

**SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY****Ages of Attendance/Compulsory Attendance Age**

According to 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.

However, in accordance with Education Law Section 3205(3), the Board of Education in **any** School District shall have the power to require minors from sixteen (16) to seventeen (17) years of age who are not employed to attend full-time instruction until the end of the school year in which the student turns seventeen (17) years of age.

All persons dwelling within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

**Determination of Student Residency**

The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner. The Board of Education or its designee shall determine whether a child is entitled to attend a District school. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/person in parental relation of the procedures for obtaining review of the decision within the District.

**Attendance Areas and Assignment**

Resident students shall be assigned to schools on the basis of their place of residence and school boundary lines as established by the Board.

School boundary lines regulating the assignment of students to school shall be established and changed in the best interest of the total school enrollment.

No student shall attend a school outside his/her normal attendance area without permission of the Superintendent of Schools.

(Continued)

**SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)****Children Living With Noncustodial Parents**

A child's residence is usually determined by the residence of the custodial parent. However, a noncustodial 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 noncustodial parent.

**Homeless Children**

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; 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 origin, or a school district participating in a regional placement plan as the District the homeless child shall attend.

**Children of Activated Reserve Military Personnel**

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relation, will be allowed to attend the public school that they attended prior to the relocation. However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

**Emancipated Minors**

Students beyond the compulsory attendance age, who are independent and living apart from their parents/persons in parental relation, who are not in need or receipt of foster care, may be considered emancipated for purposes of establishing a residence apart from their parents/persons in parental relation. A determination of whether a student is to be designated as an emancipated minor in the Depew Union Free School District will be based on evidence that the student is no longer under custody, control and support of his/her parents/persons in parental relation.

A minor may establish emancipation by meeting the following requirements:

- a) Submit documentation of his/her age, residence and means of support;
- b) Explain the circumstances of the student's emancipation, including a description of the relationship with his/her parents/persons in parental relation;

(Continued)

**SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)**

- c) Provide assurance that he/she is not receiving financial support from his/her parents/persons in parental relation (except in cases where a court order requires such parental support for an emancipated minor).

In addition to this information, the District may require an affidavit or sworn statement from the student as proof of emancipation and residence within the District.

Parents of/persons in parental relation to an emancipated minor may be asked to provide a statement describing their relationship to the student only if such a statement does not place an unreasonable burden on the student.

These statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/person in parental relation and/or student may be subject to legal action.

**Children Living With Persons Not Their Parents -- Guardianship or Custody**

In accordance with the Family Court Act and Domestic Relations Law, a person possessing a lawful order of guardianship or custody of a minor child who is not the parent of such child may enroll the child in public school in the school district where he/she and the child reside.

Therefore, upon application for enrollment by the guardian or custodian, the District shall enroll such a child for such time as the child resides with the guardian or custodian in the District upon verification that the guardian or custodian possess a lawful order of guardianship or custody for the child and that the guardian or custodian and the child properly reside in the same household within the District.

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001  
Domestic Relations Law Section 74  
Education Law Sections 2045, 3202, 3205, 3209 and 3212(4)  
Family Court Act Section 657  
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(x) and (y)

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 7/12/11