

1 16 NCAC 06E .0102 is proposed for amendment as follows:

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3 **16 NCAC 06E .0102 ATTENDANCE REQUIREMENTS**

4 (a) To be considered in attendance on any given instructional day:

5 (1) The student shall be physically present either:

6 (A) In the school under the supervision of school personnel for at least one-half of the
7 instructional day; or

8 (B) In a place other than the school with the approval of the appropriate school official to attend
9 a school-sponsored activity, such as a field trip, athletic contest, student convention,
10 musical festival, or similar activity;

11 (2) If the student is enrolled in a remote academy, the student shall log into the assigned learning
12 management system at least once per day consistent with the remote academy plan approved by the
13 State Board of Education in accordance with G.S. 115C-234.15 or the Charter Schools Review
14 Board in accordance with G.S. 115C-218.123; or

15 (3) If the student is participating in remote instruction other than through a remote academy, the student
16 shall complete the student's assignments for each remote instruction day, either online or offline,
17 consistent with the remote instruction plan approved by the State Board of Education in accordance
18 with G.S. 115C-84.3

19 (b) A student shall not be recorded as in attendance until the student has, following enrollment, attended at least one-
20 half of an instructional day in accordance with Paragraph (a). If the student is enrolled in a remote academy, the student
21 shall log into the assigned learning management system and be virtually present and responsive on the first
22 instructional day. A student shall not participate in remote instruction other than through enrollment in a remote
23 academy until the student has been in physical attendance for at least one instructional day.

24 (c) A public school unit ("PSU") shall excuse the temporary absence of a student if the principal, local superintendent,
25 or designee of the principal or local superintendent determines by a preponderance of the evidence that the absence
26 was for one of the following lawful reasons:

27 (1) The student or, if the student is a custodial parent, a child in the student's care, has a physical or
28 mental illness or injury that prevents the student from being able to attend school.

29 (2) The student is isolating in accordance with directives from the local health department, the North
30 Carolina Department of Health and Human Services, or the Centers for Disease Control and
31 Prevention.

32 (3) The student has suffered the death of an immediate family member. For purposes of this Rule,
33 "immediate family member" means a spouse, parent, legal guardian or custodian, grandparent, child,
34 grandchild, brother, sister, half-sibling, or step-sibling. The term applies to any such relationship
35 whether by blood, adoption, or marriage.

36 (4) The student or, if the student is a custodial parent, a child in the student's care, has a medical or
37 dental appointment.

- 1 (5) The student is a party to or is under subpoena as a witness in the proceedings of a court or
2 administrative tribunal. For purposes of this Rule, an administrative tribunal shall include the
3 governing body of the PSU.
- 4 (6) The student is absent due to a religious observance required by the faith of the student or the student's
5 parent or legal guardian. A student is entitled to at least two absences for this purpose each school
6 year, but the parent or legal guardian shall provide the PSU with notice of the intended absence at
7 least one instructional day in advance. The PSU shall ~~offer~~ allow the student ~~the opportunity~~ to make
8 up any tests or other assignments missed due to these absences.
- 9 ~~(7)~~ The student is participating in released time religious instruction in accordance with a policy adopted
10 by the PSU governing body under G.S. 115C-407.45.
- 11 ~~(7)~~ (8) The student obtains prior approval from the local superintendent or designee to take advantage of
12 an educational opportunity outside of school, such as service as a legislative page or Governor's
13 page.
- 14 ~~(8)~~ (9) The student cannot safely travel to school due to a natural disaster, provided the area in which the
15 student resides or through which the student must travel has been declared a disaster area by the
16 Federal Emergency Management Agency.
- 17 ~~(9)~~ (10) The student is receiving educational services outside of school under one of the following
18 conditions:
- 19 (A) Medical necessity initiated by a medical report or physician's orders and documented in
20 the student's written homebound instruction plan, Section 504 plan, or Individualized
21 Education Program ("IEP").
- 22 (B) The student's IEP Team has determined that placement of the student outside of school is
23 the least restrictive environment available given the student's needs and has documented
24 that need in the student's IEP or Section 504 plan.
- 25 ~~(10)~~ (11) The student is receiving educational services through the Teacher-in-Treatment Program
26 administered by the North Carolina Department of Health and Human Services.
- 27 ~~(11)~~ (12) The student satisfies the following criteria for military-affiliated absences:
- 28 (A) The student's parent or legal guardian is an active-duty member of the uniformed services,
29 as defined in G.S. 115C-407.5;
- 30 (B) The student's parent or legal guardian has been called to duty for, is on leave from, or has
31 immediately returned from deployment to a combat zone or combat support posting; and
- 32 (C) The student has not been identified by the PSU as being at risk of academic failure due to
33 unexcused absences.
- 34 A student is entitled to at least two absences for this purpose each school year, but the parent or
35 legal guardian shall provide the PSU with notice of the intended absence at least one instructional
36 day in advance.

1 (13) The student is absent due to participation in equestrian sporting events, livestock shows, or similar
2 agricultural events. A student is entitled to at least two absences for this purpose each school year,
3 but the parent or legal guardian shall provide the PSU with notice of the intended absence at least
4 one instructional day in advance. The PSU shall allow the student to make up any tests or other
5 assignments missed due to these absences.

6 (14) The student is absent due to the immediate demands of the farm or the home in certain seasons of
7 the year. A student may be absent for up to five days in a school year for this purpose, and the PSU
8 shall allow the student to make up any tests or other assignments missed due to these absences. The
9 parent or legal guardian shall submit a written request and, if available, any supporting
10 documentation to the PSU at least one instructional day in advance demonstrating that the student's
11 absence from school is necessary to address the immediate demands of the farm or home. The local
12 superintendent or designee shall excuse these absences only if he or she finds by a preponderance
13 of the evidence that the student's absence from school is necessary to address the immediate
14 demands of the farm or home. Such demands may include the following:

15 (A) Planting or harvesting crops;

16 (B) Managing livestock emergencies;

17 (C) Farming equipment breakdowns during planting or harvesting seasons; and

18 (D) Preparing for or responding to inclement weather impacting crops, livestock, or
19 related structures.

20 ~~(d) A PSU shall not excuse students for nonattendance due to immediate demands of the farm or the home, unless~~
21 ~~such demands satisfy one of the lawful reasons for absence listed in Paragraph (e).~~

22 ~~(e)~~ (d) A PSU shall have the authority to excuse the temporary or occasional absence of a student for other reasons in
23 accordance with policies adopted by the governing body of the PSU, provided that the student is currently in
24 membership.

25 ~~(f)~~ (e) A student's willful absence from school, with or without the knowledge of the student's parent or legal guardian,
26 or a student's absence from school for any reason other than those permitted by this Rule or Rule .0104 of this Section,
27 shall be deemed unlawful for purposes of the Compulsory Attendance Law.

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31 *History Note: Authority G.S. 115C-84.3; 115C-378; 115C-379;*

32 *Eff. July 1, 1986;*

33 *Amended Eff. June 1, 1996;*

34 *Readoption Eff. August 1, 2026- 2026;*

35 *Amended Eff. March 1, 2027.*