

REGULATION

2015

7130R

1 of 4

Students

SUBJECT: RESIDENCY AND ENROLLMENT GUIDELINES

Student Registration and Enrollment

When a child's parent, the person in parental relation to the child, or the child, as appropriate, 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, the person in parental relation to the child, or the child, as appropriate, an opportunity to submit information concerning the child's right to attend school in the District.

Proof of Student Age

Where a certified transcript of a birth certificate or record of baptism (including a certified transcript of a foreign birth certificate or record of baptism) giving the date of birth is available, no other form of evidence will be used to determine a child's age. Where a birth certificate or record of baptism is not available, a passport (including foreign passport) may be used to determine a child's age. Should none of these be available, the District will consider certain other documentary or recorded evidence in existence two (2) years or more to determine a child's age. Such other evidence includes but is not limited to the following:

- 1) Official driver's license;
- 2) State or other government issued identification;
- 3) School photo identification with date of birth;
- 4) Consulate identification card;
- 5) Hospital or health records;
- 6) Military dependent identification card;
- 7) Documents issued by federal, state or local agencies (e.g., local social service agency, federal Office of Refugee Resettlement);
- 8) Court orders or other court-issued documents;
- 9) Native American tribal document; or
- 10) Records from non-profit international aid agencies and voluntary agencies.

(Continued)

REGULATION

2015

7130R

2 of 4

Students

SUBJECT: RESIDENCY AND ENROLLMENT GUIDELINES (Cont'd.)

Proof of Student Residency

A parent or person in parental relation must submit documentation and/or information establishing physical presence of the parent or person in parental relation and the child in the School District. Such documentation may include but shall not be restricted to: a copy of a residential lease or proof of ownership of a house or condominium, such as a deed or mortgage statement; a statement by a third-party landlord, owner or tenant from whom the parent or person in parental relation leases or with whom they share property within the District, which may be either sworn or unsworn; or such other statement by a third party establishing the parent's or person in parental relation's physical presence in the District. If such information is not available, the District will consider other forms of documentation and/or information establishing physical presence in the District, including but not limited to:

- 1) Pay stub;
- 2) Income tax form;
- 3) Utility or other bills;
- 4) Membership documents (e.g., library cards) based upon residency;
- 5) Voter registration document(s);
- 6) Official driver's license, learner's permit or non-driver identification;
- 7) State or other government issued identification;
- 8) Documents issued by federal, state or local agencies (e.g., local social service agency, federal Office of Refugee Resettlement); or
- 9) Evidence of custody of the child, including but not limited to judicial custody orders or guardianship papers.

Additional Documentation

The District reserves the right to require the parent or person in parental relation to provide an affidavit either:

- 1) Indicating that they are the parent with whom the child lawfully resides; or

(Continued)

REGULATION

2015

7130R

3 of 4

Students

SUBJECT: RESIDENCY AND ENROLLMENT GUIDELINES (Cont'd.)

- 2) 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.

The District will not request on any enrollment/registration form(s), or in any meeting or other form of communication, social security cards, social security numbers, or any information regarding or tending to reveal the immigration status of a child, a child's parent or the person in parental relation, including but not limited to copies of or information concerning visas or other documentation indicating immigration status. While the District may need to collect certain data pursuant to state and/or federal laws, such data shall not be required during the enrollment/registration process so as not to inadvertently give the impression that information related to immigration status will be used in making enrollment determinations.

Nothing in this administrative regulation or its underlying policy should be construed to require the immediate attendance of an enrolled student lawfully excluded from school temporarily due to a communicable or infectious disease that poses a significant risk of infection of others, or of an enrolled student whose parent or person in parental relation has not submitted proof of immunization within the periods prescribed by New York Public Health Law Section 2164, or of an enrolled student who is suspended from instruction for disciplinary reasons pursuant to New York Education Law Section 3214. Moreover, nothing in this policy should be construed to conflict or interfere with the recordkeeping and reporting requirements of the federal Student and Exchange Visitor Program (SEVP) in grades 9 through 12, or to relieve nonimmigrant alien students seeking nonimmigrant student visa status (F-1 or M-1) from fulfilling their obligations under federal law and regulation.

Residency Determinations

At any time during the school year, the Board or its designee may determine that a child is not a District resident entitled to attend the District's schools. When such a determination is made, the Board or its designee will, within two (2) business days, provide written notice of its determination to the child's parent, to the person in parental relation to the child, or to the child, as appropriate. 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 School District, including but not limited to a description of the documentary or other evidence upon which such determination is based;

(Continued)

REGULATION

2015

7130R

4 of 4

Students

SUBJECT: RESIDENCY AND ENROLLMENT GUIDELINES (Cont'd.)

- 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, and that 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.

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 non-exhaustive list of the forms of documentation that may be submitted to the District by parents, persons in parental relation or children, as appropriate. Such information will be included in the District's existing enrollment/registration materials and will be provided to all parents, persons in parental relation or children, as appropriate, who request enrollment in the District, and will be posted on the School District's website.