§ 2045. Non-resident attendance. 1. No charge for the instruction of nonresident pupils in excess of the difference between the cost of educating such pupils and the apportionment of public moneys on account of the attendance of such pupils shall be made by any district. The tuition charged, if any, in excess of such apportionment is hereby declared a charge upon the district from which such nonresident pupil attends, subject, however, to the right of such district to designate the academic school or schools where instruction shall be given at the district's expense, and provided that no tuition shall be payable by the district of residence for the education, by another district, of an elementary pupil, unless a contract has been entered into between such districts pursuant to part two of this article. Such designations shall be made by each school district pursuant to commissioner's regulations. Such designation may be reviewed upon appeal to the commissioner of education in the event the parents or guardians of such pupils deem themselves aggrieved thereby. In case any school district shall fail to make a timely designation, the district superintendent of schools in the supervisory district in which such district is located may make such designation, subject to review on appeal by the commissioner of education. Districts shall not refuse to receive nonresident academic pupils for instruction without valid and sufficient reasons therefor. All acts of the board of education or other district officers relating to such pupils and the tuition charged for their instruction are hereby declared subject to review by the commissioner of education. Where a district is so situated that its academic pupils can be more conveniently instructed in the academic department of a school located in another state, the commissioner of education is hereby authorized to make the same apportionment, annually, to the school district educating such academic pupils so instructed outside the state, as he shall be authorized by law to make for the instruction of academic pupils within the state, and upon the same conditions.

2. If a pupil resides in a district wherein high school courses are offered, but no vocational high school is available therein, or if vocational high school courses are not available in the academic school or schools designated as herein provided, such pupil may select and attend any other academic school within the state in which vocational

courses are available, and the tuition charged, if any, in excess of the difference between the cost of educating such pupil and the apportionment of public moneys on account of the attendance of such pupil, is hereby declared a charge upon the district in which such pupil resides, except however, the cost of transportation of such pupil need not be paid by such district.

3. Any academic pupils attending school in a school district in this state, but residing on military reservations within the boundaries of the state of New York, jurisdiction over which has been ceded to the United States, shall be deemed to be pupils of the school district of attendance within the meaning of section thirty-six hundred two of this chapter.

4. Each district which does not maintain a high school shall provide transportation when necessary for its pupils who have completed the work of the sixth grade and are receiving instruction in another district.