

POLICY

2015

7130

Students

SUBJECT: Entitlement to Attend - Age and Residency

Entitlement to Attend

All persons residing within the District who are between the ages of five (5) years and twenty-one (21) years and who have not obtained a high school diploma are entitled to enroll in the District.

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.

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

"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 child's residence is presumed to be that of his/her parents or legal guardians. Where a child's parents live apart, the child can have only one legal residence. In cases where parents have joint custody, the child's time is essentially divided between two (2) households, and both parents assume responsibility for the child, the decision regarding the child's residency lies ultimately 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.

The presumption that a child resides with his/her parents or legal guardians may also be rebutted upon demonstration that such child is an emancipated minor. To establish emancipation, a minor may submit documentation of his/her means of support, proof of residency, and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents or persons in parental relation.

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

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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.

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 or person in parental relation, 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.

Homeless Children

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 and regulation.

When a child attends school in the District and legal residence has not been established in accordance with the foregoing, tuition may be charged for the time period of attendance without legal residence.

Non-Resident Students

The District does not accept non-resident pupils except under the following circumstances:

1. Children of full-time paid employees hired before July 1, 1994 (except substitute teachers) regardless of classification, may attend the Jamesville-DeWitt Schools at no cost provided that the employee assumes all transportation responsibility. Full time shall be defined as not less than 80% of that which is a regular full-time responsibility in each employee classification. Children of employees may attend District schools only during the period of employment. If employment is terminated at any time prior to sixty (60) school days from the end of the school year, the child must be transferred to the District in which he/she has residence.

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2. When a child's place of residence changes within sixty (60) calendar days from end of the school year, he/she may continue to attend school for the remainder of that school year without tuition charge, provided the parents provide daily transportation for the student to and from school.
3. When a child is to become a resident of the school district within sixty (60) calendar days of the first day of school, he/she may enroll in the school district attendance area where he/she will be residing, provided the parents provide daily transportation for the student to and from school. Evidence showing date for closing on purchase, contractor's building schedule or similar documentation must be provided to and accepted by the Superintendent prior to the child's enrollment in a District school. If bonafide residence is not established within the sixty (60)-day period, tuition may be charged.
4. If a child's bonafide legal residence is changed at any time during his/her senior year, he/she may complete the senior year in the District at no cost, provided the parents provide daily transportation for the student to and from school.
5. If a child's bonafide legal residence is changed at any time during the junior year, he/she may complete that year without a tuition charge and may complete his/her high school education within the District provided that tuition is paid for the remaining year(s), and the parents provide daily transportation for the student to and from school.
6. In unusual instances, exceptions to this policy may be made by the Superintendent. The Superintendent will inform the Board of such exceptions.

Education Law Sections 3202, 3205 and 3218
Family Court Act Section 657
8 NYCRR Sections 100.2(x) and (y)

Adopted: 08/07/95
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