NYS Board of Regents Revises Regulations Regarding Student Enrollment

On December 16, 2014, the New York State Board of Regents adopted a revised version of the Commissioner's Regulations Section 100.2(y). The revisions are designed to ensure greater uniformity statewide in enrollment procedures and residency determinations. The revised regulation adds five new sections, the first of which requires that all school districts make enrollment forms, procedures, instructions, and requirements for determinations of student residency and age publicly available. Enrollment forms are available on the District's website www.oleanschools.org.

Section 100.2(y)(2) mandates that following a request for enrollment, the child must be enrolled and commence attendance by the next school day, or as soon as practicable thereafter. Section 100.2(y)(3) provides that the actual residency determination must be made within three business days of enrollment, after the child's parent/guardian(s) or person(s) in parental relation is afforded the opportunity to submit information regarding the child's right to attend school in the district. Thus, children will now be able to start school before the district has determined if the student is a resident.

Requests for enrollment will be handled by the Central Registrar's Office promptly so that students may begin school as soon as possible. During the school year (excluding weekends and holidays), students will typically be able to begin the next school day when requests are received by 12:00 p.m. We request that you and your child meet with us on the first day for a building tour and the opportunity to discuss your child's schedule. We will do our best to help your child begin in the most appropriate classes, however, his or her placement may be adjusted on receipt of previous school records (ie, transcripts, testing results, IEP, etc.)

The regulation now lists the types of residency evidence that should be considered. The list of documents can be located on the district's website www.oleanschools.org. In addition to proof of the parent/guardian's physical presence, the district may also require the parent/guardian to provide an affidavit indicating they are the parent/guardian with whom the child lawfully resides or that they are the person in parental relation to the child, with total and permanent custody and control that describes how permanent custody and control was obtained. The regulation provides that documentation that the child has been placed by a federal agency with a sponsor is also adequate proof of custody.

The regulation now addresses documentation of a child's age and is consistent with Education Law Section 3218. If available, the district must rely upon a certified transcript of a birth certificate or record of baptism. If not, a list of other documents that may be accepted are listed on the district's website www.oleanschools.org.

Section 100.2(y)(4) of the regulation specifically notes that even after an initial determination that a child is entitled to attend, a district may thereafter determine that a child is not a district resident. In those circumstances, just as with an initial determination, the district must provide the parent/guardian with an opportunity to submit information concerning the child's right to attend school in the district before making the determination. The decision to exclude the child (except for when the child first seeks to enroll) must be made within two business days thereafter.

If proof of residency is not provided to the district within seven (7) days, the parent/guardian will receive written notification that a child is not entitled to attend as a resident student.

Please be advised that when a family moves from one residence to another residence within the district boundaries, proof of residency at the new address must be provided following the same aforementioned guidelines.

(Information provided by Harris Beach Attorneys at Law)