

NEW MILFORD BOARD OF EDUCATION

New Milford Public Schools

50 East Street

New Milford, Connecticut 06776

POLICY SUB-COMMITTEE

MEETING NOTICE

DATE: March 3, 2020
TIME: 6:45 P.M.
PLACE: Lillis Administration Building - Room 2

RECEIVED
TOWN CLERK
FEB 28 P 12:07
NEW MILFORD, CT

AGENDA

New Milford Public Schools Mission Statement

The mission of the New Milford Public Schools, a collaborative partnership of students, educators, family, and community, is to prepare each and every student to compete and excel in an ever-changing world, embrace challenges with vigor, respect and appreciate the worth of every human being, and contribute to society by providing effective instruction and dynamic curriculum, offering a wide range of valuable experiences, and inspiring students to pursue their dreams and aspirations.

1. Call to Order

2. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

3. Discussion and Possible Action

A. Policies for Review:

- 1. 5117 School Attendance Areas
- 2. 5118.1 Homeless Students

4. Item of Information

A. Regulation:

- 1. 5117 School Attendance Areas

5. Public Comment

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6. Adjourn

Sub-Committee Members: Angela C. Chastain, Chairperson
Wendy Faulenbach
Tammy McInerney
Cynthia Nabozny

Alternates: Joseph Failla
Brian McCauley

FOR DISCUSSION AND POSSIBLE ACTION

COMMENTARY: The suggested changes throughout are designed to give administrators clear direction when considering school attendance area waiver requests. The law itself is very general on this topic. School attendance area policies are not mandatory for Boards of Education. However, for Boards with multiple elementary (and other grade level schools), clear policy direction is important in order to avoid claims of bias or preferential treatment with respect to waiver requests.

A few points to note: 1. The policy does not necessarily need to designate the Board as the entity determining school attendance areas, but given the potential impact to the community at large it makes sense for the Board to be the entity making such a decision; 2. The policy does not need to reference SPED/PPT considerations. The IDEA supersedes BOE policy so if an IEP provides that a student receive instruction in a classroom/facility that only one elementary school has, then the student will likely be placed in that setting regardless of any attendance area considerations; 3. The parental disagreement section addresses the issue of when parents with joint custody have different opinions on which school the child should attend. In such cases, the administration shouldn't be in the position of trying to pick sides or mediate disputes. The best solution is to keep the child in the designated school unless both parents agree to request that the child attend a school outside of their designated attendance area. If one parent feels strongly that the child should attend a different school and the other parent disagrees, then the ultimate recourse of the parent who wants the child to attend the school outside of their designated school attendance area is to go to court to get a modified custody order that gives sole educational decision making authority to the requesting parent; 4. Racial imbalance does not necessarily need to be explicitly addressed in the policy, but it is something to be aware of in this area. Under state law if a school has 25% more or less students from a racial minority group in a given grade within a school versus the district as a whole, the school is "racially imbalanced."

5117(a)

Students

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:

Students

School Attendance Areas

1. Safety of students;
2. Student educational needs;
3. Educational programs housed in school facilities;
4. Optimum use of existing facilities;
5. Student 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 requesting that their children may attend a school other than the one assigned to their school attendance area in the area in which they are living must file a statement to this effect on a form provided by the school or central office. 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, permission or refusal will be based on whether or not approval or denial of a waiver request shall be based on the following considerations:

1. Documented educational needs of the student;
2. There is 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 school requested; will be responsible for transportation.
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).

Students

School Attendance Areas

Waiver requests shall not be based on the following factors:

1. Previous attendance by the student at the desired school except in the case of mid-year changes in school attendance area and except where otherwise stated herein;
2. School attendance of brothers, sisters or friends;
3. Place or time of employment of parent/guardian;
4. School start or end time preference;
5. Personal convenience of family or student (i.e. to facilitate day-care or after-school arrangements);
6. Athletic team preference;
7. Preferred school, program, or staff;
8. Availability of space in the preferred school as 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.

~~Such permission, if granted, shall be in keeping with the guidelines established under the accompanying guidelines to this policy. (cf. 5117 - School Attendance Areas)~~

~~Once a student enters grade nine and thereafter if he/she is granted an out of area transfer request that results in a change of school, the same athletics restrictions shall apply as in the change in high school district residency policy (cf. 6145.2 - Interscholastic Athletics)~~

Students

School Attendance Areas

~~The Planning and Placement Team, of which the parent of a special education student is a part, is responsible for determining on at least an annual basis what constitutes an appropriate placement in the least restrictive environment for the student. Therefore, parents of students who are receiving special education services must raise any requests with respect to school placement with the Planning and Placement Team.~~

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.

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.

Students

School Attendance Areas

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.

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

Policy adopted: June 12, 2001
Policy revised: June 12, 2007

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR DISCUSSION AND POSSIBLE ACTION

COMMENTARY: The below change regarding reporting incidents of child homelessness to the Department of Children and Families ("DCF") reflects new, informal guidance from the State Department of Education emphasizing that reporting to DCF should be done on a case-by-case basis. This guidance is appropriate and should be followed since there may be situations where a student's "homelessness" by itself does not constitute "physical neglect" under the law, and therefore would not require mandatory reporting of abuse or neglect to DCF.

The definition of "homelessness" under the law – specifically the federal McKinney-Vento Homelessness Assistance Act -- is very broad and includes students who are forced to live with relatives, friends, etc. Accordingly, there may be situations where a student loses their regular housing and becomes "homeless" under the law, but then starts living in a situation that is perfectly safe (i.e. a family that loses their apartment but then moves in with relatives). Such situations would typically not constitute physical neglect, so the below change is an appropriate amendment to the policy.

5118.1(a)

Students

Homeless Students

The Board of Education shall make reasonable efforts to identify homeless children residing within the district, encourage their enrollment and eliminate any existing barriers to their education.

The Board of Education shall ensure that homeless students are not stigmatized, segregated or discriminated against on the basis of their status as homeless. Homeless students, as defined by law, residing within the New Milford Public School District or residing in shelters within the school district shall be entitled to free school privileges.

Homeless students within the district not placed in a shelter remain the district's responsibility to provide continued educational services. Such services for the child may be:

1. Continued in the school that the student attended when permanently housed or the school of last enrollment ["school of origin"]; or
2. Provided in the school that is attended by other students living in the same attendance area where the homeless child lives.

To the extent feasible, a homeless child will be kept in the student's school or origin, unless it is against the wishes of the parent/guardian.

Homeless children shall be provided with educational services that are comparable to those provided to other students enrolled in the district, including but not limited to: Title I, transportation services, compensatory educational programs, gifted and talented, special education, ESL, health services and food and nutrition programs. Homeless children not in the physical custody of a parent or guardian shall be entitled to knowledge of and have access to all educational, medical or similar records in his or her cumulative record.

Students

Homeless Students

The Assistant Superintendent of Schools shall coordinate such efforts and be designated as the District's Homeless Liaison. The Assistant Superintendent shall refer identified homeless children under the age of eighteen who may reside within the school district, **on a case-by-case basis, when there is reasonable suspicion of neglect or abuse, —unless such children are emancipated minors —** to the State of Connecticut Department of Children and Families ["DCF"]. **(Homelessness by itself does not automatically mean that abuse or neglect exists.)**

The administration shall attempt to remove existing barriers to school attendance by homeless emancipated minors of school age as follows:

1. The selected school for the homeless child shall enroll the child, even in the absence of records normally required for enrollment. The last school enrolled shall be contacted immediately to obtain records
2. Other enrollment requirements that may constitute a barrier to education of the homeless child may be waived at the discretion of the Superintendent. If the school district is unable to determine the student's grade level due to missing or incomplete records, the district shall administer tests or utilize other reasonable means to determine the appropriate grade level for the child.
3. Fees and charges, which may present a barrier to the enrollment or transfer of a homeless child, may be waived at the Superintendent's discretion.
4. Transportation services must be comparable to those provided other students in the selected school. Transportation shall be provided to the student's school of origin in compliance with federal and state regulations.
5. Official school records policies and regulations shall be waived at the Superintendent's discretion in compliance with federal and state statutes.
6. The school district shall make a reasonable effort to locate immunization records from available information. The Assistant Superintendent shall assist the parent/guardian in obtaining the necessary immunizations and records.

Students residing in a temporary shelter are entitled to free school privileges from the district in which the shelter is located or from the school district where they would otherwise reside if not for the placement in the temporary shelter. The district in which the temporary shelter is located shall notify the district where the student would otherwise be attending. The district so notified may choose to either:

1. Continue to provide educational services, including transportation between the temporary shelter and the school in the home district; or
2. Pay tuition to the district in which the temporary shelter is located.

If a homeless child is denied school accommodations on the basis of residency, he or she shall be entitled to a hearing in accordance with state law and Board policy.

Students

Homeless Students

If the school district where the child would otherwise be located cannot be identified, the school district in which the temporary shelter is located shall be financially responsible for the child's educational costs, except that if DCF places a student who requires special education and related services in a temporary shelter, the school district in which the child resided immediately prior to the DCF placement shall be responsible for the cost of such special education and related services.

If a student requiring special education has been placed in an out-of-district program by either a school board or by a state agency, the school district in which the child would otherwise reside shall continue to be responsible for the child's education until such time as a new residence is established, even though the child or the child's family resides in a temporary shelter.

The Superintendent of Schools or the Superintendent's designee, shall develop administrative regulations, including a procedure for mediation of disputes, to ensure compliance with this policy and applicable law.

(cf. 5143 – Student Health Assessments and Immunizations)

(cf. 5146 – Child Abuse and Neglect)

(cf. 5118 – Nonresident Students)

Legal Reference: Connecticut General Statutes
 10-253(e) School privileges for children in certain placements, non resident
 children and children in temporary shelters.
 17a-101 Protection of children from abuse. Reports required of certain
 professional persons. When child may be removed from surrounding
 without court order.
 17a-102 Report of danger of abuse.
 17a-103 Reports by others.
 17a-106 Cooperation in relation to prevention, identification and treatment of
 child abuse and neglect.

 46b-120 Definitions.
 Public Act 19-179 An Act Concerning Homeless Students' Access to
 Education

 United States Code
 42 U.S.C. §11432 Grants for state and local activities for the education of
 homeless children and youths.

Policy adopted: June 10, 2003
 Policy revised: June 12, 2007
 Policy revised: September 17, 2019

NEW MILFORD PUBLIC SCHOOLS
 New Milford, Connecticut

<p>ITEM OF INFORMATION REGULATION REVISION</p>
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COMMENTARY: This is a fairly simple regulation since administrative regulations are intended to guide administrative processes and not be a substitute for Board policy. Some possible areas to address in addition to what's listed are: 1. Record keeping for waiver requests and supporting documentation (where will requests be maintained, etc.); 2. Ensuring that once waiver requests are granted that the new school administration monitors attendance issues, etc. 3. Procedures for contacting parents if one parent makes a request but the other does not sign. These are a few examples.

5117(a)

Students

School Attendance Areas

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 Board Policy # 5117. 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 out in Board Policy # 5117.

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 Board Policy # 5117.

~~Among factors not generally considered as valid reasons for transfer are:~~

- ~~1. School of attendance of brothers, sisters, or friends.~~
- ~~2. Place or time of employment of parents or guardians or student.~~
- ~~3. Personal convenience of family or student.~~
- ~~4. A request that would undermine Board of Education redistricting policy.~~
- ~~5. Specific school preference for personal reasons.~~

~~Additionally:~~

- ~~1. Any student who begins any grade in area, space permitting, shall be allowed upon written application on the Request for Pupil Transfer Within the New Milford School form to finish that school year in the school where he/she started that year if the family moved from one area to another within the Town of New Milford.~~

Students**School Attendance Areas**

- ~~2. All out of area assignments will be granted on an annual basis only. Requests granted before that date will remain in effect without annual application unless overcrowded classroom situations develop at a specific grade level.~~
- ~~3. All requests for transfer will be processed by the administrators in the school involved and then submitted to the Office of the Assistant Superintendent.~~
- ~~4. A review committee composed of school administrators will meet as necessary to review all requests and grant final approval.~~
- ~~5. An appeal of the review committee's decision may be made to the Board of Education.~~

Regulation approved:
Regulation revised:

June 12, 2001
May 21, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

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

Name of student

_____/_____/_____
Date of birth

Current school

IEP ☐ 504 ☐ ELL ☐ ID: _____

Name of student

____/____/____
Date of birth

Current school

IEP ☐ 504 ☐ ELL ☐ ID: _____

Name of student

____/____/____
Date of birth

Current school

IEP □ 504 □ ELL □ ID:

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

Signature of parent/guardian

Comments and/or Reason for Request:

New Milford Public Schools

School Attendance Area
Notice of Revocation of Waiver

Dear **[Parent's name]**:

Please be advised that waiver of your child's designated school attendance area has been revoked in accordance with Board Policy # 5117. This action was necessitated by the fact that since your child's enrollment in **[identify new school]** your child has **[Select option: 1. Been disciplined for inappropriate conduct in violation of Board policy; 2. Failed to remain in good academic standing; 3. Had a record of excessive absenteeism, or; Been excessively tardy]**.

Effective **[date]** your child will be expected to attend **[identify school attendance area school]**. Please contact my office at **[telephone number]** to discuss appropriate arrangements regarding your child's enrollment at **[identify school attendance area school]** at your earliest convenience.

Sincerely,

[Name]

Assistant Superintendent of Schools