

DETERMINING RESIDENCY STATUS AND APPEAL PROCESS

In accordance with Sections 10-186, 10-220 and 10-253(d) of the Connecticut General Statutes (CGS), the Ledyard Board of Education requires proof of residency to attend, or obtain services from, Ledyard Public Schools. Proof of residency is required for all students enrolling in Ledyard Public Schools who were not enrolled at the end of the previous school year. Additionally, the Administration may require a student's parent(s)/guardian(s) to provide proof of residency whenever such status is in question. Ledyard Public Schools has the right to investigate any residency issue. The burden of proof of residency is on the student's parent or guardian.

When the residency status of a student enrolled in Ledyard Public Schools is in question, the Administration shall provide the student's parent(s)/guardian(s), or the student in the case of an emancipated minor or pupil eighteen (18) years of age or older, with a written statement specifying the basis upon which the administrator has reason to believe that such child, emancipated minor or pupil eighteen (18) years of age or older is not entitled to school accommodations and request that they provide documentation of proof of residency.

Proof of Residency Documentation

Residency status must be verified at the District's Central Office. It is the parent's/guardian's responsibility to prove residency by following the procedure in the District's regulations implementing this policy and submitting all required forms.

Action on Failure to Prove Residency Status

The Superintendent, or her/his designee, will review the information available regarding the student's residency status. If the determination is made that the student is not eligible to receive school accommodations from Ledyard Public Schools, then the Superintendent, or her/his designee, shall provide the student's parent(s)/guardian(s), or the student in the case of an emancipated minor or pupil eighteen (18) years of age or older, with a written statement specifying the basis upon which the Superintendent, or her/his designee, has determined that such child, emancipated minor or pupil eighteen (18) years of age or older is not entitled to school accommodations from Ledyard Public Schools.

The written statement shall inform the student's parent(s)/guardian(s), or the student in the case of an emancipated minor or pupil eighteen (18) years of age or older, of the right to request a hearing by the Ledyard Board of Education regarding the denial of school accommodations.

The Superintendent, or her/his designee, shall also advise the school district under whose jurisdiction it is believed that the student who was denied school accommodations in Ledyard Public Schools should be attending. The student must be withdrawn from Ledyard Public Schools within five (5) school days.

Hearing on Residency Status

The parent(s)/guardian(s) of any child who is denied schooling in Ledyard Public Schools, or an emancipated minor or a pupil eighteen (18) years of age or older who is denied schooling, or an agent or officer charged with the enforcement of the laws concerning attendance at school, may, in writing, request a hearing by the Ledyard Board of Education.

DETERMINING RESIDENCY STATUS AND APPEAL PROCESS

The Board shall designate a subcommittee of the Board composed of three Board members to conduct the hearing. The Board subcommittee shall give such person a hearing within ten (10) days after receipt of the written request, make a stenographic record or tape recording of the hearing and make a finding within ten (10) days after the hearing. Hearings shall be conducted in accordance with the provisions of CGS Sections 4-176e to 4-180a, inclusive, and Section 4-181a.

Any child, emancipated minor, or pupil eighteen (18) years of age or older who is denied school accommodations on the basis of residency may continue in attendance in Ledyard Public Schools at the request of the parent(s)/guardian(s) of such child, or emancipated minor or pupil eighteen (18) years of age or older, pending the hearing pursuant to this policy.

The party denied schooling shall have the burden of proving residency by a preponderance of the evidence.

Appeal of Hearing Findings

Any such parent, guardian, emancipated minor, pupil eighteen (18) years of age or older, or agent or officer, aggrieved by the finding of the Board hearing shall, upon request, be provided with a transcript of the hearing within thirty (30) days after such request and may take an appeal from the finding to the State Board of Education. A copy of each notice of appeal shall be filed simultaneously with the Ledyard Board of Education and the State Board of Education.

Any child, emancipated minor or pupil eighteen (18) years of age or older who is denied accommodations in Ledyard Public Schools as the result of a determination by a subcommittee of the Board that the child is not a resident of Ledyard and therefore is not entitled to school accommodations in the District may continue in attendance in Ledyard Public Schools at the request of the child's parent(s)/guardian(s), or at the student's request in the case of an emancipated minor or pupil eighteen (18) years of age or older, pending a determination of such appeal.

If an appeal is not taken to the State Board of Education within twenty (20) days of the mailing of the finding to the aggrieved party, the decision of the Board subcommittee shall be final.

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

Authority to Recover Cost of Tuition

If the hearing board makes a determination that the child was not a resident of the school district and therefore not entitled to school accommodations from Ledyard Public Schools, the Ledyard Board of Education may assess tuition against the parent or guardian of the child or the emancipated minor or pupil eighteen (18) years of age or older based on the following: One one-hundred-eightieth (1/180th) of Ledyard's published tuition rates 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 Ledyard Public Schools. The Board may seek to recover the amount of the assessment through available civil remedies.

DETERMINING RESIDENCY STATUS AND APPEAL PROCESS

Responsibilities

The Superintendent shall develop administrative procedures to carry out the requirements of this policy.

Related Policies:

- 5118 – Non-Resident Students
- 5118.1 – Homeless Students
- 5118.2 – Migrant Students

Legal References:

Connecticut General Statutes (last amended by Public Act (PA)):

- 10-15f. Interstate Compact on Educational Opportunity for Military Children. (PA 08-57)
- 10-186. Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board... (PA 17-237)
- 10-220. Duties of boards of education. (PA 17-2, June Special Session)
- 10-253. School privileges for children in certain placements, nonresident children, children in temporary shelters, homeless children and children in juvenile detention facilities. (PA 17-2, June Special Session)

Policy initially adopted: October 1, 2014
Revised: October 17, 2018