

Policy Code: 4100 Admission to the Wake County Public School System

This policy addresses the requirements for admission to the Wake County Public School System. No student may be assigned to any particular school in the district unless the general requirements of this policy have been met. For information about how particular students are assigned to particular schools or how to request transfers from one school in the district to another, see Policy 41450.

A. Age Requirements for Enrollment

To enroll in a preschool program, the child must meet the age and other eligibility requirements for the program in which the parent is seeking to enroll the child. For enrollments other than the preschool program, the initial point of entry into the school system shall be at the kindergarten level.

1. Kindergarten

A child who is presented for enrollment in kindergarten at any time during the first 120 days of a school year will be considered eligible for initial entry in any of the following circumstances:

- a. The child reaches or reached the age of five on or before August 31 of that school year.
- b. The child resided in another state or country and was attending school during that school year in accordance with that state's laws or rules prior to moving to North Carolina. (The child does not need to reach the age of five on or before August 31 in this circumstance.)
- c. 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, and if all of the following apply:
 - 1) 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 the other state;
 - 2) the child's parent is the sole legal custodian of the child;
 - 3) the child's parent is deployed for duty away from the permanent duty station; and
 - 4) the child resides with an adult who is a domiciliary of Wake County as a result of the parent's deployment away from the permanent duty station.

2. Early Kindergarten Entry

A child may be approved for early enrollment in kindergarten if: the child reached the age of four on or before April 16; the child is presented for enrollment no later than the end of the first thirty calendar days of the school year; and the child is approved for Early Kindergarten Entry based on information submitted by the child's parent or guardian showing that the child is gifted and has the maturity to justify admission to school as determined by criteria established by the school system and the State Board of Education. In order to be approved for Early Kindergarten Entry, the parent or guardian must submit a complete application to the AIG office within thirty calendar days of the first day of school at the child's base school. The board regards admission of a four-year-old child to be an extraordinary measure that should not be used merely because the child is developmentally advanced. In making such a determination, the principal shall follow guidelines established by the State Board of Education and Superintendent or designee.

3. Older Students

A student who is domiciled within the geographic area served by the school system, who is under age 21 (22 for students entitled to special education services), who has not completed the prescribed courses for high school graduation, and who otherwise qualifies for admission is entitled to initial enrollment. Current students who turn 21 during the school year and are not eligible for special education may remain enrolled through the end of the year contingent upon continued good academic and disciplinary standing and regular attendance.

B. Documentation Required for All Students

The following documentation is required for all students seeking admission to the Wake County Public School System:

1. A copy of the student's birth certificate or other competent and verifiable evidence showing that the student meets the age requirements outlined for admission.
2. Satisfactory evidence that the student has satisfied North Carolina immunization and other health-related requirements.
3. Receipt of a parent or guardian's written statement under oath or affirmation before a qualified official on a form prescribed by the school system indicating whether the student is, at the time of initial admission to Wake County Public School System, under suspension or expulsion from

attendance at a private or public school in this or any other state or has been convicted of a felony in this or any other state.

4. Satisfactory proof that the student is “domiciled” within the Wake County Public School System as described in section 4100.C of this policy, that an exception to the domicile requirement applies as described in section 4100.D of this policy, or that the student has been granted discretionary admission pursuant to section 4100.F of this policy.

The superintendent may authorize school and central office staff to request appropriate documentation, conduct investigations into domicile and living arrangements, and immediately revoke school enrollment if it is determined that a student does not meet eligibility requirements.

For a student who is in foster care or considered to be experiencing homelessness, the inability to provide documentation must not prevent immediate enrollment of the student. School officials, or in the case of a student experiencing homelessness, the homeless liaison, shall immediately contact the last school the student attended to obtain relevant enrollment records or other information needed for enrollment, including immunizations or health assessments. These officials shall work with the student, the parent or guardian, school personnel, and other agencies as necessary to obtain enrollment information in a timely manner.

C. Admission Based on Domicile

Students who are legally “domiciled” within the Wake County Public School System and meet all other requirements for enrollment shall be admitted as students without being charged tuition. In addition, students who are experiencing homelessness or in foster care may be entitled to continue attending their school of origin based on a determination of the best interest of the student.

The following rules and definitions govern domicile determinations for purposes of school admissions:

1. “Domicile” denotes a permanent, established home, as distinguished from a temporary place of residence. A person may have more than one residence but only one legal domicile. To establish a new domicile, a person must abandon the prior domicile and move into a new residence with the intent to make the new residence the new home. Merely owning or renting property does not establish a legal domicile.
2. By law, the domicile of an unemancipated minor is the same as that of the student’s parents or legal guardian, even if the minor actually lives elsewhere. For purposes of this policy, a “legal guardian” is a court-appointed guardian of the person or general guardian. Students aged 18 or

older or those who have been legally emancipated may establish their own domiciles if they have actually abandoned the domicile of their parents or legal guardians. The school system may request documentary proof of parentage, guardianship, or custodianship, such as a birth certificate, court order, or other reliable proof.

3. At or before enrolling an unemancipated minor, parents who are divorced, legally separated or otherwise living apart, shall have an affirmative obligation to provide the school system with custody agreements, court orders, or any other legal documents relevant to the custody of the student. Decisions regarding the domicile of an unemancipated minor whose parents are divorced, legally separated, or otherwise live apart shall be determined by the following criteria:

a. If a student lives exclusively with one parent in the absence of a custody order, or if physical custody has been awarded by court order to only one parent, the domicile of the student will be the same as that of the custodial parent. For purposes of this policy, "visitation" rights are not considered a form of physical custody.

b. If a student lives with both parents in the absence of a custody order, or if a custody order grants physical custody jointly to both parents (such that the student stays with one parent during some school nights and the other parent during other school nights), the parents must jointly agree as to which of their domiciles will be used as the student's domicile for purposes of school enrollment. The selection of domicile must be made on a form prescribed by the superintendent or designee and may not be changed during the school year. If the parents cannot reach agreement, the Office of Student Assignment will deem the domicile of the student to be the domicile of the parent with physical custody of the student at the beginning of the school year.

D. Admission Based on an Exception to Domicile Requirement

The following categories of students shall be admitted regardless of domiciliary status and without payment of tuition:

1. Children experiencing homelessness, and the children of parents experiencing homelessness, who reside within the geographic boundaries of the Wake County Public School System but lack a legal domicile by virtue of being homeless. Homelessness is defined as the absence of a fixed, regular, and adequate nighttime residence as provided by federal law. See Board policy on Students Experiencing Homelessness – Students in Transition for additional information about the enrollment of students experiencing homelessness.

2. Any student who resides with a “legal custodian” who is not the student’s parent or legal guardian but is domiciled with the Wake County Public School System. For purposes of this policy, a “legal custodian” is a person or agency that has been awarded legal custody of the student by a court.
3. Any student who resides within the geographic boundaries of the Wake County Public School System with a parent, guardian, or legal custodian who is a student, employee or faculty member of a college or university or a visiting scholar at the National Humanities Center.
4. Any student who resides in a group home, foster home or other similar facility or institution licensed under [Article 2 of Chapter 122C](#) or [Article 1A of Chapter 131D of the North Carolina General Statutes](#) that is located in the Wake County Public School System.
5. Any student who resides in a pre-adoptive home that is located within the Wake County Public School System following placement by a county department of social services or a licensed child-placing agency.
6. The parent, guardian, or legal custodian residing in the school system attendance area is on active military duty and is assigned by official military order to a military installation or reservation in North Carolina.
7. Any student who is considered a child with a disability under the Individuals with Disabilities Education Act and was enrolled in the school system on the last day of school for the 2006-2007 school year or enrolled in and attending a school in the school system on August 1, 2007, for the 2007-2008 school year, so long as the student still lives within Wake County and has been continuously enrolled in the system since that time.
8. The student meets all three of the following requirements:
 - a. The student resides with an adult who is not a parent, legal custodian, or legal guardian but who is a domiciliary of Wake County because of one of the following:
 1. The death, serious illness, or incarceration of the student’s parent or legal guardian.
 2. The abandonment by the parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance.
 3. Abuse or neglect by the parent or legal guardian.

4. The physical or mental condition of the parent or legal guardian is such that he or she cannot provide the student with adequate care and supervision.

5. The relinquishment of physical custody and control of the student by the student's parent or legal guardian upon the recommendation of the Department of Social Services or the Division of Mental Health.

6. The loss or uninhabitability of the student's home as a result of a natural disaster.

7. The parent or legal guardian is on active military duty not including periods of active duty for training for less than thirty (30) days, and the commanding officer of the parent or legal guardian provides in a signed letter that the parent or legal guardian's military orders prevent him or her from physically residing with the student. Assignment under this subsection is only available if the signed letter from the commanding officer is included with the affidavits required under G.S. 115C-366, and the commanding officer indicates the time period that such military orders will be in effect.

8. The parent or legal guardian died while on active military duty or was severely injured and medically discharged or retired from active military duty as a result of the injury. Enrollment is valid for only one year after the date of the death, medical discharge, or retirement.

b. The student is not currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or expulsion from Wake County Public School System (or is under such a term of suspension or expulsion but is identified as eligible for special education and related services and evidence of eligibility is tendered).

c. The adult with whom the student resides and the student's parent or legal guardian, if available, present the designated Wake County Public School System official with affidavits on forms prescribed by the school system that:

1. Confirm the qualifications set out in this subsection establishing the student's residency;

2. Attest that the student's claim of residency is not primarily related to attendance at a particular school or in the Wake County Public School System generally; and

3. Attest that the caregiver adult has been given and accepts responsibility for the educational decisions for the child, including receiving notices of discipline, attending conferences, granting permission for school-related activities and taking appropriate action in connection with student records.

Note: The knowing provision of false information in these affidavits is a Class 1 misdemeanor, and the person providing the false information is required by law to reimburse the school system an amount equal to the cost of educating the student during the time of enrollment.

8. Foreign and exchange students who are participating in exchange programs approved by the Wake County Public School System may be admitted without payment of tuition. The superintendent or designee is authorized to develop criteria for admission of foreign exchange students and to admit foreign exchange students according to those criteria.

9. School-aged children of current full-time employees of the Wake County Public School System (except substitutes) who are domiciled outside of Wake County are eligible for admission to the Wake County Public School System without paying tuition so long as the parents or legal guardians agree to be solely responsible for transportation and obtain a written release from the North Carolina public school district where they are domiciled. For purposes of this policy, a “full-time” employee is any employee who is eligible for full or pro rata state leave benefits under applicable law. The particular school to which such student shall be assigned shall be determined in accordance with Policy 4150. If, for any reason, an employee-parent or employee-guardian whose children are admitted pursuant to this subsection leaves the employment of the Board of Education or because of a change in status is no longer a “full-time” employee, the children may continue attending their assigned school without paying tuition for the remainder of that school year, if they remain in good academic and disciplinary standing. Thereafter, they will be eligible for admission only if covered under another section of this policy.

E. Remote Enrollment of Children of Military Families

A student who is not domiciled in the school system attendance area is permitted to enroll by remote means, including electronic means, prior to commencement of the student’s residency in the school system attendance area if all of the following apply.

1. The student’s parent or legal guardian is on active military duty and is transferred or pending transfer pursuant to an official military order to a military installation or reservation in North Carolina.

2. Upon request by the school system, the parent or legal guardian provides a copy of the official military order transferring to the military installation or reservation.

3. The parent or legal guardian completes and submits the school system's enrollment forms and documentation, except that proof of residency and documentation verifying that the student is not currently under a term of suspension or expulsion as described in section D.7.b of this policy will not be required until the student transfers into the school system.

The school system will make available to a student who registers to enroll pursuant to this section the same opportunities available to a domiciled student, such as requesting or applying for school assignment, registering for courses, and applying for any other programs that require additional request or application. A student enrolled pursuant to this section may not attend school until proof of residency is provided.

F. Discretionary Admissions

Discretionary admissions are strongly discouraged but may be granted in extraordinary circumstances on a case-by-case basis. Families requesting discretionary admission must submit an application to the superintendent or designee in writing along with any supporting documentation they wish to be considered. Discretionary admissions are valid for one school year only; families must reapply each school year to maintain enrollment in subsequent years.

All of the following criteria must be met for an out-of-district student to qualify for discretionary admission:

1. The parents or guardians have demonstrated a specific, extraordinary, and compelling family need or hardship that can be meaningfully addressed only by admission to the Wake County Public School System. Any reasons having to do with athletics or participation in athletics will not be considered for purposes of this provision.
2. The student is in good academic and disciplinary standing at the school last attended.
3. The school to which assignment is requested has available capacity at the grade and classroom levels.

The administration will charge tuition to all students granted discretionary admission who are not domiciled in North Carolina or who are domiciled in North Carolina but do not reside within the school district. The amount of tuition will be the local per pupil allocation for current expense and capital outlay as provided by

the Wake County Board of Commissioners from the preceding year, divided by the twentieth day membership from the preceding year and will be approved by the board by May 1 each year. Children of employees admitted under section 4100.D.9 of this policy are not considered discretionary admissions and will not be charged tuition. Tuition shall be paid in full in advance by August 1 preceding each school year. Failure to pay tuition by July 1 for non-traditional calendar schools and August 1 for traditional calendar schools shall disqualify the student from admission unless the superintendent or designee grants an extension to no later than the first day of school. Being unaware of the deadline will not be deemed a sufficient reason for the late payment of tuition. Students granted discretionary admission for part of the school year shall be required to pay tuition on a pro rata basis not less than the rate for one grading period. They will not be charged tuition for any period of time when they are entitled to be Wake County students. Tuition may be waived for students who were domiciled within the school district at the beginning of the school year and then moved into another administrative unit after the start of the fourth quarter of the school year, if permitted to remain enrolled.

All students whose legal domicile is in another North Carolina school district (for example, unemancipated minors whose parents or legal guardians are domiciled outside of Wake County) must present a written release from the school district of their domicile authorizing them to be admitted to the Wake County Public School System before a request for discretionary admission will be considered. Such releases must be renewed and submitted annually prior to the start of each school year in order for such student to remain eligible for admission.

G. Transfers Out of Wake County Public School System

The superintendent or designee is authorized to release any student enrolled in the Wake County Public School System so that the student may seek admission in another school administrative unit. The superintendent may establish a deadline by which such requests must be received. Any such release is effective only for the current school year unless renewed annually in writing by both school units.

H. Students Under Suspension/Expulsion or Convicted of a Felony

If a student seeking admission is under suspension or expulsion from another school or school district or if the student has been convicted of a felony, the parent or legal guardian must provide to the school system all requested information related to the conduct. The superintendent or designee will review the information and determine whether the student will be admitted and whether any reasonable conditions will be imposed. Students receiving services under an Individualized Education Program (IEP) or 504 plan will receive educational services in accordance with state and federal laws pertaining to children with disabilities.

1. Suspension: The superintendent or designee may deny admission to or place reasonable conditions on the enrollment of a student who is under a suspension from a North Carolina public school or is under a suspension from any school for conduct that could have led to a suspension from a school within the Wake County Public School System. Admission may be denied or conditions imposed until the period of the suspension has expired. After the period of suspension has ended, the student is entitled to admission under the general conditions applicable to any student.

2. Expulsion: The superintendent or designee may deny admission to or place reasonable conditions on the enrollment of a student who has been expelled from a North Carolina public school or who has been expelled from any school for behavior that indicates that the student's continued presence in school constituted a clear threat to the safety of other students or employees by clear and convincing evidence. The student may request readmission pursuant to Board Policy on Suspensions and Expulsions.

3. Felony Conviction: The superintendent or designee may deny admission to or place reasonable conditions on the enrollment of a student who has been convicted of a felony in this or any state. The student may request readmission pursuant to Board Policy 4362 – Requests for Readmission of Students Suspended for 365 Days or Expelled.

I. Students in the North Carolina Address Confidentiality Program

In determining whether a student meets the domicile requirements of this or any other Board of Education policy, school personnel will consider the actual address of a participant in the North Carolina Address Confidentiality Program and will require documentary proof of residence at that address, but such address and related documents shall remain confidential in accordance with state law and Board policy.

J. Notification of Change in Domicile or Other Change in Circumstances

To help ensure proper recordkeeping and adherence to this policy, families must notify the school principal or data manager in writing within 45 days of any change in circumstances that impacts a student's eligibility for admission to the school system under this policy. For example, if admission is based on domicile within Wake County, families must notify the school system in writing of any move outside Wake County.

If the student no longer has a right to be enrolled in the school system because of the change in domicile or other circumstances and an effort has been made by district staff to notify the student/family of this change of eligibility, a grace period of thirty (30) days will be provided so that student may remain enrolled while a request for discretionary admission is processed. Unless a student has been

granted discretionary admission or the grace period has been extended for good cause at the discretion of the Office of Student Assignment, a student who has lost eligibility for admission will be withdrawn upon conclusion of the thirty (30) day grace period following the attempt to notify the student/family of this change of eligibility. Please see Section F of this policy for more information about discretionary admission.

K. Appeals of Admission Decisions

Final administrative decisions made pursuant to this policy, including denials of requests for admission to the Wake County Public School System, may be appealed pursuant to Board Policy 1740 – Student and Parent Grievance Procedure.

Legal Reference: Elementary and Secondary Education Act, [20 U.S.C. 6311\(g\)\(1\)\(E\)](#); Individuals with Disabilities Education Act, [20 U.S.C. 1400 et seq.](#), [34 C.F.R. pt. 300](#); McKinney-Vento Homeless Assistance Act, [42 U.S.C. 11431 et seq.](#); *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*, U.S. Department of Education and U.S. Department of Health and Human Services (June 2016); *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016); [G.S. 7B art. 35](#); [35A art. 6](#); [15C-8\(i\)](#); [50-13.1 to 13.3](#); [115C-40](#), [-106.2](#), [-106.3](#), [-107.6](#), [-108.1\(a\)](#), [-366](#), [-366.1](#), [-390.11](#), [-390.12](#), [-403](#), [-407.5](#); State Board of Education Policy [EXCP-000](#); *Policies Governing Services for Children with Disabilities*, available at <https://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities>

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Wake County Board of Education