

**The Enrollment and Handling Non-Resident School Age Students**

Defining Resident and Non-Resident Students

**I. Resident Students**

- A. Children of school age as defined under CT general statute 10-184 who:
  - 1. Are not graduates of a high school or vocational school,
  - 2. Primarily reside in the City of New Haven with a parent or legal guardian who is a resident of the City of New Haven with the intent to remain indefinitely, and
  - 3. Are *bona fide* residents of New Haven entitled to school accommodations provided by the New Haven Public Schools without payment of tuition.
  
- B. A bona fide resident for purpose of this policy is defined as:
  - 1. Any child who is primarily residing with his or her parent who is a genuine resident of New Haven; or
  - 2. Any child who is primarily residing with a legally appointed guardian who is a bona fide resident of New Haven; or
  - 3. A legally emancipated minor or a child eighteen years of age or older who is primarily residing in New Haven with the intent to reside on a permanent basis.
  
- C. A resident with disabilities who is at least 3 years of age is entitled to receive educational services based on an Individual Education Program (IEP) designed by a Pupil Placement Team (PPT). Special education students are entitled to education services until the earlier of age 21 or graduation.
  
- D. Primary residence is defined as where the student is actually living.
  
- E. If the property on which a residence is located is situated partially in New Haven and partially in another town, and taxes are paid in both towns, the parents may choose to enroll their child in a New Haven Public Schools. New Haven Public Schools will not deny the child a free-public education so as proof of property taxes can be verified by the city's tax assessor.

**II. Non-Resident Students**

- A. Children of school age who are not residents of New Haven but who are legally residing with adult relatives or non-relatives who are bona fide residents of New Haven may be entitled to school accommodations provided by the New Haven Board of Education without payment of tuition provided that the child primarily resides in New Haven and the adult has legal custody of the child, according to Connecticut General Statutes Section 10-253: and the residency provision:
  - 1. Is to be permanent. For the purpose of this policy, the term "permanent" shall be defined as the intent by the non-resident student, the New Haven relative or non-

## New Haven Public Schools

relative, and the student's parent or guardian, that said student intends to reside in New Haven indefinitely;

2. Is provided by the New Haven relative or non-relative without payment (any monetary remuneration for the support of the student) or compensation of any type by the child's parent or legal guardian; and
3. Is **not** for the sole purpose of attending New Haven Public Schools.

The Superintendent or their appointed designee shall require that affidavits be executed by both the child's parent or legal guardian and the New Haven relative or non-relative attesting to the child's residence in New Haven. The Superintendent or their appointed designee may also require any other supporting documentation as she/he deems necessary.

New Haven Public Schools exists to serve the residents of New Haven. The New Haven Board of Education recognizes that certain circumstances warrant consideration of non-residents as students. The following shall govern admittance of non-resident students:

- B. When a family moves from New Haven during the school year, a child enrolled at a non-Interdistrict Magnet School may be permitted to continue to attend the New Haven school he/she was attending for the remainder of the school year under the following terms and conditions and at the discretion of the Superintendent or their appointed designee:
  1. During the final marking period, a New Haven school-aged resident who is enrolled in the eighth grade or the 12<sup>th</sup> grade of high school may be permitted to complete the remainder of the school year, tuition free, within the discretion of the Superintendent or their appointed designee ;
  2. In all cases where a student continues in attendance in the New Haven public schools after his/her family moves from New Haven, transportation to and from New Haven must be provided by the family.
- C. Children who are citizens of a foreign country who reside in New Haven and who first receive approval by the Superintendent or their appointed designee , may be permitted to attend the New Haven Public Schools in accordance with the requirements of state and federal law. Tuition for attendance by foreign students may be assessed as permitted by state and/or federal law.
- D. Any student not affected by Section II (B) or (C) stated above, may be assessed at a tuition rate equal to the Minimum Expenditure Requirement (MER) as published by the State Department of Education for the fiscal year commencing July 1.
- E. Students who are considered to be homeless under the McKinney-Vento Homeless Assistance Act shall be permitted to attend the New Haven Public Schools in accordance with state and federal law, and New Haven Board of Education Policy 5118.1.

## New Haven Public Schools

- F. The Superintendent or their appointed designee shall make the decision regarding the residency status of any child. At the end of each school year, the Superintendent or their appointed designee will review the status of non-resident children enrolled pursuant to this policy for approval or denial of the following school year.
- G. The Superintendent shall require that parents or guardians of a child provide an appropriate proof of residency in New Haven prior to enrollment of their child in New Haven Public Schools. The Superintendent shall also require that parents or guardians of a child already enrolled in the New Haven Public Schools provide appropriate proof of residency in New Haven when there is:
1. Change of residence address;
  2. Return of school mailing by the U.S. Postal Service because addressee unknown at the address given to the school;
  3. Report of non-resident status of student enrolled in New Haven; and
  4. Any other indications of non-residency.

Upon the suspicion of non-residency, the Superintendent or their designee may request an investigation, which may include:

1. Study of documentation previously submitted by parent/guardian;
2. Requirement to submit documents verifying a residency;
3. An investigation of tax records to determine residency; and
4. Additional investigation if deemed necessary.

H. If after a careful review of 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, or a student eighteen (18) years of age or older 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, or a student eighteen (18) years of age or older shall be so informed.

I. 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, or student eighteen (18) years of age or older 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, or student eighteen (18) years of age or older 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, or student eighteen (18) years of age or older 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.

## **New Haven Public Schools**

J. In the event it is determined by the Superintendent of Schools that a child is not a legal resident of New Haven and is not entitled to be provided free school accommodations by the New Haven Public Schools, the parent or guardian of the child or the legally emancipated minor or child over the age of eighteen (18) shall be notified in writing pursuant to Connecticut General Statutes Section 10-186 that they have a right to request a hearing before the New Haven Board of Education, or a committee of the Board, regarding this issue. The district may appoint an impartial hearing board of one or more persons to conduct this hearing on behalf of the Board, in accordance with Connecticut General Statutes Section 10-186(b)(1). The Superintendent shall have the discretion to appoint an impartial hearing officer as directed from time to time by the Board.

K. Upon written request, the Board of Education shall provide a hearing within 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 within ten (10) days after the hearing; and shall notify the parent, guardian, emancipated minor, or student eighteen (18) years of age or older of its findings. Hearings shall be conducted in accordance with the provisions of Sections 4-177 to 4-180 inclusive of 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.

L. In the event it is determined that a child is not legally entitled to be provided school accommodation by the New Haven Board of Education without the payment of tuition, the New Haven Board of Education may, pursuant to Connecticut General Statutes Section 10-186, assess the child's parent or guardian for tuition for that period of time that the child was not legally entitled to attend the New Haven Public Schools and may seek civil remedies to collect any unpaid assessments of tuition.