

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 161

Short Title: Require Six-Year-Olds to Attend School. (Public)

Sponsors: Representatives Glazier, Bryant, Parmon, Rapp (Primary Sponsors);
M. Alexander, England, Faison, Fisher, E. Floyd, Harrison, Hughes, Jackson,
Luebke, Spear, Tarleton, and Womble.

Referred to: Education, if favorable, Appropriations.

February 16, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE COMPULSORY ATTENDANCE LAW TO REQUIRE SIX-
YEAR-OLD STUDENTS TO ATTEND SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-378 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~~six and 16 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. Every parent, guardian, or other person in this State having charge or control of a child under age ~~seven~~six who is enrolled in a public school in grades kindergarten through two shall also 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equal to the time which the public school to which the child is assigned shall be in session unless the child has withdrawn from school.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 that 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



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

6 After 10 accumulated unexcused absences in a school year, the principal shall review any
7 report or investigation prepared under G.S. 115C-381 and shall confer with the student and the
8 student's parent, guardian, or custodian, if possible, to determine whether the parent, guardian,
9 or custodian has received notification pursuant to this section and made a good faith effort to
10 comply with the law. If the principal determines that the parent, guardian, or custodian has not
11 made a good faith effort to comply with the law, the principal shall notify the district attorney
12 and the director of social services of the county where the child resides. If the principal
13 determines that the parent, guardian, or custodian has made a good faith effort to comply with
14 the law, the principal may file a complaint with the juvenile court counselor pursuant to
15 Chapter 7B of the General Statutes that the child is habitually absent from school without a
16 valid excuse. Evidence that shows that the parents, guardian, or custodian were notified and
17 that the child has accumulated 10 absences which cannot be justified under the established
18 attendance policies of the local board shall establish a prima facie case that the child's parent,
19 guardian, or custodian is responsible for the absences. Upon receiving notification by the
20 principal, the director of social services shall determine whether to undertake an investigation
21 under G.S. 7B-302."

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