

# Office for College, Career, and Technical Education

## Guidelines for the Vocational Technical Education Program Nonresident Student Tuition Process Pursuant to M.G.L. c. 74

These Guidelines will assist school districts and cities/towns with the implementation of the law and regulations.

### Overview:

The Chapter 74 Non-resident Student Tuition Program provides students the opportunity to attend a school outside of their district of residence to study a state-approved vocational technical education program that is not offered by their district of residence. Such programs are approved pursuant to M.G.L. c. 74 and 603 CMR 4.00 and are known as Chapter 74-approved programs. The tuition for students who attend a school outside of their resident district under this program is paid by the city or town of residence at a rate established by the Commissioner. The transportation for students who attend a school outside of their resident district under this program is provided by the city or town of residence.

Students who seek admission to a school outside of their district of residence must follow the admission process of the school to which they seek admission, including using the school-provided application for admission. The application for admission must be submitted **to the receiving school no later than March 15** of the preceding school year.

In addition, a non-resident student must submit a *Chapter 74 Vocational Technical Education Program Nonresident Student Tuition Application* **to the superintendent of the student's district of residence by April 1** of the preceding year.

The receiving school shall admit resident students who meet the minimum requirements for admission prior to acceptance of any non-resident students seeking the same course of study.

Under the Non-resident Student Tuition Program, a non-resident student has the right to remain in the receiving school until completion of his/her secondary program unless the student changes his or her program or moves out of the district of residence. A change of district of residence or a change in program will require the submission of a new *Chapter 74 Vocational Technical Education Program Nonresident Student Tuition Application*.

The receiving school is required to notify a non-resident student in writing that admission is program specific and that a change in program or district of residence by a non-resident student will require the submission of a new *Chapter 74 Vocational Technical Education Program Nonresident Student Tuition Application*.

### **Chapter 74 Exploratory Programs:**

Schools with five or more Chapter 74 approved programs are required to offer an exploratory program for ninth graders. Students who reside in districts that do not offer a Chapter 74 exploratory program may apply for admission to an out-of-district school that has a Chapter 74 exploratory program. **Ninth grade students** who reside in districts that offer a Chapter 74 exploratory program are required to attend the Chapter 74 exploratory program offered by their resident district. The one exception is for those ninth grade students who are seeking to explore a specialized agricultural or natural resources program that is not offered by their district of residence. Students who are seeking to explore a specialized agricultural or natural resources program that is not offered by their district of residence may apply under the Non-resident Student Tuition Program for admission to an out-of-district school that offers such program. Therefore, with one exception, ninth grade students who reside in districts that have a Chapter 74 exploratory program are not eligible to attend an out-of-district program under the Non-resident Student Tuition Program.

### **Chapter 74 Vocational Technical Education Program Directory:**

When the Department of Elementary and Secondary Education (Department) grants Chapter 74-approved status to a program, it assigns the program a six-digit Classification of Instructional Program Code (CIP Code) and lists the program in the Chapter 74 Vocational Technical Education Program Directory. Each CIP Code has a general description of each program. The Department uses this Directory and, if necessary, the school's Program of Studies in determining whether the program sought by the student is offered through the student's district of residence. Questions on the Chapter 74-approved status of a specific program in a district can be directed to the Department.

### **Designating a School of Preference**

While students may apply to any school which accepts applications from non-resident students, a district may, through its school committee, adopt a policy designating specific vocational schools as "preferred" vocational schools for purposes of the Chapter 74 Non-resident Student Tuition Program. This means that the district may direct students to apply to the preferred school(s) before applying to any other vocational school. If a student does not apply to a "preferred" vocational school the superintendent may disapprove the application for nonresident tuition. Policies designating "preferred" vocational schools must be adopted by the school committee and made available to students and their parents or guardians.

## **Glossary:**

**Business days:** The days that the Department is open.

**District of residence:** The school district of the city or town where a student resides.

**Non-resident student:** A student who has been, or seeks to be, admitted to a Chapter 74-approved program outside of her/his district of residence.

**Receiving school:** The school that has the Chapter 74-approved program in which a non-resident student seeks to enroll or enrolls.

**Sending School:** The school in which the student is, or was last, enrolled.

**Through the district of residence:** A Chapter 74-approved program offered through the district of residence either at a comprehensive high school, city vocational school, collaborative or at a regional vocational technical high school or county agricultural school to which the city or town belongs by virtue of membership (in the case of county agricultural schools, by county status).

## **Non-resident Tuition Application Process and Deadlines:**

### **Provision of Information**

Districts should provide information on the Chapter 74 Non-resident Tuition Program to students and their parents/guardians each year and upon request. Easy access to clear information on student enrollment eligibility and the application process increases the likelihood of students applying for admissions appropriately and properly. Applications for admission require information from the sending school, including a recommendation from the sending school counselor; therefore, it is important that districts support their staff by apprising them of their roles and responsibilities.

**March 15 deadline:** The deadline by which (1) the application for admission and (2) the *Chapter 74 Vocational Technical Education Non-resident Student Tuition Application* must be submitted to the receiving district.

**April 1 deadline:** The deadline by which a non-resident student must submit a *Chapter 74 Vocational Technical Education Program Nonresident Tuition Student Application* to the superintendent of the district of residence.

The Department **requires** school **districts of residence** to place a notice of the **April 1** deadline in their program of studies, local newspaper or other media that parents/guardians of prospective students receive. The Department sets application deadlines so that receiving schools, students, and their families will be able to plan their education and that superintendents of the districts of residence as well as the resident cities/towns will know the amount of nonresident tuition the city/town must pay, prior to final preparation of the budget for the next school year.

The Department **requires** that **receiving schools** place a notice of the **March 15** and **April 1** deadlines in their recruitment documents, including the admissions handbook, and the list of Chapter 74 approved program of studies, that is given to prospective students and their parents/guardians. The notice must inform students that they may seek admission to a Chapter 74-approved program in their area of interest that is not offered through the district of residence, that the deadline for submitting the *Chapter 74 Vocational Technical Education Program Nonresident Student Tuition Application* to the receiving district is March 15 and the deadline for submitting it to the district of residence is April 1 of the preceding year for secondary programs.

The deadlines of **March 15** and **April 1** do not apply if the student had no way to know about the deadlines.

If a *Chapter 74 Vocational Technical Education Non-resident Student Tuition Application* is submitted to the superintendent of the district of residence after **April 1** and the student or parent/guardian claims they were not informed of the deadline, the Department may ask the district of residence for proof that students received reasonable notice. The proof would be the publication in which the notice appeared.

The **receiving school** is **required** to notify non-resident students in writing that admission to the school is program specific and that they will be required to submit a new application to the district of residence if they want to change to a different program.

#### **Instructions for Completing the *Chapter 74 Vocational Technical Education Program Nonresident Student Tuition Application***

<http://www.doe.mass.edu/cte/admissions/nonres-app.pdf> and  
<http://www.doe.mass.edu/cte/admissions/nonres-app.docx>.

A non-resident student shall complete Part I and submit this application to the receiving school no later than **March 15** of the preceding school year. The receiving district shall assist the student and parent/guardian in completing Part I of the application, and the receiving district shall complete Part II of the application. The application should be given to the applicant/parent/guardian with instructions to provide it to the superintendent of the district of residence no later than **April 1** of the preceding school year. The district of residence shall complete Part III and return it to the receiving district and the parent/guardian within 10 business days of receipt.

#### **PART I**

**Student and Parent/Guardian:** Part 1 of the application is to be completed by the student and the student's parent/guardian. The student must identify, by state title, the name of the Chapter 74 program he/she seeks. The specific program in the agriculture and natural resources cluster must be identified. The official list of Chapter 74 programs offered in each district is located in the Department website's school/district profiles

<http://profiles.doe.mass.edu/> and in the Chapter 74 Vocational Technical Education Program Directory available at <http://www.doe.mass.edu/cte/programs/directory.html>. If the student is under 18 his/her parent/guardian must sign.

**Receiving District:** Part 1 of the application requires the name and telephone number of a contact person in the receiving district. A staff member from the receiving school should be available to assist families in completing Part 1 of the application. The form must identify the program by its Chapter 74-approved state title, not by the course title assigned by the district.

In order to avoid disputes, the district may wish to date stamp the **Chapter 74 Vocational Technical Education Program Nonresident Student Tuition Application** and provide a copy or receipt of copy to the student or parent/guardian.

## **PART II**

**Receiving District:** Part II must be completed by the receiving district and signed by the superintendent of the receiving district (or his/her designee) indicating a) the status of the student's application for admission, b) if the Chapter 74 program sought is not offered in the student's district of residence, and c) that the parent/guardian and student have been informed that a change in Chapter 74 program by a non-resident student will require the submission of a new *Chapter 74 Vocational Technical Education Program Nonresident Student Tuition Application*. The *Chapter 74 Vocational Technical Education Program Nonresident Student Tuition Application* should be given to the applicant/parent/guardian with instructions to provide it to the superintendent of the district of residence no later than **April 1** of the preceding school year. Note: If the Chapter 74 or exploratory program is offered in the district of residence, the student cannot be admitted to the receiving district through the Chapter 74 Non-resident Student Tuition Program.

## **PART III**

**District of Residence:** Upon receipt of the application, the superintendent in the district of residence must either approve or disapprove the application using **PART III** of the form. If the application is disapproved, the reason for disapproval must be indicated by a check mark. The application must be returned to the receiving district **within 10 business days**. In order to avoid disputes, the date the application was received and returned should be recorded by the district of residence by date stamping and receipt. A photocopy of the form should be retained for the district of residence records.

**PART IV** is only to be completed by the Department of Elementary and Secondary Education in the event of a parent/guardian requesting a review of the disapproval of the nonresident tuition by the superintendent of the district of residence.

### **Approval of a *Chapter 74 Vocational Technical Education Non-resident Student Tuition***

#### ***Application:***

If the *Chapter 74 Vocational Technical Education Non-resident Student Tuition Application* is approved, and if the student is admitted to the school to which he/she has applied, that non-resident student is entitled to the same rights and privileges as students who reside in the receiving school district. A non-resident student has the right to remain in the receiving school until completion of his/her secondary program, unless such student changes his/her vocational program area of studies or moves out of the district of residence.

If the student changes program areas or moves out of the district of residence, a new *Chapter 74 Vocational Technical Education Non-resident Student Tuition Application* must be completed and approved.

### **Disapproval of a *Chapter 74 Vocational Technical Education Non-resident Student Tuition***

#### ***Application:***

If the *Chapter 74 Vocational Technical Education Non-resident Student Tuition Application* is not approved the student's parent or guardian may make a written request to the Commissioner to review the decision. The request for review and any supporting documentation shall be submitted in writing to the Department no later than May 1. In making a decision, the Commissioner may take into consideration the availability of a comparable program that is closer to the non-resident student's residence, whether the district of residence has designated a school of preference and whether the cost of providing transportation to the non-resident student would be more than the average per student amount the district spent in the previous year for non-resident transportation. The decision of the Commissioner shall be final. Requests are to be sent to: Marnie Jain, Massachusetts Department of Elementary and Secondary Education, Career and Technical Education Unit, 75 Pleasant Street, Malden, MA 02148.

A student applies only once for nonresident tuition for a particular Chapter 74-approved program. Once the *Chapter 74 Vocational Technical Education Nonresident Student Tuition Application* has been approved, the student has approval to continue in the program identified on the approved application until the student completes the program or moves out of the district of residence. If the student is not admitted to the school, the nonresident tuition approval becomes null and void. If the student changes program areas, a new *Chapter 74 Vocational Technical Education Program Nonresident Student Tuition Application* must be completed and approved. If the student changes district of residence, a new *Chapter 74 Vocational Technical Education Non-resident Student Tuition Application* must be provided to the superintendent of the new district of residence.

### **How Nonresident Tuition Rates are Set:**

A nonresident tuition calculation is set annually for each school with Chapter 74-approved programs based on its per pupil expenditures for vocational technical education programs. The Department computes the statewide average vocational foundation budget annually. The nonresident tuition rates are determined as follows.

Tuition rates for all non-resident students enrolled for the current year will be based on the vocational per pupil spending two years prior, inflated by the subsequent year's Chapter 70 inflation index, but with a cap equal to 125% of the current year's state average vocational foundation budget rate. Please note that special legislation (Chapter 6, section 82 of the Acts of 1991) permits the two county agricultural high schools (Bristol & Norfolk) to charge tuition for non-resident students at a rate different than the Department-approved rate.

Tuition rates are set for regular *vocational technical education students*. **For students with Individualized Educational Programs** (students with disabilities) or students needing English language learner services, the vocational technical school and the sending district should agree on an additional amount needed to cover the required services. This additional amount must be based on actual records of special education or bilingual education cost per hour times the estimated number of hours the student requires, or *on a similar verifiable formula*.

For postsecondary students, a city or town **is not required** to pay nonresident tuition. The Commissioner will not overrule a Superintendent's denial of postsecondary tuition because M.G.L.c.74, s.7C limits the obligation of cities and towns to pay nonresident postsecondary tuition. Schools are permitted to charge tuition to individual non-resident students for such a program. The school may charge the individual student up to the Department-approved nonresident tuition rate for the school.

### **Payment of Tuition**

Once a non-resident student has been accepted to a receiving school for a Chapter 74 program and has been approved by the district of residence or by the Commissioner through the review process, the city or town of residence shall pay tuition to the receiving school at the rate established by the Department.

The district of residence may request information from the receiving district to confirm that the requested tuition payment is for the program that was approved. For verification, the district may request the student name, the name of the program, and grade level in which the student is enrolled.

### **Foundation Enrollment:**

A school with non-resident secondary students shall *report* such students in the school's student information management system submissions. The sending district gets *credit* for these students in their foundation enrollment.

### **Rights and Privileges of Nonresident Vocational Technical Education Students:**

The non-resident student is entitled to the same rights and privileges of students who reside in the receiving school district. The non-resident student has the right to remain in the receiving school until completion of his/her secondary program. If the non-resident student requires additional time to complete the program and a resident student would have been offered the

right to continue until completion at the expense of member districts, the city or town of residence must continue to pay tuition for the additional time. If a non-resident student leaves the program but returns within one year, the student shall be entitled to be reinstated if that privilege would have been extended to a resident student, provided that the student has not moved out of the district of residence. Schools must pro-rate the tuition if the student attends for less than a full year.

### **Chapter 74 New Program Approvals**

The Non-resident Tuition Process applies only to Chapter 74 programs.

- New programs in the receiving district: If the student seeks a program outside of their district that has not yet approved by the Department, the program must be approved by April 1 to be eligible for non-resident tuition.
- New programs in the district of residence: If the program the student seeks is approved in their district of residence by April 1, the superintendent of the district of residence may deny the non-resident tuition and direct the student to seek admission in the district of residence.

### **Chapter 74 Program Closures**

Because the Vocational Technical Education Program Non-resident Student Tuition Process applies only to Chapter 74 programs, non-resident tuition would be affected by a program closure. Per 603 CMR 4.04, a school district that seeks to discontinue an approved vocational technical education program must submit a closure plan to the Department that includes the rationale for the proposed program closure, a timetable for program closure, information outreach to affected students and their parents/guardians, and options for students to complete the vocational technical education program.

When applicable, Program Closure Plans must include plans for non-resident students, and notification of the district of residence. Non-resident students include currently enrolled students as well as incoming 9<sup>th</sup> grade students whose non-resident tuition application has been approved for the program the district seeks to discontinue. Specific questions should be directed to the MA Associate Commissioner of the Office for College, Career, and Technical Education.

### **Related Law and Regulations:**

Links to the sections of the law and regulations regarding nonresident student tuition are provided below for reference.

#### **M.G.L. c. 74, Section 7: Allowance of nonresident application**

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter74/Section7>

#### **M.G.L. c. 74, Section 7C: Allowance of nonresident tuition**

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter74/Section7C>

**M.G.L. c. 74, Section 8A: Transportation**

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter74/Section8A>

**Vocational Technical Education Regulations CMR 603 CMR 4.03 (6) (b): Steps in the process of admission to a nonresident program**

<http://www.doe.mass.edu/lawsregs/603cmr4.html?section=03>

**References:**

These Guidelines and the following documents are available at the Department of Elementary and Secondary Education website at [Office for Career/Vocational Technical Education page](#).



Massachusetts General Law Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Law and Regulations



Chapter 74 Vocational Technical Education Directory



Classification of Instructional Programs: 2000 Edition



Chapter 74 Vocational Technical Education Program Nonresident Student Tuition Application



Chapter 74 Manual for Vocational Technical Education Programs



Student Records Regulations CMR 603 CMR 23.00

**Attending Public School Outside the District of Residence**

If the Chapter 74-approved program sought by the non-resident student is offered through the student's district of residence, the student cannot attend the program under the Non-resident Tuition Application Program. Students may apply through the school choice program if the school to which they are applying participates in school choice. The school choice program allows parents to send their children to schools in communities other than the city or town in which they reside. Tuition is paid by the sending district to the receiving district. Districts may elect not to enroll school choice students if no space is available. More information on school choice can be accessed at <http://www.doe.mass.edu/finance/schoolchoice/>.

**For Assistance:**

Contact Marnie Jain in the Center for College, Career, and Technical Education at the Massachusetts Department of Elementary and Secondary Education (781) 338-3908 or [Mjain@doe.mass.edu](mailto:Mjain@doe.mass.edu).