



Regulation of the Chancellor

Number: **A-101**

Subject: **ADMISSIONS, READMISSIONS, TRANSFERS, AND LIST NOTICES FOR ALL STUDENTS**

Category: **STUDENTS**

Issued: **October 21, 2021**

SUMMARY OF CHANGES

- Clarifies the process for students seeking enrollment into non-zoned schools for elementary and middle school grades (§§ II.E.4, II.F.2.d, II.H).
- Modifies that Committee on Special Education or school will develop a Comparable Service Plan to provide a child with services comparable to those described in a non-DOE IEP (§ V.B.1).



Regulation of the Chancellor

Number: **A-101**

Subject: **ADMISSIONS, READMISSIONS, TRANSFERS, AND LIST NOTICES FOR ALL STUDENTS**

Category: **STUDENTS**

Issued: **October 21, 2021**

TABLE OF CONTENTS

SUMMARY OF CHANGES	1
ABSTRACT	2
I. INTRODUCTION	2
II. ADMISSIONS AND ENROLLMENT POLICIES	8
III. READMISSION	17
IV. TRANSFERS	19
V. ADMISSIONS AND ENROLLMENT POLICIES FOR STUDENTS WITH DISABILITIES	24
VI. DETERMINATION & VERIFICATION OF RESIDENCY	25
VII. SPECIAL SITUATIONS	29
VIII. LIST NOTICE	35
IX. WAIVER	35
X. INQUIRIES	36



Regulation of the Chancellor

Number: **A-101**

Subject: **ADMISSIONS, READMISSIONS, TRANSFERS, AND LIST NOTICES FOR ALL STUDENTS**

Category: **STUDENTS**

Issued: **October 21, 2021**

ABSTRACT

This regulation supersedes Chancellor's Regulation A-101 dated March 31, 2020. It sets forth the policies concerning admission, discharge, and transfer of pupils in the New York City (NYC) school district, both in administrative Districts 1-32 and in District 75 specialized schools and programs, unless otherwise noted.

I. INTRODUCTION

A. The Office of Student Enrollment maintains sole authority and responsibility for admissions and enrollment policy and planning for all schools administratively belonging to Districts 1-32 within the NYC school district. The Superintendents of District 75 and District 79 maintain responsibility for admissions and enrollment policy and planning in all schools and programs belonging to their respective districts.

B. Definitions:

For the purposes of this regulation:

1. **Admissions** refers to the application processes through which families submit their school or program preferences to receive an offer for a school or program in which to enroll for the following school year.
2. **DOE** refers to the NYC Department of Education.
3. **DOE School** refers to a school within the NYC school district, including schools in Districts 1-32 and schools and programs in District 75.
4. **Enrollment** refers to the child, having completed registration with the assigned school and the school having placed the child on register in the system, actually attending the school.
5. **Parent** refers to the child's parent or guardian or any person in a parental or custodial relationship to the child. This includes: birth or adoptive parent, step-parent, legally-appointed guardian, foster parent, and "person in parental

relation” to a child attending school. **“Person in parental relation”** refers to a person who has assumed the care of a child because the child’s parents or guardians are not available, whether due to, among other things, death, imprisonment, mental illness, living outside the state, or abandonment of the child.

6. **Provisional Registration** refers to the act of a school placing a child on register in the system when not all documentation is presented or there is a question as to the validity of the documentation or circumstances of the child’s eligibility to attend the school.
7. **Registration** refers to the process of confirming eligibility of a child to attend a school based on the parent’s provision of required documentation, including proof of age and proof of address, except as provided in Section VII, and the act of the school placing the child on register in the system.
8. **Transfer** refers to a child exiting the current DOE school and entering a different DOE school, based on one of the categories outlined in Section IV. Children who transfer are not discharged from the NYC school district.
9. **Zoned School** refers to a school that gives first priority to children residing in a specific geographic area defined as the “zone.” A zoned school serves children residing in that school’s zone before serving any children residing outside of that zone, except for admittance into pre-K, in which applicants who are currently attending that school’s 3-K program receive first priority to attend that school ahead of other zoned applicants. New zoned children are entitled to register and enroll in their zoned school subject to available seats.

C. Admission to School

1. Children may not be refused admission or enrollment to a DOE school because of race, color, creed, national origin, gender (sex), gender identity, pregnancy, alienage, citizenship status, disability, sexual orientation, religion, weight or ethnicity.
2. Children whose 3rd birthday falls within the calendar year of admission are eligible to be admitted to 3-K programs (subject to admissions priorities (see Section II.B.) and available seats).
3. Children whose 4th birthday falls within the calendar year of admission are to be admitted to pre-Kindergarten (“pre-K”) (subject to admissions priorities (see Section II.C.) and available seats).
4. Children whose 5th birthday falls within the calendar year of admission are required to attend and must be admitted to kindergarten, whether these children are entering school for the first time or being transferred from another school, except that such children are not required to attend kindergarten at a DOE school if:

- a. their parents elect instead to enroll them in 1st grade as a 6-year-old the following school year, or
- b. they are enrolled in a non-public school or if their parent has registered them with the DOE's Office of Home Schooling.

Children whose 6th birthday falls within the calendar year of admission and who are not currently enrolled in a DOE school or registered with the DOE's Office of Home Schooling must be admitted to the 1st grade.

5. Children are required to attend school from age 5, except as set forth in paragraphs 4a or 4b above. Attendance is required through the end of the school year in which children turn 17 and, if no high school diploma has been granted, they may remain in school until the end of the school year in which they turn 21, even if they have received commencement credentials.

D. Grade Placement Policies

1. Kindergarten is the entry grade to the NYC school district. Only children who turn 5 in the calendar year will be registered into kindergarten. Children who turn 6 in a calendar year will be registered into 1st grade.
2. In cases where a child is required to attend 1st grade based upon their age, but the principal deems that another grade placement would be more instructionally appropriate, the principal will consult with the Superintendent concerning grade placement and will provide medical or other evaluative documentation, which has been submitted by the parent, justifying a different grade placement. The Superintendent will make the final decision concerning the appropriate grade level for the child.
3. Children new to the NYC school district will be placed in grades 2-12 based on the available educational records from the child's last school that are presented at the time of registration.
4. For children who are new to the NYC school district and do not have educational records or whose educational records are older than two school years, grade placement will be made as follows:
 - a. Children will be provisionally registered based on age; for children of high school age, if the child turns 15 before the end of the school year (on or before June 30th), the child will be registered in 9th grade.
 - b. The principal will evaluate whether another grade placement would be more instructionally appropriate. The principal will consult with the Superintendent and provide evidence to justify any recommendation. The Superintendent will make the final decision concerning the appropriate grade level for the child.

c. If the principal receives additional or newer educational records, they will then adjust the grade placement.

5. Children who were discharged from the NYC school district and are returning to the NYC school district will be placed into a grade based on educational records. If the child is returning within the same school year in which they were discharged and their educational records reflect grade completion elsewhere, the child will be registered for the next grade for the following school year.

E. Residency Requirements

1. Except as provided in Sections VII.B and VII.C, a child must be a resident of NYC in order to be entitled to attend a DOE school. Any child whose primary residence is outside NYC must submit an application to the Office of Student Enrollment to be considered for admission in a DOE school in accordance with Chancellor's Regulation A-125.
2. All parents must complete a Housing Questionnaire for their child upon registering at their school. Any child identified as living in temporary housing must be referred to the Students in Temporary Housing program. See the [Housing Questionnaire](#) which is accompanied by the [McKinney-Vento Act Guide for Parents and Youth](#).
3. Children in grades K-12 who change residence within NYC are entitled to remain enrolled in their current school until completion of the terminal grade. Children may not be transferred to their zoned school or district of residence because of disciplinary or academic problems except pursuant to the procedures set forth in Chancellor's Regulation A-450.
4. Parents of children who change residence within NYC while enrolled, and whose new address is either outside of the zone or the district of residence of their current school, are responsible for attendance and punctuality. These children will not become eligible for yellow bus transportation outside the provisions of Chancellor's Regulation A-801 and any entitlement to specialized transportation as written on the Individualized Education Program (IEP). If attendance or punctuality worsens, the school must work with the family to facilitate and support regular attendance and punctuality.
 - a. If, however, excessive absence and/or lateness continues, and it is in the best interest of the child, the principal may begin the transfer process to the school for which the child is newly zoned or to another school closer to the child's new residence. The principal must submit to the Borough Office point person, or in the case of a District 75 school, the District 75 Office, documentation regarding the child's excessive absence and/or lateness, as well as documented efforts made to work with the child and their family to support regular attendance. The Borough Office point person or District 75 Office will

review the documentation submitted by comparing the attendance and lateness record prior to and following the child's change in residence as well as the documentation of the school's efforts to support the child's attendance.

- b. For District 1-32 schools: If the Borough Office point person confirms that attendance and punctuality have worsened, they will request a new placement from the Family Welcome Center Executive Director or Director. For District 75 programs: The District 75 Placement Office will confirm that attendance and punctuality have worsened and assign a new District 75 program.
- c. The parent must be provided with written notification by the principal that the child is being transferred. For District 1-32 schools: After receiving confirmation from the Borough Office point person, the Office of Student Enrollment will effectuate the transfer of the child and place the child on register of the zoned or assigned school or another appropriate school which the child is eligible to attend. For District 75 programs: The District 75 Office will send the parent notification of new placement and advise the parent to register.
- d. Students in temporary housing and students in foster care may not be transferred unless it is determined that it is in the child's best interest to change schools, as provided in Section VII.B (for students in temporary housing) and Section VII.C (for students in foster care).

F. Registration Policies

1. In order for a child to be placed on register and enroll in a DOE school, the parent must appear, unless the child is an emancipated minor, 18 years of age or older, or is an unaccompanied youth (see Section VII.A).
 - a. If the individual registering a child is not the parent, the individual must complete a [non-parent custodian affidavit](#) and provide it to the school, Family Welcome Center, or District 75 program; if available, the [parent affidavit](#) must be produced. Emancipated minors, children 18 years of age or older, and unaccompanied youth are not required to submit a non-parent custodian affidavit or parent affidavit (see Section VII.A).
 - b. If there are questions regarding the status of the individual seeking to register the child, the child must be registered pending a further investigation by the school of the individual's relationship to the child.
2. The person appearing must present:
 - a. Verifiable proof of address (see Section VI);
 - b. Proof of age, such as a birth certificate, passport (including a foreign passport), or record of baptism (which includes date of birth). If these

documents are unavailable, other documentation or recorded evidence may be used to determine a child's age, such as:

- i. official driver's license;
 - ii. State or other government issued identification (including an IDNYC card);
 - iii. school photo identification with date of birth;
 - iv. consulate identification card;
 - v. hospital or health records;
 - vi. military dependent identification card;
 - vii. documents issued by federal, state or local agencies (e.g., local social service agency, federal Office of Refugee Resettlement);
 - viii. court orders or other court-issued documents;
 - ix. Native American tribal document; or
 - x. records from non-profit international aid agencies and voluntary agencies.
- c. Child's immunization records (if available);
 - d. Child's educational records, such as latest report card/transcript (if available).
3. If the parent has been unable to show sufficient proof of the following, the child must be provisionally registered and appropriate action must be taken by the school:
 - a. address;
 - b. age;
 - c. immunization records;
 - d. educational records.
 4. No child who has been appropriately registered by a school or registered or assigned by the Office of Student Enrollment, the District 75 Placement Office or a District 75 program, or a Committee on Preschool Special Education, where applicable, may be turned away by the school or program to which the child is assigned and/or registered.
 5. If a child is registered to attend a school based on eligibility (e.g., based on home address, sibling priority, or specialized program recommendation), the child must remain eligible at the time of enrollment in order to attend. If the child's eligibility status changes, the Office of Student Enrollment or the

District 75 Placement Office will transfer the child and arrange for the child to be placed on register at a school for which the child is eligible.

G. General Policies and Procedures

1. School assignment and registration for any child eligible for grades K-12 who appear at a school, program, or Family Welcome Center seeking enrollment must be arranged by the next school day, if possible, and must be arranged within no later than 5 school days.
2. Children seeking admission to a District 1-32 high school, who have not participated in the high school admissions process, must appear at a Family Welcome Center to receive a school assignment and to register. No high school (except District 75 programs, District 79 programs, and transfer schools) may register children.
3. By law, children may not be required or asked to present documentation of immigration status nor can they be denied admission, registration, or enrollment to school based on immigration status or failure to present documentation about immigration status. Reference to the immigration status of a child or parent is not to appear on any school forms and/or records.
4. Children in the care of social welfare agencies, juvenile justice agencies, and correctional agencies are to be admitted into schools in the manner provided for in Sections III.D, VII.C, VII.E, and VII.F.

II. **ADMISSIONS AND ENROLLMENT POLICIES**

For all admissions and enrollment policies, see sections VII.B and VII.C, which provide students in temporary housing and students in foster care who move outside of NYC as a result of their temporary housing or foster care situation additional protections.

A. Sibling Priorities

1. For purpose of school assignment and admissions priority, a verified sibling includes a half-sibling, a stepsibling, and/or a foster sibling who lives in the same household of the child seeking admission or enrollment to a school, and who
 - a. is registered or enrolled in that school at the time of application submission, and will continue to be enrolled in that school in the following school year; or
 - b. is enrolled in a District 75 program that is co-located in the same building as that school.
2. In the admissions processes for 3-K, pre-K, and elementary school programs, children with verified siblings are given sibling priority to schools and programs for which they meet the eligibility requirements, subject to available seats.

3. For the purpose of admissions priority to a 3-K program, a verified sibling includes a sibling enrolled in a pre-K program or Pre-K Center. Pre-K Centers are district-operated programs overseen and run by the DOE that provide pre-K, and, in some cases, 3-K.
4. Schools and programs maintain responsibility for verifying sibling status before admissions offers are made.

B. Admission Priorities to District 1-32 3-K Programs

1. Children must turn 3 by December 31st of a school year in order to be eligible to attend a 3-K program in that school year.
2. Applicants are admitted to 3-K programs in zoned schools in accordance with the following admissions priority order, subject to available seats:
 - a. Zoned applicants with a verified sibling;
 - b. Zoned applicants without a verified sibling;
 - c. In-district applicants with a verified sibling;
 - d. Out-of-district applicants with a verified sibling;
 - e. In-district applicants;
 - f. Out-of-district applicants.
3. Applicants are admitted to 3-K programs in non-zoned schools in accordance with the following admissions priority order, subject to available seats:
 - a. In-district applicants with a verified sibling;
 - b. Out-of-district applicants with a verified sibling;
 - c. In-district applicants;
 - d. Out-of-district applicants.
4. Applicants are admitted to 3-K programs in Pre-K Centers in accordance with the following admissions priority order, subject to available seats:
 - a. In-district applicants with a verified sibling;
 - b. Out-of-district applicants with verified siblings;
 - c. In-district applicants;
 - d. Out-of-district applicants.
5. For individual 3-K programs, additional priorities may be added to the admissions priority structure to achieve greater diversity in the student body. Those priorities must be pre-approved by the Division of Early Childhood Education, the Office of Student Enrollment, and the Office of the General Counsel. Families will receive notice of any additional priorities prior to the admissions process.

C. Admission Priorities to District 1-32 Pre-K Programs

1. Children must turn 4 by December 31st of a school year in order to be eligible to attend a pre-K program in that school year.
2. Applicants are admitted to pre-K programs in zoned schools in accordance with the following admissions priority order, subject to available seats:
 - a. Applicants currently attending that school's 3-K program;
 - b. Zoned applicants with a verified sibling;
 - c. Zoned applicants without a verified sibling;
 - d. In-district applicants with a verified sibling;
 - e. Out-of-district applicants with a verified sibling;
 - f. In-district applicants;
 - g. Out-of-district applicants.
3. Applicants are admitted to pre-K programs in non-zoned schools in accordance with the following admissions priority order, subject to available seats:
 - a. Applicants currently attending that school's 3-K program;
 - b. In-district applicants with a verified sibling;
 - c. Out-of-district applicants with a verified sibling;
 - d. In-district applicants;
 - e. Out-of-district applicants.
4. Applicants are admitted to pre-K programs in Pre-K Centers in accordance with the following admissions priority order, subject to available seats:
 - a. Applicants currently attending that school's 3-K program;
 - b. In-district applicants;
 - c. Out-of-district applicants.
5. If there are more applicants currently attending the school's 3-K program than there are available seats in the school's pre-K program, the applicants currently enrolled in that school's 3-K will receive offers to that school's pre-K program based on the admissions priorities in the order outlined above (Section II.C.2-4).
6. For individual pre-K programs, additional priorities may be added to the admissions priority structure to achieve greater diversity in the student body. Those priorities must be pre-approved by the Division of Early Childhood Education, the Office of Student Enrollment, and the Office of the General Counsel. Families will receive notice of any additional priorities prior to the admissions process.

D. Admission Priorities to Kindergarten in District 1-32 Schools

1. Zoned schools are obligated to serve all children residing in their zone, space permitting, regardless of when families show up to register. Applicants must be admitted to zoned schools in the following order of priority:
 - a. Zoned applicants with a verified sibling;
 - b. Zoned applicants without a verified sibling.

If the Office of Student Enrollment deems appropriate based on space, historical trends, and district needs, offers may be made for the following priority groups, in the order outlined below. Only the Office of Student Enrollment may authorize the admission of non-zoned applicants out of this priority order; for example, for applicants who cannot be accommodated at their zoned school, or for specialized programs, such as dual language programs.
 - c. In-district applicants with a verified sibling;
 - d. Out-of-district applicants with a verified sibling;
 - e. In-district applicants currently attending that school's pre-K program;
 - f. Out-of-district applicants currently attending that school's pre-K program;
 - g. In-district applicants;
 - h. Out-of-district applicants.
2. Applicants must be admitted to non-zoned schools in the following order of priority:
 - a. In-district applicants with a verified sibling;
 - b. Out-of-district applicants with a verified sibling;
 - c. In-district applicants currently attending that school's pre-K program;
 - d. Out-of-district applicants currently attending that school's pre-K program;
 - e. In-district applicants;
 - f. Out-of-district applicants.
3. For some schools, additional priorities may be added to the admissions priority structure to achieve greater diversity in the student body. Those priorities must be pre-approved by the Office of Student Enrollment and the Office of the General Counsel. Families will receive notice of any additional priorities prior to the admissions process.

- E. Registration and Enrollment in District 1-32 Elementary Schools (except for 3-K and pre-K)
1. Children are entitled to attend their zoned school subject to available seats.
 2. Children in the elementary school grades without a zoned school are entitled to a seat in a school in the district to which their address is assigned for elementary school.
 3. If elementary school-aged children arrive after the conclusion of the admissions process for kindergarten:
 - a. Children with a zoned school may either register directly at their zoned school or visit a Family Welcome Center to determine other available school options. If the relevant grade of the child's zoned school has been capped for enrollment, the child will receive an alternative school assignment as set forth in Section II.J.
 - b. Children without a zoned school should visit a Family Welcome Center to receive a school assignment.
 4. Children seeking to register at a non-zoned school or at a school for which they are not zoned may only receive school placement and register at that school in accordance with the policies set forth in this regulation, including Section II.H below, or as otherwise determined by the Office of Student Enrollment.
- F. Admission, Registration, and Enrollment to District 1-32 Middle Schools
1. Admissions Priority for Middle School
 - a. Children in 5th grade are eligible to apply to middle schools in the district to which they are zoned for middle school and the district where they attend elementary school ("district of attendance"), if different. Children who apply to a school within their district of attendance have the same level of admissions priority as other applicants whose home address is zoned to that district.
 - b. Children with a zoned middle school have an admissions priority to attend that school if they rank it on their middle school application.
 - c. Fifth grade children attending a K-8 or a K-12 school maintain an admissions priority for that school in the middle school admissions process if they rank that K-8 or K-12 school on their middle school application.
 - d. During the middle school admissions process, available seats (determined by the Office of Student Enrollment) will be available as follows:
 - i. At zoned schools: Seats will be available for non-zoned children only after all of the zoned children have received

offers through the admissions process. Zoned children who have applied will receive placement before non-zoned children on appeal as space is available.

- ii. At K-8 or K-12 schools: Seats will be available for non-continuing children only after all of the continuing children have received an offer through the admissions process. Continuing children who have applied will be accommodated before non-continuing children on appeal as space is available.
 - e. If a child in 5th grade currently enrolled in a DOE school is not matched to a school ranked on their application, they will be assigned a school in the district where they are zoned for middle school.
 - f. Children who do not apply in the middle school admissions process (including appeals) to their zoned school or their continuing K-8 or K-12 school do not have a guaranteed right to enroll in that school for middle school. However, the Office of Student Enrollment will consider that school for any future requests to transfer to a different middle school. All children requesting to transfer to a different middle school must visit the Family Welcome Center to obtain a placement.
2. Children who did not participate in the middle school admissions process may register as follows:
- a. Children in 5th grade enrolled in a DOE school at the time of the admissions process will be assigned to a middle school.
 - b. Children with a zoned school may either register directly at their zoned school or visit a Family Welcome Center to determine other available school options. If the relevant grade of the child's zoned school has been capped for enrollment on that grade, the child will receive an alternative school assignment as set forth in Section II.J.
 - c. Children without a zoned school should visit a Family Welcome Center to receive a school assignment.
 - d. Children seeking to register in a non-zoned school or to a school for which they are not zoned may only receive school assignment and register in accordance with the policies set forth in this regulation, including Section II.H below, or as otherwise determined by the Office of Student Enrollment.

G. Policies for Zoned Schools

1. Children zoned for a school have priority for admissions and enrollment in those schools' zoned programs in accordance with the policies outlined in this

regulation and must be accommodated before assignments are made to non-zoned children.

2. Non-zoned children may receive school assignment to a zoned school only in accordance with the policies set forth in this regulation and as otherwise determined by the Office of Student Enrollment.
3. Zoned programs are required to register zoned children and must accept these children in accordance with the policies set forth in this regulation and subject to available seats. The determination of whether there are available seats is made by the Borough Office in consultation with the Office of Student Enrollment, the Office of Space Planning, the Office of District Planning, and the Superintendent (See Section II.J).
4. A child is not required to attend their zoned school if other school options are available to the child, based on seat availability and eligibility criteria.

H. Policy for Non-Zoned District 1-32 Elementary Schools, Middle Schools, and K-8 Schools

1. Children seeking to register at a non-zoned school in 1st-5th or 7th-8th grades should visit a Family Welcome Center at any time throughout the year to request a placement.
2. Children seeking to register at a non-zoned school in kindergarten or 6th grade, after the conclusion of the admissions process, should visit a Family Welcome Center to request a placement.
3. Non-zoned schools must admit students throughout the year based on seat availability, including after the conclusion of the admissions process, on a first-come-first-served basis.

I. Rezoning Policies

1. Depending on the timing of the approval of a rezoning plan, a child's zoned school may change during the application period for an admissions process. In such cases, the child's zoned entitlement would be to the zoned school in effect at the time of enrollment.
2. Children whose verified siblings are enrolled in a zoned school that has been impacted by a re-zoning plan adopted by the Community Education Council (CEC) will maintain zoned sibling priority to that impacted school if such priority is provided for by the CEC in the approved rezoning plan.

J. Capping Policies (grades K-8)

1. A zoned school has a responsibility to serve all children who live within its zone, space permitting, in accordance with policies outlined in this regulation.

2. Zoned schools cannot close enrollment or “cap” a grade to achieve or maintain reduced class size in any grade.
3. A single grade of a school will be “capped” when that school submits a request and the Borough Office investigates and determines that it is necessary to cap that grade to prevent additional enrollment in consultation with the Office of District Planning, the Office of Student Enrollment, and the Superintendent. If the Borough Office determines that it is necessary to cap the grade, they will approve the capping request and identify a school to which additional zoned students will be assigned (“overflow school”).
4. In cases where a zoned school’s grade has been capped by the Borough Office as outlined in Section II.J.3, those zoned children are entitled to an alternative school assignment within the district of residence.
 - a. Such children will receive admissions and enrollment priority at the overflow school ahead of any non-zoned children.
 - b. Any child assigned to attend an overflow school due to the Borough Office approving their zoned school’s request to cap on that child’s grade must either accept the overflow school assignment or find another alternative to the assigned school.
5. Children whose zoned school was approved for a grade cap by the Borough Office, and have therefore received a school assignment to the overflow school, may remain on the waitlist for their zoned school until a deadline established by the Office of Student Enrollment. The following procedures will apply to those children:
 - a. Such children will have priority for any available seats in the next school year at their zoned school, and seats will be offered to these children in waitlist order.
 - b. These children may decline a return to their zoned school and remain at the overflow school. If they decline, they will relinquish their place on the waitlist for their zoned school. If the child later requests to transfer to the zoned school, the transfer will only be granted if all other reassigned zoned children from the waitlist have been invited back to register and there continues to be an available seat. If a child who declines an offer to return to their zoned school was eligible for transportation to the overflow school as a result of the capping plan, such child will no longer be entitled to transportation unless otherwise required or eligible based on guidelines established by the Office of Pupil Transportation.
 - c. Children enrolled in 5th grade have the right to return for the duration of the 5th grade year, if seats become available, but must participate in

the middle school admissions process in order to be considered for a seat at that school for 6th grade.

- d. Consistent with Section II.F.1.a, children are eligible to apply through the middle school admissions process to schools in their district of attendance as well as the district where their address is zoned for middle school.
6. It is the primary obligation of a zoned school to serve its zoned children. If a zoned school is unable to accommodate all of its zoned children and is approved for a capping plan, non-mandatory programs at the school may be reduced or eliminated.

K. Articulation Policies

1. The policies outlined in this section apply to all schools including, but not limited to, Gifted & Talented programs, specialized high schools, transfer schools, and schools for newcomers, English Language Learners, and multilingual learners.
2. In accordance with Sections VII.B and VII.C, students in temporary housing and students in foster care who reside outside of NYC due a temporary housing or foster care situation have the right to remain in their school of origin and articulate to the zoned school or, if no zoned school exists, to an appropriate school, provided it is in the best interest of the child.
3. There are multiple entry points in DOE schools which are facilitated by the elementary, middle and high school admissions processes, both for District 1-32 and District 75. There is an entry point for each grade band. For example, at a school that serves grades K-5, the entry point would be kindergarten. When a child moves to a different grade band, it is referred to as “articulation.”
4. Articulation in District 1-32 K–8 and 6–12 schools

A school that is structured as a K-8 or a 6-12 school must have multiple entry points. Therefore, when a child is admitted to a school that is structured as a K–8 or 6–12 school, that child is entitled to and has priority for admission to the next grade band. Such children may, at the same time, apply to any other school or program for which they are eligible. Children have a priority to attend their zoned K-8 school for 6th grade if they are not already in attendance.

5. Articulation to District 1-32 Middle Schools

Children who were matched to a school as the result of the middle school admissions process and subsequently discharged from the NYC school district have a right to be enrolled in the school to which they were matched at any time during the school year for which they were matched, provided that when

they return to register at that school, they reside within NYC and have not completed the academic year at another school.

6. Articulation to District 1-32 High Schools

- a. Children articulating from 8th grade are either given a priority for or guaranteed admission to their zoned high school, as indicated in the High School Directory for that admissions cycle, if they apply to that school in the high school admissions process.
- b. Children who were matched to a school as the result of the high school admissions process and subsequently discharged from the NYC school district have a right to be enrolled in the school to which they were matched at any time during the school year for which they were matched, provided that when they return to register at that school they reside within NYC and have not completed the academic year at another school. This includes children returning from incarceration.

7. Children returning to the NYC school district after completing the academic school year in a non-NYC school district will be directed to the Family Welcome Center, or for children recommended for a District 75 program, the District 75 Placement Office, to receive a school assignment for admission in the following school year. Such children do not have the guaranteed right to return to the school to which they were matched prior to their discharge from the NYC school district, though the school to which the student was matched will be considered. The Office of Student Enrollment will make the final determination about placement for children enrolled in District 1-32 schools, and the District 75 Placement Office will make the final determination about placement for children enrolled in District 75 programs.

III. **READMISSION**

Upon return to the NYC school district, a child may visit a Family Welcome Center or, for District 75 programs, contact the District 75 Placement Office, to discuss available school options.

A child returning to the NYC school district within the academic year of discharge from a DOE school has the right, but not the obligation, to return to their prior school. All such placements are contingent upon the DOE school's available seats.

For any question regarding a child's right to return, the Office of Student Enrollment, or the District 75 Placement Office for a child recommended for a District 75 program, will make the final determination.

A. Elementary and/or Middle School Children

1. A child has the right to return to their previous school if they continue to be eligible based on their previous admissions priority status, and there are available seats.
 2. If the child is returning to their zoned school, and it is now capped for the child's grade, the child will be directed to the designated overflow school in accordance with Section II.J.
 3. Children returning to the NYC school district after completing the academic year elsewhere can enroll directly at their zoned school, if applicable and seats are available, or visit a Family Welcome Center for other placement options.
- B. Children Previously Enrolled in Gifted & Talented Programs Returning within the Academic Year of Discharge
1. District Programs
 - a. Children returning to the same district of residence may return to the same Gifted & Talented program, provided that a seat is available.
 - b. Children may request placement at a different district Gifted & Talented program within the district of residence if a seat at the child's prior Gifted & Talented program is not available.
 - c. Children returning to a different district of residence may request placement in a district Gifted & Talented program within the new district of residence, if a seat is available.
 2. Citywide Programs
 - a. Children returning to the NYC school district may return to the same citywide Gifted & Talented program, if a seat is available.
 - b. If a seat at the child's prior Gifted & Talented program is not available, the child may request placement in another Gifted & Talented program.
- C. High School Children
1. A child who has been discharged from the NYC school district has the right to return to their previous high school (including but not limited to the specialized high schools, transfer schools and schools for newcomers, English Language Learners, and multilingual learners) until the conclusion of the academic year in which they were discharged, provided the child has not completed the academic year at another school. A child discharged without a diploma may return to a school until the end of the school year in which they turn 21.
 2. Children returning to the NYC school district after completing the academic school year at another school will be directed to the Family Welcome Center,

or for children recommended for a District 75 program, the District 75 Placement Office, to receive a school assignment for admission in the following school year. Such children do not have a guaranteed right to return to the school they attended prior to their discharge from the NYC school district, though the school that the child previously attended will be considered. The Office of Student Enrollment or the District 75 Placement Office (whichever is appropriate) will make final readmission determination.

D. Children Returning from a Court-Ordered Setting, Custodial Facility or Treatment Program

1. Children who were enrolled in a DOE school at the time of discharge to a court-ordered setting, custodial facility or treatment program have the right to return to the school in which they were enrolled if they return within one calendar year from the date of discharge.
2. Some of these children may benefit from a different school placement upon their return to the NYC school district. The Office of Student Enrollment, or for children recommended for a District 75 program, the District 75 Placement Office, may consult with the Borough Office point person or District 79, whichever is appropriate, to determine whether to register or refer the child to a different school that has available seats.

IV. TRANSFERS

Schools are required to meet with families to review transfer requests and provide all supporting documentation when a transfer is warranted.

- A. All requests for transfers must be approved by the Office of Student Enrollment with the exception of:
1. Involuntary transfers and voluntary transfers following superintendent suspensions, which are handled by the Borough Director of Suspensions in accordance with Chancellor's Regulation A-450 and A-443, respectively; note that in accordance with Chancellor's Regulation A-450, children with IEPs cannot be involuntarily transferred;
 2. Transfers of children seeking to attend their zoned schools (when seats are available), in which case the receiving principal must admit the child;
 3. Authorized transfers of English Language Learners (ELLs) by the Division of Multilingual Learners (DML), the Borough Office Director of MLs, and Superintendents into a school that has a Dual Language or Transitional Bilingual Education program, which families can initiate either through their current school or the Family Welcome Center (must still be approved by DML, Borough Office, and Superintendent, regardless of the manner of submission);

4. Transfers of children due to a new specialized program need, such as bilingual special education, specialized programs for children with Autism Spectrum Disorder (ASD), or a program for children with an Intellectual Disability;
 5. Authorized transfers by the Special Education Office due to the documented inability of the child's current school to provide the appropriate special education program as recommended on the IEP;
 6. Transfers mandated by an Impartial Hearing Order; and
 7. Transfers within District 75 and District 79.
- B. Other transfers may be granted to address a particular hardship as described below provided all requisite documentation is presented to the Family Welcome Center for children enrolled in District 1-32 schools; or the District 75 Placement Office, for children enrolled in District 75 programs. In all cases, the Office of Student Enrollment or the District 75 Placement Office, whichever is appropriate, will either deny or approve the transfer request and will determine the school to which a child will transfer.
1. District Gifted & Talented Transfers based on Changes in District of Residence (children in grades K-5 only): A parent whose child is enrolled in a district Gifted & Talented program and who moves may request a transfer for their child to a district Gifted & Talented program in the new district of residence.
 2. Childcare Hardship Transfers (children in grades K-5 only): A parent may request a transfer for their child because a childcare hardship is created by their school's distance from employment and/or childcare location. The parent must provide supporting documentation from the parent's employer and/or childcare provider affirming the childcare hardship.
 3. Sibling Transfers (children in grades K-5 only): A parent may request a sibling transfer when the parent's children, who are verified siblings as set forth in Section II.A.1, attend different schools.
 4. Medical Transfers/Reasonable Accommodations: A parent may request a transfer for a child to address a need for a reasonable accommodation for a disability, which may include, for example, a medical condition or disability that prevents the child from physically accessing the school. A parent may also request a transfer for a child when the parent has a disability that prevents the parent from physically accessing the school. The parent must provide documentation signed by an appropriate healthcare or rehabilitation professional on the medical provider's letterhead, stating the nature of the condition for which an accommodation is requested, and the reason why the transfer is recommended. The Office of Student Enrollment may consult the Office of School Health and/or New York City Department of Health and Mental Hygiene on transfer decisions. With parental consent, appropriate

staff may contact the medical provider to gain further information. For children enrolled in District 75 programs, the District 75 Placement Office will transfer children to an appropriate school using the available and any additional documentation provided by the IEP, the family, or medical provider.

5. Safety Transfers: The procedures for granting safety transfers are outlined in Chancellor's Regulation A-449. Safety transfers may be granted in the following instances: (a) when children are victims of a violent criminal offense on school property pursuant to Every Student Succeeds Act (ESSA) or (b) in situations (including complaints of harassment, intimidation and bullying) in which it is determined that a child's continued presence in the school is unsafe for the child. ESSA Safety Transfer requests will be coordinated by the Borough Director of Suspensions.

With respect to non-ESSA safety transfers, the determination as to whether or not to grant a safety transfer must be made by the Family Welcome Center Executive Director or Director, or for children enrolled in District 75 programs, the District 75 Office, within 1 week of receipt of the required documentation from the principal/designee. The procedures are as follows:

- a. Safety transfer requests can be made in one of two ways:
 - i. Families can submit their safety transfer request to their current school, which remits the request to the Family Welcome Center; for children enrolled in District 75 programs, the school should submit such request to the District 75 Office.
 - ii. Families can request a safety transfer by visiting the Family Welcome Center and submitting documentation, such as a written statement by the child or parent, or other documentation supporting the transfer request. Families of children enrolled in District 75 programs should submit this documentation to the District 75 Office.
- b. For a safety transfer to be considered, a school must send the following documents to the Family Welcome Center, or for children enrolled in District 75 programs, the District 75 Office:
 - i. Safety Transfer Intake Form;
 - ii. Safety Transfer Summary of Investigation Form; and
 - iii. School Occurrence Report or other school documentation.

If the family has submitted a police report, docket number, or court documentation to the school, then the school should send that documentation as well. However, this is **not** required to process or approve a safety transfer.

- c. If the supporting documentation does not sufficiently describe the safety issue or if additional information is needed, the Dean, the Assistant Principal Security, or the Principal must provide additional information to the Office of Student Enrollment or for children enrolled in District 75 programs, the District 75 Office.
 - d. Based on the nature of the safety transfer materials, the Family Welcome Center Executive Director or Director, or the District 75 Office, may consult with the Borough Office Director for Student Services and the Borough Safety Director who serves as the designee of the Chief Executive Officer for the Office of Safety and Youth Development.
 - e. If it is determined that transferring the child will address the safety issue (regardless of where the incident took place), the Family Welcome Center Executive Director or Director or the District 75 Office will approve the safety transfer and provide a new placement to the child. In all cases, the review and determination should take no more than 5 business days.
 - f. If the child or family is requesting a safety transfer for incident(s) that took place around but not on school grounds or for which the school has no occurrence reports, but the family believes that the child's continued presence in the school is unsafe for the child, the Family Welcome Center Executive Director or Director or the District 75 Office may work with the family to submit a different type of transfer request, such as a Guidance Transfer (see Section IV.B.9) or Other Transfer (see Section IV.C), and arrange the transfer. This situation may include allegations of incidents of bullying or harassment of which the school has no record.
6. Sports Transfers (high school children only)
- a. In general, there are no transfers for sports.
 - b. A student athlete listed on the official Public School Athletic League (PSAL) roster in a particular sport who is attending a school that is being phased out and no longer offers that particular sport, may apply for a transfer to another school. A student athlete listed on the official PSAL roster in a particular sport who is attending a school where the team ceases to exist may also apply for a transfer to another school. In such cases, the Office of Student Enrollment will identify a school that has a space available and has a PSAL team for that sport and will facilitate an appropriate placement to meet the student athlete's academic and athletic needs;

- c. A student athlete listed on the official PSAL roster in a particular sport who applies for a transfer under Public School Choice is only eligible to be transferred to a school on the child's Public School Choice application;
 - d. In those cases outlined in subparagraphs b and c above, a student athlete is not guaranteed a spot on the official PSAL team in the particular sport at the new school and must try out for the team;
 - e. All regulations regarding high school athletics are governed by the PSAL Student Athlete Rules and Regulations (available at www.psal.org).
7. Travel Hardship Transfers (high school children only)
- a. A family must present verifiable proof of address to request a travel hardship transfer.
 - b. For a travel hardship transfer to be considered, the commute from home to school must be 75 minutes or greater or otherwise inaccessible by public transportation (i.e., more than 3 public transit transfers).
8. Guidance Transfers
- a. A guidance transfer may only be requested by a parent or a child who is an emancipated minor, 18 years of age or older, or an unaccompanied youth as defined in Section VII.A. Any other individual requesting a guidance transfer on a child's behalf must provide the express written consent of the parent, emancipated minor, unaccompanied youth, or student 18 years of age or older for such individual to seek such transfer. Such written consent must be provided to the Family Welcome Center or District 75 Placement Office, which shall contact the parent, emancipated minor, unaccompanied youth, or student 18 years of age or older to confirm consent.
 - b. A parent or a child who is an emancipated minor, 18 years of age or older, or an unaccompanied youth may request a guidance transfer if the child is not progressing or achieving academically or socially and an alternative placement would address these concerns.
 - c. Depending on the nature of the reason for the guidance transfer request, the Office of Student Enrollment or District 75 Placement Office may consult the Superintendent, the Borough Office Director of Student Services or Guidance and Climate Manager, the Borough Safety Director, the Borough Office Health Director, or other subject matter expert who may provide insight and context relative to the reason for request.

- d. When the transfer request is based on academic performance or chronic attendance issues, the Office of Student Enrollment or District 75 Placement Office may request approval from the Superintendent. The Office of Student Enrollment, District 75 Placement Office, and/or the Superintendent may reach out to the principal to obtain evidence or documentation regarding the transfer.
 - e. This guidance transfer process is to be utilized only when **parents initiate** a voluntary request. If a **principal** seeks to initiate the transfer of a child because they have failed to adjust in school, the procedures set forth in Chancellor's Regulation A-450 regarding involuntary transfers shall apply and the principal must follow the process set forth therein.
 - f. If a child is requesting a transfer due to bullying or harassment, but neither the family nor the school can produce the documentation required for a safety transfer, or the alleged incidents did not happen on school grounds, the Office of Student Enrollment or District 75 Placement Office may process the transfer as a Guidance Transfer or Other Transfer if appropriate.
- C. Other Transfers: Other transfers, including those not due to a documented hardship, may be considered on a case-by-case basis by the Office of Student Enrollment, or for children recommended for a District 75 program, the District 75 Placement Office. In all cases, the Office of Student Enrollment, or District 75 Placement Office, will either deny or approve the transfer request and will determine the school to which a child will transfer. No particular school placement is guaranteed; new school assignments are based on seat availability and eligibility, if applicable.

V. ADMISSIONS AND ENROLLMENT POLICIES FOR STUDENTS WITH DISABILITIES

All policies regarding admissions and enrollment for children without disabilities also apply to children with disabilities, including the policies governing child participation in admissions processes, readmission, and enrollment.

- A. Children with IEPs will be transferred and placed in accordance with following policies:
 1. When there is a change in program on the IEP, students with disabilities are expected and entitled to remain in their current District 1-32 school unless the changes require a District 75 placement or placement in a non-public school.
 2. When there is a change in IEP program recommendation from a District 75 placement to a District 1-32 placement, the District 75 Placement Office will request a District 1-32 school placement from the Office of Student Enrollment and provide the school placement to the child.
 3. Specialized Programs and Services in a District 1-32 School

- a. For specialized programs and services, including those for children with Autism Spectrum Disorder (ASD), children with intellectual disabilities (ACES), children recommended for Bilingual Special Education, and children receiving District 75 Special Education Inclusive Services, the child is entitled to remain at their current school until the DOE identifies a new placement in that program. At that time, the child will be transferred.
 - b. If at any time, until the terminal grade, a child's IEP no longer reflects the specialized program or services need, the child is expected and entitled to remain at the school until the terminal grade. Children retain the right to transfer to their zoned school, space permitting.
- B. Children with IEPs who are new or returning to the NYC school district should follow the readmission and enrollment policies outlined in this regulation. The following additional procedures apply to children with out-of-state IEPs:
1. The Committee on Special Education (CSE) or school will develop a Comparable Services Plan (CSP) to provide the child with services comparable to those described in the non-DOE IEP.
 2. The school will immediately implement the CSP. Within 30 days a new IEP must be developed by the child's school or, when appropriate, the CSE.
- C. Children with accessibility needs:
- In the kindergarten, middle school, and high school admissions processes, children with a verified accessibility need will be awarded first priority for admissions at schools identified by DOE as meeting their accessibility needs. For screened middle school and high school programs, children must meet admissions criteria.

VI. DETERMINATION & VERIFICATION OF RESIDENCY

- A. A child may have only one legal residence for the purposes of registration, enrollment, and admission.
- B. A child's residence is determined as follows:
 1. Residence is determined by a person's physical presence as an inhabitant within the designated geographic boundaries of a school district with the intent to remain.
 2. The residence of a child depends upon a factual determination of the care, custody, and control of the child.
 3. For a child whose parents live apart, the child's residence is presumed to be that of the parent who provides custodial care. If parents have been awarded joint custody, the child's residence is that of the parent who has primary physical custody.

4. If a parent has more than one residence in NYC, then the residence to be used for the purpose of school registration is the residence where the child lives.
- C. Proof of address must be provided when enrolling a child in school. A telephone bill, credit card bill or medical insurance card is not acceptable proof of address. Proof of address must be demonstrated by any two of the following documents, each of which must state the home address.
1. Proof of address may be verified by any **two** of the following:
 - a. a lease agreement, deed or mortgage statement for the residence;
 - b. a residential utility bill (gas or electric) in the resident's name issued by a utility company (e.g., National Grid or Con Edison); must be dated within the past 60 days;
 - c. a bill for cable television services provided to the residence; must include the name of the parent and address of the residence and be dated within the past 60 days;
 - d. documentation or letter on letterhead from a federal, state, or local government agency, including the IRS, the City Housing Authority, the federal Office of Refugee Resettlement, the NYC Human Resources Administration, or the NYC Administration for Children's Services (ACS), or an ACS subcontractor, indicating the resident's name and address; must be dated within the past 60 days;
 - e. a current property tax bill for the residence;
 - f. a water bill for the residence; must be dated within the past 90 days;
 - g. rent receipt which includes the address of residence; must be dated within the past 60 days;
 - h. State, city, or other government issued identification (including an IDNYC card); which has not expired and includes the address of residence;
 - i. income tax form for the last calendar year;
 - j. official NYS Driver's License or learner's permit, which has not expired;
 - k. official payroll documentation from an employer issued within the past 60 days such as a pay stub with home address, a form submitted for tax withholding purposes or payroll receipt (a letter on the employer's letterhead is not adequate); must include home address and be dated within the past 60 days;
 - l. voter registration documents, which include the name of the parent and the address of residence;

- m. unexpired membership documents based upon residency (e.g., neighborhood residents' association), which include the name of the parent and the address of residence;
- n. evidence of custody of the child, including but not limited to judicial custody orders or guardianship papers; documents must have been issued within the past 60 days and include name of child and address of residence.

None of the documents listed above will suffice alone. Two proofs of residence are required, except in cases where a [Third-Party Affidavit](#) is one of the documents, and in that case, three proofs of residence are required (as explained in paragraph 2 below). If a parent is subletting an apartment or home, or if more than one family shares a living space and there is only one leaseholder or homeowner, residency can be demonstrated by an "Address Affidavit" signed by both the primary leaseholder as well as the parent affirming that the family is residing in the apartment or home, and two other documents verifying the family's home address. It is preferable that the signatures on the Address Affidavit be notarized, but in the absence of notarized signatures, the Affidavit can be accepted together with additional documentation that verifies the primary leaseholder and the parent's residence in the apartment or home. If the parent is unable to obtain this type of Address Affidavit, the parent may submit a written statement by a third party attesting to the fact that the parent resides at a particular address ("[Third-Party Affidavit](#)"), along with two other documents from the list in Section VII.A.1, above, verifying that the family resides at this address. Students in temporary housing, including those who are doubled up, and students in foster care are not required to produce any of these affidavits in order to register and enroll.

2. If there is a question as to the adequacy of the proof of the home address, or if the parent is unable to provide the appropriate documents, the Office of Student Enrollment or the school, where appropriate, will register the child on a provisional basis. The parent will be given a [Provisional Registration Notice](#) indicating that the child is being admitted to the school on a provisional basis pending the outcome of an address investigation. The school where the child is registered is responsible for initiating an address verification investigation in accordance with procedures below regarding "Falsification and Investigation of Residency". The child may not be turned away and is entitled to enroll and attend class while the investigation is pending. For students in temporary housing, this investigation and requirement of address documentation is subject to the requirements of the *McKinney-Vento Act*.

3. For students in temporary housing, including those who are doubled-up, and students in foster care, the Primary Leaseholder/Tenant is not required to submit an Affidavit of Residency.

D. Falsification and Investigation of Residency

If there is a question about a child's address or there is suspicion that a falsified address was used to register the child, the school must initiate an address verification investigation within 30 days of discovery of the problem.

1. If it is determined that the child resides at an address that renders the child ineligible to attend the current school, the principal must provide the Borough Office point person with the results of the investigation. The Borough Office point person will review the results, and if they deem appropriate, will recommend a transfer to the Borough Office Director of Student Services, or designee. In addition, the Borough Office point person will determine the actual address at which the child resides. The Borough Office Director of Student Services, or designee, must review the documentation of the investigation and determine whether it is sufficient to warrant a transfer. The Borough Office Director of Student Services or designee must then inform the Family Welcome Center Executive Director or Director of the approval to transfer the child.
2. If the child is to be transferred, the principal must provide the parent with written notice stating the following:
 - a. the findings of the investigation;
 - b. the child is not entitled to attend the current school and will be transferred to the appropriate school;
 - c. the name, number and location of the new school placement for which the child is eligible, and the date the child will be placed on register there; and
 - d. the right to appeal the results of the investigation to the Borough Office Director of Student Services or designee that supports the school within 5 days of the notification letter.
3. The child will be transferred pending a ruling on the appeal unless the Borough Office Director of Student Services or designee, in consultation with the principal and the Family Welcome Center Executive Director or Director, determines that it is not appropriate. The ruling on appeal should be issued within 10 school days.
4. In order to determine an appropriate school to which the child will be transferred, the parent will be required to submit verifiable proof of address.
 - a. If the child's actual zoned school has been verified through the address investigation process, the principal of the current or offered school will

direct the family to that zoned school by listing it in the written notice (see paragraph D.2, above).

- b. If the child does not have a zoned school or is eligible to attend high school, the Family Welcome Center Executive Director or Director will determine the new school. For transfers to a school in another borough, the Family Welcome Center Executive Director or Director for the receiving borough will determine the new school, and place the child on register if appropriate.
 - c. If it is determined that the child does not reside in NYC, the child will be considered a non-resident, in which case the parent will be required to pay tuition in accordance with Chancellor's Regulation A-125 for the time the child has been in attendance, and the child will be discharged as a non-resident at the end of the semester during which the determination is made. Additionally, the child forfeits any right to submit an application to remain enrolled in the NYC school district as a non-resident.
5. Students in temporary housing and students in foster care are not required to submit proof of address in order to enroll in school; however, they are still subject to an address investigation should there be a question about the child's address or a suspicion that the address was falsified. Upon verification of the child's temporary address by conducting a home visit, the child may continue to attend school without providing additional documentation of residence.

VII. SPECIAL SITUATIONS

A. Child Appearing without a Guardian

1. Unaccompanied Youth and Emancipated Minor

- a. For the purposes of this regulation, unaccompanied youth as defined in Chancellor's Regulation A-780 have the same rights as children in temporary housing (see Section VII.C below). These children are not required to appear with a parent or to provide documentation in order to register, enroll, or transfer.
- b. Emancipated minor means a child (16-17 years old) who is married or is living apart from their parent, not receiving financial support from their parent, and not in need or receipt of foster care. These children are not required to appear with a parent in order to register, enroll, or transfer.
 - i. An emancipated minor may be asked to sign an [Affidavit of Emancipation](#) or provide a marriage certificate.

- ii. Proof of residence may be shown by a rent receipt in the child's name or a statement from the person furnishing housing.
 - c. An unaccompanied youth or emancipated minor is not required to appear with an adult in order to register in, enroll in, or transfer schools. The Family Welcome Center, District 75 office, or school officials, where applicable, must consider the age and circumstances of the child to determine whether ACS should be notified.
 2. Missing Child and Runaway Youth
 - a. Missing child means a child who has been taken from a parent who has rightful custody.
 - b. Runaway youth means an individual who is less than 18 years of age and who absents themselves from home or a place of legal residence without the permission of a parent.
 - c. If there is suspicion that a child who is being registered in school may be a missing child or runaway youth the principal must register the child and immediately contact the local police precinct.
 3. All children not currently on register at a DOE school who appear without a parent should be registered, even if it cannot be immediately determined why the child is appearing without a parent.
- B. Students in Temporary Housing
1. Definitions:
 - a. A student in temporary housing is one who lacks a fixed, regular, and adequate nighttime residence. This includes children who are:
 - sharing the housing of others due to loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled up"), or living in a motel, hotel, trailer park, or camping ground due to the lack of alternative adequate accommodations; or
 - living in an emergency or transitional shelter, including a subsidized publicly or privately operated shelter designed to provide temporary living accommodations (including commercial hotels, congregate shelters, residential programs for victims of domestic violence, and transitional housing for the mentally ill); or
 - abandoned in a hospital; or

- living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation; or
 - living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.
- b. School of origin means the school the child attended when permanently housed or the school in which the child was last enrolled, including a preschool program.
2. A student in temporary housing may either remain in the school of origin or may transfer to a new school which the child is eligible to attend based on their temporary housing location and for which the child meets entrance criteria, where applicable, depending on which is in the child's best interest. High school students in temporary housing are not required to demonstrate a travel hardship before transferring to another school. If the child elects to attend the new school based on the new residence, that school shall immediately register and enroll the child, even if the records normally required for registration and enrollment are not available or produced. See Chancellor's Regulation A-780 for further information on the rights of homeless children.
 3. It is presumptively in the best interests of the child to keep the child in the school of origin, except in cases where the parent requests enrollment in a different school. Several factors should be considered in making the best interest determination, including: the impact of mobility on achievement, education, health and safety, and priority to the parent's, or unaccompanied youth's choice.
 - a. Consistent with Chancellor's Regulation A-780 Section IV, if there is a dispute as to whether the child should remain in the school of origin or transfer to a new school which the child is eligible to attend based on eligibility criteria and seat availability, the DOE must enroll and transport the child to the school designated by the parent (or in the case of an unaccompanied youth, the youth), meaning the school of origin or the new school assigned based on eligibility and seat availability, pending final resolution of the dispute.
 4. The address of a child living in a domestic violence residence is to be kept confidential and cannot be shared with any office or agency.
 5. The lack of a permanent address does not constitute a legitimate basis for denying a child admission, registration, and enrollment to school. Students in temporary housing are entitled to immediately enroll and attend a DOE school even if they cannot present documents normally required for registration and enrollment, in accordance with Title VII of the *McKinney-Vento Homeless Assistance Act* (42 U.S.C. §11431) and Chancellor's Regulation A-780.

6. Students in temporary housing participating in admissions processes for articulating grades (3-K, pre-K, Kindergarten, 6th grade and 9th grade):
 - a. Are to be afforded equal admissions priority as permanently-housed children living in the same area; and
 - b. Retain the same level of geographic admissions priority to the school or program even if their temporary housing situation is at an address that would otherwise render them ineligible to apply or be placed at that school, even if they move to a temporary housing situation outside of NYC.
7. If a child in temporary housing is currently enrolled in the grade preceding the terminal grade of the school and moves to permanent housing outside of NYC, they have the right to remain enrolled through the end of that terminal grade in their school of origin without paying non-resident enrollment tuition.

C. Students in Foster Care

1. Definitions:

- a. “Foster care” means 24-hour substitute care for children placed away from their birth or adoptive parents and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.
 - b. School of origin means the school the child attended at the time of placement in foster care or the school in which the child was last enrolled, including a preschool program. However, once a best interest determination has concluded that the child should transfer to a new school, any schools in which the child was previously enrolled can be requested and will be considered, pending eligibility and seat availability.
2. Students in foster care who change foster care placements are entitled to attend their school of origin, even if they move to another school zone, district, city, or state, unless a determination is made that it is not in their best interest to do so.
 - a. The determination of the child’s best interest involves consideration of child-centered factors, which may include: the proximity of the foster care placement in relation to the current school, the preference of the child and/or birth or adoptive parent or person with educational decision-making rights, the number of school disruptions the child has already experienced, the school placement of the child’s sibling(s) or relatives, and the effect of a school transfer, including the impact of the commute on the child. The determination should be made by ACS,

school district after being previously discharged, must be affiliated with their zoned or assigned school in ATS.

3. A child returning from a non-DOE hospital or in-patient setting has the right to return to their prior school unless the family requests a transfer to a new school, provided that the child is not recommended for District 75, in which case the District 75 Placement Office will make the determination with respect to a transfer.

E. Children Returning from Custody

1. Children who return to the NYC school district from the care of custodial facilities, including custodial agencies of the State or City, or private agencies, are entitled to expeditious and appropriate educational placement. Custodial agencies include group homes, psychiatric centers, developmental centers, custodial facilities, court-ordered settings and residential treatment centers, such as those under the auspices of the New York State Office of Children and Family Services ACS, or the NYC Department of Corrections. Children are not required to provide release letters from the custodial agency before applying to, registering, or enrolling in school. These children do not need to physically appear with their parent for registration at that school.
2. As soon as the agency determines that a placement recommendation to return to school will be made, the agency should send a letter describing the child's change in status with relevant school records, including the IEP, to the Office of Student Enrollment or to the District 75 Office.
3. Children who have been discharged from the NYC school district and are returning from a custodial facility within or outside of NYC have the right to return to the DOE school they attended prior to discharge if they return within one calendar year from the date of discharge from the previous DOE school, in accordance with policies referenced in this document. The Office of Student Enrollment, in consultation with the child and parent and the Borough Office point person, may determine that the prior school is not appropriate and may therefore identify a different placement; similarly, for children enrolled in District 75 programs, the District 75 Placement Office may consult the child and parent, determine that the prior school is not appropriate, and may identify a different placement.
4. Children are not required to provide release letters from the custodial agency before applying to, registering, or enrolling in school.

F. Children Returning from Suspensions

1. Children who are suspended have the right to return to the school from which they are suspended unless the child has voluntarily transferred to another school or has been involuntarily transferred in accordance with Chancellor's Regulation A-450. Children in 5th grade and children in 8th grade who have been suspended

who have been assigned 6th grade or 9th grade seats for the next fall, respectively, have rights to those seats in the next school year upon fulfillment of the 5th or 8th grade promotional requirements.

2. Schools may not deny admission to a transferred or articulating child based on their former suspended status.

VIII. LIST NOTICE

List notice is the technical process by which children are moved by the DOE from one school's register to another, in accordance with the policies listed below:

- A. The only circumstance in which a school can list notice a child is if the school has a terminal grade prior to grade 5 and the school list notices the child in the terminal grade to the child's zoned school for the following school year. If the child does not have a zoned school or if the family would like to explore other options, they can visit a Family Welcome Center.
- B. Any school who list notices a child for any other reason than the above will be in violation of this regulation.
 1. In accordance with Section I.E.3, children who are registered and enrolled in a particular school have the right to remain until the terminal grade, even if they move to a different zone or district within NYC, and cannot be list-noticed to their new zoned school. Such children can only be transferred following the procedures outlined in Section I.E.4.
 2. Children improperly list-noticed to a different school by their current school will be placed on register back at the prior school or at the school where they have an admissions offer by the Office of Student Enrollment, or for children enrolled in District 75 programs, the District 75 Placement Office.
- C. Children are moved from one school to another by the Office of Student Enrollment by list notice only for the following reasons:
 1. placement of children onto the register of the school to which they received an offer through the admissions process;
 2. placement of children who move or return to the NYC school district after the end of the school year but prior to the start of the next school year and receive a school assignment;
 3. school closings, openings, or reorganizations.

IX. WAIVER

This Regulation or any portion thereof may be waived by the Chancellor or designee if it is determined to be in the best interests of the NYC school district.

X. INQUIRIES

Inquiries pertaining to enrollment, admission and transfer requirements should be addressed to: [The Office of Student Enrollment](#)

Telephone: 718-935-2009

Fax: 212-374-5568

Inquiries pertaining to attendance guidelines and regulations should be addressed to:

Office of Safety and Youth Development – Mandated Responsibilities

Telephone: 718-374-6095

Fax: 212-374-5751

Inquiries pertaining to District 75 admissions and transfers should be directed to District 75:

Telephone: 212-802-1500

Fax: 212-802-1678

Inquiries pertaining to District 79 admissions and transfers should be directed to District 79:

Telephone: 917-521-3639

Fax: 917-521-3649