

**Northeastern Clinton Central School District
ADMISSION OF NON-RESIDENT STUDENTS**

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A. Ages of Attendance/Compulsory Attendance Age

According to Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law §3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age.

However, in accordance with Education Law §3205(3), the Board of Education in any school district shall have the power to require minors from sixteen (16) to seventeen (17) years of age who are not employed to attend full-time instruction until the end of the school year in which the student turns seventeen (17) years of age.

All persons dwelling within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

Undocumented children, just as U.S. citizen children, have the right to attend school full-time as long as they meet the age and residency requirements established by state law.

B. Proof of Age

The State Education Department does not require districts to collect students' social security numbers for any purpose. While school districts may need to collect certain data pursuant to State and/or federal laws, they should do so after a student has enrolled in school so as not to inadvertently give the impression that information related to immigration status will be used in making registration/enrollment determinations.

In accordance with Education Law, where a birth certificate or record of baptism is not available, a passport (including foreign passport) may be used to determine a child's age for purposes of enrollment/registration in school. Should none of these be available, the District may consider certain other documentary or recorded evidence to determine a child's age.

The following are examples of documentation which may be used to establish a student's age. This list is not exhaustive, nor is it a list of required documentation.

1. School photo ID with date of birth;
2. Hospital or health records;
3. State or other government-issued ID;
4. Military dependent ID card;
5. Native American Tribal document;
6. Record(s) from non-profit international aid agencies and voluntary agencies (VOLAGs);
7. Consulate identification card; and
8. Official driver's license.

C. Admission of Resident and Non-Resident Students

The Board of Education affirms its primary responsibility to provide the best possible educational opportunities for the children who are legal district residents and who are of legal age to attend. The District is not obligated to provide education or enroll students in the District's schools who are not residents of the District. Only resident students shall be authorized to attend the District schools.

Non-Resident Students

Non-resident students shall *not* be admitted to attend the District schools except as provided in this policy. In the following limited circumstances, non-resident students shall be permitted to attend the District schools:

1. Students attending school districts in the State of Vermont which do not provide secondary education to its students shall be eligible to attend the District's schools upon payment of the tuition rate established by the District.
2. Students currently attending the District's schools with the payment of tuition at the time this policy is adopted may continue to attend paying tuition at the established District rate; and
3. Students who are eligible to attend the District's schools pursuant to a collective bargaining agreement to which the District is a party, as such agreements may, from time to time be amended.
4. In the judgment of the Board of Education or its designee, there is sufficient space to accommodate the non-resident student; no increase in the size of faculty or staff will be necessary to accommodate the students; the non-resident students meet the District's criteria for admission; and the admission of such non-resident student(s) is and continues during the enrollment period to be in the best interests of the District.

5. Children of families who have signed a contract to buy or build a residence in the District may be enrolled during the semester in which they expect to become residents without payment of tuition upon Board approval.
6. A resident student attending the District, who has commenced the school year but becomes a non-resident during the school year, *may* be permitted to complete his/her *current* school year, subject to the student's continued enrollment being in the best interests of the District as determined by the Board of Education and with the approval of the Superintendent and provided that prorated non-resident tuition is paid in advance. In making the best interests determination, consideration will be given to the student's behavioral and academic record, the student's disciplinary record, the student not having in-school/out-of-school suspensions and the student maintaining at least a "C" average in all academic courses. Parents or legal guardians of non-resident students assume all responsibility for transportation of such students to and from school, and any school-related activities upon Board approval.
7. Senior Exemption: A resident student attending the High School who is eligible to be a senior *may* be permitted to complete his/her senior year as a non-resident without payment of tuition provided the student was a resident in attendance at Northeastern Clinton High School for the entire preceding school year and subject the student's continued enrollment being in the best interests of the District as determined by the Board of Education and with the approval of the Superintendent. Senior exemption is a privilege. The continued admission of the nonresident student must be in the best interests of the District. In making this determination, consideration will be given to the student's behavioral and academic record, the student's disciplinary record, the student not having in-school/out-of-school suspensions and the student maintaining at least a "C" average in all academic courses necessary for an on time graduation. Parents or legal guardians of non-resident students assume all responsibility for transportation of such students to and from school, and any school-related activities upon Board approval.

D. Transportation of Non-Resident Students

Parents or legal guardians of non-resident students who are permitted to attend the District's schools pursuant to this policy assume all responsibility for transportation of such students to and from school, and any school-related activities.

E. Determination of Student Residency

The residence of children dwelling within District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner.

Because the determination of residency is a question of fact, parent(s), guardian(s) or person(s) claiming parental custody and control of a child may be required to complete, execute and submit an affidavit and/or questionnaire.

The Board of Education or its designee shall determine whether a child is entitled to attend a District school. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/person in parental relation of the procedures for obtaining review of the decision within the District.

A child's residence is presumed to be that of his/her parents or legal guardians. However, the District may encounter students, particularly from other countries, who reside with persons other than their parents or legal guardians. In order to determine residency in these cases, the District may request information regarding such student's custody to establish residency and to ensure the health, safety and welfare of the child.

F. Children Living With Non-custodial Parents

A child's residence is usually determined by the residence of the custodial parent. However, a non-custodial parent who resides in the District may enroll his/her child in a District school if he/she shares the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the non-custodial parent.

G. Homeless Children

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend. Homeless students who are not entitled to attend district schools under federal and state laws may be considered for non-resident enrollment under this policy.

H. 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.

However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

I. Emancipated Minors

A determination of whether a student is to be designated as an emancipated minor in the District will be based on evidence that the student is no longer under custody, control and support of his/her parents/persons in parental relation. To establish emancipation, a minor may submit documentation of his/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/her parents/persons in parental relation.

These documents and such other information which may be available to the District shall be reviewed by the Board of Education or its designee, who will make a determination as to the emancipation and residency of the minor before the minor is enrolled. Such statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/person in parental relation and/or student may be subject to legal action.

J. Children Living With Persons Not Their Parents - Guardianship or Custody

In accordance with the Family Court Act and Domestic Relations Law, a person possessing a lawful order of guardianship or custody of a minor child who is not the parent of such child may enroll the child in District school where he/she and the child reside. Upon application for enrollment by the guardian or custodian, the District shall enroll such a child for such time as the child resides with the guardian or custodian in the District upon verification that the guardian or custodian possess a lawful order of guardianship or custody for the child and that the guardian or custodian and the child properly reside in the same household within the District.

McKinney-Vento Homeless Education Assistance Act,
Section 722, as reauthorized by the No Child Left Behind
Act of 2001
Domestic Relations Law Section 74
Education Law Sections 2045, 3202, 3205, 3209,
3212(4), 3218(1)(b), 3218(1)(d)
Family Court Act Section 657
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.2(x) and (y)

Approved by BOE: **October 25, 2016**