

**Resident, Nonresident or Former Resident Attendance**

**Resident Student**

A child will be considered to be a resident of Bethany for the purpose of receiving school accommodation provided by the Bethany Public School District without payment of tuition under the following conditions:

1. The child resides full-time with his/her parent who is a bona fide resident of Bethany.
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 (1) or both parents. An award of custody to a particular parent may be considered as one (1) indication of where the child actually resides.
3. The child resides with a legally appointed guardian who is a bona fide resident of Bethany. The guardian(s) will be asked to provide a court order indicating appointment as guardian of the student.
4. The child is a legally emancipated minor. The Child will be asked to provide legal documentation providing emancipation.
5. A child who resides in a dwelling physically located in Bethany and another Connecticut town shall be considered a resident of Bethany or the other town in which the dwelling is located and may attend school in Bethany or the other town. Dwelling for these purposes means a single, two (2) or three (3) family house, trailer, apartment 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 Connecticut General Statutes Section 10-253(a). Payment of tuition for such education shall be made by the Board under whose jurisdiction such child would otherwise be attending school where such a school district is identified.
7. Any child in a temporary shelter as provided for under Connecticut General Statutes Section 10-253(e)(2). 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 Connecticut General Statutes Section 10-253(d) if the residency is to be permanent, provided without pay and not for the sole purpose of obtaining school accommodations:
  - a. **Permanent residency** shall be defined as one (1) who resides in Bethany and who has a present intention to remain within Bethany indefinitely.
  - b. **Provided by the Bethany Relative or Non-Relative without Payment or Compensation by the Child's Parent or Legal Guardian** means that pay shall include any monetary remuneration from a parent for the support of a child either to the relative or nonrelative 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 Bethany Public School District** as determined by individual facts and circumstances. The Board or its designee may require documentation, including sworn affidavits, from the parent/legal guardian, emancipated minor or relative or nonrelative that the residence is to be permanent, provided without payment or compensation and not for the sole purpose of obtaining school accommodations provided that prior to any request for documentation of a child's residency, the Board shall provide a written statement specifying the basis upon which the Board has reason to believe that such child or emancipated minor is not entitled to school accommodations provided by the Bethany Public School District.

**Evidence of Permanency and Residency**

Factors that may be used as evidence of permanency and residency or the lack thereof, include, but are not limited to the following:

1. The child lives and sleeps seven (7) days a week, twelve (12) months a year at the Bethany address, with his or her natural or legally adoptive parent(s) or guardian(s).
2. The child lives and sleeps seven (7) days a week, twelve (12) months a year at the Bethany address and is an emancipated minor.
3. The child of divorced/separated parents spends fifty percent (50%) or more of his/her time with a parent residing in Bethany.
4. Statements of the person with whom the child is living, the child, and the child's parent(s) as to their intention concerning residency.
5. Statements as to the purpose of the residence indicating whether or not permanent residence exists.
6. Legal documents, court orders or other signed agreements or documents (e.g., guardianship agreement revocable at will) which may indicate arrangement is not permanent.
7. Legal relationships such as child to host family, legal guardianship, emancipation or termination of parental rights or pending adoption proceedings.
8. Exercise of parental control:
  - a. Decisions as to the child's education.
  - b. Decisions on medical care.
  - c. Signature on disciplinary notices, report cards, permission slips, absence notices.
  - d. Attendance at parent-teacher conferences and other school events.
9. Financial responsibility:
  - a. Health or other insurance coverage.
  - b. Income tax claim as dependent.
10. Where the child has:
  - a. His/her bedroom – at parents' or host family or both.
  - b. Clothes, personal belongings.
11. Where the child spends the majority of his/her time, the weekends, holidays, school vacations, summer vacation, and how often the child visits parents or parents visit child.
12. How long it has been since child lived with parents.

**Note that neither any single factor nor combination of factors guarantees a finding of residency. Being a land owner, tax payer, or business owner in Bethany does not confer residency privileges for school purposes absent additional adequate proof of residency.**

**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 year. Any subsequent changes, most notably a change in the student’s address, are required to be reported to the school in writing at the time of change.

**Verification of Residency**

Verification of residency shall be required in Grades Pre-K through six (6) at the time of initial registration and/or the expiration of a mortgage or lease, or upon request by administration when there is a suspicion that there has been a change in residency or in circumstances that otherwise previously qualified a student for school accommodations.

Verification of residency shall include presentation of multiple documents confirming residency as requested by the Superintendent or his/her designee.

Individuals who are registering or renewing the registration for a relative or nonrelative who is residing with them in Bethany 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 nonrelative and the child or the parent or guardian that the residence is a) permanent, b) provided without pay, and c) not for the sole purpose of free school accommodations.

**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 the Superintendent 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 Bethany.**

In those situations where the child is denied school accommodations by the District, the parent/guardian or emancipated minor shall be provided with a written notice specifying the basis under which the child is not being allowed to enroll and the right to appeal to the Board.

**Nonresident Student**

1. Children of school age who are not residents of Bethany but who are residing with adult relatives or legal guardians who are bona fide residents of Bethany may be entitled to school accommodations provided by the Bethany Board of Education without payment of tuition, provided that the child’s residence in Bethany:
  - a. is to be permanent;
  - b. is provided by the Bethany relative or non-relative without payment or compensation by the child’s parent or legal guardian; and
  - c. not for the sole purpose of attending Bethany Community School.

The Superintendent shall require that affidavits shall be executed by both the child's parent or legal guardian and the Bethany relative or non-relative attesting to the child's residence in Bethany. The Superintendent may also require any other supporting documentation as he/she deems necessary. For the purposes of this policy, the term "permanent" shall be defined as the intent by the non-resident student, the Bethany relative or non-relative, and the student's parent or legal guardian that said student intends to reside in Bethany indefinitely.

2. The Board does not, as a rule, accept tuition students into the school; therefore, the Board reserves to itself any decision on the admission, on a tuition basis, of children who are nonresident students.
3. Children who are citizens of a foreign country may be permitted to attend the Bethany Public School District without payment of tuition if they are participants in a foreign student exchange program, reside in Bethany and are approved by the Superintendent.
4. In the event, it is determined by the Superintendent that a child is not a legal resident of Bethany and is not entitled to be provided free school accommodations by the Bethany Board of Education, the parent or legal guardian of the child has a right to request a hearing before the Bethany Board of Education regarding this issue.
5. In the event it is determined that a child is not legally entitled to be provided school accommodations by the Bethany Board of Education without the payment of tuition, the Board shall, pursuant to Connecticut General Statutes, assess the child's parent or legal guardian for tuition for that period of time that the child was not legally entitled to attend Bethany Community School and may seek civil remedies to collect any unpaid assessments of tuition.

### **Investigation**

Where there is reasonable doubt by the administrator, Superintendent or Board of Education as to the permanent residence of a child, or there is a belief or suspicion that there is a change in circumstances that otherwise existed to qualify a child for school accommodations in the Bethany Public School District, the Superintendent or his/her designee shall collect as much information as possible to substantiate the claim against continuation of school accommodations. As part of this process, the Superintendent or his/her designee in accordance with state and federal law and Board policies and administrative regulations may request additional information from the parent/guardian or emancipated child or the relative or nonrelative with whom the student purports to live in Bethany. If after a review of the information collected, a determination is made that the child is not eligible for continued enrollment, the parent/guardian or emancipated child shall be advised by the Superintendent to withdraw the student.

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

**Denial of School Accommodations**

1. The Superintendent shall notify the parent/guardian or emancipated child in writing by regular mail and certified mail, return receipt requested, and were deemed appropriate, additionally be hand delivered, that an investigation discloses that the child is not legally enrolled in the school. This notice shall be sent to the actual address, if known, or the address of record, of the parent/guardian or emancipated child or other individual(s) listed as the responsible party on school records. The notice shall include a statement informing the parent/guardian or emancipated child 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 manner in which 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 should be attending school of its denial of school accommodations in Bethany. 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 where the student is believed to reside.
3. If no written request for a hearing is received by the Superintendent from the parent/guardian or emancipated child 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 Principal.
4. If a timely written request for a hearing is submitted by the parent/guardian or emancipated child, the child may continue to attend school upon request to do so until the Board has completed the hearing and made its decision.

**Request for a Board Hearing and Procedures**

1. The Board shall conduct a hearing within ten (10) days after receipt of a written request from the parent/guardian or emancipated child for a hearing and the hearing shall be conducted in accordance with the provisions of Connecticut General Statutes Sections 4-176e to 4-180a, inclusive and Section 4-181a.
2. A written notice of a hearing shall be sent by the Board to the parent/guardian or emancipated child and shall include:
  - a. A statement of the date, time, place and nature of the hearing.
  - b. A statement of 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 brief statement of the matters asserted.
  - e. A statement advising the parent/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 claiming eligibility for school accommodations shall have the burden of proving such eligibility by a preponderance of evidence.
4. The Board shall make a written record or recording of such hearing.
5. The Board 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 Connecticut General Statutes Sections 4-176e to 4-180a, inclusive and Section 4-181a.

6. If the decision of the Board is that the child is a Bethany resident entitled to school accommodations, the pupil shall be allowed to continue enrollment and no record of these proceedings will be kept in the pupil's cumulative file.
7. If the decision of the Board is that the student is a nonresident 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 Bethany Public School District and all school books and equipment are to be returned to the office of the Principal.
  - b. Once it is determined that the child is not legally permitted to continue to attend school, and if the student continues to attend past 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 Bethany Board of Education to the aggrieved party, the decision of the Bethany Board of Education shall be final.

**Appeal of Board of Education Decision**

1. A parent/guardian or emancipated child may appeal the decision to the State Board of Education within twenty (20) days of the mailing of the decision by the Board of Education. Any child or emancipated minor who is denied accommodations by the Bethany Board of Education may continue in attendance in Bethany Community School, at the request of the parent/guardian or emancipated child pending a determination of such appeal. If such an appeal is not brought within the twenty (20) days, then the Bethany Board of Education becomes final.
2. A copy of each notice of appeal shall be filed simultaneously with the Bethany Board of Education and the State Board of Education.
3. Any such parent/guardian or emancipated minor or agent or officer aggrieved by the finding shall, upon request, be provided with a transcript of the hearing within thirty (30) days after such request.
4. The Bethany 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 (1) or more persons to hold a public hearing the Bethany Public School District.
6. The hearing board shall renders its decision within forty-five (45) days after receipt of the notice of appeal except that an extension may be granted by the Commission 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 Bethany Public School District and, therefore, not entitled to school accommodations by the Board, the Board may assess tuition (based upon one-one hundred eightieth (1/180<sup>th</sup>) of the town’s net current local education expenditure, as defined in Connecticut General Statutes 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 or emancipated child as provided by law. The Board may seek to recover such amount through available civil remedies.
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 Connecticut General Statutes 10-187, and may file with the State Board of Education within fifteen (15) days after personal delivery or mailing the final decision, a petition for reconsideration of the final decision in accordance with Connecticut General Statutes 4-181a.

**Former Resident**

Regularly enrolled children of families who have moved out of Bethany after December 31<sup>st</sup> of the school year may complete that school year tuition free. Parents or legal guardians must provide transportation.

Regularly enrolled children of families who have moved out of Bethany prior to January 1<sup>st</sup> of the school year may complete that school year as long as the family pays tuition on a pro-rated basis. Parents or legal guardians must provide transportation.

**Tuition Rates**

The following guidelines shall be used to determine tuition rate payments for students found to be non-residents or former students:

1. Tuition rates shall be based annually upon a calculation conducted on data available for September 1<sup>st</sup> of the year in which services are received by a former or non-resident.
2. The total amount assessed per student shall be equal to the Per Pupil cost for the grade level and/or program within which the student is placed.
3. Tuition fees will be prorated and payable in advance the first of each month.
4. In the event of a default of payment, education services shall cease and the student will be disenrolled.

Legal Reference: Connecticut General Statutes § 4-176e through 4-185  
Connecticut General Statutes § 10-186  
Connecticut General Statutes § 10-253  
McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11434 et seq.

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