

SCHOOL ACCOMMODATIONS TO RESIDENT AND NON-RESIDENT
CHILDREN IN THE REGIONAL SCHOOL DISTRICT NO. 7
PUBLIC SCHOOLS

RESIDENT STUDENTS

Children who are residents of the Regional School District No. 7 towns (Barkhamsted, Colebrook, New Hartford, and Norfolk) shall be entitled to school accommodations provided by the Region 7 Board of Education without payment of tuition. Children shall be deemed residents of Region 7 if they permanently reside with their parents or a parent (and/or legal guardian(s)) in Region 7 with a present intent to permanently remain within the District.

In order to determine whether a child's residence in one of the four member towns associated with Region 7 is "permanent," the following factors, as well as any other relevant facts, may be considered:

1. Legal documents explaining guardianship and/or custody issues;
2. Where the majority of the student's clothing and personal possessions are located;
3. The address listed on the student's driver's license;
4. The town of issue of the student's library card;
5. The location of the child's place of worship;
6. The location of club affiliations; e.g. cub scouts, girls scouts, etc.;
7. The residence of the child's immediate family;
8. Where the student spends substantial time when school is not in session;
9. The age and emancipation status of the child; and
10. The number of days that the child is actually in residence in the district.

Note that neither any single factor nor combination of factors guarantees a finding in residency. Regardless of the above factors, the student must at all times establish permanent physical presence with a present intent to remain within the District in order to be a resident.

Children of Non-Resident Parents

Children who are living in one of the four member towns associated with the Region 7 school district with relatives and/or non-relatives (regardless of whether their parents are Region 7 residents) may be entitled to school accommodations provided by the Region 7 Public Schools without payment of tuition. However, pursuant to Connecticut General Statute 10-253(d), the child's residence in Region 7 must meet the following conditions:

- A. The child's residence in one of the four member towns associated with Region 7 must be permanent;
- B. The child's residence in one of the four member towns associated with Region 7 must be provided by the Region 7 resident without payment or compensation; and
- C. The child's residence in one of the four member towns associated with Region 7 must not be for the sole purpose of receiving an education in the Region 7 Public Schools.
- D. When the three preceding conditions are met, the district may also require proof of legally established guardianship by one or more of the residents or non-residents in the student's identified residence.

SCHOOL ACCOMMODATIONS TO RESIDENT AND NON-RESIDENT
CHILDREN IN THE REGIONAL SCHOOL DISTRICT NO. 7
PUBLIC SCHOOLS (continued...)

Children of Non-Resident Parents (continued...)

In order to determine whether the residence is being provided “without payment or compensation,” the Board may consider the following factors, in addition to any other relevant facts:

1. “Payment” does not include the maintenance by a parent of his or her child on a health insurance policy;
2. “Payment” does not include claiming the child as a dependent for income tax purposes by his or her parent;
3. “Payment” does not include child support payments pursuant to a court order; and
4. However, “Payment” does include any monetary remuneration from a parent or legal guardian for the support of a child either to the relative or non-relative or to the child. It shall not include gifts to the child for purposes other than support.

The Board of Education may require documentation from the parent* that the residence is to be permanent, provided without payment or compensation and not for the sole purpose of obtaining school accommodations provided by the Region 7 Public Schools. Such documentation may include affidavits as provided by law, provided that prior to any request for documentation of a child’s residency from the child’s parent* the Board of Education shall provide the parent* with a written statement specifying the basis upon which the Board has reason to believe that such child, emancipated minor or pupil 18 years of age or older is not entitled to school accommodations.

*For the purpose of the above paragraph, “parent” includes guardian, relative or non-relative, emancipated minor or pupil 18 years of age or older, as applicable.

The determination of whether a student qualifies for accommodations provided by the Region 7 Public Schools shall be determined based on the factual circumstances of each case.

Students moving to one of the four member towns associated with Region 7

Families planning to move to one of the four member towns associated with Region 7 during any semester may enroll their children in the public schools prior to moving and no tuition shall be charged. If the family is not residing in one of the four member towns associated with Region 7 on or before the last day of said semester, the Board of Education may assess tuition pursuant to the section of this policy titled “Denial of Accommodations.”

SCHOOL ACCOMMODATIONS TO RESIDENT AND NON-RESIDENT
CHILDREN IN THE REGIONAL SCHOOL DISTRICT NO. 7
PUBLIC SCHOOLS (continued...)

Denial of Accommodations

If the Administration determines that any student is not a resident of Region 7 or that the student is otherwise entitled to accommodations provided by the Region 7 Public Schools, it shall so notify that student and/or the student's parent(s) and/or legal guardian.

Any child, parent, or guardian may request a hearing before the Region 7 Board of Education in accordance with Connecticut General Statute 10-186 if they believe they have been denied accommodations by the Region 7 Public Schools. In addition, the child, parent or guardian may appeal the decision of the Region 7 Board of Education to the State Board of Education, in accordance with Connecticut General Statute 10-186.

In the event it is determined that a child is not legally entitled to be provided school accommodations by the Region 7 Board of Education without payment of tuition, the Region 7 Board of Education may, pursuant to Connecticut General Statute 10-186, assess the child's parent or guardian for tuition for that period of time when the child was not legally entitled to attend Region 7 Public School and may seek civil remedies to collect any unpaid assessments of tuition.

NON-RESIDENT STUDENTS

A. **Definition.** 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 is
5. a child placed by the Commissioner of Child and Family Services or by other agencies in a private residential facility. However, under this circumstance, children may attend local schools with tuition paid by the home district unless special education considerations make attendance in local schools and programs inappropriate. Children not requiring special education who live in town as a result of placement by a public agency (other than another board of education and except as provided otherwise in this paragraph) are resident students; those requiring special education may attend local schools (with special education costs reimbursements in accordance with statutes) unless special education considerations make attendance in local schools and programs inappropriate.

SCHOOL ACCOMMODATIONS TO RESIDENT AND NON-RESIDENT
CHILDREN IN THE REGIONAL SCHOOL DISTRICT NO. 7
PUBLIC SCHOOLS (continued...)

- B. **Nonresident Attendance Without Tuition.** Upon written parental request, nonresident students may be allowed by the superintendent of schools at his/her discretion to attend district schools without tuition under one or more of the following conditions listed below. Parents are responsible for transporting students in all of the following circumstances:
1. A family moves from the district during the school year and if the 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 and documented plans to move into the school district within one month as evidenced by a contract to buy, build, rent or lease. This time period may be extended with permission of the Superintendent based on extenuating circumstances.
 3. A twelfth grade student wishes to complete his or her education in the district in order to graduate and the family moves from the District after May 1. This date may be modified at the discretion of the Superintendent based on extenuating circumstances.
 4. Children residing temporarily within the district because of family changes or children attending local schools residing temporarily outside of the district because of family circumstances. Approval shall not exceed three (3) calendar months; if subsequent approval is requested and necessary, it shall be considered based upon extenuating circumstances.
- C. **Exchange Students.** No tuition is required for foreign students living within the district under the American Field Service Program or under other programs or circumstances approved by the board. Exchange students will be accorded all rights and privileges of a resident student during the period of enrollment. The student granted admission under an accepted and accredited program shall not be counted on the town enrollment list for purposes of tuition charges through the Region 7 assessment.
- D. **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. Tuition rates shall be established by the board annually. Nonresident students may be allowed to complete their high school education in Regional School District No. 7 subject to the provisions of this policy. Transportation under these circumstances is provided or paid for by the parents or sending agency.

SCHOOL ACCOMMODATIONS TO RESIDENT AND NON-RESIDENT
CHILDREN IN THE REGIONAL SCHOOL DISTRICT NO. 7
PUBLIC SCHOOLS (continued...)

D. **Nonresident Attendance With Tuition** (continued...)

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.

E. **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, or pupil eighteen (18) years of age or older shall be provided with a written statement of why there is reason to believe such student may not be entitled to school accommodations 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.

F. **Removal of Nonresident Student From District Schools.** If after a careful review of affidavits and/or 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, a pupil 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 pupil eighteen (18) years of age or older 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, or pupil 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 pupil eighteen (18) years of age or older; (2) that upon request, a transcript of the hearings 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 pupil 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.

SCHOOL ACCOMMODATIONS TO RESIDENT AND NON-RESIDENT
CHILDREN IN THE REGIONAL SCHOOL DISTRICT NO. 7
PUBLIC SCHOOLS (continued...)

- G. **Board of education hearing.** 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, and Section 4-181a of Connecticut General Statutes.

The board shall, within ten (10) days after receipt of notice of an appeal to the State Board of Education, 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 re school attendance.
Hearings. Appeals to state board. Establishment of hearing board.

§10-253 School privileges for students in certain placements.... and temporary shelters.

§10-253(d)

Connecticut State Department of Education Guidelines for Residency Requirements

Regional School District No. 7

SCHOOL ACCOMMODATIONS TO RESIDENT AND NON-RESIDENT
CHILDREN IN THE REGIONAL SCHOOL DISTRICT NO. 7
PUBLIC SCHOOLS
FORMS

NOTE: Send certified mail, return receipt requested, and regular mail

Dear _____,

This is to provide you with notice that the Administration of Regional School District No. 7 Public Schools has reason to believe that [Name of Student(s)] is not a resident of the Town of _____ and is therefore not entitled to free public school accommodations at the Regional School District No. 7 Public Schools. I am, therefore, writing to request that if [Name of Student(s)] is a resident/are residents of _____, that you complete the enclosed Affidavit of Residency and return it to me no later than ten days from the mailing date of this letter. This affidavit must be notarized.

If you do not complete and return the enclosed Affidavit within 10 school days, the Administration shall commence disenrollment procedures. If the student(s) does/do not reside or meet residency requirements for one of the four towns comprising Regional School District No. 7, you should contact the student(s)' guidance counselor to initiate withdrawal and transfer to the school district of actual residence. In addition, the District reserves the right to commence disenrollment procedures based upon the evidence available to it, regardless of the contents of the affidavits filed with it.

Connecticut statutes and Board of Education policies require that students physically reside in one of the four Region 7 towns (Barkhamsted, Colebrook, New Hartford, Norfolk) and that the local student residence is intended to be permanent, provided without pay, and not for the sole purpose of obtaining school accommodations (i.e., attending Northwestern Regional Schools).

Please contact my office at 860.379.1084 if you have any questions regarding this residency issue.

Sincerely,

Enclosure: Affidavit Form

SCHOOL ACCOMMODATIONS TO RESIDENT AND NON-RESIDENT CHILDREN IN THE REGIONAL SCHOOL DISTRICT NO. 7 PUBLIC SCHOOLS FORMS

AFFIDAVIT OF RESIDENCY FOR SCHOOL ATTENDANCE PURPOSES

AFFIDAVIT MUST BE NOTARIZED

I, _____, do hereby depose and say:

- 1. I am eighteen or older and believe in the obligation of an oath.
2. I reside at the following address:

Three horizontal lines for address entry.

- 3. [Name of Student(s)] is/are permanently residing with me at the address noted above.
4. The residence that I am providing to [Name of Student(s)] is intended to be permanent, is provided without pay, and is not for the sole purpose of obtaining school accommodations (i.e., attending Northwestern Regional Schools).

[Responsible Adult/Guardian] [Date]

[Student] [Date]

Subscribed and sworn to before me on this _____ day of _____, 20____, in _____, Connecticut.

[S E A L]

Commissioner of the Superior Court/
Notary Public
My Commission Expires:

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PUBLIC SCHOOLS
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Note: Send certified mail, return receipt requested, and regular mail

Dear

Effective (date within ten days of mailing or any other date deemed appropriate) school accommodations will no longer be provided by the Regional School District No. 7 Public Schools for the student(s) named below:

The reason for the denial of further school attendance is:

- 1. Information obtained by the district indicates that the above named student(s) is not a/are not resident(s) of the Town of _____, which is part of Regional School District No. 7.
- 2. There has been no written response to our request for the completion of an Affidavit of Residency and/or other documentation of residency of the above named student(s).
- 3. Documentation provided is not sufficient to provide residency of the above named student(s).
- 4. You have informed us that this student no longer resides in a Region 7 member town.

You have the following rights with regard to this notice:

- 1. You may request in writing a hearing before the Regional School District No. 7 Board of Education in accordance with Section 10-186 of the Connecticut General Statutes at which you will be provided the opportunity to prove that the above named student(s) is/are resident(s) of the Town of _____. A written request for such hearing should be filed with the Superintendent of Schools. A hearing before the Board, or a committee thereof, will then be scheduled within ten (10) days of receipt of the written request.
- 2. If you make a timely request for a hearing the above named student(s) may continue in attendance in the Regional School District No. 7 Public Schools pending the outcome of the hearing and any subsequent appeal to the State Board of Education.
- 3. You may request a copy of the transcript of the residency hearing.

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CHILDREN IN THE REGIONAL SCHOOL DISTRICT NO. 7
PUBLIC SCHOOLS

4. If after the hearing, the Regional School District No. 7 Board of Education votes to deny school accommodations, you may then appeal the Board's decision to the State Board of Education, provided the appeal is made within twenty (20) days after the Regional School District No. 7 Board of Education has mailed its findings and decision. A copy of any such appeal must also be filed with the Regional School District No. 7 Board of Education. If the decision of the State Board of Education affirms the denial of student accommodations, you will be liable for a per diem payment of tuition for each day the above referenced child(ren) has/have been in attendance in the Regional School District No. 7 Public Schools.

Very truly yours,

cc: (Superintendent of Schools for Town of actual residence)

Regional School District No. 7

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PUBLIC SCHOOLS
FORMS

Date:

To: Parents, Guardians, Emancipated Minor of Student eighteen (18) years of age or older

Dear _____:

Upon receipt of your request for a hearing before the Board of Education on a student residency issue, the Board of Education has scheduled a hearing as outlined in the attachment entitled Board of Education Notice of Hearing.

Sincerely,

Enclosure

SCHOOL ACCOMMODATIONS TO RESIDENT AND NON-RESIDENT
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PUBLIC SCHOOLS
FORMS

Date:

To: Parents, Guardians, Emancipated Minor of Student eighteen (18) years of age or older

BOARD OF EDUCATION NOTICE OF HEARING

1. Person(s) requesting Hearing: Name:

Address:

Telephone:

2. Date and time of Hearing:

3. Place of Hearing:

4. Nature of Hearing Determination of student(s) residency

5. Statutes and Regulations involved:

Section 10-186 CGS Duties of local
and regional boards of education re
school attendance. Hearings. Appeals
to state board. Establishment of hearing
board.

Section 4-178 CGS Evidence in contested cases

Section 4-179 CGS Proposal for decision.

Section 4-180 CGS Final decision to be rendered
within 90 days

Section 10-187 CGS Appeal from
finding of hearing Board

Section 4-177 CGS Contested cases.
Notice. Record.

6. A short plain statement of the matters asserted:

Regional School District No. 7

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PUBLIC SCHOOLS
FORMS

Date:

To: Parents, Guardians, Emancipated Minor of Student eighteen (18) years of age or older

Dear _____:

Following the recent hearing by the Board of Education on residency question involving

_____ [Student(s) Name] _____,

the Regional School District No. 7 Board of Education found the following:

In accordance with the findings of the Regional School District No. 7 Board of Education, the student(s) named above:

_____ may continue as a student(s) in the Region 7 Public Schools.

_____ must be withdrawn from the Region 7 Public Schools no later than

_____ unless an appeal is filed with the
(Date within 20 days of mailing this letter)

Connecticut State Board of Education prior to that time.

Sincerely,