

Students

**SUBJECT: ENTITLEMENT TO ATTEND – AGE AND RESIDENCY****Entitlement to Attend**

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

A student who becomes six 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 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 16 years of age. However, a school board may require students between the ages of 16 and 17 who are not employed to attend school until the last day of the school year in which the student turns 17 years of age.

Evidence of a prospective student's age and residency must be presented in such the 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 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 and control of the 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 the 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. A student is considered emancipated if

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he or she is beyond the compulsory school age, is living separate and apart from his or her parents without any parental custody or control, is not receiving financial support from his or her parents, and has no intent to return home.

In the absence of permanent transfer of custody and control or emancipation, students can establish a separate residence from their parents for other bona fide reasons, such as family conflict or the hardships of single parenting.

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.

**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.

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

NOTE: Refer also to Policies #7131 -- Non-Resident Students  
#7133 -- Education of Students in Temporary Housing

Adopted: 1992  
Revised: 11/12/03; 1/9/07; 4/9/13; 2/9/16; 5/25/21