

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 838

Short Title: Increase Dropout Age to 18. (Public)

Sponsors: Representatives C. Graham, Lambeth, and G. Graham (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Education - K-12.

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO RAISE THE HIGH SCHOOL DROPOUT AGE OVER A TWO-YEAR
3 PERIOD.

4 Whereas, of the individuals 16 years of age or older under the supervision of the
5 Division of Adult Correction and Juvenile Justice, Department of Public Safety, seventy-two
6 and one-tenth percent (72.1%) of those individuals report having dropped out of school; and

7 Whereas, North Carolina's dropout rate was two and twenty-eight hundredths
8 percent (2.28%) in the 2013-2014 school year, with 10,404 students leaving school before
9 graduation; and

10 Whereas, male students accounted for sixty-two and seven-tenths percent (62.7%)
11 of the dropouts, with minority students dropping out at a higher rate and the highest rates
12 among minority students being American Indian students, followed by Hispanic and
13 African-American students; and

14 Whereas, even though dropout rates have shown a decline in recent years, North
15 Carolina is losing too many young people to life in poverty, homelessness, and entry into the
16 juvenile justice system and adult corrections because of a lack of education that results in
17 diminishing options for those individuals; and

18 Whereas, raising the mandatory attendance age for students from 16 years of age to
19 17 years of age and then to 18 years of age will help to alleviate the loss of our youthful talent
20 and energy for the common good; Now, therefore,

21 The General Assembly of North Carolina enacts:

22 **SECTION 1.(a)** G.S. 115C-378 reads as rewritten:

23 **"§ 115C-378. Children required to attend.**

24 (a) ~~Every~~Except as otherwise provided in this section, every parent, guardian or
25 custodian in this State having charge or control of a child ~~between the ages of~~from seven ~~and~~
26 ~~16~~years of age up to 17 years of age shall cause the child to attend school continuously for a
27 period equal to the time which the public school to which the child is assigned shall be in
28 session. A student who is 17 years of age shall attend school continuously until the completion
29 of the school year coinciding with the calendar year in which the student reaches 17 years of
30 age, unless the student graduates from high school. Every parent, guardian, or custodian in this
31 State having charge or control of a child under age seven who is enrolled in a public school in
32 grades kindergarten through two shall also cause the child to attend school continuously for a
33 period equal to the time which the public school to which the child is assigned shall be in
34 session unless the child has withdrawn from school.

35 (a1) [Reserved]



1 (a2) A student who is at least 17 years of age shall be excused from the compulsory
2 attendance requirements of this Part if the student enrolls in a high school education program at
3 a community college as defined under G.S. 115D-2(2) and submits documentation to the
4 community college of approval for enrollment from the local school administrative unit and
5 approval from the student's parent, guardian, or custodian.

6 "

7 **SECTION 1.(b)** G.S. 115C-238.66(3) reads as rewritten:

8 "(3) School attendance. – Every parent, guardian, or other person in this State
9 having charge or control of a child who is enrolled in the regional school and
10 who is less than ~~16~~17 years of age shall cause such child to attend school
11 continuously for a period equal to the time that the regional school shall be
12 in session. A student who is 17 years of age shall attend school continuously
13 until the completion of the school year coinciding with the calendar year in
14 which the student reaches 17 years of age, unless the student graduates from
15 high school. No person shall encourage, entice, or counsel any ~~child~~student
16 to be unlawfully absent from the regional school. Any person who aids or
17 abets a student's unlawful absence from the regional school shall, upon
18 conviction, be guilty of a Class 1 misdemeanor. The principal shall be
19 responsible for implementing such additional policies concerning
20 compulsory attendance as shall be adopted by the board of directors,
21 including regulations concerning lawful and unlawful absences, permissible
22 excuses for temporary absences, maintenance of attendance records, and
23 attendance counseling."

24 **SECTION 1.(c)** G.S. 115D-1 reads as rewritten:

25 "**§ 115D-1. Statement of purpose.**

26 The purposes of this Chapter are to provide for the establishment, organization, and
27 administration of a system of educational institutions throughout the State offering courses of
28 instruction in one or more of the general areas of two-year college parallel, technical,
29 vocational, and adult education programs, to serve as a legislative charter for such institutions,
30 and to authorize the levying of local taxes and the issuing of local bonds for the support thereof.
31 The major purpose of each and every institution operating under the provisions of this Chapter
32 shall be and shall continue to be the offering of vocational and technical education and training,
33 and of basic, high school level, academic education needed in order to profit from vocational
34 and technical education, for students who are high school graduates or who are (i) beyond the
35 compulsory age limit of the public school system or (ii) otherwise authorized to enroll in
36 accordance with G.S. 115C-378 and who have left the public schools, provided, juveniles of
37 any age committed to the Division of Juvenile Justice of the Department of Public Safety by a
38 court of competent jurisdiction may, if approved by the director of the youth development
39 center to which they are assigned, take courses offered by institutions of the system if they are
40 otherwise qualified for admission.

41 The Community Colleges System Office is designated as the primary lead agency for
42 delivering workforce development training, adult literacy training, and adult education
43 programs in the State."

44 **SECTION 1.(d)** G.S. 116-235(b)(2) reads as rewritten:

45 "(2) School Attendance. – Every parent, guardian, or other person in this State
46 having charge or control of a child who is enrolled in the School and who is
47 less than ~~16~~17 years of age shall cause such child to attend school
48 continuously for a period equal to the time which the School shall be in
49 session. A student who is 17 years of age shall attend school continuously
50 until the completion of the school year coinciding with the calendar year in
51 which the student reaches 17 years of age, unless the student graduates from

1 high school. No person shall encourage, entice, or counsel any ~~child~~ student
 2 to be unlawfully absent from the School. Any person who aids or abets a
 3 student's unlawful absence from the School shall, upon conviction, be guilty
 4 of a Class 1 misdemeanor. The Chancellor of the School shall be responsible
 5 for implementing such additional policies concerning compulsory attendance
 6 as shall be adopted by the Board of Trustees, including regulations
 7 concerning lawful and unlawful absences, permissible excuses for temporary
 8 absences, maintenance of attendance records, and attendance counseling."

9 **SECTION 1.(e)** G.S. 7B-1501(27) reads as rewritten:

10 "(27) Undisciplined juvenile. –

11 a. A juvenile who, while less than ~~16~~18 years of age but at least 6 years
 12 of age, is unlawfully absent from school; or is regularly disobedient
 13 to and beyond the disciplinary control of the juvenile's parent,
 14 guardian, or custodian; or is regularly found in places where it is
 15 unlawful for a juvenile to be; or has run away from home for a period
 16 of more than 24 ~~hours; or~~ hours.

17 b. ~~A juvenile who is 16 or 17 years of age and who is regularly~~
 18 ~~disobedient to and beyond the disciplinary control of the juvenile's~~
 19 ~~parent, guardian, or custodian; or is regularly found in places where~~
 20 ~~it is unlawful for a juvenile to be; or has run away from home for a~~
 21 ~~period of more than 24 hours."~~

22 **SECTION 1.(f)** G.S. 143B-805(20) reads as rewritten:

23 "(20) Undisciplined juvenile. –

24 a. A juvenile who, while less than ~~16~~18 years of age but at least 6 years
 25 of age, is unlawfully absent from school; or is regularly disobedient
 26 to and beyond the disciplinary control of the juvenile's parent,
 27 guardian, or custodian; or is regularly found in places where it is
 28 unlawful for a juvenile to be; or has run away from home for a period
 29 of more than 24 ~~hours; or~~ hours.

30 b. ~~A juvenile who is 16 or 17 years of age and who is regularly~~
 31 ~~disobedient to and beyond the disciplinary control of the juvenile's~~
 32 ~~parent, guardian, or custodian; or is regularly found in places where~~
 33 ~~it is unlawful for a juvenile to be; or has run away from home for a~~
 34 ~~period of more than 24 hours."~~

35 **SECTION 2.(a)** Part 1 of Article 26 of Chapter 115C of the General Statutes reads
 36 as rewritten:

37 "Article 26.

38 "Attendance.

39 "Part 1. Compulsory Attendance.

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

41 (a) Except as otherwise provided in this section, every parent, guardian or custodian in
 42 this State having charge or control of a child from seven years of age up to ~~17~~18 years of age
 43 shall cause the child to attend school continuously for a period equal to the time which the
 44 public school to which the child is assigned shall be in session. ~~A student who is 17 years of~~
 45 ~~age shall attend school continuously until the completion of the school year coinciding with the~~
 46 ~~calendar year in which the student reaches 17 years of age, unless the student graduates from~~
 47 ~~high school.~~ Every parent, guardian, or custodian in this State having charge or control of a
 48 child under age seven who is enrolled in a public school in grades kindergarten through two
 49 shall also cause the child to attend school continuously for a period equal to the time which the
 50 public school to which the child is assigned shall be in session unless the child has withdrawn
 51 from school.

1 (a1) Except as otherwise provided in this section, a student who is 18 years of age shall
2 attend school continuously until the completion of the school year coinciding with the calendar
3 year in which the student reaches 18 years of age, unless the student graduates from high
4 school. A local board of education shall adopt policies to address whether a student who is 18
5 years of age, who would otherwise be required to attend school under this Part, may be excused
6 from compulsory attendance under certain circumstances, including if a student has attained a
7 high school equivalency certificate or has enlisted as a member of the Armed Forces.

8 (a2) A student who is at least 17 years of age shall be excused from the compulsory
9 attendance requirements of this Part if the student enrolls in a high school education program at
10 a community college as defined under G.S. 115D-2(2) and submits documentation to the
11 community college of approval for enrollment from the local school administrative ~~and~~, if
12 the student is less than 18 years of age, approval from the student's parent, guardian, or
13 custodian.

14 (b) No person shall encourage, entice or counsel any ~~child~~student of compulsory school
15 age to be unlawfully absent from school. ~~The~~If the student is less than 18 years of age, the
16 parent, guardian, or custodian of a~~child~~the student shall notify the school of the reason for each
17 known absence of the ~~child~~student in accordance with local school board policy. A student
18 who is 18 years of age required to attend school under this Part shall notify the school for the
19 reason for an absence, in accordance with local school board policy.

20 (c) The principal, superintendent, or a designee of the principal or superintendent shall
21 have the right to excuse a ~~child~~student temporarily from attendance on account of sickness or
22 other unavoidable cause that does not constitute unlawful absence as defined by the State Board
23 of Education. The term "school" as used in this section includes all public schools and any
24 nonpublic schools which have teachers and curricula that are approved by the State Board of
25 Education.

26 (d) All nonpublic schools receiving and instructing ~~children~~students of compulsory
27 school age shall be required to make, maintain, and render attendance records of those
28 ~~children~~students and maintain the minimum curriculum standards required of public schools. If
29 a nonpublic school refuses or neglects to make, maintain, and render required attendance
30 records, attendance at that school shall not be accepted in lieu of attendance at the public school
31 of the district to which the ~~child~~student shall be assigned. Instruction in a nonpublic school
32 shall not be regarded as meeting the requirements of the law unless the courses of instruction
33 run concurrently with the term of the public school in the district and extend for at least as long
34 a term.

35 (e) The principal or the principal's designee shall notify the parent, guardian, or
36 ~~eustodian of his or her child's~~custodian of a student less than 18 years of age, or a student who
37 is 18 years of age, of excessive absences after the ~~child~~student has accumulated three
38 unexcused absences in a school year. After not more than six unexcused absences, the principal
39 or the principal's designee shall notify the parent, guardian, or ~~eustodian~~custodian, or a student
40 who is 18 years of age, by mail that he or she may be in violation of the Compulsory
41 Attendance Law and may be prosecuted if the absences cannot be justified under the
42 established attendance policies of the State and local boards of education. Once the parents or
43 student are notified, the school attendance counselor shall work with the ~~child~~student and the
44 ~~child's family~~student's family, when applicable, to analyze the causes of the absences and
45 determine steps, including adjustment of the school program or obtaining supplemental
46 services, to eliminate the problem. The attendance counselor may request that a law
47 enforcement officer accompany him or her if the attendance counselor believes that a home
48 visit is necessary.

49 (f) After 10 accumulated unexcused absences in a school year, the principal or the
50 principal's designee shall review any report or investigation prepared under G.S. 115C-381 and
51 shall confer with the student and the student's parent, guardian, or custodian, if possible, to

1 determine whether the parent, guardian, or ~~eustodian~~custodian, or student who is 18 years of
2 age, has received notification pursuant to this section and made a good faith effort to comply
3 with the law. If the principal or the principal's designee determines that the parent, guardian, or
4 ~~eustodian~~custodian, or student, if applicable, has not made a good faith effort to comply with
5 the law, the principal shall notify the district attorney ~~and~~and, if the student is less than 18 years
6 of age, the director of social services of the county where the child resides. If the principal or
7 the principal's designee determines that ~~the~~a parent, guardian, or custodian of a student less
8 than 18 years of age has made a good faith effort to comply with the law, the principal may file
9 a complaint with the juvenile court counselor pursuant to Chapter 7B of the General Statutes
10 that the ~~child~~student is habitually absent from school without a valid excuse. Upon receiving
11 notification by the principal or the principal's designee, the director of social services shall
12 determine whether to undertake an investigation under G.S. 7B-302.

13 (g) Documentation that demonstrates that the student's parents, guardian, or
14 ~~eustodian~~custodian, or a student who is 18 years of age, were notified and that the ~~child~~student
15 has accumulated 10 absences which cannot be justified under the established attendance
16 policies of the local board shall constitute prima facie evidence that the ~~child's~~student, if
17 applicable, or the student's parent, guardian, or custodian is responsible for the absences.

18 **"§ 115C-379. Method of enforcement.**

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

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

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

38 **"§ 115C-380. Penalty for violation.**

39 Except as otherwise provided in G.S. 115C-379, any (i) parent, guardian or other person
40 having charge or control of a child or (ii) student who is 18 years of age violating the
41 provisions of this Part shall be guilty of a Class 1 misdemeanor.

42 **"§ 115C-381. School social workers; reports; prosecutions.**

43 The Superintendent of Public Instruction shall prepare such rules and procedures and
44 furnish such blanks for teachers and other school officials as may be necessary for reporting
45 such case of unlawful absence or lack of attendance to the school social worker of the
46 respective local school administrative units. Such rules shall provide, among other things, for a
47 notification in writing, to the person responsible for the nonattendance of any ~~child~~student, that
48 the case is to be reported to the school social worker of the local school administrative unit
49 unless the law is complied with immediately. Upon recommendation of the superintendent,
50 local boards of education may employ school social workers and such school social workers
51 shall have authority to report and verify on oaththe necessary criminal warrants or other

1 documents for the prosecutions of violations of this Part: Provided, that local school
2 administrative units shall provide in their local operating budgets for travel and necessary
3 office expense for such school social workers as may be employed through State or local funds,
4 or both. The State Board of Education shall determine the process for allocating school social
5 workers to the various local school administrative units, establish their qualifications, and
6 develop a salary schedule which shall be applicable to such personnel: Provided, that persons
7 now employed by local boards of education as attendance counselors shall be deemed qualified
8 as school social workers under the terms of this Part subject to the approval of said local boards
9 of education.

10 The school social worker shall investigate all violators of the provisions of this Part. The
11 reports of unlawful absence required to be made by teachers and principals to the school social
12 worker shall, in his or her hands, in case of any prosecution, constitute prima facie evidence of
13 the violation of this Part and the burden of proof shall be upon the defendant to show the lawful
14 attendance of the ~~child or children~~ student or students upon an authorized school.

15 **"§ 115C-382. Investigation of indigency.**

16 If affidavit shall be made by the student, parent of a ~~child~~ student or by any other person that
17 any ~~child~~ student who is required to attend school under G.S. 115C-378 is not able to attend
18 school by reason of necessity to work or labor for the support of himself or herself, or the
19 support of the family, then the school social worker shall diligently inquire into the matter and
20 bring it to the attention of the court of jurisdiction or some court allowed by law to act as a
21 ~~juvenile court, and said court~~ court, depending on the age of the student. The court shall
22 proceed to find whether as a matter of fact the student is unable to attend the school or such
23 parents, or persons standing in loco parentis, are unable to send ~~said child~~ the student to school
24 for the term of compulsory attendance for the reasons given. If the court shall find, after careful
25 investigation, that the student or the parents have made or are making bona fide effort to
26 comply with the compulsory attendance law, and by reason of illness, lack of earning capacity,
27 or any other cause which the court may deem valid and sufficient, ~~are unable to send said child~~
28 ~~to~~ the student is unable to attend school, then the court shall find and state what help is needed
29 for the student or family to enable compliance with the attendance law. ~~The~~ If the student is less
30 than 18 years of age, the court shall transmit its findings to the director of social services of the
31 county or city in which the case may arise for such social services officer's consideration and
32 action."

33 **SECTION 2.(b)** G.S. 115C-238.66(3) reads as rewritten:

34 "(3) School attendance. – Every parent, guardian, or other person in this State
35 having charge or control of a child who is enrolled in the regional school and
36 who is less than ~~17~~ 18 years of age shall cause such child to attend school
37 continuously for a period equal to the time that the regional school shall be
38 in session. ~~A student who is 17 years of age shall attend school continuously~~
39 ~~until the completion of the school year coinciding with the calendar year in~~
40 ~~which the student reaches 17 years of age, unless the student graduates from~~
41 ~~high school.~~ A student who is 18 years of age shall attend school
42 continuously until the completion of the school year coinciding with the
43 calendar year in which the student reaches 18 years of age, unless the student
44 graduates from high school. No person shall encourage, entice, or counsel
45 any student to be unlawfully absent from the regional school. Any person
46 who aids or abets a student's unlawful absence from the regional school
47 shall, upon conviction, be guilty of a Class 1 misdemeanor. The principal
48 shall be responsible for implementing such additional policies concerning
49 compulsory attendance as shall be adopted by the board of directors,
50 including regulations concerning lawful and unlawful absences, permissible
51 excuses for temporary absences, if a student is 18 years of age, excuses from

1 compulsory attendance under certain circumstances, including if a student
2 has attained a high school equivalency certificate or has enlisted as a
3 member of the Armed Forces, maintenance of attendance records, and
4 attendance counseling."

5 **SECTION 2.(c)** G.S. 116-235(b)(2) reads as rewritten:

6 "(2) School Attendance. – Every parent, guardian, or other person in this State
7 having charge or control of a child who is enrolled in the School and who is
8 less than ~~17~~18 years of age shall cause such child to attend school
9 continuously for a period equal to the time which the School shall be in
10 session. ~~A student who is 17 years of age shall attend school continuously~~
11 ~~until the completion of the school year coinciding with the calendar year in~~
12 ~~which the student reaches 17 years of age, unless the student graduates from~~
13 ~~high school. A student who is 18 years of age shall attend school~~
14 ~~continuously until the completion of the school year coinciding with the~~
15 ~~calendar year in which the student reaches 18 years of age, unless the student~~
16 ~~graduates from high school.~~ No person shall encourage, entice, or counsel
17 any student to be unlawfully absent from the School. Any person who aids
18 or abets a student's unlawful absence from the School shall, upon conviction,
19 be guilty of a Class 1 misdemeanor. The Chancellor of the School shall be
20 responsible for implementing such additional policies concerning
21 compulsory attendance as shall be adopted by the Board of Trustees,
22 including regulations concerning lawful and unlawful absences, permissible
23 excuses for temporary absences, if a student is 18 years of age, excuses from
24 compulsory attendance under certain circumstances, including if a student
25 has attained a high school equivalency certificate or has enlisted as a
26 member of the Armed Forces, maintenance of attendance records, and
27 attendance counseling."

28 **SECTION 3.** Section 1 of this act becomes effective July 1, 2017, and applies
29 beginning with the 2017-2018 school year. Section 2 of this act becomes effective July 1, 2018,
30 and applies beginning with the 2018-2019 school year. The remainder of this act is effective
31 when it becomes law.