**§ 3306. Eligibility.** 1. (a) When properly executed under applicable law, a special power of attorney, relative to the guardianship of a military child, shall be considered sufficient for the sole purpose of establishing residency of a transferring student into a local educational agency and for all other actions in the local educational agency requiring parental participation and consent, for the duration of the guardianship. For students attending school in New York, a special designation of person in parental relation pursuant to title fifteen-A of article five of the general obligations law, in the form prescribed in paragraph (b) of this subdivision, shall constitute a special power of attorney for such purpose, provided that notwithstanding any other provision of law to the contrary, such delegation shall remain in effect until revoked or the child re-establishes residence with a parent.

(b) A local educational agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis with a special designation of person in parental relation pursuant to title fifteen-A of article five of the general obligations law and this paragraph who lives in a jurisdiction other than that of the custodial parent. The special designation of person in parental relation shall be in the form prescribed by section 5-1552 of the general obligations law, except that it shall clearly identify the student as a transitioning military child and shall provide that the designation shall continue in effect until revoked or the child re-establishes residence with a parent. Notwithstanding any provisions of law to the contrary, such designation shall not be for a fixed period and shall result in a change in the school district of residence for purposes of this chapter to the school district in which the designee resides.

(c) A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school within New York in which he or she was enrolled while residing with the custodial parent until the child completes the highest grade level in such school. Nothing in this paragraph shall be construed to require a local educational agency to provide transportation services to such student while residing outside of the district for distances greater than the maximum transportation limit

established under school district policy.

2. State and local educational agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.