



Book	Policy Manual
Section	200 Pupils
Title	Eligibility of Nonresident Students
Code	202
Status	Second Reading
Adopted	May 11, 2010
Last Revised	February 13, 2018

Purpose

The Board shall operate district schools for the benefit of students residing in this district who are eligible for attendance.[\[1\]](#)[\[2\]](#)[\[3\]](#)

Authority

In the event facilities and staff are available, the Board may permit the admission of non-resident students in accordance with Board policy or as may be required by law, provided that Board approval is granted and the appropriate tuition is paid either by the child's parent/guardian, or by contract with another district.[\[4\]](#)[\[5\]](#)[\[6\]](#)

Generally, accepted students will attend those schools/programs with enrollment capacity or programs that are most appropriate for the student, as may be determined by the Superintendent or designee.

The Board shall not exclude any eligible child, on the basis of race, creed, color, gender, sexual orientation, national origin, ancestry, or handicap/disability.

Whether to permit a non-resident student to attend the district's schools shall be made in advance of the student's attendance; shall be effective only for the school year, or for the balance of the current school year; shall be reviewed annually; and may be continued, or not continued, in the Board's absolute discretion.

The Board reserves the right for the Superintendent or designee to verify claims of residency, dependency, and guardianship and to remove from school attendance a non-resident student whose claim is invalid.[\[7\]](#)

If information contained in the sworn statement of residential support is found to be false, the student shall be removed from school after notice is given of an opportunity to appeal the student's removal, as outlined in Board Policy 906, Public Complaints. In accordance

with SC 1302, persons who willfully falsify residency documents may be subject to fines and legal action.[\[7\]](#)^[9]

In the event a shared custody agreement allows for a student to reside outside school district boundaries on certain days of the school week, the district shall not be responsible for transportation to/from school. Students protected under the McKinney Vento Act who are homeless and secure a fixed location outside the district will be granted attendance in accordance with the provisions of the Act.

Application for tuition shall include and require:

1. A written letter of request to enroll the child under the tuition provisions set forth in this policy shall be submitted to the Office of Student Services for presentation to the Board for approval. The letter must declare any special considerations for need-based services.
2. All enrollment provisions be completed in accordance with district policy.
3. All requests come before the Board for approval, prior to the student's start of attendance in the district.
4. In tuition agreements between districts, appropriate applications as indicated in any contracts or memorandum of understanding must be presented before the Board for review prior to the student's start of attendance in the district.

Tuition Rates/Payments

Once Board approval is granted, tuition payments must be made prospectively, and be received by the school district before the first day of each academic quarter. If Board action is obtained after the start of the school year, pro-rated tuition will be paid. Tuition rates shall be determined annually in accordance with law. If the student shall withdraw or shall be suspended or expelled from attending classes, no refund of tuition will be made once the quarter has commenced.[\[5\]](#)[\[10\]](#)^[11]

Following notice of non-payment, students may be removed from the active rolls and required to enroll in their home district. Tuition rates quoted shall include need-based services as indicated in the letter to the School Board.

It is the policy of the district not to accept non-resident tuition students except as required by law and in accordance with this policy. The guidelines below outline the exhaustive list of students who may attend the district schools, but who are not residents of the district. Transportation will NOT be provided for non-resident students seeking to attend the Hempfield School District under the Future Resident or Former Resident guidelines.

Guidelines

Non-resident Children Placed in the District

Any child placed in the home of a district resident by a court or government agency shall be admitted to district schools and shall receive the same benefits and be subject to the same responsibilities as resident children.[\[12\]](#)

Residents of Institutions

A child who is living in, or assigned to, a facility or institution located within the district is not a legal resident of the district by such placement; but s/he shall be admitted to district schools, and a charge shall be made for tuition in accordance with statute.[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)[\[10\]](#)[\[18\]](#)[\[19\]](#)

Future Residents

A student eligible for attendance whose parent/guardian has executed a contract to buy or build a residence in this district for occupancy prior to October 15 may be enrolled without payment of tuition.[\[5\]](#)

Parents/Guardians of students who claim admission on the basis of future residency shall be required to demonstrate proof of the anticipated residency and supply subsequent documentation once residency is established.

If the parents/guardians do not establish residency by October 15, tuition shall be charged from the beginning of the school year until residency is established.

Former Residents

Regularly enrolled students whose parents/guardians have moved out of the school district may be permitted to finish the school year without payment of tuition provided the parents/guardians have moved from the district after April 1 of the school year and submit a written request to district administration. The written request to remain in the district should accompany documentation of the child's new residence outside the district boundaries.[\[5\]](#)

A senior student who has attended the high school program in entirety may be permitted to complete his/her senior year tuition free upon the recommendation of the district Superintendent or designee and approval of the Board, provided the student moved after the first day of school, is in good academic standing, and will graduate at the conclusion of the school year.

Other Non-resident Students

A non-resident student may be admitted to district schools without payment of tuition where attendance is justified on the grounds that the student lives full-time, and not just for the school year, with district residents who have assumed legal dependency or guardianship or full residential support of the student. Notarized affidavits demonstrating full-time dependency beyond the school year, must be filed with, and approved by, the Superintendent or designee.[\[7\]](#)[\[8\]](#)

The Board shall require that appropriate legal documentation showing dependency or guardianship or a sworn statement of full residential support be filed with the Superintendent or designee before an eligible non-resident student may be accepted as a student in district schools. Non-resident applicants must comply with all district registration requirements and procedures. The Board may require a resident to submit additional, reasonable information to substantiate a sworn affidavit statement, in accordance with guidelines issued by the Department of Education.

If information contained in the sworn statement of residential support is found to be false, the student shall be removed from school after notice is given of an opportunity to appeal

the student's removal, as outlined in Board Policy 906 Public Complaints. In accordance with SC 1302, persons who willfully falsify residency documents may be subject to fines and legal action.

Legal

1. 24 P.S. 501

2. 24 P.S. 502

3. 24 P.S. 503

4. 24 P.S. 1301

5. 24 P.S. 1316

6. Pol. 200

7. 24 P.S. 1302

8. 22 PA Code 11.19

9. Pol. 906

10. 24 P.S. 2561

11. Pol. 607

12. 24 P.S. 1305

13. 24 P.S. 1306

14. 24 P.S. 1307

15. 24 P.S. 1308

16. 24 P.S. 1309

17. 24 P.S. 1310

18. 24 P.S. 2562

19. 22 PA Code 11.18

24 P.S. 1306.2

24 P.S. 2503

22 PA Code 11.41

Pol. 000

Pol. 103.1

Pol. 103

Pol. 251

202 Attachment Affidavit Form.pdf (272 KB)