

**Baldwin-Whitehall School District**

Book	Policy Manual
Section	200 Pupils
Title	Eligibility of Nonresident Students
Code	202
Status	Active
Adopted	March 8, 2006
Last Revised	March 6, 2019

**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**

Nonresident students may not be enrolled in the district except as required by law or allowed under express written policy of the Board.[\[4\]](#)[\[5\]](#)[\[6\]](#)

The parent/guardian of any nonresident student who is enrolled in this district, other than the exceptions outlined in this policy, is in violation of this policy and shall be liable for payment of tuition. Any nonresident adult who also unlawfully enrolls as a student of this school district shall be liable for payment of tuition. In addition, such persons shall be responsible for payment of all costs and expenses incurred in the collection of tuition, including reasonable attorneys' fees.

The Board shall require that appropriate legal documentation showing dependency or guardianship or a sworn statement of full residential support be filed with the Board Secretary before an eligible nonresident student may be accepted as a student in district schools. The Board may require a resident to submit additional, reasonable information to substantiate a sworn statement, in accordance with guidelines issued by the Department of Education.[\[7\]](#)[\[8\]](#)

The Board reserves the right to verify claims of residency, dependency and guardianship and to remove from school attendance a nonresident 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, in accordance with Board Policy 906, Public Complaints.[\[7\]](#)[\[9\]](#)

The Board shall not be responsible for transportation to or from school for any nonresident student residing outside school district boundaries.

Tuition rates shall be determined in accordance with statute. Tuition shall be charged monthly, in advance of attendance.[\[5\]](#)[\[10\]](#)[\[11\]](#)

**Guidelines****Nonresident 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 for the care or training of children that is located within this 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.[10][13][14][15][16][17][18][20]

### Future Residents

A student eligible for attendance whose parent/guardian has executed a contract to buy, build, or rent a residence in this district for occupancy may be enrolled without payment of tuition for thirty (30) days.[5]

If the student does not become a resident of the district by the end of the period for which free attendance is given, tuition shall be required for the remainder of time until residency is established.

Parents/Guardians of students who claim admission on the basis of future residency shall be required to demonstrate proof of the anticipated residency. The Board reserves the right to verify such claims and to remove from school attendance a nonresident student whose claim is invalid.

### Former Residents

#### *Senior Students -*

A senior whose family moves out of the district after s/he completes 11th grade may finish the senior year without paying tuition, provided, however, that the student has been a resident of and enrolled in the district for at least two (2) calendar years prior to the date that actual residency in the district will end.

#### *Underclassmen (K-11) -*

Other regularly enrolled students whose parents/guardians move from the district at any time during the school year may remain enrolled in the school district for the remainder of the marking period, after which continued enrollment will require recommendation of the Superintendent, approval of the Board, and payment of tuition.[5]

In all cases, eligibility of former residents is subject to the following conditions:

1. The senior student does not fall below the required number of credits to receive a diploma (summer school credits may not be factored into the total number of credits).
2. While enrolled as a nonresident student, the student may not violate the district's attendance policy or be chronically tardy.[21]
3. The student adheres to the district's discipline policy and does not take any action that results in suspension.[22][23]
4. The district and the parent(s)/guardian(s) of such child agree in writing that the district reserves the right to attach further terms and conditions as it may determine to be reasonably warranted to effect the purpose of this policy.
5. The parent(s)/guardian(s) agree that they shall be solely responsible for transportation and other normal student activity fees which are usually required.

Failure to adhere to the above guidelines shall result in the student being dropped from the district's rolls as a nonresident. Upon attaining nonresident status, the student and parent(s)/guardian(s) will be required to sign an agreement stating their acceptance of the district's conditions.

## Other Nonresident Students

A nonresident 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. [7][8]

## **Delegation of Responsibility**

The Superintendent or designee shall develop procedures for the enrollment of nonresident students which:

1. Admit such students only on proper application and submission of required documentation by the parent/guardian.
2. Verify claims of residency.
3. Do not exclude any eligible student on the basis of race, creed, color, gender, sexual orientation, national origin, ancestry, or handicap/disability.[19]
4. Deny admission where the educational facilities or program maintained for district students is inadequate to meet the needs of the applicant.
5. Make continued enrollment of any nonresident student contingent upon maintaining established standards of attendance, discipline and academics.

The Superintendent shall recommend to the Board for its approval the admission of qualified applicants.

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. 22 PA Code 11.18
19. Pol. 103
20. 24 P.S. 2562
21. Pol. 204
22. Pol. 218
23. Pol. 233
- 24 P.S. 1306.2
- 24 P.S. 2503
- 22 PA Code 11.41
- Pol. 103.1
- Pol. 251