

# JFAB - Admission of Non-Resident Private Tuition Students

## **JFAB - Admission of Non-Resident Private Tuition Students**

The M.S.A.D. No. 35 Board of Directors adopts this policy for accepting non-resident students whose parents wish to pay tuition to M.S.A.D. #. 35 to allow their child(ren) to attend District schools.

1. M.S.A.D. #35 shall accept Grades PK-12 non-resident private tuition students by application only. Application shall be made to the Admissions Committee. The Admissions Committee will be comprised of a central office administrator, a school administrator, the Director of Special Services, a school guidance counselor, and one school teacher. Admission may be denied to any non-resident private student who is currently subject to an expulsion or suspension or is the subject of an expulsion or suspension proceeding or who has a history of dangerous behavior or conduct affecting the safety of a school in any way. Admission decisions are made by the admissions committee on the basis of the application and the other criteria identified in this policy. Appeal of a denial may be made to the Superintendent of Schools, whose decision shall be final. A non-resident private tuition student who is accepted will be formally enrolled in M.S.A.D. No. 35 once the student's parents have signed the Non-Resident Private Tuition Student Agreement. A \$500 non-refundable deposit is required and will be applied to the first tuition payment.
2. In accordance with the MHS Student Handbook, final class rank for seniors is determined after the third quarter. To be eligible for "Top Ten Graduate" status, a student must be enrolled for their entire senior year. Therefore, any tuition student(s) must be enrolled at MHS at the beginning of the second semester of their junior year to qualify for "Top Ten Graduate" status.
3. Non-resident private tuition students attending M.S.A.D. No. 35 schools are entitled to: (a) access to the District's regular classes and co-curricular and extracurricular programs on a space-available basis; (b) the provision of any reasonable accommodations the Child Study Team (CST) determines a student requires (in accordance with Paragraph 7) in order to participate in the regular education program, as long as those accommodations do not result in an increase in costs to the District; and (c) access, on a space-available and personnel-available basis (in accordance with Paragraphs 3 and 8), to existing, in-District special education programs and services that the CST determines a student requires in order to attend District schools.
4. Otherwise eligible non-resident private tuition students shall be admitted only if there is space and/or personnel available within existing programs or classes that the student

- would be attending, as described in Paragraph 8. Decisions regarding the availability of space or personnel for non-resident tuition students in District programs and classes will be made by the Superintendent or designee, and will be made in accordance with applicable state and local requirements and guidelines governing program and class size.
5. All requirements for enrollment in M.S.A.D. No. 35 schools that apply to resident students (such as age, health examinations and immunization requirements) also apply to non-resident private tuition students.
  6. Non-resident private tuition students are expected to meet the same academic, extracurricular and behavioral standards and are subject to the same disciplinary procedures as resident students, up to and including expulsion. Any non-resident private tuition student whose enrollment is recommended to be terminated for disciplinary reasons prior to the end of the school year has the right to an expulsion hearing before the M.S.A.D. No. 35 Board of Directors, as described in 20-A M.R.S.A. § 1001(9). The decision of the Board is final. A student who is expelled will forfeit all tuition paid to date.
  7. M.S.A.D. No. 35 has no obligations to non-resident private tuition students under the Individuals with Disabilities Education Act (IDEA). A free appropriate public education (FAPE) remains available to non-resident private tuition students in the school district in which the student and his/her parent(s) reside and M.S.A.D. No. 35 has no obligation to provide a FAPE to non-resident private tuition students under either the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act. The District will not implement an Individualized Education Plan (IEP) or 504 Plan that was developed for a non-resident private tuition student in a former school or district.
  8. All decisions regarding any accommodations and/or special education and related services that a non-resident private tuition student with a disability may need in order to participate in District schools will be made by a group of persons knowledgeable about the student (the CST) after an individual assessment of a student's needs.
  9. If the CST determines that a non-resident private tuition student with a disability requires special education and/or related services to participate in District schools, the student is entitled to access such services only on a space-available and personnel-available basis, and only within existing, in-District programs and from personnel currently employed by the District. When determining whether space is available for a non-resident private tuition student in any District special education program, a program will be considered "closed" to non-resident private tuition students if 80% of the spaces in the program are filled. A staff member will be considered available to the student only if the staff member is serving no more than 80% of his/her maximum caseload. The District shall not create new programs or classrooms to serve non-resident private tuition students, hire additional staff to serve those students, or serve non-resident private tuition students in any educational program outside of the District.
  10. The Superintendent may deny or revoke the admission of a non-resident private tuition student if the Superintendent determines that the student cannot obtain an appropriate education in existing programs or classes at the school. In the case of students with disabilities, the Superintendent's decision will be made in consultation with, and after review of the determinations of, the CST and in accordance with all applicable laws.
  11. M.S.A.D. No. 35 will charge an annual tuition equal to the maximum rate permitted by state law, 20-A M.R.S.A. § 5805. Tuition amounts for the upcoming quarter shall be paid in full by the first day of each school quarter. Failure by a parent to pay tuition as due shall

be grounds for revoking the admission of the non-resident private tuition student. In the event of a default in the timely payment of the tuition as set forth in this Agreement, and if the District allows the student to continue to attend District schools, all payments which are in arrears shall accrue interest at a rate of 18% per year until paid in full, and the parents shall pay, in addition to the principal and interest, all costs of collection, including reasonable attorney's fees.

12. M.S.A.D. No. 35 shall not furnish transportation for non-resident private tuition students except where the student can otherwise access normal bus runs offered by the District on a space available basis only.
13. The Board of Directors will review this policy annually and may discontinue it at any time. If discontinued, students who are currently enrolled on a tuition basis will be allowed to graduate from Marshwood High School.

Cross References: 20-A M.R.S.A. §§ 5203(1), 5204(l), 5801, 5804, 5805, 6001-B(3)

JFAA - Admission of Resident Students

JLCB - Immunization of Students

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