

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 805

Short Title: Raise School Attendance Age.

(Public)

Sponsors: Senators Bryan and Hunt.

Referred to: Education.

April 24, 1991

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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 at an institution within the community college system, (iii) the child successfully completed a vocational course of study 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

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. The
21 attendance counselor may request that a law-enforcement officer accompany him if he
22 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 (b) This section does not apply to children who are between the ages of 16
36 and 16 ½ years on October 1, 1992, and who withdrew from school prior to October 1,
37 1992.

38 Sec. 2. (a) Effective October 1, 1993, G.S. 115C-378, as rewritten by Section 1 of
39 this act, reads as rewritten:

40 "**§ 115C-378. Children required to attend.**

41 Every parent, guardian or other person in this State having charge or control of a
42 child between the ages of seven and ~~16~~^{16½}-17 years shall cause such child to attend school
43 continuously for a period equal to the time which the public school to which the child is
44 assigned shall be in session, unless (i) the child is a high school graduate, (ii) the

1 child is enrolled full time in a vocational course of study at an institution within the
2 community college system, (iii) the child successfully completed a vocational course of
3 study at an institution within the community college system, (iv) the child received a
4 passing score on the General Educational Development test, or (v) the child's parent or
5 guardian, the principal of his school, and the superintendent agree that it is in the best
6 interest of the child to withdraw from school.

7 No person shall encourage, entice or counsel any such child to be unlawfully absent
8 from school. The parent, guardian, or custodian of a child shall notify the school of the
9 reason for each known absence of the child, in accordance with local school policy.

10 The principal, superintendent, or teacher who is in charge of such school shall have
11 the right to excuse a child temporarily from attendance on account of sickness or other
12 unavoidable cause which does not constitute unlawful absence as defined by the State
13 Board of Education. The term 'school' as used herein is defined to embrace all public
14 schools and such nonpublic schools as have teachers and curricula that are approved by
15 the State Board of Education.

16 All nonpublic schools receiving and instructing children of a compulsory school age
17 shall be required to keep such records of attendance and render such reports of the
18 attendance of such children and maintain such minimum curriculum standards as are
19 required of public schools; and attendance upon such schools, if the school refuses or
20 neglects to keep such records or to render such reports, shall not be accepted in lieu of
21 attendance upon the public school of the district to which the child shall be assigned:
22 Provided, that instruction in a nonpublic school shall not be regarded as meeting the
23 requirements of the law unless the courses of instruction run concurrently with the term
24 of the public school in the district and extend for at least as long a term.

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

36 After 10 accumulated unexcused absences in a school year the principal shall review
37 any report or investigation prepared under G.S. 115C-381 and shall confer with the
38 student and his parent, guardian, or custodian if possible to determine whether the
39 parent, guardian, or custodian has received notification pursuant to this section and
40 made a good faith effort to comply with the law. If the principal determines that parent,
41 guardian, or custodian has not, he shall notify the district attorney. If he determines that
42 parent, guardian, or custodian has, he may file a complaint with the juvenile intake
43 counselor under G.S. 7A-561 that the child is habitually absent from school without a
44 valid excuse. Evidence that shows that the parents, guardian, or custodian were notified

1 and that the child has accumulated 10 absences which cannot be justified under the
2 established attendance policies of the local board shall establish a **prima facie** case that
3 the child's parent, guardian, or custodian is responsible for the absences."

4 (b) This section does not apply to children who are between the ages of 16 ½
5 and 17 years on October 1, 1993, and who withdrew from school prior to October 1,
6 1993.

7 Sec. 3. (a) Effective October 1, 1994, G.S. 115C-378, as rewritten by Sections 1 and
8 2 of this act, reads as rewritten:

9 "**§ 115C-378. Children required to attend.**

10 Every parent, guardian or other person in this State having charge or control of a
11 child between the ages of seven and ~~17~~17 ½ years shall cause such child to attend
12 school continuously for a period equal to the time which the public school to which the
13 child is assigned shall be in session, unless (i) the child is a high school graduate, (ii)
14 the child is enrolled full time in a vocational course of study at an institution within the
15 community college system, (iii) the child successfully completed a vocational course of
16 study at an institution within the community college system, (iv) the child received a
17 passing score on the General Educational Development test, or (v) the child's parent or
18 guardian, the principal of his school, and the superintendent agree that it is in the best
19 interest of the child to withdraw from school.

20 No person shall encourage, entice or counsel any such child to be unlawfully absent
21 from school. The parent, guardian, or custodian of a child shall notify the school of the
22 reason for each known absence of the child, in accordance with local school policy.

23 The principal, superintendent, or teacher who is in charge of such school shall have
24 the right to excuse a child temporarily from attendance on account of sickness or other
25 unavoidable cause which does not constitute unlawful absence as defined by the State
26 Board of Education. The term 'school' as used herein is defined to embrace all public
27 schools and such nonpublic schools as have teachers and curricula that are approved by
28 the State Board of Education.

29 All nonpublic schools receiving and instructing children of a compulsory school age
30 shall be required to keep such records of attendance and render such reports of the
31 attendance of such children and maintain such minimum curriculum standards as are
32 required of public schools; and attendance upon such schools, if the school refuses or
33 neglects to keep such records or to render such reports, shall not be accepted in lieu of
34 attendance upon the public school of the district to which the child shall be assigned:
35 Provided, that instruction in a nonpublic school shall not be regarded as meeting the
36 requirements of the law unless the courses of instruction run concurrently with the term
37 of the public school in the district and extend for at least as long a term.

38 The principal or his designee shall notify the parent, guardian, or custodian of his
39 child's excessive absences after the child has accumulated three unexcused absences in a
40 school year. After not more than six unexcused absences, the principal shall notify the
41 parent, guardian, or custodian by mail that he may be in violation of the Compulsory
42 Attendance Law and may be prosecuted if the absences cannot be justified under the
43 established attendance policies of the State and local boards of education. Once the
44 parents are notified, the school attendance counselor shall work with the child and his

1 family to analyze the causes of the absences and determine steps, including adjustment
2 of the school program or obtaining supplemental services, to eliminate the problem. The
3 attendance counselor may request that a law-enforcement officer accompany him if he
4 believes that a home visit is necessary.

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

17 (b) This section does not apply to children who are between the ages of 17
18 and 17 ½ years on October 1, 1994, and who withdrew from school prior to October 1,
19 1994.

20 Sec. 4. (a) Effective October 1, 1995, G.S. 115C-378, as rewritten by Sections 1, 2,
21 and 3 of this act, reads as rewritten:

22 **"§ 115C-378. Children required to attend.**

23 Every parent, guardian or other person in this State having charge or control of a
24 child between the ages of seven and ~~17 ½~~ 18 years shall cause such child to attend
25 school continuously for a period equal to the time which the public school to which the
26 child is assigned shall be in session, unless (i) the child is a high school graduate, (ii)
27 the child is enrolled full time in a vocational course of study at an institution within the
28 community college system, (iii) the child successfully completed a vocational course of
29 study at an institution within the community college system, (iv) the child received a
30 passing score on the General Educational Development test, or (v) the child's parent or
31 guardian, the principal of his school, and the superintendent agree that it is in the best
32 interest of the child to withdraw from school.

33 No person shall encourage, entice or counsel any such child to be unlawfully absent
34 from school. The parent, guardian, or custodian of a child shall notify the school of the
35 reason for each known absence of the child, in accordance with local school policy.

36 The principal, superintendent, or teacher who is in charge of such school shall have
37 the right to excuse a child temporarily from attendance on account of sickness or other
38 unavoidable cause which does not constitute unlawful absence as defined by the State
39 Board of Education. The term 'school' as used herein is defined to embrace all public
40 schools and such nonpublic schools as have teachers and curricula that are approved by
41 the State Board of Education.

42 All nonpublic schools receiving and instructing children of a compulsory school age
43 shall be required to keep such records of attendance and render such reports of the
44 attendance of such children and maintain such minimum curriculum standards as are

1 required of public schools; and attendance upon such schools, if the school refuses or
2 neglects to keep such records or to render such reports, shall not be accepted in lieu of
3 attendance upon the public school of the district to which the child shall be assigned:
4 Provided, that instruction in a nonpublic school shall not be regarded as meeting the
5 requirements of the law unless the courses of instruction run concurrently with the term
6 of the public school in the district and extend for at least as long a term.

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

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

30 (b) This section does not apply to children who are between the ages of 17½
31 and 18 years on October 1, 1995, and who withdrew from school prior to October 1,
32 1995.

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

34 "**§ 115C-382. Investigation of indigency.**

35 If affidavit shall be made by the parent of a child or by any other person that any
36 ~~child between the ages of seven and 16 years who is required by G.S. 115C-378 to attend~~
37 school is not able to attend school by reason of necessity to work or labor for the
38 support of himself or the support of the family, then the school social worker shall
39 diligently inquire into the matter and bring it to the attention of some court allowed by
40 law to act as a juvenile court, and said court shall proceed to find whether as a matter of
41 fact such parents, or persons standing **in loco parentis**, are unable to send said child to
42 school for the term of compulsory attendance for the reasons given. If the court shall
43 find, after careful investigation, that the parents have made or are making bona fide
44 effort to comply with the compulsory attendance law, and by reason of illness, lack of

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

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

7 **"§ 7A-517. Definitions.**

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

- 10 (1) Abused Juveniles. – Any juvenile less than 18 years of age whose
11 parent or other person responsible for his care:
- 12 a. Inflicts or allows to be inflicted upon the juvenile a
13 physical injury by other than accidental means which
14 causes or creates a substantial risk of death,
15 disfigurement, impairment of physical health, or loss or
16 impairment of function of any bodily organ; or
 - 17 b. Creates or allows to be created a substantial risk of
18 physical injury to the juvenile by other than accidental
19 means which would be likely to cause death,
20 disfigurement, impairment of physical health, or loss or
21 impairment of the function of any bodily organ; or
 - 22 c. Commits, permits, or encourages the commission of a
23 violation of the following laws by, with, or upon the
24 juvenile: first degree rape, as provided in G.S. 14-27.2;
25 second degree rape as provided in G.S. 14-27.3; first
26 degree sexual offense, as provided in G.S. 14-27.4;
27 second degree sexual offense, as provided in G.S. 14-
28 27.5; sexual act by a custodian, as provided in G.S. 14-
29 27.7; crime against nature, as provided in G.S. 14-177;
30 incest, as provided in G.S. 14-178 and 14-179;
31 preparation of obscene photographs, slides or motion
32 pictures of the juvenile, as provided in G.S. 14-190.5;
33 employing or permitting the juvenile to assist in a
34 violation of the obscenity laws as provided in G.S. 14-
35 190.6; dissemination of obscene material to the juvenile
36 as provided in G.S. 14-190.7 and G.S. 14-190.8;
37 displaying or disseminating material harmful to the
38 juvenile as provided in G.S. 14-190.14 and G.S. 14-
39 190.15; first and second degree sexual exploitation of the
40 juvenile as provided in G.S. 14-190.16 and G.S. 14-
41 190.17; promoting the prostitution of the juvenile as
42 provided in G.S. 14-190.18; and taking indecent liberties
43 with the juvenile, as provided in G.S. 14-202.1,
44 regardless of the age of the parties.

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

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

1 married, emancipated, or a member of the armed forces, shall be
2 prosecuted as an adult for the commission of a criminal offense.
3 Wherever the term 'juvenile' is used with reference to rights and
4 privileges, that term encompasses the attorney for the juvenile as
5 well.

6 (21) Neglected Juvenile. – A juvenile who does not receive proper
7 care, supervision, or discipline from his parent, guardian,
8 custodian, or caretaker; or who has been abandoned; or who is not
9 provided necessary medical care or other remedial care
10 recognized under State law, or who lives in an environment
11 injurious to his welfare, or who has been placed for care or
12 adoption in violation of law. In determining whether a juvenile is
13 a neglected juvenile, it is relevant whether that juvenile lives in a
14 home where another juvenile has died as a result of abuse or
15 neglect or lives in a home where another juvenile has been
16 subjected to sexual abuse or severe physical abuse by an adult
17 who regularly lives in the home.

18 (22) Petitioner. – The individual who initiates court action, whether by
19 the filing of a petition or of a motion for review alleging the
20 matter for adjudication.

21 (23) Probation. – The status of a juvenile who has been adjudicated
22 delinquent, is subject to specified conditions under the
23 supervision of a court counselor, and may be returned to the court
24 for violation of those conditions during the period of probation.

25 (24) Prosecutor. – The assistant district attorney assigned by the
26 district attorney to juvenile proceedings.

27 (25) Protective Supervision. – The status of a juvenile who has been
28 adjudicated delinquent or undisciplined and is under the
29 supervision of a court counselor.

30 (26) Regional Detention Home. – A state-supported and administered
31 regional facility providing detention care.

32 (27) Shelter Care. – The temporary care of a juvenile in a physically
33 unrestricting facility pending court disposition.

34 (28) Undisciplined Juvenile. – A juvenile ~~less than 16 years of age~~ who
35 is unlawfully absent from school; or a juvenile less than 16 years
36 of age who (i) is regularly disobedient to his parent, guardian, or
37 custodian and beyond their disciplinary ~~control; or control,~~ (ii)
38 who is regularly found in places where it is unlawful for a
39 juvenile to ~~be; or be,~~ (iii) or who has run away from home.

40 The singular includes the plural, the masculine singular includes the feminine
41 singular and masculine and feminine plural unless otherwise specified."

42 Sec. 7. Except as otherwise provided by this act, this act becomes effective
43 October 1, 1992.