

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 200 Pupils

TITLE: Eligibility Of Nonresident  
Students

ADOPTED: October 5, 2011

REVISED: September 14, 2017

## ELIGIBILITY OF NONRESIDENT STUDENTS

### **Purpose**

The School Reform Commission shall operate district schools for the benefit of students residing in the City of Philadelphia who are eligible for attendance. [1][2][3]

### **Authority**

The SRC may permit the admission of nonresident students in accordance with law and SRC policy. [4][5][6]

Before any eligible nonresident student may be accepted as a student in district schools, the SRC requires that appropriate documentation verifying the student's eligibility be submitted. The SRC reserves the right to verify claims of residency, dependency and guardianship and to remove from school attendance a nonresident student whose claim is invalid.

Admitted nonresident students shall receive the same benefits and be subject to the same responsibilities as resident students.

The SRC shall not be responsible for transportation to or from school for any nonresident student residing outside school district boundaries except when the transportation is required per the federal and state mandate (i.e foster care or homeless students). [7]

Tuition rates shall be determined annually in accordance with law. Tuition shall be charged monthly, in advance of attendance. [5][8][9]

### **Mandated Regulatory Procedures**

#### **Nonresident Children Attending District Schools**

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.

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

#### **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.[\[10\]](#)[\[11\]](#)

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

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.

#### 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.[\[13\]](#)

#### 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 s/he shall be admitted to district schools, and a charge shall be made for tuition in accordance with law.[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)[\[18\]](#)[\[19\]](#)[\[20\]](#)[\[8\]](#)

#### 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 school district in the same manner and extent as an expelled student.[\[21\]](#)[\[22\]](#)

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 school district in the same manner and extent as a student placed in an alternative education program for disruptive students.[\[21\]](#)

#### Former Residents

Regularly enrolled students whose parents/guardians have moved out of the school district may be permitted to remain in a school in which the student was appropriately enrolled until the last day of the that school year for pupils, upon district approval and payment of tuition by the parent/guardian or the district of residence. Tuition shall not be charged if a student is attending School District of Philadelphia schools and moves out of the city in the student's senior year.[\[5\]](#)

### Homeless Students

The district shall immediately enroll homeless students, even if the student or parent/guardian is unable to produce the required documents, in accordance with SRC policy and the McKinney–Vento Homeless Assistance Act of 1987 (Pub. L. 100-77, July 22, 1987, 101 Stat. 482, 42 U.S.C. § 11301 et seq.[23]

### Misrepresentation of Residency

The School District of Philadelphia reserves the right to unenroll and/or charge tuition fees for any misrepresentation of any information used to enroll in a School District of Philadelphia school. Misrepresentation of information used for this purpose may also constitute perjury, unsworn falsification to authorities, fraud and other offenses under the Pennsylvania Criminal Code. Suspected violations will be referred to Philadelphia District Attorney's Office.

### Delegation of Responsibility

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

1. Admit such students only on the proper application of the parent/guardian.
2. Do not discriminate against any eligible student.[24][25]
3. Verify claims of eligibility.
4. Deny admission in circumstances where such admission would displace a resident student, require the school district to incur additional costs, and/or 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.
6. The withdrawal of students under the guidelines of this policy

### Legal References:

1. 24 P.S. 501 - Elementary Schools
2. 24 P.S. 502 - Additional Schools and Departments
3. 24 P.S. 503 - Kindergartens
4. 24 P.S. 1301 - Age Limits; Temporary Residence
5. 24 P.S. 1316 - Permitting Attendance of Non-resident Pupils
6. Pol. 200 - Enrollment of Students
7. Pol. 810 - Transportation
8. 24 P.S. 2561 - Tuition Charges for Pupils of Other Districts
9. Pol. 607 - Tuition Charges for Pupils of Other Districts
10. 24 P.S. 1302 - Residence and Right to Free School Privileges
11. 22 PA Code 11.19 - Nonresident child living with a district resident
12. Pol. 906 - Public Complaints
13. 24 P.S. 1305 - Non-resident Child Placed in Home of Resident

14. 24 P.S. 1306 - Non-resident Inmates of Children's Institutions
15. 24 P.S. 1307 - Counties, Other Than Second Class, Responsible for Payment of Tuition
16. 24 P.S. 1308 - Liability for Tuition and Enforcement of Payment
17. 24 P.S. 1309 - Cost of Tuition; How Fixed
18. 24 P.S. 1310 - Assignment of Pupils to Schools
19. 24 P.S. 2562 - Payments by Districts for Pupils Attending in Other Districts
20. 22 PA Code 11.18 - Nonresident children living in facilities or institutions
21. 24 P.S. 1306.2 - Juveniles Incarcerated in Adult Facilities
22. 24 P.S. 1318 - Suspension and Expulsion of Pupils
23. Pol. 251 - Homeless Students
24. Pol. 103 - Nondiscrimination In School And Classroom Practices
25. Pol. 103.1 - Nondiscrimination – Qualified Students With Disabilities/Protected Handicapped Students

**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