

ELIGIBILITY OF NONRESIDENT STUDENTS

Administrative Procedure

Attachment for Policy No. 202

Purpose

The Board of Education (Board) shall operate District schools for the benefit of resident children and non-resident children approved for attendance in accordance with Board Policy. The Board directs the Superintendent to establish Administrative Regulations consistent with the guidelines outlined below.

Definitions

Non-Resident Student: Any child placed in the home of a resident of Philadelphia or in an institution within Philadelphia by a court order, or by arrangement with an association, agency, or institution having the care of neglected and dependent children, shall be admitted to the schools and shall receive the same benefits and be subject to the same responsibilities as resident children. This includes, student populations further outlined in the Procedures below, including:

- A. Students Experiencing Educational Instability
- B. Nonresident Children Residing With a District Resident
- C. Nonresident Children Placed in Resident's Home
- D. Resident Children Placed in a Nonresident Home
- E. Residents of Institutions
- F. Juveniles Incarcerated in Adult Facilities

Ineligible Nonresident Student: A student that does not live within the boundaries of the District or qualify for the categories identified in Policy 202 and detailed above.

Procedures

Before any eligible nonresident student may be accepted as a student in District schools, the Board requires that appropriate documentation verifying the student's eligibility be submitted.[1]

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. If the 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. [1][2]

Nonresident Students

Admitted nonresident students shall receive the same benefits and be subject to the same responsibilities as resident students, except that the Board shall not be responsible for transportation to or from school for any nonresident student residing outside District boundaries except when the transportation is required per the federal and state mandate (i.e foster care or homeless students). [3]

Tuition rates shall be determined annually in accordance with law. Tuition shall be charged monthly, in advance of attendance, to the nonresident student's parent/guardian.[4][5][6]

The School District of Philadelphia shall deny the admission of a nonresident student to any school or academic program where such enrollment would displace a resident student or require the District to incur additional costs. The District may make a determination of whether continued admission of a nonresident student would displace a resident student annually.

Nonresident students are not eligible to participate in the Middle College Program.

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.[3][7][8]

Nonresident Children Residing With a District Resident

Any nonresident child of school age residing with a District resident shall be admitted to District schools in accordance with law and regulations without payment of tuition provided that the student lives full-time and not just for the school year with District resident(s) who, without receiving compensation, have assumed legal dependency/guardianship or full residential support of the student.[8][9]

The Board shall require that appropriate legal documentation showing dependency or guardianship or a sworn statement of full residential support be filed with Superintendent or designee before an eligible nonresident student may be accepted as a student in District schools. [8][9]

The Board SRC may require a resident to submit additional, reasonable information to substantiate a sworn statement. [1]

If information contained in the sworn statement of residential support is found to be false, a student may be removed from school after notice, to include a right to appeal to the Office of Student Placement. [1][2]

Nonresident Children Placed in Resident's Home

Any nonresident child of school age placed in the home of a District resident by a court or

government agency, with such resident being compensated, shall be admitted to District schools in accordance with law.[10][11]

Resident Children Placed in a Nonresident Home

In accordance with the Every Student Succeeds Act of 2015, the School District of Philadelphia has a responsibility to ensure educational stability for all children placed in a nonresident home by a County Children and Youth Agency (CCYA). These children are considered residents of Philadelphia and will be served in a manner consistent with the Every Student Succeeds Act of 2015.

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 for tuition in accordance with law.[5][10][12][13][14][15][16][17][18]

Juveniles Incarcerated in Adult Facilities

A juvenile who is eligible for educational services and is confined to an adult local correctional institution following conviction for a criminal offense shall receive educational services from the District in the same manner and extent as an expelled student.[19]

A juvenile who is eligible for educational services and is confined to an adult local correctional institution following a charge for a criminal offense shall receive educational services from the District in the same manner and extent as a student placed in an alternative education program for disruptive students.[19]

Prospective Residents

At any time during the school year, a grace period of 30 calendar days, prior to occupancy, shall be permitted if a contract has been executed to buy, build or rent a residence within the District. If the 30 day grace period is exceeded, tuition shall be required from the first day that the child(ren) attended a District school until such time as the parent or guardian becomes a resident.[20]

Parents/guardians of children 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 any child whose claim of residency is invalid. [20]

Ineligible Nonresident Students Not Properly Enrolled

The District's Office of Student Enrollment and Placement is responsible for verifying that non-residents are properly enrolled and has the authority to remove students from enrollment through this process:[1][2][3]

1. Whenever credible information, complaints or other circumstances arise that raise doubt as to a student's residency or continued residency, the Office of Student Enrollment and

Placement may authorize an investigation to determine whether the student is in fact a resident of the District or otherwise entitled to attend District schools, in accordance with the procedures herein contained.

2. If a student is already attending school within the District when doubts are raised as to a student's residency or continued residency, the student shall be permitted to continue attending school in the District pending an investigation and any due process proceedings.
3. Upon a determination by the administration that a child is not eligible to attend school in the District, or if the District no longer has adequate proof of a student's residence in the District, the student's parent or guardian will be notified of such determination in writing. The District will request immediate proof of residency or that the student be withdrawn from the District and enrolled in the school district where they reside.
 - a. This notice will include information from the District's liaison for homeless children and youth regarding the educational rights of homeless students.
4. If, within the timeframe specified in the above-contemplated notice to the family, the District does not receive (1) adequate proof of the student's residency in the District; (2) notification of the student's withdrawal from the District; or (3) a request for a hearing to challenge the administration's determination, the student will be removed from enrollment.
5. If the student's parent/guardian timely requests a hearing to challenge the administration's determination, a hearing shall be scheduled, notification of which shall be sent to the parent/guardian by certified mail, first class mail, and electronic mail (if available). The notification of hearing shall again include a Procedural Safeguards Notice—Charge of Non-Residency. The hearing date shall be set such that the parent/guardian has at least three (3) days advanced notice of the time, date, and location of the hearing, as well as the procedures and rights detailed in the Procedural Safeguards Notice—Charge of Non-Residency.
6. Any nonresident student found to be attending District schools without qualifying under this Policy and without appropriate advanced permission shall be subject to immediate disenrollment after being offered an opportunity for a hearing before the Board or a duly appointed hearing officer and the completion of any such hearing proceedings.
7. The Board authorizes the administration to investigate credible information, complaints, or circumstances that raise doubt as to a student's residency or continued residency within the District's boundaries. Such investigation, and efforts to collect tuition from students found to be attending District schools illegally as non-residents, is permitted to the fullest extent permitted by law.

Residents Moving from District

Regularly enrolled children whose parents/guardians have moved from the District on or after May 15 of the current school year, may be permitted to finish the school year without payment of tuition, so long as the child was lawfully enrolled in the District at the time the child's parents/guardians moved from the District.[20]

Regularly enrolled children who are seniors and are expected to graduate and whose parents/guardians have moved from the District after the beginning of their senior year may be permitted to complete the year without payment of tuition, so long as the child was lawfully enrolled in the District at the time the child's parents/guardians moved from the District.

Legal References:

- [1] [24 P.S. 1302](#)
- [2] [Policy 906 - Addressing Student and Constituent Concerns](#)
- [3] [Policy 251 - Students Experiencing Homelessness](#)
- [4] [24 P.S. 1316](#)
- [5] [24 P.S. 2561](#)
- [6] [Policy 607 - Tuition Charges for Pupils of Other Districts](#)
- [7] [Policy 200 - Enrollment of Students](#)
- [8] [24 P.S. 1302](#)
- [9] [22 Pa Code 11.19](#)
- [10] [24 P.S. 1331.1](#)
- [11] [24 P.S. 1305](#)
- [12] [24 P.S. 1306](#)
- [13] [24 P.S. 1307](#)
- [14] [24 P.S. 1308](#)
- [15] [24 P.S. 1309](#)
- [16] [24 P.S. 1310](#)
- [17] [24 P.S. 2562](#)
- [18] [22 Pa Code 11.18](#)
- [19] [24 P.S. 1306.2](#)
- [20] [24 P.S. 1316](#)

Related Information:

- [24 P.S. 510 - Rules and Regulations; Safety Patrols](#)
- [24 P.S. 2503 - Payments on Account of Tuition](#)
- [Philadelphia Home Rule Charter - 12-300](#)
- [22 PA Code 11.41 - School district policies and rules](#)