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Book	Policy Manual
Section	200 Pupils
Title	Eligibility of Nonresident Students
Code	202
Status	Active
Adopted	June 27, 1990
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Last Revised	_____, 2025

**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**

The Board may permit the admission of nonresident students in accordance with Board policy. The Board shall not give priority for admittance to a nonresident student over a resident student in any case. [4][5][6][7][8][9][10].

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 and who is not otherwise entitled to enrollment within this district. [11]

**Hearing Procedure**

During the entirety of the Hearing Procedure, the student must remain enrolled in the District.

1. Notice: The District shall provide written notice to the parents/guardians or other person having charge or care of the student, of the reason(s) for the District’s determination to disenroll the student.
  
2. Disenrollment: The District may not disenroll the student until either of the below is satisfied:
  - a. The parents/guardians, or any other person having charge or care of the student, have been provided an opportunity for a formal hearing, and the appeal process following the hearing has been exhausted; **or** [11][12]

- b. The parents/guardians, or other person having charge or care of the student, after being notified of the opportunity for a hearing, decline to participate in the hearing or the appeals process.[\[11\]](#)

### 3. Hearing:

1. The hearing is a formal hearing to determine residency of the student(s).
2. A school district attorney/solicitor serves as the prosecutor.
3. A hearing officer presides over the hearing and issues a ruling.
4. The Board votes to accept or deny the ruling at a public meeting.
5. Either party has thirty (30) days from the date of the Board vote to appeal the ruling to the Court of Common Pleas.

## **Guidelines**

### Homeless Students

Prior to disenrolling a student, the District's liaison for homeless children and youth shall provide the parents/guardians or other person having charge or care of the student with information regarding the educational rights of homeless students.[\[11\]](#)[\[13\]](#)

### Court Orders

The District shall comply with a court order directing a student to be disenrolled and enrolled in a different school.[\[11\]](#)

### Transportation

The Board shall not be responsible for transportation to or from school for any nonresident student residing outside school district boundaries, except in accordance with law and Board policy.[\[25\]](#)

### Tuition

The Board may admit non-resident students who are not residing within the District and may require such students to pay tuition. Tuition rates shall be determined annually in accordance with law. Tuition shall be charged monthly, in advance of attendance. [\[10\]](#)[\[14\]](#)[\[15\]](#)

### Nonresident Children Placed in Resident's Home

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.[\[7\]](#)[\[16\]](#)

### 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 the student shall be admitted to District schools, and a charge shall be made to the child's district of residence for tuition in accordance with statute.[\[7\]](#) [\[14\]](#)[\[16\]](#)[\[17\]](#)[\[18\]](#)[\[19\]](#)[\[20\]](#)[\[21\]](#)[\[22\]](#)

### Students Experiencing Educational Instability

The district shall immediately admit students experiencing homelessness, foster care and other forms of educational instability, even if the required documents are unavailable, in accordance with Board policy, law and regulation.[5][13][16]

### Children of Military Families

Children of military families shall be eligible for enrollment in this district in accordance with the Interstate Compact on Educational Opportunity for Military Children, state law and Board policy.[5][8][9][11][23]

### Children of Nonresident Staff Members

The Board agrees to permit paraprofessional and Board professional and nonprofessional employees who reside outside of the School District to make application to enroll their children in the schools if they choose. Any such children who are admitted by the School District to enrollment in the schools shall be permitted to attend school without any tuition payment by their parents/guardians to the School District, as long as at least one (1) parent/guardian continues as an employee of the schools. This "employee-requirement" provision shall be considered to continue to be satisfactorily met in the event the employee parent/ guardian should retire (except if the retiree takes other employment), interrupt or discontinue employment due to a disabling illness or injury, die, be laid off, or be on an approved leave of absence.

The Superintendent or designee shall develop and maintain administrative regulations which set forth the District's guidelines for enrollment of the children of nonresident staff members. Provisions related to enrollment of nonresident staff members set forth in any applicable collective bargaining agreement shall apply.

### Pre-Adoptive Students

The Federal Adoption Assistance Program, among other things, provides for adoption assistance payments to encourage the placement of certain hard-to-place children with adoptive parents, 42 U.S.C. §673. Pennsylvania has adopted companion legislation, known as the Adoption Opportunities Act. See 62 P.S. §771 *et seq.* Children living with pre-adoptive parents who are receiving adoption assistance subsidies, pre-adoptive foster payments, or other payments such as Supplemental Security Income (SSI) or Transitional Assistance for Needy Families (TANF), are entitled to attend school in the school district in which the pre-adoptive parents reside. Notwithstanding receipt of any of the above payments, children living in pre-adoptive situations are considered residents of the school district in which their pre-adoptive parents reside under 24 P.S. §13-1302.

### 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.[5][11][24]

The Board shall require that appropriate legal documentation showing dependency or guardianship or a sworn statement of full residential support be filed with the Office of Student Support Services before admitting a student living with a resident adult other than a parent. The Board may require a resident to submit additional, reasonable information to substantiate a sworn statement, in accordance with guidelines issued by the Pennsylvania Department of Education [\[5\]](#)[\[6\]](#)[\[11\]](#)[\[24\]](#)

### **Delegation of Responsibility**

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

The procedures for the enrollment of nonresident students shall include the requirement of the submission of a sworn statement for residents accepting full residential support of a student (See 202-AR and 202-AR-1). The District shall require documentation to substantiate the sworn statement as set forth by the guidelines in 202-AR-2.

Legal

[1. 24 P.S. 501](#)

[2. 24 P.S. 502](#)

[3. 24 P.S. 503](#)

[4. 24 P.S. 1301](#)

5. Pol. 200

[6. 24 P.S. 1305](#)

[7. 24 P.S. 1306](#)

[8. 24 P.S. 1302.1](#)

[9. 24 P.S. 1184](#)

[10. 24 P.S. 1316](#)

[11. 24 P.S. 1302](#)

12. Pol. 202

13. Pol. 231

[14. 24 P.S. 2561](#)

15. Pol. 607

[16. 24 P.S. 1331.1](#)

[17. 24 P.S. 1307](#)

[18. 24 P.S. 1308](#)

[19. 24 P.S. 1309](#)

[20. 24 P.S. 1310](#)

[21. 24 P.S. 2562](#)

[22. 22 PA Code 11.18](#)

23. Interstate Compact on Educational Opportunity for Military Children (MIC3)

[24. 22 PA Code 11.19](#)

25. Policy 908