

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 146

Short Title: Raise Mandatory School Age to 18.

(Public)

Sponsors: Representatives Dawkins; and Buchanan.

Referred to: Education.

February 6, 1989

A BILL TO BE ENTITLED

AN ACT TO RAISE THE MANDATORY SCHOOL ATTENDANCE AGE TO EIGHTEEN AND REQUIRE EMPLOYERS TO SECURE PROOF FROM WORKERS AGE EIGHTEEN AND UNDER THAT THEY ARE NOT UNLAWFULLY ABSENT FROM SCHOOL WHILE AT WORK.

The General Assembly of North Carolina enacts:

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

"§ 115C-378. Children between seven and ~~16-18~~ 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 who has not received a certificate or diploma of graduation from high school 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. No person shall encourage, entice or counsel any such child to be unlawfully absent from school. Any person who employs a worker age 18 or under during the regular school year shall secure proof from the worker that he is not unlawfully absent from school during the hours of employment. No person may employ a worker age 18 or under during the regular school year who is 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

1 schools and such nonpublic schools as have teachers and curricula that are approved by
2 the State Board of Education.

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

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

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

35 **"§ 115C-382. Investigation of indigency.**

36 If affidavit shall be made by the parent of a child or by any other person that any
37 child between the ages of seven and ~~16~~18 years is not able to attend school by reason of
38 necessity to work or labor for the support of himself or the support of the family, then
39 the school social worker shall diligently inquire into the matter and bring it to the
40 attention of some court allowed by law to act as a juvenile court, and said court shall
41 proceed to find whether as a matter of fact such parents, or persons standing in loco
42 parentis, are unable to send said child to school for the term of compulsory attendance
43 for the reasons given. If the court shall find, after careful investigation, that the parents
44 have made or are making bona fide effort to comply with the compulsory attendance

1 law, and by reason of illness, lack of earning capacity, or any other cause which the
2 court may deem valid and sufficient, are unable to send said child to school, then the
3 court shall find and state what help is needed for the family to enable compliance with
4 the attendance law. The court shall transmit its findings to the director of social services
5 of the county or city in which the case may arise for such social services officer's
6 consideration and action."

7 Sec. 3. G.S. 7A-517(20) reads as rewritten:

8 "(20) Juvenile. – Except as otherwise provided in subdivisions (12) and (28) of this
9 section, a juvenile is ~~Any~~ any person who has not reached his eighteenth birthday and is
10 not married, emancipated, or a member of the armed services of the United States. ~~For~~
11 ~~the purposes of subdivisions (12) and (28) of this section, a juvenile is any person who has not~~
12 ~~reached his sixteenth birthday and is not married, emancipated, or a member of the armed~~
13 ~~forces.—~~A juvenile who is married, emancipated, or a member of the armed forces, shall
14 be prosecuted as an adult for the commission of a criminal offense. Wherever the term
15 'juvenile' is used with reference to rights and privileges, that term encompasses the
16 attorney for the juvenile as well."

17 Sec. 4. G.S. 7A-517(28) reads as rewritten:

18 "(28) Undisciplined Juvenile. – A juvenile less than ~~16~~18 years of age who is
19 unlawfully absent from school; or a juvenile who is less than 16 years of age who is
20 regularly disobedient to his parent, guardian, or custodian and beyond their disciplinary
21 control; or who is regularly found in places where it is unlawful for a juvenile to be; or
22 who has run away from home."

23 Sec. 5. This act shall become effective October 1, 1989.