

**I. School Admissions/Residency Requirements**

The School District shall provide a public education to all persons residing in the School District who are the age of five by December 1st. No person shall be refused admission into or be excluded from the School District on account of any legally protected status, including race, creed, color, national origin, sex, gender (including gender identity and expression), sexual orientation, weight, religion, marital status, disability, or predisposing genetic characteristic.

**Residency**

Parents/guardians must provide sufficient proof that they reside in the School District when enrolling their children in School District schools. Examples of proof of residence include, but are not limited to:

1. A mortgage statement or deed of ownership;
2. A tax bill for the Village of Valley Stream or Town of Hempstead;
3. A copy of a lease executed by the tenant and landlord, with an affidavit by the landlord that the lease is in effect with a copy of the landlord's mortgage statement or deed of ownership;
4. Statements for utility bills;
5. A moving bill from a commercial moving company;
6. A statement from an attorney stating that he certifies that the individual resides at a specific address within the School District;
7. A pay stub or income tax form showing the in-district address;
8. A copy of each: a driver's license and insurance identification card; or
9. A voter registration document or a state- or other government- issued ID.

In the event a lease is provided as proof of residency, the School District shall require that upon the expiration of the lease the parent/guardian of the student provide proof of the renewal of said lease. In the event the parent/guardian cannot provide such proof, the student must provide the School District with new proof of residency in accordance with this policy.

The School District will require each student to have provided verification of the student's residency in the year prior to the student's entrance into kindergarten, 3<sup>rd</sup> and 5<sup>th</sup> grades.

In the event the student's residency has not been verified, the parent/guardian of the student shall be notified as set forth below of the determination that the student is not a resident of the School District.

**Other Documentation**

New entrants must also present the following documents at the time of registration:

1. Proof of age : examples of acceptable forms of documentation include, but are not limited to, a birth certificate, baptismal record, or a passport (including a foreign

- passport);
2. A health certificate from a licensed physician; and
  3. Proof of immunization: (see also policy and regulation 5140, Student Health Services) - dates for immunization against diphtheria, polio, measles, German measles (rubella), mumps, pertussis, tetanus, pneumococcal disease, Haemophilus influenza type B, hepatitis B, meningococcal disease and varicella)
  4. Where the student's last name is different than the parent/guardian last name, documentation reflecting the relationship between the parent/guardian and the student (e.g. judgment of divorce, guardianship papers)

All children must meet the legal requirement for completion of immunization series before being admitted to school. The Certificate of Immunization and Medical Examination Forms must be completed on the day of registration.

Students transferring from another school district are asked to provide the transfer or discharge notice from former school district (except for kindergarten students). Students with disabilities are asked to provide the IEP from the former school district.

#### **Determinations of Non-Residency**

Any decision by the School District that a child is not entitled to attend the schools of the School District shall include notification of the procedures to obtain review of the decision within the School District. Prior to making a determination of entitlement to attend the schools of the School District, the Superintendent of Schools or his/her designee shall afford the child's parent, the person in parental relation to the child or the child, as appropriate, the opportunity to submit information concerning the child's right to attend school in the School District. When the Superintendent of Schools or his/her designee determines that a child is not entitled to attend the schools of the School District because the child is not a resident of the School District, the Superintendent of Schools or his/her designee shall, within two (2) business days, provide written notice of its determination to the child's parent, to the person in parental relation to the child, or to the child, as appropriate. Such written notice shall state:

- (i) that the child is not entitled to attend the public schools of the School District;
- (ii) 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;
- (iii) the date as of which the child will be excluded from the schools of the School District; and
- (iv) that the determination may be appealed to the Commissioner of Education, in accordance with Education Law, section 310, within thirty (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](http://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.

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A student may be excused from immunizations only when a physician licensed by the State of New York submits a valid medical exemption form administered by the Department of Health.

Except as set forth above, Public Health Law requires that students who fail to meet immunization standards will be excluded from attendance in school.

Students transferring from another school district are asked to provide the transfer or discharge notice from former school district (except for kindergarten students). Students with disabilities are asked to provide the IEP from the former school district.

### Foster Care

Any child placed in foster care by the Department of Social Services or the Office of Children and Family Services will be admitted to attend the schools in the School District only as set forth in Section 3202 and Section 3244 of the Education Law.

### Family Homes

Children cared for in free family homes and family homes at board located within the School District, when such family homes are the actual and only residence of the children, and who are not supported or maintained by a social services district or a state department or agency, shall be deemed residents of the School District for purposes of attending School District schools without tuition.

Where a child is placed from outside of his/her school district of residence into the School District in family homes at board by a social services district or state agency, the Superintendent of Schools is authorized to recover, to the extent permitted by law, the cost of instruction of that student from the school district of residence.

### Placement

Chronological age shall be the sole criteria for initial admission to kindergarten for resident children. Any child reaching the age of five (5) on or before December 1 of any year will be eligible for kindergarten in the preceding September. Any child who meets these age requirements may be enrolled in kindergarten after the opening day of school. Any child enrolled in a kindergarten at an accredited public, private or parochial school who does not meet these eligibility requirements will not be permitted to transfer into the School District during the year in which they are enrolled in kindergarten. A parent or person in parental relation may register an eligible child for kindergarten on the date set annually for such registration. New residents should register as soon as possible after establishing residency.

Resident children who have completed kindergarten in an accredited school other than the School District, and who fall within the age requirements which would place them in the School District's

kindergarten program, will usually be placed in 1<sup>st</sup> Grade. The child will be evaluated within the first six weeks to determine whether the initial placement is appropriate.

**Placement of Transfer Students, Grades 1-6**

A report card or other statement from the previous school indicating the grade of the student and the work accomplished will serve to determine initial placement. An official transcript will be required from the previous school before official registration can be completed.

Grade placement shall be the responsibility of the Building Principal and shall be based on general achievement, consideration being given to the mental, physical, emotional, and social maturity of the child.

A student from any public or accredited non-public school system in the United States will be placed in the grade in which the student had been working in his/her prior school. Students from any foreign school, public or private, shall be placed in a grade determined to be equivalent to that of the student's prior school. This initial placement shall be for a six (6) week probationary period or until the issuance of the first report card following the date of entrance.

The progress or performance of all transfer students in the grade or program in which they have been initially assigned will be evaluated by appropriate staff personnel.

If the student is to be reassigned, a written summary of the evaluation, with recommendations, will be prepared by the student's teachers and sent to the Building Principal. The Building Principal will review with the parent the basis upon which the decision to reassign was made.

**II. Admission of Non-Resident Students**

**Definition:** For the purpose of attendance in the School District's schools, a resident is defined as an individual whose domicile is within the district.

Non-resident pupils shall be denied the privilege of attending the School District's schools except in the following circumstances:

**Eligibility of Former Residents:**

- A student in Grades K-6 who is a bona fide resident of the School District through February 1 and who was a resident of the School District for the entire prior school year shall, upon the written request of the student's parents(s) or person(s) in parent relation, be permitted to complete that school year, without payment of tuition, should his/her family move out of the district between February 1 and the end of the school year.

**Eligibility of Special Non-Residents Under Contract From Other Districts:**

This policy shall not apply to non-resident students who are placed in a School District program as a result of another public school district's Committee on Special Education recommendation, when such recommendation has been consented to by the School District and for which a contract between the School District and the other public school district exists.

**Reservation of Rights:**

The School District reserves the right to refuse to admit a non-resident student if the Superintendent of Schools or her/his designee determines that:

- placement in the School District's program would result in the exclusion of a resident student;
- the admission of the non-resident student will result in an increase in the size of the faculty or staff necessary to educate the non-resident student;
- the student has been disciplined, suspended or excluded from her/his previous school for disruptive behavior or endangering the health and safety of other students; or
- when such exclusion is deemed to be in the interests of the School District.

**III. Education of Homeless Children and Unaccompanied Youth**

The Board of Education recognizes its responsibility to identify homeless children, as that term is defined under federal and state law, within the School District, encourage their enrollment and eliminate existing barriers to their education which may exist in school district practices. The Board of Education will provide homeless children attending the schools in the School District with access to the same free and appropriate public education, including preschool education, as other children.

In order to determine whether there are unserved homeless children in the School District, the School District shall contact the local department of social services, local runaway and homeless youth shelters and any other shelters located in the School District. It is understood that not all homeless students can be identified through agencies as they may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. Accordingly, the School District will utilize an enrollment form that asks for a description of the current living arrangement of the child or youth in order to determine whether the child or youth meets the definition of a homeless child under the McKinney-Vento Homeless Education Assistance Act and New York State Education Law.

A homeless child is a child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship, or similar reason; lives in motels, hotels,

trailer parks, or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital; or is a migratory child who qualifies as homeless. An unaccompanied youth is a homeless child not in the physical custody of a parent or legal guardian.

A homeless child has the right to attend school in either the district of origin (i.e., where he/she resided before becoming homeless, or the school in which he/she was last enrolled, including preschools and receiving schools (i.e., the school a child is to attend after completing the final grade level at the school of origin)), the district of current location, or a district participating in a regional placement plan. The homeless child is entitled to attend the designated school district on a tuition-free basis for the duration of his or her homelessness. If the child is relocated to temporary housing outside the School District, or to a different attendance zone or community school district within the School District, the child is entitled to continue attendance in the same school building until the end of the school year and for one additional year if that year constitutes the child's terminal year in such building.

The Superintendent of Schools or his/her designee shall develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures shall include:

1. Admission: Upon designation, the School District shall immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment.

Homeless children will have the same opportunity as other children to enroll in and succeed in the schools in the School District. They will not be placed in separate schools or programs based on their status as homeless.

2. Transportation: The School District shall provide transportation for homeless students currently residing within the School District as required by applicable law, including transportation to and from school, transportation required for homeless students to participate in extracurricular activities and summer school, if the lack of transportation poses a barrier to participation.
3. School Records: For homeless students attending school out of the School District, the School District shall, within five days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable. For homeless students attending school in the School District, the School District shall request the student's records (academic, medical, etc.) from the school the student last attended.
4. Coordination: The School District shall coordinate with local social services agencies and other entities providing services to homeless children and their families for the provision

of services to homeless children, and shall coordinate with other school districts on issues of prompt identification, transportation, transfer of records, and other inter-district activities. This shall include ensuring the provision of appropriate services to homeless students with disabilities who are eligible for services under either Section 504 or IDEA.

Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed to be directory information under FERPA.

The Superintendent of Schools or his/her designee shall also designate a liaison for homeless children and ensure that this person is aware of his or her responsibilities under the law. The liaison's responsibilities shall include, but not be limited to, providing that:

1. homeless children are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
2. homeless children and youth are enrolled in, and have a full and equal opportunity to succeed in, schools of the School District;
3. parents and guardians and unaccompanied youth are fully informed of all transportation services available to them, and are assisted in accessing them;
4. enrollment disputes involving homeless children are promptly mediated and resolved;
5. school personnel, through outreach and in coordination with shelters and social service agencies and other appropriate entities, identify homeless children, including homeless preschoolers;
6. homeless children receive educational services for which they are eligible, including Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services for homeless children and their families;
7. public notice of educational rights of homeless children is disseminated in locations frequented by homeless unaccompanied youth and parents/guardians of homeless children, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to them;
8. Staff who provide services to homeless students receive required professional development and support on identifying and meeting the needs of homeless students; and
9. school personnel, through outreach and in coordination with shelters and social service agencies and other appropriate entities identify homeless children, including homeless preschoolers;

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10. Homeless unaccompanied youth are informed of their rights, are enrolled in school, and have opportunities to meet the same State standards set for all students, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations.
11. homeless students and their parents or guardians receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;
12. assistance in commencing an appeal of final determination regarding eligibility, enrollment, school selection and/or transportation is provided to parents or guardians of homeless students; and
13. informing school district personnel, service providers, and advocates of homeless students of the responsibilities of the homeless student liaison.

In accordance with law and regulation, the School District will offer a prompt dispute resolution process. In accordance with Commissioner's regulations, the School District shall collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

Each school in the School District shall maintain forms provided by the Commissioner of Education for designating a homeless child's district of attendance. These forms must be provided to any homeless child or parent or guardian who seeks to enroll a child in school. The School District's liaison for homeless students shall assist the homeless child and/or parent or guardian in understanding their rights under the law and provide them with information regarding the educational and related opportunities available to them.

School placement decisions for homeless children will be based on the "best interest of the child" and shall consider student-centered factors (such as the effect of mobility on student achievement, education, health and safety). Unless doing so is contrary to the wishes of the child's parent or guardian, to the extent possible, a homeless child will continue to attend the school of origin (i.e. the school the child attended when he or she became homeless or the school in which the student was last enrolled).

If the School District wishes to send a homeless child to a school other than the school of origin or a school requested by the parent/guardian or unaccompanied youth, the Superintendent of Schools or his/her designee shall provide the parent/guardian or unaccompanied youth with a written explanation of its decision, together with a statement regarding the right to appeal the placement process, which shall be in a manner and form understandable to them. The Superintendent of Schools or his/her designee shall refer any such dispute to the School District's liaison for the homeless for resolution. The homeless child must be enrolled in the school sought by the parent or guardian pending final resolution of the dispute, including all final appeals.

### Admission Procedures



Upon designation, the Superintendent of Schools or his/her designee shall immediately:

1. review the designation form to determine that it is complete;
2. admit the homeless child even if the child or his/her parent or guardian is unable to produce records normally required for enrollment, the homeless child has missed application or enrollment deadlines, or there is an unresolved dispute regarding school selection or enrollment;
3. where applicable, make a written request to the School District where a copy of the child's records are located for a copy of the homeless child's school records;
4. notify the liaison for homeless children of the child's admission. The liaison shall:
  - a. notify the child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation;
  - b. ensure that the child receives the educational services for which they are eligible, including Head Start and Early Head Start and preschool programs administered by the School District;
  - c. make necessary referrals for the homeless children or their families to health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services;
  - d. mediate any enrollment disputes promptly and in accordance with law;
  - e. when assisting unaccompanied youth in placement or enrollment decisions, give him/her the opportunity to explore education opportunities available to him/her, give priority to the views of such youth, and inform them of their status as "independent students" for purposes of applying for federal financial aid for college and assist with that process; and
  - f. assist homeless children and their parents/guardians in obtaining required immunizations, health screenings, immunization records or health records.

The Superintendent of Schools or his/her designee shall forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.

### **Transportation**

In accordance with the Education Law, the school district of current location shall provide transportation to homeless children, where designated, as the school district of attendance, on the same basis provided to resident students. For homeless children who are ineligible for transportation either from the local Department of Social Services or a residential program licensed by the Division For Youth (DFY) for runaway and homeless youth, the designated school district shall provide transportation from the child's temporary location and the school on the same basis it

transports its resident students. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth or homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent such funds are provided for such purpose, with the submission of a Runaway and Homeless Youth Act Transportation Form. Such transportation shall not be in excess of fifty (50) miles each way except where the Commissioner of Education certifies that transportation in excess of fifty (50) miles is in the best interest of the child.

Transportation must be provided when the School District receives notice of a child's homeless status, as well as during the pendency of disputes. If a child is receiving transportation to his/her school of origin and obtains permanent housing during the school year, the student has the right to continued transportation services to the school of origin until the end of the academic year, as well as if the student completes the final grade level in a building, and/or the child is in his/her terminal grade. In addition, the School District will provide transportation for student(s) who are homeless to participate in extra-curricular activities and summer school if the lack of transportation poses a barrier.

Transportation for students in temporary housing will be provided for extracurricular or academic activities when:

- a. the student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school; and
- b. the student meets the eligibility criteria for the activity; and
- c. the lack of transportation poses a barrier to the student's participation in the activity.

Transportation must be provided to homeless students attending summer educational programs if the lack of transportation poses a barrier to the student's participation in the program.

Where a student in temporary housing must cross state-lines to attend a school of origin, the School District will coordinate with the local educational agency in the neighboring state to provide transportation services when:

- a. the student is temporarily living in New York State and continues to attend school in a neighboring state; or
- b. the student is temporarily living in a neighboring state and continues to attend school in New York State.

#### **Tuition Reimbursement**

The School District is eligible to request reimbursement from the State Education Department for the direct costs of educational services to homeless students that are not otherwise reimbursed under special federal programs, when:

- a. the School District is either the school district of current location or a school district participating in a regional placement plan;
- b. the School District is designated as the school district of attendance; and

- c. the School District of origin for the homeless student is within New York State.

### **Coordination with Title I**

Homeless students are eligible for funds under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The School District shall ensure that:

1. Title I, Part A funds are set aside as necessary to provide educationally related support services to homeless children who may have needs that differ from their peers who are not homeless;
2. its homeless student plan describes how it is coordinated with McKinney-Vento and describes the services provided to homeless students;
3. its homeless student plan describes efforts made to identify homeless students and unaccompanied youth.
4. its housing questionnaire asks about living arrangements of the child, including whether or not such a child is living in a shelter; with relatives or other due to the loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel; camping ground; car, train, or bus; or other similar situation due to the lack of alternative, adequate housing.
5. all housing questionnaires and other documentation of efforts to identify homeless students will be maintained.

### **Reporting Requirements**

The School District will collect and transmit, to the Commissioner of Education, as the Commissioner of Education may require, reports containing such information as the Commissioner of Education determines is necessary. This may include, but may not be limited to, numbers of homeless students, their grade, and their nighttime residence.

### **Access to Free Meals**

The School District will immediately provide free meals to all students identified as homeless, regardless of whether they have filled out a free or reduced-price meal application.

### **Dispute Resolution Process - Homeless Children/Unaccompanied Youth**

If, after the Superintendent of Schools or his/her designee reviews the designation form, he/she finds that the student is either not homeless, not entitled to attend the District's school, or not entitled to transportation (if requested), the Superintendent of Schools or his/her designee will do the following:

1. Contact the School District's homeless liaison to assist in dispute resolution process.

2. Contact the student and parent (if available) and inform them of their opportunity to provide more information prior to the School District making a final determination.

If, after consideration of any additional information and input from the homeless liaison, the Superintendent of Schools or his/her designee makes a final determination that a student is not homeless, or not entitled to enrollment or transportation, he/she must provide the student's parent or guardian, or the student, if the student is an unaccompanied youth, with written notice that the student is not entitled to their request. This written notice must also:

- 1) state the rationale/basis for the School District's determination;
- 2) state the date as of which the student will be excluded from the School District's schools (or transportation);
- 3) advise that the School District's final determination may be appealed to the Commissioner of Education (Commissioner);
- 4) provide the name and contact information for the School District's homeless liaison;
- 5) inform the student's parent or guardian or the student, if the student is an unaccompanied youth, that the School District's homeless liaison is required to assist him/her in filing such an appeal; and
- 6) include, as an attachment, the form petition needed to file an appeal to the Commissioner.

The Superintendent of Schools or his/her designee will deliver the School District's final decision to the parent, guardian, or unaccompanied youth in a timely manner. The student must remain enrolled and provided with transportation (if requested) until the School District makes a final determination and for a minimum of thirty (30) days after the determination to give the student's parent or guardian or unaccompanied youth the opportunity to appeal to the Commissioner.

Throughout the dispute resolution process, the School District's homeless student liaison will:

1. provide the parent or guardian of the homeless child with a copy of the form petition, which is available at: <http://www.counsel.nysed.gov/appeals/homelessForms>;
2. assist the parent or guardian of the homeless child in completing the form petition;
3. provide the parent or guardian of the homeless child with a signed and dated acknowledgment verifying that the homeless student liaison has received the form petition and supporting documentation;
4. transmit on behalf of the parent or guardian of the homeless student within five (5) days of receipt, the form petition the Office of Counsel, New York State Education Department, State Education Building, Albany, New York, 12234; and
5. maintain a record of all appeals of enrollment, school selection, and transportation

determinations.

If the parent/guardian or student commences an appeal to the Commissioner within thirty (30) days of the final determination, the homeless child or youth will be permitted to continue to attend the school he/she is enrolled in at the time of the appeal and/or receive transportation to that school until the Commissioner renders a decision.

### **Fraud**

If any information or document has been falsified in connection with registration and/or placement, the Superintendent of Schools shall assess the educational status of the child and shall notify the parent/guardian in writing of the rejection of said documentation on this basis. Upon finding an intentional fraud, the Superintendent of Schools shall recommend appropriate action to the Board of Education and notify the parent/guardian in writing of his/her recommendation and the Board of Education's decision concerning the provision of educational services to their child. To the extent the Superintendent of Schools deems it appropriate, he/she shall notify the proper authorities of the fraudulent act. In addition, any party who knowingly provides false or fraudulent information or assists another in doing so may be liable for tuition and associated costs.

In the event the Board of Education or its designee has determined that proof of residency has not been established, the Board of Education, or its designee, shall provide the parent/guardian of such child with notification of such determination in accordance with the Education Law and the Commissioner of Education's regulations concerning the exclusion of a student on the basis of residency.

### **Appeals (other than Education of Homeless Children and Unaccompanied Youth)**

The Superintendent of Schools or his/her designee will make all initial determinations regarding residency. Decisions made by the Superintendent of Schools to deny or terminate enrollment shall be in writing, and a copy shall be provided to the parent, legal guardian, or person in parental relation, along with notification that the Superintendent's determination may be appealed to the Board of Education. Such appeals must be directed to the Superintendent of Schools, in writing, and mailed or personally delivered within ten (10) calendar days from the date of the Notice of Exclusion.

### **Review of Policy**

The Superintendent of Schools shall periodically review the operation of this policy.

Cross-ref: 5140 Student Health Services

Ref: 42 USC §§11431, et seq.  
Education Law §§305 903; 1709(13); 1805; 904; 3202; 3205; 3208; 3209  
Executive Law §§532-b; 532-e  
Public Health Law §2164

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Social Services Law §§17; 62; 397  
8 NYCRR 100.2. 8 NYCRR 174.2; 8 NYCRR 175.6

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