



Regulation of the Chancellor

Category: STUDENTS

Number: A-125

Subject: NON-RESIDENT ENROLLMENT

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Issued: 08/08/06

INTRODUCTION

This is a new regulation that sets forth the policies concerning admission, discharge and transfer of non-resident students in New York City public schools. A non-resident student is defined as a student whose primary residence is outside New York City and does not meet New York City residency requirements as defined in Chancellor's Regulation A-101.

I. GENERAL PRINCIPLES: NON-RESIDENT ENROLLMENT

- A. Under Section 3202 of New York State Education Law, students over age 5 and under age 21 are entitled to free public education in the district in which they reside. Enrollment in a New York City public school by a non-resident is at the discretion of the New York City Department of Education and requires tuition payment.¹
- B. Parents of non-resident students must waive participation in the NCLB Public School Choice program (including school choice for students attending a school designated as persistently dangerous).
- C. Non-resident tuition paying students are not eligible for transportation provided by the Office of Pupil Transportation.

II. NEW NON-RESIDENT STUDENTS

Parents² who are not residents of New York City (see Chancellor's Regulation A-101 for the requirements for determining residence) who wish to enroll their child in New York City public schools as a tuition-paying non-resident student must submit an application to the Office of Student Enrollment Planning and Operations (OSEPO). Applications may be found on the OSEPO website at: <http://www.nycenet.edu/Offices/StudentEnroll/default.htm>.

¹ This regulation does not apply to non-resident students enrolled or placed in District 75 Hospital Schools, foster care/ACS guardianship or Passages/Island Academy, and some charter school students who are New York State residents. In these cases, schools should enter in ATS the correct out-of-city address and set the non-resident tuition flag to N.

² The term "parent", whenever used in this regulation, means the student's parent(s) or guardian(s), or any person(s) in a parental or custodial relationship to the student, or the student, if he/she is an emancipated minor or has reached 18 years of age. For a student with a disability, consult the standard operating procedures established for assigning a surrogate parent, if applicable.



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- A. OSEPO is solely responsible for approving non-resident student applications. Schools and regions may not enroll non-resident students outside of the application process.
- B. Applications will only be considered during the set application period as determined by OSEPO. Applications must be submitted by all new non-resident students seeking to attend a New York City public school.
- C. Priority for enrollment is given first to children of New York City Department of Education employees, then to children of other City of New York employees, and then to other students.
- D. OSEPO will not enroll non-residents until such time as all resident students have been accommodated, regardless of the school calendar. Non-resident students, therefore, must attend school, as governed by the regulations of the students' home district, until such time as a decision is rendered.
- E. Non-resident students may not apply to attend screened/selective schools or programs or any gifted and talented programs. Non-residents may not participate in the High School Admissions Process or Middle School Choice processes.
- F. If OSEPO determines that space is available for non-resident students (after conferring with the Regional Leadership, if necessary), the student's application will be approved. If an application for non-resident enrollment is approved by OSEPO, the student may be enrolled in the approved school provided that tuition payment has begun and all documents required for resident registration are provided to the school. The school must activate the non-resident tuition paying student flag in ATS when registering the student.
- G. Tuition rates are set each year by the State Education Department for general education and special education for Kindergarten through Grade 12. Tuition payment must be made within the school year for which the tuition is due.
- H. Non-resident students may not enroll in any Pre-kindergarten programs.
- I. Students receiving special education services in their home district must supply a current copy of their IEP with their application.



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1. For non-resident students residing in New York State, special education placements will be made if, after reviewing the IEP, the recommended services are available in New York City and space is available after resident students have been accommodated.
2. For non-resident students residing outside of New York State, special education placements will be made after reviewing the IEP to determine eligibility for services based on New York State criteria and if the recommended services are available in New York City and space is available after resident students have been accommodated.
3. The tuition rate will depend on the percentage of the school day that the student is mandated to receive special education supports and services. There is a rate established for students who receive special education for a minimum of 20% of the school day and for students who receive special education support for 60% or more of the school day.

III. ENROLLED NON-RESIDENT STUDENTS

- A. Non-resident students who are enrolled in the New York City public schools may continue to be enrolled with the following provisions:
 1. Tuition payment must be made for each year that the student is enrolled as a non-resident.
 2. Students may remain until the terminal grade of the school in which they are enrolled without reapplication. When a student reaches the terminal grade, an application must be submitted to OSEPO for the next level. These students will not be permitted to participate in any other enrollment process, including the High School Admissions Process. Applications for continued non-resident enrollment will be considered after all other enrollment processes are complete.
 3. Non-resident students may not transfer between schools during the school year except in the case of exigent safety or medical reasons, subject to approval by OSEPO. A new application must be submitted during the application period for any other change in school.
 4. Enrolled non-resident students may not be placed into any gifted and talented programs.



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- B. Current non-resident students who are evaluated for and require special education services will be entitled to receive those services, consistent with applicable law. Once services commence, the tuition rate will be changed to reflect the applicable special education tuition.

IV. RESIDENT STUDENTS WHO MOVE OUT OF THE CITY DURING THE SCHOOL YEAR

- A. If a resident student changes address during the school year and moves outside New York City, the parent/guardian must notify the current school and provide proof of the new address. The school must update the address and activate the non-resident flag in ATS. The student is eligible to continue to attend that school until the end of the semester without paying tuition.
- B. At the end of the school year, if the parent wishes to have the student continue to be enrolled in New York City public schools, an application must be submitted to OSEPO during the application period. The student may continue to be enrolled in that school only upon approval of the application and must pay applicable tuition. If the student moves outside New York City during the first semester, tuition will begin for second semester.

V. SUMMER SCHOOL

Summer school programs may enroll non-resident students as long as there is space available after all resident students have been accommodated. Tuition must be paid at the rate set by the State Education Department.

VI. TERMINATION OF NON-RESIDENT ENROLLMENT

- A. Ongoing attendance of non-resident students in the New York City public schools is at the discretion of the New York City Department of Education. Non-resident students must comply with expected academic, attendance and behavioral standards. The New York City Department of Education reserves the right to revoke approval for continued non-resident enrollment as set forth below.
 - 1. Students may be discharged for:
 - a. Failure to maintain continuous regular attendance;
 - b. Violating the Discipline Code; or
 - c. Failure to pay tuition on a timely basis.



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2. Prior to discharging a student for failure to maintain attendance standards or for failure to pay tuition on a timely basis, the parent must be:
 - a. Notified of the school's decision to discharge the student;
 - b. Provided with an opportunity to attend a conference with the principal/designee to discuss the reasons for the discharge; and,
 - c. Provided with written notification following the conference, advising the parent whether the student is being discharged.
 3. Students who violate the Discipline Code are subject to discipline as set forth in the Code and in Chancellor's Regulation A-443. If a student is suspended by the superintendent and the charges are sustained, the student may no longer continue to attend New York City public schools and will be immediately discharged.
- B. What if a student who has provided documentation for New York City residency is determined to be a non-resident?
1. It is the school's responsibility to verify student addresses in accordance with Chancellor's Regulation A-101. If it is determined by the school or any other Department of Education office that a student who has claimed to be a New York City resident is actually a non-resident, that student will be discharged from the New York City public schools at the end of the semester. An application for non-resident enrollment will not be considered.
 2. Department of Education employees who send a child to a New York City public school while the employee is a non-resident and who fail to pay the proper tuition will be subject to appropriate action, which may include referral to the Special Commissioner for Investigation and disciplinary measures, including termination of employment.



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VII. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone	<i>Office of Student Enrollment Planning and Operations</i> NYC Department of Education 52 Chambers Street – Room 415 New York, NY 10007	Fax
212-374-6898		212-374-5568

Questions regarding specific procedures may be directed as follows:

Office of Student Enrollment Planning and Operations

Applications	(212) 374-6898
Bureau of Finance Tuition Unit (Re: Tuition Payments)	(718) 935-2938
ATS Applications Support Help Desk (Re: ATS Procedures)	(718) 935-5100