

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-271
SENATE BILL 958

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

The General Assembly of North Carolina enacts:

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

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

- (1) The student resides with an adult, who is a domiciliary of that unit, as a result of:
 - a. The death, serious illness, or incarceration of a parent or legal guardian,
 - b. The abandonment by a parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance,
 - c. Abuse or neglect by the parent or legal guardian,
 - d. The physical or mental condition of the parent or legal guardian is such that he or she cannot provide adequate care and supervision of the student, or
 - e. The loss or uninhabitability of the student's home as the result of a natural disaster;
- (2) The student is not currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit; and
- (3) The adult with whom the student resides and the student's parent, guardian, or legal custodian have each completed and signed separate affidavits that:
 - a. Confirm the qualifications set out in this subsection establishing the student's residency,
 - b. Attest that the student's claim of residency in the unit is not primarily related to attendance at a particular school within the unit, and
 - c. Attest that the adult with whom the student is residing has been given and accepts responsibility for educational decisions for

the child, including receiving notices of discipline under G.S. 115C-391, attending conferences with school personnel, granting permission for school-related activities, and taking appropriate action in connection with student records.

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

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

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

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

Affidavits shall include, in large print, the penalty, including repayment of the cost of educating the student, for providing false information in an affidavit."

Section 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 24th day of June, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 4:25 p.m. this 3rd day of July, 1997