



## Public Comment Analysis

**Carmen Fariña**  
*Chancellor*

Date: September 20, 2016

Topic: Proposed Amendments to Chancellor's Regulation A-101

Date of Panel Vote: September 21, 2016

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### **Summary of Chancellor's Regulation A-101**

Chancellor's Regulation A-101 sets forth the policies concerning admission, discharge, and transfer of pupils in the New York City public school system.

### **Summary of Issues Raised in Written and Oral Comments and Significant Alternatives Suggested**

The following comments were received:

1. One comment stated that parents should have the right to place their children at the schools they want them to attend, rather than being required to go to a Family Welcome Center to obtain a placement, and that, if the parent does not like the school to which the child is admitted, the parent should be able to easily obtain a transfer to another school.
2. The comment stated that address verification investigations should be handled by the superintendent's office or the Office of Student Enrollment, rather than by parent coordinators or school staff, as these employees are very busy with other school-based issues.
3. One comment applauded the proposed amendments that allow families to initiate a request for a safety transfer by visiting a Family Welcome Center, establish a timeline of 5 business days to make determinations on requests for safety transfers, and provide for Guidance Transfers for students who are not progressing or achieving academically or socially in their current setting.
4. One comment recommended that the definition of "parent" be changed in the regulation to be substituted for "person in parental relation" and defined as "mother or father (by birth

or adoption), stepfather or stepmother, or 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....”

5. One comment recommended that several changes be made to policies concerning students in foster care, including: the regulation should clarify that students in foster care have the right to remain in their school or origin even if they move to another school zone, school district or state; the language requiring a “hardship” in order to justify a school change for a high school student should be deleted, since the appropriate standard is the best interests of the child; and language should be added to reflect that the DOE may not transfer students in foster care to different schools due to poor attendance or lateness, since all school changes for students in foster care must be based on a “best interests” determination.
6. One comment expressed that the DOE must ensure that students returning from custodial settings, such as detention or jail, have a wide range of school placement options, and that their options are not limited to a small number of struggling schools. Such students should be allowed to enroll in their previous school or choose from any other school in the district that has available seats.
7. One comment stated that the documentation required for a safety transfer should allow for consideration of a written statement by the student or parent, or other supporting documents, and such documents should be considered sufficient even in the absence of a police report or school incident report.
8. One comment put forth several typographical changes that need to be changed:
  - (a) On page 1, in Section I.A.3, due to a change in numbering, this section should read “subject to paragraph 5 (below)” not paragraph 6.
  - (b) On page 2, in Section I.A.8, the three items that appear as bullet points should appear instead as paragraphs C, D and E.
  - (c) On page 3, in Section I.A.19, due to a change in numbering, the cross-reference contained in this section should refer to Section I.A.18, not Section I.A.17.
9. One comment expressed support for addition of language in Section IV.A of the regulation recognizing the authority of the Division of English Language Learners and Student Support, the Field Support Center Deputy Director of ELLs, and Superintendents to approve transfers of English Language Learners (ELLs) into dual language and transitional bilingual programs, but recommended that the regulation also provide for an ELL transfer mechanism.

10. One comment stated that the regulation should explicitly state that a court order is not necessary for a parent or person in parental relation to enroll a child in a school.
11. One comment opposed the proposed amendment that would change the timeline for the arrangement of placement for a school-aged student seeking admission at a school or Family Welcome Center from “by the next school day, if possible, but in no event later than 5 school days” to “within 5 school days”.
12. One comment supports the proposed amendment to section II.A.I.b that would extend the sibling priority in admissions decision to students who have siblings currently enrolled in District 75 programs co-located in the same building as the schools to which the student is applying. However, change should be incorporated into the section on Kindergarten admissions priorities and Pre-K admissions priorities.
13. One comment supported the proposed amendments that would allow schools to use other admissions priorities to achieve greater diversity.
14. One comment recommended that the proposed amendments concerning the right to return policy for students who have been matched to a school following discharge from the NYC public schools should allow for greater flexibility for students who have been discharged in order to attend substance abuse, mental health or other treatment programs.
15. One comment expressed support for the proposed amendments that clarify the right of return for student who were previously enrolled in Gifted and Talented program, are discharged from NYC public schools, and return to NYC public schools, but wanted additional provisions to give students who move within NYC the right to transfer to a Gifted and Talented program within the new district of residence if a seat is available, or in another nearby district if a seat is not available in the new district of residence.
16. One comment opposed the deletion of language stating that, when registering for a school, “unaccompanied minors are not required to submit [a] notarized statement or affidavit” showing residency.
17. One comment opposed the proposed amendment’s elimination of third-party affidavits as a means of providing residency in Section VII.A.2.
18. One commenter recommended modifying the transfer process to offer families two or three school options when a transfer is approved.
19. One commenter suggested that the term “medical condition” be used in the reasonable accommodation/medical transfer section to provide greater clarity to parents who do not realize that their child’s medical condition may be considered a disability.
20. One commenter suggested that a “medical provider’s script” be added to the list of appropriate documentation to demonstrate need to a medical accommodation.

21. One commenter expressed concern that accessibility needs are not considered at the outset of the placement process.
22. One commenter expressed support for the clarification of the safety transfer process.
23. One commenter stated that police reports are not necessary for non-ESSA safety transfers and suggested that additional kinds of documentation, such as court documents, hospital records, social media, or written statements by the student or parent be included on the list of documentation families may submit in support of a safety transfer.
24. One commenter suggested that the Family Welcome Center provide families with written confirmation of receipt of the safety transfer request, including contact information for the family to check the status of their request.
25. One commenter suggested that the DOE clarify that the five business day time frame for safety transfers run from the date of the request for the transfer.
26. One commenter suggested that the DOE clarify what types of documentation should accompany a request for a guidance transfer and how such transfers can be submitted.
27. One commenter suggested that the regulation be revised to add additional language clarifying that homeless students and students in foster care do not need to submit proof of address in order to enroll in school.
28. One commenter suggested revising the definition of a “homeless child.”

**Analysis of Issues Raised, Significant Alternatives Proposed,  
and Changes Made to the Proposal**

1. Regarding Comment 1, Chancellor’s Regulation A-101 provides different methods for the registration of students depending upon the student’s grade level and whether the student is new to the school district. New York City residents can participate in admissions processes for pre-K, kindergarten, middle school, high school, and Gifted & Talented programs. Elementary and middle school students who are new to New York City or have not participated in an admissions process may enroll directly at their zoned school (if applicable); however, enrollment will depend on the availability of seats in the student’s grade. Elementary and middle school students who do not have a zoned school or would like to explore other options should visit a Family Welcome Center to obtain a placement. All high school students who are new to NYC or do not have a high school placement should visit a Family Welcome Center to obtain a placement. The Family Welcome Centers have information about the kinds of schools that are available for students and can share this information with families. If the parent does not like the school where the child is placed, the parent can apply for a transfer, provided the requirements of the particular type of transfer are met. The types of transfers that are available are described in the proposed amended Chancellor’s Regulation A-101 in Section IV, on pages 11-13.
2. Regarding Comment 2, Chancellor’s Regulation A-101 names the principal as the individual at the school who is responsible for initiating address investigations. The

school may collaborate with the Field Support Center Attendance Teacher assigned to the school to complete the outreach related to the investigation. These staff are trained to conduct the investigations, and have support from their Field Support Center team.

3. The New York City Department of Education appreciates the support expressed for these new policies in Comment 3.
4. Comments 4 through 7 raise issues that are beyond the scope of the currently proposed amendments, and will be considered for future amendments of this regulation.
5. The typographical changes suggested in Comment 8 have been incorporated into the proposed amendments to the regulation.
6. Comments 9 and 10 are beyond the scope of the currently proposed amendments and will be considered for future amendments of the regulation.
7. In response to Comment 11, the proposed amendment requires that a student be placed in a school within five days, which means the student can be placed in a shorter timeframe.
8. Comment 12 is beyond the scope of the currently proposed amendments and will be considered for future amendments of the regulation.
9. The Department of Education appreciates the support expressed in Comment 13.
10. Regarding Comment 14, the proposed amendments provide greater flexibility for students who return to the NYC public schools following discharge, but require that the student continue to be eligible for admission to a particular school in that academic year.
11. Regarding Comment 15, the DOE allows students to transfer to a different G&T program if they move within or to a new district, provided seats are available in the G&T program being sought.
12. Regarding Comment 16, the regulation provides in Section VIII.D.2 that unaccompanied minors are not required to produce documentation or records typically required for enrollment.

13. Regarding Comment 17, the language concerning Third-Party Affidavits included in Section VII.A.1 and 2 of the current regulation was inadvertently omitted from the proposed amendments to the regulation. This language will remain in the amended regulation, as it is required by law.
14. Comment 18 is beyond the scope of the proposed amendments and will be considered for future amendments of the regulation.
15. Regarding Comment 19, the Reasonable Accommodation/Medical Transfer section of the regulation already uses the term “medical condition”.
16. Regarding Comment 20, the regulation requires individuals seeking a medical transfer to provide documentation in the form of a doctor’s note that states the nature of the disability/medical condition and the reason why a transfer is recommended. This requires greater detail than can typically be included on a prescription form. Furthermore, to ensure legibility, it is preferable that the information be typed rather than handwritten.
17. Comment 21 is beyond the scope of the proposed amendments.
18. The DOE appreciates the support express in Comment 22.
19. Regarding Comment 23, the regulation does not require a police report to be submitted in order for a Safety Transfer to be approved. It is listed as an example of what documentation may be appropriate, but other types of documentation may be submitted.
20. Regarding comment 24, previously, Chancellor’s Regulation A-101 did not permit families to submit safety transfer requests; rather, all requests needed to come through the school. The proposed amendments permit the family to submit documentation, such as a police report, to the Family Welcome Center to begin the process. When a family visits a Family Welcome Center for any reason, the Enrollment Officer or Counselor details the visit in the DOE’s system, and each family receives a business card with contact information for the individual who assisted them.
21. Regarding Comment 25, this language is already provided in the proposed amendments.
22. Regarding Comment 26, because the types and reasons for Guidance Transfers are varied, the type of documentation that may be requested will differ, depending upon the nature of the request. For example, if a high school student requests a guidance transfer

based on academics, the Office of Student Enrolment might review academic records, transcripts, and attendance records – and none of that documentation would need to be submitted by the family. Transfer requests can be submitted either by the school on behalf of the family or by the family, as long as the Transfer form (T-form) is signed by the family and received by the Family Welcome Center. In either case, the Family Welcome Center will contact both the family and the school prior to rendering a decision.

23. Regarding Comment 27, this language is already provided in the regulation.

24. Comment 28 is beyond the scope of the currently proposed amendments and will be considered for future amendments.

The proposed amended Regulation will be presented for a vote at the September 21, 2016 meeting of the Panel of Educational Policy. A copy of the proposed amended Regulation is available at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2016-2017/9212016PEPRegulationA101>