

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 357*
Senate Education/Higher Education Committee Substitute Adopted 6/30/10
Third Edition Engrossed 7/6/10

Short Title: School Absence for Religious Holidays.

(Public)

Sponsors:

Referred to:

March 3, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION, THE STATE BOARD OF
COMMUNITY COLLEGES, AND THE BOARD OF GOVERNORS OF THE
UNIVERSITY OF NORTH CAROLINA TO ADOPT RULES OR POLICIES
PERTAINING TO RELIGIOUS HOLIDAYS AND THE ACADEMIC WORK MISSED
BECAUSE OF THE OBSERVANCE OF THOSE HOLIDAYS AND TO DIRECT
PUBLIC SCHOOLS TO INSTRUCT STUDENTS ON THE SIGNIFICANCE OF
MEMORIAL DAY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-379 reads as rewritten:

"§ 115C-379. **Method of enforcement.**

It shall be the duty of the State Board of Education to formulate the rules that may be necessary for the proper enforcement of the provisions of this Part. The Board shall prescribe (i) what shall constitute unlawful absence, (ii) what causes may constitute legitimate excuses for temporary nonattendance due to a student's physical or mental inability to attend or a student's participation in a valid educational opportunity such as service as a legislative page or a Governor's page, and (iii) under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State.

The rules shall require school principals to authorize a minimum of two excused absences each academic year for religious observances required by the faith of a student or the student's parents. The rules may require that the student's parents give the principal written notice of the request for an excused absence a reasonable time prior to the religious observance. The student shall be given the opportunity to make up any tests or other work missed due to an excused absence for a religious observance.

It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a Class 3 misdemeanor: Provided, that the compulsory attendance law herein prescribed shall not be in force in any local school administrative unit that has a higher compulsory attendance feature than that provided herein."

SECTION 2. G.S. 115D-5 is amended by adding a new subsection to read:

"(u) The State Board of Community Colleges shall direct each community college to adopt a policy that authorizes a minimum of two excused absences each academic year for religious observances required by the faith of a student. The policy may require that the student provide written notice of the request for an excused absence a reasonable time prior to the



1 religious observance. The policy shall also provide that the student shall be given the
2 opportunity to make up any tests or other work missed due to an excused absence for a
3 religious observance."

4 **SECTION 3.** G.S. 116-11 is amended by adding a new subdivision to read:

5 "(3a) The Board of Governors shall direct each constituent institution to adopt a
6 policy that authorizes a minimum of two excused absences each academic
7 year for religious observances required by the faith of a student. The policy
8 may require that the student provide written notice of the request for an
9 excused absence a reasonable time prior to the religious observance. The
10 policy shall also provide that the student shall be given the opportunity to
11 make up any tests or other work missed due to an excused absence for a
12 religious observance."

13 **SECTION 4.(a)** G.S. 115C-12(33) reads as rewritten:

14 "(33) Duty to Develop Recommended Programs for Use in Schools on Memorial
15 Day. – The State Board of Education shall develop recommended
16 instructional programs that enable students to gain a better understanding of
17 the meaning and importance of Memorial Day. All schools, especially
18 schools that hold school on Memorial Day, shall ~~recognize~~ instruct students
19 on the significance of Memorial Day."

20 **SECTION 4.(b)** The State Board of Education shall report to the Joint Legislative
21 Education Oversight Committee by January 15, 2011, on the instructional programs developed
22 in accordance with G.S. 115C-12(33), as rewritten by subsection (a) of this section.

23 **SECTION 5.** This act is effective when it becomes law and applies beginning with
24 the 2010-2011 academic year.