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| Book         | Policy Manual                                |
| Section      | 5000 Students                                |
| Title        | ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS |
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#### 5111 - **ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS**

The Board of Education establishes the following residency policy for determining eligibility to attend the schools of this District.

The Board shall provide tuition-free education for the benefit of children at least five (5) but under twenty-two (22) years of age whose parents reside in Mahoning County, Trumbull County, Columbiana County, and up to statewide, who are in grades kindergarten through eighth grade and such others as may be eligible pursuant to R.C. 3313.64 or R.C. 3313.65 and the policies of the Board, including disabled preschool children who are at least three (3) years of age but not of compulsory school age and who are not currently enrolled in kindergarten. Youngstown Community School will not limit admission to students on the basis of intellectual ability, measure of achievement or aptitude, or athletic ability, except as outlined herein.

Youngstown Community School does not discriminate in the admission of students. It is an equal-opportunity educational institution that does not discriminate against any individual on the basis of race, color, creed, religion, age, sex, disability, or national origin. Upon admission of students identified with a disability, the community school will comply with all Federal and State laws regarding the education of students with disabilities. At times this may necessitate placing a student in a special education program outside YCS.

That a child who does not meet the minimum age requirement, but who will be age five (5) or six (6), respectively, by January 1st in the school year for which admission is requested may be admitted if the following requirements are met:

- A. A parent or guardian, an educator employed by the community school, a preschool educator who knows the child, or a pediatrician or child school psychologist that knows the child has referred the child for early admittance in accordance with the community school's stated policy/procedures.
- B. Upon referral, the community school evaluated the child for early admittance in accordance with the community school's state policy/procedures.
- C. After the child has been evaluated, the community school governing authority made the decision on whether or not to admit the child.

Children of active-duty uniformed services members who are subject to a transfer or relocation order and will be relocating to but do not yet reside in the enrollment areas of the school shall be permitted to apply for enrollment in the same manner and at the same time as resident students in accordance with the provisions of the Interstate Compact on Educational Opportunity for Military Children (see Policy 5111.02).

In addition, the Board shall provide tuition-free education for the benefit of a child whose grandparent(s) resides in the District and who is the subject of a:

- A. power of attorney designating the grandparent as the attorney-in-fact; or
- B. caretaker authorization affidavit executed by the grandparent that provides the grandparent with authority over the care, physical custody, and control of the child, including the ability to enroll the child in school, consent in all school-related matters, and discuss with the District the child's educational progress.

In accordance with State law, the grandparent shall be considered the "parent" of the child who is the subject of the power of attorney (Form 5111 F7) or caretaker authorization affidavit (Form 5111 F8). The child may attend the schools of this District (Form 5111 F9) unless the power of attorney or caretaker authorization form was created for the sole purpose of enrolling the child in the District so that the child may participate in the academic or interscholastic programs of this District or another reason exists to exclude the child under State law. Additionally, the child may attend the schools of the District until the power of attorney or caretaker authorization affidavit terminates upon the occurrence of one (1) of the following events:

- A. the child ceases to reside with the grandparent(s);
- B. the document is terminated by court order; or
- C. either the child who is the subject of the document or the grandparent who dies.

Additionally, the power of attorney terminates if it is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent and the juvenile court with which the power of attorney was filed. Further, the caretaker authorization affidavit terminates if the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove of an action or decision of the grandparent(s) who signed the affidavit with respect to the child, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian or custodian or fails to file a complaint to seek custody within fourteen (14) days after delivery of the written notice of negation, revocation or other disapproval. It is the responsibility of the grandparent(s) to notify the District within one (1) week of the termination of the power of attorney or caretaker authorization affidavit.

The Board reserves the right to verify each student's residency and other conditions of eligibility for tuition-free education as well as the validity of the claim of any student to education in the District. In addition, if a student has recently been discharged or released from the custody of the Department of Youth Services (DYS) and is seeking admittance or re-admittance into the District, such students will not be admitted until the records required to be released by DHS to the Superintendent have been received (see AG 5111 for listing of required records). Within twenty-four (24) hours of admission into the District, the Superintendent shall request a copy of the student's school records from the school the student most recently attended.

The school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities, except as otherwise provided under R.C. 3314.06(B) or R.C. 3314.061, if the number of applicants exceeds the school's capacity restrictions, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the District in which the school is located. Preference may also be given to siblings of students attending the school the previous year. Preference also may be given to students who are the children of full-time staff members employed by the school, provided the total number of students receiving this preference is less than five percent (5%) of the school's total enrollment. Should the maximum number of students be lacking, then admission will come from the waiting list.

#### **Students Suspended or Expelled from Other District**

After offering an opportunity for a hearing, the Superintendent, at his/her discretion, may deny admission to a student who has been suspended or expelled from another public school within or outside the State, for the period of unexpired time of the suspension or expulsion. If the expulsion is from an out-of-state public school, the lesser of the period of such expulsion or the period of expulsion which would have been applied had the student committed the offense in this District will be imposed. When the suspension or expulsion from the other district has expired, the student is to be admitted providing all other eligibility requirements have been met. This provision also applies to a student who is the subject of power of attorney designating the child's grandparent as the attorney-in-fact or caretaker authorization affidavit executed by the child's grandparent.

#### **Safe at Home/Address Confidentiality**

If a parent (or adult student) presents to the District a valid program authorization card issued by the Secretary of State certifying that the parent (or adult student), the parent's child, or a member of the parent's household is a participant in the Safe at Home/Address Confidentiality Program, the Board shall use the address designated by the Secretary of State to

serve as the student's address for enrollment purposes. The District shall place a copy of any certification provided by the parent in the enrollment files.

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R.C. 111.41, 111.42, 111.43, 111.46, 111.99

R.C. 2152.18, 3313.48, 3313.64, 3313.65, 3313.66, 3313.90, 3313.97, 3313.98

R.C. 3313.533, 3313.645, 3313.649, 3313.672, 3317.08, 3317.081, 3321.01(B), 3321.03

R.C. 3323.141, 3327.04, 3327.05, 3327.06, 5139.05

42 U.S.C. 11431 et seq.