

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-204
SENATE BILL 1011

AN ACT TO REQUIRE LOCAL BOARDS TO ADMIT OTHERWISE ELIGIBLE
CHILDREN TO KINDERGARTEN AFTER THE FIRST MONTH OF SCHOOL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-364 reads as rewritten:

"§ 115C-364. Admission requirements.

~~A child, to be entitled to initial entry in the public schools, must have passed the fifth anniversary of his/her birth on or before October 16 of the year in which the child is presented for enrollment, and must be presented for enrollment during the first month of the school year.~~ (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 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.

(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: Provided, that if a particular child has already been attending school in another state in accordance with the laws or regulations of the school authorities of such state before moving to and becoming a resident of North Carolina, such child will be eligible for enrollment in the schools of this State regardless of whether such child has passed the fifth anniversary of his birth before October 16 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 the provisions of G.S. 115C-288 to implement this educational decision

without regard to chronological age. The principal of any public school ~~shall have the authority to may~~ require the ~~parents-parent or guardian~~ of any child presented for admission for the first time to ~~such-that~~ school to furnish a certified copy of the child's birth certificate of such child, certificate, which shall be furnished by the register of deeds of the county having on file the record of the birth of ~~such-the~~ child, or other satisfactory evidence of date of birth."

Section 2. G.S. 115C-81(f) reads as rewritten:

"(f) Establishment and Maintenance of Kindergartens. –

- (1) Local boards of education shall provide for their respective local school administrative unit kindergartens as a part of the public school system for all children living in the local school administrative unit who are eligible for admission pursuant to subdivision (2) of this subsection provided that funds are available from State, local, federal or other sources to operate a kindergarten program as provided in this subsection.

All kindergarten programs so established shall be subject to the supervision of the Department of Public Instruction and shall be operated in accordance with the standards adopted by the State Board of Education, upon recommendation of the Superintendent of Public Instruction.

Among the standards to be adopted by the State Board of Education shall be a provision that the Board will allocate funds for the purpose of operating and administering kindergartens to each school administrative unit in the State based on the average daily membership for the best continuous three out of the first four school months of pupils in the kindergarten program during the last school year in that respective school administrative unit. Such allocations are to be made from funds appropriated to the State Board of Education for the kindergarten program.

- (2) Any child who ~~has passed the fifth anniversary of his birth on or before October 16 of the year in which he enrolls~~ meets the requirements of G.S. 115C-364 shall be eligible for enrollment in kindergarten. Any child who is enrolled in kindergarten and not withdrawn by ~~his-the~~ child's parent or guardian shall attend kindergarten.
- (3) Notwithstanding any other provision of law to the contrary, subject to the approval of the State Board of Education, any local board of education may elect not to establish and maintain a kindergarten program. Any funds allocated to a local board of education which does not operate a kindergarten program may be reallocated by the State Board of Education, within the discretion of the Board, to a county or city board of education which will operate such a program."

Section 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 9th day of June,
1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 5:14 p.m. this 19th day of June, 1997