

SCHOOL ADMISSIONS/RESIDENCY REQUIREMENTS

I. School Admissions/Residency Requirements

The School District shall provide a public education to all persons residing in the School District between the ages of seventh grade and through twelfth grade. No person shall be refused admission into or be excluded from the School District on account of any legally protected status as enumerated in Policy 0100, Equal Opportunity, including race, creed, color, national origin, sex, reproductive health decisions, gender (including gender identity and expression), sexual orientation, weight, religion, marital status, disability, or predisposing genetic characteristic.

Residency

This section does not apply to students who have completed 6th grade in one of the School District's component districts (Bellmore, Merrick, North Bellmore, North Merrick).

Parents/guardians must provide sufficient proof that they reside in the School District when enrolling their children 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 Hempstead;
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. If a lease is not executed by the tenant and landlord, an affidavit by the landlord must be completed for the non-rental resident - see attached forms C & D;
4. Statements for at least two (2) utility bills. Bills for cellular telephones will not be acceptable proof of residency;
5. The portion of a current telephone bill showing name and address;
6. A pay stub or income tax form showing the in-district address;

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7. A copy of each: a driver's license and insurance identification card; or
8. A voter registration document or a state- or other government- issued ID.

Other Documentation

New entrants must also present the following documents at the time of registration:

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);
2. Proof of immunization: dates for immunization against diphtheria, polio, measles, German measles (rubella), mumps, pertussis, tetanus, pneumococcal disease, Haemophilus influenza type B, hepatitis B, meningococcal disease and varicella)

A health certificate from a licensed physician must be submitted within thirty days of enrollment.

All children must meet the legal requirement for completion of immunization series before being admitted to school. The Certificate of Immunization and Medical Examination Forms must be completed on the day of registration. Students who fail to meet immunization standards will be excluded from attendance in school. A student may be excused from immunizations only when a physician licensed by the State of New York submits a valid medical exemption on a form prescribed by the Department of Health.

Students transferring from another school district are asked to provide the transfer or discharge notice from the former school district. 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 School 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 the schools of the School District because

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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:

1. That the child is not entitled to attend the public schools of the School District;
2. 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;
3. The date as of which the child will be excluded from the schools of the School District; and
4. 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

Any child placed in foster care by the Department of Social Services or the Office of Children and Family Services will be admitted to attend the schools in the School District as set forth in Section 3202 and 3244 of the Education Law. Transportation will be provided by the School District from the foster care placement to school.

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.

Where a child is placed from outside of his/her school district of residence into the School District in family homes at board by a social services district or state agency, the Superintendent of Schools is authorized to recover, to the extent permitted by law, the cost of instruction of that student from the school district of residence.

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Placement of Transfer Students

A report card or other statement from the previous school indicating the grade of the student and the work accomplished will serve to determine initial placement. An official transcript will be provided from the previous school by the parent/guardian.

Grade placement shall be the responsibility of the Building Principal and shall be based on general achievement, consideration being given to the mental, physical, emotional, and social maturity of the child.

A student from any public or accredited non-public school system in the United States will be placed in the grade in which the student had been working in his/her prior school. Students from any school outside of the United States, public or private, or students with no official transcript shall be placed in a grade determined to be equivalent to that of the student's prior school. This initial placement shall be for a six (6) week probationary period or until the issuance of the first report card following the date of entrance.

The progress or performance of all transfer students in the grade or program in which they have been initially assigned will be evaluated by appropriate staff personnel.

If the student is to be reassigned, a written summary of the evaluation, with recommendations, will be prepared by the student's teachers and sent to the Building Principal. The Building Principal (or the guidance counselor, upon instruction from the Building Principal will review with the parent the basis upon which the decision to reassign was made.

II. Admission of Non-Resident Students

Definition: For the purpose of attendance in the School 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 School District's schools except in the following circumstances:

However, a Non-resident student may be admitted to district schools upon payment to the district of the Board-adopted tuition charge, if and only if, in the judgment of the Superintendent of Schools:

1. There is sufficient space to accommodate the non-resident student;
2. No increase in the size of faculty or staff will be necessary to accommodate them;

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3. The non-resident student meets the district's criteria for admission; and
4. The admission of such non-resident student is and continues during the enrollment period to be in the best interests of the district.

This policy is not applicable to homeless students entitled to attend district schools under federal and state law and regulations, who may not be currently residing in the district. 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. This policy is also not intended to cover students who are placed in district programs by agreement with, and paid for by, another school district.

Future Residents: The children of families who have signed a contract to buy or build a residence in the school district may be enrolled during the semester in which they expect to become residents, with payment of tuition. Tuition payment will stop upon proof of residency in accordance with the district's registration requirements. If the family does not become residents within the given semester, the student may be unenrolled from the district.

Former Residents: Students whose families have moved out of the district may continue to attend district schools under the following circumstances:

1. Former residents who move prior to March 1 may continue enrollment upon the payment of tuition from the date of the departure to the end of the school year.
2. Former residents who move March 1 or after will be permitted to finish the school year without charge.
3. Former residents enrolled in grade 12 at the time of departure from the district may be permitted to finish high school and graduate with their class provided the former resident meets the criteria of this policy. This does not apply to siblings in other grade levels.

The exceptions listed above for future and former residents shall not be made unless parents provide transportation.

III. 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

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district practices. The Board of Education will provide 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 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.

Definitions

- a. Homeless child. The term “homeless child” shall mean:
 - 1) A child who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:
 - i. Sharing housing of other persons due to a loss of housing, economic hardship or a similar reason;
 - ii. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
 - iii. Abandoned in hospitals;
 - iv. A migratory child, as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, who qualifies as homeless under any of the provisions of clauses (i) through (iii) of this subparagraph or subparagraph two of this paragraph; or
 - v. An unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or
 - 2) a child who has a primary nighttime location that is:
 - i. A supervised publicly or privately operated shelter designated to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway

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and homeless youths established pursuant to article nineteen-H of the executive law; or

- ii. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar setting.

- 3) The term “homeless child” shall not include a child in foster care placement or receiving educational services pursuant to subdivision four, five, six-a or seven of section thirty-two hundred two of this article or pursuant to article eighty-one, eighty-five, eighty-seven or eighty-eight of this chapter.

b. Designator. The term “designator” shall mean:

- 1) The parent or the person in parental relation to a homeless child; or
- 2) The homeless child, if no parent or person in parental relation is available; or
- 3) The director of a residential program for runaway and homeless youth established pursuant to article nineteen-H of the executive law, in consultation with the homeless child, where such homeless child is living in such program.

c. School District of origin. The term “school district of origin” shall mean the school district within the state of New York in which the homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose which caused such child to become homeless, which is different from the school district of current location. School district of origin shall also mean the school district in the state of New York in which the child was residing when circumstances arose which caused such child to become homeless if such child was eligible to apply, register at the time such child became homeless, or the homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose which caused such child to become homeless.

d. School district of current location. The term “school district of current location” shall mean the public school district within the state of New York in which the hotel, motel, shelter, or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless children, is located, which is different from the school district of origin.

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- e. Regional placement plan. The term “regional placement plan” shall mean a comprehensive regional approach to the provision of educational placements for homeless children which has been approved by the commissioner.
- f. Feeder School. The term “feeder school” shall mean:
 - 1) A preschool whose students are entitled to attend a specified elementary school or group of elementary school upon completion of that preschool.
 - 2) A school whose students are entitled to attend a specified elementary school or group of specified elementary school upon completion of the terminal grade of such school; or
 - 3) A school that sends its students to a receiving school in a neighboring school district pursuant to section two thousand forty of this chapter.
- g. Receiving school. The term “receiving school” shall mean:
 - 1) A school that enrolls students from a specified or group of preschools or elementary schools; or
 - 2) A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to section two thousand forty of this chapter.
- h. School of origin. The term “school of origin” shall mean a public school that a child or youth attended when permanently housed, or the school in which the child or youth was last enrolled, including a preschool or a charter school. Provided that, for a homeless child or youth who completes the final grade level served by the school of origin, the term “school of origin” shall include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child becomes homeless after such child is eligible to apply, register or the child is living with a school-age sibling who attends school in the district of origin, the school of origin shall include any public school or preschool in which such child would have been entitled or eligible to attend based on such child’s last residence before the circumstances arose which caused such child to become homeless.

Admission Procedures

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

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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.

2. School Records: For homeless students attending school out of the School District, the School District shall, within five (5) 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 papers/custodial affidavits, if applicable.
3. Credit Accrual: The School District shall provide homeless students with appropriate credit for full or partial coursework satisfactorily completed while attending a prior school in accordance with applicable law.
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 ensuring the provision of 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:

1. Identifying homeless children by school personnel and through coordination activities with shelters and social service agencies and other appropriate entities;
2. Informing parents/guardians of homeless children and unaccompanied youth of the educational and related opportunities available and providing meaningful opportunities for the student's participation in their education;
3. Enrolling homeless children and youth in schools of the School District, with a full and equal opportunity to succeed therein;

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4. Informing parents and guardians and unaccompanied youth of all transportation services available to them, and assisting them in accessing said services;
5. Promptly mediating and resolving enrollment disputes involving homeless children;
6. Ensuring that homeless children receive educational services for which they are eligible, including Head Start and preschool services for which they are eligible;
7. Disseminating public notice of educational rights of homeless children 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. Providing staff who provide services to homeless students with required professional development and support in connection with identifying and meeting the needs of homeless students;
9. Ensuring that students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;
10. Assisting parents/guardians or an unaccompanied youth in commencing an appeal pursuant to Education Law §310 of final determination regarding eligibility, enrollment, school selection and/or transportation;
11. Ensuring that homeless students (a) are enrolled in school, and (b) have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school; and
12. Informing school personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing of the duties of the homeless student liaison.

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

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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

A homeless child has the right to attend school:

- In the school district of origin (i.e., where he/she resided before becoming homeless),
- The school in which he/she was last enrolled, and receiving schools (i.e., the school a child is to attend after completing the final grade level at the school of origin),
- The school district of current location, or
- A school 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 through the end of the school year in which the student becomes permanently housed, and for one additional year thereafter if that additional 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 School District understands that the "designator" makes an initial decision about which school and school district a student in temporary housing will attend.

The School District will identify all students in temporary housing, and a designation form will be completed by the designator for all such students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner.

The appropriate designator must complete the designation form. The School District will make designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll such child in school.

Where a parent or person in parental relation or a child who is neither placed in a temporary housing facility by the local department of social services nor housed in a

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residential program for runaway homeless youth, designates the School District as the school district of current location, the School District will forward to the State Education Department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the schools of the School District.

Upon identification of a child who is in temporary housing and/or receipt of a completed designation form, the School District will:

- Immediately review the designation form to assure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;
- Determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interest decisions, the School District will:
 - Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and
 - Consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child's parent or guardian (or the youth, if a homeless unaccompanied youth). If the School District determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, the School District shall provide the parent or guardian (or youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal. (See Dispute Resolution Process).
- Provide the child with access to all of the School District's programs, activities and services to the same extent as they are provided to resident students;
- Immediately contact the school district where the child's records are located in order to obtain a copy of such records and coordinate the transmittal of records for students with disabilities pursuant to section 200.4(e)(8)(iii) of the Commissioner's regulations;
- Notify the liaison for homeless children of the child's admission.

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- Immediately refer the parent or guardian of the student in temporary housing to the liaison for homeless children who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;
- Forward the STAC 202 form to the Commissioner of Education and the school district of origin, where applicable. In all cases, the School District will give a copy of the completed STAC 202 to the designator and keep a copy of the STAC 202 form for the School District's records.

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. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth or homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent such funds are provided for such purpose, with the submission of a Runaway and Homeless Youth Act Transportation Form. 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 must be provided when the School 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.

Where the School District is designated as the school district of attendance, it will provide transportation to students in temporary housing for extracurricular or academic activities when:

1. The student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school; and
2. The student meets the eligibility criteria for the activity; and

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3. The lack of transportation poses a barrier to the student's participation in the activity.

Where a student in temporary housing must cross state-lines to attend a school of origin, the school district will coordinate with the local educational agency in the neighboring state to provide transportation services when:

1. The student is temporarily living in New York State and continues to attend school in a neighboring state; or
2. The student is temporarily living in a neighboring state and continues to attend school in New York State.

Notwithstanding the foregoing, a social services district shall provide for the transportation of each homeless child, including those in preschool and students with disabilities whose individualized education programs include special transportation services, who is eligible for benefits pursuant to the social services law, to and from a temporary housing location in which the child was placed by the social services district and the school attended by such child, if such temporary housing facility is located outside of the designated school district. A social services district shall be authorized to contract with the School District for the provision of such transportation. Where the social services district requests that the School District of attendance provide or arrange for transportation of a homeless child eligible for transportation, the School District shall provide or arrange for the transportation and the social services district shall fully and promptly reimburse the School District for the cost determined by the School District. This paragraph shall apply to placements made by a social services district without regard to whether a payment is made by the School District to the operator of the temporary housing facility.

Coordination

The School District will coordinate the provision of services described above with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act. In addition, the School District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The School District will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

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Students in temporary housing are eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The School District shall ensure that:

1. Title I, Part A funds are set aside as necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;
2. Its local plan describes the services provided to students in temporary housing;
3. Its local plan describes efforts made to identify students in temporary housing and unaccompanied youth, if the School District reports there are no students in temporary housing enrolled in the School District. Such efforts will include contacting the local department of social services or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the School District; and
4. Its housing questionnaire asks about living arrangements of the child or unaccompanied youth, including asking if he/she is living in a shelter; with relatives or other due to the loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel; camping ground; car, train, or bus; or other similar situation due to the lack of alternative, adequate housing. Documentation of the School District's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire that asks the above questions will also be kept on file.
5. All housing questionnaires and other documentation of efforts to identify homeless students are maintained.

Reporting

The School District will collect and transmit, to the Commissioner of Education, at such time and in such manner as the Commissioner of Education may require, reports containing such information as the Commissioner of Education determines is necessary including, the numbers of homeless students, their grade, and their nighttime residence.

Access to Free Meals

The School District will provide free meals to all children identified as homeless. Homeless children will not be required to complete a free or reduced-price meal application. When the homeless liaison or a shelter director provides a child's name to the School District's school food services office, free school meals will commence immediately.

Dispute Resolution Process - Homeless Children/Unaccompanied Youth Only

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If, after the Superintendent of Schools or his/her designee reviews the designation form, he/she finds that the student is either (a) not homeless, (b) not entitled to attend the School District, (c) should attend a school other than the school of origin or school requested by the parent/guardian, or (d) 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);
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

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to continue to attend the school he/she is enrolled in at the time of the appeal and/or receive transportation to that school pending final resolution of the dispute.

In the event of a dispute regarding eligibility, enrollment, school selection, and/or transportation, the liaison for homeless children will:

1. Provide the parent or guardian of the homeless child with a copy of the form petition, which is available at:
<http://www.counsel.nysed.gov/appeals/homelessForms>;
2. Assist the parent or guardian of the homeless child in completing the petition;
3. Arrange for the copying of the petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;
4. Accept service of the petition and supporting papers on behalf of any school district employee or officer named as a party, or the School District if it is named as a party, or arrange for service by mail by mailing the petition and supporting documents to any School District employee or officer named as a party and, if the School District is named as a party, to a person authorized to accept service on behalf of the School District;
5. Provide the parent or guardian of the homeless child with a signed and dated acknowledgment verifying that the McKinney-Vento liaison has received the petition and supporting documentation;
6. Transmit on behalf of the parent or guardian of the homeless student within five (5) days of receipt, the petition and supporting papers to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York, 12234; and
7. Accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects and provide same to the parent or guardian or unaccompanied youth; and
8. Maintain a record of all appeals of enrollment, school selection, and transportation determinations.

Privacy of Student Information

Information about a student in temporary housing's living situation shall be treated as a student education record and shall not be deemed to be directory information under the Family Educational Rights and Privacy Act (FERPA). A parent/guardian or homeless unaccompanied youth may consent to the release of a student's address information in the same way they would for other student education records under FERPA. Questions about this policy or the protections available to students in temporary housing can be

SCHOOL ADMISSIONS /RESIDENCY REQUIREMENTS

directed to the liaison for homeless children. Questions can also be directed to NYS-TEACHS at (800) 388-2014 or the State Education Department at (518) 473-0295.

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 addition, any party who knowingly provides false or fraudulent information or assists another in doing so may be liable for tuition and associated costs.

Review of Policy

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

Cross-ref: 0100 Equal Opportunity

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