

**AGE, RESIDENCY AND SCHOOL ADMISSIONS****Ages of Attendance/Compulsory Attendance Age**

According to New York State Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September.

Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age. The School year extends July 1 through June 30 of the following year.

Any resident child who will be five (5) years of age on or before December first is eligible for kindergarten registration. If such persons reside in the District, they may attend without payment of tuition.

A veteran of any age who has not yet received his/her high school diploma and who has been discharged under conditions other than dishonorable is eligible to attend school.

A non-veteran under twenty-one years of age who has received a high school diploma shall be permitted to attend school or BOCES upon payment of tuition.

**Determination of Student Residency**

Residence is the legal residence of the parent(s), unless there is evidence the parent has given up parental control. It is the responsibility of the person(s) in a parental relationship to a child to provide the District with acceptable documentation of the child's residency for the purpose of establishing the child's entitlement to a free public education in the Corning-Painted Post schools. Such documentation must be provided prior to a child's enrollment, and whenever a change in address or in relevant residency status occurs. In addition, the District reserves the right to verify the residency of students.

In addition, the District will require documentation confirming custody of any child who resides with only one of his/her biological parents, or who resides with neither of his/her biological parents.

Generally, a student is deemed to be a resident if one of the following conditions is met:

- He/she resides in the District with his/her parent(s) or guardian(s);
- He/she is temporarily living in a non-district residence, but his/her parents/guardians are District residents;
- He/she is a minor who resides with adult District residents who have formally been granted, and have accepted, full responsibility for custody, care, control, and financial support for the minor;
- The District of residence of the minor must be his/her sole, permanent and year-round residence, and he/she must not be residing there solely for the purpose of attending District school;
- A Court Order transferring guardianship of a minor to a resident of the District is conclusive evidence that the student is a legal resident of the District and entitled to attend District schools without the payment of tuition;
- He/she is an "Emancipated Minor" (as defined under the subheading "Emancipated Minor," below) and his/her only residence is in the District, though he/she is not living with a parent or guardian. This residence is his/her sole, permanent and year-round residence, and he/she is not residing in the District solely for the purpose of attending District schools;
- He/she is eighteen years of age, a resident in the District, and responsible for his/her own support;
- He/she is a foreign student residing with District residents who have accepted responsibility for parental control. A foreign student may only be enrolled subject to the completion of an acceptance of responsibility for parental control statement filed with the Superintendent of Schools.

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Upon Registration, all new students shall be required to present:

1. Proof of date of birth;
2. Record of immunizations and a health certificate from a licensed physician, and
3. Proof of residence

The District will rely on provided information to make determinations of residency. The District reserves the right to verify this information at any time. If the District finds that the information provided was false or misleading, or if the residency status has changed without notification of the District, the District reserves the right to pursue legal remedy, including payment of any tuition which would have been due.

**Other Residency Factors****Children Living with Non-custodial Parents**

A child's residence is usually determined by the residence of the custodial parent. However, a non-custodial parent who resides in the District may enroll his/her child in a District school if he/she shares the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the non-custodial parent.

**Children Temporarily Lacking a Permanent Address**

Children who have lost their residence within the District as a result of circumstances beyond their control and are forced to make temporary living arrangements outside the District, may continue to attend District schools. District determination of the temporary or permanent nature of residency will be made on a case-by-case basis, and will focus on the student's/student's family's intent to return to the District. Temporary absence from residence within the District under such circumstances does not necessarily constitute the establishment of residence elsewhere or the abandonment of District residence.

**Homeless Children**

The parent/guardian of a homeless child, or a homeless child if no parent/guardian is available, or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of last attendance, or a school district participating in a regional plan as the district the homeless child shall attend.

**Emancipated Minors**

A determination of whether student is to be designated as an emancipated minor in the Corning-Painted Post School District will be based on evidence that the student is no longer under custody, control, and support of his or her parents/guardians. The District requires an affidavit from the student and parent/guardian as proof of emancipation and residence, in addition to supporting documentation of the student's age, means of support, home address and circumstances surrounding the student's emancipation (e.g., rent receipts, pay stubs, driver's license, letter from the Department of Social Services, a description of the student's relationship with his or her parents/guardians.)

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However, a statement from the parents/guardians of an emancipated minor describing the nature of their relationship to the child may not be required where, based upon the facts of the case, it places an unreasonable burden on the prospective student. These statements are renewable prior to the beginning of each school year. If at any time the above information is changed without prompt notification to the School District within thirty (30) days of such change or if any of the submitted information is proven false, the parent/guardian and/or student may be subject to legal action.

**Adverse Determination**

If the Board or its designee determines that a child is not a resident and is not entitled to attend the schools of the District, the Board or its designee shall, within five business days, provide written notice of such determination to the child's parent/guardian and such notice shall state:

- That the child is not entitled to attend the public schools of the District;
- The basis for the determination that the child is neither a resident of the School District not entitled to attend its schools;
- The date as of which the child will be excluded from the schools of the District;
- That the determination of the Board or its designee may be appealed to the Commissioner of Education, in accordance with Education Law Section 310, within 30 days of the date of the 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, NY 12234.

Ref: Education Law Sections 903, 904, 2045, 3202, 3209, and 3212(4) 8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(x) and (y); CPP Series 5000 – Students, 5151, 5151.1, 5152, 5162; 3202; 3209; Public Health Law Section 2164

Adopted: December 2, 2009

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