

**Nonresident Student 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 student placed by the Commissioner of Children and Family Services or by other agencies in a private residential facility. However, under this circumstance, students may attend local schools with tuition paid by the home district unless special education considerations make attendance in local schools and programs inappropriate. Students not requiring special education who live in town as a result of placement by a public agency (other than another Board and except as provided otherwise in this paragraph) are resident students. Those students requiring special education services may attend Madison schools (with special education cost reimbursements in accordance with statutes) unless the required special education services make attendance in Madison schools inappropriate.

**Nonresident Attendance Without Tuition**

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

1. A family moves from the district on or prior to February 1st of the school year and the parents request that a student complete the marking period;

**5060.1.2 (Continued)**

2. A family moves from the district after February 1st of the school year;
3. A family residing outside of the district has firm plans to move into the school district before February 1st as evidenced by a contract to buy, build, rent, or lease a residential dwelling;
4. A twelfth-grade student wishes to complete his/her education in the district;
5. Children reside temporarily within the district because of family circumstances or students attend even though they are residing temporarily outside of the district because of family circumstances. Approval must be granted by the Superintendent and shall not exceed three (3) calendar months.
6. Necessary student care in the district by grandparents or other relatives. Approval must be granted by the Superintendent and shall not exceed three (3) calendar months.
7. Mental or physical health of the student, as certified by a physician, school psychologist, or other appropriate school personnel, warrants attendance. Approval must be granted by the Superintendent and shall not exceed three (3) calendar months.

**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.

**Evidence of Residency**

The Superintendent or his/her designee may require documentation of family and/or student residency, including affidavits, provided that prior to a request for evidence of residency the parent or guardian, relative or non-relative, emancipated minor, or student

**5060.1.2 (Continued)**

eighteen (18) years of age or older shall be provided with a written statement of why there is reason to believe such students 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 Nonresident Student From District Schools**

If after a careful review of affidavits and other available evidence, the Superintendent 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, and the Superintendent shall notify the Board (if known) where the student 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.

If a student is removed from a district school for residency reasons, the Superintendent or his/her designee shall: (1) inform the parent, guardian, emancipated minor, or student eighteen (18) years of age or older of hearing rights before the Board and that the students may continue in local schools pending a hearing before the Board if requested in writing by the parent, guardian, emancipated minor, or student eighteen (18) years of age or older (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, guardian, emancipated minor, or student eighteen (18) years of age or older (4) that if the appeal to the State Board of Education is lost, a *per diem* tuition (equal to the district expenditure per student divided by 180) will be assessed for each day a student attended local schools when not eligible to attend.

**5060.1.2 (Continued)**

**Board of Education Hearing**

Upon written request, the Board 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.

(cf 5060 Madison Public Schools – Registration for School)

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.

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