

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 171

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

Sponsors: Senators Garrou; Brunstetter, Jacumin, Jones, Rand, and Snow.

Referred to: Education/Higher Education.

February 14, 2007

A BILL TO BE ENTITLED

AN ACT TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Effective July 1, 2009, 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 ~~16-17~~ 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equal to the time which the public school to which the child is assigned shall be in session unless the child has withdrawn from school.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 that 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 required of public schools; and attendance upon such schools, if the school refuses or neglects to keep such records or to render such reports, shall not be accepted in lieu of attendance upon the public school of the district to which the child shall be assigned:

1 Provided, that instruction in a nonpublic school shall not be regarded as meeting the
2 requirements of the law unless the courses of instruction run concurrently with the term
3 of the public school in the district and extend for at least as long a term.

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

15 After 10 accumulated unexcused absences in a school year, the principal shall
16 review any report or investigation prepared under G.S. 115C-381 and shall confer with
17 the student and the student's parent, guardian, or custodian, if possible, to determine
18 whether the parent, guardian, or custodian has received notification pursuant to this
19 section and made a good faith effort to comply with the law. If the principal determines
20 that the parent, guardian, or custodian has not made a good faith effort to comply with
21 the law, the principal shall notify the district attorney and the director of social services
22 of the county where the child resides. If the principal determines that the parent,
23 guardian, or custodian has made a good faith effort to comply with the law, the principal
24 may file a complaint with the juvenile court counselor pursuant to Chapter 7B of the
25 General Statutes that the child is habitually absent from school without a valid excuse.
26 Evidence that shows that the parents, guardian, or custodian were notified and that the
27 child has accumulated 10 absences which cannot be justified under the established
28 attendance policies of the local board shall establish a prima facie case that the child's
29 parent, guardian, or custodian is responsible for the absences. Upon receiving
30 notification by the principal, the director of social services shall determine whether to
31 undertake an investigation under G.S. 7B-302."

32 **SECTION 1.(b)** Effective July 1, 2011, G.S. 115C-378, as rewritten by
33 subsection (a) of this section, reads as rewritten:

34 "**§ 115C-378. Children required to attend.**

35 Every parent, guardian or other person in this State having charge or control of a
36 child between the ages of seven and ~~17~~18 years shall cause such child to attend school
37 continuously for a period equal to the time which the public school to which the child is
38 assigned shall be in session, until the child graduates from high school. Every parent,
39 guardian, or other person in this State having charge or control of a child under age
40 seven who is enrolled in a public school in grades kindergarten through two shall also
41 cause such child to attend school continuously for a period equal to the time which the
42 public school to which the child is assigned shall be in session unless the child has
43 withdrawn from school. No person shall encourage, entice or counsel any such child to
44 be unlawfully absent from school. The parent, guardian, or custodian of a child shall

1 notify the school of the reason for each known absence of the child, in accordance with
2 local school policy.

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

9 All nonpublic schools receiving and instructing children of a compulsory school age
10 shall be required to keep such records of attendance and render such reports of the
11 attendance of such children and maintain such minimum curriculum standards as are
12 required of public schools; and attendance upon such schools, if the school refuses or
13 neglects to keep such records or to render such reports, shall not be accepted in lieu of
14 attendance upon the public school of the district to which the child shall be assigned:
15 Provided, that instruction in a nonpublic school shall not be regarded as meeting the
16 requirements of the law unless the courses of instruction run concurrently with the term
17 of the public school in the district and extend for at least as long a term.

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

29 After 10 accumulated unexcused absences in a school year, the principal shall
30 review any report or investigation prepared under G.S. 115C-381 and shall confer with
31 the student and the student's parent, guardian, or custodian, if possible, to determine
32 whether the parent, guardian, or custodian has received notification pursuant to this
33 section and made a good faith effort to comply with the law. If the principal determines
34 that the parent, guardian, or custodian has not made a good faith effort to comply with
35 the law, the principal shall notify the district attorney and the director of social services
36 of the county where the child resides. If the principal determines that the parent,
37 guardian, or custodian has made a good faith effort to comply with the law, the principal
38 may file a complaint with the juvenile court counselor pursuant to Chapter 7B of the
39 General Statutes that the child is habitually absent from school without a valid excuse.
40 Evidence that shows that the parents, guardian, or custodian were notified and that the
41 child has accumulated 10 absences which cannot be justified under the established
42 attendance policies of the local board shall establish a prima facie case that the child's
43 parent, guardian, or custodian is responsible for the absences. Upon receiving

1 notification by the principal, the director of social services shall determine whether to
2 undertake an investigation under G.S. 7B-302."

3 **SECTION 2.(a)** Effective July 1, 2009, G.S. 116-235(b)(2) reads as
4 rewritten:

5 "(2) School Attendance. – Every parent, guardian, or other person in this
6 State having charge or control of a child who is enrolled in the School
7 and who is less than ~~16~~17 years of age shall cause such child to attend
8 school continuously for a period equal to the time which the School
9 shall be in ~~session~~session, until the child graduates from high school.
10 No person shall encourage, entice, or counsel any child to be
11 unlawfully absent from the School. Any person who aids or abets a
12 student's unlawful absence from the School shall, upon conviction, be
13 guilty of a Class 1 misdemeanor. The Chancellor of the School shall be
14 responsible for implementing such additional policies concerning
15 compulsory attendance as shall be adopted by the Board of Trustees,
16 including regulations concerning lawful and unlawful absences,
17 permissible excuses for temporary absences, maintenance of
18 attendance records, and attendance counseling."

19 **SECTION 2.(b)** Effective July 1, 2011, G.S. 116-235(b)(2), as rewritten by
20 subsection (a) of this section, reads as rewritten:

21 "(2) School Attendance. – Every parent, guardian, or other person in this
22 State having charge or control of a child who is enrolled in the School
23 and who is less than ~~17~~18 years of age shall cause such child to attend
24 school continuously for a period equal to the time which the School
25 shall be in session, until the child graduates from high school. No
26 person shall encourage, entice, or counsel any child to be unlawfully
27 absent from the School. Any person who aids or abets a student's
28 unlawful absence from the School shall, upon conviction, be guilty of
29 a Class 1 misdemeanor. The Chancellor of the School shall be
30 responsible for implementing such additional policies concerning
31 compulsory attendance as shall be adopted by the Board of Trustees,
32 including regulations concerning lawful and unlawful absences,
33 permissible excuses for temporary absences, maintenance of
34 attendance records, and attendance counseling."

35 **SECTION 3.(a)** Effective July 1, 2009, G.S. 7B-1501(27) reads as rewritten:

36 "(27) Undisciplined juvenile. –

- 37 a. A juvenile who, while less than ~~16~~17 years of age but at least 6
38 years of age, is unlawfully absent from school; or is regularly
39 disobedient to and beyond the disciplinary control of the
40 juvenile's parent, guardian, or custodian; or is regularly found in
41 places where it is unlawful for a juvenile to be; or has run away
42 from home for a period of more than 24 hours; or
43 b. A juvenile who is ~~16 or~~ 17 years of age and who is regularly
44 disobedient to and beyond the disciplinary control of the

1 juvenile's parent, guardian, or custodian; or is regularly found in
2 places where it is unlawful for a juvenile to be; or has run away
3 from home for a period of more than 24 hours."

4 **SECTION 3.(b)** Effective July 1, 2011, G.S. 7B-1501(27), as rewritten by
5 subsection (a) of this section, reads as rewritten:

6 "(27) Undisciplined juvenile. –

7 a. A juvenile who, while less than ~~17~~18 years of age but at least 6
8 years of age, is unlawfully absent from school; or is regularly
9 disobedient to and beyond the disciplinary control of the
10 juvenile's parent, guardian, or custodian; or is regularly found in
11 places where it is unlawful for a juvenile to be; or has run away
12 from home for a period of more than 24 ~~hours~~hours.

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

18 **SECTION 4.(a)** Effective July 1, 2009, G.S. 143B-515(22) reads as
19 rewritten:

20 "(22) Undisciplined juvenile. –

21 a. A juvenile who, while less than ~~16~~17 years of age but at least 6
22 years of age, is unlawfully absent from school; or is regularly
23 disobedient to and beyond the disciplinary control of the
24 juvenile's parent, guardian, or custodian; or is regularly found in
25 places where it is unlawful for a juvenile to be; or has run away
26 from home for a period of more than 24 hours; or

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

32 **SECTION 4.(b)** Effective July 1, 2011, G.S. 143B-515(22), as rewritten by
33 subsection (a) of this section, reads as rewritten:

34 "(22) Undisciplined juvenile. –

35 a. A juvenile who, while less than ~~17~~18 years of age but at least 6
36 years of age, is unlawfully absent from school; or is regularly
37 disobedient to and beyond the disciplinary control of the
38 juvenile's parent, guardian, or custodian; or is regularly found in
39 places where it is unlawful for a juvenile to be; or has run away
40 from home for a period of more than 24 ~~hours~~hours.

41 ~~b. A juvenile who is 17 years of age and who is regularly~~
42 ~~disobedient to and beyond the disciplinary control of the~~
43 ~~juvenile's parent, guardian, or custodian; or is regularly found in~~

1 places where it is unlawful for a juvenile to be; or has run away
2 from home for a period of more than 24 hours."
3 **SECTION 5.** Except as otherwise provided, this act becomes effective July
4 1, 2009.