



CODE: C25

ADMISSION OF NON-RESIDENT STUDENTS **(TUITIONED BY SENDING DISTRICT)**

Policy

It is the policy of the Mountain Views Supervisory Union (MVSU) and member School Districts (“School Districts”) to enroll non-resident students placed by their districts of residence (“Sending Districts”) in the MVSU schools under such terms and restrictions as MVSU and the School Districts deem best, where, in the discretion of MVSU and School District administrators, there is space and it is determined that enrollments of such non-resident students will not diminish or dilute program opportunities for students who are residents of the MVSU School Districts. Sending Districts must have authority under the law to make such out of district public school placements. Students shall only be admitted under the terms of this policy, and where applicable, of a duly executed enrollment agreement, and parental placements of non-resident students shall not be accepted. However, parentally placed students enrolled at the time of adoption of this policy will be granted “grandfather status” in the School District in which they are enrolled on the date of adoption. [This policy shall not apply to students who are enrolled through the public high school choice program created by Act 129 of 2011 (Adj. Session).]

Implementation

A. TUITION RATES

On or before January 15th of each year, the MVSU School District Boards shall establish non-resident tuition rates for the next school year and shall notify the school board(s) of all sending districts and the Secretary of Education of any proposed increase in tuition rates. Separate rates may be established for elementary and secondary students and for students who are eligible to participate in special education programs. Tuition rates will be established in accord with Chapter 21 of Title 16 of the Vermont Statutes Annotated, and regulations of the State Board of Education.

B. ADMISSION

1. **Non-discrimination.** No child will be denied admission to a MVSU School District on the basis of sex, creed, color, sexual orientation, marital status, national origin, race, or disability.
2. **Non-Resident Students.** Subject to availability of space as determined by the MVSU School District Boards in their sole discretion, MVSU School Districts will accept non-resident students who are legal residents of a Sending District that has entered into an enrollment and tuition agreement with the MVSU School District. See Sections D.3-4, below, regarding additional enrollment agreement terms for special education or 504 students.
3. Where the number of students in a given grade in the MVSU School District limits the number of tuition students for which places are available in that grade, current tuition students in good standing shall be given preference over non-resident students applying for admission for the first time.
4. **Long-term suspension or expulsion.** Pursuant to 16 V.S.A Sec. 1163, MVSU School Districts shall honor long term suspensions or expulsions imposed on non-resident students by other school districts, where application is made for admission of such non-resident students to the School District.

5. Application Process. The Sending District, in cooperation with the parents of a prospective student, shall complete an enrollment application for each prospective student. The student's academic records, attendance records and records of any involvement in incidents resulting in disciplinary action shall be submitted by the Sending District with the student's application.

The Principal of the MVSU School District and/or the Superintendent shall consider the disciplinary record of the student, whether he or she is making satisfactory progress toward completion of an approved school or home study program, his or her attendance record, and whether admission would jeopardize the educational program of the School District by creating an unfavorable student-teacher ratio in the student's proposed class.

The Principal of the MVSU School District and/or the Superintendent shall determine whether to accept the student's application, following the above steps, including the non-discrimination provision in Section A.1.

If the applicant has a disability, the application steps outlined in Part C below shall also be followed.

6. Terms of Admission. Admission for a period not to exceed one year will follow upon a favorable consideration of these criteria. The Sending District shall report any incidents resulting in disciplinary action that occur following submission of the application, but prior to enrollment in the MVSU school. Upon such report, the student's application will be reconsidered in light of the new information.
7. Appeal. The Sending District and parents of a non-resident applicant for admission as a tuition student may appeal the Principal's and/or Superintendent's denial of his or her application, by submitting a written request of appeal to the MVSU School District Board within ten days of the denial. The Board will provide an opportunity for the Sending District and the applicant's parent(s) to discuss the grounds for the appeal with the Board and administrators. The Board will render a decision within 30 days of the request to appeal. The decision of the Board will be final.

C. ENROLLMENT

1. Discipline during Enrollment. All tuition students shall be subject to the same rules of conduct to which MVSU School District students are subject, and the School District reserves the right to take disciplinary action, up to and including expulsion, in response to misconduct by a tuition student. The Sending District shall be notified prior to any disciplinary proceedings. See Section D.7 for additional information about special education or 504 students.
2. Tuition. Tuition rates will be established in accord with Chapter 21 of Title 16 of the Vermont Statutes Annotated, and pertinent regulations of the State Board of Education.
3. Tuition Agreement. If the student's application is accepted, a duly authorized enrollment/tuition agreement shall be executed pursuant to this policy.
4. Terms of Payment. Tuition for non-resident students shall be payable by the Sending District upon issuance of an invoice, on the following schedule: October 31, February 29, and May 1st of each year.

D. SPECIAL EDUCATION AND 504 SERVICES

1. Pre-Application Consideration. Prior to application described in Part A above, where a student is on an IEP or 504 plan, the Sending District shall convene an IEP or 504 team meeting, and a representative of MVSU or the School District shall attend. At the meeting, the team will and the MVSU or School District representative shall consider the services and accommodations and other needs addressed in the student's the IEP or 504 plan, and whether those services and accommodations and needs are or readily can be made available at the School District (for example, special day treatment program or residential services

are not available at the MVSU School District). If there is consensus that the School District can meet the student's needs, the student's application may then be processed. If there are special individual staffing needs beyond the capacity of the MVSU or District staff (for example, a full time 1:1 paraprofessional for the non-resident student, or SLP services where the MVSU SLP's case load is full), the Sending District shall be responsible for supplying and paying for a qualified individual to provide the service.

2. Application Decision. The decision procedure described in Sections B. 5-7 above shall be followed. The Director of Instructional Support Services, and School District Principal and/or the Superintendent or designee, shall review information gathered from the meeting described in Part D. 1, and also consult with the District representative who attended the Sending District's IEP/504 meeting. They shall also consider the student's attendance record, whether admission would jeopardize the educational program by creating an unfavorable student-teacher ratio in the proposed student's class, and the disciplinary record of the student when the student's misbehavior was not a manifestation of the student's disability.

The MVSU Director of Instructional Support Services, and the School District Principal and /or the superintendent/designee shall determine whether to accept the student's application, following the above steps, including the provisions of Part A and the non-discrimination provision in Section B.1.

3. Enrollment Agreement. If the student's application is accepted, a duly authorized tuition agreement for the student shall be executed pursuant to this policy. The responsibility for payment by the Sending District for individual or specialized instruction, related services and accommodations shall be provided for in such agreement and as outlined below.
4. Excess Costs. In addition to payment of the School District's regular education tuition, the Sending District shall pay for any excess costs for specialized instruction, related services, and/or accommodations required due to the student's disabilities, under the IDEA and/or Section 504.
 - i. Definition. "Excess cost" services under this Policy are individually required services not generally available as a part of the School District's general program, or services for which current MVSU or District Staff have no capacity as a result of caseloads.

ii. Excess costs include, but are not limited to:

- Psychological services
- Physical and occupational therapy
- Counseling (other than school guidance counselor services)
- Evaluation and diagnostic services
- Health services (other than customary school nurse services)
- Social work services
- Parent counseling and training
- Transportation
- Homebound/hospital tutoring
- Individual aide, tutors and other personnel required specifically for a student
- Assistive technology
- Interpreters, readers, assistive technology devices, and other auxiliary aides and services
- Initial and supplemental evaluations and re-evaluations
- Speech and language services
- Resource Room services (specialized instruction)

- iii. Notice. If excess costs will be charged for a given student, MVSU or the School District will provide the Sending District with notice, including the type and frequency of services to be provided, the fee for the services and the billing schedule.
5. Resolution of Disputes. Responsibility and costs (including legal fees) for prosecuting and/or defending IDEA and/or 504 due process claims shall be borne by the Sending District. MVSU and the School District will provide witnesses, as necessary.
6. Procedural Responsibility. The Sending District, as the student's "Local Education Agency" (LEA), and "district of residence" under federal and state law, is and shall remain responsible for insuring that the student is provided a free and appropriate public education under IDEA and/or 504, as applicable.
7. Discipline of Special Education Students. In addition to the terms of Section B.1., when a special education or Section 504 student is expelled pursuant to VDE Rule 4312 or 4313, any continuing duty to educate shall be the duty of the student's district of residence, and not of MVSU or the School District. MVSU or the School District shall provide prompt notice of misconduct and disciplinary proceedings to the Sending District.
8. Referral for Evaluation of a Tuitioned Student. If a non-resident tuition student enrolled at the MVSU school is referred for an initial special education or 504 evaluation, the School District staff shall provide immediate notice to the Sending District's designated LEA representative, and shall cooperate with such representative of the Sending District in convening an evaluation and planning team or 504 team meeting to undertake evaluation efforts.
- i. The School District personnel familiar with the student will provide input if and as requested by the Sending District.
 - ii. The Sending District LEA Representative shall participate in such meetings for referred students.
 - iii. Costs of the evaluation will be paid by the Sending District as detailed above.
 - iv. If the student is found to be eligible for special education or to be protected by Section 504, Part C above shall apply.
9. Termination of Services. MVSU and the School District reserves the right not to admit and/or to terminate services to a tuitioned non-resident student in the event that it is determined by the 504 or IEP team that the student's educational needs cannot be appropriately provided by the School District. This might occur, for example, where an IEP team has determined that the student requires a special day school, residential or other restrictive placement. Pending any change in placement or location of delivery of service, in order to preserve continuity for the student, the Sending District shall pay all excess costs for any additional services or interim placement provided to the student while at the MVSU school during such a transition period.

Warned: Aug. 29, 2016

Adopted: Oct. 17, 2016