



Lincoln Public Schools

Ballfield Road
Lincoln, MA 01773
781-259-9409 • FAX: 781-259-9246
bmcfall@lincnet.org

Rebecca E. McFall, Ed.D.
Superintendent of Schools

To: School Committee
From: Rebecca McFall, Superintendent
Date: August 29, 2019
RE: Policy Discussion, visiting students

The School Committee meeting agenda for September 5, 2019 includes a discussion item pertaining to requests for visiting students to attend our schools. You will be asked to consider creating policy language that covers all possible requests for attendance of “non-resident” students residing in Lincoln temporarily. In preparation for this conversation, I have included in the packet a copy of a recently developed policy from the Wellesley Public Schools as well as guidance from our attorney, Andy Waugh regarding the specific request that we have received for approval for this school year.

This memo serves to inform you of the request that has been made and to provide information about specific circumstances that should be considered. Your decision regarding the request that has been received will set precedent for the future and thus, careful consideration should be taken to ensure that a policy is in place that can be used in all future situations.

Current Request

A Lincoln resident family has made a request to have a middle school aged student attend the Lincoln School for six weeks while residing in their home. The student resides in another country and is coming to stay with the family for the purpose of attending our school and is traveling without their parents. The Lincoln residents are in the process of obtaining a Caregiver Affidavit.

Considerations (In no particular order and not necessarily comprehensive.)

1. There can be value for our community when students with diverse backgrounds and experiences join our schools.
2. When a student enters our schools after October 1, we do not receive Chapter 70 funding for the student.
3. There have been situations in neighboring communities where someone creates a business in which they find resident families to “host” children from other countries and they enroll them in the schools. These are not legitimate, sanctioned exchange programs.
4. Our Hanscom contract stipulates that in order for a student to attend the Hanscom schools, they must reside at Hanscom Air Force Base. We require legal authorization that students have been approved by the base and housing for children to reside on base and have an approved active military sponsor. Any policy will need specific language related to Hanscom.
5. Shall there be limits placed on the number of requests a family can make in a given school year?
6. Can we approve/deny a request based upon space availability?
7. What are the conditions that would warrant requiring a tuition payment or not?

Information provided via email, June 26, 2019

Legal information regarding allowing visiting students to attend schools.

The relevant state statute is G. L. c. 71, s. 6A, which provides that:

Any city, town, or regional school district, acting through its school committee, may, if the school committee finds it has adequate space, accept in any of its schools, including vocational schools, any pupil who resides outside the commonwealth and may contract with the parent or guardian of the pupil, or, if the school committee of the city or town where the child resides, is authorized by law to so contract, with such school committee, for the admission of the pupil into its school system and for a tuition charge which shall in no case be less than the average expense per pupil in such school for the period of attendance. The school committee may vote to waive all or part of such tuition charge.

In consulting with PRS Supervisor Paula Twomey, under federal law, students who are in the United States on an F-1 Student Visa must pay tuition in order to attend school. Students who are in the United States on a J-1 Exchange Visitor Visa or other types of Visas may or may not pay tuition to attend school in the discretion of the school committee. Paula is confident that school committees have the sole discretion to either allow students to attend (with or without paying tuition) or to deny the student's request to attend under state law.

We also looked at this issue from the perspective of a Lincoln family presenting a Caregiver Affidavit, under G. L. c. 201F. In consulting with Sarah Slutterback at DESE she agreed with the following analysis on this issue, which is as follows:

Typically, upon being presented with a valid Caregiver Affidavit by a resident family concerning a specific child, a school district should automatically enroll that student. However, pursuant to G. L. c. 201F, s. 2 and 5, the Caregiver Affidavit may not be used "for the purposes of attendance at a particular school." Therefore, the Caregiver Affidavit in this case would be rendered invalid, as the family has expressed that they would utilize the Caregiver Affidavit specifically so that this child could attend school in Lincoln. Additionally, there is an argument to be made that G. L. c. 71, s. 6A would override the Caregiver Affidavit in these circumstances regardless.

Andrew J. Waugh, Esq.

Tel: (617) 479-5000

Fax: (617) 479-6469

awaugh@mhtl.com

MURPHY, HESSE, TOOMEY & LEHANE, LLP

Crown Colony Plaza

300 Crown Colony Drive

Quincy, MA 02169

File: JF - ADMISSION OF STUDENTS TO THE WELLESLEY PUBLIC SCHOOLS

1. Purpose

The purpose of this policy is to provide guidance to school administrators, parents, and/or legal guardians concerning the admission of students to the Wellesley Public Schools (the "Schools"). The Schools were established pursuant to statutes providing publicly funded education for students within The Commonwealth of Massachusetts, and the right to attend the schools is also regulated by statute. Generally, and as more fully set forth in this policy, the right to attend the schools is limited to students who reside in the Town of Wellesley and to certain nonresident students who are eligible to attend the schools under specific programs or conditions approved by the Wellesley School Committee.

2. Eligibility to Attend the Schools

A student between the minimum and maximum ages established by established by the Department of Elementary and Secondary Education who has not received a diploma or certificate from a secondary school shall be eligible to attend the schools if:

- 2.1** Kindergarten student is 5 years of age on or before August 31st of the enrollment year. Grade 1 student is 6 years of age on or before August 31st of the enrollment year. Exceptions to Grade 1 age requirement will be considered in accordance with Wellesley Public Schools early admission to first grade protocol (see Appendix A).
- 2.2** The student permanently, not temporarily or sporadically, resides in Wellesley with his/her parent(s) or legal guardian.
- 2.3** The student actually resides in Wellesley with someone other than his/her parent(s) or legal guardian for the purpose of attending the schools and tuition for such student is paid as in accordance with Section 4 of this policy, except in the case of students attending the Wellesley Public Schools under District-approved programs.
- 2.4** The student actually resides in Wellesley with someone other than his/her parent(s) or legal guardian for the purpose of temporarily ameliorating personal extreme hardship, and may attend the schools at the discretion of the Superintendent.
- 2.5** The student, regardless of place of residence, has the right to attend the schools under a collective bargaining agreement as provided for in Section 6 of this policy.
- 2.6** The student, regardless of place of residence, has been selected to attend the schools under a statutory program for the education of non-resident students, duly accepted by the Committee.
- 2.7** The student is from a foreign country and meets the requirements of Section 7 and/or 8 of this policy.
- 2.8** The student, regardless of place of residence, meets the requirements of Section 9 of this policy.
- 2.9** Prior to entry, the student must meet all MA Department of Public Health immunization requirements in accordance with 105 CMR 220.000.

3. Verification of Residency

Before any student is enrolled in Wellesley Public Schools, his or her parent or legal guardian must provide:

3.1 A signed Statement/Affidavit of Occupancy (see below).

3.2 Proof of Residency in Wellesley (3 documents).

All applicants for enrollment must submit at least one document each from Column A, B, and C and any other documents that may be requested, including but not limited to those from Column A, B, or C (noted below). A parent, guardian, or student who is unable to produce the required documents should contact the Superintendent.

COLUMN A	COLUMN B	COLUMN C
Evidence of Residency	Evidence of Occupancy	Photo Identification
Record of recent mortgage payment and/or property tax bill	Gas/Oil Bill, Electric Bill, Home (not cell) Telephone Bill, Cable Bill, Water Bill (which must be dated within the past 45 days and address and name must be stated)	Valid MA Driver's License
Fully signed and executed Lease and/or Rental Agreement with the names of the children listed on the document (which must be executed by both parties)	Recent bill dated within the past 45 days showing Wellesley address and name (a Residency Statement/Affidavit is required with this option)	Valid MA Photo ID Card
Landlord/Owner of Property Affidavit (see Residency Statement/Affidavit below)	Occupancy Statement/Affidavit must be notarized if a bill cannot be provided prior to student's enrollment.	Valid Passport
Fully signed and executed Purchase and Sale (P&S) Agreement (provided occupancy date occurs within 45 days of enrollment)		Other Government issued Photo ID
Section 8 Agreement		

4. Determination of Eligibility

The Superintendent, or his/her designee(s), shall determine whether a student is eligible to attend the Schools. In determining whether a student actually resides in Wellesley for purposes of Sections 2.2, 2.3 and 2.4 of this policy, the following factors shall be considered:

- 4.1 Whether the student physically occupies a dwelling in Wellesley, regardless of whether such occupancy is based upon ownership, lease, or consent of a person legally entitled to occupy the dwelling;
- 4.2 With whom the student lives, such as parent(s), legal guardian, custodial parent after a divorce, relative, or other person and the duration of such living arrangement;
- 4.3 If a student resides with someone other than his/her parent(s), legal guardian, or the parent with physical custody after a divorce, the reasons for doing so;
- 4.4 The amount of time actually spent by the student in the dwelling in Wellesley;
- 4.5 Whether the student's physical belongings are stored at the dwelling;
- 4.6 Whether mail concerning the student, such as mail from doctors, etc., is addressed to the dwelling;
- 4.7 Whether the residence is the center of the student's domestic, social, and civic life;
- 4.8 Whether the student was included as an occupant of the dwelling for purposes of the town census;
- 4.9 Such other information as the Superintendent or his/her designee(s) may deem relevant to determining where a student actually resides.

5. Payment of Tuition for Certain Students

It is the intention of this policy to require the payment of tuition in advance for all students legally required to pay tuition to attend the schools. The Superintendent may, at his/her discretion, admit students who temporarily reside in Town for the purposes of obtaining an education and will charge tuition for the period of attendance. However, nothing in this policy shall be construed as obligating the Superintendent to accept students who temporarily reside in Town for the purposes of obtaining an education. It is expected that students will attend for an academic semester or an academic year.

5.1 A student who temporarily resides in Wellesley with someone other than his/her parent(s) or legal guardian for the purpose of attending the Schools shall only be admitted to the Schools upon the approval of the Superintendent and upon the payment of tuition by (i) the town in which the student's parent(s) or legal guardian reside(s), or (ii) by the student's parent(s) or legal guardian, as provided in M.G.L. c. [76, § 6](#). Tuition payable by the parent or guardian shall, for the period of attendance, be computed at the average expense per pupil, as determined by the District, for such school for such period.

5.2 Any student for whom tuition is payable shall only be admitted to the Schools for the period of time actually covered by a tuition payment and shall be required to withdraw from the Schools if future tuition payments are not received by the Schools in a timely fashion as determined by the Superintendent.

5.3 The education of students with disabilities is the financial responsibility of the city or town in which the student resides. The programmatic and fiscal obligations for "tuition" students, who require special education services, is addressed in 603 CMR [28.03\(4\)](#).

6. Collective Bargaining and/or Contractual Agreements

The admission and enrollment of non-resident students whose parent(s) are employed by the Schools is governed by collective bargaining and/or contractual agreements currently in force and accepted by the Committee. Nothing in this policy is to be construed as conferring additional rights on employees or their children, or as acceptance by the Town of Wellesley of financial obligations for the education of any such children with disabilities. Enrollment is for one academic year at a time and subject to annual renewal. In all cases in which a collective bargaining agreement gives the Committee discretion over the admission of students, the Superintendent shall determine which students may be enrolled in the schools without adversely affecting the Schools' budget, and shall consider the following factors:

6.1 The availability of seats/space in the courses of sections of the schools;

6.2 The class sizes at the grade levels of enrollment;

6.3 That enrollment of the student will not have an adverse impact on the schools' budget;

6.4 The effect on the student of enrollment, if it is to be at a time other than the beginning of a school year; and

6.5 Whether an appropriate educational program and current school resources for the student exist in the schools, provided that the education of students with disabilities remains the financial responsibility of the city or town in which the student's parent(s) or legal guardian resides.

7. Foreign Students

In order to provide students at Wellesley High School with the opportunity to meet students from foreign cultures and to be educated abroad, the Committee supports the enrollment of foreign exchange students in the Schools as provided for in this section. It is the expectation of the Committee that enrollment will be for an academic semester or an academic year unless, by approval of the District, the exchange partnership is for a shorter period of time.

7.1 Wellesley Public Schools has established partnerships with German American Partnership Program (GAPP) and American Field Service (AFS). The Principal of Wellesley High School, at his discretion, may also annually enroll other foreign students participating in established programs, subject to the approval of the Superintendent or his/her designee.

7.2 In some other cases, the Superintendent may admit a foreign student who wishes to reside in Wellesley for the purpose of attending the Schools, subject to the provisions of Section 5 and payment of tuition, unless the Superintendent, if permitted by federal law, specifically waives payment of tuition. Nothing herein shall obligate the Committee to admit foreign students who reside in Wellesley on a temporary basis. The Town resident with whom the foreign student will live shall be responsible for all immigration and sponsorship matters, and shall register the student and arrange for the payment of tuition, when required.

7.3 No person who has received a diploma or equivalent certificate from a secondary school or its foreign counterpart shall be eligible to attend the schools under this section.

8. Approval of Additional Foreign Students Tuition Waiver

Factors to be considered by the Superintendent in acting upon any request to waive tuition for foreign students who are living with Town residents for the purpose of attending the Schools, other than the Committee-recognized and -approved student exchange programs, shall include:

8.1 Whether there is a benefit to the town or the schools from the approval requested;

8.2 The history, reputation, and selection criteria and standards of the program sponsoring the student:

- The likelihood that the student will succeed academically and socially;
- The recommendation of the school administration;
- The required and completed caregiver document (see M.G.L. c. [201F](#), Caregiver Authorization Affidavits);
- The relationship of the student to the host family;
- The impact of admitting an additional student on the Schools' budget and on class size, number of sections, and on other school services;
- That a complete application for program approval and student admission is received by the Superintendent or designee on or before April 1 before the beginning of the school year for which admission is requested.

9. Admission of Non-Resident Students

Except as expressly provided for herein, non-resident students shall not be admitted to the Schools. In addition to non-resident students who are eligible to attend the Schools under Sections 2.5, 2.6, and 2.8 above, the Superintendent may, in accordance with state and federal laws and regulations, permit a non-resident student to attend the schools as follows:

9.1. A student who was legally enrolled in the Schools under policy [JF](#) and whose family moves out of town on or after April 1 of a school year may, with the permission of the Superintendent, continue to attend the schools for the remainder of the year (see Section 10).

9.2. Continued enrollment for grade 12 of a student who has completed grade 11 in accordance with Section 9.1 is subject to application to and approval by the Superintendent.

9.3 A student whose family provides satisfactory evidence that he/she will be residing in Wellesley within a grading period and would be eligible to attend the schools under policy JF may, in accordance with regulations adopted by the Superintendent, and with the permission of the Superintendent, attend the Schools prior to actually residing in Wellesley.

9.4. The Superintendent may permit a non-resident student to attend the High School for not more than one year under a reciprocal arrangement with the Schools in the Town in which the student resides pursuant to M.G.L. c. [76, § 12](#), where such temporary attendance is (i) in the best

educational interests of the student, (ii) there is no reason to believe that the student presents any risk to other students or employees of the Schools.

10. Superintendent's Permission

The Superintendent may permit a non-resident student to attend the Schools under Sections 9.1, 9.2, and 9.3 of this policy if:

10.1. The school district in which the student's parent(s) or legal guardian reside(s) requests that the student attend the Schools; and

10.2. There is space available for the student; and

10.3. Attendance by the student would not impose an undue burden on the Schools' budget; and

10.3 The student has a good disciplinary record and an acceptable custodial arrangement; and

10.4 Refusal of the request would, in the judgment of the Superintendent, likely harm the student's education.

11. Transportation of Non-Residents

Except as otherwise provided in state and federal laws and other policies, transportation of a non-resident student to and from school shall remain the responsibility of his/her parent(s) or legal guardian.

12. Students with Disabilities

The education of students with disabilities is the financial responsibility of the city or town in which the student resides. The programmatic and fiscal obligations for students, who require special education services, is addressed in 603 CMR [28.03](#)(4).

13. Good Behavior

Non-resident students attending the Schools under Sections 2.5, 2.6, 2.7, or 2.8 do so subject to the terms and conditions established by those programs and any Committee policies and regulations therefore, and their continued eligibility to attend the Schools is conditional upon such students' good behavior. Such students' eligibility to attend the Schools may be terminated as provided for by those programs or for bad conduct pursuant to the Schools' Code of Conduct.

14. Regulations

The Superintendent shall adopt written regulations from time to time implementing this policy and requiring students, their parent(s), legal guardians, or persons having custody of a student to supply such information as may be reasonably necessary to make determinations about a student's eligibility to attend the Schools, whether tuition may be charged for such student, or for any other purpose relating to the implementation of this policy.

15. Failure to Provide Information or to Pay Tuition

Failure by a student and/or parent/guardian to provide evidence or explanations as requested by the school administration to implement this policy and failure to promptly pay any tuition due shall result in the student being ineligible to attend the Schools.

16. Waiver of Tuition

Upon recommendation by the Superintendent, the Committee may, in its discretion, waive payment of tuition.

17. Enforcement

Should a question arise concerning any student's residency elsewhere while attending Wellesley Public Schools, the student's residency will be subject to further inquiry and/or investigation. Such questions concerning residency may arise on the basis of incomplete, suspicious, or contradictory proofs of address; information provided to administration; correspondence that is returned to the Wellesley Public Schools because of an invalid or unknown address, or other grounds.

The Superintendent may request additional documentation, may use the assistance of the Wellesley Police Department's Community Service Officer and/or may obtain the services of an investigative agency to conduct investigations into student residences. All reports will be provided to the Superintendent, who shall make the final determination of residency.

Upon initial determination by the Superintendent that a student is actually residing in a city or town other than Wellesley, the student's enrollment in Wellesley Public Schools shall be terminated immediately.

18. Penalty

Only students who qualify under this policy shall be eligible to attend the schools. Any person who knowingly misrepresents facts concerning a student's actual place of residence or reasons for residing in Wellesley, or any other material facts concerning a student's eligibility to attend the schools under this policy in order to enroll a student in the schools or to avoid paying tuition may be liable for the consequences. Wellesley Public Schools reserves the right to recover restitution based upon the costs of educational services provided during the period of non-residency.

19. Relationship to Federal and Massachusetts Laws and Regulations

It is the intent of the foregoing policy that the Wellesley Public Schools shall also be in compliance with all Federal and State laws and regulations bearing upon enrollment issues, including but not limited to:

- The McKinney-Vento Homeless Assistance Act of 1987, as amended by the No Child Left Behind Act (42 U.S.C. § 11301 et seq.)
- Federal Immigration Law Regarding Foreign Students (8 U.S.C. § 1184 (1)(3))
- Massachusetts Department of Elementary and Secondary Education Special Education Regulations (603 CMR [28.03](#)(4))

- Caregiver Authorization Affidavits (M.G.L. c. [201F](#))
- Massachusetts Department of Public Health Regulations (105 CMR 220.000)

20. Admission of Transfer Students

The school district will enroll and place students who have left Commonwealth charter schools by adhering to the same policies and procedures in place for any other student enrolling in the school district including, but not limited to, examination of the course of study and level of academic attainment of the student when determining the student's appropriate grade placement or eligibility for high school graduation.

To the same extent provided for other students enrolling in the school district, students who enroll in the school district from a Commonwealth charter school shall be subject to the graduation requirements of the school district, may have certain graduation requirements waived, and may make-up certain graduation requirements.

LEGAL REF.: 42 U.S.C. § 11301 et seq.

8 U.S.C. § 1184 (1)(3)

Chapter 12 of the Acts of 2010, Section 11

M.G.L. 201F; [76:12](#)

105 CMR 220.000 (Immunization of Students Before Admission to School)

603 CMR [28.03](#) (Special Education - Administration and Personnel)

Voted: February 27, 2018



ADMISSION OF RESIDENT STUDENTS

General Policy

The general intention of this policy is to safeguard the rights of children who reside in Lincoln or on Hanscom Air Force Base to attend the Lincoln Public Schools. This policy is also intended to establish guidelines for those limited exceptions in which non-resident students may be admitted to the Schools.

Eligibility for enrollment in the Lincoln Public Schools is governed by Mass. General Laws, Chapter 76. Exceptions are provided by collective bargaining agreement, the School Choice Law, the METCO program, and in the circumstances described below.

"Residency" for students seeking to attend school on the Lincoln campus is defined as living and sleeping in a domicile in Lincoln at least 50% of each week or more. "Residency" for students seeking to attend school on the Hanscom campus is defined as living and sleeping on Hanscom Air Force Base as the legal dependent of a member of the Armed Services assigned to and living in military family housing on Hanscom AFB.

Potential Waiver When Residency is in Transition

For students whose residency is in transition, the following exceptions to the general policy may apply, with prior written approval from the Superintendent of Schools:

1. Pending Purchase of Dwelling - The children of families who have a signed and accepted Purchase and Sale Agreement to purchase and reside in a dwelling in the Town of Lincoln may be enrolled up to 30 calendar days in advance of the time actual physical residence occurs. If actual residence occurs later than 30 days after enrollment, students may be asked to leave the Schools until actual residency occurs.
2. Construction of New Dwelling - Children of families which are building a primary residence in Lincoln may enroll in the Schools at the beginning of the school year if they have obtained a certificate of occupancy from the Town.
3. Residence in Rental Properties - Children of families who plan to rent a primary residence in Lincoln may enroll in the Lincoln Public Schools 30 days prior to taking possession of the rental property, as evidenced by a signed lease and evidence of financial commitment.
4. Brief Residence Outside the Town - Lincoln Schools students whose families must briefly live outside the Town because they are (a) moving from one Lincoln residence to another, or (b) renovating a current Lincoln residence, may continue to attend the Lincoln Public Schools. Evidence of the intention and ability to resume residency in Lincoln within 90 days may be required.

5. Temporary Housing at Hanscom - Students whose parents are placed in temporary housing on Base shall be educated at the Hanscom Campus schools for the duration of their residency in temporary housing.
6. Completion of School Year - Lincoln Public School students attending in-district schools who cease to reside in Town or on Base after March 15 of a school year may complete that school year in Lincoln. Thereafter, they will be expected to be educated in the community where they reside.

*Adopted by the Lincoln School Committee, June 17, 1998
Revised September 28, 1998
Revised March 20, 2003
Revised at School Committee Meeting of April 26, 2018*