



General Assembly

January Session, 2019

**Raised Bill No. 7313**

LCO No. 5542



Referred to Committee on EDUCATION

Introduced by:  
(ED)

**AN ACT CONCERNING HOMELESS STUDENTS' ACCESS TO EDUCATION.**

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

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 Section 10-186 of the general statutes is repealed and the  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

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

17 advise the board of education under whose jurisdiction it claims such  
18 child should be attending school of the denial. For purposes of this  
19 section, (1) a "parent or guardian" shall include a surrogate parent  
20 appointed pursuant to section 10-94g, and (2) a child residing in a  
21 dwelling located in more than one town in this state shall be  
22 considered a resident of each town in which the dwelling is located  
23 and may attend school in any one of such towns. For purposes of this  
24 subsection, "dwelling" means a single, two or three-family house or a  
25 condominium unit.

26 (b) (1) If any board of education denies such accommodations, the  
27 parent or guardian of any child who is denied schooling, or an  
28 emancipated minor, [or] a pupil eighteen years of age or older or an  
29 unaccompanied youth who is denied schooling, or an agent or officer  
30 charged with the enforcement of the laws concerning attendance at  
31 school, may, in writing, request a hearing by the board of education.  
32 The board of education may (A) conduct the hearing, (B) designate a  
33 subcommittee of the board composed of three board members to  
34 conduct the hearing, or (C) establish a local impartial hearing board of  
35 one or more persons not members of the board of education to conduct  
36 the hearing. The board, subcommittee or local impartial hearing board  
37 shall give such person a hearing [within] not later than ten days after  
38 receipt of the written request, make a stenographic record or tape  
39 recording of the hearing and make a finding [within] not later than  
40 ten days after the hearing. Hearings shall be conducted in accordance with  
41 the provisions of sections 4-176e to 4-180a, inclusive, and section 4-  
42 181a. Any child, emancipated minor, [or] pupil eighteen years of age  
43 or older or unaccompanied youth who is denied accommodations on  
44 the basis of residency may continue in attendance in the school district  
45 at the request of the parent or guardian of such child or emancipated  
46 minor, [or] pupil eighteen years of age or older or unaccompanied  
47 youth, pending a hearing pursuant to this subdivision. The party  
48 claiming ineligibility for school accommodations shall have the burden  
49 of proving such ineligibility by a preponderance of the evidence,  
50 except in cases of denial of schooling based on residency, the party

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

59 (2) Any homeless child or youth who is denied accommodations by  
60 a board of education as the result of a determination by such board, or  
61 a subcommittee of the board or local impartial hearing board, that the  
62 child is not entitled to school accommodations in the district, shall  
63 continue in attendance or be immediately enrolled in the school  
64 selected by the child in the school district pursuant to 42 USC  
65 11432(g)(3), as amended from time to time. The board of education for  
66 such school district shall (A) provide, in accordance with the  
67 provisions of 42 USC 11432(g)(3)(E)(ii), as amended from time to time,  
68 the homeless child or youth or the parent or guardian of such homeless  
69 child or youth with (i) a written explanation of the reasons for the  
70 denial of accommodations that is in a manner and form  
71 understandable to such homeless child or youth or parent or guardian,  
72 and (ii) information regarding the right to appeal the decision of the  
73 denial of accommodations pursuant to subdivision (3) of this  
74 subsection, and (B) refer, in accordance with the provisions of 42 USC  
75 11432(g)(3)(E)(iii), as amended from time to time, the homeless child or  
76 youth or the parent or guardian of such homeless child or youth to the  
77 liaison, designated pursuant to 42 USC 11432(g)(1)(J)(ii), as amended  
78 from time to time, who is responsible for carrying out the duties  
79 described in 42 USC 11432(g)(6)(A), as amended from time to time.

80 [(2)] (3) Any such parent, guardian, emancipated minor, pupil  
81 eighteen years of age or older, unaccompanied youth, or agent or  
82 officer, aggrieved by the finding shall, upon request, be provided with  
83 a transcript of the hearing within thirty days after such request and

84 may take an appeal from the finding to the State Board of Education. A  
85 copy of each notice of appeal shall be filed simultaneously with the  
86 local or regional board of education and the State Board of Education.  
87 Any child, emancipated minor or pupil eighteen years of age or older  
88 or unaccompanied youth who is denied accommodations by a board of  
89 education as the result of a determination by such board, or a  
90 subcommittee of the board or local impartial hearing board, that the  
91 child is not a resident of the school district and therefore is not entitled  
92 to school accommodations in the district may continue in attendance in  
93 the school district at the request of the parent or guardian of such child  
94 or such minor or pupil, pending a determination of such appeal,  
95 except any homeless child or youth shall be entitled to continue in  
96 attendance in the school district during all available appeals pursuant  
97 to 42 USC 11432(g)(2)(E). If an appeal is not taken to the State Board of  
98 Education within twenty days of the mailing of the finding to the  
99 aggrieved party, the decision of the board, subcommittee or local  
100 impartial hearing board shall be final. The local or regional board of  
101 education shall, within ten days after receipt of notice of an appeal,  
102 forward the record of the hearing to the State Board of Education. The  
103 State Board of Education shall, on receipt of a written request for a  
104 hearing made in accordance with the provisions of this subsection,  
105 establish an impartial hearing board of one or more persons to hold a  
106 public hearing in the local or regional school district in which the cause  
107 of the complaint arises. Members of the hearing board may be  
108 employees of the Department of Education or may be qualified  
109 persons from outside the department. No member of the board of  
110 education under review nor any employee of such board of education  
111 shall be a member of the hearing board. Members of the hearing board,  
112 other than those employed by the Department of Education, shall be  
113 paid reasonable fees and expenses as established by the State Board of  
114 Education within the limits of available appropriations. Such hearing  
115 board may examine witnesses and shall maintain a verbatim record of  
116 all formal sessions of the hearing. Either party to the hearing may  
117 request that the hearing board join all interested parties to the hearing,  
118 or the hearing board may join any interested party on its own motion.

119 The hearing board shall have no authority to make a determination of  
120 the rights and responsibilities of a board of education if such board is  
121 not a party to the hearing. The hearing board may render a  
122 determination of actual residence of any child, emancipated minor,  
123 [or] pupil eighteen years of age or older or unaccompanied youth  
124 where residency is at issue.

125 [(3)] (4) The hearing board shall render its decision within forty-five  
126 days after receipt of the notice of appeal except that an extension may  
127 be granted by the Commissioner of Education upon an application by  
128 a party or the hearing board describing circumstances related to the  
129 hearing which require an extension.

130 [(4)] (5) If, after the hearing, the hearing board finds that any child is  
131 illegally or unreasonably denied schooling, the hearing board shall  
132 order the board of education under whose jurisdiction it has been  
133 found such child should be attending school to make arrangements to  
134 enable the child to attend public school. Except in the case of a  
135 residency determination, the finding of the local or regional board of  
136 education, subcommittee of such board or a local impartial hearing  
137 board shall be upheld unless it is determined by the hearing board that  
138 the finding was arbitrary, capricious or unreasonable. If such school  
139 officers fail to take action upon such order in any case in which such  
140 child is currently denied schooling and no suitable provision is made  
141 for such child within fifteen days after receipt of the order and in all  
142 other cases, within thirty days after receipt of the order, there shall be a  
143 forfeiture of the money appropriated by the state for the support of  
144 schools amounting to fifty dollars for each child for each day such  
145 child is denied schooling. If the hearing board makes a determination  
146 that the child was not a resident of the school district and therefore not  
147 entitled to school accommodations from such district, the board of  
148 education may assess tuition against the parent or guardian of the  
149 child or the emancipated minor or pupil eighteen years of age or older  
150 based on the following: One one-hundred-eightieth of the town's net  
151 current local educational expenditure, as defined in section 10-261, per

152 pupil multiplied by the number of days of school attendance of the  
153 child in the district while not entitled to school accommodations  
154 provided by that district. The local board of education may seek to  
155 recover the amount of the assessment through available civil remedies.

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

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

173 (2) For the school year commencing July 1, 2011, and each school  
174 year thereafter, if a child seventeen years of age or older voluntarily  
175 terminates enrollment in a school district and subsequently seeks  
176 readmission, the local or regional board of education for the school  
177 district may deny school accommodations to such child for up to  
178 ninety school days from the date of such termination, unless such child  
179 seeks readmission to such school district not later than ten school days  
180 after such termination in which case such board shall provide school  
181 accommodations to such child not later than three school days after  
182 such child seeks readmission.

183 (e) A local or regional board of education shall immediately enroll

184 any student who transfers from Unified School District #1 or Unified  
185 School District #2. In the case of a student who transfers from Unified  
186 School District #1 or Unified School District #2 to the school district in  
187 which such student attended school prior to enrollment in Unified  
188 School District #1 or Unified School District #2, such student shall be  
189 enrolled in the school such student previously attended, provided such  
190 school has the appropriate grade level for such student.

191 Sec. 2. Subsection (f) of section 10-253 of the general statutes is  
192 repealed and the following is substituted in lieu thereof (*Effective July*  
193 *1, 2019*):

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	10-186
Sec. 2	<i>July 1, 2019</i>	10-253(f)

**ED**      *Joint Favorable*