

SUBJECT: ENTITLEMENT TO ATTEND – AGE AND RESIDENCY

Ages of Attendance/Compulsory Attendance Age

According to Education Law, 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. Except as otherwise provided in Education Law Section 3205(3), a 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.

However, in accordance with Education Law Section 3205(3), the Board of Education in **any** school district shall have the power to require minors from sixteen (16) to seventeen (17) years of age who are not employed to attend full-time instruction until the end of the school year in which the student turns seventeen (17) years of age.

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

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 the purposes of this policy, 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 (20) households, and both parents assume responsibility for that 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

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)

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.

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

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.

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.

Emancipated Minors

A determination of whether a student is to be designated as an emancipated minor in the Madrid-Waddington Central School District will be based on evidence that the student is no longer under custody, control and support of his/her parents/persons in parental relation. 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/persons in parental relation.

SUBJECT: ENTITLEMENT TO ATTEND – AGE AND RESIDENCY

These statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/person in parental relation and/or student may be subject to legal action.

Children Living With Persons Not Their Parents -- Guardianship or Custody

In accordance with the Family Court Act and Domestic Relations Law, a person possessing a lawful order of guardianship or custody of a minor child who is not the parent of such child may enroll the child in public school in the school district where he/she and the child reside.

Therefore, upon application for enrollment by the guardian or custodian, the District shall enroll such a child for such time as the child resides with the guardian or custodian in the District upon verification that the guardian or custodian possess a lawful order of guardianship or custody for the child and that the guardian or custodian and the child properly reside in the same household within the District.

Non-Resident Students

Students of other school districts may be admitted to the Madrid-Waddington Central School District.

Students of other school districts may be admitted to the Madrid-Waddington Central School District upon formal request and compliance with the following conditions:

Non-resident students will be allowed only under the following circumstances:

1. Tuition rate will be set annually by NYS Commissioner of Education.
2. A student is enrolled as a non-resident for less than thirty (30) calendar days of a school year.
3. A student is enrolled as a senior on track for graduation at end of academic year.

These non-resident students are admitted providing compliance with the following conditions:

1. Parents/Guardians must provide transportation for the student.
2. There must be ample room to accommodate the enrollment.
3. The enrollment of the student(s) will not create a problem for the local school student body, faculty and administration.

SUBJECT: ENTITLEMENT TO ATTEND – AGE AND RESIDENCY

4. The student must maintain a good standing at all times – scholastically, citizenship-wise, etc.
5. The student’s enrollment must be approved by the Superintendent and building level administration.
6. All rules and regulations in effect for District resident students will be applicable to non-resident students.

Madrid-Waddington Board of Education will cooperate with area school districts in permitting their students to attend other school districts whenever it is possible to comply with the request of parents and whenever it is agreeable with the school in question. This could include a cooperative agreement with another district which waives tuition.

Tuition will be charged for all non-resident students unless the student is enrolled as a non-resident for less than thirty (30) calendar days of a school year, with the exception of seniors on track for graduation at the of the academic year, or a child and/or dependent of an employee of the Madrid-Waddington Central School system, or tuition as waived by the Board of Education and the administration. Tuition for non-resident students is computed according to a formula established by the Commissioner of Education.

Tuition Reduction

Parents of a non-resident student may request a reduction in tuition for an amount equal to school taxes paid by them to the district for the current year. The amount of tuition reduced will be based on a full school year and will be pro-rated if the property is sold during the school year.

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001

Domestic Relations Law Section 74

Education Law Sections 2045, 3202, 3205, 3209, 3212(4), and 3218(1)(b), 3218(1)(d)

Family Court Act Section 657

8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(x) and (y)

Date of Adoption: April 20, 2015