

1 16 NCAC 06E .0101 is proposed for readoption with substantive changes as follows:

2
3 **SUBCHAPTER 6E - STUDENTS**

4
5 **SECTION .0100 - ATTENDANCE**

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7 **16 NCAC 06E .0101 ~~ATTENDANCE DEFINED~~ DEFINITIONS**

8 ~~To be considered in attendance, a student shall be present in the school or at a place other than the school with the~~
9 ~~approval of the appropriate school official to attend an authorized school activity. These activities include field trips,~~
10 ~~athletic contests, student conventions, music festivals or similar activities.~~

11 For purposes of this Section, the following definitions shall apply:

- 12 (1) "Compulsory Attendance Law" means G.S. 115C-378.
- 13 (2) "Homebound instruction" is defined in G.S. 115C-106.3(5a).
- 14 (3) "Local superintendent" means the superintendent of a local school administrative unit, as provided
15 in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-
16 making authority for a PSU, if there is no superintendent.
- 17 (4) "Membership" means enrollment in a public school unit with a class schedule covering at least one
18 half of the instructional day.
- 19 (5) "Principal" means a school administrator employed as the principal of a school, as provided in
20 Chapter 115C, Article 19 of the General Statutes, or the staff member with the highest decision-
21 making authority at a school, if there is no principal.
- 22 (6) "Remote academy" means:
- 23 (A) A remote academy approved by the State Board of Education under G.S. 115C-234.15; or
- 24 (B) A remote charter academy approved by the Charter Schools Review Board under G.S.
25 115C-218.123.
- 26 (7) "Remote instruction" is defined in G.S. 115C-84.3(a).

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28 *History Note: Authority G.S. 115C-378; 115C-379;*
29 *Eff. July 1, 1986;*
30 *Amended Eff. June 1, ~~1996~~ 1996;*
31 *Readoption Eff. August 1, 2026.*

1 16 NCAC 06E .0102 is proposed for readoption with substantive changes as follows:

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3 **16 NCAC 06E .0102 ATTENDANCE ~~EXCUSED~~ 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 a remote academy, the student shall
16 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 ~~(a)~~ (c) LEAs A public school unit ("PSU") shall excuse the temporary absence of a student upon a showing of
25 satisfactory evidence of one of the following bases: if the appropriate school official determines by a preponderance
26 of the evidence that the absence was for one of the following lawful reasons:

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

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

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

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

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

3 ~~(b) (c) LEAs may~~ A PSU shall have the authority to excuse the temporary or occasional absences absence of a student
4 for other reasons in accordance with ~~local board policies,~~ policies adopted by the governing body of the PSU, provided
5 that the student ~~has been in attendance for at least one half of the school day.~~ is currently in membership.

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

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

13 Eff. July 1, 1986;

14 Amended Eff. June 1, ~~1996.~~ 1996;

15 Readoption Eff. August 1, 2026.

1 **16 NCAC 06E .0103 ENFORCEMENT**

2 (a) Each LEA must public school unit ("PSU") shall enforce within its jurisdiction the state laws and regulations which
3 rules that relate to compulsory attendance. LEAs The PSU governing body may adopt rules which policies that allow
4 teachers a teacher to consider a student's absences in the computation of the student's grades. Each PSU shall
5 communicate all attendance obligations and procedures to students, parents, and legal guardians before the first day
6 of each school year.

7 (b) Duties of Teachers. It shall be the duty of each teacher to:

8 (1) Inform students and parents of the importance of regular school attendance through classroom
9 activities, programs and announcements at parent-teacher association meetings and parent-teacher
10 conferences, and other engagements with the school community;

11 (2) Record absences and reasons for those absences in accordance with the policies and procedures of
12 the PSU; and

13 (3) Maintain accurate student attendance records.

14 (c) Duties of School Social Workers. It shall be the duty of each school social worker to:

15 (1) Investigate potential violations of the Compulsory Attendance Law reported by a teacher or the
16 principal;

17 (2) Work with the student and the student's parent or legal guardian to determine the reasons for the
18 absences and determine appropriate responsive measures, including adjustments to the school
19 program or the provision of supplemental services;

20 (3) Report violations of the Compulsory Attendance Law to local law enforcement and provide all
21 documentation necessary for prosecution under G.S. 115C-380.

22 (d) Duties of Principals. It shall be the duty of each principal to:

23 (1) Execute the duties assigned to principals under G.S. 115C-378;

24 (2) Inform students and parents of the importance of regular school attendance;

25 (3) Inform teachers, social workers, and other staff under the principal's supervision of their obligations
26 with respect to the Compulsory Attendance Law; and

27 (4) Provide teachers with the necessary resources to document student attendance.

28 (e) Duties of Local Superintendents. It shall be the duty of each local superintendent to:

29 (1) Enforce within the PSU those state laws, State Board of Education rules, and local policies of the
30 PSU that relate to compulsory attendance;

31 (2) Inform students, parents, and the general public of the importance of regular school attendance
32 through PSU staff meetings, parent-teacher association meetings, press releases, and other public
33 media;

34 (3) Inform principals, teachers, social workers, and other staff under the superintendent's supervision of
35 their obligations with respect to the Compulsory Attendance Law; and

36 (4) Coordinate meetings between teachers, social workers, and principals as needed for discussions
37 concerning school attendance and enforcement of the Compulsory Attendance Law.

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History Note: Authority G.S. 115C-378; 115C-379; G.S. 115C-380; 115C-381;
Eff. July 1, ~~1986~~ 1986;
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1 16 NCAC 06E .0104 is proposed for re adoption with substantive changes as follows:

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3 **16 NCAC 06E .0104 INVOLUNTARY SUSPENSIONS**

4 The absence of a student which results from the suspension or expulsion of that student for ~~misconduct~~ disciplinary
5 reasons pursuant to the provisions of ~~G.S. 115C-394~~ Chapter 115C, Article 27 of the General Statutes shall not ~~be~~
6 ~~used for a compulsory attendance violation action.~~ constitute a violation of the Compulsory Attendance Law.

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8 *History Note: Authority G.S. 115C-378; 115C-379; 115C-380;*

9

Eff. July 1, 1986;

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Amended Eff. June 1, ~~1996.~~ 1996;

11

Readoption Eff. August 1, 2026.

1 16 NCAC 06E .0105 is proposed for readoption with substantive changes as follows:

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3 **16 NCAC 06E .0105 EARLY ADMISSION TO KINDERGARTEN**

4 ~~To determine the eligibility of a four-year-old child to enter kindergarten~~ A child who turns four years old on or
5 before April 16 may be admitted to Kindergarten for the following school year pursuant to the provisions of G.S.
6 115C-364(d), the principal shall confer with a committee of professional educators to consider for each child the
7 following factors: G.S. 115C-364(d) if the principal, after conferring with a committee of professional educators,
8 determines at the student meets the following requirements:

9 (1) Student Aptitude. The child ~~shall be~~ is functioning at a level two to three years beyond
10 peers of the same age in academic and social development and ~~shall score~~ has scored at or above
11 the 98th percentile on a standard individual test of intelligence such as the Stanford-Binet, as:

12 (A) The Stanford-Binet;

13 (B) The Wechsler Preschool and Primary Scale of Intelligence, the Intelligence;

14 (C) The Kaufman Anderson, Anderson; or

15 (D) ~~any~~ Any other comparable test administered by a licensed psychologist.

16 (2) Achievement. The child ~~shall be~~ is functioning from at a level two to three years beyond ~~the child's~~
17 peers. peers of the same age. The child shall score at the 98th percentile on either reading or
18 mathematics on a standard test of achievement such as ~~the~~ as:

19 (A) The Metropolitan Readiness Test, the Test;

20 (B) The Stanford Early School Achievement Test, Test;

21 (C) The Mini Battery of Achievement, the Woodcock-Johnson, the Achievement;

22 (D) The Woodcock-Johnson;

23 (E) The Test of Early Mathematics Ability (TEMA), the ("TEMA");

24 (F) The Test of Early Reading Ability (TERA), ("TERA"); or

25 (G) ~~any~~ Any other comparable test administered by a licensed psychologist, a member of the
26 psychologist's professional staff, or a professional educator who is trained in the use of the
27 instrument and who has no conflict of interest in the outcome of the assessment.

28 (3) Performance. The child ~~shall be~~ is able to perform tasks well above age-peers as peers of the same
29 age, as evidenced by behaviors in one or more areas such as independent reading, problem solving
30 skills, advanced vocabulary, and some writing fluency. The parents shall submit a sample of the
31 child's work that shows outstanding examples of ability in any area including, but not limited to,
32 including art, mathematics, writing, dramatic play, creative productions, science, or social
33 interactions. The principal may also require a teacher to complete an informal reading assessment
34 of the child.

35 (4) Observable Student Behavior/Student Interest. The child ~~shall demonstrate~~ demonstrates social and
36 developmental maturity sufficient to participate in a structured setting for a full school day. The
37 child shall be capable of following verbal instructions and functioning independently within a group.

1 The parent shall provide two recommendation letters with specific documentation of physical and
2 social maturity from preschool teachers, child care workers, pediatricians, or others who have direct
3 knowledge of the child. ~~Useful documentation checklists include~~ Other useful documentation
4 includes the child's performance on the California Preschool Competency Scale, the Harrison
5 Teacher's Observation of Potential in Students ("TOPS") Scale, or any other comparable scale of
6 early social development.

7 (5) Motivation/Student Interest. The principal or principal's designee shall conduct an informal
8 interview with the child and a more structured interview with the parent to determine if the child
9 displays a ~~thirst~~ desire for knowledge and seeks new and challenging learning situations.

10 (b) The parent or legal guardian of the child shall present ~~the information required by this Rule~~ all evidence in support
11 of their child's early entry into Kindergarten to the principal within the first 30 calendar days of the school's
12 instructional year. All testing shall be administered at the parent's or legal guardian's expense after the April 16th that
13 follows the child's fourth birthday.

14 (c) The principal shall decide whether to grant the ~~parent's~~ request for enrollment within three weeks after receiving
15 ~~this information, the evidence provided by the parent or legal guardian.~~ The principal may conditionally enroll the
16 child for up to 90 days ~~in order~~ to observe whether the child is able to adjust to the school setting. If the principal
17 determines that the child has not adjusted to the school setting, the principal shall deny the request for enrollment.

18 (d) ~~However, before the child is exited~~ Before removing the child from school, the principal shall invite the parent or
19 legal guardian to assist in the development of intervention strategies for the child. If those strategies are not successful,
20 the principal shall provide the parent or legal guardian at least 10 days ~~days'~~ notice before ~~exiting~~ removing the child
21 from school ~~so the parent may arrange child care, if needed.~~ school.

22 (e) ~~LEAs may require parents to supply information in addition to that required by this Rule. LEAs may also require~~
23 ~~specific tests or other measures to provide information relating to the factors listed in Paragraph (a) of this Rule.~~

24 (e) Nothing in this Rule shall preclude a local board of education from adopting policies that require a parent or legal
25 guardian to provide additional information beyond the requirements of this Rule, including results of other
26 standardized tests or measures related to the child's giftedness or maturity.

27 (d) (f) ~~Early admission to kindergarten shall not automatically result in the placement of the child in the program for~~
28 ~~academically gifted students. By the time~~ After the child has been enrolled for 90 calendar days, or at any earlier time
29 that ~~school officials determine~~ the principal has determined that the child has adjusted satisfactorily and shall be
30 allowed to remain in school, the ~~gifted identification team~~ local school administrative unit shall review the child's
31 information to determine if the child shall receive ~~gifted services.~~ services for academically or intellectually gifted
32 students in accordance with the local plan developed under G.S. 115C-150.9. ~~If the team determines that the child~~
33 ~~shall receive gifted services, it shall develop either a differentiated education plan or an individual differentiated~~
34 ~~education plan for the child.~~

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37 *History Note: Authority G.S. 115-150.6; 115C-364(d); N.C. Constitution, Article IX, Sec. 5;*
38 *Temporary Adoption Eff. August 18, 1997;*

- 1 *Eff. March 15, ~~1999~~ 1999;*
- 2 *Readoption Eff. August 1, 2026.*