

**TOLLAND PUBLIC SCHOOLS**  
**Tolland, Connecticut**

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ADMINISTRATIVE REGULATION

REGARDING: Non-Resident Students

Number: 5301  
Administrative

Approved: 5/28/03

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**DEFINITION**

A non-resident 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.

**NON-RESIDENT ATTENDANCE WITHOUT TUITION**

Upon written parental request, non-resident students may be allowed by the Superintendent of Schools to attend district schools without tuition under one or more of the following conditions:

1. A family moves from the district after January 1<sup>st</sup> of the school year; 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 three calendar months as evidenced by a contract to buy, build, rent, or lease;
3. A twelfth grade student wishes to complete his or her education in the district;
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. Mental or physical health of the child as certified by a physician, school psychologist, or other appropriate school personnel.

### **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 the rights and privileges of a resident student during the period of enrollment.

### **NON-RESIDENT ATTENDANCE WITH TUITION**

Non-resident 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 non-resident student attendance with tuition if class size, transportation, and other considerations permit, and shall notify the Board of Education of all tuition approvals. Non-resident approval with tuition shall be for one (1) school year or less. Tuition rates shall be established by the Superintendent of Schools annually.

Attendance by a non-resident tuition student may be terminated by board of education action, upon recommendation of the superintendent of schools, if the Board deems such termination is in the best interest of the school district. An adjustment of tuition on a per diem basis will be made in this instance.

### **Evidence of residency**

The Superintendent of Schools or his/her designee may require documentation of family and/or student residency. This documentation includes affidavits, provided that prior to a request for evidence of residency, the parent or guardian, relative or non-relative, emancipated minor, or student eighteen (18) years of age or older shall be provided with a written statement of why there is reason to believe such student's may not be entitled to attend school 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.

### **REMOVAL OF NON-RESIDENT 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, the student if an emancipated minor, or a student eighteen (18) years of age or older shall be informed in writing that, as of a particular date, the student may no longer attend local schools. The Superintendent shall notify the board of education (if known) where the child should attend school. If after review district residency is established by the evidence, the parent or guardian, the student if an emancipated minor, or a student eighteen (18) years of age or older shall be so informed.

### **REMOVAL OF NON-RESIDENT STUDENT FROM DISTRICT SCHOOLS**

If a student is removed from a district school for residency reasons, the Superintendent of Schools or his/her designee 1) informs the parent, guardian, emancipated minor, or student eighteen (18) years of age or older of hearing rights before the board of education and that the student/s may continue in local schools pending a hearing before the board of education if requested in writing by the parent, guardian, emancipated minor, or student eighteen (18) years of age or older, 2) that upon request, provides a transcript of the hearing upon receipt, 3) communicates that a local board of education decision may be appealed to the state board and that the student/s may continue in local schools pending a hearing before the state board if requested in writing by the parent, guardian, emancipated minor, or student eighteen (18) years of age or older, 4) communicates 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, guardian, emancipated minor, or student eighteen (18) years of age or older of its findings. Hearings shall be conducted in accordance with the provisions of sections 4-177 to 4-180 inclusive of Connecticut General Statutes.

The Board shall, within ten (10) days after receipt of notice of an appeal, forward the hearing record to the State Board of Education.

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.

**FORM LETTERS QUESTIONING STUDENT RESIDENCE IN DISTRICT**

Date:

To: Parents, Guardian, Emancipated minor or student eighteen (18) years of age or older

Dear \_\_\_\_\_:

We believe that the following student/s may not meet residency requirements to attend district schools. Connecticut State Statutes and Board of Education policies require students to reside within the town and that local student residence is intended to be permanent, provided without pay, and not for the sole purpose of obtaining school accommodations.

Name	School	Grade

The student/s listed above may not meet residency requirements for the following reason or reasons:

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Within five (5) days, we will send you a request to document residency for the student/s named above, including an affidavit of residency to be completed by the parent or guardian, the relative or non-relative with whom the student resides, and the student if an emancipated minor or eighteen (18) years of age or older. **If a student does not meet residency requirements as outlined in the first paragraph of this letter, you should withdraw the student from the Tolland school system immediately and enroll him/her in the school district of actual residence.**

Sincerely,

William D. Guzman, Esq.  
Superintendent of Schools

**Form 2**

Date:

To: Parents, Guardian, Emancipated minor or student eighteen (18) years of age or older

Dear \_\_\_\_\_:

Enclosed are an affidavit or affidavits and a questionnaire to be completed to show legal residence in the town of Tolland for the following student/s:

Name	School	Grade

The student/s named may continue in schools pending review of information furnished by you. You will be notified in writing of the administrative decision and, if necessary, the date on which the student/s will be withdrawn from schools. If by \_\_\_\_\_ we do not receive the completed  
*(date within 10 days of mailing this letter)*

Affidavits and other information requested, school accommodations will be as of that date.

Sincerely,

William D. Guzman, Esq.  
Superintendent of schools

Enclosures

Date:

To: Parents, Guardian, Emancipated minor or student eighteen (18) years of age of older

Dear \_\_\_\_\_:

I have reviewed the affidavits and other documentation (if applicable) and concur that the student/s named below meet/s residency requirements established by Connecticut Statutes and Board of Education policies and may continue in Tolland Public Schools.

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We appreciate your cooperation.

Sincerely,

William D. Guzman, Esq.  
Superintendent of Schools

**Form 4**

Date:

To: Parents, Guardian, Emancipated minor or student eighteen (18) years of age of older

Dear \_\_\_\_\_:

Effective \_\_\_\_\_, school accommodations will no longer be

*(date within 10 days of this letter)*

Provided in the Town of Tolland 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 Tolland 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 liable for a per diem payment of tuition for each day the student/s attended schools.

Sincerely,

William D. Guzman, Esq.  
Superintendent of Schools

**Form 5**

Date:

To: Parents, Guardian, Emancipated minor or student eighteen (18) years of age of 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,

William D. Guzman, Esq.  
Superintendent of Schools

Attachment

**Form 6**

Date:

To: Parents, Guardian, Emancipated minor or 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 10-187 CGS appeal from finding Of Hearing Board  Section 4-177 CGS contested cases. Notice. Record.	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 ninety days.
6. A short plain statement of the matters asserted:	

Date:

To: Parents, Guardian, Emancipated minor or student eighteen (18) years of age of older

Dear \_\_\_\_\_:

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

Name	School	Grade

The Tolland Board of Education found the following:

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In accordance with the findings of the Tolland Board of Education, the student/s named above:

\_\_\_\_\_ may continue as a student in Tolland Public Schools

\_\_\_\_\_ must be withdrawn from the Tolland Public Schools no later than \_\_\_\_\_ unless an appeal is  
*(date within 20 days of mailing this letter)*  
filed with the Connecticut State Board of Education prior to that time.

Sincerely,

William D. Guzman, Esq.  
Superintendent of Schools

**RESIDENTIAL STATUS REPORT**

The Board of Education in compliance with Statute 10-253 of the State of Connecticut requires this form to be completed for any student who is not living with his/her parents who are bona fide residents to the Town of Tolland. The student, parent and person with whom the student is living must fill out this form together. The burden of proof in residence disputes is on the party claiming residency (Connecticut General Statutes §10-186).

Date: \_\_\_\_\_

1. Student's Name: \_\_\_\_\_  
Last First Middle D.O.B.

2. Student's Tolland Address: \_\_\_\_\_  
No. Street Telephone No.

3. When did student move to Tolland: \_\_\_\_\_  
Month Day Year

4. Former Address: \_\_\_\_\_  
No. Street Town

5. Former School: \_\_\_\_\_ Grade: \_\_\_\_\_  
Address: \_\_\_\_\_ Date Last Attended: \_\_\_\_\_

6. Name of Student's Father: \_\_\_\_\_  
Father's Address: \_\_\_\_\_  
No. Street Town Telephone No.

7. Name of Student's Mother: \_\_\_\_\_  
Mother's Address: \_\_\_\_\_  
No. Street Town Telephone No.

8. Name of Student's Court Appointed  
Legal Guardian (if applicable): \_\_\_\_\_  
Guardian's Address: \_\_\_\_\_  
No. Street Town Telephone No.

**PARENT'S STATEMENT**

9. Name of Person with whom Student is living: \_\_\_\_\_

Relationship: \_\_\_\_\_

Address: \_\_\_\_\_

No. Street

Town

Telephone No.

10. I hereby certify that

a. \_\_\_\_\_, is my \_\_\_\_\_ and  
(Student's Name) (Relationship)

b. he/she legally resides with \_\_\_\_\_  
(Name of Guardian)

at \_\_\_\_\_  
(Number and Street)

c. that this is intended to be a bona fide permanent address and

d. that I am not providing payment for having my child reside with his/her guardian.

e. My son/daughter is not living with me because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

f. and he/she will be living with his/her guardian \_\_\_\_\_ days per week and \_\_\_\_\_  
(Number) (Number)  
nights per week.

11. I hereby certify that the said \_\_\_\_\_ has full right to act in my child's behalf  
(Guardian's Name)  
concerning any and all school, medical, disciplinary and administration matters.

12. As a parent of the student named on this form, and as a nonresident of the Town of Tolland, I attest to the accuracy of the information contained in this form. Further, I certify that, as a permanent resident of the Town of Tolland, the student is eligible for free school privileges. I agree to notify school officials immediately regarding the termination of the student's permanent residency in the Town of Tolland, in which event the student will no longer be eligible for free school privileges. Finally, I understand that, should the student be found to be attending Tolland Schools illegally, the Town of Tolland reserves the right to recover the costs for such education from me, the undersigned.

The burden of proof in student residency disputes is on the party claiming residency (Connecticut General Statutes §10-186).

I understand that perjured or fraudulent statement may lead to my prosecution under the criminal statutes of the State of Connecticut.

I also understand that this document may be used in a court of law for any purposes, within the discretion of the Tolland Board of Education.

\_\_\_\_\_  
Witness (Notary Public)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**GUARDIAN'S STATEMENT**

13. I hereby certify that

a. \_\_\_\_\_, is my \_\_\_\_\_ and  
(Student's Name) (Relationship)

b. he/she legally resides with me at \_\_\_\_\_  
(Number and Street)

c. that this is intended as a bona fide permanent address and

d. that I am not receiving payment for having this child reside with me.

e. This child is residing with me because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. and he/she will be living with me \_\_\_\_\_ day(s) per week and \_\_\_\_\_ night(s)  
(Number) (Number)  
per week.

14. I, \_\_\_\_\_ understand that as the student's guardian I have full  
(Guardian's Name)  
responsibility for the student concerning any and all school, medical, disciplinary and administration matters.

15. As the guardian of the student named on this form, as a resident of the Town of Tolland, I attest to the accuracy of the information contained in this form. Further, I certify that, as a permanent resident of the Town of Tolland, the student is eligible for free school privileges. I agree to notify the school officials immediately regarding the termination of the student's permanent residency in the Town of Tolland in which event the student will no longer be eligible for free school privileges. Finally, I understand that, should the student be found to be attending Tolland Schools illegally, the Town of Tolland reserves the right to recover the costs of such education from me, the undersigned.

I understand that a perjured or fraudulent statement may lead to my prosecution under the criminal statutes of the State of Connecticut.

I also understand that this document may be used in a court of law for any purpose in the discretion of the Tolland Board of Education.

\_\_\_\_\_  
Witness (Notary Public) Signature Date

**GUARDIAN'S STATEMENT**

If you are the guardian of the student, please indicate below the date and source of your authority.

Date\_\_\_\_\_ Authority\_\_\_\_\_

The burden of proof in student residency disputes is on the party claiming residency (Connecticut General Statutes §10-186).