

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06E .0102

DEADLINE FOR RECEIPT: July 17, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On p. 1, line 15, you may be missing a word. Consider “other than through a remote academy”.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

16 NCAC 06E .0102 is readopted with changes as published in 40:19 NCR 1553–1557 as follows:

16 NCAC 06E .0102 ATTENDANCE ~~EXCUSED~~ REQUIREMENTS

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

(1) The student shall be physically present either:

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

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

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

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

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

~~(a) (c) LEAs~~ A public school unit ("PSU") shall excuse the temporary absence of a student ~~upon a showing of satisfactory evidence of one of the following bases: if the~~ [appropriate school official] principal, local superintendent, or designee of the principal or local superintendent determines by a preponderance of the evidence that the absence was for one of the following lawful reasons:

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

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

(3) The student ~~is absent due to~~ has suffered the death of ~~a member of the immediate family.~~ an immediate family member. For purposes of this Rule, "immediate family member" means a spouse, parent, legal guardian or custodian, grandparent, child, grandchild, brother, sister, half-sibling, or 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.*