

AVERILL PARK

Procedures in support of policy 5152 are as follows:

1. Verification of residency of a student:

- a. When it is suspected or known *at the time of initial enrollment* that a student is not residing in the school district, or that the student will not be residing with his or her parent(s), the ~~principal~~ Superintendent of Schools will exclude the student until the parent, custodian and/or student provides proof of residency by completing an affidavit concerning residency, and any other supporting documentation.
- b. When it is suspected or known that *an enrolled student* is not residing in the school district, or that the student is not residing with his or her parent(s), the ~~principal~~ Superintendent of Schools will request that the parent, custodian and/or student prove residency by completing an affidavit concerning residency. Failure to respond to the request in five days will result in a reminder from the Superintendent of Schools. If the parent, custodian and/or student fails to respond in seven days to the reminder, the Superintendent of Schools may determine the student is not a resident and may will exclude the student until acceptable proof of residency is furnished.
- c. If, based on all information submitted, it is determined that the child is not a resident of the district, and is not a homeless child, the ~~Principal~~ Superintendent of Schools shall, within two business days, provide written notice of that determination to the child's parent or person in parental relationship.

The notice is to contain the following information:

1. That the child is not entitled to attend the public schools of the district.
2. The basis for the determination that the child is neither a resident of the school district nor entitled to attend its schools pursuant to the sections of the Commissioner's Regulations regarding homeless children.

(The affidavit(s) should provide information to form the basis of this determination. However, if there are other factors known by the Principal/Superintendent of Schools, they also may be considered.)

3. The date on which the child will be refused admission to, or excluded from the schools of the District.

(In cases where the child is in attendance in an Averill Park School, appropriate time should be allowed for the parent to enroll and transfer the child to the school of the parent's residence. Two weeks will normally be sufficient.)

4. That the ~~final preliminary~~ determination of the ~~Principal~~ Superintendent of Schools may be appealed to the ~~Board of Education and that the final determination of the Board may be appealed to the~~ Commissioner of Education, in accordance with Education Law 310, within 30 days of the date of this determination, and that the procedure for taking such an appeal may be obtained from the Office of Counsel, New York State Education Department, State Education Building, Albany, New York, 12234 or by calling (518) 474-5807.

~~When siblings are enrolled in more than one school the principals shall communicate with each other and may send correspondence to the parents relating to all siblings in the family.~~

For school attendance purposes, it is recognized that a parent cannot maintain two residences, and that a child of divorced parents may have only one residence.

2. Entry to district schools pending purchase or construction of a home:

If a parent requests entry to district school(s) prior to purchase of a home or completion of construction of a home, the ~~principal~~ Superintendent of Schools shall require:

- A written request from the parent including the anticipated date of sale or occupancy; and
- A written statement from the realtor or contractor (*on letterhead*) indicating the anticipated date of sale or occupancy.

The ~~principal~~ Superintendent of Schools may grant non-resident attendance for 90 school calendar days from the date the student enters school until the parents and child(ren) occupy the home in the school district. However, if after 90 calendar days the family has not moved into the home and the student is therefore not a resident of the District, and state that, after the 90 school days, the parents must pay non-resident tuition for the period of attendance, and may be excluded as a non-resident student. ~~if the home in the school district is not occupied. Such tuition includes the 90 calendar day period previously granted by the Superintendent of Schools. The principal will report the authorization to the Superintendent of Schools as an information item.~~

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Revised: 05/11/76
Revised: 11/09/93
Revised: 03/09/99

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Revised: 05/29/18

