

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1349\*

Short Title: Amend the Compulsory School Attendance Law. (Public)

Sponsors: Representatives Love; Faison and Insko.

Referred to: Education, if favorable, Appropriations.

April 9, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW.  
3 The General Assembly of North Carolina enacts:

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

5 "§ 115C-378. Children required to attend.

6 (a) Every parent, guardian or other person in this State having charge or control of a  
7 child between the ages of seven and 16 years shall cause such child to attend school  
8 continuously for a period equal to the time which the public school to which the child is  
9 assigned shall be in session. Every parent, guardian, or other person in this State having charge  
10 or control of a child under age seven who is enrolled in a public school in grades kindergarten  
11 through two shall also cause such child to attend school continuously for a period equal to the  
12 time which the public school to which the child is assigned shall be in session unless the child  
13 has withdrawn from school.

14 (b) No person shall encourage, entice or counsel any such child to be unlawfully absent  
15 from school. The parent, guardian, or custodian of a child shall notify the school of the reason  
16 for each known absence of the child, in accordance with local school policy.

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

23 (d) All nonpublic schools receiving and instructing children of a compulsory school age  
24 shall be required to keep such records of attendance and render such reports of the attendance  
25 of such children and maintain such minimum curriculum standards as are required of public  
26 schools; and attendance upon such schools, if the school refuses or neglects to keep such  
27 records or to render such reports, shall not be accepted in lieu of attendance upon the public  
28 school of the district to which the child shall be assigned: Provided, that instruction in a  
29 nonpublic school shall not be regarded as meeting the requirements of the law unless the  
30 courses of instruction run concurrently with the term of the public school in the district and  
31 extend for at least as long a term.

32 (e) The principal or ~~his~~ the principal's designee shall notify the parent, guardian, or  
33 custodian of his or her child's excessive absences after the child has accumulated three  
34 unexcused absences in a school year. After not more than six unexcused absences, the principal  
35 or the principal's designee shall notify the parent, guardian, or custodian by mail that he or she  
36 may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences  
37 cannot be justified under the established attendance policies of the State and local boards of



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1 education. Once the parents are notified, the school attendance counselor shall work with the  
2 child and ~~his~~the child's family to analyze the causes of the absences and determine steps,  
3 including adjustment of the school program or obtaining supplemental services, to eliminate the  
4 problem. The attendance counselor may request that a law-enforcement officer accompany him  
5 if he or she believes that a home visit is necessary.

6 (f) After 10 accumulated unexcused absences in a school year, the principal or the  
7 principal's designee shall review any report or investigation prepared under G.S. 115C-381 and  
8 shall confer with the student and the student's parent, guardian, or custodian, if possible, to  
9 determine whether the parent, guardian, or custodian has received notification pursuant to this  
10 section and made a good faith effort to comply with the law. If the principal or the principal's  
11 designee determines that the parent, guardian, or custodian has not made a good faith effort to  
12 comply with the law, the principal shall notify the district attorney and the director of social  
13 services of the county where the child resides. If the principal or the principal's designee  
14 determines that the parent, guardian, or custodian has made a good faith effort to comply with  
15 the law, the principal may file a complaint with the juvenile court counselor pursuant to  
16 Chapter 7B of the General Statutes that the child is habitually absent from school without a  
17 valid excuse. Upon receiving notification by the principal or the principal's designee, the  
18 director of social services shall determine whether to undertake an investigation under  
19 G.S. 7B-302.

20 (g) ~~Evidence-Documentation that shows-demonstrates~~ that the parents, guardian, or  
21 custodian were notified and that the child has accumulated 10 absences which cannot be  
22 justified under the established attendance policies of the local board shall ~~establish-constitute~~  
23 a prima facie case that the child's parent, guardian, or custodian is responsible for the absences.  
24 ~~Upon receiving notification by the principal, the director of social services shall determine~~  
25 ~~whether to undertake an investigation under G.S. 7B-302."~~

26 **SECTION 2.** This act is effective when it becomes law and applies beginning with  
27 the 2009-2010 school year.