Butterfield, Insko, Ross, Walend, and Weiss.

Referred to: Education.

March 17, 2005

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF EIGHTEEN AND TO INCREASE THE PENALTY FOR TRUANCY.

The General Assembly of North Carolina enacts:

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

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

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equal to the time which the public school to which the child is assigned shall be in session unless the child has withdrawn from school.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

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

All nonpublic schools receiving and instructing children of a compulsory school age shall be required to keep such records of attendance and render such reports of the attendance of such children and maintain such minimum curriculum standards as are

1 required of public schools; and attendance upon such schools, if the school refuses or
2 neglects to keep such records or to render such reports, shall not be accepted in lieu of
3 attendance upon the public school of the district to which the child shall be assigned:
4 Provided, that instruction in a nonpublic school shall not be regarded as meeting the
5 requirements of the law unless the courses of instruction run concurrently with the term
6 of the public school in the district and extend for at least as long a term.

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

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

31 **SECTION 2.** G.S. 115C-380 reads as rewritten:

32 "**§ 115C-380. Penalty for violation.**

33 ~~Any~~ Except as otherwise provided in G.S. 115C-379, any parent, guardian or other
34 person violating the provisions of this Part shall be guilty of a ~~Class 3~~ Class 1
35 misdemeanor."

36 **SECTION 3.** G.S. 116-235(b)(2) reads as rewritten:

37 "(2) School Attendance. – Every parent, guardian, or other person in this
38 State having charge or control of a child who is enrolled in the School
39 and who is less than ~~16-18~~ years of age shall cause such child to attend
40 school continuously for a period equal to the time which the School
41 shall be in ~~session~~ session, until the child graduates from high school.
42 No person shall encourage, entice, or counsel any child to be
43 unlawfully absent from the School. Any person who aids or abets a
44 student's unlawful absence from the School shall, upon conviction, be

1 guilty of a ~~Class 3~~Class 1 misdemeanor. The Director of the School
2 shall be responsible for implementing such additional policies
3 concerning compulsory attendance as shall be adopted by the Board of
4 Trustees, including regulations concerning lawful and unlawful
5 absences, permissible excuses for temporary absences, maintenance of
6 attendance records, and attendance counseling."

7 **SECTION 4.** G.S. 7B-1501(27) reads as rewritten:

8 "(27) Undisciplined juvenile. –

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

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

20 **SECTION 5.** G.S. 143B-515(22) reads as rewritten:

21 "(22) Undisciplined juvenile. –

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

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

33 **SECTION 6.** This act becomes effective July 1, 2005.