

SCHOOL ADMISSIONS
Policy 7130
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I. Admission of Resident Students

The School District shall provide a public education to all persons residing in the School District between the ages of five and twenty-one who have not received a high school diploma. Residence is established by one's physical presence as an inhabitant within the district and intent to reside in the district. The child's residence is presumed to be that of his/her parent/guardian. No person shall be refused admission into or be excluded from the School District on account of any legally protected status, including race, creed, color, national origin, sex, gender (including gender identity and expression), sexual orientation, weight, religion, marital status, disability, or predisposing genetic characteristic.

A veteran of any age who has not yet received his/her high school diploma and who has been discharged under conditions other than dishonorable is eligible to attend school.

A non-veteran under twenty-one years of age who has received a high school diploma shall be permitted to attend school or BOCES upon payment of tuition.

Required Documentation

Parents/guardians must provide sufficient proof that they reside in the School District. Examples of proof of residence include, but are not limited to:

1. A mortgage statement or deed of ownership;
2. A tax bill for the Town of Oyster Bay;
3. A copy of a lease executed by the tenant and landlord, with an affidavit by the landlord that the lease is in effect with a copy of the landlord's mortgage statement or deed of ownership;
4. Statements for utility bills;
5. A pay stub or income tax form showing the in-district address; or
6. A voter registration document or a state- or other government- issued ID.
7. A third party affidavit, sworn or unsworn, (usually by a neighbor or social services provider);
8. A letter from the person you pay rent to saying you live there
9. Custodial papers or other government issued document with evidence of address, as supplementary proof of residency;
10. Membership document such as a library card with evidence of address, as supplementary proof of residency.

Parents/guardians who enroll children without proper documentation of residence will be enrolled upon enrollment; however, proof of residence must be submitted within three days of enrollment.

In the event a lease is provided as proof of residency, the School District shall require that upon the expiration of the lease the parent/guardian of the student provide proof of the renewal of

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said lease. In the event the parent/guardian cannot provide such proof, the student must provide the School District with new proof of residency in accordance with this policy.

Other Documentation

New entrants must also present the following documents:

1. Proof of age - examples of acceptable forms of documentation include, but are not limited to, a birth certificate, baptismal record, or a passport (including a foreign passport)

Where such documentation is not available, other documents may be considered, including a school photo identification with date of birth, a consulate identification card, a military dependent identification card, documents issued by Federal State or local agencies (e.g., local social service agency, Federal Office of Refugee Resettlement); court orders or other court-issued documents, Native American tribal documents, or records from non-profit international aid agencies and voluntary agencies.

2. Proof of immunization in accordance with the age-appropriate schedule recommended by the Advisory Committee for Immunization Practice (ACIP). The school nurse will review and approve immunization records prior to enrollment of new students. No child may be admitted to, or allowed to attend, school for more than fourteen (14) days without acceptable evidence of immunization. Proof of immunization must be provided no later than fourteen (14) days upon enrollment of the child in the School District. This fourteen (14) day period may be extended, on a case-by-case basis, to thirty (30) days when a student has transferred from another state or country.; and
3. A health certificate from a licensed physician.

Students transferring from another school district are asked to provide the transfer or discharge notice from former school district (except for kindergarten students). Students with disabilities are asked to provide the IEP from the former school district.

Determinations of Non-Residency

Any decision by the School District that a child is not entitled to attend the schools of the district shall include notification of the procedures to obtain review of the decision within the School District. Prior to making a determination of entitlement to attend the schools of the School District, the Superintendent of Schools or his/her designee shall afford the child's parent, the person in parental relation to the child or the child, as appropriate, the opportunity to submit information concerning the child's right to attend school in the School District. When the Superintendent of Schools or his/her designee determines that a child is not entitled to attend

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the schools of the School District because the child is not a resident of the School District, the Superintendent of Schools or his/her designee shall, within two (2) business days, provide written notice of its determination to the child's parent, to the person in parental relation to the child, or to the child, as appropriate. Such written notice shall state:

- (i) that the child is not entitled to attend the public schools of the School District;
- (ii) the specific basis for the determination that the child is not a resident of the School District, including but not limited to a description of the documentary or other evidence upon which such determination is based;
- (iii) the date as of which the child will be excluded from the schools of the School District; and
- (iv) that the determination may be appealed to the Commissioner of Education, in accordance with Education Law, section 310, within thirty (30) days of the date of the determination, and that the instructions, forms and procedure for taking such an appeal, including translated versions of such instructions, forms and procedures, may be obtained from the Office of Counsel at www.counsel.nysed.gov, or by mail addressed to the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234 or by calling the Appeals Coordinator at (518) 474-8927.

Foster Care

The School District will adhere to the requirements set forth in Section 3202 of the Education Law concerning foster care children residing in the School District at the direction of the Department of Social Services or the Office of Children and Family Services.

Family Homes

Children cared for in free family homes and family homes at board located within the School District, when such family homes are the actual and only residence of the children, and who are not supported or maintained by a social services district or a state department or agency, shall be deemed residents of the School District for purposes of attending School District schools without tuition.

Placement

Any child reaching the age of five (5) on or before December 1 of any year will be eligible for kindergarten in the preceding September. Any child who meets these age requirements may be enrolled in kindergarten after the opening day of school. Any child enrolled in a kindergarten at another public, private or parochial school who does not meet these eligibility requirements will

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not be permitted to transfer into the School District during the year in which they are enrolled in kindergarten.

A child reaching the age of six (6) on or before December 1 of any year will be eligible for Grade 1 in the preceding September. A child who does not meet this age requirement, but who has satisfactorily completed a year's work in a kindergarten program approved by the New York State Education Department which provides substantially equivalent instruction to that of the local public school, may be enrolled in Grade 1 if requested by the parent/guardian.

A child entering the School District after the opening day of school who has been enrolled in Grade 1 or above in another school district will be placed in the same grade. If it is determined that the child is not properly placed, an alternate placement will be made. If a student is enrolled in the School District from another country, the student's academic history will be reviewed to determine appropriate grade placement.

Fraud

If any information or document has been falsified in connection with registration and/or placement, the Superintendent of Schools shall assess the educational status of the child and shall notify the parent/guardian in writing of the rejection of said documentation on this basis. Upon finding an intentional fraud, the Superintendent of Schools shall recommend appropriate action to the Board of Education and notify the parent/guardian in writing of his/her recommendation and the Board of Education's decision concerning the provision of educational services to their child. To the extent the Superintendent of Schools deems it appropriate, he/she shall notify the proper authorities of the fraudulent act.

In the event the Board of Education or its designee has determined that proof of residency has not been established, the Board of Education, or its designee, shall provide the parent/guardian of such child with notification of such determination in accordance with the Education Law and the Commissioner of Education's regulations concerning the exclusion of a student on the basis of residency.

II. Education of Homeless Children and Unaccompanied Youth

The Board of Education recognizes its responsibility to identify homeless children, as that term is defined under federal and state law, within the School District, encourage their enrollment and eliminate existing barriers to their education which may exist in school district practices. The Board of Education will provide that homeless children attending the schools in the School District with access to the same free and appropriate public education, including preschool education, as other children.

In order to determine whether there are unserved homeless children in the School District, the School District shall contact the local department of social services, local runaway and homeless youth shelters and any other shelters located in the School District. It is understood that not all

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homeless students can be identified through agencies as they may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. Accordingly, the School District will utilize an enrollment form that asks for a description of the current living arrangement of the child or youth in order to determine whether the child or youth meets the definition of a homeless child under the McKinney-Vento Homeless Education Assistance Act and New York State Education Law.

A homeless child is a child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship, or similar reason; lives in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital; or is a migratory child who qualifies as homeless. An unaccompanied youth is a homeless child not in the physical custody of a parent or legal guardian.

A homeless child has the right to attend school in either the district of origin (i.e., where he/she resided before becoming homeless), or the school in which he/she was last enrolled, including preschools and receiving schools (i.e. the school a child is to attend after completing the final grade level at the school of origin), the district of current location, or a district participating in a regional placement plan. The homeless child is entitled to attend the designated school district on a tuition-free basis for the duration of his or her homelessness and until the end of the school year during the year in which the child becomes permanently housed, and for one additional year thereafter if that year constitutes the child's terminal year in such building. If the child is relocated to temporary housing outside the School District, or to a different attendance zone or community school district within the School District, the child is entitled to continue to attend the same school building for the duration of the homelessness and until the end of the school year during the year the child achieves permanent housing and for one additional year if that year constitutes the child's terminal year in such building.

The Superintendent of Schools or his/her designee shall develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures shall include:

1. Admission: Upon designation, the School District shall immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment.

Homeless children will have the same opportunity as other children to enroll in and succeed in the schools in the School District. They will not be placed in separate schools or programs based on their status as homeless.

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2. Transportation: The School District shall provide transportation for homeless students currently residing within the School District as required by applicable law.
3. School Records: For homeless students attending school out of the School District, the School District shall, within five days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship paper/custodial affidavit, if applicable.
4. Coordination: The School District shall coordinate with local social services agencies and other entities providing services to homeless children and their families for the provision of services to homeless children, and shall coordinate with other school districts on issues of prompt identification, transportation, transfer of records, and other inter-district activities. This shall include providing appropriate services to homeless students with disabilities who are eligible for services under either Section 504 or IDEA.

Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed to be directory information under FERPA.

The Superintendent of Schools or his/her designee shall also designate a liaison for homeless children. The liaison's responsibilities shall include, but not be limited to, providing that:

1. homeless children and youth are identified by school personnel and through coordination activities with other entities;
2. homeless children are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
3. parents and guardians and unaccompanied youth are fully informed of all transportation services available to them, and are assisted in accessing them;
4. enrollment disputes involving homeless children are promptly mediated and resolved;
5. school personnel through outreach and in coordination with shelters and social service agencies and other appropriate entities identify homeless children, including homeless preschoolers;
6. homeless children receive educational services for which they are eligible, including Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services; and

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7. public notice of educational rights of homeless children is disseminated In locations frequented by homeless unaccompanied youth and parents/guardians of homeless children, including schools, shelters, public libraries and soup kitchens in a manner and form understandable to them;
8. staff who provide services to homeless students receive required professional development and support in identifying and meeting the needs of homeless students; and
9. homeless unaccompanied youth are informed of their rights, are enrolled in school, and have opportunities to meet the same State standards set for all students, including receiving credit for full or partial coursework earned in a prior school pursuant to the Commissioner's regulations.

In accordance with law and regulation, the School District will offer a prompt dispute resolution process (described in more detail in the accompanying administrative regulation).

In accordance with Commissioner's regulations, the School District shall collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

Each school in the School District shall maintain forms provided by the Commissioner of Education for designating a homeless child's district of attendance. These forms must be provided to any homeless child or parent or guardian who seeks to enroll a child in school. The School District's liaison for homeless students shall assist the homeless child and/or parent or guardian in understanding their rights under the law and provide them with information regarding the educational and related opportunities available to them.

School placement decisions for homeless children will be based on the "best interest of the child" And shall consider student-centered factors (such as the effect of mobility on student achievement, education, health and safety.) Unless doing so is contrary to the wishes of the child's parent or guardian, to the extent possible, a homeless child will continue to attend the school of origin (i.e. the school the child attended when he or she became homeless or the school in which the student was last enrolled).

If the School District wishes to send a homeless child to a school other than the school of origin or a school requested by the parent/guardian or unaccompanied youth, the Superintendent of Schools or his/her designee shall provide the parent or guardian with a written explanation of its decision, together with a statement regarding the right to appeal the placement process, which shall be in a manner and form understandable to them. The Superintendent of Schools or his/her designee shall refer any such dispute to the School District's liaison for the homeless for resolution. The homeless child must be enrolled in the school sought by the parent or guardian pending resolution of the dispute, including all final appeals.

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Admission Procedures

Upon designation, the Superintendent of Schools or his/her designee shall immediately:

1. review the designation form to determine that it is complete;
2. admit the homeless child even if the child or his/her parent or guardian is unable to produce records normally required for enrollment, the homeless child has missed application or enrollment deadlines, or there is an unresolved dispute regarding school selection or enrollment;
3. where applicable, make a written request to the School District where a copy of the child's records are located for a copy of the homeless child's school records;
4. notify the liaison for homeless children of the child's admission. The liaison shall:
 - a. notify the child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation;
 - b. determine that the child receives the educational services for which they are eligible, including Head Start and Even Start and preschool programs administered by the School District;
 - c. make necessary referrals for the homeless children or their families to health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services; and
 - d. mediation of any enrollment disputes promptly and in accordance with law.
 - e. when assisting unaccompanied youth in placement or enrollment decisions, give him/her the opportunity to explore education opportunities available to him/her, give priority to the views of such youth, and inform them of their status as "independent students" for purposes of applying for federal financial aid for college and assist with that process; and
 - f. assist homeless children and their parents/guardians in obtaining required immunizations, health screenings, immunization records or health records.

The Superintendent of Schools or his/her designee shall forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.

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Transportation

In accordance with the Education Law, the school district of current location shall provide transportation to homeless children, where designated, as the school district of attendance, on the same basis provided to resident students. For homeless children who are ineligible for transportation either from the local Department of Social Services or a residential program licensed by the Division For Youth (DFY) for runaway and homeless youth, the designated school district shall provide transportation from the child's temporary location and the school on the same basis it transports its resident students. Such transportation shall not be in excess of 50 miles each way except where the Commissioner of Education certifies that transportation in excess of 50 miles is in the best interest of the child.

Transportation will be provided when the district receives notice of a child's homeless status, as well as during the pendency of disputes. If a child is receiving transportation to his/her school of origin and obtains permanent housing during the school year, the student has the right to continued transportation services to the school of origin until the end of the academic year, as well as if the student completes the final grade level in a building, or attends the designated receiving school at the next level.

Dispute Resolution Process

If, after the Superintendent of Schools or his/her designee reviews the designation form, he/she finds that the student is either not homeless, not entitled to attend the District's school, or not entitled to transportation (if requested), the Superintendent of Schools or his/her designee will do the following:

1. Contact the School District's homeless liaison to assist in dispute resolution process.
2. Contact the student and parent (if available) and inform them of their opportunity to provide more information prior to the School District making a final determination.

If, after consideration of any additional information and input from the homeless liaison, the Superintendent of Schools or his/her designee makes a final determination that a student is not homeless, or not entitled to enrollment or transportation, he/she must provide the student's parent or guardian, or the student, if the student is an unaccompanied youth, with written notice that the student is not entitled to their request. This written notice must also:

- 1) state the rationale/basis for the School District's determination;
- 2) state the date as of which the student will be excluded from the School District's schools (or transportation);

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- 3) advise that the School District's final determination may be appealed to the Commissioner of Education (Commissioner);
- 4) provide the name and contact information for the School District's homeless liaison;
- 5) inform the student's parent or guardian or the student, if the student is an unaccompanied youth, that the School District's homeless liaison is required to assist him/her in filing such an appeal; and
- 6) include, as an attachment, the form petition needed to file an appeal to the Commissioner.

The Superintendent of Schools or his/her designee will deliver the School District's final decision to the parent, guardian, or unaccompanied youth in a timely manner. The student must remain enrolled and provided with transportation (if requested) until the School District makes a final determination and for a minimum of thirty (30) days after the determination to give the student's parent or guardian or unaccompanied youth the opportunity to appeal to the Commissioner.

If the parent/guardian or student commences an appeal to the Commissioner within thirty (30) days of the final determination, the homeless child or youth will be permitted to continue to attend the school he/she is enrolled in at the time of the appeal and/or receive transportation to that school until the Commissioner renders a decision on the appeal.

III. Admission of Non-Resident Students

Definition: For the purpose of attendance in the District's schools, a resident is defined as an individual whose domicile is within the district.

Non-resident pupils shall be denied the privilege of attending the District's schools except in the following circumstances:

Eligibility of Former Residents:

- Students of any grade who move from the School District during the school year may be given permission to finish the semester in which the move occurs.
- A student who moves from the District after completion of the first semester of the year preceding his/her anticipated graduation year may be given permission to remain in the School District until graduation.

Eligibility of Special Non-Residents Under Contract From Other Districts:

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This policy shall not apply to non-resident students who are placed in a School District program as a result of another public school district's Committee on Special Education recommendation, when such recommendation has been consented to by the District and for which a contract between the School District and the other public school district exists.

Admission of Non-Resident Students Awaiting Possession of Home in District:

Non-residents who are scheduled to become residents of the School District by purchasing or leasing a School District residence within forty-five (45) calendar days from the date of enrollment of their child(ren) may register their child(ren) temporarily prior to establishing such residency upon the delivery of the following to the School District's Registrar:

- an executed copy of the contract for the purchase or lease of a residence in the School District; and
- a certified/bank check or money order made payable to the School District in an amount equal to 2/10ths of the yearly tuition for non-resident students.
- A sworn affidavit, in the form annexed hereto, acknowledging the non-resident applicant's status as a non-resident, and that such status shall continue unless and until the non-resident applicant has actually established residence in the School District.

The parent/guardian of the non-resident student is responsible for transporting the student to and from school until the time that they become bona fide residents.

In the event the parent/guardian of the non-resident student does not establish residency and/or the contract for the purchase of the residence is cancelled, the non-resident student shall no longer be entitled to attend school in the School District.

Non-Resident Tuition:

Non-resident students who are qualified to attend in accordance with the above section titled "Admission of Non-Resident Students Awaiting Possession of Home in District" will pay tuition at the rate set forth in the Commissioner's Regulations as follows:

- Tuition shall be payable in equal installments on September 1st and January 31st. If student does not attend for a full semester, the tuition will be prorated by weeks of attendance (partial weeks are considered a full week).
- Any student whose parents become residents of the School District on or before October 1st of any school year will be refunded any tuition paid for that year. Any student whose parents become residents after October 1st shall have tuition refunded on a pro-rated basis from the date of residence on a weekly basis.

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- School taxes paid on property owned within the School District, by the parents of a non-resident student who wishes to attend a school in the School District, shall be deducted from the price of tuition for the non-resident student in accordance with the Commissioner's Regulations.

Foreign Exchange Students with J-1 Visas

Foreign exchange students possessing a J-1 Visa will be admitted to the School District's High School for a one-year academic program subject to the following provisions and restrictions:

1. In order to qualify for a J-1 Visa for participation in such a program, the foreign exchange student must be a secondary school student in his or her home country who has not yet completed more than 11 years of primary or secondary study exclusive of Kindergarten or be between the ages of 15 and 18 years and 6 months at the time of the initial school enrollment.
2. The foreign exchange student must demonstrate maturity, good character and scholastic aptitude and must not have previously participated in an academic year or semester secondary school student exchange program in the United States.
3. The School District recognizes only those sponsors designated by the Secretary of State of the State Department as sponsoring organizations for the exchange of students. Any such organization must supply proof of designation prior to recognition.
4. Under no circumstances will a foreign exchange student subject to this policy be admitted into the School District's high school by a foreign exchange student program unless he or she has been accepted, in writing, as a student by the Superintendent of Schools or his/her designee. These approvals must be obtained prior to the foreign exchange student's admission into the High School. The School District reserves the right to rescind/revoke admission when it determines that there has been a material misrepresentation concerning the student's qualifications and/or the student violates the School District's Code of Conduct.
5. Prior to accepting a foreign exchange student into the School District's High School, the sponsor shall provide to the school a written English language summary of the student's complete academic class work from the sponsor. Tuition shall not be charged to foreign exchange students possessing a J-1 Visa unless funds have been made available to pay the foreign exchange student's tuition by the United States government, the foreign exchange student's government, or any organization, agency, or institution designated as a sponsor by the U.S. Department of State for the purpose of furthering international

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education and cultural exchange.

6. This policy does not apply to foreign exchange students living with families residing in the School District and attending a high school other than the School District's high school.

The School District shall admit no more than three (3) foreign exchange students, not more than one (1) per host family unless approved by the Superintendent of Schools, per school year in total.

Reservation of Rights:

The School District reserves the right to refuse to admit a non-resident student if the Superintendent of Schools or her/his designee determines that:

- placement in the School District's program would result in the exclusion of a resident student;
- the admission of the non-resident student will result in an increase in the size of the faculty or staff necessary to educate the non-resident student;
- the student has been disciplined, suspended or excluded from her/his previous school for disruptive behavior or endangering the health and safety of other students; or
- when such exclusion is deemed to be in the interests of the School District.

Review of Policy

The Superintendent of Schools shall periodically review the operation of this policy.

Ref: Education Law §§305; 903; 904; 1709(13); 1805; 3202; 3205; 3208; 3209
Executive Law §§532-b; 532-e
Public Health Law §2164
42 USC §§11431, et seq.
Executive Law §§532-b; 532-e
Social Services Law §§17; 62; 397
8 NYCRR §§100.2; 174.2; 175.6

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