

Students

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.

A student who becomes five years of age on or before the first day of December in any school year may be registered for kindergarten instruction from the first day that the District schools are in session in September of that school year. A student who becomes five 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.

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

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 the 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 the 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.

(Continued)

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SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)**Undocumented Children**

Undocumented children are entitled to attend the District's schools, provided they meet the age and residency requirements established by state law. Consequently, 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 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.

Exceptions to this policy may be made only under the following circumstances:

1. When a student, whose parent(s) is/are (a) non-resident(s) of the District, moves into a household located in the District, and a member of that household has assumed total legal custody of the student and the parent(s) has relinquished total parental control. Such a transfer of custody and control supported by competent evidence. The Superintendent, or his/her designee, shall be authorized to collect the necessary documentation.
2. When a non-resident student is a foreign national and:
 - a. is associated with a well-established and officially recognized pupil exchange program, such as American Field Service, International Fellowship, Inc., Rotary Exchange Students, and Experiment in International Living; and
 - b. the students' "host" family resides in the District; and
 - c. prior written approval for the student's school attendance in the District has been obtained from the Superintendent of School.
3. When a family has made a binding financial or contractual commitment to move into the District, but the move will not occur until after the start of the school year, so long as:
 - a. the family's move into the District is scheduled to occur within ten (10) weeks of the date of requested admission and
 - b. the student's parent or guardian assumes full responsibility for transporting the student until such move has occurred.
4. When a high school senior's family moves out of the district at any time prior to the end of the school year. In such case, the student's parent or guardian must assume full responsibility for transporting the student.

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5. In circumstances for which there is a mandate from the State or the Commissioner of Education;

Whenever there exists a question concerning the residency of a student and his/her right to attend school in the Red Hook Central School District, the Superintendent is authorized by the Board as its designee to commence an investigation into the circumstances and to determine, under applicable law and in light of all the facts ascertained, whether such child is in fact a resident of the Red Hook Central School District, in accordance with the procedures of §100.2 (y) of the Commissioner's Regulations.

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 Students in Temporary Housing
#7132 -- Non-Resident Students

Adoption Date: 03/23/2023