

# Waterville Central School District

## SUPERINTENDENT'S REGULATION

STUDENTS

7003.1

### PRINCIPLES AND PROCEDURES FOR DETERMINING STUDENT RESIDENCY

#### **I. Purpose of Regulation**

This Regulation describes guidelines and procedures that will be used to make that determination. The Superintendent's or the Superintendent's designee determinations will also be guided by court decisions, Commissioner Rulings, and advice of legal counsel.

#### **II. Procedures**

1. When a parent or guardian requests that a child be enrolled, the child must be enrolled immediately on a conditional basis, and the child is expected to begin attendance the next day or as soon as necessary arrangements can be made. However, attendance will be delayed until there is proof of required immunizations.
2. The Superintendent or Superintendent's designee makes a determination of whether the child is entitled to continue attendance in the District within three (3) business days of the child's initial enrollment. This time period may be extended where additional documentation is required, or verification is required.
3. In the course of making any determination regarding student residency, the Superintendent or Superintendent's designee will afford the parent(s), or the person in parental relation, or the child, as applicable, the opportunity to submit information concerning the child's right to attend school in the District.
4. The Superintendent or Superintendent's designee, may require the production of relevant documents to verify that the child to be enrolled resides with the parent or person in parental relation, and that the parent or person in parental relation maintains a physical presence in the District that qualifies as a residence.

To establish that the child resides with the parent or person in parental relation, the District requests that the adult sign an affidavit that the child lawfully resides with them. In the case of a person in parental relation, the affidavit must also state that the adult has total and permanent custody and control of the child, and explain how they obtained that custody and control.

To establish that the adult maintains a residence in the District, the District first requests this documentation:

- A copy of a residential lease or proof of ownership of a house or condominium;

# Waterville Central School District

## SUPERINTENDENT'S REGULATION

STUDENTS

7003.1

### PRINCIPLES AND PROCEDURES FOR DETERMINING STUDENT RESIDENCY

- A statement signed by a landlord, property owner, or tenant from whom the adult leases or rents property, or with whom the adult shares property within the District (the District prefers a sworn statement, but this is not required); or
- Some other signed statement from a third party establishing that the adult maintains a physical presence within the District.

If these forms of documentation are not available, the District will accept for review other forms of documentation of residency, including but not limited to:

- Pay stub;
  - Income tax form;
  - Utility or other bills;
  - Membership documents based on residency (e.g., library card);
  - Voter registration documents;
  - Official driver license, learner permit, or non-driver identification;
  - State or other government issued identification or documents relating to government services or benefits, and
  - Evidence of custody of the child.
5. When the Superintendent or Superintendent's designee determines that the child is neither a resident nor entitled to attend the schools of the District as a homeless child, the following steps will be taken:
- Written notice of the determination will be provided within two (2) business days to the parent, the person in parental relation or to the child. Such notice shall include the basis for the determination, the date of exclusion from the District, and a statement regarding the right to appeal an adverse determination to the Board of Education, in accordance with Section 310 of the New York State Education Law, within ten (10) days of the determination.
  - If upon the appeal to the Board of Education, the parent wishes to appeal to the Commissioner, an adverse determination to the Commissioner may be obtained from the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234, in accordance with Section 310 of the New York State Education Law, within thirty (30) days of the date of the determination.

### **III. Presumption of Residency With Parents**

1. It is presumed that a child's residence is the residence of the child's parents.

# Waterville Central School District

## SUPERINTENDENT'S REGULATION

STUDENTS

7003.1

### PRINCIPLES AND PROCEDURES FOR DETERMINING STUDENT RESIDENCY

2. In considering whether a different residence has been established for a child, the Superintendent will consider information about: the intention of the child and parent to remain in the District; the retention or relinquishment of parental authority; who is financially responsible for a child's shelter, food, medical care, and other personal needs; address listed on legal documents; time actually spent at different locations; and any other factor indicating actual intent to establish a residence.
3. A child may have only one residence.

#### **IV. Parents With Separate Residences**

1. Where a student is living with one parent denominated the custodial parent by virtue of a court order, the child's residence is presumed to be that of the custodial parent.
2. Where there is a court determination of joint custody, and a child spends substantial amounts of time with each parent, the family may jointly designate one residence or the other as the residence of the child. If the family can not agree on a joint designation, the Superintendent will make a determination based on the factors described above.

#### **V. Child Living With Adult Other Than Parent**

1. If a child claims a residence with an adult other than the child's parent, and a parent of the child is competent and not incarcerated, the Superintendent will require convincing evidence that the parent has transferred custody and control of the child to the adult with whom the child is living, and relinquished both parental responsibility and parental authority.
2. Resident status will be denied if the Superintendent or Superintendent's designee determines that the sole reason the student is living with the non-parent adult is in order to attend school in this District.
3. A child living with an adult other than a parent may qualify for enrollment as an emancipated minor, or as a homeless child.

#### **VI. Emancipated Minor**

1. A person who is independent and living apart from their parents, and who is not in need or receipt of foster care, may be considered emancipated for purposes of

# Waterville Central School District

## SUPERINTENDENT'S REGULATION

STUDENTS

7003.1

### PRINCIPLES AND PROCEDURES FOR DETERMINING STUDENT RESIDENCY

establishing a residence apart from their parents. Establishment of emancipation rebuts the presumption that a student's residence is with his/her parents.

2. The Superintendent or Superintendent's designee may require documentation from a person who claims the status of an emancipated minor. Such documentation may include, but shall not be limited to, such things as proof of the person's age and means of support; an explanation of the circumstances surrounding the person's emancipation, including a description of the person's relationship with any living parents; and evidence that the student is not receiving any support from parents. Proof of eligibility for public assistance as an emancipated minor will be deemed to establish a student's status for purposes of residency. The District may require a sworn statement or affidavit from the student as proof of emancipation and residence. (See Regulation 7003.2)

---

---

Approved by the Superintendent: 11/08/16

Adopted: 10/28/97

Revised: 04/12/05