



BEDFORD CENTRAL SCHOOL DISTRICT
THE FOX LANE CAMPUS, P.O. BOX 180
MOUNT KISCO, NEW YORK 10549

Book	BCSD Policy Manual
Section	7000 STUDENTS
Title	Entitlement to Attend -- Age and Residency
Number	7130
Status	Active
Adopted	January 25, 2017

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY

All persons residing within the District who are between the ages of five years and 21 years and who have not received a high school diploma are entitled to enroll in the District.

A student who becomes six years of age on or before the first of December in any school year will be required to attend full-time instruction from the first day that the District schools are in session in September of that school year. A student who becomes six years of age after the first of December in any school year will be required to attend full-time instruction from the first day of session in the following September. Each student will be required to remain in attendance until the last day of session in the school year in which the student becomes 16 years of age.

*Additionally, any student from 16 to 17 years of age who is not employed is required to attend full-time instruction until the end of the school year in which the student turns 17 years of age.

Evidence of a prospective student's age and residency must be presented in such form as is permitted by state and federal law and regulation.

Upon registration, all new students shall be enrolled and shall begin attendance the next school day or as soon as practicable.

To register, all new students are required to present the following within three business days of initiating the application:

- a. Proof of age – examples of acceptable forms of documentation included, but are not limited to a birth certificate, baptismal record or a passport;
- b. Record of Immunizations and a Health Certificate from a New York State licensed physician, physician assistant, or nurse practitioner; and
- c. Proof of residency and physical presence within the District – two forms of proof are required, examples of acceptable documentation include, but are not limited to:
 1. Income tax forms, deed or lease, pay stub, voter registration document(s), driver's license, learner's permit, non-driver identification, utility bills, government-issued identification cards with the local address or membership documents issued by public agencies or entities where membership is based upon residency;
 2. A written statement by a third-party landlord, owner or tenant from whom the parent(s) or person(s) in parental relation leases or with whom they share property within the District; and/or
 3. A written statement by a third party, who is a resident of the District, relating to the parent(s)' or person(s) in parental relation's physical presence in the District.

d. Proof of parental relationship or guardianship - examples of acceptable documentation include, but are not limited to:

1. Affidavits indicating either 1) that the person seeking enrollment is the parent with whom the child lawfully resides; or 2) that they are the person(s) in parental relation to the child, with total/permanent custody and control and describing how they obtained the same (i.e. guardianship or by other means); or
2. Evidence of custody including, but not limited to judicial custody orders or guardianship papers.

It is the responsibility of the parent/guardian to inform the District's Registrar of any change in residency and/or address.

Such initial determination may be subject to periodic review during the course of a student's attendance.

Determination of Student Residency

Residence is established by a child's physical presence as an inhabitant within the District and his or her intent to reside in the District.

A child's residence is presumed to be that of his or her parents or legal guardians. Where a child's parents live apart, the child can have only one legal residence. In cases where parents have joint custody, the child's time is essentially divided between two households, and both parents assume responsibility for the child, the decision regarding the child's residency lies ultimately with the family. Where parents claim joint custody, but do not produce proof of the child's time being divided between both households, residency will be determined on the basis of the child's physical presence and intent to remain within the District.

The presumption that a child resides with his or her parents or legal guardians may be rebutted upon demonstration that custody of such child has been totally and permanently transferred to another individual. The District will not acknowledge living arrangements with persons other than a child's parents or legal guardians which are made for the sole purpose of taking advantage of the District's schools.

The presumption that a child resides with his or her parents or legal guardians may also be rebutted upon demonstration that such child is an emancipated minor. To establish emancipation, a minor may submit documentation of his or her means of support, proof of residency, and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his or her parents or persons in parental relationship.

All resident children are entitled to attend the District's schools, provided they meet the age and residency requirements established by state law. In the event the District is required to collect certain data, it will do so after the child has been enrolled or registered; in no instance will the information be required as a condition of enrollment or continued attendance. The District will not request on any enrollment or registration form, in any meeting, or in any other form of communication, any documentation or information regarding or tending to reveal the immigration status of a child, a child's parent(s), or the person(s) in parental relation.

In accordance with Federal Law (site), the District will not request on any enrollment or registration form, in any meeting, or in any other form of communication, any documentation or information regarding or tending to reveal the immigration status of a child, a child's parent(s), or the person(s) in parental relation. All resident children are entitled to attend the District's schools, provided they meet the age and residency requirements established by state law. In the event the District is required to collect certain data, it will do so after the child has been enrolled or registered; in no instance will the information be required as a condition of enrollment or continued attendance.

Children of Activated Reserve Military Personnel

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relation, will be allowed to attend the public school that they attended prior to the relocation. The District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

Homeless Children

Determinations regarding whether a child is entitled to attend the District's schools as a homeless child or youth will be made in accordance with Commissioner's regulation Section 100.2(x), as well as applicable District policy. Proof of residency will be waived for unaccompanied and McKinney-Vento eligible children. The District's homeless liaison will

assist these children in establishing the necessary documentation to establish their status so as to begin attending school immediately upon presentation as an unaccompanied and/or McKinney-Vento eligible student.

Family Educational Rights and Privacy Act, 20 USC § 1232g
Education Law §§ 310, 906, 3202, 3205, 3214, and 3218
Family Court Act § 657
8 NYCRR § 100.2(x) and (y)

NOTE: Refer also to Policies #7131 -- Education of Homeless Children and Youth
#7132 -- Non-Resident Students

Adopted: 1/25/17

Last Modified by Sarah Plewik on February 14, 2018