LEGAL MAILBAG – OCTOBER 16, 2025

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The "Legal Mailbag Question of the Week" is a regular feature of the CAS Weekly NewsBlast. We invite readers to submit short, law-related questions of practical concern to school administrators. Each week, we will select a question and publish an answer. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors.
Please submit your questions to: legalmailbag@casciac.org.

Dear Legal Mailbag,

One of the students at my high school has been causing trouble, and, given my position as an assistant principal, I went to contact his parents. When I looked in PowerSchool, however, there was no residential address and only a cellphone number to contact the mother.

Curious as to why a residential address was lacking, I called the mother on the listed cellphone number and asked her if she could explain. She told me that she lost the lease on her apartment in our town last year, and that she and her son (the troublemaker) have been living with her sister in a neighboring town since that time.

I don't want to take unfair advantage of a sad situation, but rules are rules. If this student is not living in our school district, I think he should be disenrolled. Besides, his mother can simply enroll him in the neighboring district where she and her son are now living. Can I just send a letter disenrolling the student and wishing him well in his new school?

Signed,
Off You Go!

Dear Off:

Under no circumstances can a school administrator unilaterally disenroll a student based on an issue of residency. Education in Connecticut is a right, and the family must have due process before school officials can remove a student from the rolls. Conn. Gen. Stat. § 10-186(a) addresses such situations directly:

> 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 . . . 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. (Emphasis added).

Accordingly, before a student can be ruled ineligible for school privileges because the student does not reside in your town, your district must inform the parents or guardians of that determination and of their right to request a hearing to contest that determination before the student is disenrolled. Moreover, should your board of education rule that the student is not eligible for school privileges, the parent may then appeal and request a hearing before a hearing officer appointed by the State Department of Education. Furthermore, the statute provides that the student may remain enrolled in your district until the state level hearing officer rules. Should the state-level hearing officer affirm that determination, however, the district may then assess tuition fees for the period of unauthorized attendance.

Here, you face two additional challenges. First, you need to dig deeper into the facts because it may be that the student in question is homeless. Under the McKinney-Vento Homeless Assistance Act, "homeless children and youth" are defined as "individuals who lack a fixed, regular, and adequate nighttime residence," including:

> (i) ***children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason***; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals. (Emphasis added).

42 U.S. Code § 11434a. Depending on the circumstances, this student may be considered homeless.

To be sure, you may conclude that the student was residing in your town and is now residing in the neighboring town with his aunt and mother. If the parent disagrees and requests a hearing to claim that she and her son are homeless, however, the burden will be on you to establish that the student is not homeless. The statute governing residency determinations was amended recently to provide:

> [I]n cases of denial of schooling based on residency, the party 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. (Emphasis added).

Legal Mailbag wonders whether and how you will be able to prove that this student is not homeless, given that the statute includes in the definition of homeless children "children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason," as quoted above.

If a student is homeless, there are also new obligations when considering discipline. In the last legislative session, the General Assembly enacted Public Act 25-93, Section 38 of which amends the expulsion statute to impose special requirements for homeless students as follows:

> (4) (A) Prior to conducting an expulsion hearing as required by this subsection, an administrator, school counselor or school social worker at the school in which the pupil is enrolled shall contact the local homeless education liaison designated by the local or regional board of education for the school district . . . to make a determination whether such pupil is a homeless child or youth, as defined in 42 USC 11343a, as amended from time to time. If it is determined that such pupil is a homeless child or youth, the local or regional board of education, or the impartial hearing board established pursuant to subsection (b) of this section, shall consider the impact of homelessness on the behavior of the pupil during the hearing. No such pupil may be expelled without a plan of interventions and supports to mitigate the impact of homelessness on the behavior of the student.

Moreover, Section 39 of Public Act 25-93 amends the suspension statute in a similar way, and before you or any administrator may suspend a student, the administrator must contact the district's homeless education liaison to determine whether the student is homeless. If the student is identified as homeless, you or any administrator must "consider the impact of homelessness on the behavior of the pupil during the [pre-suspension] hearing" before deciding whether to suspend the student.

To be sure, these recent statutory changes do not give homeless students license to misbehave. But homeless students face special challenges, and school administrators must take those special challenges into account before suspending such students or recommending their expulsion.