

## Students

### Resident and Non-Resident Attendance

#### Residency Requirements

It is the policy of the Amity Regional School District No. 5 (ARSD) that any child of school age who is not a graduate of a high school or vocational school and who resides with a parent(s) or a guardian(s) who is a resident of the Towns of Bethany, Orange, or Woodbridge, which comprise the Amity Regional School District, may attend the ARSD public schools. In accordance with State law, the Board of Education (Board) is required to provide free school accommodations to students who are *permanent* residents of ARSD.

A child will be considered a permanent resident of ARSD under the following conditions:

1. The child resides with his/her parents or a parent who is a bona fide resident of ARSD.
2. In the case of a child whose parents are divorced or separated, the child will be entitled to school accommodations in the school district where he or she actually resides and spends the majority of his/her time irrespective of an award of legal custody to one or both parents. *(An award of custody to a parent may be considered indicia of where a child resides. However, an award of custody is not determinative of a child's residency status; and the totality of the circumstances will be evaluated in order to reach such a determination.)*
3. The child resides with a legally appointed guardian who is a bona fide resident of ARSD. The guardian or guardians will be asked to provide a court order indicating appointment as guardian of the student.
4. The child is a legally emancipated minor or eighteen (18) years of age or older and is a bona fide resident of ARSD. The child will be asked to provide legal documentation proving emancipation.
5. A child who resides in a dwelling physically located in ARSD and another Connecticut town shall be considered a resident of ARSD or the other town in which the dwelling is located and may attend school in ARSD or the other town. Dwelling for these purposes means a single, two-family or three-family house, or condominium unit.
6. Any child placed out by the Commissioner of Children and Families or by other agencies or persons as provided for under Section 10-253 (a) of the General Statutes of Connecticut. Payment of tuition for such education shall be made by the Board of Education of the school district under whose jurisdiction such child would otherwise be attending school where such a school district is identified.

## Students

### Resident and Non-Resident Attendance

7. Any child in a temporary shelter as provided for under Section 10-253(e)(2) of the General Statutes of Connecticut. Payment of tuition for such education shall be made by the school district in which the child would otherwise reside, if identified and notified.
8. A child residing with relatives or non-relatives as provided for under Section 10-253(d) of the General Statutes of Connecticut if the residency is to be permanent, provided without pay, and not for the sole purpose of obtaining school accommodations:
  - a. Permanent - “Permanent residency” shall be defined as one who resides in ARSD and who has a present intention to remain within ARSD *indefinitely*.
  - b. Provided by the ARSD Relative or Non-Relative without Payment or Compensation by the Child’s Parent or Legal Guardian - Pay shall include any monetary remuneration from a parent for the support of a child either to the relative or non-relative but does not include gifts for purposes other than support. Pay does not include maintaining the child’s health insurance, taking the child as a deduction for income tax purposes, or making support payments according to a court order.
  - c. Not for the Sole Purpose of Obtaining School Accommodations in the Amity Regional School District No. 5 Public School System - as determined by individual facts and circumstances. The Board or its designee may require documentation including sworn affidavits from the parent/guardian, emancipated minor or student eighteen years of age or older, or relative or non-relative, that the residence is to be permanent, provided without payment or compensation, and not for the sole purpose of obtaining school accommodations.

### Proof of Residency

Proof of residency will be required for all students upon initial registration for school. The Board reserves the right to additionally require that all students provide proof of residency annually and/or at the time of change of schools (i.e. entry into elementary, middle school and high school). Students are required to provide to their school timely updated information regarding residency and change of address at the time of change.

Proof of residency may be required anytime, if the status of an individual student’s residency is called into question.

## **Students**

### **Resident and Non-Resident Attendance**

#### **Non-resident Attendance**

In accordance with this policy and its accompanying regulation, a school-age child who does not reside in ARSD may be eligible to attend the ARSD public schools, with or without payment of tuition, under certain limited circumstances assuming all qualifying conditions are met and continue to be met to the satisfaction of the Superintendent or designee or the Board.

The Superintendent or the Board reserves the right to limit the number of non-resident students attending school in ARSD, the right to refuse admission, or the right to terminate the status of any tuition or non-tuition nonresident student, if such appears in the best interest of the school system.

#### **Regulation**

The Superintendent shall establish a regulation to accompany this policy that includes, but is not limited to, an explanation of the circumstances and conditions under which a non-resident student may be permitted to attend an ARSD school, with or without tuition; an explanation of the calculation of tuition; the procedures to be followed for denial of school accommodations and requests for a residency hearing; and information regarding the related burden of proof and appeals process.

#### **Homeless Students and Unaccompanied Youth**

A child or an unaccompanied youth asserting homelessness may be enrolled in and attend the ARSD public schools in accordance with Board Policy 5118.1, Homeless Students.

#### **Non-Enrollment/Denial of Accommodations/Reimbursement of Tuition Costs**

If in the opinion of the Superintendent or designee or the Board, a student resides in ARSD for the primary purpose of obtaining a free public education or if the student has not established permanent residency, that student shall not be permitted to enroll or to continue in enrollment in the ARSD public schools.

Students denied school accommodations based upon residency shall be provided due process in accordance with applicable state and federal law.

In the case that a student is determined to have been ineligible for free public school accommodations, it is the right of the ARSD public schools to collect reimbursement from the parent/guardian of such student for any assessed costs of said schooling rendered during the time of enrollment in accordance with state law.

**Students**

**Resident and Non-Resident Attendance**

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.  
10-253 School privileges for children in certain placements, nonresident children and children in temporary shelters.

## **Students**

### **Resident and Non-Resident Attendance**

This regulation is established to guide a determination of residency and eligibility for school accommodations to be provided by the Amity Regional School District No. 5.

#### **I. Student Registration**

The parent/legal guardian enrolling their child shall complete appropriate sections of the Student Registration form, complete any applicable affidavits, and submit required documentation establishing residency at the time of registration. Updated student information is to be supplied annually on forms provided by the school at the beginning of each school or upon request. Any subsequent changes, most notably a change in a student's address, are required to be reported to a student's school in writing at the time of change.

#### **II. Verification of Residency**

Proof of residency will be required for all students upon initial registration for school. The Board reserves the right to additionally require that all students provide proof of residency annually, at the time of change of schools (i.e. entry into elementary, middle school and high school) or a change occurs in circumstances that otherwise previously qualified a student for school accommodations.

Parents/legal guardians are required to provide to the school timely updated information regarding residency and change of address or circumstances at the time of the change or upon a request by administration when there is a suspicion that there has been a change in residency

Verification of residency shall include presentation of multiple documents confirming residency. For proof of residency, a parent/guardian shall provide the school with two or more of the most recent documents: 1) copy of a driver's license; 2) for homeowners: mortgage or deed or tax bill e) for renters: lease or rental agreement signed by the landlord with landlords contact phone number, and 2) two recent utility bills in the same name and to the same address (for land line telephone, water, electric, gas, oil or cable television – not cellphone), and 3) if applicable, any notarized affidavits, or legal or court documentation proving/attesting to residency, guardianship, adoption, custody, emancipation, etc. (see registration form).

Individuals who are registering or renewing the registration for a relative or nonrelative who is residing with them in Amity Regional School District No. 5 will be required annually to complete affidavits provided by the district. In order to prove residency, the law requires the mutual intent of the relative or non-relative and the child or the parent or guardian that the residence is (1) permanent, (2) provided without pay and 3) not for the sole purpose of free school accommodations.

## Students

### Resident and Non-Resident Attendance

*No one factor or combination of factors guarantees a finding of residency. A determination of residency involves both a quantitative and qualitative assessment of the documentation presented.*

**The Board of Education or its designee reserves the right to request additional proof of residency and/or to deny enrollment if the documentation submitted is adjudged to be insufficient to establish residency in Amity Regional School District No. 5.**

### III. Special Circumstances -Non-resident Student Attendance

#### A. Non-resident Tuition Students

Non-resident students may be accepted as tuition students in the schools in the following order of priority:

1. Children of full-time Amity employees.
2. Children of families who have, immediately prior to the tuition request, attended Amity School(s) as resident students.
3. Children of families who have previously had tuition student(s) in grades 7 to 12.
4. Tuition students in grades 7 to 12.
5. Date of tuition request.

Admission of tuition students are predicated on the following:

1. Space is available, and an appropriate program can be provided.
2. Admission is subject to administrative review of the educational records, including available appropriate educational, physical, psychological, and psychiatric examinations.
3. Parents of tuition students shall be responsible for transportation to and from school. Exiting bus routes of the regions may be utilized if space permits.
4. Admission is probationary, subject to periodic review. Admission of non-resident students must be re-approved annually.

The Amity Regional School District No. 5 reserves the right to refuse admission or to terminate the tuition status of any student if such appears in the best interest of the school.

#### B. Future Resident Tuition Students

The Amity Regional School District may permit students who are not yet residents of Bethany, Orange or Woodbridge, the towns comprising Amity Regional School District No. 5, to attend Amity Regional Public Schools, provided all appropriate documentation is completed and submitted and the following conditions are met.

## Students

### Resident and Non-Resident Attendance

When parent(s) or legal guardian(s) who are not yet bona fide residents of the Amity Regional School District No. 5 wish to enroll a student in the Amity Regional School District No. 5 schools, they must establish intent of residency by providing the following:

1. A copy of sales or construction contract to purchase or build a home in Bethany, Orange or Woodbridge.
2. The contract must be signed, and the closing must be scheduled within one (1) month from the time the student is enrolled.
3. A notarized statement from the real estate agency or attorney will also be required.
4. The family must assume responsibility for transportation to and from school.
5. The student may attend as a nontuition student up to the last day of the month in which they were enrolled. The parent(s)/guardian(s) must pay full tuition by the first of the month for any extension beyond the one (1)-month period, but such extension may not exceed three (3) months, after which time the student will no longer be eligible to attend the Amity Regional Public Schools and will be withdrawn and notified accordingly.

### C. Former Resident Students

A student whose family moves from Bethany, Orange, or Woodbridge after mid-year exams during the student's either (8<sup>th</sup>) or twelfth (12<sup>th</sup>) grade year may completed that school year in the Amity Regional School District No. 5 as a nontuition student. The family must assume responsibility for transportation to and from school.

## IV. School Admissions of Non-resident Students

### Application and Admission

1. Application for admission for non-resident students will be made on a standard form provided by the school district.
2. Applications must be submitted to the Office of the Superintendent of Schools.
3. The Superintendent of Schools will approve non-resident students for admission based on the recommendation of the Principal or Director of Pupil Services.
4. Non-resident students will be provided all the typical services except for transportation provided to resident students, as well as being subject to all administrative rules and regulations.
5. A student who fails to meet the attendance, academic, or behavioral expectations of the Amity Regional School District No. 5 may lose eligibility to attend the Amity Regional Public Schools and will be withdrawn and notified accordingly.

## Students

### Resident and Non-Resident Attendance

#### VI. Transportation

The Amity Regional School District No. 5 Board of Education shall assume no responsibility for the transportation costs of any non-resident tuition student who attends the Amity Regional School District No. 5 Public Schools.

#### VII. Children Residing in Amity Regional School District No. 5 with Someone Other Than Parent or Legal Guardian

These procedures apply when the permanent residence of a student is in the Town of Amity Regional School District No. 5 and his or her parent/guardian resides elsewhere.

Connecticut General Statute 10-253 provides as follows:

“Children residing with relatives or non-relatives when it is the intention of such relatives or non-relatives and of the children or their parents or guardians that such residence is to be permanent, provided without pay, and not for the sole purpose of obtaining school accommodation, shall be entitled to all free school privileges accorded to resident children of the school district in which they then reside.”

It is not necessary that the child reside with parent/guardian. The test for determining whether a child is eligible for school privileges in Amity Regional School District No. 5 is:

1. The child must reside within the Town of Amity Regional School District No. 5.
2. It must be the intention of the Amity Regional School District No. 5 host and of the student or his/her parent/guardian that the residence be permanent.
3. The residence must be provided without charge.
4. The residence must not be provided for the sole purpose of obtaining school accommodations.

In order to determine whether the conditions noted above are being met with respect to a particular child, the school administration shall require two separately signed affidavits (Form 5118.1). The affidavits must be signed by the Amity Regional School District No. 5 host and by the student (if age eighteen or over) or the child’s parent/guardian attesting to the truth of the four conditions as noted above.



## Students

### Resident and Non-Resident Attendance

#### VIII. Emancipated Students

In instances where a student has legally declared his/her emancipation, the following requirements must be met:

1. A written statement from the parent stating the child has left the home and is no longer under the control of the parent.
2. A written statement from the student indicating the student's ability to provide his/her own support.
3. A written statement from an employer verifying the student's employment and salary.
4. A written statement from the owner of the apartment house, rooming house, etc. indicating a rent or lease arrangement, in the student's name.

If there is any question concerning a child's bona fide residence or of the written statements at any time, verification by personal visitations by school staff, school social worker or investigator may be in order.

#### IX. Denial of School Accommodations

##### A. Notification

The Board may deny school accommodations based on an issue of residency in accordance with the following:

1. The Superintendent shall notify the parent or guardian, emancipated child, pupil eighteen (18) years of age or older or an unaccompanied youth in writing by regular mail and certified mail, return receipt requested, and a where deemed appropriate, additionally be hand delivery, that an investigation discloses that the child is not legally enrolled in school. This notice shall be sent to the actual address, if known, or the address of record, of the parent or guardian, emancipated child or other individual(s) listed as the responsible party on school records. The notice shall include a statement informing the parent or guardian, emancipated child, pupil eighteen (18) years of age or older or unaccompanied youth of their right to request a hearing before the Board of Education in accordance with Connecticut General Statutes Section 10-186. This letter shall set forth the way a hearing shall be requested and shall set a date by which a hearing must be requested in writing.
2. The Superintendent shall advise the Board of Education under whose jurisdiction it claims such child, pupil eighteen years or older or unaccompanied youth should

## Students

### Resident and Non-Resident Attendance

be attending school of its denial of school accommodations in Amity Regional School District No. 5. The Superintendent shall provide such notification by sending a copy of the denial of accommodations letter to the Superintendent of Schools in the school district(s) where the student is believed to reside.

3. If no written request for a hearing is received by the Superintendent from the parent or guardian, emancipated child or pupil eighteen (18) years of age or older by the date specified in the denial of accommodations letter, then the child shall no longer be permitted to attend classes and all school books and equipment are to be returned by that date to the office of the administrator.
4. If a timely written request for a hearing is submitted by the parent or guardian, emancipated child, pupil eighteen (18) years of age or older or by unaccompanied youth, the student may continue to attend school upon request to do so until the Board has completed the hearing and made its decision.

#### B. Request for a Board Hearing/Hearing Procedures

1. The Board of Education shall conduct a hearing within ten (10) days after receipt of a written request from the parent, guardian, emancipated child, pupil eighteen years of age or older or unaccompanied youth for a hearing and the hearing shall be conducted in accordance with the provisions of Sections 4-176e to 4-180a, inclusive, and 4-181a of the General Statutes of Connecticut,
2. A written notice of a hearing shall be sent by the Board to the parent or guardian, emancipated child, pupil eighteen (18) years of age or older or unaccompanied youth and shall include:
  - a. A statement of the date, time, place and nature of the hearing;
  - b. A statement of the legal authority and jurisdiction under which the hearing is to be held;
  - c. A reference to the particular sections of the statutes and regulations involved;
  - d. A short and plain statement of the matters asserted.
  - e. A statement advising the parent or guardian of the right to be represented by counsel, to present evidence and argument, to have witnesses on their behalf and to cross-examine witnesses presented by the administration.
3. The party denied school accommodations shall have the burden of proving residency by a preponderance of evidence, unless the party denied school accommodations is claiming

## Students

### Resident and Non-Resident Attendance

that he or she is a homeless child or youth as defined in 42 U.S.C. 11434a. In which case, the party claiming ineligibility based upon residency shall have the burden of proving that the child or youth is not homeless by a preponderance of the evidence.

4. The Board of Education shall make a stenographic record or tape recording of such hearing.
5. The Board of Education shall render a finding within ten (10) days after the hearing, and provide a written copy of its decision to the parties in accordance with Sections 4-176e to 4-180a, inclusive, and 4-181a of the General Statutes of Connecticut.
6. If the decision of the Board of Education is that the child, pupil eighteen years or older, or unaccompanied youth, is a Amity Regional School District No. 5 resident entitled to school accommodations or otherwise entitled to school accommodations, the pupil shall be allowed to continue enrollment.
7. If the decision of the Board of Education is that the student is a non-resident and not entitled to school accommodations a. and the student has remained in school pending the outcome of the Board hearing, he/she may elect to continue attending school for twenty (20) more days from the date the Board's decision was mailed; the twenty (20) days represents the time period in which an appeal of the decision may be lodged; once the appeal period has lapsed and if no appeal has been initiated, the child shall not be permitted to continue to attend school in the Amity Regional School District No. 5 Public Schools and all school books and equipment are to be returned to the office of the administrator. Once it is determined that the child, pupil eighteen years or older or unaccompanied youth, is not legally permitted to continue to attend school, and if the student continues to attend passed the appeal period, the Superintendent, on behalf of the Board, may avail itself of any appropriate, legal and available measures, including but not limited to referral to the police.
8. If an appeal is not taken to the State Board of Education within twenty (20) days of the mailing of the finding of the Amity Regional School District No. 5 Board of Education to the aggrieved party, the decision of the Amity Regional School District No. 5 Board of Education shall be final.

#### C. Appeal of Board of Education Decision

1. A parent, guardian or emancipated child or pupil eighteen (18) years of age or older or unaccompanied youth may appeal the decision of the local Board to the State Board of Education within twenty (20) days of the mailing of the decision by the Board. Any child, emancipated minor or pupil eighteen (18) years of age or

**Students****Resident and Non-Resident Attendance**

older, or unaccompanied youth who is denied accommodations by the Board may continue in attendance in the school district, at the request of the parent or guardian emancipated child or pupil or unaccompanied youth pending a determination of such appeal. If such an appeal is not brought within the twenty (20) days, then the Board decision becomes final.

2. A copy of each notice of appeal shall be filed simultaneously with the Amity Regional School District No. 5 Board of Education and the State Board of Education.
3. Any such parent, guardian, emancipated minor, pupil eighteen (18) years of age or older or unaccompanied youth aggrieved by the finding shall, upon request, be provided by the State Board of Education a transcript of the hearing for a fee as specified in C.G.S. 1-212.
4. The Amity Regional School District No. 5 Board of Education shall, within ten (10) days after receipt of notice of an appeal, forward the record of the hearing to the State Board of Education.
5. The State Board of Education shall on receipt of a written request for a hearing made in accordance with the provisions of this subsection, establish an impartial hearing board of one or more persons to hold a public hearing in the Amity Regional School District No. 5 School District.
6. The hearing board shall render its decision within forty-five (45) days after receipt of the notice of appeal except that an extension may be granted by the commissioner of education upon an application by a party or the hearing board describing circumstances related to the hearing which requires an extension.
7. If the hearing board of the State Board of Education makes a determination that the child was not a resident of the Amity Regional School District No. 5 School District and, therefore, not entitled to school accommodations by the Board, the Board may assess tuition (based upon one one-hundred-eightieth of the town's net current local education expenditure, as defined in CGS 10-261, per pupil multiplied by the number of days of school attendance of the child in the district while not entitled to school accommodations provided by the district) against the parent, guardian emancipated child or pupil eighteen (18) years of age or older, as provided by law. The Board may seek to recover such amount through available civil remedies.

**Students**

**Resident and Non-Resident Attendance**

8. A parent, guardian or the student with legal standing aggrieved by the decision of the State Board of Education may appeal to the Superior Court according to C.G. S. 10-187, and may file with the State Board of Education within fifteen (15) days after personal delivery or mailing of the final decision, a petition for reconsideration of the final decision in accordance with C. G.S 4-181a.

**Amity Regional School District No. 5  
Affidavit for Purposes of Residency**

**PARENT/GUARDIAN AFFIDAVIT**

ss: AMITY REGIONAL SCHOOL DISTRICT NO. 5

State of Connecticut

County of New Haven

Personally appeared, \_\_\_\_\_ who made oath to the following:  
(name of parent/guardian)

1. I am the parent/guardian of \_\_\_\_\_  
(cross out inapplicable response) (name of child)

2. I reside at \_\_\_\_\_ in the Town of \_\_\_\_\_,  
(street address) (name of town)

State of Connecticut.

3. \_\_\_\_\_ does not currently reside with me.  
(name of child)

4. It is my intention that \_\_\_\_\_  
(name of child)

is to reside with \_\_\_\_\_ at \_\_\_\_\_  
(name of resident host) (address of resident host)

in the Town of \_\_\_\_\_, Connecticut, and that such residence is to be permanent.  
(name of town)

5. I do not pay, nor do I intend to pay \_\_\_\_\_ for providing such residence.  
(name of parent/guardian)

6. Such residence is not for the sole purpose of obtaining school accommodations.

7. I shall report to the Amity Regional School District No. 5 Board of Education any change in the foregoing circumstances within 30 days from the date on which such change occurs.

8. The Amity Regional School District No. 5 Board of Education is/is not (circle one) authorized to release information to obtain appropriate permission from \_\_\_\_\_

(name of resident host)

with respect to \_\_\_\_\_ in place of the undersigned.

(name of child)

**I hereby swear to the truth of the foregoing statements, under penalty of perjury, recognizing that the Amity Regional School District No. 5 has released me from the obligation to pay tuition costs in reliance on this affidavit.**

\_\_\_\_\_  
Signature of Parent/Guardian

**Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.**

\_\_\_\_\_  
**Notary Public**

**My Commission expires on: \_\_\_\_\_**

Amity Regional School District No. 5 Board of Education  
Affidavit for Purposes of Residency

RELATIVE OR NON-RELATIVE AFFIDAVIT

ss: AMITY REGIONAL SCHOOL DISTRICT NO. 5

State of Connecticut

County of New Haven

Personally appeared, \_\_\_\_\_ who made oath to the following:  
(name of relative/nonrelative)

- 1. I am the relative/nonrelative of \_\_\_\_\_  
(cross out inapplicable response) (name of child)
- 2. I reside at \_\_\_\_\_ in the Town of \_\_\_\_\_,  
(street address) (name of town)  
State of Connecticut.
- 3. \_\_\_\_\_ currently resides with me.  
(name of child)
- 4. It is my intention that \_\_\_\_\_  
(name of child)  
is to reside with me, \_\_\_\_\_ at \_\_\_\_\_  
(name of resident host) (address of resident host)  
in the Town of \_\_\_\_\_, Connecticut, and that such residence is to be permanent.  
(name of town)
- 5. I am not being paid, nor do I intend to be paid by the child’s parent, guardian or others for providing such residence.
- 6. Such residence is not for the sole purpose of obtaining school accommodations.
- 7. I shall report to the Amity Regional School District No. 5 Board of Education any change in the foregoing circumstances within 30 days from the date on which such change occurs.



**I hereby swear to the truth of the foregoing statements, under penalty of perjury, recognizing that the Amity Regional School District No. 5 is relying on this affidavit in agreeing to provide school accommodations to the above-named child.**

\_\_\_\_\_  
Signature of Relative/Nonrelative

**Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.**

\_\_\_\_\_  
**Notary Public**

**My Commission expires on:** \_\_\_\_\_