

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seven enrolled in public school in grades kindergarten through two is subject to the compulsory attendance law unless withdrawn from public school. N.C. Gen. Stat. § 115C-378.

Required Days of Instruction: At least nine calendar months of the year, excluding reasonable holidays and vacations. N.C. Gen. Stat. § 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. N.C. Gen. Stat. § 115C-549 or § 115C-557.

Homeschool Statute: General Statutes of North Carolina sections 115C-547 through 115C-567.

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.” N.C. Gen. Stat. § 115C-563.

A homeschool must meet the following requirements:

- a. Any new homeschool shall notify the State Director of the Division of Non-Public Education (DNPE) of their intent to operate and include the school’s name and address, owner, and chief administrator. § 115C-552(a) or § 115C-560(a). This notice may be filed online at <https://www.dnpesys.nc.gov/NPEPublic/NOIHomeSchool.aspx>.
- b. The homeschool 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 **c.** through **d.** below.
- c. Operate for at least nine calendar months of the year, excluding reasonable holidays and vacations. N.C. Gen. Stat. § 115C-548 or § 115C-556.
- d. Keep student attendance records and immunization records, or proof of a medical (§ 130A-156) or a religious (§ 130A-157) exemption from immunization. N.C. Gen. Stat. § 115C-548 or § 115C-556.
- e. School safety and sanitation inspections are not required for a homeschool that is operated in a private home. N.C. Gen. Stat. § 115C-564.
- f. Notify the DNPE upon termination of the school. N.C. Gen. Stat. § 115C-552(b) or § 115C-560(b).

2. “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.’” N.C. Gen. Stat. § 115C-547.
3. **Historical Context:** The homeschool statute was enacted in response to the North Carolina Supreme Court’s decision 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. . . . [W]e think this is the better approach to the problem.

Delconte, 329 S.E.2d at 644–45 (emphasis added). The Court then analyzed North Carolina 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.”

Id. at 646.

Teacher Qualifications: The persons providing academic instruction in a homeschool must have at least high school diploma or its equivalent. N.C. Gen. Stat. § 115C-564.

Standardized Tests: Parents must administer an annual nationally standardized test or other nationally standardized equivalent measurement that measures achievement in the areas of English grammar, reading, spelling and mathematics. N.C. Gen. Stat. §115C-564. College entrance tests such as the ACT and SAT may be used to meet this requirement if the essay portion is included. “For one year after the testing, all records shall be made available . . . at the principal office of [the home] school, at all reasonable times, for annual inspection by a duly authorized representative of the State....” § 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. N.C. Gen. Stat. § 115C-563(b).

This law gives DNPE officials no right to enter homes, or to inspect any records except test scores. There is also no statutory requirement for parents to attend regional meetings arranged by the DNPE for the purpose of reviewing their records.

Discrimination Against Homeschool Diplomas Prohibited: State law requires the Board of Governors of the University of North Carolina to adopt an admissions policy that must “not arbitrarily differentiate between applicants based upon whether the applicant attended a public or a lawfully operated nonpublic school [this includes homeschools].” N.C. Gen. Stat. § 116-11.