

New Hartford Public Schools

Policy Subcommittee Meeting

Thursday, April 10, 2025

Superintendent's Office

5:30 pm

Agenda

1.) Review of BOE policies

Policy 5111.3 Students - Protection of Undocumented Students

Policy 5118 Students - Non-Resident Attendance

2.) Action steps for next regular BOE meeting

3.) Adjournment

A sample policy to consider.

Students

Protection of Undocumented Students

All students have the right to attend public school and enjoy access to equitable educational and programmatic services regardless of the immigration status of the student or of the student's family members.

For the purposes of this policy, "District personnel" includes all District employees, counsel for the District, and any agencies contracting with the District.

District personnel shall not take any steps that would deny students access to education based on their immigration status or any steps that would impede the rights of any students to public education under the U.S. Supreme Court's 1982 ruling in *Plyler v. Doe*, the Family Educational Rights and Privacy Act (FERPA), the Connecticut General Statutes, and any other applicable state and federal law.

Absent any applicable federal, state, local law or regulation or local ordinance or court decision, District personnel shall abide by the following conduct:

- District personnel shall not treat students disparately for District residency determination purposes on the basis of their immigration status.
- All District students who meet the relevant programmatic criteria are entitled to receive all schobl services, including free lunch, free breakfast, transportation, and educational services, regardless of the immigration status of the student or of the student's family members. This entitlement exists whether or not the student or the student's family members have social security numbers.
- District personnel shall not inquire about, or record in any way, a student's immigration status, nor shall District personnel require documentation of any student's legal status, such as asking for a "green card" or citizenship papers, at initial registration or at any other time, for any purpose.
- District personnel shall not require students to apply for Social Security numbers nor shall the District require students to supply a Social Security number for any purpose.

If any member of the District community (including students, families, or staff) has questions about their immigration status, District personnel shall not refer them to the Immigration and Customs Enforcement Office ("ICE") or any other government agency. Instead, District personnel shall refer them to state and/or local non-profit immigration law organizations. A list of such organizations shall be compiled by the Superintendent or designee and disseminated at school sites and on the District's website. The Superintendent is also encouraged to increase and enhance partnerships with community-based organizations, legal services organizations, and other educational institutions (such as community colleges and universities) to provide resources for families of students or District employees who are facing deportation or other adverse immigration consequences.

Students

Protection of Undocumented Students (continued)

It is the general policy of the District not to allow any individual or organization to enter a school site if the educational setting would be disrupted by that visit. The Board of Education believes that ICE activities in and around schools, preschool education centers, and adult school facilities would constitute a severe disruption to the learning environment and educational setting for students. Therefore, any request by ICE to any District personnel to visit a school site shall be immediately forwarded to the Superintendent for review and consultation with legal counsel, to ensure the safety of all students, as well as compliance with *Plyler v. Doe* and other applicable state and federal laws.

All requests for documents by ICE to the District or any District personnel shall be immediately forwarded to the Superintendent for review and consultation with legal counsel and the Board to ensure the safety of all students, as well as compliance with *Plyler v. Doe* and other applicable state and federal laws.

The Superintendent or designee shall ensure that copies of this Policy are distributed to all District and school sites.

The Superintendent or designee shall ensure all teachers, school administrators, and other staff are trained on how to implement this policy and shall ensure that notification with required translation be distributed to families to fully inform them of their rights in the District.

(cf. 0521 - Nondiscrimination)
(cf. 5111 – Admission/Placement)
(cf. 5112 - Ages of Attendance)
(cf. 5118.1 - Homeless Students)
(cf. 5124 – Student Records)
(cf. 5141 - Student Health Services)
(cf. 6171 - Special Education)

Legal Reference: Connecticut General Statutes
 10-15 Towns to maintain schools
 10-15c Discrimination in public schools prohibited
 10-76a - 10-76g re special education
 10-184 Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive)
 10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission, as amended.
 10-220h Transfer of student records, as amended.
 10-261 Definitions

Students

Protection of Undocumented Students

Legal Reference: Connecticut General Statutes (continued)
State Board of Education Regulations
10-76a-1 General definitions (c) (d) (q) (t)
10-204a Required immunizations
Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.).
Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96, and Final Rule 34 CFR Part 99, December 9, 2008, December 2, 2011)
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.
Phyller v. Doe, 457 U.S.202, 102S. Ct. 2382 (1982)

This regulation provides greater specificity in preparation for an ICE visit to a school.

Students

Protection of Undocumented Students

U.S. Immigration and Customs Enforcement (ICE) Enforcement Protocols

Please be mindful that policies, regulations, and protocols addressing visits by immigration officials should be vetted by, or crafted in consultation with, districts' board attorneys. Additionally, the State Department of Education stated in an update on January 23, 2025 that it is currently preparing guidance on the issue.

Background

In the U.S. Supreme Court Case known as *Plyler v Doe*, the court held that schools are responsible for extending the equal protection clause of the 14th Amendment of the Constitution to undocumented children and that public schools could not request citizenship documentation of students nor deprive children of their education. Therefore, public schools cannot discriminate against nor force undocumented families to pay tuition if they reside in the school's community.

"Protected Areas" status derived from a 13-year-old Homeland Security policy discouraging enforcement action in or near a location that would restrain access to essential services or engagement in essential activities, including schools. On January 20, 2025, the Department of Homeland Security changed the Protected Areas policy, leaving schools at greater risk of DHS enforcement action.

As schools continue to meet their commitment to educating undocumented students and lose their Protected Areas status, once again, they are put in the middle, forced to navigate political headwinds, executive orders, and established laws while meeting their mission to educate and protect all children.

These protocols are designed to assist districts and their schools in providing a consistent and legally sound series of actions in the Event of an ICE Visit:

1. Immediate Notification

Contact the district's designated point person for immigration matters immediately upon ICE arrival. Prior to an ICE visit, the superintendent will assume the role of or appoint an *ICE Response Coordinator* (point person), who will be responsible for the following:

- a. Completing legal training on essential aspects related to responding to an ICE visit, including, but not limited to verifying credentials, warrant examination, appropriate and legal response to agent action, Rights of those being targeted, documenting the visit, student records compliance, and conducting a post-visit review.
- b. Providing immediate support and direction to a building administrator receiving an ICE visit.

Students

Protection of Undocumented Students

U.S. Immigration and Customs Enforcement (ICE) Enforcement Protocols (continued)

1. Immediate Notification (continued)

- c. Consulting with the superintendent and a board-approved attorney on matters including, but not limited to the validity of warrants, actions required by court orders and/or subpoenas, and visit documentation.
- d. Consulting with and updating the superintendent on all matters related to ICE agent visitations and communications.

2. Training

- a. The superintendent or designee will be responsible for staff training by legal experts who are updated on immigration enforcement law and required protocols, student and staff privacy rights, student records, response to warrants, navigating potentially tense interactions with immigration officers, and overall compliance.
- b. Training shall also include steps to follow should U.S. Immigration and Customs Enforcement officers request entry to a school or request student information. This includes training school bus drivers, custodial staff, security guards, front desk personnel, and others likely to be confronted with such an engagement.
- c. Offer “know-your-rights” presentations to families and students where appropriate. Engage with families and look for opportunities to provide information and updates related to ICE activity. Address families’ fears and get ahead of misinformation.
- d. Continue to share resources and legal updates.

3. Visit Procedures

When informed of or upon an official visit of an ICE agent, immediately notify the District Response Coordinator (IRC) and await instructions.

- i. Remain calm and cooperative, maintaining a professional demeanor.
- ii. Establish the identity and credentials of the ICE agent(s). Request their names, badge numbers, and business cards or other forms of identification.
- iii. Inquire if the agents have a warrant. If so, carefully examine it to determine whether it is a judicial warrant (valid for entry) or an administrative one (not valid for nonpublic areas).
- iv. Do not resist the agent’s questions or requests.
- v. Do not interfere with or obstruct the Agent’s work by hiding individuals or providing false information, as this may lead to legal consequences.

Students

Protection of Undocumented Students

U.S. Immigration and Customs Enforcement (ICE) Enforcement Protocols (continued)

3. Visit Procedures (continued)

- vi. Document the visit to the extent possible:
 - 1. Keep detailed records of the interaction;
 - 2. Take notes, make copies of any document provided, and obtain receipts for items taken.
 - 3. If comfortable, take photographs or videos of the incident.
- vii. The disclosure of student records requires a court order or subpoena. Without these, records should not be released without parental consent or the consent of a student 18 years and older. (FERPA)
- viii. Protocols should be displayed in visible locations with copies readily available for frontline personnel to show ICE and parents, as it signals that this is a safe space and there are protocols in place.

4. After-Visit Procedures

- i. After the incident, review the protocols and conduct training sessions to improve preparedness for future events.
- ii. Consult with the board's attorney to review any changes to protocols to ensure they meet the appropriate legal standards.

5. Additional Information

- a. An "administrative" warrant differs from those that show probable cause of a criminal offense and are not approved by a judge or magistrate. Therefore, it does not authorize the ICE agent to access non-public areas of school grounds or authorize the agent to search school records. This means a school official can deny the agent entry to the school or access to records.
- b. If an ICE agent presents a federal warrant signed by a federal judge, the school should follow its protocols, which begin with alerting the superintendent and/or ICE Response Coordinator, legal counsel for the district, and the parents if the child is implicated in the warrant.

Students

Protection of Undocumented Students (continued)

RESOURCES

For families:

[ACLU - Know Your Rights: What to Do If Immigration Agents are at Your Door](#)
[Connecticut Students for a Dream](#)

For districts and schools:

[ICE Sensitive Locations Policy](#)
[U.S. Department of Education guidance for supporting undocumented youth](#)
[United We Dream – Deferred Action for Childhood Arrivals guide](#)
[School Counselors Working with Undocumented Students](#)
[U.S. Department of Health and Human Services information on the rights of unaccompanied children to enroll in school and participate meaningfully and equally in educational programs](#)

The following organizations provide direct legal services:

[International Institute of Connecticut](#)
[Integrated Refugee & Immigrant Services](#)
[Catholic Charities Migration, Refugee, and Immigration Services](#)
[Center for Children's Advocacy](#)
[Connecticut Legal Services](#)
[New Haven Legal Assistance](#)
[UConn School of Law Asylum and Human Rights Clinic](#)
[Yale Law School Worker and Immigrant Rights Advocacy Clinic](#)

Regulation approved:

cps 1/25

Students

Non-resident Attendance

The New Hartford Board of Education allows non-residents the opportunity to enroll in our schools. The intended purpose of this policy is to set forth specific contractual stipulations between New Hartford Public Schools and non-resident families, not to school district.

The Board of Education reserves the right to accept or reject any request for enrollment by a non-resident student, to determine the placement of said student(s), and to unilaterally terminate the enrollment of said student(s). In addition, the Board of Education assumes neither the cost nor the responsibility for transportation to and from school for non-resident students.

Non-resident students are defined as those whose parents or legal guardians reside outside the geographical limits of New Hartford.

The Board of Education authorizes the Superintendent to accept non-resident students in the New Hartford Public Schools in accordance with the criteria set forth in this policy.

Students who are granted non-resident tuition status will be required to conform to all rules and regulations of the school system and may, at any time, be dismissed from the New Hartford Public Schools.

1. General Provisions

The following shall govern admittance of non-resident students:

- a. The Superintendent or their designee may approve the enrollment or continuation of a non-resident student attendance if class size and other considerations such as the availability of resources permit. Decisions regarding class size and/or the availability of resources shall be made by the Superintendent.
- b. The Superintendent or their designee shall not hire additional staff to permit enrollment of non-resident children under this policy.
- c. Non-resident children shall be assigned to whatever school the Superintendent or their designee deems appropriate.
- d. Non-resident attendance shall be for one school year or less.
- e. Non-resident attendance may be extended from year to year at the discretion of the Superintendent or their designee. Non-resident students' parent(s)/guardian(s) will be required to submit a letter requesting continued enrollment on an annual basis.

- f. This policy does not obligate the Board of Education to provide special education programs or services or create unique programs for students. If a non-resident student is enrolled or continued in the New Hartford Public Schools, and such child is eligible for services under the Individuals with Disabilities Act (“IDEA”), the New Hartford Public Schools shall not act as the “Local Education Agency”. If the students’ LEA agrees to reimburse the non-resident district (New Hartford Public Schools) for the full cost of special education services such pending mutual agreement will be used as criteria to determine enrollment eligibility. Payment shall be made within 30 days.
- g. Application for initial and/or continued enrollment shall be made in writing to the Superintendent or their designee.
- h. At the discretion of the Superintendent or their designee, the candidate for initial or continued enrollment shall be interviewed by the Administration of the school at which enrollment or continued enrollment is sought.
- i. The Superintendent shall not enroll any child who is currently excluded by expulsion from another public or private school. Should it be discovered after enrollment that a student has been expelled from another school, the student shall be immediately disenrolled from New Hartford Public Schools.
- j. Non-resident students who are suspended or expelled from the New Hartford Public Schools may be disenrolled from the New Hartford Public Schools by the Superintendent of Schools.
- k. Should it be discovered that a student or their parent(s)/guardian(s) had provided false information, the student shall be subject to immediate disenrollment.
- l. All non-resident students or their parents or guardians shall provide necessary transportation to and from school.
- m. The parent(s)/guardian(s) of a non-resident student admitted to the New Hartford Public Schools shall sign a release allowing the New Hartford Public Schools to access to the student’s records and providing permission for the New Hartford Public Schools to contact the student’s prior school district.
- n. A student’s continuation in the New Hartford Public Schools will be contingent upon the student’s compliance with all applicable rules and regulations of the Board of Education and the individual school, satisfactory academic progress, attendance, and the availability of staff and resources. The Superintendent or their designee may terminate the non-resident student’s enrollment at any time where, in their opinion, continuation is not in the best interest of the school system or the student.

Only students who meet the criteria set forth in this policy may enroll or continue in enrollment with the New Hartford Public Schools.

2. Tuition

The tuition rate to each non-resident student will be established by the Board of Education. Rates are subject to change by action of the Board of Education. Enroll

non-resident families will be notified by June 1st of the tuition rate for the upcoming school year.

Tuition payments shall be made in two equal installments on or before August 1st, and on or before January 2nd. Monthly installments may be authorized by the Superintendent or their designee. Students will not be allowed to begin New Hartford Public Schools if their first payment is not received on or before August 1st of each year. In the event that a non-resident student attending the New Hartford Public Schools has unpaid tuition or fees, they may be subject to immediate disenrollment. Should a student voluntarily withdraw or be disenrolled during the school year, pro-rate fees will be refunded. Parent(s)/guardian(s) of the non-resident student(s) are responsible for ensuring that payments are timely.

Tuition for Staff Children

The children of New Hartford Public Schools staff who reside outside the school district can attend district schools on the following conditions:

- a. This program is instituted on a space-available basis.
- b. Tuition for children of staff members in grades K-6 will be 50% of the established tuition rate minus transportation costs. Tuition is due and payable one semester in advance.
- c. Tuition for children of staff members in Pre-K will be 100% of the established tuition rate. Tuition is due and payable one semester in advance.
- d. Any student accepted into this program will be given all of the rights, privileges, responsibilities and requirements of any other student in the school district.
- e. It is clearly understood that the Superintendent of Schools, in conjunction with the Principal of the school at which the student attends, can with a minimum of two weeks' notice, terminate the program with an individual student for just and appropriate causes as determined by the Superintendent.
- f. Request for participation in this program must be made annually by the teacher on behalf of their child, and theretofore, would require annual review and approval of the Superintendent prior to continuing the following year.
- g. The full cost for any student requiring special education services will be borne by the home district or parent/legal guardian.
- h. Transportation will be responsibility of the child's parent.
- i. All provisions in Section I apply.

*Pre-K (at 100%) provided that there are no New Hartford residents on the waitlist.

3. Due Process

- a. For students who are disenrolled during a school year, the parent(s)/guardian(s) may request, in writing, a hearing with a sub-committee or the Board of Education within seven calendar days of the notice of the student's disenrollment. At the hearing, the student and their parent(s)/guardian(s) may present evidence and argument as to why the student should not be disenrolled. Cumulative and redundant testimony shall not be allowed.

The Board will affirm the Superintendent's decision unless it determines that their decision was arbitrary and capricious. The Board's decision is final.

- b. Students who are disenrolled following a suspension or expulsion, for late payment, or due to providing false information in support of their request shall not have access to the hearing process described above.
- c. Decisions concerning a student's request for enrollment or re-enrollment are not subject to the hearing process described above.

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.

NEW HARTFORD PUBLIC SCHOOLS

Policy adopted: December 18, 2007

Students

Nonresident Students

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 Children and Youth 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 cost reimbursements in accordance with statutes) unless special education considerations make attendance in local schools and programs inappropriate.

Nonresident Attendance Without Tuition

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

1. A family moves from the district after Thanksgiving; 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 a district has firm plans to move into the school district within the current school year as evidenced by a contract to buy, build, rent, or lease;
3. When it has been determined by the building principal that it is in the best interest of the student to complete his/her sixth-grade year.
4. Children reside 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 necessary, it shall be considered based upon information available at that time.

5. The full cost for any child requiring special education services will be borne by the home district or parent/legal guardian.

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 be 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.

Proof of Residency

When registering a child or updating their address after a move within the district families must provide proof of residency by providing one item from each of the three categories listed below which shows their primary residence address:

Category I

1. CT Driver's license with current address in the district (no stick on back).

Category II

1. Current mortgage statement and/or mortgage coupon book
2. Copy of current lease signed and dated
3. Declaration from landlord affirming tenancy and copy of current paid rent payment
4. Copy of property deed.

Category III

1. Current utility bill (gas or electric) or verification of service from utility
2. Phone bill (landline, not cell phone)
3. Cable TV, Satellite or Internet bill
4. Heating Oil or Water bill
5. Voter registration
6. Property tax bill/statement with primary address listed
7. Homeowner, Renter, or auto insurance policy face page or bill
8. Payroll Statement
9. Mail for government agency (e.g., military, Social Security, DSS)
10. Any other form of documentation relevant to demonstrating permanent residence in New Hartford Public Schools.

NOTE: All items must be less than 60 days old and reflect their current address. We cannot accept self-addressed envelopes, "shut of" notices, or junk mail.

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 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 legal guardian 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/legal guardian, 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 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, legal guardian, 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 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 or legal guardian. 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.

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.

Regulation approved: December 18, 2007

New Hartford Public Schools

New Hartford, Connecticut

Nonresident Students

Date:

To: Parents/Guardian:

Dear

Effective _____, school accommodations will no longer be provided in the New Hartford Public Schools. *(date within 10 days of this letter)* of _____ for the student/s named below:

NAME	SCHOOL	GRADE

The reason for denial of further school attendance is:

____ You have informed us that your child no longer resides in town.

____ No written response received to our request for completion of affidavits and/or other documentation.

____ Affidavit and/or documentation is not adequate to prove residence in accordance with Connecticut Statutes and Board of Education policy.

You have the following rights when student attendance is denied for reasons of residence:

1. A hearing before the Board of Education. If prior to *(Date specified for student/s withdrawal)* you request in writing a hearing by the Board of Education, the Board will provide you a hearing within ten (10) days of its receipt of the written request.
2. If you make a timely request for Board hearing, the student/s named may continue in schools pending the outcome of the Board of Education hearing.
3. If you so request, following the Board of Education hearing you will be provided a transcript of the hearing within thirty (30) days of your request.

4. Within twenty (20) days of the Board of Education mailing its finding/s and decision, you may appeal the Board's decision to the State Board of Education.

5. Upon your written request, the student/s may continue in New Hartford Public Schools pending the outcome of an appeal to the State Board of Education. *(Such written request must be received by the Superintendent of Schools within twenty (20) days of the Board of Education mailing its finding/s and decision to you.)*

If the decision by the State Board of Education supports a Board of Education denial of student accommodations, you will be responsible for a per diem payment of tuition for each day the student/s attended schools. (Currently \$_____ per day)

Sincerely,

Superintendent of Schools