



Book	Policy Manual
Section	5000 Students
Title	5118 Policy - Nonresident Students - (Revised 8/15/22)
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### **5118 - Policy Students Nonresident Students**

**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

**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. Enrollment and available space will be a consideration in the Superintendent's decision.

1. A family moves out of the district after April 1st of the school year. (Regardless of when a family moves out of town, a child may complete any marking period already begun.)
2. A family residing outside of the district has firm plans to move into the school district within the current school year as evidenced by a contract to buy, build, rent, or lease; approval shall not exceed 3 calendar months.
3. 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.
4. Necessary residency in the district with grandparents or other relatives.

In individual cases with extenuating circumstances not identified herein, the Superintendent may request the Board of Education to allow for tuition free attendance.

**Exchange Students.** No tuition is required for foreign students living within the district under the American Field Service Program, the International School Exchange (ISE), the ASSE International Student Exchange Program, the American Institute for Foreign Study (AIFS) 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.

**Students Placed by State Agencies.** Children placed out by the Department of Children and Families or by other agencies are entitled to school privileges of the East Lyme Public Schools and payment for such education shall be made by the board of education of the school district under whose jurisdiction such child would otherwise be attending school. For special education students, the local or regional board of education under whose jurisdiction the child would otherwise be attending school shall provide any requisite special education and related services to such child in accordance with applicable law.

**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. 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.

**Evidence of Residency.** The Superintendent of Schools 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 eighteen (18) years of age or older shall be provided with a written statement of why there is reason to believe such student 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 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, and the superintendent shall notify the Board of Education where the child should attend school (if known). 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.

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 . . .

10-76d Duties and powers of boards of education to provide special education programs and services. Public agency placements; apportionment of costs.

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