



NEW HAVEN BOARD OF EDUCATION MEETING

Monday, July 12, 2021

INFORMATION ONLY

1. Agreement with Area Cooperative Educational Services, (ACES), to provide behavior management services and support for identified students, staff and parents, from July 6, 2021 to July 30, 2021, in an amount not to exceed \$4,322.50.

Funding Source: IDEA Program **Acct. #**2504-5034-56903

Proposed Policy 5188

The Enrollment and Handling Non-Resident School Age Students

Defining Resident and Non-Resident Students

I. Resident Students

- A. Children of school age as defined under CT general statute 10-184 who:
 1. Are not graduates of a high school or vocational school,
 2. Primarily reside in the City of New Haven with a parent or legal guardian who is a resident of the City of New Haven with the intent to remain indefinitely, and
 3. Are *bona fide* residents of New Haven entitled to school accommodations provided by the New Haven Public Schools without payment of tuition.
- B. A bona fide resident for purpose of this policy is defined as:
 1. Any child who is primarily residing with his or her parent who is a genuine resident of New Haven; or
 2. Any child who is primarily residing with a legally appointed guardian who is a bona fide resident of New Haven; or
 3. A legally emancipated minor or a child eighteen years of age or older who is primarily residing in New Haven with the intent to reside on a permanent basis.
- C. A resident with disabilities who is at least 3 years of age is entitled to receive educational services based on an Individual Education Program (IEP) designed by a Pupil Placement Team (PPT). Special education students are entitled to education services until the earlier of age 21 or graduation.
- D. Primary residence is defined as where the student is actually living.
- E. If the property on which a residence is located is situated partially in New Haven and partially in another town, and taxes are paid in both towns, the parents may choose to enroll their child in a New Haven Public Schools. New Haven Public Schools will not deny the child a free-public education so as proof of property taxes can be verified by the city's tax assessor.

II. Non-Resident Students

- A. Children of school age who are not residents of New Haven but who are legally residing with adult relatives or non-relatives who are bona fide residents of New Haven may be entitled to school accommodations provided by the New Haven Board of Education without payment of tuition provided that the child primarily resides in New Haven and the adult has legal custody of the child, according to Connecticut General Statutes Section 10-253: and the residency provision:
 1. Is to be permanent. For the purpose of this policy, the term "permanent" shall be defined as the intent by the non-resident student, the New Haven relative or non-

relative, and the student's parent or guardian, that said student intends to reside in New Haven indefinitely;

2. Is provided by the New Haven relative or non-relative without payment (any monetary remuneration for the support of the student) or compensation of any type by the child's parent or legal guardian; and
3. Is **not** for the sole purpose of attending New Haven Public Schools.

The Superintendent or their appointed designee shall require that affidavits be executed by both the child's parent or legal guardian and the New Haven relative or non-relative attesting to the child's residence in New Haven. The Superintendent or their appointed designee may also require any other supporting documentation as she/he deems necessary.

New Haven Public Schools exists to serve the residents of New Haven. The New Haven Board of Education recognizes that certain circumstances warrant consideration of non-residents as students. The following shall govern admittance of non-resident students:

- B. When a family moves from New Haven during the school year, a child enrolled at a non-Interdistrict Magnet School may be permitted to continue to attend the New Haven school he/she was attending for the remainder of the school year under the following terms and conditions and at the discretion of the Superintendent or their appointed designee:
 1. During the final marking period, a New Haven school-aged resident who is enrolled in the eighth grade or the 12th grade of high school may be permitted to complete the remainder of the school year, tuition free, within the discretion of the Superintendent or their appointed designee ;
 2. In all cases where a student continues in attendance in the New Haven public schools after his/her family moves from New Haven, transportation to and from New Haven must be provided by the family.
- C. Children who are citizens of a foreign country who reside in New Haven and who first receive approval by the Superintendent or their appointed designee , may be permitted to attend the New Haven Public Schools in accordance with the requirements of state and federal law. Tuition for attendance by foreign students may be assessed as permitted by state and/or federal law.
- D. Any student not affected by Section II (B) or (C) stated above, may be assessed at a tuition rate equal to the Minimum Expenditure Requirement (MER) as published by the State Department of Education for the fiscal year commencing July 1.
- E. Students who are considered to be homeless under the McKinney-Vento Homeless Assistance Act shall be permitted to attend the New Haven Public Schools in accordance with state and federal law, and New Haven Board of Education Policy 5118.1.

- F. The Superintendent or their appointed designee shall make the decision regarding the residency status of any child. At the end of each school year, the Superintendent or their appointed designee will review the status of non-resident children enrolled pursuant to this policy for approval or denial of the following school year.
- G. The Superintendent shall require that parents or guardians of a child provide an appropriate proof of residency in New Haven prior to enrollment of their child in New Haven Public Schools. The Superintendent shall also require that parents or guardians of a child already enrolled in the New Haven Public Schools provide appropriate proof of residency in New Haven when there is:
1. Change of residence address;
 2. Return of school mailing by the U.S. Postal Service because addressee unknown at the address given to the school;
 3. Report of non-resident status of student enrolled in New Haven; and
 4. Any other indications of non-residency.

Upon the suspicion of non-residency, the Superintendent or their designee may request an investigation, which may include:

1. Study of documentation previously submitted by parent/guardian;
2. Requirement to submittal documents verifying a residency;
3. An investigation of tax records to determine residency; and
4. Additional investigation if deemed necessary.

H. If after a careful review of 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, (if known), where the child 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.

I. 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.

J. In the event it is determined by the Superintendent of Schools that a child is not a legal resident of New Haven and is not entitled to be provided free school accommodations by the New Haven Public Schools, the parent or guardian of the child or the legally emancipated minor or child over the age of eighteen (18) shall be notified in writing pursuant to Connecticut General Statutes Section 10-186 that they have a right to request a hearing before the New Haven Board of Education, or a committee of the Board, regarding this issue. The district may appoint an impartial hearing board of one or more persons to conduct this hearing on behalf of the Board, in accordance with Connecticut General Statutes Section 10-186(b)(1). The Superintendent shall have the discretion to appoint an impartial hearing officer as directed from time to time by the Board.

K. 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.

L. In the event it is determined that a child is not legally entitled to be provided school accommodation by the New Haven Board of Education without the payment of tuition, the New Haven Board of Education may, pursuant to Connecticut General Statutes Section 10-186, assess the child's parent or guardian for tuition for that period of time that the child was not legally entitled to attend the New Haven Public Schools and may seek civil remedies to collect any unpaid assessments of tuition.

Redline version of CABE model policy. Any changes from the model policy are marked in red.

CABE Model Policy 5188 (a)

Students

Defining Resident and Non-Resident Students

III. Resident Students

- F. Children of school age as defined under CT general statute 10-184 who:
 - 4. Are not graduates of a high school or vocational school,
 - 5. Primarily reside in the City of New Haven with a parent or legal guardian who is a resident of the City of New Haven with the intent to remain indefinitely, and
 - 6. Are *bona fide* residents of New Haven entitled to school accommodations provided by the New Haven Public Schools without payment of tuition.
- G. A bona fide resident for purpose of this policy is defined as:
 - 4. Any child who is primarily residing with his or her parent who is a genuine resident of New Haven; or
 - 5. Any child who is primarily residing with a legally appointed guardian who is a bona fide resident of New Haven; or
 - 6. A legally emancipated minor or a child eighteen years of age or older who is primarily residing in New Haven with the intent to reside on a permanent basis.
- H. A resident with disabilities who is at least 3 years of age is entitled to receive educational services based on an Individual Education Program (IEP) designed by a Pupil Placement Team (PPT). Special education students are entitled to education services until the earlier of age 21 or graduation.
- I. Primary residence is defined as where the student is actually living.

If the property on which a residence is located is situated partially in New Haven and partially in another town, and taxes are paid in both towns, the parents may choose to enroll their child in a New Haven Public Schools. New Haven Public Schools will not deny the child a free-public education so as proof of property taxes can be verified by the city's tax assessor.

Nonresident Attendance

~~The Board of Education may approve requests for school attendance in the district for children living outside the district only for the reasons specifically listed herein:~~

- ~~1. Child care in the district (parents, relative, sitter).~~

- ~~2. Mental or physical health of the child as certified by a physician, school psychologist, or other appropriate school personnel.~~
- ~~3. To complete a school year when the parents have moved out of the district during the school year.~~
- ~~4. On a student for student basis when equal numbers of students transfer between two districts.~~
- ~~5. When the district of origin agrees to pay the cost per student of education in the district for the past year less state and federal apportionments.~~
- ~~6. When the class enrollments in the district will permit the addition of out of district students, on a space available basis, in order to improve academic achievement and to reduce racial, ethnic and economic isolation or preserve racial and ethnic balance.~~

~~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 non resident 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 non-resident students under this policy.~~

~~The Board of Education reserves the right to revoke any inter district attendance agreement at anytime with the exception of its responsibility to the inter district public school attendance program called OPEN.~~

~~The Board of Education is not obligated under this policy to provide special education programs or services or create unique programs for students. If an enrolled non resident student is eligible for services under the Individuals with Disabilities Education Act ("IDEA"), the District will not act as the local 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 non resident student. The tuition or fee shall be based upon the actual costs associated with providing the special or additional services.~~

~~(cf. 3240 Tuition Fees)~~

IV. Non-Resident Students

- M. Children of school age who are not residents of New Haven but who are legally residing with adult relatives or non-relatives who are bona fide residents of New Haven may be entitled to school accommodations provided by the New Haven Board of Education without payment of tuition provided that the child primarily resides in New Haven and the adult has legal custody of the child, according to Connecticut General Statutes Section 10-253: and the residency provision:
 4. Is to be permanent. For the purpose of this policy, the term "permanent" shall be defined as the intent by the non-resident student, the New Haven relative or non-relative, and the student's parent or guardian, that said student intends to reside in

New Haven indefinitely;

5. Is provided by the New Haven relative or non-relative without payment (any monetary remuneration for the support of the student) or compensation of any type by the child's parent or legal guardian; and
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The Superintendent or their appointed designee shall require that affidavits be executed by both the child's parent or legal guardian and the New Haven relative or non-relative attesting to the child's residence in New Haven. The Superintendent or their appointed designee may also require any other supporting documentation as she/he deems necessary.

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- N. When a family moves from New Haven during the school year, a child enrolled at a non-Interdistrict Magnet School may be permitted to continue to attend the New Haven school he/she was attending for the remainder of the school year under the following terms and conditions and at the discretion of the Superintendent or their appointed designee:
 3. During the final marking period, a New Haven school-aged resident who is enrolled in the eighth grade or the 12th grade of high school may be permitted to complete the remainder of the school year, tuition free, within the discretion of the Superintendent or their appointed designee ;
 4. In all cases where a student continues in attendance in the New Haven public schools after his/her family moves from New Haven, transportation to and from New Haven must be provided by the family.
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- P. Any student not affected by Section II (B) or (C) stated above, may be assessed at a tuition rate equal to the Minimum Expenditure Requirement (MER) as published by the State Department of Education for the fiscal year commencing July 1.
- Q. Students who are considered to be homeless under the McKinney-Vento Homeless Assistance Act shall be permitted to attend the New Haven Public Schools in accordance with state and federal law, and New Haven Board of Education Policy 5118.1.

- R. The Superintendent or their appointed designee shall make the decision regarding the residency status of any child. At the end of each school year, the Superintendent or their appointed designee will review the status of non-resident children enrolled pursuant to this policy for approval or denial of the following school year.
- S. The Superintendent shall require that parents or guardians of a child provide an appropriate proof of residency in New Haven prior to enrollment of their child in New Haven Public Schools. The Superintendent shall also require that parents or guardians of a child already enrolled in the New Haven Public Schools provide appropriate proof of residency in New Haven when there is:
5. Change of residence address;
 6. Return of school mailing by the U.S. Postal Service because addressee unknown at the address given to the school;
 7. Report of non-resident status of student enrolled in New Haven; and
 8. Any other indications of non-residency.

Upon the suspicion of non-residency, the Superintendent or their designee may request an investigation, which may include:

5. Study of documentation previously submitted by parent/guardian;
6. Requirement to submittal documents verifying a residency;
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8. Additional investigation if deemed necessary.

T. If after a careful review of 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, (if known), where the child 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.

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V. In the event it is determined by the Superintendent of Schools that a child is not a legal resident of New Haven and is not entitled to be provided free school accommodations by the New

Haven Public Schools, the parent or guardian of the child or the legally emancipated minor or child over the age of eighteen (18) shall be notified in writing pursuant to Connecticut General Statutes Section 10-186 that they have a right to request a hearing before the New Haven Board of Education, or a committee of the Board, regarding this issue. The district may appoint an impartial hearing board of one or more persons to conduct this hearing on behalf of the Board, in accordance with Connecticut General Statutes Section 10-186(b)(1). The Superintendent shall have the discretion to appoint an impartial hearing officer as directed from time to time by the Board.

W. 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.

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X. In the event it is determined that a child is not legally entitled to be provided school accommodation by the New Haven Board of Education without the payment of tuition, the New Haven Board of Education may, pursuant to Connecticut General Statutes Section 10-186, assess the child's parent or guardian for tuition for that period of time that the child was not legally entitled to attend the New Haven Public Schools and may seek civil remedies to collect any unpaid assessments of tuition.

P5118(b)

Students

Nonresident Attendance

Legal Reference: Connecticut General Statutes

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.

Proposed Policy 5141.25

Students

Students with Special Health Care Needs; Food Allergy Policy

The focus of a Districtwide Food Allergy Management Plan shall be prevention, education, awareness, communication and emergency response. The management plan shall strike a balance between the health, social normalcy and safety needs of the individual student with life threatening food allergies and the education, health and safety needs of all students. The District Food Allergy Management Plan shall be the basis for the development of the procedural guidelines that will be implemented at the school level and provide for consistency across all schools within the district. The District Food Allergy Management Plan shall be reviewed and updated annually, and any necessary changes in place, by August 1 of each year.

The District's plan for managing students with life-threatening food allergies shall be posted on the District's website, on the website of each school within the District, noted in the student/parent handbook of each school, and the Board of Education notified.

The goals for the Districtwide Plan include:

1. To maintain the health and protect the safety of children who have life-threatening food allergies in ways that are developmentally appropriate, promote self-advocacy and competence in self-care and provide appropriate educational opportunities.
2. To ensure that interventions and individual health care plans for students with life-threatening food allergies are based on medically accurate information and evidence-based practices.
3. To define a formal process for identifying, managing, and ensuring continuity of care for students with life-threatening food allergies across all transitions (Pre-K-Grade 12), including all transitions within a school, field trips, any before/after school activities, and summer school programs.

It is the policy of the Board of Education to follow the guidelines developed and promulgated by the Connecticut Department of Public Health and Department of Education for students within the District with life-threatening food allergies and glycogen storage disease. Such guidelines include (1) education and training for school personnel on the management of students with life-threatening food allergies and glycogen storage disease, including training related to the administration of medication with a cartridge injector and the provision of food or dietary supplements, (2) procedures for responding to life threatening allergic reactions to food, (3) a process for the development of individualized health care and food allergy action plans for every

student with a life-threatening food allergy, (4) a process for the development of individualized health care and glycogen storage disease action plans for every student with glycogen storage disease and such plan shall include, but not be limited to, the provision of food or dietary supplements by the school nurse or by any school employee approved by the school nurse, to a student with glycogen storage disease provided such plan does not prohibit a parent/guardian or a person they so designate, to provide food or dietary supplements on school grounds during the school day, and (5) protocols to prevent exposure to food allergens.

It is the Board's expectation that specific building-based guidelines/actions will take into account the health needs and well-being of all children without discrimination or isolation of any child. It is the Board's belief that education and open and informative communication are vital for the creation of an environment with reduced risks for all students and their families. In order to assist children with life-threatening allergies to assume more individual responsibility for maintaining their safety as they grow, it is the policy of the Board that guidelines shift as children advance through the primary grades and through secondary school.

(cf. 5141 - Student Health Services)

(cf. 5141.21 - Administering Medication)

(cf. 5141.23 - Students with Special Health Care Needs)

(cf. 5141.3 - Health Assessments)

(cf. [5145](#).4 - Nondiscrimination)

Legal Reference: Connecticut General Statutes

[10-15b](#) Access of parent or guardian to student's records.

[10-154a](#) Professional communications between teacher or nurse and student.

[10-207](#) Duties of medical advisors.

[10-212a](#) Administrations of medications in schools

[10-212c](#) Life threatening food allergies; Guidelines; district plans, ass amended by P.A. [12-198](#)

[10-212a\(d\)](#) Administration of medications in schools by a paraprofessional

[10-220i](#) Transportation of students carrying cartridge injectors

[52-557b](#) Good Samaritan Law. Immunity from liability for emergency medical assistance, first aid or medication by injection

PA 05-104 An Act Concerning Food Allergies and the Prevention of Life-Threatening Incidents in Schools

PA 05-144 and 05-272 An Act Concerning the Emergency Use of Cartridge Injectors

The Regulations of Connecticut State Agencies section [10-212a](#) through [10-212a-7](#)

Federal Legislation

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794 § 504; 34 C.F.R. § 104 et seq.)

Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §12101 et seq.; 29C.F.R. §1630 et seq.)

The Family Education Rights and Privacy Act of 1974 (FERPA)

The Individuals with Disabilities Education Act of 1976 (IDEA) (20 U.S.C. § 1400 et seq.); 34 C.F.R. § 300 et seq.

FCS Instruction783-2, Revision 2, Meal substitution for medical or other special dietary reasons.

P.A. 09-155 An Act Concerning the Use of Asthmatic Inhalers and Epinephrine Auto-Injectors While at School

Land v. Baptist Medical Center, 164 F3d 423 (8th Cir. 1999)

Policy adopted:

