

NORTH CAROLINA

- Compulsory Attendance Ages:** “Between the ages of seven and 16 years.” A child under age seven enrolled in public school in grades kindergarten through two is subject to the compulsory attendance law unless withdrawn from public school. General Statutes of North Carolina § 115C-378.
- Required Days of Instruction:** At least nine calendar months of the year, excluding reasonable holidays and vacations. § 115C-548 or § 115-556.
- Required Subjects:** None required, but annual standardized testing must measure achievement in the areas of English grammar, reading, spelling, and mathematics.

Home School Statute: Article 39 §§ 115C-547 through 115C-565.

1. Definition: “‘Home school’ means a nonpublic school consisting of the children of not more than two families or households, where the parents or legal guardians or members of either household determine the scope and sequence of academic instruction, provide academic instruction, and determine additional sources of academic instruction.” § 115C-563.
2. A home school must meet the following requirements:
 - a. operate for a nine calendar month school term. § 115C-548 or § 115C-556.
 - b. keep attendance records and disease immunization records. § 115C-548 or § 115C-556.
 - c. any new home school shall notify the State Director of the Division of Non-Public Education of their intent to operate and include the school’s name and address, owner, and chief administrator. § 115C-552(a) or § 115C-560(a).
 - d. the home school must also elect to operate either under the qualifications of a “private church school or school of religious charter” (§ 115C-547 through § 115C-554) or under the qualifications of a “qualified nonpublic school” (§ 115C-555 through § 115C-562). The requirements of these two options are basically the same and are summarized in a) through c) above.
 - e. if the home school operates in a private home, all safety and sanitation requirements are automatically waived. § 115C-564.
 - f. notify the Division of Non-Public Education upon termination of the school. § 115C-552(b) or § 115C-560(b).
3. “It is the public policy of the State in matters of education that ‘No human authority shall, in any case whatever, control or interfere with the rights of conscience,’ or with religious liberty and that

‘religion, morality and knowledge being necessary to good government and the happiness of mankind ... the means of education shall forever be encouraged’.” § 115C-547.

4. The legislation recognizing home schooling came about by a decision of the N.C. Supreme Court in *Delconte v. State*, 329 S.E. 2d 636 (1985). In that case, the Court held that a “home school” met the definition of a “private school” and was therefore protected by the law. After reviewing many cases, the Court declared:

In summary, our sister jurisdictions, when faced with the question of whether home instruction is prohibited by school attendance statutes which specify various standards for nonpublic schools, have almost always analyzed the question not in terms of any meaning intrinsic to the word “school” but rather in terms of whether the particular home instruction in question met the statutory standards. ... We think this is the better approach to the problem. *Delconte* at 644.

The North Carolina Supreme Court then analyzed their legislative history and found no attempt by the legislature to ever define the word “school.” The Court concluded:

The legislature has historically insisted only that the instructional setting, whatever it may be, meet certain standards which can be objectively determined and which require no subjective or philosophical analysis of what is or what is not a “school.” *Delconte* at 400.

Teacher Qualifications: Parent must have a high school diploma or a GED. § 115C-564.

Standardized Tests: Parent must administer an annual standardized test (§ 115C-564) any time during the school year. “For one year after the testing, all records shall be made available ... at the principal office of such school, at all reasonable times, for annual inspection by a duly authorized representative of the State of North Carolina.” (§ 115C-549 or § 115C-557). “Duly authorized representative of the State” means the Director of the Division of Non-Public Education or his or her staff. § 115C-563(b).

Although the Division of Non-Public Education has attempted to perform home visits under this provision, the law gives its officials no right to enter homes or to inspect any records besides test scores. There is also no statutory requirement for parents to attend regional meetings arranged by the Division of Non-Public Education for the purpose of reviewing their records. Copies of testing results can be simply mailed to the Division of Non-Public Education upon request.

College Admissions for Homeschoolers: North Carolina House Bill 746 (1997), which was passed by the General Assembly and signed into law by the Governor, directed the University of North Carolina Board of Governors to review the University’s admissions procedures, practices and requirements regarding applicants from home schools in compliance with North Carolina law. This states that the University policy must “not arbitrarily differentiate between applicants based upon whether the applicant attended a public or a lawfully operated nonpublic school.”