

**Students  
Nonresident Attendance**

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
5. resides in a private residential facility, as placed by the Commissioner of Children and Youth Services or by other public agencies.

The following shall govern admittance of nonresident students:

1. Nonresident students moving from Brookfield who are enrolled in the eighth grade or senior year of high school are permitted to complete the remainder of the school year, tuition-free, at the discretion of the Superintendent;
2. During the final marking period of the school year, nonresident students moving from Brookfield at any grade level are permitted to complete the school year, tuition-free, at the discretion of the Superintendent;
3. Parents who have legally documented proof of intent to reside in Brookfield may be granted permission to enroll their children up to two months prior to actual residence in the community, at the discretion of the Superintendent. Enrollment under these circumstances beyond two months will be continued only on a per diem tuition basis.
4. Nonresident students living in a private residential facility, as placed by the Commissioner of Children and Youth Services or by other public agencies may be enrolled in district schools, with tuition paid by the home district, less any applicable state or federal apportionments. However, if special education considerations make attendance at district schools inappropriate, the home district will continue to be responsible for the student. If the student is enrolled in district schools, and has special education needs, costs for such special education support will be reimbursed in accordance with state statutes.
5. Foreign students, studying in the United States under the auspices of approved international or philanthropic agencies who wish one year study arrangements in Brookfield, may be

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accepted tuition-free if they are temporarily domiciled within the town, at the discretion of the Superintendent;

6. In limited instances, when working with a neighboring school district, nonresident students may be enrolled on a student-for-student basis when equal numbers of students transfer between two districts, at the discretion of the Superintendent.
7. In limited instances, nonresident students may also be enrolled when the district of origin agrees to pay tuition less applicable state and federal apportionments. Such enrollment must be recommended by the Superintendent and approved by the Board.
8. When class enrollments in the district will permit the addition of nonresident students on a space available basis, nonresident students may be enrolled in order to improve academic achievement and to reduce racial, ethnic and economic isolation or preserve racial and ethnic balance. Such enrollment must be recommended by the Superintendent and approved by the Board.

Where charges apply in Sections 1-8 above, such charges shall be assessed at a tuition rate equal to the districts average cost per student. Where per-diem tuition is assessed, it is the average cost per student divided by the number of days in the school year. Tuition payments shall be made in two equal installments, on 1 September and on 31 December.

The Board reserves the right to accept or reject any request for enrollment by a nonresident student, to determine placement of said students, and to unilaterally terminate the enrollment of said students. The Board also reserves the right to revoke any inter-district attendance agreement at any time with the exception of its responsibility to the inter-district public school attendance program called OPEN.

Transportation beyond that normally provided for students living in the district shall not be provided for students attending on an inter-district attendance agreement, except for such arrangements which are a part of the district's participation in the state-wide inter-district public school attendance program called OPEN. A nonresident student's continuation in the district is contingent upon the student's compliance with all applicable rules and regulations of the Board, satisfactory academic progress and the availability of staff and resources.

The Superintendent or his/her designee shall not hire additional staff to permit enrollment of nonresident students under this policy, unless funded via tuition payments or special education payments as outlined by this policy.

The Board is not obligated under this policy to provide special education programs or services or create unique programs for students. If an enrolled nonresident student is eligible for services under the Individuals with Disabilities Education Act ("IDEA"), the District will not act as the local

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education agency for such student. A supplemental tuition or fee may be charged in those instances where special or additional services are provided for a nonresident student. The tuition or fee shall be based upon the actual costs associated with providing the special or additional services.

**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 for residency reasons, 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, including (if known) where the child should attend school. If after further 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 inform the parent, guardian, emancipated minor, or student eighteen (18) years of age or older: 1) of hearing rights before the Board and that the student may continue in local schools pending a hearing before the Board if requested in writing by them; 2) that upon request, a transcript of such hearing will be provided; 3) that the local Board decision may be appealed to the State Board and that the student may continue in local schools pending a hearing before the State Board if requested in writing by them; 4) that if the appeal to the State Board 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 or hearing officer appointed by 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/video 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.

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(cf. 3240 - Tuition Fees)

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.

10-4a Educational interests of state defined (amended by PA 97-290, An Act Enhancing Educational Choices and Opportunities)

10-33 Tuition in towns in which no high school is maintained.

10-35 Notice of discontinuance of high school service to nonresidents.

10-55 Students to attend regional school.

10-253 School privileges for children in certain placements, nonresident children and children in temporary shelters.