



Public Comment Analysis

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Chancellor

Date: August 25, 2015

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

Date of Panel Vote: August 26, 2015

Summary of Proposed Amendments to 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. The proposed amendments will revise the prior version of the regulation, which was issued on October 31, 2013, by: (1) adding categories of documents that may provide proof of age for a student's registration in a school; (2) clarifying that no student who has been appropriately registered by a school or registered/assigned by the Office of Student Enrollment, a District 75 program, or a Committee on Special Education, may be turned away by the school to which the student is registered/assigned; (3) clarifying that zoned students who apply to a NYC DOE Pre-K program and have verified siblings who are pre-registered or enrolled at the time of application submission and will be in grades K through 5 in the school at the start of the following September will have priority for admissions and, if the applicant's zoned district changes during the application period due to a rezoning plan, he/she continues to have priority to the original zoned school; (4) describing the admissions priorities to NYC DOE Pre-K programs in non-zoned district schools; (5) clarifying that 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; (6) clarifying the matriculation policy for elementary and middle school; (7) explaining that approvals of transfers of students due to a new specialized program need, such as a bilingual special education program, transfers authorized by the Special Education Office due to documented inability of the child's current school to provide the appropriate special education program as recommended by the IEP, and transfers made by an Impartial Hearing Order are authorized by the respective office and referred to the Office of Student Enrollment for placement; (8) updating enrollment policies for students with disabilities who receive special education services; (9) adding categories of documents that may be used to provide proof of residence for registration of a student in a school, and exempting homeless students from these requirements; (10) adding protections for homeless or unaccompanied students; (11) clarifying the circumstances under which District 75 may List Notice a high school student to a non-District 75 school; (12) clarifying that placement of any school-age student seeking admission at a school or Family Welcome Center must be arranged by the next school

day, if possible, but in no event later than 5 school days; and (13) updating the names of DOE offices and personnel to reflect the new DOE organizational structure.

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

Comments received relevant to the amendments to Chancellor's Regulation A-101 under consideration are summarized as follows:

1. Several comments expressed concern over the use of an official NYS Driver's License or learner's permit as proof of residency because these documents are not reliable proof of residency.
2. A comment expressed concern over the use of the IDNYC card as proof of residency because it is not reliable proof of residency.
3. A comment was made there should be a higher priority in UPK admissions for students living outside the zone of a school, but who are zoned to a different school within the district that has no pre-K program, and who have a sibling currently attending the first-mentioned school.
4. One comment objected to the fact that pre-K placement has an impact on kindergarten placement.
5. A comment expressed support for allowing NYS Driver's licenses and IDNYC cards to be used as proof of residency.
6. One comment stated that the proposed amendment should provide specific information about how to enroll unaccompanied immigrant youth residing with someone other than the parents.
7. One comment expressed support for the proposed amendment's expansion of the types of documents the DOE will accept as proof of residency, but requested that another type of document be added: a statement by a third party relating to the parent(s) or person(s) in parental relation's physical presence in the district.
8. One comment criticized the proposed amendment for requiring two proofs of residence, stating this was unnecessarily restrictive.
9. One comment stated that the proposed amendment should make clear that students who are homeless are entitled to immediate enrollment even if they don't have the documents normally needed for enrollment.

Comment received that are not relevant to the amendments under consideration to Chancellor's Regulation A-101 are summarized as follows:

10. One comment advocated for an amendment to provide a transfer mechanism for English Language Learners.
11. One comment requested that a timeframe be specified within which special education services be provided to students with Individualized Education Programs (IEPs) who transfer from another school district to a DOE school.
12. One comment expressed concern about a pre-existing footnote in Chancellor's Regulation A-101 and proposed replacement language for that footnote.

13. One comment recommended that the word “physical” should be inserted before “custody” so that the definition of unaccompanied homeless youth is consistent with Section 8 of the regulation and with state and federal law.
14. One comment recommended that the regulation specify that it is the enrolling school’s responsibility to obtain the records from the previous school attended.
15. One comment opined that Section VIII.D.7 of the regulation should be modified to allow students in temporary housing to be considered residents of the area where they were last permanently housed during the prior school year and the area where they are currently temporarily housed for purposes of articulation and admissions priorities.
16. One comment submitted by a parent of a child in District 15 asked the DOE to do everything it can to encourage diversity.
17. One comment submitted by a parent of a child in District 3 advocated for school diversity and advocated for implementing zoned choice in District 3.

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

Comment 1 expressed concern over the use of an official NYS Driver’s License or learner’s permit as proof of residency because these documents are not reliable proof of residency.

The proposed amendment adds an official, unexpired NYS Driver’s License or learner’s permit as category of documents that can be used to provide proof of residency because recently enacted NYS Commissioner’s Regulation 100.2(y) requires that school districts consider this form of documentation as evidence of a parent(s)’ and child’s residency in the district.

Comment 2 expressed concern over the use of the IDNYC card as proof of residency because it is not reliable proof of residency.

This proposed amendment provides that an IDNYC card may be used as one of the documents to provide proof of residency because NYS Commissioner’s Regulation 100.2(y) requires that government-issued identification be considered as evidence of a parent(s)’ and child’s residency in the district.

Comment 3 related to priorities in UPK admissions for students whose zoned school does not offer pre-K.

Whether or not a student’s zoned school offers pre-K is a factor in determining the student’s priority level. In a given district, if students apply to schools other than their zoned school, a student without zoned pre-K will have a higher priority than a student with zoned pre-K.

Comment 4 objected to the fact that pre-K placement has an impact on kindergarten placement.

To clarify, only after all zoned students and siblings have been accommodated, will students who attended the school’s pre-K program have a higher priority than students who did not.

Comment 5 expressed support for allowing NYS Driver's licenses and IDNYC cards to be used as proof of residency.

The DOE appreciates the support expressed for this proposed amendment to the regulation.

Comment 6 stated that the proposed amendment should provide specific information about how to enroll unaccompanied immigrant youth residing with someone other than the parents.

With regard to students registering for school who are not accompanied by their parent or legal guardian, page 13 of A-101 states the following: "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). Unaccompanied minors are not required to submit this notarized statement or affidavit."

Comment 7 expressed support for the proposed amendment's expansion of the types of documents the DOE will accept as proof of residency, but requested that another type of document be added: a statement by a third party relating to the parent(s) or person(s) in parental relation's physical presence in the district.

On August 11, 2015, the DOE revised the proposed amendments to Chancellor's Regulation A-101 to reflect this comment, expanding that types of documents the DOE will accept as proof of residency to include a statement by a third party relating to the parent(s) or person(s) in parental relation's physical presence in the district.

Comment 8 criticized the proposed amendment for requiring two proofs of residence, stating this was unnecessarily restrictive.

The regulation has always required that at least two documents be submitted to provide proof of residency. This is not a change in policy or an amendment to the regulation.

Comment 9 related to immediate enrollment of homeless students.

As the amended regulation makes clear, students who are homeless are entitled to be enrolled in school even if they do not submit proof of residency.

Comments 10-17 are unrelated to the amendments to Chancellor's Regulation A-101 under consideration by the Panel for Educational Policy and therefore do not require a response in this document.

A copy of the proposed revised Regulation that will be voted on at the August 26, 2015 meeting of the Panel for Educational Policy can be obtained at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2015-2016/August262015Regulations>

