

SCHOOL ADMISSIONS**Entitlement to Attend**

In accordance with State law, all persons over five (5) and under twenty-one (21) years of age who are residents of the District, and have not received a High School diploma, are entitled to attend public schools free of charge.

A student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Each student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age.

A veteran of any age who has served as a member of the armed forces of the United States and has been discharged under conditions other than dishonorable may attend any of the public schools of the State upon conditions prescribed by the Board of Education, and shall be included in the pupil count for state aid purposes.

Evidence of a prospective student's age and residency must be presented in such form as is permitted by state and federal law and regulation.

Determination of Student Residency – Admissions/Residency

"Residence," for purposes of this policy, is established by a child's physical presence as an inhabitant within the District and his/her intent to reside in the District.

A school district has the right to question the bona fide residency of students. Where a child's parents live apart, the child can have only one legal residence, usually presumed to be that of the custodial parent. Where a child's time is divided equally between two households with joint legal custody, the Commissioner of Education has held that the determination of the child's residence ultimately rests with the family. Where parents claim joint custody, but do not produce proof of the child's time being divided between both households, residency will be determined on the basis of the child's physical presence and intent to remain within the District.

The presumption that a child resides with his/her parents or legal guardians may be rebutted upon demonstration that custody of such child has been totally and permanently transferred to another individual. The District will not acknowledge living arrangements with persons other than a child's parents or legal guardians which are made for the sole purpose of taking advantage of the District's schools.

All students who have previously registered with the District shall be required to re-register in person if they move from one address within the District to another address within the District. Upon registration, such student shall be required to provide proof of residency.

Notwithstanding the foregoing, all determinations of student residency will be made consistent with applicable state and federal laws and regulations.

Student Registration and Enrollment – New Students

When a child's parent/guardian, requests enrollment of the child in the School District, such child will be enrolled and will begin attendance on the next school day, or as soon as practicable. Within three (3) business days of such initial enrollment, the Board or its designee will determine whether the child is entitled to attend the District's schools. Prior to making a determination of entitlement to attend its schools, the Board or its designee will afford the child's parent/guardian an opportunity to submit information concerning the child's right to attend school in the District.

Upon registration, all new students will be required to present proof of student age, proof of District residency, and a record of required immunizations.

1. Proof of Student Age:

A certified copy of a birth certificate (domestic or foreign birth certificate) or a certified copy of a baptism certificate (domestic or foreign baptism certificate) containing the child's date of birth must be used to prove a child's age. A passport (domestic or foreign passport) may only be accepted if the aforementioned items are not available. Should none of these items be available, the District may consider other documentary or recorded evidence in existence two (2) years or more to determine a child's age.

A certified copy is defined as: "a photocopy of a document or record that is signed and attested to as an accurate and a complete reproduction of the original document by a public official in whose custody the original has been placed for safekeeping". It does not certify that the document is genuine, only that it is a true copy of the primary document.

2. Proof of District Residency:

A parent/guardian must submit documentation and/or information establishing physical presence of the parent/guardian and the child in the School District. Examples of documents that may be submitted as proof of residency shall include, but not be limited to:

- a current lease agreement, a current or recent utility bill, mortgage documents, other documents sent to the students home address, rent payment receipts, a copy of a money order for payment of rent, a letter from a parent's employer that is written on company letterhead, voter registration document or a state or other government issued ID;
- copy of agreement to purchase or act of sale for residential lot or a notarized statement from contractor indicating the anticipated date of completion of dwelling on the lot, with said completion not to exceed 90 calendar days;
- Department of Social Services Shelter Verification.

3. Record of Immunizations and a Health Certificate from a Licensed Physician:

If a student is not able to produce proof of immunization, the student's start date will be held pending review of the records by the School Nurse and the Building Administrator. If extenuating circumstances exist, Public Health Law allows for an additional 14 days for the issues to be resolved for in-state transfer/enrollment and not more than 30 days when the child is transferring from another state or country.

If the process is not completed within required timelines, the child will be denied the right to attend school until proof is provided. Determinations regarding immunization exemptions will be made in accordance with applicable laws and regulations.

4. Additional Documentation:

The District reserves the right to require the parent/guardian to provide an affidavit either:

- Indicating that they are the parent with whom the child lawfully resides; or
- Indicating that they are the person in parental relation to the child, over whom they have total and permanent custody and control, and describing how they obtained total and permanent custody and control, whether through guardianship or otherwise. The District will also accept other proof, such as documentation indicating that the child resides with a sponsor with whom the child has been placed by a federal agency. The District will not require submission of a judicial custody order or an order of guardianship as a condition of enrollment.

Undocumented Children

The District is mindful that undocumented children are entitled to attend the District's schools, provided they meet the age and residency requirements established by state law. Consequently, the District will not request or require on any enrollment or registration form, in any meeting, or in any other form of communication, any documentation and/or information regarding or tending to reveal the immigration status of a child, a child's parent(s) or the person(s) in parental relation. In the event the District is required to collect such information, the District will do so after the child has been enrolled. In no instance will such information be required as a condition of enrollment or continued attendance.

Homeless Children or Youth

Determinations regarding whether a child is entitled to attend the District's schools as a homeless child or youth will be made in accordance with Section 100.2(x) of the Commissioner's Regulations, as well as applicable District policy.

Children of Activated Reserve Military Personnel

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent/guardian will be allowed to attend the public school that they attended prior to the relocation.

However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

Related Admissions Information

Education Law provides that all new students be screened for disability, giftedness, and/or limited English proficiency. If the screening discloses a suspected disability, which may require the provision of special services, school authorities shall make a referral to the Committee on Special Education (CSE) and the Committee on Preschool Special Education (CPSE). In cases of a child's possible giftedness, the parent or guardian shall be notified in writing. This notice, however, will not entitle the child to receive services for the gifted. A parent or guardian of a child who has been designated as Limited English Proficient (LEP) shall be meaningfully informed about LEP enrollment as required by federal law. The District will provide parents/guardians of all newly enrolled students with appropriate information including handbooks and information about access to services related to Special Education.

School personnel must admit and place on register all pupils of school age who apply for admission. No applicant for school may be turned away. Although records may be requested from other districts; admission of pupils should be completed as quickly as possible. In some circumstances, the District may need to receive critical information for specific student programming needs. Special registration periods may be established for admission to Kindergarten and Pre-Kindergarten classes.

New students, Kindergarten and Pre-Kindergarten entrants are required to complete physical exams establishing that they are free from contagious disease prior to admittance.

Residency Determinations

In determining residency, the District must first permit the child's parent or guardian an opportunity to submit information concerning the child's right to attend school in the District. At any time during the school year, if the District determines that the child is not entitled to attend the District's schools, the Board of Education or its designee, must within two (2) days, provide written notice of its determination to the parent/guardian. Such written notice will state:

1. That the child is not entitled to attend the public schools of the District;
2. The specific basis for the determination that the child is not a resident of the District, including but not limited to, a description of the documentary or other evidence upon which such determination is based;
3. The date as of which the child will be excluded from the schools of the District; and
4. That the determination of the Board may be appealed to the Commissioner of Education, in accordance with Education Law, Section 310, within thirty (30) days of the date of the determination. The instructions, forms and procedures for taking such an appeal, including translated versions of such instructions, forms and procedures, may be obtained from the Office of Counsel at www.counsel.nysed.gov, or by mail addressed to the Office of

Counsel, New York State Education Department, State Education Building, Albany, NY 12234 or by calling the Appeals Coordinator at (518) 474-8927.

All such determinations will be made consistent with applicable state and federal law.

During the time in which the residency is at issue, the student has the right to remain in the school in which he/she is enrolled.

Public Availability of Enrollment and Registration Information

The District will make publicly available its enrollment forms, procedures, instructions and requirements for determinations of student residency and age. Such publicly available information will include a list of the forms of documentation that may be submitted to the District by parents/guardians. Such information will be included in the District's existing enrollment/registration materials and will be provided to all parents/guardians who request enrollment in the District, and will be posted on the District's website.

Cross-Reference: 4321, Programs for Students with Disabilities
4322, Programs for the Talented and Gifted
4326, Limited English Proficiency Instruction
5152, Admission of Non-Resident Students
5421, Immunizations
6254, Non-Resident Tuition

Reference: NYS Education Law §§ 901; 903; 904; 3202; 3205; 3208; 3209; 3218, 4402(8)
Public Health Law § 2164
8 NYCRR 100.2
McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.)
Student Registration Guidance, New York State Department of Education
(August 26, 2010),
www.emsc.nysed.gov/sss/pps/residency/studentregistrationguidance082610.pdf
Educational Services for Recently Arrived Unaccompanied Children, New York
State Education Department (September 10, 2014)
Information on the Rights of All Children to Enroll in School, U.S.
Departments of Education and Justice, Revised May 8, 2014
Fact Sheet I and II: Information on the Rights of All Children to Enroll in School,
<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf>
Plyler v. Doe 457 US 202 (1982)

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