

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 958

Short Title: Students Eligible to Attend School.

(Public)

Sponsors: Senators Hartsell; Lucas and Winner.

Referred to: Education/Higher Education.

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW STUDENTS WHO RESIDE WITH DOMICILIARIES OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND THE PUBLIC SCHOOLS OF THAT UNIT WITHOUT THE PAYMENT OF TUITION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-366 is amended by adding the following new subsection to read:

"(a3) A student who is not a domiciliary of a local school administrative unit may attend, without the payment of tuition, the public schools of that unit if:

(1) The student resides with an adult, who is a domiciliary of that unit, as a result of:

a. The death, serious illness, or incarceration of a parent or legal guardian,

b. The relinquishment by a parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance,

c. Abuse or neglect by the parent or legal guardian, or

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;

- 1 (2) The student has maintained a satisfactory scholastic record;
2 (3) The student is not currently under a term of suspension or expulsion
3 from a school for conduct that could have led to a suspension or
4 expulsion from the local school administrative unit; and
5 (4) The adult with whom the student resides and the student's parent,
6 guardian, or legal custodian have completed and signed an affidavit that:
7 a. Confirms the qualifications set out in this subsection establishing
8 the student's residency,
9 b. Attests that the student's claim of residency in the unit is not
10 primarily related to attendance at a particular school within the
11 unit, and
12 c. Attests that the adult with whom the student is residing has been
13 given and accepts responsibility for educational decisions for the
14 child, including receiving notices of discipline under G.S. 115C-
15 391, attending conferences with school personnel, granting
16 permission for school-related activities, and in connection with
17 student records.

18 If the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise
19 unavailable to sign the affidavit, then the adult with whom the student is living shall attest
20 to that fact or shall present a court order that verifies the information in the affidavit.

21 Upon receipt of the affidavit, the local board shall admit and assign as soon as
22 practicable the student to an appropriate school pending the results of any further
23 procedures for verifying eligibility for attendance and assignment within the local school
24 administrative unit.

25 If it is found that the information contained in the affidavit is false, then the local
26 board may, unless the student is otherwise eligible for school attendance under other laws
27 or local board policy, remove the student from school. If a student is removed from
28 school, the board shall provide an opportunity to appeal the removal under the
29 appropriate policy of the local board and shall notify any person who signed the affidavit
30 of this opportunity. If it is found that a person willfully and knowingly provided false
31 information in the affidavit, the maker of the affidavit is guilty of a Class 1 misdemeanor
32 and shall pay to the local board an amount equal to the cost of educating the student
33 during the period of enrollment. Repayment shall not include State funds.

34 The affidavit shall include, in large print, the penalty, including repayment of the cost
35 of educating the student, for providing false information on the affidavit."

36 Section 2. This act is effective when it becomes law.