GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

Η

HOUSE BILL 1125 Committee Substitute Favorable 4/24/01

Short Title: Clarify School Admissions Procedures.

Sponsors:

Referred to:

April 12, 2001

1		A BILL TO BE ENTITLED		
2	AN ACT TO CLARIFY	THE PROCEDURE FOR ENROLLING CHILDREN IN THE		
3	PUBLIC SCHOOLS.			
4	The General Assembly of	North Carolina enacts:		
5	SECTION 1.	G.S. 115C-366 reads as rewritten:		
6	"§ 115C-366. Assignme	nt of student to a particular school.		
7		nder the age of 21 years who are domiciled in a school		
8		ave not been removed from school for cause, or who have not		
9	•	ploma, are entitled to all the privileges and advantages of the		
10	-	they are assigned by the local boards of education. A parent,		
11	legal custodian, or custodial adult, as provided in subsection (a3) of this section, who is			
12	domiciled in the local school administrative unit, shall be the person to enroll the minor			
13	child or children in that school. This section shall not apply to preadoptive placement.			
14	The assignment of students living in one local school administrative unit or district to a			
15	school located in another local school administrative unit or district, shall have no effect			
16	upon the right of the local school administrative unit or district to which the students are			
17	assigned to levy and collect any supplemental tax heretofore or hereafter voted in that			
18	local school administrative unit or district.			
19	•••			
20	(a3) A student who is not a domiciliary of a local school administrative unit may			
21	attend, without the payment of tuition, the public schools of that unit if:			
22		lent resides with an adult, who is a domiciliary of that unit, as		
23	a result			
24		he death, serious illness, or incarceration of a parent or legal		
25	e	uardian,		
26		he abandonment by a parent or legal guardian of the complete		
27		ontrol of the student as evidenced by the failure to provide		
28		ubstantial financial support and parental guidance,		
29	c. A	buse or neglect by the parent or legal guardian,		

(Public)

GENERAL ASSEMBLY OF NORTH CAROLINA

1 2 3		d.	The physical or mental condition of the parent or legal guardian is such that he or she cannot provide adequate care and supervision of the student, or	
4 5		e.	The loss or uninhabitability of the student's home as the result of a natural disaster;	
6	(2)	The st	udent is not currently under a term of suspension or expulsion	
7			a school for conduct that could have led to a suspension or an	
8		expuls	ion from the local school administrative unit; and	
9	(3)	The a	dult with whom the student resides and the student's parent,	
10		-	an, or legal custodian have each completed and signed separate	
11		affiday	vits that:	
12		a.	Confirm the qualifications set out in this subsection establishing	
13			the student's residency,	
14		b.	Attest that the student's claim of residency in the unit is not	
15			primarily related to attendance at a particular school within the	
16			unit, and	
17		c.	Attest that the adult with whom the student is residing has been	
18 19			given and accepts responsibility for educational decisions for the child, including receiving notices of discipline under G.S.	
20			115C-391, attending conferences with school personnel,	
20			granting permission for school-related activities, and taking	
22			appropriate action in connection with student records. The adult	
23			under this subsection shall have the same legal authority,	
24			responsibility, and liability regarding the student as a parent or	
25			legal custodian would have.	
26	For purposes	of sub	division (1)c. of this subsection, a student shall be deemed to be	
27	abused or neglected if there has been an adjudication of that issue. The State Board may			
28	adopt an additional definition of abuse and neglect and that definition shall also apply to			
29	this subsection.			
30	If the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise			
31	unavailable to sign the affidavit, then the adult with whom the student is living shall			
32	attest to that fact in the affidavit. The adult with whom the student is residing shall have			
33	the same legal authority, responsibility, and liability as the parent or legal guardian,			
34	even if the parent or legal custodian does not sign the above-mentioned affidavit.			
35	Upon receipt of both affidavits or an affidavit from the adult with whom the student			
36	is living that includes an attestation that the student's parent, guardian, or legal custodian			
37 28	is unable, refuses, or is otherwise unavailable to sign an affidavit, the local board shall admit and assign as soon as practicable the student to an appropriate school as			
38 39	admit and assign as soon as practicable the student to an appropriate school, as determined under the local board's school assignment policy, pending the results of any			
40	further procedures for verifying eligibility for attendance and assignment within the			
40	local school administrative unit.			
• •	iseai sentori adili	inibia		

GENERAL ASSEMBLY OF NORTH CAROLINA

1 If it is found that the information contained in either or both affidavits is false, then 2 the local board may, unless the student is otherwise eligible for school attendance under 3 other laws or local board policy, remove the student from school. If a student is 4 removed from school, the board shall provide an opportunity to appeal the removal 5 under the appropriate policy of the local board and shall notify any person who signed 6 the affidavit of this opportunity. If it is found that a person willfully and knowingly 7 provided false information in the affidavit, the maker of the affidavit shall be guilty of a 8 Class 1 misdemeanor and shall pay to the local board an amount equal to the cost of 9 educating the student during the period of enrollment. Repayment shall not include State funds. 10

11 Affidavits shall include, in large print, the penalty, including repayment of the cost 12 of educating the student, for providing false information in an affidavit.

13

....."

14

SECTION 2. G.S. 115C-111 reads as rewritten:

15 "§ **115C-111.** Free appropriate education for all children with special needs.

16 No child with special needs between the ages specified by G.S. 115C-109 shall be 17 denied a free appropriate public education or be prevented from attending the public 18 schools of the local educational agency in which he or his parents or legal guardian 19 resides is domiciled or from which he receives services or from attending any other 20 public program of free appropriate public education because he is a child with special 21 needs. If it appears that a child should receive a program of free appropriate public education in a program operated by or under the supervision of the Department of 22 23 Health and Human Services or the Department of Juvenile Justice and Delinquency 24 Prevention, the local educational agency shall confer with the appropriate Department 25 of Health and Human Services or Department of Juvenile Justice and Delinquency 26 Prevention staff for their participation and determination of the appropriateness of 27 placement in said program and development of the child's individualized education 28 program. The individualized education program may then be challenged under the due 29 process provisions of G.S. 115C-116. Every child with special needs shall be entitled to 30 attend these nonresidential schools or programs and receive from them free appropriate 31 public education."

32 **SECTION 3.** This act becomes effective July 1, 2001, and applies beginning 33 with the 2001-2002 school year.