



**SENIOR DEPUTY COMMISSIONER OF EDUCATION - P-16**  
Office of Elementary, Middle, Secondary and Continuing Education  
Office of Higher Education

**NYS FIELD MEMO**  
**NCLB Title I, Part D**  
**Neglected and Delinquent Program**  
**# 01 -2009**

February 2009

TO: District Superintendents  
Superintendents of Public Schools

FROM: Johanna Duncan *Johanna Duncan-Potter*

SUBJECT: Guidance Concerning Re-enrollment and Transfer of Student Records Transitioning from Court Placements

This memo highlights the responsibilities of local school districts regarding the prompt re-enrollment and transfer of student records for youth transitioning from residential facilities. Commissioner's Regulation 100.2 (ff) requires school districts to "promptly" re-enroll children of compulsory school age or otherwise entitled to attend school. School districts are required to cooperate with discharging facilities and sister school districts to facilitate the timely transfer of student records and smooth transition back to school for designated students. School districts may not refuse to enroll otherwise eligible students based upon their returning from arrest or subsequent court involvement. School Districts may wish to develop a policy with specific time guidelines. For example, New York City Chancellor's regulations provide that "Placement for any school-age student seeking admission at a school or Borough Enrollment Office must be arranged within five school days."

Commissioner's Regulation 100.2 (ff), entitled "Enrollment of youth released or conditionally released from residential facilities" states that:

(1) it shall be the duty of the board of education and the superintendent of schools of each school district to ensure: (i) that any youth presented for enrollment who is entitled to attend the schools of such district pursuant to Education Law section 3203 and who is released or conditionally released from a residential facility operated by or under contract with the Office of Children and Family Services, the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities or a local department of social services is promptly enrolled and admitted to attendance in such district, and that school district personnel cooperate with such facilities and agencies in facilitating such prompt enrollment.

In order to enable the timely transition to school settings, required records should be promptly transferred, including educational and health records as may be needed for re-enrollment.

If you have any questions, please contact the Title I School and Community Services Office,  
New York State Education Department, 89 Washington Avenue, Room 365 EBA, Albany, NY  
12234, (518) 473-0295.

Thank you for your attention to this critical responsibility

cc: Deputy Commissioner Rebecca Cort  
Associate Commissioner Shelia Evans-Tranumn  
Associate Commissioner Jean Stevens  
State Title I Director Roberto Reyes