

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 756

Short Title: High School Students in Community College.

(Public)

Sponsors: Senator Martin of Pitt.

Referred to: Education/Higher Education

April 19, 1995

A BILL TO BE ENTITLED

AN ACT PERMITTING LOCAL BOARDS OF EDUCATION TO REMOVE OR REFUSE ADMISSION TO CERTAIN OLDER STUDENTS AND PAY THOSE STUDENTS' COSTS OF ATTENDING COMMUNITY COLLEGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-366 reads as rewritten:

"§ 115C-366. Assignment of student to a particular school.

(a) ~~All~~ Except as provided in subsection (a3) of this section, all students under the age of 21 years who are domiciled in a school administrative unit who have not been removed from school for cause, or who have not obtained a high school diploma, are entitled to all the privileges and advantages of the public schools to which they are assigned by the local boards of education. The assignment of students living in one local school administrative unit or district to a school located in another local school administrative unit or district, shall have no effect upon the right of the local school administrative unit or district to which the students are assigned to levy and collect any supplemental tax heretofore or hereafter voted in that local school administrative unit or district.

(a1) Children living in and cared for and supported by an institution established, operated, or incorporated for the purpose of rearing and caring for children who do not live with their parents shall be considered legal residents of the local school

1 administrative unit in which the institution is located. These children shall be deemed to
2 qualify for admission to the public schools of the local school administrative unit as
3 provided in this section. This subsection shall apply to foster homes and group homes.

4 (a2) It is the policy of the State that every child of a homeless individual and every
5 homeless child have access to a free, appropriate public education on the same basis as all
6 children who are domiciled in this State. The local board of education having jurisdiction
7 where the child is actually living shall enroll the child in the school administrative unit
8 where the child is actually living. In no event shall the child be denied enrollment
9 because of uncertainty regarding his domiciliary status, regardless of whether the child is
10 living with the homeless parents or has been temporarily placed elsewhere by the parents.
11 The local board shall not charge the homeless child, as defined in this subsection, tuition
12 for enrollment. The child's parent, guardian, or person standing **in loco parentis** to the
13 child, may apply to the State Board of Education for a determination of whether a
14 particular local board of education shall enroll the child, and this determination shall be
15 binding on the local board of education, subject to judicial review. As used in this
16 subsection, the term "homeless" refers to an individual who (i) lacks a fixed, regular, and
17 adequate nighttime residence or (ii) has a primary nighttime residence in a supervised
18 publicly or privately operated shelter for temporary accommodations, lives in an
19 institution providing temporary residence for individuals intended to be institutionalized,
20 or a public or private place not designated for, or ordinarily used as, a regular sleeping
21 accommodation for human beings. The term does not include persons who are
22 imprisoned or otherwise detained pursuant to federal or State law.

23 (a3) A local board of education may, upon the recommendation of the principal and
24 superintendent, refuse to admit or remove a student 18 years of age or older (i) who is not
25 making sufficient progress toward graduation to graduate before his or her twentieth
26 birthday, and (ii) whose behavior in the school is disruptive. The local board shall pay
27 the student's costs of attending a community college until either the student receives a
28 high school equivalency or attains the age of 21 if the student elects to continue his or her
29 education at a community college. The student's costs of attending a community college
30 include, but are not limited to, the costs of the student's tuition, fees, and books.

31 A decision of a local board of education, under this subsection, is final and, except as
32 provided in this subsection, is subject to judicial review in accordance with Article 4 of
33 Chapter 150B of the General Statutes.

34 This subsection applies to a child with special needs, other than an academically
35 gifted child, only to the extent that it can be implemented consistent with the
36 individualized education program for the child, as required by G.S. 115C-113.

37 The State Board of Education shall adopt rules for the implementation of this
38 subsection.

39 (b) Each local board of education shall assign to a public school each student
40 qualified for assignment under this section. Except as otherwise provided by law, the
41 authority of each board of education in the matter of assignment of children to the public
42 schools shall be full and complete, and its decision as to the assignment of any child to
43 any school shall be final.

1 (c) Any child who is qualified under the laws of this State for admission to a
2 public school and who has a place of residence in a local school administrative unit
3 incident to his parent's or guardian's service in the General Assembly, other than the local
4 school administrative unit in which he is domiciled, is entitled to attend school in the
5 local school administrative unit of that residence as if he were domiciled there, subject to
6 the payment of applicable out-of-county fees in effect at the time.

7 (d) A student domiciled in one local school administrative unit may be assigned
8 either with or without the payment of tuition to a public school in another local school
9 administrative unit upon the terms and conditions agreed to in writing between the local
10 boards of education involved and entered in the official records of the boards. The
11 assignment shall be effective only for the current school year, but may be renewed
12 annually in the discretion of the boards involved.

13 (e) The boards of education of adjacent local school administrative units may
14 operate schools in adjacent units upon written agreements between the respective boards
15 of education and approval by the county commissioners and the State Board of
16 Education.

17 (f) This section shall not be construed to allow students to transfer from one local
18 school administrative unit to another for athletic participation purposes in violation of
19 eligibility requirements established by the State Board of Education and the North
20 Carolina High School Athletic Association."

21 Sec. 2. G.S. 115C-231(c) reads as rewritten:

22 "(c) Unless otherwise assigned by the local board of education, all persons of the
23 district or attendance area who have not completed the prescribed course for graduation
24 in the high school are entitled to attend the schools in the district or attendance area in
25 which they reside: Provided, the superintendent, or the principal with the approval of the
26 superintendent, of the local school administrative unit may, in his discretion, prohibit the
27 enrollment of or remove from school any pupil who has attained the age of 21 ~~years.~~
28 years: Provided further, the local board of education may prohibit the enrollment of any
29 pupil or remove from school any pupil, in accordance with G.S. 115C-366(a3)."

30 Sec. 3. This act is effective upon ratification and applies to all school years
31 beginning with the 1995-96 school year.