GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 805 Second Edition Engrossed 6/26/91

Short Title: Raise School Attendance Age.	(Public)	
Sponsors: Senators Bryan and Hunt.	_	
Referred to: Education.	_	

April 24, 1991

A BILL TO BE ENTITLED

2 AN ACT TO RAISE THE AGE OF COMPULSORY ATTENDANCE IN PUBLIC SCHOOLS.

4 The General Assembly of North Carolina enacts:

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Section 1. (a) Effective October 1, 1992, G.S. 115C-378 reads as rewritten:

"§ 115C-378. Children between seven and 16-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 16-16 ½ 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, unless (i) the child is a high school graduate, (ii) the child is enrolled full time in a vocational course of study or an adult high school diploma program at an institution within the community college system, (iii) the child successfully completed a vocational course of study or an adult high school diploma program at an institution within the community college system, (iv) the child received a passing score on the General Educational Development Test, or (v) the child's parent or guardian, the principal of his school, and the superintendent agree that it is in the best interest of the child to withdraw 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 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: Provided, that instruction in a nonpublic school shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term.

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

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

- (b) This section does not apply to children who are between the ages of 16 and 16 $\frac{1}{2}$ years on October 1, 1992, and who withdrew from school prior to October 1, 1992.
- Sec. 2. (a) Effective October 1, 1993, G.S. 115C-378, as rewritten by Section 1 of this act, 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 $\frac{16\frac{1}{2}}{17}$ 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, unless (i) the child is a high school graduate, (ii) the child is enrolled full time in a vocational course of study or an adult high school diploma program at an institution within the community college system, (iii) the child successfully completed a vocational course of study or an adult high school diploma program at an institution within the community college system, (iv) the child received a passing score on the General Educational Development test, or (v) the child's parent or guardian, the principal of his school, and the superintendent agree that it is in the best interest of the child to withdraw 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 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: Provided, that instruction in a nonpublic school shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term.

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

After 10 accumulated unexcused absences in a school year the principal shall review any report or investigation prepared under G.S. 115C-381 and shall confer with the student and his parent, guardian, or custodian if possible to determine whether the parent, guardian, or custodian has received notification pursuant to this section and made a good faith effort to comply with the law. If the principal determines that parent, guardian, or custodian has not, he shall notify the district attorney. If he determines that parent, guardian, or custodian has, he may file a complaint with the juvenile intake

counselor under G.S. 7A-561 that the child is habitually absent from school without a valid excuse. Evidence that shows that the parents, guardian, or custodian were notified and that the child has accumulated 10 absences which cannot be justified under the established attendance policies of the local board shall establish a **prima facie** case that the child's parent, guardian, or custodian is responsible for the absences."

(b) This section does not apply to children who are between the ages of $16\frac{1}{2}$ and 17 years on October 1, 1993, and who withdrew from school prior to October 1, 1993.

Sec. 3. (a) Effective October 1, 1994, G.S. 115C-378, as rewritten by Sections 1 and 2 of this act, 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 17-17 ½ 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, unless (i) the child is a high school graduate, (ii) the child is enrolled full time in a vocational course of study or an adult high school diploma program at an institution within the community college system, (iii) the child successfully completed a vocational course of study or an adult high school diploma program at an institution within the community college system, (iv) the child received a passing score on the General Educational Development test, or (v) the child's parent or guardian, the principal of his school, and the superintendent agree that it is in the best interest of the child to withdraw 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 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: Provided, that instruction in a nonpublic school shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term.

The principal or his designee shall notify the parent, guardian, or custodian of his child's excessive absences after the child has accumulated three unexcused absences in a school year. After not more than six unexcused absences, the principal shall notify the parent, guardian, or custodian by mail that he may be in violation of the Compulsory

Attendance Law and may be prosecuted if the absences cannot be justified under the established attendance policies of the State and local boards of education. Once the parents are notified, the school attendance counselor shall work with the child and his family to analyze the causes of the absences and determine steps, including adjustment of the school program or obtaining supplemental services, to eliminate the problem. The attendance counselor may request that a law-enforcement officer accompany him if he believes that a home visit is necessary.

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

(b) This section does not apply to children who are between the ages of 17 and 17 $\frac{1}{2}$ years on October 1, 1994, and who withdrew from school prior to October 1, 1994

Sec. 4. (a) Effective October 1, 1995, G.S. 115C-378, as rewritten by Sections 1, 2, and 3 of this act, 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 17 ½-18 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, unless (i) the child is a high school graduate, (ii) the child is enrolled full time in a vocational course of study or an adult high school diploma program at an institution within the community college system, (iii) the child successfully completed a vocational course of study or an adult high school diploma program at an institution within the community college system, (iv) the child received a passing score on the General Educational Development test, or (v) the child's parent or guardian, the principal of his school, and the superintendent agree that it is in the best interest of the child to withdraw 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 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: Provided, that instruction in a nonpublic school shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term.

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

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

(b) This section does not apply to children who are between the ages of 17½ and 18 years on October 1, 1995, and who withdrew from school prior to October 1, 1995.

Sec. 5. G.S. 115C-382 reads as rewritten:

"§ 115C-382. Investigation of indigency.

If affidavit shall be made by the parent of a child or by any other person that any child between the ages of seven and 16 years—who is required to attend school under G.S. 115C-378 is not able to attend school by reason of necessity to work or labor for the support of himself or the support of the family, then the school social worker shall diligently inquire into the matter and bring it to the attention of some court allowed by

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law to act as a juvenile court, and said court shall proceed to find whether as a matter of fact such parents, or persons standing **in loco parentis**, are unable to send said child to school for the term of compulsory attendance for the reasons given. If the court shall find, after careful investigation, that the parents have made or are making bona fide effort to comply with the compulsory attendance law, and by reason of illness, lack of earning capacity, or any other cause which the court may deem valid and sufficient, are unable to send said child to school, then the court shall find and state what help is needed for the family to enable compliance with the attendance law. The court shall transmit its findings to the director of social services of the county or city in which the case may arise for such social services officer's consideration and action."

Sec. 6. G.S. 7A-517 reads as rewritten:

"§ 7A-517. Definitions.

Unless the context clearly requires otherwise, the following words have the listed meanings:

- (1) Abused Juveniles. Any juvenile less than 18 years of age whose parent or other person responsible for his care:
 - a. Inflicts or allows to be inflicted upon the juvenile a physical injury by other than accidental means which causes or creates a substantial risk of death, disfigurement, impairment of physical health, or loss or impairment of function of any bodily organ; or
 - b. Creates or allows to be created a substantial risk of physical injury to the juvenile by other than accidental means which would be likely to cause death, disfigurement, impairment of physical health, or loss or impairment of the function of any bodily organ; or
 - Commits, permits, or encourages the commission of a c. violation of the following laws by, with, or upon the juvenile: first degree rape, as provided in G.S. 14-27.2; second degree rape as provided in G.S. 14-27.3; first degree sexual offense, as provided in G.S. 14-27.4; second degree sexual offense, as provided in G.S. 14-27.5; sexual act by a custodian, as provided in G.S. 14-27.7; crime against nature, as provided in G.S. 14-177; incest, as provided in G.S. 14-178 and 14-179; preparation of obscene photographs, slides or motion pictures of the juvenile, as provided in G.S. 14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in G.S. 14-190.6; dissemination of obscene material to the juvenile as provided in G.S. 14-190.7 and G.S. 14-190.8; displaying or disseminating material harmful to the juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first and second degree sexual exploitation of the

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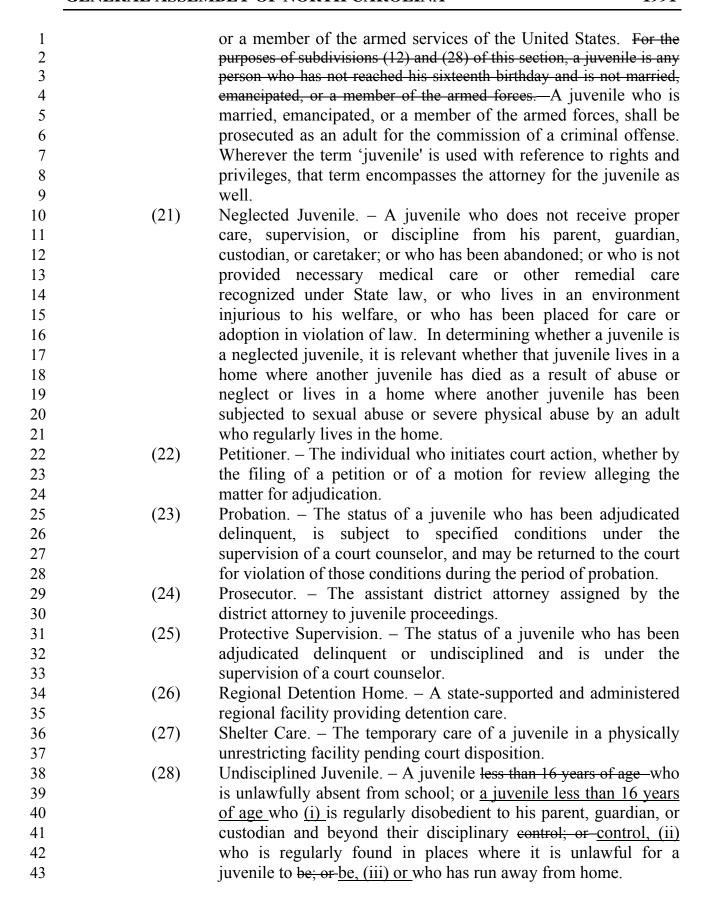
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1		juvenile as provided in G.S. 14-190.16 and G.S. 14-
2		190.17; promoting the prostitution of the juvenile as
3		provided in G.S. 14-190.18; and taking indecent liberties
4		with the juvenile, as provided in G.S. 14-202.1,
5		regardless of the age of the parties.
6		d. Creates or allows to be created serious emotional
7		damage to the juvenile and refuses to permit, provide for,
8		or participate in treatment. Serious emotional damage is
9		evidenced by a juvenile's severe anxiety, depression,
10		withdrawal or aggressive behavior toward himself or
11		others; or
12		e. Encourages, directs, or approves of delinquent acts
13		involving moral turpitude committed by the juvenile.
14	(2)	Aftercare. – The supervision of a juvenile who has been returned
15	()	to the community on conditional release after having been
16		committed to the Division of Youth Services.
17	(3)	Administrator for Juvenile Services The person who is
18	()	responsible for the planning, organization, and administration of a
19		statewide system of juvenile intake, probation, and aftercare
20		services.
21	(4)	Director of the Division of Youth Services The person
22	()	responsible for the supervision of the administration of
23		institutional and detention services.
24	(5)	Caretaker. – Any person other than a parent who has the care of a
25	,	juvenile. Caretaker includes any blood relative, stepparent, foster
26		parent, house parent, cottage parent, or other person supervising a
27		juvenile in a child-care facility. 'Caretaker' also means any
28		person who has the responsibility for the care of a juvenile in a
29		day-care plan or facility as defined in G.S. 110-86 and includes
30		any person who has the approval of the care provider to assume
31		responsibility for the juveniles under the care of the care provider.
32	(6)	Chief Court Counselor. – The person responsible for
33	· /	administration and supervision of juvenile intake, probation, and
34		aftercare in each judicial district, operating under the supervision
35		of the Administrator for Juvenile Services.
36	(7)	Clerk. – Any clerk of superior court, acting clerk, or assistant or
37	,	deputy clerk.
38	(8)	Community-Based Program. – A program providing
39	` /	nonresidential or residential treatment to a juvenile in the
40		community where his family lives. A community-based program
41		may include specialized foster care, family counseling, shelter
42		care, and other appropriate treatment.
43	(9)	Court The District Court Division of the General Court of
44		Justice.

	1991	GENERAL ASSEMBLY OF NORTH CAROLINA	
1 2 3		(10)	Court Counselor. – A person responsible for probation and aftercare services to juveniles on probation or on conditional release from the Division of Youth Services under the supervision
4 5 6		(11)	of the chief court counselor. Custodian. – The person or agency that has been awarded legal custody of a juvenile by a court.
7 8 9		(12)	Delinquent Juvenile. – Any juvenile less than 16 years of age who has committed a crime or infraction under State law or under an ordinance of local government, including violation of the motor
10 11 12 13		(13)	vehicle laws. Dependent Juvenile. – A juvenile in need of assistance or placement because he has no parent, guardian or custodian responsible for his care or supervision or whose parent, guardian,
14 15 16 17 18		(14)	or custodian is unable to provide for his care or supervision. Detention. – The confinement of a juvenile pursuant to an order for secure custody pending an adjudicatory or dispositional hearing or admission to a placement with the Division of Youth Services.
19 20		(15)	Detention Home. – An authorized facility providing secure custody for juveniles.
21 22		(15a)	District. – Any district court district as established by G.S. 7A-133.
23 24 25 26 27		(16)	Holdover Facility. – A place in a jail which has been approved by the Department of Human Resources as meeting the State standards for detention as required in G.S. 153A-221 providing close supervision where the juvenile cannot converse with, see, or be seen by the adult population.
28 29 30 31		(16.1)	In Loco Parentis. – A person acting in loco parentis means one, other than parents or legal guardian, who has assumed the status and obligation of a parent without being awarded the legal custody of a juvenile by a court.
32 33 34		(17)	Intake Counselor. – A person who screens a petition alleging that a juvenile is delinquent or undisciplined to determine whether the petition should be filed.
35 36 37 38		(18)	Interstate Compact on Juveniles. – An agreement ratified by 50 states and the District of Columbia providing a formal means of returning a juvenile, who is an absconder, escapee or runaway, to his home state.
39 40 41		(19) (19a)	Judge. – Any district court judge. Judicial District. – Any district court district as established by G.S. 7A-133.
42 43 44		(20)	Juvenile. —Any-Except as otherwise provided in subdivisions (12) and (28) of this section, a juvenile is any person who has not reached his eighteenth birthday and is not married, emancipated,



- The singular includes the plural, the masculine singular includes the feminine singular and masculine and feminine plural unless otherwise specified."
- Sec. 7. Except as otherwise provided by this act, this act becomes effective 4 October 1, 1992.