

Former North Carolina General Statutes

Year Enacted: 1949

Chapter 115 -- Education

Article 42. General Compulsory Attendance Law

115-302. Parent or guardian required to keep child in school; exemptions. -- Every parent, guardian, or other person in the State having charge or control of a child between the ages of seven and fifteen years during the twelve months following July first, one thousand nine hundred and forty-five, and between the ages of seven and sixteen years thereafter, shall cause such child to attend school continuously for a period equal to the time which the public school in the district in which the child resides shall be in session. The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse the child temporarily from attendance on account of sickness or distance of residence from the school, or other unavoidable cause which does not constitute truancy as defined by the State Board of Education. The term "school" as used in this section is defined to embrace all public schools and such private schools as have tutors or teachers and curricula that are approved by the county superintendent of public instruction or the State Board of Education.

All private schools receiving and instructing children of compulsory school age shall be required to keep such records of attendance and render such reports of the attendance of such children and maintain such minimum curriculum standards as are required of public schools; and attendance upon such schools, if the school or tutor refuses or neglects to keep such records or to render such reports, shall not be accepted in lieu of attendance upon the public school of the district, town or city which the child shall be entitled to attend: Provided, instruction in a private school or by private tutor shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term. (C. S., s. 5757; 1923, c. 136, s. 347; 1925, c. 226, s. 1; 1945, c. 826; 1949, c. 1033, s. 1.)

115-303. State Board of Education to make rules and regulations; method of enforcement. -- It shall be the duty of the State Board of Education to formulate such rules and regulations as may be necessary for the proper enforcement of the provisions of this article. The Board shall prescribe what shall constitute truancy, what causes may constitute legitimate excuses for temporary nonattendance due to physical or mental inability to attend, and 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. 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 misdemeanor: Provided, that 115-302 shall not be in force in any city or county that has a higher compulsory attendance law now in force than that provided herein; but in any such case it shall be the duty of the State Board of Education to investigate the same and decide that any such law now in force has a higher compulsory attendance feature than that provided by this article. (C. S., s 5758; 1923, c. 136, s. 348; 1931, c. 453.)