HEWLETT-WOODMERE UFSD **Policy 5152**

( ) Required
(X) Local
(X) Notice

ADMISSION OF NON-RESIDENT STUDENTS

Introduction

The Board of Education ("Board") recognizes its responsibility to enact policy that clearly delineates between resident and non-resident student status and the implications this status has on admission to the Hewlett-Woodmere Public Schools**.**

The Board affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal District residents and who are of legal age to attend school.

This policy is not applicable to homeless students entitled to attend District schools under federal and State law and regulations, who may not be currently residing in the School District. (See Policy #5151, Homeless Children). Homeless students who are not entitled to attend District schools under federal and State law and regulations may be considered for non-resident enrollment under this policy.

Definition

For the purpose of attendance in the District schools, a resident is defined as an individual whose domicile is located within the boundaries of School District #14. Residence is established by one's physical presence as an inhabitant within the School District and an intent to reside in the School District. Physical presence alone is insufficient to establish residency within the District, and intent to reside within the District will be determined on the basis of a variety of factors including, but not limited to, continuing ties to the community.

Examples of evidence that is insufficient to establish residence in the School District include, but are not limited to:

- Mere ownership of property in the District;
- Mere renting of property in the District;
- Pending home construction in the District; and
- Payment of taxes in the District.

Eligibility for Admission

Non-resident pupils are denied the privilege of attending the School District's schools without the payment of tuition, except in the following limited circumstances:

1. Eligibility of Former Residents

    - A resident student who moves out of the School District before April 1st may be allowed to complete the school year in the school in which they started the school year, upon the payment of tuition, at the School District's sole discretion.

    - A resident student who moves out of the School District after April 1st may be allowed to complete the school year in the school in which they started the school year, without the payment of tuition, at the School District's sole discretion.

    - A resident student enrolled in Grade 11 who moves out of the District after April 1st may be permitted to finish their senior year in the high school and graduate with their class, upon the payment of tuition, at the School District's sole discretion.

    - A senior student who meets all of the following criteria may continue attending George W. Hewlett High school for their senior year tuition-free, with the Superintendent's recommendation and Board of Education approval:
        - They are a resident student who has been continuously enrolled in Hewlett-Woodmere Public Schools
        - They started in the District in grades Pre-K through 6
        - They move out of the District during their senior year

2. Eligibility of Special Non-Residents Under Contract From Other Districts
   Non-resident students who apply for entry into special classes (e.g. Alternative Learning Program or programs for handicapped pupils) may, at the sole discretion of the Board of Education, be accepted, on an annual basis, pursuant to annual contracts with their home school district, i.e., their school district of residence, if they can be suitably placed without prejudice to the School District or School District students. Non-resident enrollment will be reviewed annually.

3. Eligibility for Non-Resident Students Awaiting Possession of Home in District (Future Residents)
   The children of non-resident families who are scheduled by contract to take title to and possession of a residence, or by lease to take possession of a residence in the School District may, up to sixty (60) calendar days following the first school day each student is eligible to attend school, enroll their children ("non-resident applicants") prior to establishing such residency by delivering to the School District's Registrar:

    A. A check or money order made payable to the Hewlett-Woodmere U.F.S.D. in an amount equal to the per diem amount of tuition for the number of days school is in session during the sixty (60) calendar days following enrollment

of their child(ren) for non-resident students. The proceeds of the check shall be held by the School District until delivery to the Registrar of:

- the closing statement showing delivery of title and possession to the non-resident applicant; or a verified statement from the landlord attesting to the non-resident's applicant's possession of the apartment; or a letter from an attorney affirming possession; or such other evidence satisfactory to the Registrar that the non-resident applicants actually commenced residence in the School District. Such evidence may include, but not limited to, utility bills, movers' bills, sworn affidavits from the non-resident applicants or witnesses and home visits by School District representatives. If actual residence in the School District is established with in the sixty (60) days, the proceeds of the check will be returned. If actual residence in the School District is not established within sixty (60) days, the proceeds of the check will be retained by the School District and the non-resident applicant's child or children will be disenrolled from attendance.

B. A sworn affidavit acknowledging the non-resident applicant's status as a non-resident, and that such status shall continue unless and until the non-resident applicant has actually established residence in the School District.

4. Upon recommendation of the principal, any non-resident student may be denied enrollment in or removed from School District schools if the student has failed or fails to comply with (a) the School District's requirements for maintaining good academic standing, (b) the School District's attendance policy, or (c) the School District's Code of Conduct.

5. The parent(s)/guardian(s) of the non-resident student are responsible for transporting the non-resident student to and from school until the time that they become *bona fide* residents.

Exclusion of Students
Nothing in the preceding paragraphs shall prevent the exclusion of non-resident students when such exclusion is deemed to be in the interest of the School District's schools and community.

FEES

Non-resident students will pay tuition at the rate set forth in the Commissioner's Regulations as follows:

- Tuition shall be payable annually. If a student does not attend for a full semester, the tuition will be prorated by weeks of attendance (partial weeks are considered a full week).

Any student who is not a resident of the School District or has not been properly admitted pursuant to this policy shall be removed from attendance in the School District's schools and may be subject to the payment of tuition.

Reservation of Rights

The School District reserves the right to refuse to admit a non-resident student if the Superintendent of Schools or her/his designee determines that:

- placement in the School District's program would result in the exclusion of a resident student;
- there is insufficient space to accommodate the non-resident student;
- the admission of the non-resident student will result in an increase in the size of the faculty or staff necessary to educate the non-resident student;
- the student has been disciplined, suspended or excluded from her/his previous school for disruptive behavior or endangering the health and safety of other students;
- the non-resident student does not meet the criteria for admission outlined above; and
- the admission of such non-resident student is and continues during the enrollment period to not be in the best interests of the School District.

PARTICIPATION IN SPECIAL EXTENSIONS OF THE INSTRUCTIONAL PROGRAM

Adult Education

Non-residents may be accepted in Adult Education classes provided:

1. Residents are given priority in selective classes, as noted in the brochure,
2. The non-residents satisfy any prerequisite for courses in which they wish to enroll respecting their ability and training,
3. No increase in the size of the faculty or staff will be necessary to accommodate them
4. Their presence will not result in classes containing more than the desired number of participants, and
5. For those classes run in cooperation with another district, residents of both districts are given priority placement.

Registration fees for non-residents shall be in accordance with the annual Adult Education Fee List as approved by the Board of Education.

REVIEW OF POLICY

The Superintendent of Schools shall periodically review the operation of this policy.

Legal Reference:

Education Law, Section 1709, Subdivision 13; Section 3202, Subdivisions 1, 2; 8 NYCRR Part 174; *Appeal of Akiwowo*, 48 Ed Dept Rep, Decision No. 15,785 (2008)

Cross-Ref: 5151, Homeless Children
Adopted
11/13/62
Amended:
9/10/64, 5/14/96, 8/12/97, 12/14/2000
4/20/17, 7/1/24, 2/25/26

HEWLETT-WOODMERE PUBLIC SCHOOLS
One Johnson Place
Woodmere, New York, 11598
(516) 792-4800

AFFIDAVIT FOR NON-RESIDENTS

_____, being duly sworn, deposes and says that each of the following statements is true, under the laws of perjury:

1. I and my family will move into the dwelling and become *bona fide* residents of the Hewlett-Woodmere U.F.S.D. by making our home at _____

   , within sixty (60) days from today.

2. I and my family currently reside at our home at

3. The following persons will live in our home:

   Name Relationship

   _____
   _____

   _____
   _____

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. I recognize that the Hewlett-Woodmere UFSD will rely upon this representation that our home (also known as our domicile) is at the address shown in paragraph 1.
5. My statements in this affidavit are true. I know that perjury is a crime punishable by imprisonment or fine.
6. I have read Policy No.5152 and understand its terms. I have had an opportunity to have an attorney explain those terms to me.
7. In the event I do not establish my domicile at the address in paragraph 1 of this affidavit within sixty (60) days from today, I understand and agree that the School District will be authorized to retain the proceeds of the check I delivered today, as tuition, and exclude my children from attendance in its schools.
8. I understand that until I become a *bona fide* resident in the School District I will be responsible ~~to~~ for transporting my children to and from school daily.

_____

Parent's Signature

Sworn to before me this_____ day of_____ , 20____.

_____

Notary Public

Revised: 4/20/17, July 1, 2024