

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 958

Education/Higher Education Committee Substitute Adopted 4/28/97

Short Title: Students Eligible to Attend School.

(Public)

Sponsors:

Referred to:

April 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW STUDENTS WHO RESIDE WITH DOMICILIARIES OF A
2 LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND THE PUBLIC
3 SCHOOLS OF THAT UNIT WITHOUT THE PAYMENT OF TUITION.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 115C-366 is amended by adding the following new subsection
6 to read:

7 "(a3) A student who is not a domiciliary of a local school administrative unit may
8 attend, without the payment of tuition, the public schools of that unit if:

9 (1) The student resides with an adult, who is a domiciliary of that unit, as a
10 result of:

11 a. The death, serious illness, or incarceration of a parent or legal
12 guardian,

13 b. The abandonment by a parent or legal guardian of the complete
14 control of the student as evidenced by the failure to provide
15 substantial financial support and parental guidance,

16 c. Abuse or neglect by the parent or legal guardian, or
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- 1 d. The physical or mental condition of the parent or legal guardian
2 is such that he or she cannot provide adequate care and
3 supervision of the student;
- 4 (2) The student is not currently under a term of suspension or expulsion
5 from a school for conduct that could have led to a suspension or an
6 expulsion from the local school administrative unit; and
- 7 (3) The adult with whom the student resides and the student's parent,
8 guardian, or legal custodian have each completed and signed separate
9 affidavits that:
- 10 a. Confirm the qualifications set out in this subsection establishing
11 the student's residency,
- 12 b. Attest that the student's claim of residency in the unit is not
13 primarily related to attendance at a particular school within the
14 unit, and
- 15 c. Attest that the adult with whom the student is residing has been
16 given and accepts responsibility for educational decisions for the
17 child, including receiving notices of discipline under G.S. 115C-
18 391, attending conferences with school personnel, granting
19 permission for school-related activities, and taking appropriate
20 action in connection with student records.

21 For purposes of subdivision (1)c. of this subsection, a student shall be deemed to be
22 abused or neglected if there has been an adjudication of that issue. The State Board may
23 adopt an additional definition of abuse and neglect and that definition shall also apply to
24 this subsection.

25 If the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise
26 unavailable to sign the affidavit, then the adult with whom the student is living shall attest
27 to that fact in the affidavit.

28 Upon receipt of both affidavits or an affidavit from the adult with whom the student is
29 living that includes an attestation that the student's parent, guardian, or legal custodian is
30 unable, refuses, or is otherwise unavailable to sign an affidavit, the local board shall
31 admit and assign as soon as practicable the student to an appropriate school, as
32 determined under the local board's school assignment policy, pending the results of any
33 further procedures for verifying eligibility for attendance and assignment within the local
34 school administrative unit.

35 If it is found that the information contained in either or both affidavits is false, then
36 the local board may, unless the student is otherwise eligible for school attendance under
37 other laws or local board policy, remove the student from school. If a student is
38 removed from school, the board shall provide an opportunity to appeal the removal under
39 the appropriate policy of the local board and shall notify any person who signed the
40 affidavit of this opportunity. If it is found that a person willfully and knowingly provided
41 false information in the affidavit, the maker of the affidavit shall be guilty of a Class 1
42 misdemeanor and shall pay to the local board an amount equal to the cost of educating
43 the student during the period of enrollment. Repayment shall not include State funds.

- 1 Affidavits shall include, in large print, the penalty, including repayment of the cost of
2 educating the student, for providing false information in an affidavit."
3 Section 2. This act is effective when it becomes law.