

<b>7130</b>	<b>Entitlement to Attend- Age and Residency</b>
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All persons residing within the District who are between the ages of 5 years and 21 years and who have not received a high school diploma are entitled to enroll in the District.

A student who becomes 6 years of age on or before the first of December in any school year will be required to attend full-time instruction from the first day that the District schools are in session in September of that school year. A student who becomes 6 years of age after the first of December in any school year will be required to attend full-time instruction from the first day of session in the following September. Each student will be required to remain in attendance until the last day of session in the school year in which the student becomes 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 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 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 accept a child whose living arrangements with persons other than a child's parents or court-approved legal guardians are made for the sole purpose of taking advantage of the District's schools. A guardianship agreement is not sufficient to establish guardianship without approval of the court.

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 relationship.

**Undocumented Children**

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 on any enrollment or registration form, in any meeting, or in any other form of communication,

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any documentation 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 certain data, it will do so after the child has been enrolled or registered; in no instance will the 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. The District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

Likewise, students temporarily residing with someone other than a parent or guardian within the boundaries of the District, due to the call to active military duty of the student's parent or person in parental relation, will be allowed to remain in attendance at the public school that they attended prior to the parent's deployment.

**Bona-fide foreign language exchange students**

Students residing with families within the boundaries of the School District and participating in a foreign exchange student program listed on the Advisory List from the Council on Standards for International Educational Travel may attend the schools of the School District without tuition charge for one year upon approval of the Superintendent of Schools.

**Students with Disabilities**

Where the District hosts certain specialized programs for students with disabilities and the District has space in its program to accept out-of-district students for the specialized programs, students placed by other districts will be reviewed for acceptance and be considered for attendance in accordance with their Individualized Educational Program (IEP), the determination of the local district's Committee on Special Education, and with the agreement of the Superintendent or his designee. In such cases, if the District determines that the specialized program can meet the needs of the student with a disability as set forth in their IEP, the District may enroll and admit the student and charge the other districts their share of the program cost according to State Education requirements. Transportation to and from the program remains the responsibility of the sending district.

**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 Commissioner's regulation Section 100.2(x), as well as applicable District policy and regulation.

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**Change in status during school year**

Resident students who become non-residents prior to the expiration of the school year may remain until the end of the semester in which the residency change occurred. If the student is eligible to graduate at the end of the current school year, he or she may remain until the end of the school year. The District will not provide transportation between the student’s new residence and the school the child attends.

**Non-Resident Children**

The District does not accept non-resident students on a tuition basis.

*Family Educational Rights and Privacy Act, 20 USC § 1232g  
Education Law §§ 310, 906, 3202, 3205, 3214, and 3218  
Family Court Act § 657*

Adoption Date: 04/14/2021