

Category: STUDENTS

Issued: 6/29/09

Number: **A-125**

Subject: NON-RESIDENT ENROLLMENT

Page: 1 of 1

SUMMARY OF CHANGES

The regulation has been updated to clarify the following :

- Policy for families that submit false addresses to establish residency
- Policy for families that do not disclose non-residency status
- Policy for families that move out of the city during the school year
- Circumstances governing when the DOE may terminate non-resident enrollment

ABSTRACT

This regulation 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) and the Progress Report Transfer program.
- C. Non-resident students are not eligible to attend and consequently may not apply to attend specialized schools, screened/selective schools or programs, gifted and talented programs or pre-Kindergarten programs. Non-residents may not participate in the High School Admissions process, Middle School Choice processes, the Gifted and Talented admissions process or the Pre-Kindergarten Admissions process. Any exceptions will only be made at the discretion of the Office of Student Enrollment (OSE), and will only be considered in cases when a resident moves out of the city during the school year as described in Section IV.
- D. Non-resident tuition paying students are not eligible for transportation provided by the Office of Pupil Transportation.
- E. If at any time a parent fails to disclose to a school that a student attending a New York City public school is not a resident and the Department subsequently determines that the student is no longer a resident then the student forfeits his/her right to remain in the school for the remainder of the year and will be discharged at the conclusion of the semester during which the determination is made. The student also forfeits his/her right to submit an application to remain as a non-resident.
- F. If it is determined that a parent used a false address to establish residency or does not disclose his/her non-resident status, the student is only eligible to remain in his/her current school until the end of the semester when this determination is made. The student is not eligible to apply for admission for the remainder of the year or for following year. The parent must pay tuition retroactively for each year that the student was enrolled as a non-resident. Exceptions due to extenuating circumstances may only be granted by the Office of Student Enrollment.
- G. Department of Education employees who send their 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 of Investigation and disciplinary measures, including termination of employment.

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.

II. APPLICATION PROCESS FOR 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 (OSE). Applications may be found on the Student Enrollment website at <http://schools.nyc.gov/ChoicesEnrollment/NewStudents/NonResidents>. The application is to be used by new non-residents and is available during the non-resident enrollment application period each summer.

- A. Student Enrollment is solely responsible for approving non-resident student applications. Schools may not enroll non-resident students whose applications have not been approved by the Office of Student Enrollment.
- B. Any new non-resident seeking to attend a New York City public school must submit an application. Applications will only be considered during the set application period as determined by Student Enrollment.
- C. Priority for enrollment is given first to students who are children of New York City Department of Education employees, then to students who are children of other City of New York employees, and then to other students.
- D. Student Enrollment will not approve the admission of non-residents until such time as all resident students have been accommodated, regardless of when school starts. 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. If an application for a non-resident student is approved, the family will be notified by Student Enrollment. 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.
- F. Tuition rates are set each year by the State Education Department for general education and special education for Kindergarten through Grade 12. Full tuition payment must be made within the school year for which the tuition is due. Information about tuition payments can be found by calling the Bureau of Non-Public School Payables at 718-935-4789.
- G. Students receiving special education services in their home district must supply a current copy of their Individualized Education Plan (IEP) with their application.
 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.

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.

III. CURRENT NON-RESIDENT STUDENTS

- A. Current non-resident students who have been previously approved to attend New York City public schools and are paying tuition may remain until the terminal grade of the school which they have been attending without reapplication. These students will not be permitted to participate in any other enrollment process, including the High School Admissions Process or any Middle School Choice process.
- 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.
- C. Non-resident students may not transfer between schools during the school year except in the case of exigent circumstances, at the discretion of OSE. A new application must be submitted during the application period for any other change in school.

IV. RESIDENTS 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 within five school days of the change of residence. 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. If the student moves outside New York City during the first semester (from September through January), tuition payment is required for second semester (from February through June). The semester timeframe is defined by the high school semester schedule, regardless of grade level. In order to make a tuition payment, the parent/guardian must contact the Bureau of Finance, Office of Non-Public School Payables at (718) 935-4789.
- B. Students who are residents who are attending gifted and talented programs, Pre-Kindergarten programs, or specialized or screened/selective schools and who move out of New York City during the school year must notify the current school regarding the change of residence. Such students are eligible to remain at their current school for the remainder of the school year provided that they pay tuition for the second semester if they moved during the first semester. At the conclusion of the school year, those students are no longer eligible to remain at the current school. They may not submit an application to remain at that school beyond that time as non-residents are not eligible to attend these schools. Any exceptions are subject to the discretion of the Office of Student Enrollment.

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. The New York City Department of Education reserves the right to revoke approval for continued non-resident enrollment for failure to pay tuition on a timely basis.
- B. Prior to discharging a student for failure to pay tuition on a timely basis, the parent must be:
 - 1. Notified of the school's decision to discharge the student;
 - 2. Provided with an opportunity to attend a conference with the principal/designee to discuss the reason for the discharge; and,
 - 3. Provided with written notification following the conference, advising the parent whether the student is being discharged.

VII. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

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

Questions regarding specific procedures may be directed as follows:

Office of Student Enrollment

Applications	(212) 374-6898
Bureau of Finance, Office of Non-Public School Payables (Re: Tuition Payments)	(718) 935-4789
ATS Applications Support Help Desk (Re: ATS Procedures)	(718) 935-5100