



House Bill No. 7313

Public Act No. 19-179

AN ACT CONCERNING HOMELESS STUDENTS' ACCESS TO EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-186 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) Each local or regional board of education shall furnish, by transportation or otherwise, school accommodations so that each child five years of age and over and under twenty-one years of age who is not a graduate of a high school or technical education and career school may attend public school, except as provided in section 10-233c and subsection (d) of section 10-233d. Any board of education which denies school accommodations, including a denial based on an issue of residency, to any such child shall inform the parent or guardian of such child or the child, in the case of an emancipated minor, [or] a pupil eighteen years of age or older or an unaccompanied youth, as described in 42 USC 11434a, as amended from time to time, of his or her right to request a hearing by the board of education in accordance with the provisions of subdivision (1) of subsection (b) of this section. A board of education which has denied school accommodations shall advise the board of education under whose jurisdiction it claims such child should be attending school of the denial. For purposes of this

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section, (1) a "parent or guardian" shall include a surrogate parent appointed pursuant to section 10-94g, and (2) a child residing in a dwelling located in more than one town in this state shall be considered a resident of each town in which the dwelling is located and may attend school in any one of such towns. For purposes of this subsection, "dwelling" means a single, two or three-family house or a condominium unit.

(b) (1) If any board of education denies such accommodations, the parent or guardian of any child who is denied schooling, or an emancipated minor, [or] a pupil eighteen years of age or older or an unaccompanied youth who is denied schooling, or an agent or officer charged with the enforcement of the laws concerning attendance at school, may, in writing, request a hearing by the board of education. The board of education may (A) conduct the hearing, (B) designate a subcommittee of the board composed of three board members to conduct the hearing, or (C) establish a local impartial hearing board of one or more persons not members of the board of education to conduct the hearing. The board, subcommittee or local impartial hearing board shall give such person a hearing [within] not later than ten days after receipt of the written request, make a stenographic record or tape recording of the hearing and make a finding [within] not later than ten days after the hearing. Hearings shall be conducted in accordance with the provisions of sections 4-176e to 4-180a, inclusive, and section 4-181a. Any child, emancipated minor, [or] pupil eighteen years of age or older or unaccompanied youth who is denied accommodations on the basis of residency may continue in attendance in the school district at the request of the parent or guardian of such child or emancipated minor, [or] pupil eighteen years of age or older or unaccompanied youth, pending a hearing pursuant to this subdivision. The party claiming ineligibility for school accommodations shall have the burden of proving such ineligibility by a preponderance of the evidence, except in cases of denial of schooling based on residency, the party

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denied schooling shall have the burden of proving residency by a preponderance of the evidence, unless the party denied schooling is claiming that he or she is a homeless child or youth, as defined in 42 USC 11434a, as amended from time to time, in which case, the party claiming ineligibility based on residency shall have the burden of proving that the party denied schooling is not a homeless child or youth by a preponderance of the evidence in accordance with the provisions of 42 USC 11431, et seq., as amended from time to time.

(2) Any homeless child or youth who is denied accommodations by a board of education as the result of a determination by such board, or a subcommittee of the board or local impartial hearing board, that the child is not entitled to school accommodations in the district, shall continue in attendance or be immediately enrolled in the school selected by the child in the school district pursuant to 42 USC 11432(g)(3), as amended from time to time. The board of education for such school district shall (A) provide, in accordance with the provisions of 42 USC 11432(g)(3)(E)(ii), as amended from time to time, the homeless child or youth or the parent or guardian of such homeless child or youth with (i) a written explanation of the reasons for the denial of accommodations that is in a manner and form understandable to such homeless child or youth or parent or guardian, and (ii) information regarding the right to appeal the decision of the denial of accommodations pursuant to subdivision (3) of this subsection, and (B) refer, in accordance with the provisions of 42 USC 11432(g)(3)(E)(iii), as amended from time to time, the homeless child or youth or the parent or guardian of such homeless child or youth to the liaison, designated pursuant to 42 USC 11432(g)(1)(f)(ii), as amended from time to time, who is responsible for carrying out the duties described in 42 USC 11432(g)(6)(A), as amended from time to time.

[(2)] (3) Any such parent, guardian, emancipated minor, pupil eighteen years of age or older, unaccompanied youth, or agent or

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officer, aggrieved by the finding shall, upon request, be provided with a transcript of the hearing within thirty days after such request and may take an appeal from the finding to the State Board of Education. A copy of each notice of appeal shall be filed simultaneously with the local or regional board of education and the State Board of Education. Any child, emancipated minor or pupil eighteen years of age or older or unaccompanied youth who is denied accommodations by a board of education as the result of a determination by such board, or a subcommittee of the board or local impartial hearing board, that the child is not a resident of the school district and therefore is not entitled to school accommodations in the district may continue in attendance in the school district at the request of the parent or guardian of such child or such minor or pupil, pending a determination of such appeal, except any homeless child or youth shall be entitled to continue in attendance in the school district during all available appeals pursuant to 42 USC 11432(g)(2)(E). If an appeal is not taken to the State Board of Education within twenty days of the mailing of the finding to the aggrieved party, the decision of the board, subcommittee or local impartial hearing board shall be final. The local or regional board of education shall, within ten days after receipt of notice of an appeal, forward the record of the hearing to the State Board of Education. The State Board of Education shall, on receipt of a written request for a hearing made in accordance with the provisions of this subsection, establish an impartial hearing board of one or more persons to hold a public hearing in the local or regional school district in which the cause of the complaint arises. Members of the hearing board may be employees of the Department of Education or may be qualified persons from outside the department. No member of the board of education under review nor any employee of such board of education shall be a member of the hearing board. Members of the hearing board, other than those employed by the Department of Education, shall be paid reasonable fees and expenses as established by the State Board of Education within the limits of available appropriations. Such hearing

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board may examine witnesses and shall maintain a verbatim record of all formal sessions of the hearing. Either party to the hearing may request that the hearing board join all interested parties to the hearing, or the hearing board may join any interested party on its own motion. The hearing board shall have no authority to make a determination of the rights and responsibilities of a board of education if such board is not a party to the hearing. The hearing board may render a determination of actual residence of any child, emancipated minor, [or] pupil eighteen years of age or older or unaccompanied youth where residency is at issue.

[(3)] (4) The hearing board shall render its decision within forty-five days after receipt of the notice of appeal except that an extension may be granted by the Commissioner of Education upon an application by a party or the hearing board describing circumstances related to the hearing which require an extension.

[(4)] (5) If, after the hearing, the hearing board finds that any child is illegally or unreasonably denied schooling, the hearing board shall order the board of education under whose jurisdiction it has been found such child should be attending school to make arrangements to enable the child to attend public school. Except in the case of a residency determination, the finding of the local or regional board of education, subcommittee of such board or a local impartial hearing board shall be upheld unless it is determined by the hearing board that the finding was arbitrary, capricious or unreasonable. If such school officers fail to take action upon such order in any case in which such child is currently denied schooling and no suitable provision is made for such child within fifteen days after receipt of the order and in all other cases, within thirty days after receipt of the order, there shall be a forfeiture of the money appropriated by the state for the support of schools amounting to fifty dollars for each child for each day such child is denied schooling. If the hearing board makes a determination

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that the child was not a resident of the school district and therefore not entitled to school accommodations from such district, the board of education may assess tuition against the parent or guardian of the child or the emancipated minor or pupil eighteen years of age or older based on the following: One one-hundred-eightieth of the town's net current local educational expenditure, as defined in section 10-261, per pupil multiplied by the number of days of school attendance of the child in the district while not entitled to school accommodations provided by that district. The local board of education may seek to recover the amount of the assessment through available civil remedies.

(c) In the event of an appeal pursuant to section 10-187 from a decision of a hearing board established pursuant to subsection (b) of this section, upon request, the State Board of Education shall supply for the fee per page specified in section 1-212, a copy of the transcript of the formal sessions of the hearing board to the parent or guardian or emancipated minor or a pupil eighteen years of age or older or unaccompanied youth and to the local or regional board of education.

(d) (1) For the school year commencing July 1, 2010, if a child sixteen years of age or older voluntarily terminates enrollment in a school district and subsequently seeks readmission, the local or regional board of education for the school district may deny school accommodations to such child for up to ninety school days from the date of such termination, unless such child seeks readmission to such school district not later than ten school days after such termination in which case such board shall provide school accommodations to such child not later than three school days after such child seeks readmission.

(2) For the school year commencing July 1, 2011, and each school year thereafter, if a child seventeen years of age or older voluntarily terminates enrollment in a school district and subsequently seeks readmission, the local or regional board of education for the school

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district may deny school accommodations to such child for up to ninety school days from the date of such termination, unless such child seeks readmission to such school district not later than ten school days after such termination in which case such board shall provide school accommodations to such child not later than three school days after such child seeks readmission.

(e) A local or regional board of education shall immediately enroll any student who transfers from Unified School District #1 or Unified School District #2. In the case of a student who transfers from Unified School District #1 or Unified School District #2 to the school district in which such student attended school prior to enrollment in Unified School District #1 or Unified School District #2, such student shall be enrolled in the school such student previously attended, provided such school has the appropriate grade level for such student.

Sec. 2. Subsection (f) of section 10-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(f) Notwithstanding any provision of the general statutes, educational services shall be provided by each local and regional board of education to homeless children and youths in accordance with the provisions of 42 USC 11431, et seq., as amended from time to time. If a homeless child or youth is denied school accommodations by a local or regional board of education on the basis of residency, such homeless child or youth shall be entitled to a hearing conducted pursuant to section 10-186, as amended by this act. An unaccompanied youth, as described in 42 USC 11434a, as amended from time to time, shall be entitled to knowledge of and have access to all educational, medical or similar records in the cumulative record of such unaccompanied youth maintained by a local or regional board of education.

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Approved July 12, 2019