

Students

THIS WILL REPLACE THE CURRENT POLICY 7132 IN ITS ENTIRETY**SUBJECT: NON-RESIDENT STUDENTS**

Because the Kenmore-Town of Tonawanda Union Free School District is committed to providing District students with positive educational opportunities, and in consideration of the resources available in which to accomplish that objective, the District will not admit non-resident students to attend the District's schools except in the following limited circumstances:

1. The child is a "homeless child" pursuant to the Regulations of the Commissioner of Education and the District is properly designated as the school district of attendance;
2. The non-resident child's attendance is compelled by other existing legal authority;
3. A resident child enrolled in the District moves outside of District boundaries between the start and end of classes in any school year. In this case, and if approved as set forth below, the student shall be permitted to finish the marking period during which the move occurred. The parent(s), person(s) in parental relation of student, whichever appropriate, must submit an application to the student's building-level principal and to the Assistant Superintendent for Instruction and Student Services or designee in order to invoke this exception (see form 7132A). The Assistant Superintendent or designee, in his or her discretion, shall determine whether the student shall be permitted to continue attendance, and shall consider relevant circumstances including the student's academic, attendance and disciplinary records. The District shall not be responsible for providing transportation for students attending pursuant to this exception;
4. A resident child enrolled in the District moves out of the District on or after July 1st of the child's senior year of school, in which case the child shall be permitted to continue attendance for the remainder of the senior year, subject to application (see form 7132B) and approval process described in paragraph 3, above, and the condition that the District shall not be responsible for providing transportation for the child.
5. Upon approval by the Superintendent of Schools, the children of families who have signed a contract to buy or build a residence in Kenmore-Town of Tonawanda UFSD may be enrolled for the semester in which they expect to become residents. In this case, the parent(s), person(s), in parental relation of student, whichever appropriate, shall submit a request in writing to the Superintendent of Schools with a copy of the signed contract. Should the family not become residents of the District within the semester in which they expected to become residents, the District shall be entitled to collect tuition from the family for the semester during which they were non-residents.

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

Legal Residence

Parents who maintain more than one residence are eligible to send their children to District schools only if they are physically present as inhabitants of the in-District residence and intend to remain at such in-District residence. Mere ownership of property within the District or payment of taxes is not sufficient to establish residency.

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 of Education 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.

Education Law §§ 1709 (13) and 3202
8 NYCRR § 174.2

NOTE: Refer also to Policies #7130 -- Entitlement to Attend – Age and Residency
#7131 -- Education of Homeless Children and Youth