

# EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PUPILS  
 TITLE: ATTENDANCE ELIGIBILITY  
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## 202. ATTENDANCE ELIGIBILITY

### 1. Purpose

~~24 P.S. 501, 502,  
—503~~

The Board shall operate the schools of the school district for the benefit of the children residing in the school district. Children residing in the school district are eligible to attend the schools of the school district. [\[1\]](#)[\[2\]](#)[\[3\]](#)

The Pennsylvania School Code states that a child shall be considered a resident of the school district in which his/her parents or the guardian of his/her person resides. When the parents reside in different school districts due to separation, divorce or other reason, the child may attend school in the school district of residence of the parent with whom the child lives for a majority of the time, unless a court order or court approved custody agreement specifies otherwise. If the parents have joint custody and time is evenly divided, the parents may choose which of the two school districts the child will enroll for the school year. If the child is an emancipated minor, the resident school district is the one in which the child is then living. For purposes of this section, an emancipated minor is a person under 21 years of age who has chosen to establish a domicile apart from the continued control and support of parents or guardians. A minor living with a spouse is deemed emancipated.

To ascertain if a student is, in fact, emancipated and has a right to attend school in the school district the student shall:

1. sever most “filial ties” and must be substantially free from parental “domination and control”; and
2. live apart from the parent; and
3. be financially independent of the parent; and
4. be responsible for his/her own welfare and behavior.

The parent or guardian shall place on file a sworn statement attesting to the fact that the four previous conditions exist. Every reasonable effort should be made to secure this documentation directly from the parent or guardian in order to confirm that the child is not a runaway or under the control of juvenile authorities or some other agency. Where the parent or guardian cannot be contacted or does not provide the statement, verification can be made by having the student provide evidence that the four tests have been satisfactorily

<p>2. Authority  <del>—SC 1305</del></p> <p>4. Guidelines</p> <p><del>—SC 1316, 2561</del></p> <p><del>—SC 1301, 1316</del>  <del>—Pol 202</del></p>	<p>met. In instances whereby a parent has submitted the required evidence of emancipation, the school district reserves the right to request additional evidence substantiating the veracity of any such claims. In instances where the school cannot verify emancipation, the student shall be referred to an appropriate child care agency.</p> <p>Note: Students who are married and living with a spouse are also considered to be emancipated. This is usually the case no matter what the age of either partner.</p> <p>Federal installations/land are considered a part of the school district or districts in which they are situated and the children residing on such installations shall be counted as resident students of the school district. This policy pertains to all students registering in all grades (K-12) including original entries, re-entries and new entries in the school district.</p> <p>It shall be the responsibility of the administration to determine the residency status of each student at the time of his/her application for enrollment and to obtain the necessary affidavit and supporting documents as required</p> <p>The child will be enrolled in the building which s/he would normally attend in accordance with established school district attendance areas. The school district shall normally enroll a child the next business day, but no later than five (5) business days, after the date of application. The school district has no obligation to enroll a child until the parent, guardian or other person having control or charge of the student making the application has been supplied proof of the child’s age, residence, immunizations, and other documentation as required by law and this policy. This applies equally to nonresident children who are children living in facilities or institutions as defined in 22 Pa. Code § 11.8 (relating to nonresident children living in facilities or institutions), or foster homes, or with a school district resident who is supporting the child without personal compensation as defined in 22 Pa. Code § 11.9 (relating to nonresident children living with a school district resident), provided that the person making the application has supplied the documentation required by law.</p> <p>The District shall not be responsible for transportation to or from school for any student residing outside school district boundaries, unless required by the McKinney Homeless Act.<a href="#">[11]</a></p> <p><b><u>Eligibility of Non-Resident Students</u></b></p> <p>The Board recognizes that there may be occasions when nonresident students may be required or permitted to attend the schools of the school district. This policy addresses such occasions.<a href="#">[4]</a><a href="#">[5]</a><a href="#">[6]</a><a href="#">[7]</a><a href="#">[8]</a><a href="#">[9]</a></p>
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~~—SC 1302~~  
~~—Title 22~~  
~~—Sec. 11.19~~

The Board shall require that appropriate legal documentation showing dependency or guardianship or a sworn statement of residential support be filed with the Board Secretary before an eligible nonresident student may be accepted as a student in the schools of the school district, as provided in this policy. The Board may require a resident to submit additional reasonable information to substantiate a sworn statement, in accordance with guidelines issued by the Pennsylvania Department of Education, and as provided in this policy.

~~—SC 1302~~

The Board reserves the right to verify claims of residency, dependency and guardianship and to remove from school attendance a nonresident student whose claim is invalid. [\[10\]](#)

A resident whose student is to be disenrolled from the District may request a Board hearing to determine the student's eligibility to attend the District's schools. The District's administration shall adopt procedures for the notification of the resident and the student of the disenrollment and the right to request a hearing, including adopting a reasonable deadline for making a request. A resident who requests a Board hearing to determine the student's enrollment eligibility under this policy shall remain enrolled in the District's schools pending the Board's decision.

Where applicable, tuition rates shall be determined in accordance with statute. [\[9\]](#)[\[12\]](#)[\[13\]](#)

#### **Court-Ordered Guardianship**

A resident of the District who has a court order granting guardianship of a child may enroll the child in the District's schools without the payment of tuition. A court order granting custody of the child will not, in and of itself, substantiate the right of a non-parent to enroll the child.

#### **Other Nonresident Students Under Section 1302(a)(2) of the Public School Code**

A non-resident student may be admitted to the school district where attendance is justified on the grounds that the student lives full-time and not just for the school year with a school district resident who has assumed the responsibility to keep and support the student in line with applicable state law and the provisions of the School Code or is visiting this country as an exchange student and lives in the school district.

A resident seeking enrollment of a non-resident student under this policy provision must provide a Sworn Statement of Support Under Section 1302. A resident who knowingly provides false information in the sworn statement

~~—Title 22~~  
~~—Sec. 11.19~~  
~~—SC 1302~~

shall be subject to the penalties provided by law. ~~[10]~~[23]

As substantiation of the sworn statement that the child is being supported gratis, the resident shall, in addition to the sworn statement, furnish at least one of the following documents at the time of the application for enrollment:

- Copy of Federal or State tax form which lists child as a dependent of resident, or
- Copy of insurance policy/card/statement listing child as eligible for services as a dependent of resident or public assistance, or
- Copy of marriage certificate listing the child's parent as a spouse of the resident, or
- Documentation that the child's parent(s) has been deployed for active military duty.

In lieu of providing one of the aforementioned four (4) acceptable substantiating documents, resident(s) who seek enrollment of student(s) pursuant to this policy must, as a further condition of enrollment, sign an agreement that if they fail to provide one of the aforementioned acceptable substantiating documents within sixty (60) days of their application for the student's enrollment, they shall be responsible for the payment of tuition on a prorated daily basis for the number of days the student(s) attended school in the District.

The failure to provide such proof of residency within sixty (60) days of the application for the student's enrollment pursuant to this policy provision shall result in the disenrollment of the student from the District. The District administration shall establish procedures for the notification of parent(s)/guardian(s) of the student's disenrollment. A student who is disenrolled for failure to establish residency in the District under this policy provision shall have the right to request a Board hearing to determine the student's residency status. If a Board hearing is requested, the student shall remain enrolled in the District's schools pending the outcome of the hearing.

**Nonresident Children Placed By a Court or Appropriate Government Agency In The School District**

Any child placed in the home of a resident of the school district by a court or an agency of the government shall receive the same benefits and be subject to the same duties as resident children. The resident shall provide to the District administration appropriate documentation to substantiate the residential placement of the child by the court or government agency. A child custody order does not constitute court-ordered residential placement for the purposes of this policy provision. ~~[6]~~[14]

~~Title 22~~  
~~Sec. 11.18~~  
~~SC 1305~~

~~SC 1305,1331.1~~

~~—Title 22~~  
~~—Sec. 11.18~~  
~~—SC 1306, 1307,~~  
~~—1308, 1309, 1310,~~  
~~—1331.1, 2561, 2562~~

~~—SC 1331.1~~  
~~—Pol. 251~~

### **Residents of Institutions**

A child who resides in an institution for the care or training of children located within the school district is not a legal resident of the school district by such placement, but shall be admitted to the schools of the school district and a charge shall be made for tuition in accordance with the school district's established tuition rates and the School Code.

~~[7][12][14][15][16][17][18][19][20]~~

### **Students Experiencing Educational Instability**

The district shall immediately admit students experiencing homelessness, foster care and other forms of educational instability, even if the required documents are unavailable, in accordance with Board policy, law and regulations.~~[5][11][14]~~

### **Children of Active Duty Military Families**

~~Children of active duty military families shall be eligible for enrollment in this district in accordance with the Interstate Compact on Educational Opportunity for Military Children, state law and Board policy.~~~~[5][8][10][21]~~

### **Immigration Status**

A child's right to be admitted to school may not be conditioned on the child's immigration status. A school may not inquire regarding the immigration status of a student as part of the admission process. This provision does not relieve a student who has obtained an F-1 visa from the student's obligation to pay tuition under Federal law.

### **Future Residents**

Students whose parent(s)/guardian(s) have purchased a domicile or are building a primary residence in the school district, but face delayed occupancy, may start school in a given school year provided that the delay in occupying that residence is reasonably anticipated to be no more than ninety (90) days.~~[9]~~

Parent(s)/guardian(s) who seek enrollment of students pursuant to this policy provision must, as a further condition of enrollment, sign an agreement that if they fail to establish residency in the District within ninety (90) days of their application for the student's enrollment, they are responsible for the payment of tuition on a pro-rated daily basis for the number of days the student attended school in the District.

The failure to establish residency within ninety (90) days of the application for

the student's enrollment pursuant to this policy provision shall result in the disenrollment of the student from the District. The District administration shall establish procedures for the notification of parent(s)/guardian(s) of the student's disenrollment. A student who is disenrolled for failure to establish residency in the District under this policy provision shall have the right to request a Board hearing to determine the student's residency status. If a Board hearing is timely requested, the student shall remain enrolled in the District's schools pending the outcome of the hearing.

The school district reserves the right to require proof of the anticipated residency, to verify the representations as to the purchase/construction of a residence, and to deny admission to or to remove from school any non-resident student whose request for enrollment is not considered by the school district as having been substantiated. The Board is not responsible for the transportation of non-resident students.

—SC 1316

#### **Former Residents**

Regularly enrolled children whose parent(s)/guardian(s) have moved out of the school district may be permitted to finish the school year without payment of tuition provided that<sup>[9]</sup>:

1. The student is in twelfth grade when the parent(s)/guardian(s) have moved from the school district.
2. The student is not in the 12<sup>th</sup> grade but there is less than one full marking period remaining in the school year.
3. Parent(s)/guardian(s) must agree to provide all necessary transportation.
4. The student displays acceptable behavior and academic progress, as determined by the administration. In the event there is a violation of the Code of Student Conduct during the school year that results in an expellable offense, this permission will be rescinded and any future request will be denied.
5. The administration has made a recommendation for the student to remain in the school district.

In all cases, application must be made to the Superintendent through the school principal.

In all cases, a resident student whose family is displaced from the school district for a total time period not to exceed six (6) weeks may continue enrollment in the school district. However, the parent(s)/guardian(s) is required to provide or arrange for the necessary transportation. If the students' family is still residing outside the school district at the end of the six (6) week interval, the student's enrollment in the school district will be ended and s/he will be removed from the school district rolls.

**Registration Process**

Parents/guardians of all students registering in the school district must present acceptable proof of residency before a student is permitted to register and attend school. The following are proofs of residency which may be accepted by the school district:

Application for registration must be accompanied by one proof of residency from List `A` and one proof of residency from List `B`.

**List A**

1. Current lease agreement, indicating the term of lease, address of leased property, names and signatures of property owner(s) and lessee(s).
2. Mortgage settlement document(s) indicating address of residence, and name(s) of property owner(s).
3. Recorded deed indicating address of residence, and name(s) of property owner(s).
4. School property tax bill in the resident's name for the current or immediately preceding tax year.

In addition to providing one of the aforementioned documents, a Landlord/Tenant Affidavit shall be made available to residents residing in a property not owned/leased by resident.

**List B**

1. Valid Pennsylvania driver's license indicating physical address of residence.
2. Valid Pennsylvania identification card indicating physical address of residence.
3. Valid Pennsylvania automobile registration indicating physical address of residence.
4. Signed income tax return filed for the current or immediately preceding tax year indicating physical address of residence.
5. Documentation from wages, public assistance, or social security issued within the past thirty (30) days indicating physical address of residence.
6. Current Pennsylvania Local Earned Income Tax Residency Certification Form
7. Federal or state documentation demonstrating exemption from above six (6) requirements.
8. In lieu of providing any of the aforementioned seven (7) acceptable proofs of residency from List `B`, parent(s)/guardian(s) who seek enrollment of student(s) pursuant to this policy must, as a further condition of enrollment,



sign an agreement that if they fail to provide one of the aforementioned acceptable proofs of residency within sixty (60) days of their application for the student's enrollment, they shall be responsible for the payment of tuition on a prorated daily basis for the number of days the student(s) attended school in the District.

The failure to provide such proof of residency within sixty (60) days of the application for the student's enrollment pursuant to this policy provision shall result in the disenrollment of the student from the District. The District administration shall establish procedures for the notification of parent(s)/guardian(s) of the student's disenrollment. A student who is disenrolled for failure to establish residency in the District under this policy provision shall have the right to request a Board hearing to determine the student's residency status. If a Board hearing is requested, the student shall remain enrolled in the District's schools pending the outcome of the hearing.

The school district may require more than one (1) type of proof of residency from List A and/or List B (above) either at the time of initial application or at any subsequent time should the legitimacy of residency become an issue.

At the time of registration, the parent/guardian must present a positive form of identification, which shall include government issued photo identification.

### **Tuition Students**

The school district provides for attendance on a prepaid monthly tuition basis for non-resident students, including F-1 Visa students where space is available and on an annual tuition basis for students educated in accord with the Fair Share Policy agreement entered into with Colonial Intermediate Unit #20 and/or any other similar inter-district special education placement agreement.

### **ESASD School Personnel Exception**

In an effort to recruit, attract, and retain new personnel within the district, the Board has authorized that all non-resident school personnel will have the option of requesting that their child(ren) attend school in the East Stroudsburg Area School District tuition free.

Enrollment is contingent upon the following:

1. Parent/Guardian shall be responsible for the transportation of their child(ren) to/from school each day. Transportation of their child(ren) shall not conflict with the parent/guardian's scheduled work hours within the district.
2. Attendance is an important factor regarding your child(ren)'s

~~Title 22~~  
~~Sec. 11.11~~



education. In the event there is excessive absenteeism or tardiness during the school year, this permission can be rescinded and any future requests may be denied.

3. The child(ren) displays acceptable behavior and academic progress, as determined by the administration. In the event there is a violation of the Code of Student Conduct during the school year that results in an expellable offense, this permission will be rescinded and any future request will be denied.
4. Policy shall not prevent reassignment of administrative, professional and/or support staff members within the district during the school year. Upon separation from the district, the employee's child(ren) will automatically be returned to their zoned school district.
5. The district reserves the right to make a final determination regarding each student's assignment within the district based upon existing available space and each student's educational program requirements.

#### **Home Language Survey**

The school district shall administer a home language survey to all students seeking first time enrollment in its schools in accordance with requirements of the United States Department of Education's Office for Civil Rights.

#### **Withdrawal Process**

When the school district receives a request for educational records from another school district or charter school, it shall forward the records within ten (10) business days of receipt of the request.

#### **Penalties And Enforcement**

Children of violators of this policy and/or of those submitting a falsified affidavit and/or who are otherwise not in legal compliance with residency regulations shall be dropped from the rolls of the school district, and such violators may be prosecuted under applicable law.

The school district reserves the right to request proof of residency of any resident with school-age children at any time. The school district also reserves the right to make home visits to verify residency/occupancy or to authorize its agent(s) to make such home visits.

#### **Exclusions**

This policy does not pertain to the education of homeless children placed in residential institutions within school district boundaries. The admission and education of those students are covered through appropriate Pennsylvania

Pol. 906

legislation.

The District administration shall develop procedures for the enrollment of nonresident children which:

1. Admit such students only on proper application and submission of required documentation by the parent or guardian.
2. Verify claims of residency.
3. Do not exclude any eligible student on the basis of race, creed, color, gender, sexual orientation, national origin, ancestry, or handicap/disability.
4. Deny admission where the educational facilities or program maintained for school district students is inadequate to meet the needs of the applicant.
5. Make continued enrollment of any nonresident student contingent upon maintaining established standards of attendance, discipline and academics.

Legal References

1. 24 P.S. 501

2. 24 P.S. 502

3. 24 P.S. 503

4. 24 P.S. 1301

5. Pol. 200

6. 24 P.S. 1305

7. 24 P.S. 1306

8. 24 P.S. 1302.1

9. 24 P.S. 1316

10. 24 P.S. 1302

11. Pol. 251

12. 24 P.S. 2561

13. Pol. 607

14. 24 P.S. 1331.1

15. 24 P.S. 1307

16. 24 P.S. 1308

17. 24 P.S. 1309

18. 24 P.S. 1310

19. 24 P.S. 2562

20. 22 PA Code 11.18

21. Pol. 254

22. 22 PA Code 11.19

23. Pol. 906

22 PA Code 11.41

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[24 P.S. 1306.2](#)

[24 P.S. 2503](#)

[24 P.S. 7302](#)

[Pol. 103](#)

[Pol. 103.1](#)

[Interstate Compact on Educational Opportunity for Military Children \(MIC3\)](#)