

To be entitled to initial entry in the Wake County Public School System, a child must have passed the fifth anniversary of his/her birth on or before ~~October 16~~ August 31 of the year in which the child is presented for enrollment.

- 6011.1 The initial point of entry into the public school system shall be at the kindergarten level.
- 6011.2 After initial entry into kindergarten, the principal may place a child in first grade, by reason of maturity, without regard to chronological age.

6011.3 A child ~~already attending public school in another state or foreign country according to laws and regulations of that state or country~~ shall be eligible for enrollment regardless of whether such child has passed the fifth anniversary of his/her birth before October 16 ~~(per G.S. 115C-364, the cutoff date will change to August 31 starting with the 2009-2010 school year)~~ August 31 if: Grade placement will be determined by the principal.

- A. Before moving to and becoming a resident of North Carolina, the child has been attending public school during that same school year in another state or country in accordance with the laws and rules of that state or country; or
- B. The child would be eligible to attend public school in another state or country in accordance with the laws and rules of that state or country, and all of the following apply:
  - i. The child's parent is a legal resident of North Carolina who is an active member of uniformed services assigned to a permanent duty station in the other state;
  - ii. The child's parent is the sole custodian of the child;
  - iii. The child's parent is deployed for duty away from the permanent duty station; and
  - iv. The child resides with an adult who is domiciled in Wake County as a result of the parent's deployment away from the permanent duty station.

In such cases, grade placement will be determined by the principal.

6011.4 The parent or guardian enrolling a child who is making initial entry into school shall be required to furnish, before admission is approved, a certified copy of the child's birth certificate. If it is not possible to secure a copy of a birth certificate, schools may accept other competent and verifiable proof of age, including a certified copy of any medical record of the child's birth issued by the treating physician or the hospital in which the child was born or a certified copy of a birth certificate issued by a church, mosque, temple, or other religious institution that maintains birth records of its members.

6011.5 The adult enrolling every child in school must present to the school official a certificate of immunization indicating that the child has received the immunizations required by G.S. 130A-152, or in the alternative, a certification, completed by appropriate medical personnel indicating that, for medical reasons, the child is exempt from some or all of the immunization requirements.

6011.6 The parent, or legal custodian of a child entering kindergarten is required to obtain a health assessment for their child. This is required by law and must be conducted no more than 12 months prior to the date of school entry. It must include a medical history and physical examination with screening for vision and hearing and, if appropriate, for anemia and tuberculosis.

6011.7 The student meets the age requirements outlined below:

A. Preschool: To enroll in a preschool program, a child must meet the age requirements for the program in which he seeks to enroll.

B. Kindergarten: To enroll in kindergarten, a student must be at least five years of age by October 16 of the school year in which the student seeks to enroll (per G.S. 115C-364, the cutoff date will change to August 31 starting with the 2009-2010 school year), be qualified to enroll as a four- and a half-year-old under State Board of Education guidelines and the principal's discretion or be qualified because of previous enrollment in kindergarten in another public school system or private school in another state or country. To enroll in kindergarten, a student must meet the age requirements set out in Policy 6011 and R&P 6011.

C. Older Students: Students older than 21 years of age or who have already completed the requirements for graduation from high school are no longer eligible to enroll.

6011.8 The parent, or legal custodian must present a child for initial enrollment into kindergarten within the first 120 days of the school year.

6011.9 Additional documentation for initial enrollment may be requested.

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Legal Reference: G.S.115C-364, G.S. 115C-288(a), G.S. 115C-378, G.S. 81(f)(2),  
G.S. 130A-152, G.S. 130A-155, G.S. 130A-156, and G.S. 130A-157

Cross reference: Policy 6201

Adopted: December 15, 1986

Revised: February 18, 1991

Revised: January 19, 1993

Revised: December 18, 2007

Revised:

Questions regarding kindergarten enrollment should be directed either to the office of the executive director for early intervention or to the elementary guidance program specialist.

- 6011.1 A child who lives in Wake County the first one hundred twenty 120 days of the school year may not enroll in kindergarten after that time.
- 6011.3 ~~Students who have already lawfully started school in another state or country should have the opportunity to continue their education uninterrupted. However, children coming from other states or countries may not be enrolled if they are not eligible for kindergarten in North Carolina and have not already entered public school in another state or country.~~
- 6011.4 Any person other than the parent or legal guardian acting in *loco parentis* should be identified in writing through the office of growth management **Office of Student Assignment**.
- 6011.5 The required immunizations are listed in the Health Services Handbook. A student may not remain in school more than thirty (30) calendar days after admission without acceptable medical evidence of proper immunizations or medical certification that, for medical reasons, the child is exempted from some or all immunization requirements.

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Issued: March 1991  
Revised: January 1993  
Revised: August 2005  
**Revised:**

To: Dr. Stephen Gainey, Interim Superintendent  
From: Neal Ramee, Tharrington Smith LLP  
Cc: Jonathan Blumberg, Tharrington Smith LLP  
Date: April 2, 2013  
Re: Proposed Revisions to Policy 6011

**BACKGROUND:**

In 2011, the North Carolina General Assembly amended N.C. Gen. Stat. § 115C-364, which describes the age requirements for initial entry to the public schools, and N.C. Gen. Stat. § 130A-109, which describes the types of documents that may be submitted as proof of age in connection with school enrollment. Policy 6011 ("Entrance to Wake County Public School System") currently does not reflect these statutory changes.

**RECOMMENDED ACTION:**

In order to ensure compliance with N.C. Gen. Stat. § 115C-364 and N.C. Gen. Stat. § 130A-109, I recommend that Policy 6011 be revised as indicated in the attached document. All of these changes are intended to ensure compliance with applicable statutes. I have also noted one possible change that is permissible under the statutes but not required by law.

**ANALYSIS OF PROPOSED POLICY REVISIONS:**INTRODUCTORY TEXT:

The policy currently states that students who will turn five years old on or before October 16 are eligible for initial entry to the school system. The October 16 cut-off date was changed to August 31 by statute. There was a placeholder later in the policy stating that the "the cutoff will change to August 31" in 2009-2010, but it would be much clearer at this point to simply update the policy.

6011.1 and 6011.2:

No changes are noted here, as the policy accurately tracks the statutory language. Nevertheless, the Board could, if it chooses, revise this language in light of a 2003 advisory opinion from the North Carolina Attorney General's Office.

As presently interpreted, the policy requires principals to *initially* enroll pupils as kindergartners if they have turned five, but not yet six years old, as of August 31 of that school year. It also allows principals to *subsequently* re-classify such students as first-graders. This is a very natural reading of the policy language, which tracks the statute almost verbatim. In light of the 2003 Attorney General opinion, however, and as a policy matter, the Board could choose to allow principals to *initially* classify students within this age range in another grade.

The Attorney General's opinion interprets N.C. Gen. Stat. § 115C-364, the statute quoted in these sections of the policy, to require only that students meet the age requirements before they may be admitted to a school district, not that students must enter school at the kindergarten level. Specifically, the Attorney General's Office states that, "[o]nce a child is old enough to enroll in public school, . . . his or her grade placement *in the initial year or any subsequent years* is governed by N.C. Gen. Stat. § 115C-288(a), which gives the principal the discretion to place a child in *any* appropriate grade." (Emphasis added). In other words, "this statute gives the principal of the school the authority to decide the grade placement for *any* student, provided the student meets the age requirement for initial entry into public school." (Emphasis added).

To be clear, both the policy language in question, and the current practice regarding five-year-old students, are consistent with the law, and the Board may wish to leave them in place. If, however, the Board wishes to give principals more leeway to grade and classify five-year-old students as first-graders *when they initially present for enrollment*, it may do so.

6011.3:

I have reworked this section to reflect (1) the statutory change in the cut-off birth date for initial enrollment of five-year-olds, from October 16 to August 31, and (2) a new statutory provision regarding the age for initial enrollment of the children of certain active members of the uniformed services. Almost all of the language in these revisions is taken verbatim from the statute. There are no substantive changes that do not track statutory requirements.

6011.4:

I have added new language to this section to reflect the 2011 changes to the statute governing what constitutes acceptable proof of age for purposes of school enrollment. The new language is taken virtually verbatim from the statute.

**ATTACHMENTS TO MEMORANDUM:**

The following documents are attached to this memorandum:

1. Current Policy 6011 ("Entrance to Wake County Public Schools")
2. Proposed Policy 6011 ("Entrance to Wake County Public Schools")
3. N.C. Gen. Stat. § 115C-364 ("Admission Requirements"; last revised in 2011).
4. N.C. Gen. Stat. § 130A-109 ("Birth Certificate as Evidence"; last revised in 2011).
5. North Carolina Attorney General's Advisory Opinion re "Age Requirements for Entry into Public Schools" (September 16, 2003).

Please let me know if I may be of further assistance.

**SUBCHAPTER VI. STUDENTS.**

## Article 25.

## Admission and Assignment of Students.

**§ 115C-364. Admission requirements.**

(a) A child who is presented for enrollment at any time during the first 120 days of a school year is entitled to initial entry into the public schools if:

- (1) The child reaches or reached the age of 5 on or before August 31 of that school year; or
- (2) The child did not reach the age of 5 on or before August 31 of that school year, but has been attending school during that school year in another state in accordance with the laws or rules of that state before the child moved to and became a resident of North Carolina.
- (3) The child did not reach the age of five on or before August 31 of that school year, but would be eligible to attend school during that school year in another state in accordance with the laws or rules of that state, if all of the following apply:
  - a. The child's parent is a legal resident of North Carolina who is an active member of the uniformed services assigned to a permanent duty station in another state.
  - b. The child's parent is the sole legal custodian of the child.
  - c. The child's parent is deployed for duty away from the permanent duty station.
  - d. The child resides with an adult who is a domiciliary of a local school administrative unit in North Carolina as a result of the parent's deployment away from the permanent duty station.

(b) A local board may allow a child who is presented for enrollment at any time after the first 120 days of a school year to be eligible for initial entry into the public schools if:

- (1) The child reached the age of 5 on or before August 31 of that school year; or
- (2) The child did not reach the age of 5 on or before August 31 of that school year, but has been attending school during that school year in another state in accordance with the laws or rules of that state before the child moved to and became a resident of North Carolina.

(c) The initial point of entry into the public school system shall be at the kindergarten level. If the principal of a school finds as fact subsequent to initial entry that a child, by reason of maturity can be more appropriately served in the first grade rather than in kindergarten, the principal may act under G.S. 115C-288 to implement this educational decision without regard to chronological age. The principal of any public school shall require the parent or guardian of any child presented for admission for the first time to that school to furnish (i) a certified copy of the child's birth certificate, which shall be furnished by the register of deeds of the county having on file the record of the birth of the child, or other satisfactory evidence of date of birth, as provided in Article 4 of Chapter 130A of the General Statutes and (ii) a certificate of immunization as required by G.S. 130A-155.

(d) A child who has passed the fourth anniversary of the child's birth on or before April 16 may enter kindergarten if the child is presented for enrollment no later than the end of the first month of the school year and if the principal of the school finds, based on information submitted by the child's parent or guardian, that the child is gifted and that the child has the maturity to justify admission to the school. The State Board of Education shall establish guidelines for the principal to use in making this finding. (1955, c. 1372, art. 19, s. 2; 1969, c. 1213, s. 4; 1973, c. 603, s. 3; 1981, c. 423, s. 1; 1983, c. 656, s. 1; 1997-204, s. 1; 1997-269, s. 1; 2007-173, s. 1; 2010-111, s. 2; 2011-388, s. 2.)



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N.C.G.S.A. § 130A-109

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Effective: June 28, 2011

West's North Carolina General Statutes Annotated Currentness

Chapter 130A. Public Health

Article 4. Vital Statistics

→→ § 130A-109. Birth certificate as evidence

Certified copies of **birth certificates** shall be accepted by public school authorities in this State as prima facie **evidence** of the age of children registering for school attendance, and no other proof shall be required. In addition, certified copies of **birth certificates** shall be required by all factory inspectors and employers of youthful labor, as prima facie proof of age, and no other proof shall be required. However, when it is not possible to secure a certified copy of a **birth certificate**, factory inspectors and employers may accept as secondary proof of age any competent **evidence** by which the age of persons is usually established. School authorities may accept only competent and verifiable **evidence** as secondary proof of age, specifically including but not limited to: (i) a certified copy of any medical record of the child's birth issued by the treating physician or the hospital in which the child was born, or (ii) a certified copy of a **birth certificate** issued by a church, mosque, temple, or other religious institution that maintains birth records of its members.

CREDIT(S)

Added by Laws 1983, c. 891, § 2. Amended by S.L. 2011-388, § 3, eff. June 28, 2011.

## HISTORICAL AND STATUTORY NOTES

## 2011 Legislation

S.L. 2011-388, §§ 1 and 4, provide:

"Section 1. This act may be cited as the "Safe Students Act"."

"Section 4. This act is effective when it becomes law and applies beginning with the 2011-2012 school year."

## LIBRARY REFERENCES

Schools ↪ 152.

Westlaw Topic No. 345.

C.J.S. Schools and Schools Districts §§ 987 to 988, 996.

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2003 WL 22481127 (N.C.A.G.)

Office of the Attorney General  
State of North Carolina

\*1 September 16, 2003

**RE: Advisory Opinion: Age Requirements For Entry Into Public School; N. C. G. S. §§ 115C-288 and 364 (2001)**T. Brooks Skinner, Jr.  
General Counsel  
North Carolina Department of Administration  
116 West Jones Street  
Raleigh, North Carolina 27603

Dear Brooks:

You have written on behalf of the Division of Non-Public Education to request the opinion of this office regarding the statutory requirements for entering public schools. In particular you seek an interpretation of the statutes governing the age requirements for initial entry into **kindergarten** as well as the effect of such age requirements upon subsequent initial enrollment by a student. This office last addressed these issues in 1972. Since that time, the General Assembly has added **kindergarten** education to the public school system and has accordingly amended the statutes pertaining to initial enrollment. In light of those changes, we do not believe the opinions expressed in 1972 are consistent with current statutes.

N.C.G.S. § 115C-364 (2001) governs the right to initial entry to the public schools. That statute provides, in pertinent part, as follows:

- (a) A child who is presented for enrollment at any time during the first 120 days of a school year is **entitled** to initial entry into the public schools if:
- in accordance with the laws or rules of that state** before the child moved to and became a resident of North Carolina.
- (b) A local board **may allow** a child who is presented for enrollment at any time after the first 120 days of a school year to be eligible for initial entry into the public schools if:
- (1) The child reached the age of 5 on or before October 16 of that school year; or
  - (2) The child did not reach the age of 5 on or before October 16 of that school year, but has been attending school during that school year in another state **in accordance with the laws or rules of that state** before the child moved to and became a resident of North Carolina.
- (c) **The initial point of entry into the public school system shall be at the kindergarten level.** If the principal of a school finds as fact subsequent to initial entry that a child, by reason of maturity can be more appropriately served in the first **grade** rather than in **kindergarten**, the principal may act under G.S. 115C-288 to implement this educational decision without regard to chronological age. The principal of any public school may require the parent or guardian of any child presented for admission for the first time to that school to furnish a certified copy of the child's birth certificate, which shall be furnished by the register of

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deeds of the county having on file the record of the birth of the child, or other satisfactory evidence of date of birth.

(Emphasis added)

It is clear under this statute that in order to be entitled to "initial entry" into public school, a child must be five years old by October 16 "of that school year." Since "initial point of entry" is defined unequivocally to be "at the **kindergarten** level," it follows that in order to be admitted to public school, a child must have reached age 5 on or before October 16 of the **kindergarten** year. The statute contains two exceptions to this admission cut-off date: (a) a child who has transferred in from another state who entered public schools in that state pursuant to that state's age requirements; and (b) a child who does not meet the October birth date requirement but is determined by the principal to be gifted and mature in accordance with subsection (d) of N.C.G.S. § 115C-364. A child who comes within one of these two exceptions is entitled to enroll in public **kindergarten** despite the fact that he or she was not five years old by October 16 of that school year.

\*2 N.C.G.S. § 115C-364 addresses only the age requirement for the "initial point of entry" into public schools, *i. e.*, **kindergarten**, and does not address the enrollment of a child in North Carolina public schools in subsequent years. N.C.G.S. § 115C-288 (a)(2001), however, provides that the "principal shall have the authority to **grade and classify pupils.**" It is our opinion that this statute gives the principal of the school the authority to decide the appropriate **grade** placement for (any) student, provided the student meets the age requirement for initial entry into public school. This opinion is consistent with N.C.G.S. § 115C-364(c) which specifically states that, "If the principal of a school finds as fact subsequent to initial entry that a child, by reason of maturity can be more appropriately served in the first **grade** rather than in **kindergarten**, the principal may act under N.C.G.S. § 115C-288 to implement this educational decision without regard to chronological age." A

In sum, unless a child qualifies for one of the two exceptions set out in N.C.G.S. § 115C-364, a principal has no discretion with regard to the age at which a child may initially enroll in public school — by statute a child must have reached age 5 on or before October 16 of the **kindergarten** year. Once a child is old enough to enroll in public school, however, his or her **grade** placement in the initial year or any subsequent years is governed by N.C.G.S. §§ 115C-288(a) which gives the principal the discretion to place a child in any appropriate **grade**.

We hope this response adequately addresses your inquiry.

Sincerely,  
Grayson Kelley  
Senior Deputy Attorney General

Thomas J. Ziko  
Special Deputy Attorney General

Laura E. Crumpler  
Assistant Attorney General

2003 WL 22481127 (N.C.A.G.)

END OF DOCUMENT