



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF REGIONAL OFFICES
SUFFOLK REGIONAL OFFICE

August 20, 2024

Dr. Mary T. Kelly
Superintendent of Schools
Bridgehampton School District
P.O. Box 3021
2685 Montauk Highway
Bridgehampton, NY 11932

Dear Superintendent Kelly,

The Suffolk Regional Office and Civil Rights Bureau of the New York State Office of the Attorney General ("OAG") write to formalize a framework for cooperation ("Agreement") between our office and the Bridgehampton School District ("District"). The OAG is committed to enforcing state education law and regulations, state and federal antidiscrimination laws, and guidance issued by the OAG and the New York State Education Department ("NYSED"). Pursuant to these protections, our office seeks to ensure that all eligible school-aged children and youth in New York can access their right to a free public-school education in the district in which they reside. *See* N.Y. Educ. Law § 3202(1).

The OAG recently conducted a review of the Bridgehampton School District's registration procedures and requirements. While the OAG found that the District's Board of Education policies comported with the New York Commissioner of Education's regulations, the OAG identified certain requirements for verifying residency and age ("Subject Requirements") in the District's public-facing registration materials that failed to comply with those same regulations. *See* N.Y. Comp. Codes R. & Regs. (N.Y.C.R.R.) tit. 8 § 100.2(y). The OAG communicated these concerns with the District by letter dated July 5, 2024, attached hereto.

The District agreed to work cooperatively and transparently with our office to address these concerns and removed the Subject Requirements from its website. The OAG commends the District for taking swift action and for its commitment, memorialized in this Agreement, to protecting all children's right to a free public education in the district in which they live. Accordingly, the OAG and the District have agreed to work together from the date of this Agreement through the end of the 2025–2026 school year (June 30, 2026) to accomplish this

shared goal.

The District agrees to the following relief in settlement of the OAG's inquiry:

1. The District will implement new registration instructions and requirements, which are attached to this Agreement. It already has submitted to the OAG—and the OAG reviewed and approved—new registration instructions and requirements that fully comply with state education laws and regulations and OAG and NYSED Guidance. The new registration instructions, with accompanying forms, will be published on the District's website in English and Spanish.
2. The District will disseminate the revised registration instructions and requirements to District employees who handle enrollment and registration and provide mandatory training for such employees on the registration requirements at least once per school year during the term of this Agreement.
3. The District has reviewed its records and hereby stipulates and confirms that there has not been any students between August 1, 2022, and the date of this agreement who (a) made a request for enrollment (including the submission of an application or any materials in support of enrollment, or the request for an enrollment appointment) that did not result in enrollment ("Non-Enrollment"), or (b) has a child or ward who was excluded from the District's schools for failing to establish residency ("Qualifying Exclusion").
4. On a biannual basis, the District will submit a report ("Biannual Report") to the undersigned Assistant Attorneys General (unless the OAG provides a different recipient) containing information about (a) any Non-Enrollment and (b) any Qualifying Exclusion (collectively, "Reportable Events"). The Biannual Report will take the form of a spreadsheet that OAG will provide the District, which will request the following categories of information:
 - a. The nature of the Reportable Event (Non-Enrollment or Exclusion);
 - b. The date of the Reportable Event;
 - c. The name of the relevant school;
 - d. The student's zip code, if known;
 - e. A description of any proofs of residency the parent, person in parental relation, or student provided;
 - f. The basis of the Non-Enrollment or Exclusion, including a description of the evidence of non-residency (or lack of evidence of residency);
 - g. Whether the parent, person in parental relation, or student was notified of the procedures to obtain review of the decision within the District;
 - h. Whether the parent, person in parental relation, or student was afforded the opportunity to submit information concerning the student's right to attend school in the District;
 - i. Whether the parent, person in parental relation, or student was provided written notice of the District's determination within two days, including information about

the basis of the determination, the date of exclusion, and instructions for appealing the determination;

- j. Whether the student is an English language learner or limited English proficient, if known;
- k. The student's race or ethnicity, if known;
- l. Whether the student has an IEP or disability, if known; and
- m. Whether the student lives with both parents, if known.

The District will provide its Biannual Report by email to the OAG on or before September 30 and January 31 for two school years, through January 31, 2026. In the event there are no Reportable Events during any given time period, the District shall notify the OAG via email of such circumstance in lieu of completing the Biannual Report. The OAG reserves the right to request additional information or documents related to any Reportable Event. However, the OAG will not request and the District reserves the right to object to any information the disclosure of which would be prohibited by the Family Educational Rights and Privacy Act.

- 5. Lastly, the District agrees to ensure future compliance with relevant state education laws and regulations, state and federal antidiscrimination laws, and OAG and NYSED guidance. Any proposed modifications to the District's registration requirements will be subject to OAG approval through the end of the 2025–26 school year.

The OAG acknowledges that it will not pursue legal liability against the Bridgehampton School District for any reasonable errors in this process. Similarly, by undertaking this process, the District does not waive any defenses that might otherwise be available in defense of an action related to education discrimination.

We sincerely appreciate the Bridgehampton School District's cooperation with the OAG and commend the District for ensuring that all eligible students can access their rights to public education.

Sincerely,



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Agreed to by:

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