

## **OLR Backgrounder: Public School Residency Requirements**

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November 19, 2019 | 2019-R-0271

### **Issue**

This report summarizes Connecticut's public school residency law and applies it to different student living situations.

### **Summary**

Local and regional boards of education must provide public schooling to all school-aged children who live in their districts. The process for determining where a student lives can be very fact-specific. Generally speaking, under state law students may only attend the public school located in the district where they currently live. (Students participating in interdistrict choice programs follow different program-specific attendance rules.)

There are certain living situations, however, where different sets of rules apply. Below we describe the public school residency requirements for each of the following student living situations: (1) living with parents, (2) living with one parent due to divorce, (3) living with extended family or friends, (4) living in a residence located in more than one town, or (5) living as a homeless student.

### **School Requirement**

Children between the ages of 5 (or if the parent chooses, age 6 or 7) and 16 must attend public school in the town where they live unless they are receiving equivalent instruction elsewhere ([CGS § 10-184](#)).

Boards of education must provide public schooling to children between the ages of 5 and 21 who live in the school district and have not graduated from high school ([CGS § 10-186](#)).

## **Living Situations**

The following living situations and applicable residency requirements are described in Thomas Mooney's *A Practical Guide to Connecticut School Law* (9<sup>th</sup> ed., pages 314-321) or "School Accommodations and Residency" (OLR Report [2004-R-0713](#)).

### ***Living with Parents***

If a student is living with parents or guardians, the public school district must determine whether the student is living in the district. Parents may be asked to give their address along with evidence of residence, such as a driver's license with that address, utility bills, or a copy of a rental lease. According to a Connecticut appellate court case, parents must show actual residence in the district, not just property ownership (see *Mangiafico v. State Board of Education*, 138 Conn. App. 677 (2012)).

### ***Living with One Parent Due to Divorce***

If a student is actually living in the district, he or she is eligible for school accommodations. It does not matter whether (1) the parent living in the district has custody of the student or (2) the student spends some nights sleeping at the other parent's home.

### ***Living with Extended Family or Friends***

A student may attend school in a district even though his or her parents or guardians do not live there, as long as it is the host family and the parents' or the student's intention that the residence is (1) permanent, (2) provided without pay, and (3) not for the sole purpose of obtaining public schooling ([CGS § 10-253\(d\)](#)).

### ***Living in a Residence Located in More than One Town***

A student who lives in a one-, two-, or three-family house or condominium unit located in more than one town may go to school in any of those towns ([CGS § 10-186\(a\)](#)).

### ***Living as Homeless Student***

The federal McKinney-Vento Homeless Education Assistance Act of 2001 requires districts to ensure continuous educational services for students who become homeless ([42 U.S.C. § 11431 et seq.](#)). This law defines "homelessness" very broadly to encompass students in a range of

situations, including sharing housing with others due to loss of housing, economic hardship, or a similar reason. The law also provides protection for “unaccompanied youths,” defined as youths in homeless situations who are not in the physical custody of a parent or guardian.

The McKinney-Vento Act allows students to do either of the following, to the extent possible: (1) remain in the school where they last enrolled or (2) enroll in any public school that students living in the same attendance area are eligible to attend ([42 U.S.C. § 11432\(g\)\(3\)\(A\)](#)).

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