

SUBJECT: NON-RESIDENT STUDENTS

The Board of Education affirms its primary responsibility to educate children who are residents of the District and who are of legal age to attend school. Students residing outside of the Port Byron Central School District will not be permitted to enroll in the School District except in accordance with this policy and with specific approval of the Board of Education or designee. Non-resident families who wish to enroll children in the Port Byron Central School District must submit a request in writing to the Superintendent. The Superintendent will review such requests and make recommendations regarding non-resident student admission to the Board of Education.

The Board of Education will have final authority to approve or deny such requests, or to revoke such approval. In all instances, the Superintendent and Board of Education reserve the right to reject requests when a particular student or circumstance does not meet the requirements or qualifications identified in law or District policy. Non-resident student requests to attend the District must be made on a yearly basis.

Non-resident student enrollment requests will only be considered where:

- a) There is sufficient space to accommodate the non-resident student;
- b) No increase in the size of faculty or staff will be necessary; and
- c) Admittance will not result in the establishment of a new section.

In general, the Board must determine that the student will benefit from such placement, and that the District has the resources to support the student's placement. When considering a request for non-resident student enrollment, the factors considered may include, but are not limited to:

- a) Timeliness of application;
- b) Whether student is in good academic standing at the time of the request;
- c) Student compliance with Code of Conduct;
- d) Existing class sizes.

In making determinations regarding the admittance of non-resident students, the District will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability or other legally protected category.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

In the event a non-resident student is permitted to attend the District's schools, his/her attendance will be subject to the following conditions:

- a) All requests must be made by January 1 of each year.
- b) All non-resident students are responsible for their own transportation to and from school;
- c) All rules and regulations in effect for District students will be applicable to non-resident students attending the District's schools, and non-resident students must remain in; and
- d) Students must remain in good academic standing and must comply with the Code of Conduct; failure to do so may result in non-resident students being dis-enrolled.
- e) Permission to attend as a non-resident student may be revoked at any time if a student violates this or any other existing District policy or the Code of Conduct, or if the circumstances outlined in this policy no longer apply. The District shall provide the student's parent or person in parental relation with written notice providing the opportunity to respond to the decision-maker regarding the reason(s) for revocation.

Non Resident Students may be divided into two categories, tuition-paying and non-tuition paying. The following requirements shall apply to these categories of students.

Non-Tuition Paying Students**Foreign Exchange Students**

Foreign students participating in a recognized Student Exchange Program may be permitted attend District schools without payment of tuition.

Former Residents

In the following limited circumstances, children who are not District residents will be permitted to attend the District's schools without payment of tuition:

- a) Students of any grade who move from the Port Byron Central School District during the school year may be given permission to finish the semester in which the move occurs.
- b) Students who move from the District after completion of the first semester of the year preceding their anticipated graduation year may be given permission to remain enrolled in the Port Byron Central School District until graduation.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

Children of District Employees

Children of full-time employees of the School District who live outside the District boundaries may be permitted to attend District schools in accordance with this policy and any applicable Collective Bargaining Agreement provisions.

Tuition-Paying Students

Future Students

The children of families who have signed a contract to buy or build a residence in the School District may be enrolled for the semester in which they expect to become residents. Non-resident tuition shall be charged, payable in advance, with an adjustment to be made when the family becomes a resident in the District.

Other Non-resident Students

Non-resident students other than those outlined in the above categories may be accepted as tuition-paying students at the discretion of the Board of Education on an annual basis, provided the general conditions of this policy are met.

Reservation of Claims

Should a material misstatement of fact be made and relied upon by any administrator or the Board of Education in admitting a non-resident student without tuition, the Board shall be entitled to recover the cost of instruction for the time the student was not authorized to attend a school in the District from the person having made the misstatement or from a person in parental relation to the student.

Tuition Fees

Where applicable, tuition fees will be computed annually according to an established formula consistent with applicable law, regulation and NYS Education Department guidance.

Tuition of individual non-resident students shall be computed in advance at the time of enrollment. Methods of payment (e.g., monthly) may be arranged in the District Office and approved by the Superintendent. Non-resident student status is contingent upon timely payment of tuition fees as established by the Board of Education.

(Continued)

POLICY

2024

Students

7132

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SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

Education Law Sections 1709(13) and 3202
8 NYCRR Section 174.2

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 2/25/15
Revised: 6/17/2019, 6/10/24