

WHAT IF...

the youth is not living with a parent?
the parents are separated or divorced?

To enroll in school:

You (the parent, guardian, or caregiver) have to show that the youth is living with you and that you have total and permanent custody and control. To do this, you can show the school district:

- proof of custody or guardianship
- OR
- an affidavit (written statement signed under oath) saying that you have "total and permanent custody and control" over the child
- OR
- other proof such as documentation that the child has been placed with a sponsor by a federal agency.

There are different requirements for youth in temporary housing (this may include, for example, youth who have run away or been kicked out of their homes).

For more information about temporary housing and enrollment, call NYS-TEACHS at 800-388-2014.



For more information:

Enrollment requirements:

NYS Education Department
Office of Student Support Services
(518) 486-6090

Enrollment of immigrant children and youth:

NYS Education Department
Office of Bilingual Education &
World Languages
(718) 722-2445

Enrollment of children and youth in temporary housing:

NYS Technical and Education Assistance
Center for Homeless Students
(NYS-TEACHS)
(800) 388-2014

NYS Education Department
State Coordinator for Homeless Education
(518) 473-0295

This pamphlet is a summary of the applicable regulatory provisions and is intended for informational purposes only. For further information on the applicable regulatory requirements, please consult an attorney or see 8 NYCRR section 100.2(x) and 100.2(y), as amended effective July 1, 2015.

August 2015



A GUIDE TO *understanding* THE NEW RULES FOR SCHOOL REGISTRATION



New York State
EDUCATION DEPARTMENT
Knowledge > Skill > Opportunity

NON-PARENTAL EVIDENCE NEEDED

- Relationship to child
- The student is age appropriate
- Has had immunizations
- Lives in the district

PLUS

Either
Or

Formal custody
awarded by
Family Court

Witnessed statement from
the biological parent(s)
and the new adult the
minimums for care and
custody

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NON-PARENTAL EVIDENCE NEEDED (continued)

Witnessed
statement from
the biological
parent(s) and the
new adult

New Adult

1. They are in charge of all things
2. They pay all costs to raise the child
3. The new family arrangement is for the foreseeable future
4. The reason for the new arrangement can be anything but hunting for a better school

Biological Parent

1. They have abandoned being in charge of the child
2. They pay no costs to raise the child
3. The new family arrangement is for the foreseeable future
4. The reason for the new arrangement can be anything but hunting for a better school

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WHAT ARE SCHOOLS REQUIRED TO DO WHEN THE RESIDENCY DETERMINATION IS NEGATIVE?

Commissioner's Regulation 100.2(x) – where the board of education or its designee determines that the child is neither a resident nor entitled to attend the schools of the district they must

- Send a written notice of the determination to the applicant within two days of making it;
- Written notice must include:
 - Basis for the determination
 - Date of exclusion from the district (if applicable)
 - Statement about the right to appeal to the Commissioner for 30 days.

Instructions for making an appeal to the Commissioner of Education is available at www.counsel.nysed.gov

CUSTODIAL AFFIDAVIT
STATE OF NEW YORK } ss:
COUNTY OF _____)

_____, being duly sworn, deposes and says:
(Name of Custodian)

1. I reside at _____
(Full Address of Custodian)

2. _____ is my _____
(Full Name of Child) (Child's Relationship to Custodian)
and he/she has been living with me since _____
(Date)

3. _____ intends to reside with me for _____
(Child's Name) (Length of Time)

4. Give statement naming the individual who will have custody and control of the child. _____

5. Give the reasons the child is living with the person in custodial relationship.

6. Describe any other location (s) where the child lives. Indicate the length of time the child is at the other address and provide an explanation. If the child does not live at any other address, so indicate. _____

7. Please furnish a statement establishing who provides the child with food, clothing and all other necessities. _____

8. As the person in custodial relationship, I state that I will assume full responsibility for all matters to the child's education and medical care.

(Signature of Custodian)

Sworn to before me this _____ day of _____, 20_____

(Notary Public)

PARENT'S AFFIDAVIT

STATE OF NEW YORK

COUNTY OF _____

(NAME OF PARENT), being duly sworn, deposes and says:

1. I am the _____ of _____
(Relationship to Applicant) (Name of Applicant)

2. I reside at _____

3. Indicate reasons why the child is not living with the parent(s): _____

4. Give a statement naming the individual who will have custody and control of the child: _____

5. Give a statement setting forth the child's current address and living arrangement: _____

6. Explain the initial duration of the living arrangement (i.e., PERMANENT, INDEFINITE, TO BE TERMINATED UPON A SPECIFIC DATE, ACTION OR EVENT[.]) _____

7. Describe any other location(s) where the child lives. Indicate the length of time the child is at the other address and provide an explanation. If the child does not live at any other address, so indicate:

8. As the parent, I relinquish custody and control of my child to the custodian, including the rights to make decisions pertaining to the health, welfare and education of my child.

(SIGNATURE OF PARENT)

Sworn to before me this _____ day of _____, 20__.

NOTARY PUBLIC