

Administrative Regulations Regarding Nonresident Students

Definitions

A “nonresident student” is a student who:

1. Resides outside of the school district; or
2. Resides within the school district on a temporary basis; or
3. Resides within the school district on a permanent basis but with pay to the person(s) with whom the student is living; or
4. Resides within the school district for the sole purpose of obtaining school accommodations; or
5. Is a child placed by the State of Connecticut Department of Children and Families or by other agencies in a private residential facility. Under this circumstance, however, children may attend local schools with tuition paid by the home district unless a special education student's Planning and Placement Team determines that attendance in local schools and programs does not constitute an appropriate public education in the least restrictive environment. Children not requiring special education who live in town as a result of placement by a public agency, other than another school board and except as provided otherwise in this paragraph, are resident students. Students requiring special education who are placed by a public agency other than another school board may attend local schools, with special education cost reimbursements in accordance with statutes, unless the student's Planning and Placement Team determines that attendance in local schools and programs does not constitute an appropriate public education in the least restrictive environment.

The term “homeless children and youths”—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence; and

(B) includes—

- (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

For further information regarding Homeless Students, refer to Policy and Administrative Regulations Regarding Homeless Students, 5118.1.

The term “unaccompanied youth” includes a homeless child or youth not in the physical custody of a parent or guardian.

Nonresident Attendance Without Tuition

Upon written parental request, nonresident students may be allowed by the Board of Education to attend district schools without tuition under one or more of the following conditions:

1. A family moves from the district after January of the school year, however, if parents so request, a child may complete the marking period regardless of when the family moves from town;
2. A family residing outside of the district has firm plans to move into the school district by November of the current school year as evidenced by a contract to buy, build, rent or lease a residence within the district;
3. A student currently enrolled in twelfth grade wishes to complete his or her education in the district;
4. A student is a homeless child or youth and his or her parent(s) or guardian(s) desire that the student remain enrolled in the district; or
5. A student is an unaccompanied youth and wishes to remain enrolled in the district.

Foreign Exchange Students

No tuition is required for foreign exchange students living within the district under the American Field Service Program or under other programs or circumstances approved by the Board.

Nonresident Attendance With Tuition

Nonresident students who do not meet one or more criteria under previous sections of this policy, may attend local schools only with tuition payment. The Superintendent may approve nonresident student attendance with tuition if class size, transportation, and other considerations permit, and shall notify the Board of Education of all tuition approvals. Nonresident approval with tuition shall lie for one (1) school year or less. Tuition rates shall be established by the Board annually.

Attendance by a nonresident tuition student may be terminated by Board of Education action, upon recommendation of the Superintendent of Schools, if the Board deems such termination in the best interest of the school district. An adjustment of tuition on a per diem basis will be made in this instance.

Evidence of Residency

The Superintendent of Schools or his/her designee may require documentation of family and/or student residency, including affidavits, provided that prior to a request for evidence of residency the parent or guardian, relative or non-relative, emancipated minor, student eighteen (18) years of age or older or unaccompanied youth shall be provided with a written statement of why there is reason to believe the student(s) may not be entitled to attend school in the district. An affidavit may require a statement or statements with documentation that there is bona fide student residence in the district, that the residence is intended to be permanent, that it is provided without pay, and that it is not for

the sole purpose of obtaining school accommodations. This additional documentation may include, but is not limited to, at least three of the following:

1. Driver's License
2. Car/Vehicle Registration
3. New Milford Tax Bill
4. At least two utility bills, such as electric, telephone, cable television or water
5. Certificate of Occupancy
6. Lease/Rental Agreement

Removal of Nonresident Student From District Schools

If after a careful review of affidavits and other available evidence, the Superintendent of Schools or his/her designee believes a student is not entitled to attend local schools, the parent or guardian, the student if an emancipated minor, student eighteen (18) years of age or older or unaccompanied youth shall be informed in writing that, as of a particular date, the student may no longer attend local schools, and the Superintendent shall notify the Board of Education, (if known), where the child should attend school. If after review district residency is established by the evidence, the parent or guardian, the student if an emancipated minor, student eighteen (18) years or older or unaccompanied youth shall be so informed.

If a student is removed from a district school for residency reasons the Superintendent of Schools or his/her designee shall: 1) inform the parent, guardian, emancipated minor, student eighteen (18) years of age or older or unaccompanied youth of hearing rights before the Board of Education and that the student/s may continue in local schools pending a hearing before the Board of Education if requested in writing by the parent, guardian, emancipated minor, student eighteen (18) years of age or older or unaccompanied youth 2) that upon request, a transcript of the hearing will be provided 3) that a local Board of Education decision may be appealed to the State Board and that the student/s may continue in local schools pending a hearing before the State Board if requested in writing by the parent, guardian, emancipated minor, student eighteen (18) years of age or older or unaccompanied youth 4) that if the appeal to the State Board of Education is lost, a per diem tuition will be assessed for each day a student attended local schools when not eligible to attend.

Board of Education Hearing

Upon written request, the Board of Education shall provide a hearing not later than ten (10) days after receipt of such request. If there is a hearing, the Board shall make a stenographic record or tape recording of the hearing; shall make a decision on student eligibility to attend local schools not later than ten (10) days after the hearing; and shall notify the parent, guardian, emancipated minor, student eighteen (18) years of age or older or unaccompanied youth of its findings. Hearings shall be conducted in accordance with the provisions of Sections 4-177 to 4-180 inclusive and Section 10-186 of the Connecticut General Statutes.

The Board shall, within ten (10) days after receipt of notice of an appeal, forward the hearing record to the State Board of Education.

Legal Reference: Connecticut General Statutes
4-176e through 4-185 Uniform Administrative Procedure Act.
10-186 Duties of local and regional Boards of education re school attendance.
Hearings. Appeals to state Board. Establishment of hearing board.
10-253 School privileges for students in certain placements and temporary
shelters.
10-76d Duties and powers of boards of education to provide special education
programs and services.
Public Act 19-179 An Act Concerning Homeless Students' Access to
Education
United States Code
42 U.S.C. §11432 Grants for state and local activities for the education of
homeless children and youths.

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NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut