

STUDENT POLICIES

STUDENT ATTENDANCE

Residency and School Admissions

The West Genesee Board of Education (the "Board") affirms its obligation to provide a tuition-free education for all eligible students who reside within the West Genesee Central School District (the "District"), and believes that the factors and procedures for making determinations regarding residency should be firmly defined. It is the policy of the Board to provide a tuition-free education to all resident students of appropriate age and to deny admission to nonresident students, all in accordance with the following guidelines:

A. Definition of Residency

"Residency" means a fixed abode or dwelling place which is intended to be a permanent residence, as distinguished from a dwelling not intended to be permanent. The residence of an un-emancipated student shall generally be presumed to be the residence of that student's parents. If a student's parent(s), legal guardian(s), custodian(s), or any other person(s) who exercise actual parental custody and control over the student (collectively the "Person in Parental Relation") relinquish parental custody and control in favor of another person, the new residence of the student shall be deemed to be the residence of the person assuming custody and control over the student. The District may, however, disregard any such change of residence which is undertaken for the sole purpose of achieving resident status for school attendance purposes. An emancipated student's residence shall generally be deemed to be the actual residence of the emancipated student. All determinations regarding residency status shall be made by the Superintendent of Schools (the "Superintendent") or a designee.

B. Resident Students

1. Attendance and Verification

All persons over the age of five (5) years and under the age of twenty-one (21) years who are residents of the District are entitled to attend a public school within the District free of charge, subject to this policy, if the person has not received a high school diploma, or its equivalency. When a parent or person in parental relation requests enrollment of a child within the District, the child shall be enrolled and begin attendance on the next school day. Within three business days of this initial enrollment, the Superintendent or designee must review all documentation submitted on the child's behalf and make a determination as to residency. The Superintendent will require verification of age, residency, and immunization and health certificates. Information regarding the type of evidence needed for such purposes will be provided to parents or persons in parental relation at the time that enrollment is requested.

2. Veterans

A veteran of any age who has served as a member of the armed forces of the United States, has been discharged under conditions other than dishonorable, and is a resident of the District, is entitled to attend a public school within the District free of charge, subject to this policy and any other terms and/or conditions established by the Board.

3. Homeless Children

If a homeless child is currently located within the District or was located within the District at the time the child became homeless, then the parent or Person in Parental Relation of the homeless child, or the homeless child if no parent or Person in Parental Relation is available (an unaccompanied youth), shall be entitled to designate the District as the school district which the child shall attend in accordance with the federal McKinney-Vento Act and New York State implementing law and regulation.

4. Foster Children

Children placed in a family home at board located within the District by either a social services district, a State department or agency, or a court shall be entitled to attend the public schools of the District in accordance with applicable law.

5. Children Residing in Facilities for the Intellectually Disabled

(a) Children who (i) reside in a school for the mentally retarded operated by the Office of Mental Hygiene or the Office for People With Developmental Disabilities, (ii) whose support and maintenance responsibilities have been assumed by the Department or the Office and (iii) who are placed in a family home at board, a duly incorporated orphan asylum, or another institution for the care, custody, and treatment of children located within the District shall be entitled to attend the public schools of the District in accordance with applicable law.

(b) Children who reside in an intermediate care facility for the mentally retarded located within the District, other than a State-operated school for the mentally retarded, shall be admitted to the public schools of the District for instruction and the provision of necessary related services in accordance with applicable law, unless the Board can establish to the satisfaction of the Commissioner of Education that there are valid and sufficient reasons for refusing to receive such children.

6. Information Not Requested By District

The District may not request as a condition of enrollment the student's Social Security card or number and it may not request any information which would tend to reveal the immigration status of the child, the child's parent(s) or person(s) in parental relation, including but not limited to information concerning visas, or other documentation concerning immigrant status. The District may request such information only for limited and targeted post-enrollment inquiries, such as collecting necessary data for procuring funding under Title I of the Elementary and Secondary Education Act of 1965 ("ESEA"), Title III of ESEA, as amended by the No Child Left Behind Act of 2001, and N.Y. Educ. Law §3218 and §100.2(y) of the Commissioner's Regulations as amended effective December 16, 2014. The District may not require submission of a judicial custody order or an order of guardianship as a condition of enrollment.

C. Nonresident Student

1. Admission

Except as otherwise set forth in this policy, nonresident students shall not be permitted to attend the public schools of the District.

2. Special Education Programs

The Superintendent shall have discretion to accept nonresident students for enrollment in special education programs offered by the District which are not available in the students' home district provided tuition at the then current rate is paid by, or on behalf of, each student, no increase in the size of faculty or staff will be necessary to accommodate the students, and the building principal determines at the time of acceptance that no program on the entry level will contain more than the desired number of students.

3. Foreign Exchange Students

The Superintendent shall have discretion to admit a limited number of foreign students participating in an established foreign exchange student program in which American students spend all or a portion of a school year in foreign schools and foreign students spend all or a portion of a school year in American schools.

- a. The school district has the authority to limit the foreign exchange programs with which it chooses to do business.
- b. The school district has the authority to limit the number of foreign exchange students it will admit.
- c. Other factors that might be considered:
 - No additional staffing is needed;
 - A proper educational program exists;
 - No displacement of resident students will occur; and
 - Failure to abide by the Code of Conduct can result in loss of the privilege to attend the schools.
- d. Application for attendance must be made prior to committing to the student's participation and arrival in the United States.

4. Seniors

Any resident student who has completed the junior year and commenced the senior year at a District school and who thereafter becomes a nonresident shall be permitted to complete the senior year in that District school tuition-free. In this instance, the District shall not be obligated to provide transportation for the student.

5. Binding Agreements

Any nonresident student who is eligible to attend the public schools of the District pursuant to the terms of a collective bargaining agreement or other similarly negotiated agreement by which the District is bound shall, upon request, be admitted by the Superintendent upon the terms and conditions set forth in such agreement.

D. Nonresident Tuition

1. Tuition Charges

Tuition for nonresident students shall be set annually by the Board, shall be fixed in an amount which represents the additional operating cost to the District resulting from the attendance of nonresident students, and shall be computed in accordance with guidelines established by the Commissioner of Education.

2. Payment

Tuition for nonresident students shall be payable in advance for each succeeding semester. Upon approval by the Superintendent or a designee, tuition may also be paid in monthly installments in advance for each succeeding month. In the event that any payment of tuition is not received by the District within thirty (30) days of the date due, the student shall be excluded from attendance at the District's schools.

Administrative Guidelines

The Superintendent or a designee shall determine in each case whether a student is entitled to attend the schools of the District pursuant to this policy. Prior to any such determination, the student or the student's parent or Person in Parental Relation, as appropriate, shall be afforded the opportunity to submit additional information concerning the student's right to attend school in the District. Upon a determination that a child is not entitled to attend the District's schools, the Superintendent or a designee shall, within two business days, provide written notice of such determination to the student or the student's parent or Person in Parental Relation, as appropriate, stating:

1. That the student is not entitled to attend the public schools of the 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 student will be excluded from the schools of the District; and
4. That the determination may be appealed to the Commissioner of Education in accordance with Education Law Section 310, within thirty days of the date of the determination, and that the instructions, forms and procedures for taking such an appeal, including translated versions of such instructions, forms and procedures for taking such an appeal 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, New York 12234 or by calling (518)474-8927.

Review and Amendment

This policy shall be reviewed and amended by the Board as required by any changes in the law or changes necessitated by the needs of the children residing in the District.

Presentation: 1/21/15

First
Vote: 2/4/15

Second
Vote: 3/4/15