

# School Entry Age

## Legal Requirements

### Interpretive Analysis

It should be noted that G.S. 115C-364 differs from the former school entry age statute which specified separate entry ages for kindergarten and first grade. The current statute specifies a single entry age for enrollment in a public school and designates kindergarten as the initial point of entry into the system.

It is also important to remember, as a practical matter, that each decision about eligibility to enroll may and often does require two decisions:

1. Does the child meet the age requirements for school entrance? and,
2. At what grade level can the child best be served?

The first question is easy to answer. If the child reaches the age of five years on or before August 31st of the year he is presented for enrollment, the child is eligible to enroll. If his fifth birth date falls on or after September 1st, the child is not eligible to enroll. Proof of age can be required.

The second question may be somewhat more complicated. The statute contemplates that the vast majority of children presented for enrollment belong in kindergarten and will be automatically assigned there. However, the statute recognizes that some students will be presented for enrollment who can be more appropriately served at a higher grade level, and it authorizes the school principal to make such assignment when he decides that it is in the child's best interest. The key point to remember here is that this is an educational rather than a chronological decision and that it takes place after it has been determined that the child meets the statutory age requirement for school entry. In reaching such a decision, the principal may use both objective and subjective criteria, keeping in mind only that the decision must be reasonably and rationally related to the facts of the specific situation.

The following questions and answers are provided as specific examples of the manner in which the statute should be implemented.

## Kindergarten Enrollment

### State Residents

#### **Is kindergarten compulsory in North Carolina?**

No. All public school systems must offer kindergarten, but children are not required to attend. Compulsory attendance applies to children between the ages of seven and sixteen and also children aged 5 or 6 as long as they are enrolled in public school.

#### **Must a seven-year-old child who has never attended school be placed in kindergarten?**

No. The principal has the authority to place the child.

#### **May a child be retained in kindergarten or be demoted to kindergarten after advancing to the first grade?**

Yes, in both instances. The principal has the responsibility for the classification of students within the school organization, including kindergarten.

#### **May a child enrolled in public kindergarten be promoted during the school year if the principal feels such reclassification is appropriate?**

Yes, the principal has the authority to place a child in a class where the principal feels the child could most appropriately function.

**Must a principal accept a kindergarten student who enrolls late in the school year?**

Under the present statute, a principal is not required to accept a kindergarten student after the first six months of school. However, principals are encouraged to evaluate any enrollment on what is best for the child.

**Nonpublic Schools**

**Is there an age limitation for a child enrolling in kindergarten in a nonpublic school?**

There is no statutory age limitation for kindergarten as far as the nonpublic schools are concerned.

**If a child, not old enough to attend public kindergarten in North Carolina, enrolls in a private school and then transfers to a public school in the same school year, should the public school accept the student?**

The public school cannot legally accept such a child for enrollment within the same school year.

**May a child who does not meet North Carolina's age requirement complete a nonpublic kindergarten and enroll in first grade in a public school the next year?**

Any child who enters public school at the initial entry point of kindergarten must be five years of age on or before August 31 of that school year. If a child has attended a nonpublic kindergarten during one year and is enrolled in public school the following year, the principal in compliance with any applicable local board policy, has discretion as to whether that child will be enrolled in kindergarten or first grade.

**Is there an age limitation for entering first grade?**

No. The only age limitation is at the kindergarten level (the initial point of entry).

**Out-of-State Residents**

**Where would a child be placed in a North Carolina school who has completed kindergarten in another state and would have been enrolled in the first grade if he had remained in the original state?**

If the kindergarten experience can be documented, the child is eligible to enroll in the first grade. However, the principal has the prerogative of deciding where the child can best be served.

**May a child, who does not meet North Carolina's kindergarten age requirement, attend a North Carolina public kindergarten during the same year the child was attending a public kindergarten in another state? (This question assumes the child's parents resided in the state of original enrollment and moved to North Carolina during the school year.)**

A child may be accepted for enrollment in a North Carolina public kindergarten if the child has been attending a public kindergarten in another state during the same year, notwithstanding the fact that the child does not meet North Carolina's age requirement for kindergarten acceptance. This answer also applies to a child who moves from another country.

**Where would a child be placed in North Carolina whose parents deliberately send the child to out-of-state kindergarten for the purpose of enrolling the child in the first grade in a North Carolina school the following year?**

It is assumed that this action was to evade the law and the attorney general has ruled that such an action is not in good faith. The child would repeat kindergarten in North Carolina, unless the principal finds as a fact that the child can best be served in another setting.

<http://stateboard.ncpublicschools.gov/legal-affairs/resources-1/school-entry-age>

