

Students**ADMINISTRATIVE REGULATIONS REGARDING
SCHOOL ATTENDANCE AREAS**

The New Milford Board of Education shall establish school attendance areas to facilitate educational programming, to ensure equity and balance, and to use existing facilities with optimal effectiveness and efficiency. Students shall attend the school(s) designated in their school attendance area unless a waiver is granted by an authorized administrator pursuant to the terms of this policy.

Designation of School Attendance Areas

The Board of Education shall designate school attendance areas to facilitate educational programs and to use existing facilities to maximize effectiveness and efficiencies. The Superintendent shall propose school attendance areas to the Board in accordance with the following criteria:

1. Safety of students;
2. Student educational needs;
3. Educational programs housed in school facilities;
4. Optimum use of existing facilities;
5. Student and municipal residential patterns;
6. Ages of students served;
7. Racial/ethnic balance as required by state law.

Once designated by the Board, school attendance areas may only be changed by subsequent Board action.

Waivers -- Attendance Outside of Assigned Area

Parents or guardians who desire that their children attend a school other than the one assigned to their school attendance area may request a school attendance area waiver from the Superintendent or his or her designee. Such waivers must be requested by parents or guardians on an annual basis.

In general, approval or denial of a waiver request shall be based on the following considerations:

1. Documented educational needs of the student;
2. Available room within the grade and/or school which the parent/guardian has requested;
3. Parent/guardian commitment to furnish transportation to and from the desired school of attendance;
4. Whether the request is justified by good and sufficient (educational or medical) reason. Supportive data such as recommendations from professional sources must be provided by the parent(s) or guardian(s);

5. Whether the student is the child of a New Milford resident teacher who teaches in the desired school of attendance.

Waiver requests shall not be based on the following factors:

1. School attendance of brothers, sisters or friends;
2. Place or time of employment of parent/guardian;
3. School start or end time preference;
4. Personal convenience of family or student (i.e. to facilitate day-care or after-school arrangements);
5. Athletic team preference;
6. Preferred school, program, or staff;
7. Availability of space in the preferred school as the sole reason.

No request shall be granted if it would result in an overcrowded classroom or program, would cause a racial/ethnic imbalance as defined by state law or would require the District to hire additional staff.

Revocation of Waiver

An out-of-attendance area student must remain in good standing at his or her non-designated school or the privilege of out-of-area attendance shall be revoked by the Superintendent or his or her designee. In order to remain in good standing the out-of-attendance area student must:

1. Not be subject to discipline for inappropriate conduct as set forth in Board policy;
2. Remain in good academic standing;
3. Not have a record of excessive absenteeism;
4. Not be habitually tardy.

Mid-year Transfers and Requests to Remain in a Previously Designated Attendance Area

Any student who begins an academic year within their designated attendance area school but who then moves to another school attendance area within the District (i.e. family moves within Town, change in parent custody, etc.) may be allowed to finish the school year in their initially assigned school provided that there is space permitting. In such circumstances, the parents/guardians of such student must submit a school attendance area waiver request in accordance with this policy. Should such request be granted, the District shall not be responsible for transportation to and from the non-designated school attendance area school.

Parental Disagreement Regarding Waiver Requests

In most cases school attendance waiver request forms shall be signed by all parents or guardians who have legally-designated educational decision-making authority regarding the student. Consent from parents without educational decision-making authority regarding the student shall not be required for school attendance waiver requests made by parents or guardians with sole educational decision-making authority.

Where a school attendance area waiver request is made by only one parent and both parents share educational decision making authority, the Superintendent or his or her designee shall attempt to contact the student's other parent or guardian to determine if that parent or guardian consents to the waiver request. School attendance area waiver requests shall only be considered where all parents/guardians with educational decision-making authority consent to the request. Where such consent is denied or cannot be determined the waiver request shall not be considered.

Racial Imbalance

As required by state law, on an annual basis the Board submits data to the State Board of Education regarding the total number of students and teachers of racial minorities and the total number of students eligible for free or reduced-price lunches in each of the District's schools. As set forth above, school attendance area waiver requests may be denied in the event that the Superintendent or his or her designee determines that granting a waiver may cause a District's school to be "racially imbalanced" as that term is defined under state law. Pursuant to Conn. Gen. Stat. § 10-226b a "racial imbalance" is defined as a condition in which the proportion of students of racial minorities in all grades of a public school substantially exceeds or substantially falls short of the proportion of such public school pupils in all of the same grades as the school district.

Homeless Students

Homeless students who secure temporary housing outside of their previously designated school attendance area may remain enrolled in their school of origin in accordance with federal law.

School Attendance Area Waiver Requests

School attendance area waiver requests shall be processed administratively by the Assistant Superintendent of Schools or his or her designee. Building-level administrators shall refer parents and guardians to the Office of the Assistant Superintendent of Schools for information regarding waivers and waiver request forms.

The Assistant Superintendent of Schools shall consider all waiver requests in accordance with these Administrative Regulations. Where appropriate the Assistant Superintendent may request further information from parents or guardians in order to substantiate a waiver request in accordance with the criteria set forth above. All waiver requests shall be answered in writing and shall state that the request has been approved for the school year in question or, if denied, shall identify the basis for denial in reference to the criteria in these Administrative Regulations.

Directions: All requests for a designated school attendance area waiver should be made using the attached form. Please review Board of Education Policy # 5117 on applicable conditions for a waiver. Waiver requests must be made on a yearly basis. In the event that a waiver request is granted, the student's parent(s)/guardian(s) shall be responsible for transportation to and from the new school. Waiver request forms must be signed by both parents, if applicable. In the event that a student's parents are separated or divorced the waiver request form must be signed by each parent with educational decision making authority. If only one parent has educational decision making authority then a copy of any custody order indicating such must be attached to this request form.

Name of parent/guardian

Phone

Phone

Name of parent/guardian

Address of Student

IEP ☐ 504 ☐ ELL ☐ ID: _____

IEP ☐ 504 ☐ ELL ☐ ID: _____

IEP ☐ 504 ☐ ELL ☐ ID: _____

Name of student

Date of birth

Current school

Name of student

Date of birth

Current school

Name of student

Date of birth

Current school

By submitting this request, the parent/guardian accepts that the following conditions apply: (please initial)

_____ **No transportation is provided.** Parent(s) will provide safe & punctual transportation to and from school.

_____ **Proper attendance and behavior will be maintained.** Violations of the student code of conduct and/or habitual tardiness or excessive absences may result in revocation of the privilege to attend out of attendance area school.

_____ **Student must remain in good academic standing.** Student failure to remain in good academic standing may result in revocation of the privilege to attend out of attendance area school.

Signature of parent/guardian

Date

Comments and/or Reason for Request:

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Legal Reference: Connecticut General Statutes
10-76d Duties and powers of boards of education to provide
special education programs and service
10-221(b) Boards of education to prescribe rules.
10-226a Documentation of pupils and teachers of racial
minorities and pupils eligible for free or reduced price
lunches 10-226b Existence of racial imbalance United States
Code
20 U.S.C. §1412(a)(5)
20 U.S.C. §1414(e)
42 U.S.C. §11301 et seq. McKinney-Vento Homeless Assistance Act

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