

Category: **STUDENTS**

Issued: 1/19/17

Number: **A-101**Subject: ADMISSIONS, READMISSIONS, TRANSFERS, AND LIST NOTICES FOR ALL  
STUDENTS

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**SUMMARY OF CHANGES**

This regulation supersedes Chancellor's Regulation A-101 dated September 22, 2016.

**Changes:**

- Clarifies that the definition of parent includes birth or adoption parents, step-parents, legally appointed guardians, foster parents and persons in parental relation to a child. (p. 1, footnote 1).
- Clarifies that students in foster care and students in temporary housing have the right to remain in their school of origin and articulate to the zoned school, or if no zoned school exists, to an appropriate school, if it is in their best interests to do so, even if they move outside of New York City. (p. 2 Section I.A.6.a).
- Clarifies that emancipated minors, students 18 and older and unaccompanied students do not need a parent to accompany them to register or transfer schools. (p. 2, footnote 2).
- Clarifies that placement for any school-age student seeking admission must be arranged by the next school day, if possible, but no later than 5 school days. (p. 3, Section I.A.14).
- Clarifies admissions priorities for Pre-K and Kindergarten. (pp. 5-6, Section II.B and II.C).
- Clarifies admissions priorities for students applying to middle school who do not reside in the district where they attended elementary school. (p. 6, Section II.D.1.c).
- Provides that where a student's zoned school changes due to a rezoning plan during the application period, the zoned entitlement is to the zoned school in effect at the time of enrollment, except that students with a verified sibling at the former zoned school may retain zoned sibling priority if provided for in the rezoning plan. (p. 8, Section II.G).
- Defines "articulation" as it relates to the admissions processes. (p. 9, Section II.I).
- Clarifies the circumstances under which discharged students have the right to retain their match to a school in which they did not enroll. (p. 9, Sections II.I.3 and II.I.4).
- Clarifies that students returning to the DOE after completing the academic year at another school do not have the guaranteed right to return to the school to which they were matched prior to their discharge, although that school will be considered. (pp. 9-10, Section II.I.5).
- Clarifies that the Office of School Enrollment will make the final determination about placement for returning students. (Page 10, Section II.I.5; p.10, Section III.A).
- Provides that students who were enrolled in a New York City non-specialized school at the time of discharge to a court-ordered setting, custodial facility or treatment program have the right to return to that school if they return within one calendar year from the date of discharge from that school (p.11, Section III.A.4; p. 21, Section VIII.G.2).
- Provides for District G&T transfers based on changes in district of residence for students in K-5. (p. 11, Section IV.B.1).
- Provides that students seeking safety transfers may submit a written statement by the student or parent, or other documentation to support the transfer request. (p. 12, Section IV.B.5.a).
- Provides for address investigations to verify the residence of students in foster care and temporary housing. (p.18, Section VII.B.5).

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- Removes students awaiting foster care placement from the definition of homeless, unaccompanied and runaway youth. (p. 19, Section VIII.D.1).
- Provides factors to be considered in determining which school placement is in the best interests of a student in temporary housing or in foster care. (p. 19, Section VIII.D.2 & 3).
- Defines “school of origin” for students in temporary housing and students in foster care. (p. 19, Section VIII.D.1.c; p. 20, Section VIII.E.1.b).
- Provides for temporary placement of students in temporary housing in the event of a dispute concerning placement. (p. 19, Section VIII.D.3.a).
- Defines “foster care”. (p. 20, Section VIII.E.1.a).
- Provides that students in foster care may be transferred if it is determined that it is in the best interest of the student to change schools and lists factors to be considered to determine the student’s best interest. (p. 21, Section VIII.2.b & c).
- Clarifies list notice processes (p. 21-22, Section IX.B).
- Residency Questionnaire has been renamed “Housing Questionnaire” and has been revised to state that the school district cannot disclose housing status information without parental consent. Attachment No. 6 to the Regulation.

## ABSTRACT

This regulation supersedes Chancellor's Regulation A-101 dated September 22, 2016. 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.
2. Children whose 4<sup>th</sup> birthday falls within the calendar year of admission are to be admitted to pre-kindergarten (limited to designated programs and subject to available seats).
3. Children whose 5<sup>th</sup> birthday falls within the calendar year of admission are required to attend and must be admitted to kindergarten, whether these children are entering school for the first time or being transferred from another school, except that such children are not required to attend kindergarten if:
  - their parents<sup>1</sup> elect instead to enroll them in 1<sup>st</sup> grade the following academic year, or
  - they are enrolled in non-public schools or in home instruction.

Children whose 6<sup>th</sup> birthday falls within the calendar year of admission must be admitted to the 1<sup>st</sup> grade, subject to paragraph 5 (below).

4. Children are required to attend school from age 5, except in cases of 3a or 3b above. Attendance is required through the end of the school year in which children turn 17 and, if no high school diploma has been granted, they may remain in school until the end of the school year in which they turn 21.
5. In cases where a student is required to attend 1<sup>st</sup> grade based upon his or her age, but the principal deems that another grade placement would be more instructionally appropriate, the principal will consult with the Superintendent concerning placement and will provide medical or other evaluative documentation, which has been submitted by the parent or guardian, justifying a different placement. The Superintendent will make the final decision concerning the appropriate grade level for the student.
6. 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.

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<sup>1</sup> 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. The definition of parent includes: birth or adoptive parent, step-parent, legally appointed guardian, foster parent and "person in parental relation" to a child attending school. The term "person in parental relation" refers to a person who has assumed the care of a child because the child's parents or guardians are not available, whether due to, among other things, death, imprisonment, mental illness, living outside the state, or abandonment of the child.

- a. Students in foster care and students in temporary housing shall remain in their school of origin and articulate to the zoned school or, if no zoned school exists, to an appropriate school, if it is in their best interests to do so (see Sections VIII.D and VIII.E.), even if the child moves outside of New York City.
7. All students must complete a Housing 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 Housing Questionnaire (Attachment No. 6) which is accompanied by the *McKinney-Vento Act* Guide for Parents and Youth (Attachment No. 7).
8. In order for a student to register into a New York City public school, the parent and the child must both appear,<sup>2</sup> and must present:
  - a. Verifiable proof of residence (see Section VII);
  - b. Proof of age, such as a birth certificate, passport (including a foreign passport), or record of baptism (which includes date of birth). If these documents are unavailable, other documentation or recorded evidence may be used to determine a child's age, such as:
    - i. official driver's license;
    - ii. State or other government issued identification (including an IDNYC card);
    - iii. school photo identification with date of birth;
    - iv. consulate identification card;
    - v. hospital or health records;
    - vi. military dependent identification card;
    - vii. documents issued by federal, state or local agencies (e.g., local social service agency, federal Office of Refugee Resettlement);
    - viii. court orders or other court-issued documents;
    - ix. Native American tribal document; or
    - x. records from non-profit international aid agencies and voluntary agencies.
  - c. Child's immunization records (if available);
  - d. Child's latest report card/transcript (if available);
  - e. 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, record of baptism, or other appropriate documentation that establishes the student's age, the student must be registered provisionally and the school must take follow-up action to ensure appropriate grade placement.
9. No student who has been appropriately registered by a school or registered or assigned by the Office of Student Enrollment, a District 75 program, or a Committee on Preschool Special Education, where applicable, may be turned away by the school to which the student is assigned/registered.

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<sup>2</sup> A parent does not need to accompany the student in order to register in or transfer to schools if the student is an emancipated minor, 18 years of age or older, or is an unaccompanied student.

10. 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, specialized 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 for which s/he is eligible.
11. If a student is admitted to the New York City public school system for the first time in grades 2-8 after having attended school in another school district, that student will be placed based on the available educational records from the student's last school that are presented at the time of enrollment. In the absence of sufficient educational records to make a determination, the student will be placed based upon his or her age.
12. For students who are new to the New York City public schools and do not have educational records, placement will be made as follows:
  - a. In cases where a student is placed in grades 2-8, but the principal deems that another grade placement would be more instructionally appropriate, the principal will consult with the Superintendent and provide evidence to justify any recommendation. The Superintendent will make the final decision concerning the appropriate grade level for the student.
  - b. For students of high school age, a student who does not have educational records and who turns 15 within the school year (on or before June 30<sup>th</sup>) of admission will be enrolled in 9<sup>th</sup> grade. In cases where such a 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.
13. If a student is discharged from the NYC public schools and returns within the same school year (on or before June 30<sup>th</sup>) the student will be placed based on consideration of the student's grade placement at his or her previous NYC school and the available educational records from the student's last school that are presented at the time of enrollment. If no records are available, the student will be placed in the same grade level as when he/she was discharged in that school year. If a student is discharged from the NYC public schools and returns to the NYC public schools in a subsequent school year, the student will be placed in the same manner as a student entering the NYC public school system for the first time, as outlined in paragraph 12 (above).
14. Placement for any school-age student seeking admission at a school or Family Welcome Center must be arranged by the next school day, if possible, but no later than 5 school days.
15. Students seeking admission to high school, who have not participated in the high school admissions process, must appear at a Family Welcome Center to enroll. No high school (except D75 schools, District 79 programs and transfer schools) may register students.
16. 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 is not to appear on any school forms and/or records.
17. Students in the care of social welfare agencies, juvenile justice agencies, and correctional agencies are to be admitted into schools in the manner provided for in Sections III.A.4, VIII.D, VIII.E, and VIII.G.
18. Students in grades K-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.

19. Parents of elementary and middle school students referenced in Section I. A.18 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 outside the provisions of Chancellor's Regulation A-801. If attendance or punctuality worsens, the school must work with the student and his/her family to facilitate and support regular attendance and punctuality.
  - a. 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 Field Support Center 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 Field Support Center point person 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 Field Support Center point person 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.
  - b. Students in temporary housing and students in foster care may not be transferred unless it is determined that it is in the student's best interest to change schools, as provided in Section VIII.D (for students in temporary housing) and Section VIII.E (for students in foster care).

## II. ADMISSIONS POLICIES<sup>3</sup>

### A. Sibling Priorities

1. For purpose of assignment and admissions priority, a verified sibling is a brother or sister (including half-brothers, half-sisters, stepbrothers, stepsisters, foster brothers, and foster sisters) of the applicant, who lives in the same household and
  - a. is pre-registered or enrolled in the school's Kindergarten to 5<sup>th</sup> grade, and will be enrolled in the school's Kindergarten through 5<sup>th</sup> grade for the following school year; or
  - b. is enrolled in a District 75 program that is co-located in the same building as the school to which the student is applying.Schools maintain responsibility for verifying sibling status before admissions offers are made.
2. Siblings of students already pre-registered or enrolled at an elementary school at the time of application submission are given sibling priority for admission into elementary school programs for which they meet the eligibility requirements as described below, subject to available seats.

<sup>3</sup> Students in foster care and students in temporary housing who are currently enrolled in New York City public schools shall articulate for the following grade level to the zoned school or, if no zoned school exists, to an appropriate school, provided it is in the best interest of the child (see Section VIII.E.), even if the child while in foster care or temporary housing moves outside of New York City.

3. In a K–5, K–6, K–7, or K–8 elementary school, an applicant can be granted sibling priority only if the sibling is pre-registered or enrolled in the school at the time of application submission, and will be in grades K-5 at that school at the start of the following September.
- B. Admission Priorities to Pre-Kindergarten Programs (“Pre-K”)
1. Students must turn 4 by December 31<sup>st</sup> of a school year in order to be eligible to attend Pre-K programs.
  2. Students are admitted to NYC DOE Pre-K programs in zoned district schools in accordance with the following admissions priority order, subject to available seats:
    - a. Zoned students with a sibling who is pre-registered or enrolled at the time of application submission and will be in grades K-5 in the school at the start of the following September (“verified sibling”);
    - b. Zoned students without a verified sibling;
    - c. In-district students with verified siblings;
    - d. Out-of-district students with verified siblings;
    - e. In-district students;
    - f. Out-of-district students.
  3. Students are admitted to NYC DOE Pre-K programs in non-zoned district schools in accordance with the following admissions priority order, subject to available seats:
    - a. In-district students with a sibling who is 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 (“verified sibling”);
    - b. Out-of-district students with verified siblings;
    - c. In-district students;
    - d. Out-of-district students;
  4. For individual Pre-K programs, additional priorities may be added to the admissions priority structure to achieve greater diversity in the student body. Those priorities must be pre-approved by the Division of Early Childhood Education, the Office of Student Enrollment, and the Office of the General Counsel. Families will receive notice of any additional priorities prior to the application process.
- C. Admission to Kindergarten<sup>4</sup>
1. Zoned schools are obligated to serve all students residing in their zone, space permitting, regardless of when families show up to register. Applicants must be admitted to zoned schools in the following order of priority:
    - a. Zoned students with a sibling who is 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 school year in September (“verified sibling”);
    - b. Zoned students without a verified sibling.

If the Office of Student Enrollment deems appropriate based on space, historical trends, and district needs, offers may be made for the following priority groups, in the order outlined below. Only the Office of Student Enrollment may authorize the placement of non-zoned students out of this priority order; for example, for

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<sup>4</sup> Section II.C.1 does not apply to non-zoned districts.

students who cannot be accommodated at their zoned school, or for specialized programs, such as dual language programs.

- c. In-district students with verified siblings;
  - d. Out-of-district students with verified siblings;
  - e. In-district students currently attending the school's Pre-K program;
  - f. Out-of-district students currently attending the school's Pre-K program;
  - g. In-district students;
  - h. Out-of-district students.
2. Applicants must be admitted to non-zoned schools in the following order of priority:
    - a. In-district students with a sibling who is pre-registered or enrolled at the time of the application submission and will be enrolled in grades K-5 in the school at the start of the following September ("verified sibling");
    - b. Out-of-district students with verified siblings;
    - c. In-district students currently attending the school's Pre-K program;
    - d. Out-of-district students currently attending the school's Pre-K program;
    - e. In-district students;
    - f. Out-of-district students.
  3. For some schools, additional priorities may be added to the admissions priority structure to achieve greater diversity in the student body. Those priorities must be pre-approved by the Office of Student Enrollment and the Office of the General Counsel. Families will receive notice of any additional priorities prior to the application process.
- D. Admission to Zoned Elementary and Middle Schools<sup>5</sup>
1. Eligibility
    - a. Zoned students are entitled to attend their zoned elementary school 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 elementary or middle school respectively.
    - c. Priority for middle school—Middle School Admissions
      - i. Students in 5<sup>th</sup> grade are eligible to apply to middle schools in the district to which they are zoned for middle school and the district where they attend elementary school, if different. An elementary school student who attends but does not reside in the district, who elects to stay in that district for middle school, has the same priority as the other applicants whose home address is assigned to the district. If an articulating student is not matched to a school ranked on his/her application, he/she has priority for a placement in the district of residence.
      - ii. Students with a zoned middle school have a priority to attend that school if they rank it on their middle school application. During the middle school admissions process, available seats (determined by OSE) at zoned schools will be available for non-zoned students who apply once all of the zoned

<sup>5</sup> The policies in Section II.D govern admission to zoned elementary and middle schools with the exception of admission into pre-K which is governed by the policies set forth in Section II.B above.

students have been accommodated in the application process. Zoned students who do not apply to their zoned school give up their priority to attend that school. Zoned students who have applied will be accommodated before non-zoned students on appeal as space is available.

- iii. 5<sup>th</sup> grade students attending a K-8 school maintain a priority for the 6<sup>th</sup> grade middle school admissions process if they rank the continuing K-8 school on their middle school application. During the middle school admissions process, available seats (determined by OSE) at K-8 schools will be available for non-continuing students who apply once all of the continuing students have been accommodated in the application process. Continuing students who do not apply to their current school no longer have a priority to attend that school for 6<sup>th</sup> grade. Continuing students will be accommodated before non-continuing students on appeal as space is available.
- iv. Students whose middle school placement is not their zoned school relinquish their zoned entitlement for the duration of middle school. Students whose middle school placement is not the K-8 school they attended for elementary school relinquish their entitlement to return to that K-8 school for the duration of middle school. Students must visit the Family Welcome Center to make any new requests to be placed at the zoned or K-8 school the student attended for elementary school.

E. Registration/Assignment for Students Who Do Not Participate in the Elementary and Middle School Admissions Processes

1. Elementary school students arriving after the conclusion of the admissions process for kindergarten:
  - a. Students with a zoned school may register directly at their zoned elementary school; enrollment will depend upon the availability of seats in the student's grade. These students may also visit a Family Welcome Center to determine other available options in the district.
  - b. Students without a zoned school should visit a Family Welcome Center for placement.
2. Middle school students who did not participate in the middle school admissions process:
  - a. Students enrolled in the New York City public school system at the time of the 6<sup>th</sup> grade application process will be assigned to a middle school.
  - b. New students with a zoned school may register directly at their zoned middle school; enrollment will depend upon the availability of seats in the student's grade. These students may also visit a Family Welcome Center to determine other available options in the district.
  - c. New students without a zoned school arriving after the admissions process should visit a Family Welcome Center for placement.
3. Students not participating in an admissions process for an entry grade 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.

F. 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<sup>st</sup> of a school year in order to be eligible to 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 Student Enrollment.

#### G. Rezoning Policies

1. Depending on the timing of the approval of a rezoning plan, a student's zoned school may change during the application period. In such cases, the student's zoned entitlement would be to the zoned school in effect at the time of enrollment.
2. Children whose verified siblings are enrolled in a zoned school that has been impacted by a re-zoning plan adopted by the CEC will maintain zoned sibling priority to that impacted school if such priority is provided for in the approved zoning plan.

#### H. Capping Policies<sup>6</sup>

1. A zoned school has a responsibility to serve all children who live within its zone, space permitting, in accordance with policies outlined in this regulation.
2. Zoned schools cannot close enrollment or "cap" a grade to achieve or maintain reduced class size in any grade. Only the Office of Student Enrollment, the Office of District Planning, or the Field Support Center may cap a grade to prevent additional enrollment.
3. In cases where students must be sent to another school from the zoned school because of overcrowding, each student is entitled to an alternative placement within the district of residence.
  - a. Students in this situation will receive priority to enroll in another school ahead of any non-zoned applicants to that school.
  - b. Any student assigned to attend a different school due to overcrowding must either accept the assignment or find another alternative to the zoned school.
4. Students who have been reassigned to a 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 is established by the Office of Student Enrollment. The following procedures will apply to those students:
  - a. If a student has been reassigned to an overflow school due to a capping plan, those students will have priority for any available seats in the next grade, and seats will be assigned in waitlist order.
  - b. Students who have been reassigned may decline a return to the zoned school and remain at the overflow school.
  - c. Students who decline their offer to return to the zoned school will relinquish their place on the waitlist for their zoned school. If that student later requests to transfer to the zoned school, the transfer will only be granted if all other reassigned zoned students have been accommodated.

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<sup>6</sup> Capping policies apply to grades Kindergarten through 8<sup>th</sup> grade.

- d. Students who decline their offer to return to the zoned school and 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.
  - e. 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.
4. Parental requests for transfer to a student's zoned elementary will be granted subject to available seats.
  5. 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 and is approved for a capping plan, non-mandatory programs at the school may be reduced or eliminated.
- I. Articulation Policies<sup>7</sup>
1. There are multiple entry points in NYC public schools which are facilitated by the elementary, middle and high school admissions processes. There is an entry point for each grade band. For example, at a school that serves grades K-5, the entry point would be kindergarten. When a student moves to a different grade band, it is referred to as "articulation."
  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. Such students may, at the same time, apply to any other school or program for which they are eligible. Students who reside in the elementary school zone for a K-8 school have a priority to attend the K-8 school for 6<sup>th</sup> grade if they are not already in attendance.
  3. Articulation to Middle School  

Students who have been discharged from the NYC public school system and have been matched to a school as the result of the middle school admissions process have a right to be enrolled in the school to which they were matched at any time during the school year for which they were matched, provided they reside within New York City and have not completed the academic year at another school.
  4. Articulation to High School<sup>8</sup>
    - a. Students articulating from 8<sup>th</sup> grade are either given a priority for or guaranteed admission to their zoned high school, as indicated in the High School Directory for the application year, if they apply to that school in the high school admissions process.
    - b. Students who have been discharged from the NYC public school system and have been matched to a school as the result of the high school admissions process have a right to be enrolled in the school to which they were matched at any time during the school year for which they were matched, provided they continue to reside in New York City and have not completed the academic year at another school
  5. Students returning to the NYC public school system after completing the academic school year at a non-NYC public school will be directed to the Family Welcome Center

<sup>7</sup> Students in foster care and students in temporary housing may continue to attend their school of origin in New York City if the student resided in New York City and was enrolled in a DOE school at the time of foster care placement or relocation outside of New York City.

<sup>8</sup> This policy applies to all high schools, including the specialized high schools, transfer schools and schools for newcomers and English Language Learners.

to receive a school assignment for admission in the following school year. Such students do not have the guaranteed right to return to the school to which they were matched prior to their discharge from the NYC public school system, though the school to which the student was matched will be considered. The Office of Student Enrollment will make the final determination about placement.

### III. READMISSION

#### A. Readmission to School upon Return to NYC Public Schools

In general, students returning to NYC public schools within the academic year of discharge from a NYC public school have the right to return to their prior school in accordance with the guidelines below. For any question regarding a student's right of return, the Office of Student Enrollment will make the final determination.

1. Elementary/Middle School Students
  - a. A student has the right to return to his/her previous school if the student continues to be eligible based on his/her previous admissions priority status, and there are available seats.
  - b. If the student is returning to his/her zoned school, and it is now capped for the child's grade, the student will be directed to the designated overflow school in accordance with Section II.H.
2. Students who were Previously Enrolled in Gifted & Talented Programs
  - a. District Programs
    - i. Students returning to the same district of residence may return to the same Gifted & Talented program, provided that a seat is available.
    - ii. If a seat at the student's prior Gifted & Talented program is not available, the student may be considered for placement in another district Gifted & Talented program within the district of residence, if a seat is available.
    - iii. Students returning to a different district of residence may be considered for placement in a district Gifted & Talented program within the new district of residence, if a seat is available.
  - b. Citywide Programs
    - i. Students returning to NYC may return to the same citywide Gifted & Talented program, if a seat is available.
    - ii. If a seat at the student's prior Gifted & Talented program is not available, the student may be considered for placement in another Gifted & Talented program.
3. High School Students
  - a. A student who has been discharged from the NYC public school system has the right to return to his/her previous high school (including the specialized high schools, transfer schools and schools for newcomers and English Language Learners) until the conclusion of the academic year in which he/she was discharged, provided the student has not completed the academic year at another school.<sup>9</sup>
  - b. Students returning to the NYC public school system after completing the academic school year at another school will be directed to the Family Welcome Center to receive a school assignment for admission in the following school

<sup>9</sup> A student discharged without a diploma may return to school until the end of the school year in which he/she turns 21.

year. Such students do not have a guaranteed right to return to the school they attended prior to their discharge from the NYC public school system, though the school that the student previously attended will be considered. The Office of Student Enrollment will make final readmission determination.

4. Students returning from a court-ordered setting, custodial facility or treatment program:
  - a. Students who were enrolled in a New York City non-specialized school at the time of discharge to a court-ordered setting, custodial facility or treatment program have the right to return to the school in which they were enrolled if they return within one calendar year from the date of discharge.
  - b. Some of these students may benefit from a different school placement upon their return to the New York City public schools. The Office of Student Enrollment may consult with the Field Support Center point person or District 79, whichever is appropriate, to determine whether to enroll or refer the student to a different school that has available seats.

#### IV. **TRANSFERS**

Schools are required to meet with families to review transfer requests and provide all supporting documentation when a transfer is warranted.

- A. All requests for transfers as well as all Placement Exception Requests<sup>10</sup> must be approved by the Office of Student Enrollment with the exception of:
  1. Involuntary transfers<sup>11</sup> and voluntary transfers following superintendent suspensions, which are handled by the Borough Director of Suspensions in accordance with Chancellor's Regulation A-450 and A-443, respectively;
  2. Transfers of elementary school students seeking to attend their zoned schools (when seats are available), in which case the receiving principal must admit the student;
  3. Authorized transfers of ELL students by the Division of English Language Learners (ELLs) and Student Support, the Field Support Center Director of ELLs, and Superintendents into a school that has a Dual Language or Transitional Bilingual Education program;
  4. Transfers of students due to a new specialized program need, such as bilingual special education, specialized programs for students with Autism Spectrum Disorder (ASD), or a program for students with an Intellectual Disability.
  5. Authorized transfers by the Special Education Office due to the documented inability of the child's current school to provide the appropriate special education program (Integrated Co-Teaching and Special Class) as recommended on the IEP;
  6. Transfers mandated by an Impartial Hearing Order; and
  7. 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 at the Family Welcome Center. 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. District Gifted & Talented Transfers based on Changes in District of Residence (students in grades K-5 only): A parent whose child is enrolled in a district Gifted & Talented program may request a transfer for his/her child who moves to a different district, to a district Gifted & Talented program in the new district of residence.

<sup>10</sup> 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.

<sup>11</sup> In accordance with Chancellor's Regulation A-450, students with IEPs cannot be involuntarily transferred.

2. Childcare Hardship Transfers (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.
3. Sibling Transfers (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.
4. Medical Transfers/Reasonable Accommodations: A parent may request a transfer for a child to address a need for a reasonable accommodation for a disability, which may include, for example, a medical condition or disability that prevents the student from physically accessing the school. A parent may also request a transfer for a child when the parent has a disability that prevents the parent from physically accessing the school. The parent must provide documentation signed by an appropriate healthcare or rehabilitation professional on the medical provider's letterhead, stating the nature of the condition for which an accommodation is requested, and the reason why the transfer is recommended. The Office of Student Enrollment may consult the Office of School Health/Department of Health and Mental Hygiene on transfer decisions. With parental consent, appropriate staff may contact the medical provider to gain further information.
5. 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 Every Student Succeeds Act (ESSA) or (b) in situations (including complaints of harassment, intimidation and bullying) in which it is determined that a student's continued presence in the school is unsafe for the student. ESSA Safety Transfer requests will be coordinated by the Borough Director of Suspensions.

With respect to non-ESSA 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 1 week of receipt of the required documentation from the principal/designee. The procedures are as follows:

- a. Safety transfer requests can be made in one of two ways:
  - i. Schools can request a safety transfer by submitting supporting documentation to the Family Welcome Center.
  - ii. Families can request a safety transfer by visiting the Family Welcome Center and submitting documentation, such as a police report, a written statement by the student or parent, or other documentation supporting the transfer request.
- b. For a safety transfer to be considered, a school must fax the following documents to the Family Welcome Center:
  - School Occurrence Report or other school documentation;
  - Police Report, Docket number, or court documentation, if applicable and if not previously submitted by the family;
  - Safety Transfer Summary of Investigation Form; and
  - Safety Transfer Intake Form.
- c. 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;

- d. Based on the nature of the safety transfer materials, the Executive Director of Borough Enrollment or designee may consult with the Field Support Center Deputy for Student Services and the Borough Safety Director who serves as the designee of the Chief Executive Officer for the Office of School and Youth Development (OSYD).
  - e. 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. In all cases, the review and determination should take no more than 5 business days.
6. 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 Public School Choice is only eligible to be transferred to a school on his/her Public School Choice 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](http://www.psal.org)).
7. 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 75 minutes or greater or otherwise inaccessible by public transportation (i.e., more than 3 changes).
8. Transfer to Zoned High School (high school students only)
- a. In general, first-time 9<sup>th</sup> graders should complete their first year in high school at the school to which they were placed through the high school admissions process.
  - b. Students who request a transfer to their zoned school (where applicable) will be considered based on seat availability and may be deferred to the start of the following term.
  - c. Students with a documented hardship as listed above in items B.2–B.5 and B.7 will be prioritized over students without a documented hardship.
9. Guidance Transfers
- a. A parent or student may request a transfer if a student is not progressing or achieving academically or socially and an alternative placement would address these concerns.

- b. The Office of Student Enrollment will consult with the Superintendent regarding the decision on a guidance transfer when appropriate. The Office of Student Enrollment and/or the Superintendent may reach out to the principal to obtain evidence or documentation regarding the transfer.
    - i. All guidance transfer decisions based on academic performance or chronic attendance issues must be approved by the Superintendent.
  - c. This transfer process is to be utilized only by **parents who initiate** a voluntary transfer request. If a **principal** seeks to initiate the transfer of a student because he or she has failed to adjust in school, the procedures set forth in Chancellor's Regulation A-450 regarding involuntary school initiated transfers shall apply and the principal must follow the process set forth therein.
- 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 must be supported by appropriate documentation. They 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 on the Individualized Education Program (IEP), students with disabilities are expected and entitled to remain in their current school unless the changes require a District 75 placement or Non-Public School.
  2. Specialized Programs
    - a. If a child's IEP is revised to recommend a specialized program, including Bilingual Special Education and programs for students with Autism Spectrum Disorder (ASD), the student is entitled to remain at the current school until the NYC DOE identifies and authorizes a new placement in that program. At that time, the student will be transferred.
    - b. If at any time, until the terminal grade, a student's IEP no longer reflects the specialized program need, the student is expected and entitled to remain at the school until the terminal grade. Students in elementary or middle school retain the right to transfer to his/her zoned school, space permitting.
- 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 Family Welcome Center, 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 who is new to New York City presents documentation from out of New York City indicating the need for special education services, the student must be referred to the appropriate CSE or Family Welcome Center, 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:<sup>12</sup>
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; exceptions are emancipated minors, students 18 years of age or older, and unaccompanied youth (see 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. Neither evidence of legal guardianship nor a court order is 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 Family Welcome Center 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 or 2). Emancipated minors, students 18 years of age or older, and unaccompanied minors are not required to submit this notarized statement or affidavit (see Section VIII.D).
  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.

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<sup>12</sup> Students in foster care and students in temporary housing may continue to attend school in New York City if the student resided in New York City and was enrolled in a DOE school at the time of foster care placement or relocating outside of NYC.

**VII. VERIFICATION OF RESIDENCY**

A. Proof of address must be provided when enrolling a student in school.<sup>13</sup> A telephone bill, credit card bill or medical insurance card is not acceptable proof of address. Proof of residence must be demonstrated by any two of the following documents, each of which must state the home address.

1. Proof of address may be verified by any **two** of the following:
  - a. a lease agreement, deed or mortgage statement for the residence;
  - b. a residential utility bill (gas or electric) in the resident's name issued by a utility company (e.g., National Grid or Con Edison); must be dated within the past 60 days;
  - c. a bill for cable television services provided to the residence; must include the name of the parent and address of the residence and be dated within the past 60 days;
  - d. documentation or letter on letterhead from a federal, state, or local government agency, including the IRS, the City Housing Authority, the federal Office of Refugee Resettlement, the Human Resources Administration, or the Administration for Children's Services (ACS), or an ACS subcontractor, indicating the resident's name and address; must be dated within the past 60 days;
  - e. a current property tax bill for the residence;
  - f. a water bill for the residence; must be dated within the past 90 days;
  - g. rent receipt which includes the address of residence; must be dated within the past 60 days;
  - h. State, city, or other government issued identification (including an IDNYC card); which has not expired and includes the address of residence;
  - i. income tax form for the last calendar year;
  - j. official NYS Driver's License or learner's permit, which has not expired;
  - k. official payroll documentation from an employer issued within the past 60 days such as a pay stub with home address, a form submitted for tax withholding purposes or payroll receipt (a letter on the employer's letterhead is not adequate); must include home address and be dated within the past 60 days;
  - l. voter registration documents, which include the name of the parent and the address of residence;
  - m. unexpired membership documents based upon residency (e.g., neighborhood residents' association), which include the name of the parent and the address of residence;
  - n. evidence of custody of the child, including but not limited to judicial custody orders or guardianship papers; documents must have been issued within the past 60 days and include name of student and address of residence.

None of the documents listed above will suffice alone. Two proofs of residence are required, except in cases where a Third-Party Affidavit (see Attachment 8) is one of the documents, and in that case, three proofs of residence are required (as explained in paragraph 2 below). A telephone bill, credit card bill or medical insurance card is not acceptable proof of residency.

<sup>13</sup> For students in temporary housing, this investigation and requirement of address documentation is subject to the requirements of the McKinney-Vento Act.

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, residency can be demonstrated by an "Address Affidavit" signed by both the primary leaseholder as well as the parent affirming that the family is residing in this home, and two other documents verifying the family's home address. It is preferable that the signatures on the Address Affidavit be notarized, but in the absence of notarized signatures, the Affidavit can be accepted together with additional documentation that verifies the primary leaseholder and the parent's residence in the apartment or home. If the parent is unable to obtain this type of Address Affidavit, the parent may submit a written statement by a third party attesting to the fact that the parent resides at a particular address ("Third-Party Affidavit", see Attachment 8), along with two other documents from the list in Section VII.A.1, above, verifying that the family is residing at this address.
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. Students in temporary housing and students in foster care: The Primary Leaseholder/Tenant need not submit an Affidavit of Residency.

**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.

1. 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 Field Support Center point person with the results of the investigation. The Field Support Center point person will review the results, and if he or she deems appropriate, will recommend a transfer to the Field Support Director, or his/her designee. In addition, the Field Support Center point person will determine the actual address at which the student resides. The Field Support Director, or his/her designee, must review the documentation of the investigation and determine whether it is sufficient to warrant a transfer. The Field Support Director, or his/her designee, must then inform the Executive Director of Borough Enrollment and/or the principal of the approval to transfer the student.
2. 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 student 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 new school placement for which the student is eligible, 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 Field Support Director or designee that supports the school within 5 days of the notification letter.
3. The student will be transferred pending a ruling on the appeal unless the Field Support Director or designee, 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 10 school days.
4. In order to determine an appropriate transfer school, the parent will be required to submit verifiable proof of address.
  - a. If the student's actual zoned school has been verified through the address investigation process, the principal of the current or offered school will direct the family to that zoned school by listing it in the written notice (see B.2, above).
  - b. If the student does not have a zoned school or is eligible to attend high school, the Executive Director of Borough Enrollment will determine the new school. For transfers to a school in another borough, the Executive Director of Borough Enrollment for the receiving borough will determine the new school, and place the child on register if appropriate.
  - c. If it is determined that the student does not reside in NYC, he/she 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 for the time the student has been in attendance, and the student will be discharged as a non-resident at the end of the semester during which the determination is made. Additionally, the student forfeits his/her right to submit an application to remain as a non-resident.
5. Students in temporary housing and students in foster care are not required to submit proof of address in order to enroll in school; however, they are still subject to an address investigation should there be a question about the student's address or a suspicion that the address was falsified. Upon verification of the student's temporary address by conducting a home visit, the student may continue to attend school without providing additional documentation of residence.

## 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:
  - a. Has the parent relinquished custodial duties?
  - b. Is the student living separately from the parent or paying rent at home?
  - c. Is the student managing his/her own affairs?
  - d. 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<sup>14</sup> 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 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.
    - c. School of origin means the school the student attended when permanently housed or the school in which the student was last enrolled, including a pre-K program.
  2. A homeless, unaccompanied or runaway child may either remain in his/her current school of attendance (school of origin) or may transfer to a new school which s/he is eligible to attend depending on which placement is in the best interests of the student. Homeless high school students are not required to demonstrate a travel hardship before transferring to another school.<sup>15</sup> If the student elects to attend the new school based on the new residence, that school 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. It is presumptively in the best interests of the student to keep the student in the school of origin, except in cases where the parent, guardian or unaccompanied request that the student be enrolled in a different school. Several factors should be considered in making the best interest determination, including: the impact of mobility on achievement, education, health and safety, and priority to the parent's, guardian's or unaccompanied youth's choice.
    - a. If there is a dispute or disagreement as to whether the student should remain in the school of origin or transfer to a new school which she or he is eligible to attend based on entrance criteria, the student shall either remain in the school of origin or be immediately enrolled in the school in which enrollment is sought,

<sup>14</sup> An unaccompanied/runaway youth includes a student living in a residential program for runaway youth.

<sup>15</sup> Travel hardship transfers are only applicable at the high school level.

pending final resolution of the dispute. If the requested school does not have seat availability and/or is capped, the student will be enrolled in the designated overflow school or another school nearby.

4. 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.
5. 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 even if the student cannot present documents normally required for enrollment, in accordance with Title VII of the McKinney-Vento Homeless Assistance Act (42 USC 11431) and Chancellor's Regulation A-780.
6. An unaccompanied student is a 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.
7. A homeless student may not be denied immediate enrollment in a school because of lack of documentation, including proof of residency.
8. Homeless students participating in admissions processes for articulating grades (Pre-K, kindergarten, 6<sup>th</sup> grade and 9<sup>th</sup> grade) are to be afforded equal admissions priority as permanently-housed students living in the same area.

E. Students in Foster Care

1. Definitions:
  - a. "Foster care" means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.
  - b. School of origin means the school the student attended at the time of placement in foster care or the school in which the student was last enrolled, including a pre-K program. If a student's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of placement change.
2. Students in foster care who change foster care placements are entitled to remain in the school of origin, even if they move to another school zone, district, city, or state, unless a determination is made that it is not in their best interest to do so.
  - a. The determination of the student's best interest involves consideration of student-centered factors, which may include: the appropriateness of the current education setting, the proximity of the new foster care placement in relation to the current school, the preference of the student and/or parent or the person with educational decision-making rights, the history of school transfers the placement of the student's sibling(s), and the impact of a school transfer, including the commute. The determination should be made by the DOE, in conjunction with the child welfare agency, with input from the foster care agency, the foster parent, the student, and the school of origin, as appropriate.

- b. If it is determined that it is in the best interest of the student to change schools, the Executive Director for Borough Enrollment or designee will effectuate a transfer to a school for which the student is eligible. The school shall immediately enroll the student, even if the student cannot produce records normally required for enrollment, and shall immediately contact the school last attended by the student to obtain relevant academic and other records.
- c. For high school students in foster care who change foster care placement, 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 if it is determined to be in the best interests of the child to transfer schools.

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 the Office of 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, court-ordered settings 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), or Department of Corrections (DOC). 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 Family Welcome Center of the Office of Student Enrollment.
2. Students who have been discharged from the New York City public schools and are returning from a custodial facility within or outside of New York City have the right to return to the non-specialized school they attended prior to discharge if they return within one calendar year from the date of discharge from the previous non-specialized school, in accordance with enrollment policies referenced in this document. The Office of Student Enrollment, in consultation with the student and parent and the Field Support Center point person, may determine that the prior school is not appropriate and may therefore identify a different placement.
3. Students are not required 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. 8<sup>th</sup> grade students who have been suspended who have been assigned 9<sup>th</sup> grade seats for the next fall have rights to those seats in the next school year upon fulfillment of the 8<sup>th</sup> 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 2 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 the Office of Student Enrollment by List Notice in June only for the following reasons:
  - a. promotion to a higher level school (*i.e.*, from elementary to junior high/intermediate school or intermediate school to high school);
  - b. school closings, openings or reorganizations;
2. Schools may not list notice a student for any other reason, except for circumstances when that elementary school has a terminal grade prior to grade 5. These schools can only list notice students in the terminal grade to the student’s zoned school.
3. In accordance with Section I.A.18, students who are admitted to a particular school have the right to remain until the terminal grade, even if they move to a different zone or district in New York City, and cannot be list-noticed to their new zoned school. Such students can only be transferred following the procedures outlined in Section I.A.19.

**C. Non-district 75 schools (Districts 1-32) may not List Notice students to District 75 – Citywide Program schools.**

**D. District 75 may 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 and the IEP reflects a non-specialized school setting.**

**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. WAIVER**

This Regulation or any portion thereof may be waived by the Chancellor or his/her designee if it is determined to be in the best interests of the school system.

**XI. INQUIRIES**

<u>Telephone:</u> 718-935-2009	<i>Inquiries pertaining to enrollment, admission and transfer requirements should be addressed to:</i>  The Office of Student Enrollment	<u>Fax:</u> 212-374-5568
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<u>Telephone:</u> 212-374-6095	<i>Inquiries pertaining to attendance guidelines and regulations should be addressed to:</i>  Office of School and Youth Development – Mandated Responsibilities	<u>Fax:</u> 212-374-5751
<u>Telephone:</u> 212-802-1500	<i>Inquiries pertaining to District 75 admissions and transfers should be directed to District 75.</i>	<u>Fax:</u> 212-802-1678
<u>Telephone:</u> 917-521-3639	<i>Inquiries pertaining to District 79 admissions and transfers should be directed to District 79.</i>	<u>Fax:</u> 917-521-3649





**PARENT AFFIDAVIT OF RESIDENCY**

In accordance with Chancellor's Regulation A-101, 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 the lease or deed. ***If a parent is homeless, he or she may submit this form without the primary leaseholder's affirmation and signature.***

**Section A: STUDENT INFORMATION – Please print clearly in ink**

STUDENT'S LAST NAME	STUDENT'S FIRST NAME	GENDER (optional)	M / F
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DATE OF BIRTH (MM/DD/YY)	OSIS #/STUDENT'S ID # (if available)	TELEPHONE #
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STUDENT'S CURRENT ADDRESS (House #, Street, Apt. #, City, State and Zip Code)
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**Section B: PARENT INFORMATION – Please print clearly in ink**

PARENT/GUARDIAN'S LAST NAME	PARENT/GUARDIAN'S FIRST NAME
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PARENT/GUARDIAN'S CURRENT ADDRESS (House #, Street, Apt. #, City, State and Zip Code)
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HOME PHONE	WORK PHONE	CELL PHONE	EMAIL ADDRESS
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**Section C: PRIMARY RESIDENT/TENANT INFORMATION – Please print clearly in ink**

PRIMARY RESIDENT/TENANT'S LAST NAME	PRIMARY RESIDENT/TENANT'S FIRST NAME
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PRIMARY RESIDENT/TENANT'S CURRENT ADDRESS (House #, Street, Apt. #, City, State and Zip Code)
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HOME PHONE	WORK PHONE	CELL PHONE	EMAIL ADDRESS
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RELATIONSHIP TO PARENT	ANTICIPATED DURATION OF STAY
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**PROVISIONAL ADMISSION FORM**

\_\_\_\_\_  
Date

Dear \_\_\_\_\_:  
Name of Parent/Guardian

State Education Law 101.7(c) and Chancellor's Regulation A-101 require that address information must be provided upon registering your child in school. This information enables the school to contact you in the case of an emergency, to effectively communicate with you, or when needed, to conduct home visits.

The proof of address that you have provided does not meet the requirements set forth in Chancellor's Regulation A-101. As a result, your child is being admitted to school on a provisional basis pending an address investigation and/or the submission of additional documents establishing address.

If the results of the investigation indicate that your child resides at an address that is not zoned for this school or district, your child will be transferred to an appropriate school which s/he is eligible to attend based on his/her residence.

Thank you for your cooperation in this matter.

Sincerely,

\_\_\_\_\_  
Principal

- or -

\_\_\_\_\_  
Office of Student Enrollment



**HOUSING QUESTIONNAIRE**

Parent/Guardian/Student:

This form is intended to address the McKinney-Vento Act 42 U.S.C. 11435, and must be completed for each student. **The information you provide is confidential.** Your child will not be discriminated against based upon the information provided.

Please complete the following questions regarding the student's housing in order to help determine services the student may be eligible to receive.

**Note to Schools/Temporary Housing Liaisons:** Please assist students and families in filling out this form. Do not simply include this form in the registration packet, because if the student qualifies as residing in temporary housing, **the student is not required to submit proof of residency** and other required documents that may be part of the registration packet. The district cannot disclose housing status information without parental consent.

Student Name			
Last	First	Middle	
OSIS #	Date of Birth (MM/DD/YY)	Gender	School

Please identify the student's current living arrangements. Please check one box:

Check (v)	Housing Questionnaire Choice	School Use Only ATS Code
	<b>Doubled Up</b> With another family or other person because of loss of housing or as a result of economic hardship	D
	<b>Shelter</b> Emergency or transitional shelter	S
	<b>Hotel/Motel</b> Living in what is NOT an emergency or transitional shelter <b>and</b> involves payment	H
	<b>Other Temporary Living Situation</b> Trailer park, campground, car, park, public places, abandoned building, street, or any other inadequate living space	T
	<b>Permanent Housing</b> Student who is living in a fixed, regular, and adequate housing situation	P

If the student is NOT living in permanent housing, also indicate if the below applies:

	School Use Only
<b>Unaccompanied Youth</b> Youth who is not in the physical custody of a parent or guardian	Enter "Y" if applicable

\_\_\_\_\_  
 Parent/Guardian (print)

\_\_\_\_\_  
 Parent/Guardian Signature

\_\_\_\_\_  
 Date

Please return this form to your child's school as requested.

**Note:** The answer you give above will help determine what services you or your child may be eligible to receive under the McKinney-Vento Act. Students who are protected under the Act are entitled to immediate enrollment in school even if they do not have the documents normally needed, such as proof of residency, school records, immunization records, or birth certificate. After the student has been enrolled, the new school must contact the last school attended to request the student's educational records, including immunization records, and Students in Temporary Housing (STH). Liaison(s) must help the student get any other necessary documents or immunizations. Students who are protected under the McKinney-Vento Act may also be entitled to free transportation and other services. Please refer to Chancellor's Regulation A-780.

**This form is accompanied by a one-page attachment titled,  
 "McKinney-Vento Homeless Assistance Act – Students in Temporary Housing Guide for Parents & Youth".**

**MCKINNEY-VENTO HOMELESS ASSISTANCE ACT**  
**Students in Temporary Housing – Guide for Parents & Youth**

TOPIC	IMPORTANT INFORMATION
<b>Children living in the following situations are considered homeless for the purpose of education rights under the McKinney-Vento Act:</b>	<ul style="list-style-type: none"> <li>In a shelter, transitional shelter, motel, campground, abandoned in a hospital, or awaiting foster care.</li> <li>In a car, park, public place, bus, train, or abandoned building.</li> <li>Doubled up with friends or relatives because you cannot find or afford housing.</li> </ul>
<b>Unaccompanied Youth</b>	<ul style="list-style-type: none"> <li>Youth who is not in the physical custody of a parent or guardian, and who meets the definition of homelessness set forth in the explanation above.</li> </ul> <p><i>Unaccompanied homeless youth have the same rights as homeless students who reside with a parent or guardian.</i></p>
<b>Students who fall under the McKinney-Vento Act's definition of homeless have the following rights:</b>	<ul style="list-style-type: none"> <li>To a free public education.</li> <li>To immediate enrollment in the zoned school.</li> <li>To attend school no matter how long they have lived at their current location.</li> <li>To stay in their school of origin (school attended before becoming homeless or the last school attended) or choose to attend their new zoned school.</li> <li>To transportation services to and from school.</li> <li>To not be denied immediate school enrollment just because of their situation or because they lack enrollment documentation.</li> <li>To not be separated from the regular school program because they are homeless.</li> <li>To receive free school meals.</li> </ul>
<b>Important Information:</b>	<ul style="list-style-type: none"> <li>Each borough has at least one Students in Temporary Housing (STH) Content Expert who serves as the STH liaison and manages programs and services designed to help children who are homeless pursue their education. The STH Content Expert supervises a team of Family Assistants. Contact information for the Content Experts can be found <a href="#">here</a><sup>1</sup>.</li> <li>Additionally, District 75 and District 79 each have a designated STH liaison available to assist children who are homeless with their educational needs.</li> <li>Family Assistants are located at shelters and in some schools. They are responsible for assisting homeless parents and their children with their educational needs.</li> <li>Family Assistants are available to assist the child's parent/guardian with school enrollment, obtaining immunizations, school records, and arranging transportation to and from school. School staff should not hesitate to contact their STH liaison for individual questions, to arrange training, or to assist unaccompanied youth.</li> </ul>
<b>School Selection:</b>	<ul style="list-style-type: none"> <li>Schools must allow parents/guardians to choose the child's school when their child is homeless. The parent/guardian may choose among the following:               <ol style="list-style-type: none"> <li>The school the child attended when permanently housed (school of origin);</li> <li>The school in which the student was last enrolled; or</li> <li>Any school available to a permanently housed child residing in the area where the homeless student is currently residing.</li> </ol> </li> </ul>
<b>School Enrollment: (Apply only if your child is not currently enrolled or you want to change school)</b>	<ul style="list-style-type: none"> <li>Elementary School – register your child at your zoned school. If you are currently residing in a NYC Department of Homeless Services shelter, the family assistant at your shelter will be able to assist you, if needed. If there is no family assistant in your shelter or if you are not residing in a shelter, please contact your STH liaison for assistance.</li> <li>Middle School – same procedure as elementary school except where your district does not have zoned middle schools, then you must report to the Family Welcome Center. For the location of your Family Welcome Center, please call 311.</li> <li>High School – all high school students must register at the Family Welcome Center. For the location of the nearest Family Welcome Center, please call 311.</li> </ul>
<b>Enrollment Disputes:</b>	<ul style="list-style-type: none"> <li>If a dispute arises over the school selection or enrollment, your child must be immediately admitted to the school in which he/she is seeking enrollment, pending resolution of the dispute.</li> <li>The parent/guardian must be provided with a written explanation of the school decision on the dispute, including the right to appeal, and referred to the STH Family Assistant or STH liaison for assistance.</li> </ul>
<b>Transportation</b>	<ul style="list-style-type: none"> <li>Students who are defined as homeless by the McKinney-Vento Act are entitled to transportation to and from school, if necessary.</li> <li>If available, busses will be provided to students in grades K-6; if not available, they are eligible for a student MetroCard.</li> <li>For students in grades Pre-K-6 who are eligible for transportation and receive a student MetroCard, their parents/guardians are eligible for public transportation assistance (MetroCard) to accompany the child.</li> <li>Students in grades 7-12 are eligible for student MetroCard.</li> </ul>

**For more information, please contact your borough STH liaison or call 311.**

<sup>1</sup> <http://schools.nyc.gov/NR/ronlyres/6C02DF12-F56D-4024-BE84-EA5B6A51A7B9/0/CopyofSTHContactInformationFORDISTRIBUTION.pdf>

**THIRD PARTY STATEMENT OF RESIDENCY**

**Section A: STUDENT INFORMATION – Please print clearly in ink**

STUDENT'S LAST NAME                      STUDENT'S FIRST NAME                      GENDER (optional)                      M / F

DATE OF BIRTH (MM/DD/YY)                      OSIS # / STUDENT'S ID # (if available)                      TELEPHONE #

STUDENT'S CURRENT ADDRESS (House #, Street, Apt. #, City, State and Zip Code)

**Section B: PARENT INFORMATION – Please print clearly in ink**

PARENT/GUARDIAN'S LAST NAME                      PARENT/GUARDIAN'S FIRST NAME

PARENT/GUARDIAN'S CURRENT ADDRESS (House #, Street, Apt. #, City, State and Zip Code)

HOME PHONE                      WORK PHONE                      CELL PHONE                      EMAIL ADDRESS

**Section C: THIRD PARTY INFORMATION – Please print clearly in ink**

LAST NAME                      FIRST NAME

ADDRESS (House #, Street, Apt. #, City, State and Zip Code)

CONTACT NUMBER                      EMAIL ADDRESS

RELATIONSHIP TO PARENT/FAMILY

WHAT IS THE BASIS FOR YOUR FIRSTHAND KNOWLEDGE OF THE ABOVE NAMED PARENT/GUARDIAN AND STUDENT'S HOME ADDRESS?

