

Category: **STUDENTS**

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Number: **A-240**

Subject: REASONS FOR DISCHARGING STUDENTS

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SUMMARY OF CHANGES

The regulation sets forth the valid reasons for transferring and discharging students. It supersedes Chancellor's Regulation A-240 dated September 5, 2000.

Changes:

- Distinguishes between Transfers and Discharges (p. 1, §§ I-II).
- Deletes the prior section headed "Verification of Reason for Discharge"; adds the requirement of verification of reasons for discharge to the description of each discharge (pp. 1-3).
- Clarifies that documentation verifying the basis for discharge or transfer must be maintained and recorded in accordance with the Transfer, Discharge, and Graduation Guidelines, which are available at <http://schools.nyc.gov/RulesPolicies/GraduationRequirements/default.htm> (p. 1).
- Changes language regarding parents' withdrawal of students in kindergarten, as children whose fifth birthday falls within the calendar year of admission are required to attend kindergarten, unless their parents elect to enroll them in first grade the following academic year (p. 1, § II.D).
- Adds that parents of a child whose fifth birthday falls within the calendar year of admission may choose to voluntarily withdraw their child from kindergarten and elect instead to enroll him/her in first grade the following academic year; such a child may be discharged and must enroll in first grade the subsequent school year (p. 1, § II.D).
- Updates titles to reflect current Department of Education organization (p. 1, § II.B).
- Streamlines language for clarity.

ABSTRACT

This regulation supersedes Chancellor's Regulation A-240 dated September 5, 2000. It sets forth the policies concerning transfer and discharge of pupils in New York City public schools.

INTRODUCTION

Once enrolled, students may be removed from a school register only for valid reasons, as set forth in this regulation. Transfers occur when students move from one DOE school or program to another DOE school or program. Discharges occur when students leave the NYC school system. The school must verify the reason for all discharges and maintain documentation of the basis for discharge, including documentation of graduation, if applicable, in accordance with the Transfer, Discharge, and Graduation ("TDG") Guidelines, which are available at <http://schools.nyc.gov/RulesPolicies/GraduationRequirements/default.htm>.

I. TRANSFERS

- A. Students may be removed from a school's register if they transfer to another New York City public school or program, including a DOE high school equivalency (GED) program.
- B. Students may be removed from a school's register if they are transferred to home schooling in accordance with State law and with the approval of the Central Office of Home Schooling.

II. DISCHARGES

A student enrolled in a public school may be discharged from the New York City school system only for one of the reasons listed below. All discharge documentation must be filed at the school and remain on file for six years after the student's expected date of graduation.

- A. Students who move out of New York City may be discharged. If the student is moving within the United States or Puerto Rico, the school is responsible for obtaining the student's new street address, city and state, as well as written documentation of the student's enrollment in a new school. If the new location is in another country, the school is responsible for obtaining the name of the student's new city and country and a statement from the parent,¹ written by the parent or attested to by appropriate school staff, that the family is moving out of the United States. Verifying documentation must be maintained and recorded in the student's record in accordance with the procedures described in the TDG Guidelines.
- B. Students who cannot be located after an investigation conducted by an attendance teacher or other appropriate school staff may be discharged. These discharges require documentation of the findings of the investigation and the approval of the Children First Network (CFN) Attendance Manager, in accordance with the procedures described in the TDG Guidelines.
- C. Students may be discharged upon verified admission to a non-DOE school or program, such as a parochial or private school, or a non-DOE residential or day school or program based on an Individualized Education Program (IEP) recommendation. In order to discharge a student for this reason, the school is responsible for obtaining written documentation of the student's enrollment in the new school or program in accordance with the procedures described in the TDG Guidelines.
- D. Parents of a child currently enrolled in kindergarten and who turns five years of age on or before December 31st may choose to voluntarily withdraw their child from kindergarten and elect instead to enroll him/her in the first grade the following academic year. Such children may be discharged from kindergarten and must enroll in first grade the subsequent school year. Documentation of the parent's request for withdrawal is required.

¹ The term "parent," whenever used in this regulation, shall mean the student's parent(s) or guardian(s) or any person or agency in a parental or custodial relationship to the student.

- E. Students may be discharged upon verified admission to a residential institution or other out-of-district setting that is not staffed by DOE personnel, such as an Office of Children and Family Services facility, hospital, or foster care institution, when such placement is mandated by a court or government agency. A discharge for this reason must be approved by authorized DOE staff and supported by verifying documentation in accordance with the TDG Guidelines.
- F. Parents of a child currently enrolled in a pre-kindergarten program and who turns four years of age on or before December 31st may voluntarily withdraw their child from school. Documentation of the parent's request for withdrawal is required. In addition, students who turn four years of age on or before December 31st and who are absent from school for 20 consecutive days may be discharged after the school follows the appropriate investigation and notification procedures as set forth in TDG Guidelines.
- G. Students who have completed the school year² in which they turn 17 may voluntarily withdraw from school. Students who have completed the school year in which they turn 17 and who have not been in attendance for 20 consecutive school days may be discharged by the school after the school follows appropriate notification procedures. In both of the foregoing cases, schools shall follow the procedures described in the Planning Interview Form and the Planning Interview Procedures Manual. In addition, students must receive written notice of the right to return to school until the age of 21, as long as they have not previously received a high school diploma.
- H. Students who are 16 or 17 years old may be discharged for full-time employment upon written parental consent and receipt of a full-time employment certificate. Students over 17 years of age may be discharged upon entry into military service. The foregoing discharges shall be implemented in accordance with the procedures described in the Planning Interview Form and the Planning Interview Procedures Manual. Students must receive written notice of the right to return to school until the age of 21, as long as they have not previously received a high school diploma.
- I. Students may be discharged upon matriculation to a four-year college program prior to high school graduation, in accordance with the procedures described in the TDG Guidelines.
- J. Students over 21 years of age may be discharged at the end of the school year in which they turn 21.
- K. Deceased students may be discharged upon verification.
- L. Students with disabilities may voluntarily leave school with a New York State approved alternative credential or certificate at the end of the school year in which they turn 21 or at any time after they have attended school for at least 12 years, excluding kindergarten. Any such student who voluntarily withdraws must be notified in writing that s/he has the right to return to school until the age of 21.
- M. A student who has received a high school equivalency diploma (GED) may be discharged in accordance with the procedures described in the TDG Guidelines. A student who has received a high school equivalency diploma has the right to stay in school or return to seek a regular high school diploma until the end of the school year in which their 21st birthday occurs.
- N. A student who completes high school diploma requirements shall be discharged as a graduate in accordance with the procedures described in the TDG Guidelines and the High School Academic Policy Reference Guide. A student who already received a high school diploma from a school outside NYCDOE at time of enrollment may also be discharged.

² The school year officially begins on July 1st. Students who turn 17 on or after July 1st are required to remain in school until the end of that school year.

- O. High school general education students who have completed the school year in which they turn 17 may be discharged upon expulsion for dangerous or violent behavior, after a Superintendent's hearing in accordance with Chancellor's Regulation A-443.

III. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

<u>Telephone:</u>	<i>Office of Safety and Youth Development</i>	<u>Fax:</u>
212-374-6095	N.Y.C. Department of Education 52 Chambers Street – Room 320 New York, NY 10007	212-374-5751