

Admission of Non-Resident Pupils New Castle School District

No person shall attend school, or send a pupil to the school, unless the pupil is a legal resident within the school district, as defined by state law, or the pupil has been approved for admission by the School Board in accordance with this policy.

A non-resident pupil may attend district schools upon application by either the non-resident pupil's parent/legal guardian or by the non-resident pupil's resident school district, but only if such application is recommended for approval by the New Castle School District's Superintendent of Schools and approved by the New Castle School District's School Board in accordance with this policy.

Any decision to admit a non-resident pupil for attendance in the New Castle School District schools is for one school year only, or for the remainder of a school year if application is approved part way through that school year. Non-resident pupils who are approved for admission at the New Castle School District schools must re-apply for each successive school year through the admission process set forth in this policy.

Application for non-resident pupil attendance must be made to the Superintendent of Schools or his/her designee. The Superintendent of Schools shall apply the standards set forth in this policy in determining whether to recommend admission of any such applicant. Any recommendations for admission of non-resident pupils shall then be forwarded to the School Board or its designee to make the final admission determination in accordance with the standards set forth in this policy. A decision by the Superintendent not to recommend admission of a non-resident pupil may be appealed to the School Board. Any decisions by the School Board on non-resident pupil admissions shall be final.

Standards for Admission

The following standards shall govern decisions regarding admission or readmission of non-resident pupils under this policy:

1. The availability of space in the program or grade for which the pupil seeks admission, considering both present enrollment in that program and likely future enrollment during the school year in question, based on expected enrollment patterns for that school year.
2. The non-resident pupil's likely ability to meet district standards for both behavioral and academic performance in the program or grade for which the pupil seeks admission, based on consideration of the following:
 - a) Pupil transcripts, report cards, attendance records, grades, and pupil work product as made available for consideration at the time of application;
 - b) The pupil's discipline history at his/her recent schools of attendance;

- c) A favorable recommendation by the building principal at the pupil's most recent school of attendance regarding the pupil's likely ability to meet behavioral standards in the program or grade for which the pupil is applying, including written consent by the pupil's parent/legal guardian to discuss the pupil's application with that building principal;
- d) A visit to the school by the applicant and the pupil's satisfactory performance in an interview with the building principal and a grade level team identified by the building principal

The New Castle School District shall not admit or re-admit a non-resident pupil when either the Superintendent of Schools or the School Board determines that the New Castle School District does not currently have in place the educational programming required by the pupil.

In no event shall a non-resident pupil be approved for admission or readmission in New Castle School District schools if the pupil is currently suspended or expelled from the pupil's resident school district, or if Superintendent of Schools or the School Board concludes that the pupil presents a substantial likelihood of physical or emotional harm to him/herself or to others, or that the pupil has a history of excessive unexcused absences from school that is unlikely to be easily resolved.

Any decision to deny or discontinue non-resident pupil admission under this policy shall not be based, in whole or in part, on whether the pupil is a child with a disability under applicable special education laws or requires an accommodation under Section 504 of the federal Rehabilitation Act. [RSA 193:3(IV)(d)]

Terms of Attendance

Any non-resident pupil admitted for attendance under this policy must comply with all school rules. Failure to comply with school rules will result in school discipline under the same standards that apply to resident students, up to and including suspension and expulsion.

The New Castle School District has no responsibility to provide transportation for any non-resident pupil admitted in accordance with this policy.

A non-resident pupil's attendance may be terminated part way through the school year through a decision by the School Board following notice and a hearing under RSA 193:13(I)(b), (II), or by decision of the Superintendent of Schools following notice and a hearing under RSA 193:13(I)(b).

A non-resident pupil must re-apply for admission in each school year subsequent to his/her initial enrollment, and decision on the pupil's readmission shall be governed by the same process and standards that applied to the pupil's initial admission.

Students with Disabilities

Non-resident pupils with disabilities have available a free, appropriate public education through their resident school districts, and the New Castle School District has no duty to provide special education and related services at no cost to any non-resident pupil admitted pursuant to this policy.

A resident school district or a sending parent/legal guardian may contract with the New Castle School District for the provision of available special education and/or related services to a non-resident pupil but shall be responsible for the costs of any such services as a supplemental tuition charge. Absent such a contract, the New Castle School District shall have no duty to provide special education and related services to a non-resident pupil. [RSA 193:3(IV)(c), 186-C(13)(IV)]

The New Castle School District shall provide at no charge to the parent/legal guardian any accommodations required by a non-resident pupil with a disability pursuant to Section 504 of the federal Rehabilitation Act if those accommodations can be made available to the pupil without a substantial increase in cost for the New Castle School District [34 C.F.R. § 104.39].

Costs for Attendance

The New Castle School District shall charge tuition for any non-resident pupil admitted under this policy. The School Board shall endeavor to establish the tuition rate for the upcoming school year no later than January 30 of the current school year.

For any non-resident pupil admitted under this policy based on application by the pupil's resident school district, the resident school district shall be responsible for payment of the base tuition rate, and also for a supplemental tuition charge for any special education and related services that the resident school district agrees in writing for the New Castle School District to provide. The tuition rate shall be determined as follows:

1. A base tuition rate reflecting the current actual per-pupil expense of operation for the program or grade for which the non-resident pupil seeks admission, considering any estimation of such expenses by the state board of education for the most recent school year. The current expense of operation shall include all actual costs, except costs of transportation of pupils and costs of special education. [RSA 193:4]
2. A supplemental tuition charge for the actual per-pupil expense of any special education and related services that the pupil may receive, or any substantial expenses for accommodations that the pupil may receive.

For any non-resident pupil admitted under this policy through application by the pupil's parent/legal guardian, the parent/legal guardian shall be responsible for payment of the base tuition rate as determined by the New Castle School Board and indicated in the tuition agreement for the applicable school year. The parent/legal guardian is also responsible for a supplemental tuition charge for any special education and related services that the resident school district declines to fund and that the parent/legal guardian agrees in writing for the New Castle School District to provide.

The tuition charges specified in the tuition agreement for the applicable school year shall be payable as follows: (1) \$1,000.00 deposit due with application; (2) 50% of tuition (less the deposit) due by September 1st of the academic year; (3) remaining tuition due by January 15th of the following year. Failure to make timely tuition payments in accordance with this policy shall be a sufficient basis for discontinuing a non-resident pupil's attendance at New Castle School District schools.

Tuition payments for non-resident pupils of the New Castle School District staff members may be reduced or waived to the extent required by the terms of any applicable collective bargaining agreement or the terms of any individual contracts with staff members.

Legal References:

- RSA 193:3 (IV) (non-resident students)
- RSA 193:4 (tuition rates)
- RSA 193:12 (legal residence)
- RSA 193:13 (student discipline)
- RSA 186-C:13(IV) (non-resident students with disabilities)
- 34 C.F.R. § 104.39 (504 duties)

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