

Long Island Advocacy Center

Student Enrollment Guide & Document Checklist



NYS mandates that anyone over 5 and under 21, who has not received a high school diploma, is entitled to attend the public schools in the district in which they live. To enroll a student in school, you need to provide the district with certain documentation to verify the following information:

- 1. Proof of custody and control of the child,*
- 2. Proof of child's age,*
- 3. Proof of child's residency, and*
- 4. Proof of child's immunizations*

1. Proof of Custody and Control:

The parent, guardian, or caregiver must show that the child being enrolled is living with them, and that the parent, guardian or caregiver has total and permanent custody and control. **If you are the biological or adoptive parent, it is presumed custody and control is with you.**

If you are enrolling a student who is not your biological or adoptive child, you need to provide one of the following documents to satisfy the requirement of proof of custody and control:

- a) Proof of custody or guardianship (such as court documents);
- b) An affidavit (written statement signed under oath) saying that you have “total and permanent custody and control” over the child. The affidavit should state that:
 - i. you pay all costs to raise the child;
 - ii. the new family arrangement is for the foreseeable future; and,
 - iii. the reason for the new arrangement (which can be anything except hunting for a better school)
- c) Other proof such as documentation that the child has been placed with a sponsor by a federal agency.

You do not need to provide a court order giving you custody or guardianship, but if you have one that will be accepted.

2. Proof of Age¹

What can be used to prove a child's age?

- a) a certified birth certificate (including foreign-issued),
- b) a baptismal certificate which lists the child's date of birth, (including a foreign baptismal certificate) giving the date of birth, or
- c) a passport (including foreign passport);

If you are unable to provide one of the above documents, a School District may consider other documentation or recorded evidence which have been in existence for more than two years.

Documents and records of this type, include but are not limited to:

- an official driver's license,
- a state or government issued identification,
- a school photo identification with date of birth,
- a consular identification card,
- a military dependent identification card,
- documents issued by Federal, State, or local agencies (e.g., local social service agency, Federal Office of Refugee Resettlement),
- court orders or other court-issued documents,
- Native American tribal document, or
- records from non-profit international aid agencies and voluntary agencies.

3. Proof of Residence²

¹ ***The school district cannot request:*** social security number; or an information regarding or which would tend to reveal the immigration status of the child, the child's parent(s), or the person(s) in parental relation, including but not limited to copies of or information concerning visas or other documentation indicating immigration status.

² Children and youth in temporary housing are permitted to enroll without the normally required documentation. For more information on these requirements please call **NYS-TEACHS at 800-388-2014**

Residency is based upon *where the student physically lives and intends to remain* within the school district. How do you prove your residency within a district? The following documents should be considered acceptable when proving residency for the purposes of school enrollment:

- a) a lease or deed;
- b) an affidavit or letter from the person you pay rent to, saying you live there;
- c) a letter from another person saying you live at your address;
- d) *other types of documentation are acceptable**, if you cannot provide any of the above during the enrollment process, *as long as it reflects your address within the district:*
 - pay stubs,
 - income tax forms,
 - utility or other bills,
 - driver's license, permit, or non-driver ID card,
 - membership documents based on residency (such as a local library card),
 - voter registration card, and/or
 - any ID issued by a government agency (such as Social Services)

** It may be helpful to provide a combination of these documents, if possible*

Please Note: School Districts must be flexible in it's request for documentation to verify residency. A School District can suggest the types of documents you provide to prove residency, however, the District should make it clear that if the specific documents it requests are unavailable, alternative documentation which provides the same information will be acceptable.

4. Immunizations

Proof of a child's medical immunizations must be presented to the school during the enrollment process or shortly after the student starts to attend school. The only documentation that will be accepted, is the child's **Official Vaccination Record**. If you do not have this, you can either:

- a) request the certified record from the child's doctor, or
- b) visit your state's immunization registry to request an official copy.

If you need to request a copy of immunization records in NYS, click [here](#).

If you need to request a copy of immunization records from another state, click [here](#) to find the state's registry.

Public Health Law §2164, as amended by Chapter 35 of the Laws of 2019 prohibits a school from permitting any child to be admitted to such school, or to attend such school, in excess of 14 days

without sufficient evidence that the child has received all age appropriate required vaccinations.

The 14 days may be extended where the student is transferring from out of state or from another country and can show a good faith effort to get the necessary evidence or where the parent, guardian or any other person in parental relationship can demonstrate that a child has received the first age-appropriate dose in each immunization series and that they have age appropriate scheduled appointments for follow-up doses to complete the immunization series in accordance with the CDC's Advisory Committee on Immunization Practices Recommended Immunization Schedules for Persons Aged 0 through 18.

For more information regarding immunization requirements visit:

<http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/#immunization>

Enrollment Q&A

Q1. How soon after enrollment will the child be placed in school?

A1. Students can begin attending the next school day after enrollment is complete, or as soon as practicable.

Q2. Can a School District require all students in the District to re-register when they advance from elementary school to middle school and from middle school to high school?

A2. No. According to NY State Education law and guidelines, School District's may not require all parents and persons in parental relation to a child to prove residency when a student advances from elementary school to middle school or from middle school to high school.

NY law states that School Districts may require parents to prove residency only for:

- the student's initial enrollment into the district, and
- when a student leaves the district and then returns (re-entry).

NYS law does allow school districts to request proof of residency, on an individual basis, when there is colorable suspicion that a student does not reside in the district.

To read NYS guidance on this, click [here](#).

Q3. What if a "non-residency determination" is made by the District?

A3. If a district questions the student's residency, the district must:

- Notify parent/guardian of their determination of non-residency and include notification of procedures and information for parents/guardians to obtain a review of the decision,
- afford an opportunity for the parent/guardian to submit information regarding the student's residency before a determination is made, and
- Within 2 business days of a determination, provide the parent/guardian **written notice** of its decision, including the basis for the decision. The written notice must state that:
 1. the child 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 documentation 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 district; and
 4. **the determination of the board 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 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.

Appeal Process

When a student is denied enrollment/admission to school by the Board of Education of a district, the person requesting admission (parent/guardian) may bring an appeal to the Commissioner under Education Law §310. The appeal must be brought **within 30 days of the district's decision not to admit the student to school. This requirement can be excused for good cause shown.**

- The appeal process begins by serving a petition on the school district which includes:
 - statements by the petitioner explaining what has occurred and explaining his or her claim of residency or homelessness,
 - documents from the petitioner to establish residency or that the petitioner/student is homeless,
 - and statements from other parties which support the petitioner's claims.
- A copy of the verified petition, including all the supporting paperwork listed above, must be served on one of the following people:
 - a district clerk,

- a member of the Board of Education, or
 - the Superintendent (or a designee authorized to accept service)
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- All papers and forms must be delivered in person, **mail and e-mail is not accepted.**
 - The respondent (the District) must submit an answer to the whole petition within 20 business days.

Required Documents Checklist

<p><input type="checkbox"/> Proof of Custody and Control (1 of the following)</p> <ul style="list-style-type: none"> <input type="checkbox"/> proof of custody or guardianship (such as court documents), <input type="checkbox"/> an affidavit (written statement signed under oath) saying that you have “total and permanent custody and control” over the child <input type="checkbox"/> other proof such as documentation that the child has been placed with a sponsor by a federal agency. 	<p><input type="checkbox"/> Proof of Child’s Immunizations</p> <p>*Only the Official Vaccination Record will be accepted*</p> <ul style="list-style-type: none"> <input type="checkbox"/> I have the child’s Official Vaccination Record, <input type="checkbox"/> I need to request it from the child’s doctor, or <input type="checkbox"/> I need to request from state immunization registry
<p><input type="checkbox"/> Proof of the Child’s Age (1 of the following)</p> <ul style="list-style-type: none"> <input type="checkbox"/> a certified birth certificate (including foreign-issued) <input type="checkbox"/> a baptismal certificate which lists the child’s date of birth, (including a foreign baptismal certificate) giving the date of birth, <input type="checkbox"/> a passport (including foreign passport), OR <input type="checkbox"/> one of the following if the above are not available to you: <ul style="list-style-type: none"> <input type="checkbox"/> an official driver’s license, <input type="checkbox"/> a state or government issued identification, <input type="checkbox"/> a school photo identification with date of birth, <input type="checkbox"/> a consular identification card, <input type="checkbox"/> Native American tribal document, <input type="checkbox"/> military dependent ID card, <input type="checkbox"/> documents issued by Federal, State, or local agencies (e.g., local social service agency, <input type="checkbox"/> court orders or other court-issued documents, <input type="checkbox"/> or records from non-profit international aid agencies and voluntary agencies. 	<p><input type="checkbox"/> Proof of Child’s Residency (1 of the following)</p> <ul style="list-style-type: none"> <input type="checkbox"/> a lease or deed, <input type="checkbox"/> an affidavit or letter from the person you pay rent to, saying you live there, <input type="checkbox"/> a letter from another person saying you live at your address; OR <input type="checkbox"/> alternative documentation which reflects your address as being within the school district. <i>If possible, it may be helpful to provide at least two of the documents below:</i> <ul style="list-style-type: none"> <input type="checkbox"/> pay stubs, <input type="checkbox"/> income tax forms, <input type="checkbox"/> utility or other bill, <input type="checkbox"/> driver’s license, permit, or non-driver ID card, <input type="checkbox"/> membership documents based on residency, such as a local library card, <input type="checkbox"/> voter registration card, and/or <input type="checkbox"/> any ID issued by a government agency, such as Social Services