

## **Students**

### **Nonresident Students**

#### **Tuition Students**

The Board of Education authorizes the Superintendent of Schools to accept qualified, non-resident students in the public schools on a tuition basis when, in the opinion of the Superintendent, staff and school resources are available to meet the needs of such students. The tuition rate shall be determined by the Board of Education prior to the admission of a non-resident student and on a yearly basis predicated on the student's program. In the case of students with special programming needs, tuition shall be established based on the cost to the Board of the student's individual education program. If the needs of such a student changes, the Board may either adjust his or her tuition or determine whether the Derby Public Schools can continue to accommodate such student. Notwithstanding this provision, the Board will not charge extra tuition to qualified students with disabilities except where an additional charge is justified by a significant increase in costs to the Board incurred as a result of admitting and educating such 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 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 to attend district schools without tuition under one or more of the following conditions:

1. A family moves from the district after January 1st 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 by November 1 of the current school year as evidenced by a contract to buy, build, rent, or lease; or
3. A twelfth grade student wishes to complete his or her education in the district.

#### 4. Not withstanding 1-3 at the discretion of the Superintendent of Schools

Non-resident certified employees employed by the Derby Board of Education in a full time position may submit a written request to the Superintendent of Schools that their children be permitted to attend Derby schools without tuition. The Superintendent of Schools is authorized to accept qualified students to the public schools when in the opinion of the Superintendent, staff and school resources are available to meet the needs of such students. Such acceptance to the Derby Public Schools shall be for a period of one school year. Not later than May 1 of each school year, the employee may request a one year extension of the admittance of their non-resident child(ren) to the public schools. In the case of students with special programming needs, tuition shall be established and required for special needs programming. Notwithstanding this provision, the Board will not charge extra tuition to qualified students with disabilities except where an additional charge is justified by a significant increase in costs to the Board incurred as a result of admitting and educating such student.

Students may be terminated by Board of Education action upon recommendation of the Superintendent of Schools.

### **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.

### **Transportation**

The parents of all nonresident students shall have full responsibility for the transportation of their child(ren) to and from school. If the parents of a nonresident student fail to properly provide transportation, the privilege of attendance at Derby schools will be revoked.

### **Evidence of Residency**

The Superintendent of Schools or his/her designee may require documentation of family and/or student residency, including a Landlord/Property Owner Certification of Residency form, 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 Nonresident Student From District Schools**

If after a careful review of the Landlord/Property Owner Certification of Residency form 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. 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 of Schools 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 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, 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 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.

### **Student Tuition Calculation**

Tuition students residing outside of Derby will be billed for tuition on a quarterly basis with each quarterly payment payable in advance BEFORE the first school day of the quarter in question. If the payment is not received by that date, the Student will not be allowed to register for the succeeding quarter.

The Business Manager shall, each July, calculate the tuition amount and submit it to the Board of Education for approval each August according to the following formula:

#### **For the previous school year**

Total Expenditures (ED001 Line 1217/1) Special Education Costs (ED001 Line 1216/1) **less** Total Current Transportation Costs for Regular Education (ED001 line 505/3) **less** Adult Education expenditures (ED001 Line 902/1) **Divided by** Number of Pupils on October 1 of the same year times the percentage increase in the following year's budget.

Special Education costs will be billed extra according to the Student Individual Education Program on a cost per service basis. These fees will also be paid in advance by Quarter.

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.

**Policy adopted: April 20, 2017**

DERBY PUBLIC SCHOOLS

Derby, Connecticut