SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation A-101 dated ~~February 4, 2009.~~June 29, 2009.

Changes:

- ~~This regulation was revised to comply with language in McKinney Vento Act.~~
- Clarifies the role of the Superintendent in issues concerning grade level placements. (p. 2,§ I.A.6&7.)
- Clarifies procedures for placing students entering the New York City public school system from outside the United States. (p.2,§1.A.7.)
- Updates the process and relevant titles for attendance concerns and investigations. (p.3,§1.A.12; P.11,§7.B.)
- Clarifies circumstances in which sibling priority is conferred. (p.3,§2.A.)
- Changes the admissions priority order for Universal Pre-Kindergarten programs to award priority to zoned students above that of siblings of current students living outside the school's zone. (p.4,§2.B.)
- Clarifies the process by which zoned schools can admit non-zoned students through the kindergarten admissions process. (p.4,§2.C; p.5,§2.E.)
- Clarifies the rights and priority of students diverted from their zoned school due to overcrowding. (p.6,§II.E.)
- Includes information on the obligation of zoned schools to serve zoned students and the potential impact on non-mandatory programs. (p.5,§II.E.)
- Clarifies priority for students not matched through the middle school choice process in districts where the process exists. (p.6,§II.F.)
- Clarifies admission and readmission rights for students articulating to high school.(p.7,§II.G; p.7,§III.A.)
- Clarifies rights of students with disabilities when there is a change in IEP or service recommendation. (pp.9-10,§V.A.)
- Updates contact information for inquiries. (pp.15-16.)

ABSTRACT

This regulation supersedes Chancellor's Regulation A-101 dated ~~February 4~~June 29, 2009. It sets forth the policies concerning admission, discharge, and transfer of pupils in New York City public schools.

I. INTRODUCTION

The Office of Student Enrollment (Student Enrollment) maintains sole authority and responsibility for enrollment policy and enrollment planning for all schools except those in District 75 and District 79. The Superintendents for those districts maintain responsibility for enrollment operations and policy in those districts.

A. Admission to School – General Policies and Procedures

1. Children may not be refused admission to a public school because of race, color, creed, national origin, gender, gender identity, pregnancy, immigration/citizenship status, disability, sexual orientation, religion, or ethnicity.[1]

2. In New York City, children are required to attend school from age six through the end of the school year in which they turn 17 as set forth below. If no high school diploma has been granted, children may remain in school until the end of the school year in which they turn 21.

   a. Children whose sixth birthday falls within the calendar year of admission must be admitted to the first grade~~ or to another appropriate placement~~.

   b. Children whose fifth birthday falls within the calendar year of admission must be admitted to kindergarten whether these children are entering school for the first time or being transferred from another school, if their parents choose to register them.

   c. Children whose fourth birthday falls within the calendar year of admission are to be admitted to pre-kindergarten (limited to designated schools and subject to available seats).

3. A student must be a resident of New York City in order to be entitled to attend a New York City public school. Any student whose primary residence is outside New York City must submit an application to the Office of Student Enrollment to be considered for enrollment in a New York City public school in accordance with Chancellor's Regulation A-125. All students must complete a Residency Questionnaire upon enrolling at their school. Any student identified as living in temporary housing must be referred to the Students in Temporary Housing program. See the Residency Questionnaire (Attachment No. 6) which is accompanied by the McKinney-Vento Act Guide for Parents and Youth (Attachment No. 7).

4. In order for a student to register into a New York City public school, the parent and the child must both appear,[2] and must present:

   - Verifiable proof of residence (see Section VII);
   - Child's birth certificate or passport;
   - Child's immunization records;
   - Child's latest report card/transcript (if available);

[1] Race may be considered as a factor in school enrollment only where required by court order; gender is a factor only in single-gender schools.

[2] As described in Section VIII, if an unaccompanied student comes into an enrollment office or a school and indicates that he/she is homeless and wants to enroll in or transfer schools, he/she is not required to return with a parent in order to enroll/transfer. A student who is emancipated is also not required to register with a parent.

- Child's Individualized Education Program (IEP) and/or 504 Accommodation Plan, if applicable and available.

If a student is not able to produce proof of immunizations, the student must be registered provisionally and appropriate follow-up must be done by the school in accordance with the procedures set forth in Chancellor's Regulation A-701.

If a student is unable to produce a birth certificate, passport, or other appropriate documentation which establishes the student's age, the student must be registered provisionally and the school must take follow-up action to ensure appropriate grade placement.

5. No student who has been appropriately registered by a school or registered or assigned by the Office of Student Enrollment or a Committee on Special Education, where applicable, may be turned away by the school to which the student is assigned/registered.

6. If a student is entering the New York City public school system from another school system in the United States, that student will be registered according to his/her last grade placement in his/her last school based on submission of the appropriate educational records. If no records are available, the student will be placed in the age appropriate grade level. In these cases, the principal or his/her designee will then determine an appropriate grade placement upon receipt of the appropriate educational records. In cases where the student is placed according to this Regulation, but the principal deems that another grade placement would be more instructionally appropriate, he or she will consult the Superintendent. The Superintendent ~~is the arbiter of issues~~ will make the final decision concerning appropriate grade level~~placement~~.

7. If a student is entering the New York City public school system from outside of the United States, that student will be registered according to his/her last grade placement in his/her last school based on submission of the appropriate educational records. If a student who has been educated outside of the United States appears without educational records, the student will be registered in an appropriate elementary, middle, or high school based on the student's age. A student from another country who does not have educational records who turns 15 within the calendar year of admission will be ~~enrolled in high school~~expected to attend high school in the fall of that year. If the student arrives by June of that year, he or she will be placed in the~~i~~ eighth grade. If the student arrives after June of that year, he or she will be enrolled in high school. In ~~these~~ cases whe~~n~~re such student is placed in high school, the principal or his/her designee will then determine an appropriate grade placement within the school upon receipt of the appropriate educational records. In other cases where the student is placed according to this Regulation, but the principal deems that another grade placement would be more instructionally appropriate, he or she will consult the Superintendent. The Superintendent will make the final decision concerning appropriate grade level~~placement~~.

8. Placement for any school-age student seeking admission at a school or Borough Enrollment Office must be arranged within five school days.

9. By law, students may not be required or asked to present documentation of immigration status nor can they be denied admission to school based on immigration status or failure to present documentation about immigration status. Reference to the immigration status of a child or parent[3] is not to appear on any school forms and/or records.

10. Students in the care of social welfare agencies, juvenile justice agencies, and correctional agencies are to be admitted into schools in the same manner as other students.

[3] Parent as used in this regulation means the student's parent or guardian or any person in a parental or custodial relationship to the student, or the student if s/he is an emancipated minor or is 18 or older.

11. Students in grades K through 12 who change residence within New York City are entitled to remain in their current school until completion of the terminal grade. Students may not be transferred to their zoned school or district of residence because of disciplinary or academic problems except pursuant to the procedures set forth in Chancellor's Regulation A-450.

12. Parents of such elementary and middle school students referenced in Section I. A.~~10~~ 11 above for whom the change of residence renders the student ineligible for his/her current school based on his/her new residence are responsible for pupil attendance and punctuality. These students will not become eligible for yellow bus transportation. If attendance or punctuality worsens, the school must work with the student and his/her family to facilitate and support regular attendance and punctuality. If, however, excessive absence and/or lateness continues, and it is in the best interest of the student, the principal may begin the transfer process to an appropriate school which the student is eligible to attend based on his/her new residence. The principal must submit to the ~~Senior Youth Development Director~~Children First Network Attendance Point Person documentation regarding the student's excessive absence and/or lateness, as well as documented efforts made to work with the student and his/her family to support regular attendance. The Children First Network Attendance Point Person ~~Senior Youth Development Director~~ will review the documentation submitted by comparing the attendance and lateness record prior to and following the student's change in residence as well as the documentation of the school's efforts to support the student's attendance. If the Children First Network Attendance Point Person~~Senior Youth Development Director~~ confirms that attendance and punctuality have worsened, s/he will inform the Executive Director for Borough Enrollment or his/her designee, who will approve or deny the transfer request. If approved, the parent must be provided with written notification by the principal that the student is being transferred. The Office of Student Enrollment will effectuate the transfer of the student and place the child on register of the zoned or assigned school or another appropriate school which the student is eligible to attend.

    The transfer of homeless students or students in temporary housing for poor attendance is prohibited by Title VII of the McKinney-Vento Homeless Assistance Act (42 USC 11431) and Chancellor's Regulation A-780.

13. If a student is pre-registered or registered to attend an elementary school that s/he is eligible to attend (e.g. based on his/her home address, sibling priority, special education program recommendation), the student must remain eligible at the time of admission in order to attend. If the student's eligibility status changes, the Office of Student Enrollment will transfer the student and register him/her at an appropriate school that s/he is eligible.

II. ADMISSIONS PROCEDURES

A. Sibling Priorities[4]

1. For purpose of assignment priority, a sibling is a brother or sister (including half–brothers, half-sisters, stepbrothers, stepsisters, foster brothers, foster sisters) of the applicant, who lives in the same household.

2. Schools maintain responsibility for verifying sibling status before assignments are made.

3. Siblings of students already pre-registered or enrolled at an elementary school at the time of application submission are given first priority for admission into both district and citywide Gifted and Talented programs for which they meet the eligibility requirements and into Pre-kindergarten programs as described in Section II.B below, subject to available seats. In general, twins and other multiples who are eligible will be offered the same program provided that they have identical preferences.

[4] Sibling priorities are granted only at the elementary school level.

4. In a K–5, K–6, K–7, or K–8 elementary school, ~~a younger sibling~~ an applicant can be granted sibling priority only if the ~~older child~~sibling is pre-registered or enrolled in the school at the time of application submission, and will be in ~~a~~ grade five or below at that school at the start of the following ~~school year in~~ September.

5. Siblings who are students with disabilities requiring a seat in a special class or collaborative team teaching program will be given priority based on available seats in the requisite program.

6. Sibling priority for admission into Kindergarten is described in Section II.C below.

B. Admission to Universal Pre-kindergarten Programs

1. Students must turn 4 by December 31 of a school year in order to be eligible to attend Universal Pre-kindergarten programs.

2. Students are admitted to NYC DOE Pre-K programs in accordance with the following admissions priority order,~~ies~~ subject to available seats:

a. Zoned students whose verified siblings are pre-registered or enrolle~~n~~d at the time of application submission and will be in grades K-5 in the school at the start of the following September;~~siblings of students already enrolled at the school are given first preference for admission to Universal Pre-kindergarten;~~

b. Zoned students other than those in (a) above applying to the zoned school;

~~students applying to a program at their zoned school;~~

c. Students whose verified siblings are pre-registered or enrolled at the time of application submission and will be enrolled in grades K-5 in the school at the start of the following September who are residents of that district and who have no zoned school or whose zoned school has no pre-kindergarten program;

d. Students whose verified siblings are pre-registered or enrolled at the time of application submission and will be enrolled in grades K-5 in the school at the start of the following September who are residents of that district, and who are zoned to a different school, which has a pre-kindergarten program;

e. Students whose verified siblings will be enrolled in grades K-5 at the start of the following September who are residents of another district;

f.~~c~~. I~~i~~n-district students with no zoned school or whose zoned school has no Pre-kindergarten program;

g.~~d~~. I~~i~~n-district students applying to a program at a school other than their zoned school;

h.~~e~~. ~~o~~Out-of-district students applying to a program at a school in their borough;

i.~~f~~. ~~o~~Out-of-district students applying to a program at a school outside their borough.

C. Admission to Kindergarten

1. Zoned schools are obligated to serve all students residing in their zone, space permitting, regardless of when families show up to register. Zoned schools must accept ~~students~~ applicants in the following order of priority:

a. Zoned students whose verified siblings will be enrolled in grades K-5 in the school at the start of the following school year in September;

b. Zoned students other than those in (a) above applying to the zoned school;

If space allows, and if the Office of Student Enrollment deems appropriate based on district needs, schools will be authorized to make offers to the following priority groups, in the below order. Only the Office of Student Enrollment may authorize the placement of non-zoned students out of this priority order; for example, for students who cannot be accommodated at their zoned school, or for special programs such as dual language or inclusion classes for students with Autism Spectrum Disorders.

c. ~~Non-zoned s~~Students whose verified siblings will be enrolled in grades K-5 in the school at the start of the following school year in September who are not zoned to the school but are residents of that district;

d. ~~Non-zoned s~~Students whose verified siblings will be enrolled in grades K-5 at the start of the following school year in September who are residents of another district;

e. ~~Non-zoned s~~Students other than those in (c) above who are residents of that district;

f. ~~Non-zoned s~~Students without siblings in the school who are residents of another district.

2. Non-zoned schools must accept students in the following order of priority:

a. In-d~~D~~istrict students whose verified siblings will be enrolled in grades K-5 in the school at the start of the following ~~school year in~~ September;

b. Out-of-district students whose verified siblings will be enrolled in grades K-5 in the school at the start of the following ~~school year in~~ September;

c. In-d~~D~~istrict students other than those in (a) above;

d. Out-of-district students other than those in (b) above.

D. Admission to Zoned Elementary[5] and Middle Schools[6]

1. Eligibility

a. Zoned students are entitled to attend their zoned elementary and middle schools subject to available seats;

b. Elementary and middle school students without a zoned school are entitled to a seat in a school in the district to which the student's address has historically been assigned for middle school.

2. Registration/Assignment

a. Zoned students may register directly at their zoned elementary and middle schools subject to available seats;

b. Students seeking admission to a non-zoned elementary and middle school or to an elementary or middle school for which they are not zoned may only be assigned/registered in accordance with the policies set forth in this regulation or as otherwise determined by the Office of Student Enrollment.

E. Policies for Zoned Elementary and Middle Schools

1. Kindergarten is the entry grade to New York City Public Schools. Students must turn 5 by December 31 of a school year in order to be eligible to ~~attend~~ begin Kindergarten in that academic year.

2. Students zoned for an elementary or middle school have priority for enrollment in those schools in accordance with the policies outlined in this regulation and must be accommodated before assignments are made to non-zoned students.

3. Zoned schools are required to register zoned students and must accept zoned students in accordance with the policies set forth in this regulation and subject to available seats as determined and authorized by the Office of Student Enrollment.

~~4~~. Non-zoned students may be admitted to a zoned school only in accordance with the policies set forth in this regulation and as otherwise determined by the Office of

[5] Subject to the additional provisions above, the provisions of this regulation pertaining to elementary schools include kindergarten as well.

[6] The policies in Section II.C govern admission to zoned elementary and middle schools with the exception of admission into Pre-kindergarten which is governed by the policies set forth in Section II.A.2 above.

Student Enrollment.

~~5. Parental requests for transfer to a student's zoned elementary or middle school will be granted subject to available seats. In cases where students must be diverted from the zoned school in the student's grade because of overcrowding, the student is entitled to an alternative placement within the district of residence.~~

~~6~~5. A zoned school has a responsibility to serve all children who live within its attendance zone in accordance with policies outlined in this regulation. Therefore, in no case may a zoned school cap a grade to achieve or maintain reduced class size in any grade. Only the ~~Office of Student Enrollment~~Division of Portfolio Planning may close a grade to further enrollment.

6. In cases where students must be diverted from the zoned school in the student's grade because of overcrowding, the student is entitled to an alternative placement within the district of residence. This entitlement to a placement grants students in this situation a priority to another zoned school ahead of any other non-zoned applicants. Any students assigned to attend a different school due to overcrowding must either accept the assignment or find another alternative to the zoned school.

7. Students who have been ~~temporarily~~ reassigned to a ~~non-zoned~~ school other than their zoned school on the basis of an approved capping plan may remain on the waitlist for their zoned school until a deadline as established by the Office of Student Enrollment. In cases when kindergarten students are reassigned, any available first grade seats for the following year will first be offered to the reassigned kindergarten students in waitlist order. Students who have been reassigned may decline a return to the zoned school and remain at the overflow school. By declining their return, such students will no longer have an automatic right of transfer to the zoned school based on place of residence. Such students who were eligible for transportation to the overflow school will no longer be entitled to transportation unless otherwise required or eligible based on guidelines established by the Office of Pupil Transportation. Upon completion of the last grade in an elementary school, such students will have the option to matriculate to middle school based on their elementary school of enrollment or their place of residence.

8. Parental requests for transfer to a student's zoned elementary will be granted subject to available seats.

9. It is the primary obligation of a zoned school to serve its zoned students. If a zoned school is unable to accommodate all zoned students, non-mandatory programs at the school may be reduced or eliminated.

F. Matriculation Policies

1. Matriculation from a "choice" program (elementary and middle school only)

Any student who is admitted through an application or choice process, who is placed in accordance with his/her IEP or is granted a Placement Exception Request (PER), in an elementary school for which he/she is not zoned, and who remains in attendance through the completion of the school's last grade may choose to matriculate to middle school based on the options that are generally available to students who are zoned to an elementary school in the district where the student attended elementary school. In districts with middle school choice, students may apply to middle school in the district in which they attend elementary school. The student may also choose to matriculate to middle school in the district containing the middle school to which they are zoned. In this scenario, an out-of-district elementary school student who elects to stay in that district for middle school has the same priority as in-district applicants. In districts where there is middle school choice, if an articulating student is not matched to a school of his/her choice, he/she has priority for a placement in the district of residence.

2. Articulation in K–8 and 6–12 schools

A school that is structured as a K-8 or a 6-12 must have multiple entry points. Therefore, when a student is admitted to a school that is structured as a K–8 or 6–12 that student is entitled to and has priority for admission to the upper grades~~ by complying with the applicable admissions process~~. Such students may, at the same time, apply to any other school or program for which they are eligible.

G. ~~High School Policies~~Articulation to High School

1. ~~Zoned high school students are entitled to attend their zoned high school subject to available seats.~~

2. Students articulating from 8th grade are guaranteed admission to their zoned high school ~~only if they list their zoned school as their first choice on their high school application~~if they apply to the school via the high school admissions process.

3. No high school (except District 75 schools, District 79 programs and transfer schools) may register students. Only the Office of Student Enrollment may register high school students.

4. Students list noticed to a school as the result of the high school admissions process have a right to return during the school year for which he or she was matched.~~A student seeking admission to a screened or audition high school, however, must be referred for an audition/interview as appropriate before he/she can be registered.~~

III. READMISSION

A. Readmission/Right of Return

In general, students all have the right to return to their prior school following discharge from the NYC public schools within one calendar year of discharge in accordance with the following guidelines:

1. Elementary/Middle School Students

   a. for elementary and middle school students, a student who returns to his/her prior address has the right to return to his/her zoned school, subject to available seats;

   b. elementary or middle school students who previously attended a non-zoned school have the right to return to that school for one calendar year if they continue to be eligible based on their residence;

   c. students who previously attended district or citywide Gifted and Talented programs may return to a Gifted and Talented program if a seat is available and if they return to the same district (for district programs). Students who attended district Gifted and Talented programs and return to another district may be readmitted to a Gifted and Talented program in their new district if a seat is available.

2. High School Students

   a. for high school students, a student has the right to return to his/her previous high school (including the specialized high schools) if he/she was ~~list noticed or~~ discharged within one calendar year of the current date;[7]

   b. if there is a question regarding a student's right of return, the Office of Student Enrollment will make the final determination about readmission.

3. Students with disabilities requiring a seat in a Collaborative Team Teaching or Special Class program have the right to return to their prior school within one year of discharge or list notice subject to available seats.

IV. TRANSFERS

[7] A student discharged to a Code 39 may return to school until the end of the school year in which he/she turns 21.

Schools are required to meet with families to review transfer requests and provide all supporting documentation when a transfer is warranted. In all cases except those referenced below, the Office of Student Enrollment determines the school to which a student will transfer.

A. All requests for transfers as well as all Placement Exception Requests[8] must be approved by Student Enrollment with the exception of:

1. Involuntary transfers and voluntary transfers following suspensions, which are handled by the Borough Director of Suspensions ~~at the Integrated Service Center~~ in accordance with Chancellor's Regulation A-450 and A-443;

2. Transfers of elementary and middle school students seeking to attend their zoned schools (when seats are available)~~ or in a district school if they do not have a zoned school~~, in which case, the receiving principal admits the student; and

3. Transfers within District 75 and District 79.

B. Other transfers may be granted to address a particular hardship as described below provided all requisite documentation is presented. In all cases, the Office of Student Enrollment will either deny or approve the transfer request and will determine the school to which a student will transfer.

1. Childcare Hardship Transfers (~~elementary school~~ students in grades K-5 only): A parent may request a transfer for his/her child because a childcare hardship is created by his/her school's distance from employment and/or childcare location. The parent must provide supporting documentation from his/her employer and/or childcare provider affirming the childcare hardship.

2. Sibling Transfers (~~elementary school~~ students in grades K-5 only): A parent may request a sibling transfer for his/her child/children because one or more siblings attend different schools.

3. Medical Transfers: A parent may request a medical transfer for a child to address an exigent medical issue that can be addressed by a change in school. The parent must provide documentation signed by a doctor on the medical provider's letterhead stating the medical condition and the reason why the transfer is recommended. Appropriate staff from the Department of Education (~~ISC~~ CFN or Student Enrollment) may contact the medical provider to gain further information.

4. Safety Transfers: The procedures for granting safety transfers are outlined in Chancellor's Regulation A-449. Safety transfers may be granted in the following instances: (a) when students are victims of a violent criminal offense on school property pursuant to No Child Left Behind or (b) in situations in which it is determined that a student's continued presence in the school is unsafe for the student. No Child Left Behind Safety Transfer (NCLB) requests will be coordinated by the Borough Director of Suspensions~~ at the Integrated Service Center~~.

   With respect to non-NCLB safety transfers, the determination as to whether or not to grant a safety transfer must be made by the Executive Director of Borough Enrollment within one week of receipt of the required documentation from the principal/designee. The procedures are as follows:

   a. all safety transfer requests and supporting documentation must come from schools; families should not bring the documentation to the Borough Enrollment Office. To be considered for a safety transfer, a school must fax:

      - School Occurrence Report or other school documentation;

      - Police Report, Docket number, or court documentation;

      - Safety Transfer Summary of Investigation Form; and

[8] Placement Exception Requests are requests made for Fall admission to a school other than the student's zoned or assigned school due to a hardship.

- Safety Transfer Intake Form.

b. if the supporting documentation does not sufficiently describe the safety issue or if additional information is needed, the Dean, the Assistant Principal Security, or the Principal must provide additional information to the Office of Student Enrollment;

c. if it is determined that transferring the student will address the safety issue (regardless of where the incident took place), the safety transfer will be approved and a new placement identified by the Office of Student Enrollment.

5. Sports Transfers (high school students only)

a. in general, there are no transfers for sports;

b. a student athlete listed on the official Public School Athletic League (PSAL) roster in a particular sport who is attending a school that is being phased out and the school building has dropped that particular sport, may apply for a transfer to another school. A student athlete listed on the official PSAL roster in a particular sport who is attending a school where the team ceases to exist may also apply for a transfer to another school. In such cases, the Office of Student Enrollment will identify a school that has a space available and has a PSAL team for that sport and will facilitate an appropriate placement to meet the student athlete's academic and athletic needs;

c. a student athlete listed on the official PSAL roster in a particular sport who applies for a transfer under No Child Left Behind Public School Choice (NCLB) is only eligible to be transferred to a school on his/her NCLB application;

d. in those cases outlined in b and c above, a student athlete is not guaranteed a spot on the official PSAL team in his/her sport at the new school. He/she must try out for the team;

e. all regulations regarding high school athletics are governed by the PSAL Student Athlete Rules and Regulations (available at www.psal.org).

6. Travel Hardship Transfers (high school students only)

a. a family must present verifiable proof of address to request a travel hardship transfer;

b. for a travel hardship transfer to be considered, the commute from home to school must be 90 minutes or greater or otherwise inaccessible by public transportation (i.e., more than three changes).

C. Placement Exception Request (elementary and middle school only)

1. Prior to the start of the school year, students may request a "Placement Exception Request (PER)" for fall admission to a school other than their zoned or assigned school.

2. Exceptions to placement are considered primarily to address a hardship issue and will be granted to a particular school only if a school has not reached its projected register and there are seats available.

V. ENROLLMENT POLICIES FOR STUDENTS WITH DISABILITIES WHO RECEIVE SPECIAL EDUCATION SERVICES

A. All policies regarding enrollment for general education students also apply to students with disabilities, including the policies governing student participation in admissions processes. With regard to transfers and placement of students with disabilities, the following policies should be noted:

1. When there is a change in program, students with disabilities are entitled to remain in their current school if that school can provide appropriate services in accordance with the student's new Individualized Education Plan (IEP). When there is a change in IEP,

students with disabilities are entitled to remain in their current school if the changes do not require a unique service or program or District 75 placement.

2. An elementary or middle school student with a disability who is attending a school outside his/her district of residence and has a change in ~~program~~ service recommendation has the right to remain in that school subject to available seats or may elect to return to a school in his/her district of residence where there is a seat available. ~~If the student elects to remain in his/her current school but there is no seat available in the appropriate program in his/her current school, the student has the right to an available seat in another school in that district.~~

B. A student seeking readmission to New York City who was previously identified as a student with a disability who appears without an IEP will be placed by the Borough Enrollment Office or Committee on Special Education, where applicable, in accordance with his/her last New York City IEP. Where appropriate, an IEP meeting must be held at the student's school within 30 days and a new IEP must be developed.

C. If a student presents documentation from out of New York City indicating the need for special education services, the student must be referred to the appropriate CSE, where a determination of comparable services will be made and an appropriate school will be assigned.

VI. DETERMINATION OF RESIDENCE

A. A student's residence is determined as follows:

1. Residence is determined by a person's physical presence as an inhabitant within the designated geographic boundaries of a school district with the intent to remain.

2. The residence of a student for school purposes depends upon a factual determination of the care, custody and control of the student.

B. The following procedure outlines how a person who is not the student's birth or adoptive parent or legal guardian may register the student:

1. Students must be accompanied by a person in parental relation when registering for school (except for cases of unaccompanied youth as described in Section VIII.D and Chancellor's Regulation A-780). A person in parental relation includes the student's father or mother, by birth or adoption, stepfather or stepmother, legally appointed guardian or custodian. A person is regarded as the custodian of another individual if s/he has assumed the charge and care of such individual. Evidence of legal guardianship is not required to register a student.

2. If the individual registering a student is not the parent by birth or adoption or the legal guardian, the individual must provide an affidavit to the school or Borough Enrollment Office with the name, home address, telephone number, name of the birth or adoptive parent(s) or legal guardian, the circumstances under which the student came to reside with him/her, and the duration of the stay (see Attachment No. 1).

3. If there are questions regarding the status of the person seeking to register the student, the student must be registered pending a further investigation by the school into who is serving in custodial relationship to the student.

C. The following factors should be considered in determining if a student resides with an individual other than his /her birth or adoptive parent(s) or legal guardian:

1. Does the student intend to remain at the address?

2. Has the birth or adoptive parent or legal guardian relinquished custody and/or control over the student to another person with whom the student lives?

3. Does the birth or adoptive parent or legal guardian continue to support the student?

4. Does the adult with whom the student is living provide for the student's care and supervision?

5. Is there sufficient evidence that the parent has transferred custody and control of the student to the individual with whom the student is living? The school may require sworn and notarized statements or affidavits from the birth or adoptive parent or legal guardian (see Attachment No. 2).

6. Why is the student living with others? If the sole reason for living with others is to permit the student to attend a certain school or secure a transfer from his/her current school to another school for which he/she is not eligible, then the student's residence is not established there.

VII. VERIFICATION OF RESIDENCY

A. Proof of address must be provided when enrolling a student in school. The following documents may be used as proof of residency:

1. A telephone bill, cable bill, credit card bill, medical insurance card, or driver's license is not acceptable proof of address. Proof of address may be verified by any two of the following:

   a. a residential utility bill (gas or electric) in the resident's name issued by National Grid (formerly Keyspan), Con Edison, or the Long Island Power Authority (for the Rockaways) within the prior 60 days;

   b. documentation or letter on letterhead from a federal, state, or local government agency, including the IRS, the City Housing Authority, Human Resources Administration, the Administration for Children's Services (ACS), or an ACS subcontractor indicating the resident's name and address issued within the prior 60 days;

   c. an original lease agreement, deed or mortgage statement for the residence;

   d. a current property tax bill for the residence;

   e. a water bill for the residence;

   f. official payroll documentation from an employer issued within the past 60 days such as a form submitted for tax withholding purposes or a payroll receipt. A letter on the employer's letterhead is not adequate.

   None of the documents listed above will suffice alone.

2. If a parent is subletting an apartment or home, or if more than one family shares a living space and there is only one leaseholder or homeowner, the parent must present a notarized "Address Affidavit" signed both by the primary leaseholder as well as the parent affirming that the family is residing in this home, and must attach proof of address of the primary leaseholder as specified in Section VII.A.1 (see Attachment No. 3).

3. If a parent has more than one residence in New York City, then the residence to be used for the purpose of school registration is the residence where the child lives.

4. If there is a question as to the adequacy of the proof of the home address, or if the parent is unable to provide the appropriate documents, the Office of Student Enrollment or the school, where appropriate, will admit the student on a provisional basis. The parent will be given a Provisional Admission Notice indicating that the student is being admitted to the school on a provisional basis pending the outcome of an address investigation (see Attachment No. 4). The school where the student is registered is responsible for initiating an address verification investigation in accordance with procedures below regarding "Falsification and Investigation of Residency". The student may not be turned away and is entitled to attend class while the investigation is pending.

5. Homeless students are not required to present proof of residency to enroll in school. See Section VIII.D.

B. Falsification and Investigation of Residency

If there is a question about a student's address or there is suspicion that a falsified address was used to register the student, the school must initiate an address verification investigation within 30 days of discovery of the problem. If it is determined that the student resides at an address that renders the student ineligible to attend his/her current school, the principal must provide the Children First Network Attendance Point Person~~Attendance Content Expert of the ISC~~ with the results of the investigation. The Children First Network Attendance Point Person will review the results, and if he or she deems appropriate, will recommend a transfer to the Cluster Point Person. The Cluster Point Person~~Attendance Content Expert~~ must review the documentation of the investigation and determine whether it is sufficient to warrant a transfer. The Cluster Point Person~~Attendance Content Expert~~ must then inform the Executive Director of Borough Enrollment of the approval to transfer the student. The Executive Director of Borough Enrollment will then determine the transfer school and effective date of transfer, and will place the student on the register of the transfer school.

1. If the student is to be transferred, the principal must provide the parent with written notice stating the following:
   a. the findings of the investigation; and
   b. the child is not entitled to attend the current school and will be transferred to the appropriate school; and
   c. the name, number and location of the transfer school, and the date the transfer becomes effective as determined by the Executive Director for Borough Enrollment; and
   d. the right to appeal the results of the investigation to the Cluster Point Person~~Senior Youth Development Director at the Integrated Service Center~~ that supports the school within five days of the notification letter.
2. The student will be transferred pending a ruling on the appeal unless the Cluster Point Person~~Senior Youth Development Director~~, in consultation with the principal and the Executive Director for Borough Enrollment, determines that it is not appropriate. The ruling on appeal should be issued within ten school days.
3. In order to determine an appropriate transfer school, the parent will be required to submit verifiable proof of address. If the parent fails to provide verifiable proof of address documenting the student's residence in New York City, subject to the discretion of the Executive Director for Borough Enrollment, the student either will be transferred to an appropriate school as determined by the findings of the investigation, or will be considered a non-resident, in which case the parent will be required to pay tuition in accordance with Chancellor's Regulation A-125

VIII. SPECIAL SITUATIONS

A. Missing Child

If there is suspicion that a student who is being admitted to school may be a "missing child," a child who has been taken from a parent who has rightful custody, the principal must admit the child and immediately contact the local police precinct.

B. Emancipated minors (16-17 years of age)

1. Only those students who are independent and living apart from their parents and who are not in need or receipt of foster care may be considered emancipated. If it is determined that a student is emancipated, the student is not required to be accompanied by a parent to register. The following questions may assist in determining whether a student is emancipated:
   - Has the parent relinquished custodial duties?
   - Is the student living separately from the parent or paying rent at home?
   - Is the student managing his/her own affairs?

- When was the student last in touch with his/her parent?

A student may be asked to sign an Affidavit of Emancipation (see Attachment No. 5).

2. Proof of residence may be shown by a rent receipt in the minor's name, a statement from the person furnishing housing, or an affidavit by the minor.

3. In cases where the student is under 18 and is married, the student is emancipated.

C. Children whose parents do not reside together

1. A child may have only one legal residence. For a child whose parents live apart, the child's residence is presumed to be that of the parent who provides custodial care.

2. If parents have been awarded joint custody, the child's residence is that of the parent who has primary physical custody.

D. Homeless, Unaccompanied [9] and Runaway Youth

1. Definitions:

a. A homeless child is one who lacks a fixed, regular, and adequate nighttime residence. This includes a child who:

- Is living with a friend, relative or someone else because their family lost their housing due to economic hardship, or a similar reason (referred to as "doubled up"), or is living in a motel, hotel, trailer park, or camping ground due to the lack of alternative adequate accommodations, or
- Is living in a subsidized publicly or privately operated shelter designed to provide temporary living accommodations (including commercial hotels, congregate shelters, and transitional housing for the mentally ill), or
- Is awaiting foster care placement, or
- Is living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation, or
- Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.

b. Unaccompanied youth means a youth not in the physical custody of a parent or guardian and who meets the definition of homeless set forth above.

2. A homeless, unaccompanied or runaway child may either remain in his/her current school of attendance or may transfer to a new school which s/he is eligible to attend based on his/her new residence and for which he/she meets the entrance criteria, where applicable. Homeless high school students are not required to demonstrate a travel hardship before transferring to another school.[10] The school selected shall immediately enroll the homeless child or unaccompanied student, even if the child or unaccompanied student is unable to produce records normally required for enrollment. See Chancellor's Regulation A-780 for further information on the rights of homeless students.

3. Children living in residential programs for victims of domestic violence are included in the definition of homeless children. The address of a student living in a domestic violence residence is to be kept confidential by entering a post office address provided by the parent, or by creating an address using the two-digit district number, followed by the letters "DV" and by the county, borough, state and zip code. For example, District 1 = Box 01DV, New York, New York 10002.

[9] An unaccompanied/runaway youth includes a student living in a residential program for runaway youth.
[10] Travel hardship transfers are only applicable at the high school level.

4. The lack of a permanent address does not constitute a legitimate basis for denying a student admission to school. These students are entitled to immediately enroll and attend New York City public schools in accordance with Title VII of the McKinney-Vento Homeless Assistance Act (42 USC 11431) and Chancellor's Regulation A-780.

5. An unaccompanied student is a homeless child not in the custody of a parent or guardian. An unaccompanied student is not required to appear with an adult in order to enroll in or transfer schools. Enrollment staff or school officials, where applicable, must consider the age and circumstances of the student to determine whether the Administration for Children's Services should be notified.

6. A homeless student may not be denied immediate enrollment in a school because of lack of documentation, including proof of residency.

E. Foster care students

Students in foster care who change foster homes are entitled to remain in the school of origin or are entitled to a school for which the student is geographically eligible to attend based on his/her new address. For foster care students in high school who change residence, if travel from the new foster home to his/her school presents a hardship, the student may be transferred to a school closer to the new foster home without being required to meet the threshold for a travel hardship transfer.

F. Students returning from Home and Hospital Instruction

A student returning from home or hospital instruction has the right to return to his/her prior school unless Student Enrollment, in consultation with the family, determines that a different school placement is appropriate.

G. Students returning from custody

Students who return to the public schools from the care of the State, City, or private agencies are entitled to expeditious and appropriate educational placement. These facilities include group homes, psychiatric centers, developmental centers, custodial facilities, and residential treatment centers, such as those under the auspices of the New York State Office of Children and Family Services (OCFS) and the Administration for Children's Services (ACS). Students are not required to provide release letters from the custodial agency before enrolling in school.

1. As soon as the agency determines that a placement recommendation to return to school will be made, the agency should send a letter describing the student's change in status with relevant school records, including the IEP, to the appropriate Borough Enrollment Office of the Office of Student Enrollment.

2. As with other students being readmitted to NYC public schools, students returning from a custodial facility within or outside of NYC may have the right to return to the school he/she attended prior to adjudication within the calendar year in accordance with enrollment policies referenced in this document. The Office of Student Enrollment, in consultation with the student and parent, may determine that the prior school is not appropriate and may therefore identify a different placement.

3. Students <u>are not required</u> to provide release letters from the custodial agency before enrolling in school.

H. Students returning from suspensions

1. Students who are suspended have the right to return to the school from which they are suspended unless the student has voluntarily transferred to another school or has been involuntarily transferred in accordance with Chancellor's Regulation A-450. 8th grade students who have been suspended who have been assigned 9th grade seats for the next fall have rights to those seats upon fulfillment of the 8th grade promotional requirements.

2. Schools may not deny admission to a transferred or articulating student based on his or her former "suspended" status.

IX. LIST NOTICE/TRANSFER PROCESS

A. Transferring students at the end of the school year

1. In June, "sending" schools inform "receiving" schools by list notice of the general education and special education students entering in September as a result of promotion.
2. The principal of the "sending" school must sign the list notices and confirm that the articulation and immunization information is complete and correct. The special education site supervisor or designee must sign the special education checklists.
3. All "receiving" schools should designate a staff member to review incoming students' records. If materials are missing, the "receiving" school should inform the "sending" school as soon as possible.
4. Cumulative records, special clinical packets and other confidential records are reviewed by articulation staff assigned by the principal, packaged and delivered to the "receiving" schools on Transfer of Records Day, which usually occurs the first two weeks of June. All schools must complete transactions by the end of the school year.

B. Reasons for using the List Notice Process

1. Students are moved from one school to another by List Notice in June only for the following reasons:
   a. promotion to a higher level school (either public or non-public) i.e. from elementary to junior high/intermediate school or intermediate school to high school;
   b. school closings, openings or reorganizations;
   c. schools may not list notice students at any other time of year for any other reason.
2. Pre-kindergarten students attending a program at a CBO site will be list noticed to their zoned school unless they have been accepted to another school/program through a sanctioned admissions process.

C. Community School District schools may not List Notice students to District 75 – Citywide Program schools.

D. District 75 may only List Notice a high school student to a non-District 75 school only if the student participated in the high school admissions process and the Committee on Special Education (CSE) re-evaluation has been completed.

E. General education students receiving Department of Education home instruction or attending in-hospital schools at the time the List Notices are prepared cannot be put on a printed List Notice, since they are not on a regular school register.

F. No student is to be List Noticed outside of the five boroughs.

X. INQUIRIES

Telephone: 212-374-6095	*Inquiries pertaining to attendance guidelines and regulations~~and outreach requirements~~ should be addressed to:* Office of School and Youth Development – Mandated Responsibilities	Fax: 212-374-5751
Telephone: ~~212-374-2363~~718-935-2009	*Inquiries pertaining to enrollment, admission and transfer requirements should be addressed to:*	Fax: 212-374-5568

The Office of Student Enrollment

Telephone: 212-802-1500	*Inquiries pertaining to District 75 admissions and transfers should be directed to District 75.*	Fax: 212-802-1678
Telephone: 917-521-3639	*Inquiries pertaining to District 79 admissions and transfers should be directed to District 79.*	Fax: 917-521-3649