

RESIDENCY DETERMINATIONS REGULATION

The building administrator of the school where the parent/guardian applies should make the preliminary determination of residency* for registration. This requires a minimum of two pieces of evidence to verify residency. If there is a question regarding the residency, the following additional types of documents may be requested for verification:

- a deed or other proof of real property ownership
- a lease or rental agreement
- a utility bill in the parent/guardian's name which shows an address within the district
- the address on the parent/guardian's driver's license
- a record of the parent/guardian's voter registration
- a recent income tax return showing the parent/guardian's name and address within the district
- a current paycheck stub showing the parent/guardian's name and address within the district
- documentation illustrating the parent/guardian is receiving public assistance benefits at an address within the district.

In the case of a person claiming residency by virtue of a shared domicile within the district, a notarized statement from a person with whom the family is sharing a home is not sufficient documentation. Further evidence of residency must be requested as above.

In the event the administrator determines the parent/guardian is not a resident of the district, he/she informs the District Office. The Superintendent of Schools will issue a written statement to the parent of the basis for the district's conclusion that the child is not entitled to attend the district schools as a resident. This statement should include information regarding the parent's right to appeal to the Board and to request a hearing and/or to submit any additional information in support of the residency.

In the event a child is already enrolled in the district, when the residency becomes an issue, the superintendent will notify the parent/guardian in writing of the date on which the student will be excluded from attendance. Two weeks from the final determination of nonresidency is the suggested time for exclusion.

** Residency is the home (domicile) of the parent/legal guardian. It requires both physical presence in the district and the intent to remain there.*

Residency Determination for Designated Homeless

A homeless child* may attend school in either the district where he/she is currently living, the district in which he/she was living and/or attending school

when he/she became homeless, or a school district participating in a regional placement plan. If the homeless child enrolls in the district where he/she is currently living, but was not the district of origin, the district is eligible to be reimbursed for the cost of the student's education by SED. SED will bill the district of origin. (NYS Ed. Law §3209(3))

It is the responsibility of the building administrator to notify the District Business Office in writing when a homeless child is enrolled. (CR 100.2(X)) The designated school official will complete all State-required forms and documentation according to the timelines established in 100.2(X).

** Defined as a child who does not have a fixed, regular, and adequate nighttime residence, or who is temporarily living in a shelter or other designated homeless domicile.*

Residency Determination For Custodial Issues

The child's residence is assumed to be the district in which the custodial parent resides. A copy of the court order should be requested and kept on file in the school office. In the event of circumstances contrary to a court order, the critical issues to consider are: where is the child physically present and 2) do the child's parents intend that the child remain there permanently.

In the event a student's time is divided between the residences of both parents, the parents may choose either residence for the purposed school of attendance. One school district is not required to transport the child to the other school district.

Residency Determination For Emancipation Issues

If a student does not live with a parent or legal guardian, but there has been no surrender of parental control, that student's legal residence may still be that of the parent or guardian. However, a student may be considered emancipated if he/she is beyond compulsory school age, is living separate and apart from his/her parent(s) in a situation which indicates no parental custody and control, is not receiving financial support from his/her parent(s) and has no intent to return home (3202(2)8NYCRR, see 12:32).

The building administrator of the school where the student applies should make the preliminary determination of residency* for registration. If there is a question regarding the residency, the types of documents indicated above may be requested for verification.

Residency Determination For Immigration and Naturalization Issues

When a student enters the U.S. through a Port of Entry for initial attendance at our school district, the INS will forward an original copy of Form I-20, which includes a stamp from the INS data processing center (London, KY). This form will state the student's granted status and must be retained in the school's records; a copy must be sent to the District Business Office. If a student applies to register without an I-20 form, or if the student fails to register within thirty days of the registration deadline, it is the responsibility of the building administrator to notify the District Business Office. The designated school district official will complete all INS-required forms and documentation according to the timelines established in INS HQOPP 70/49.16.

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