

POLICY ON NON-RESIDENT STUDENTS

File JFAB

The public schools of Lexington are open to those students who qualify as residents under the laws of the State of Massachusetts. Children who “reside in the town” are considered legal residents of Lexington and are eligible to attend the Lexington Public Schools.

“Residence” is a place where a person actually lives, and requires both intent to make the residence the student’s home and the student’s presence in that location. The Superintendent/designee will make the initial determination of whether a child is entitled to register in the Lexington Public Schools. If it is determined that the child is not eligible to enroll in the Lexington Public Schools, the parent or guardian may appeal to the Superintendent. If the Superintendent determines that the child is not eligible, the parent or guardian may appeal to the School Committee.

The School Committee authorizes the Superintendent (or designee administrator) to investigate residency concerns, and to hold hearings with students and parents believed to be non-residents.

Temporary residence in the Town of Lexington solely for the purpose of attending the Lexington Public Schools is not considered “residence” for admission to the Lexington Public Schools

In determining residency, the Lexington School Committee, through the Superintendent (or designee), reserves the right to require the production of a variety of records and documentation to determine whether or not a student actually resides in Lexington.

If, after a hearing, a student is found to be in violation of the residency policy, he or she may be dismissed immediately from the Lexington Public Schools. Lexington reserves the right to seek full tuition from the parent(s), guardian(s), or responsible adult for the full academic year(s). LPS may also seek additional funding, such as legal fees incurred to enforce or defend this policy, and may withhold certain scholarships and awards as permitted by law.

When a new student registers for school and lives with anyone other than a parent or guardian, the school department must receive proof of child’s residency in Lexington. Staff will ensure that all forms and regulations are fully executed and conform to this policy.

Except as provided by school committee policy or by law, the Lexington Public Schools is not required to enroll a child who does not actually reside in the town. Any person who violates or assists in the violation of this policy may be required to remit full restitution to the town. The School Committee may waive part or all restitution upon the recommendation of the Superintendent of Schools.

The Lexington Public Schools administrative staff is authorized to require evidence of residence prior to enrolling a child. The Superintendent is authorized to determine what evidence will be required to establish residency.

The following provisions apply with respect to residency:

1. **Child in temporary residence with other than his/her parent or guardian.** If a child temporarily resides in Lexington, apart from the legal residence of his/her parent or guardian for the special purpose of attending school, the student may enroll, subject to (a) the authorization of the Superintendent and (b) payment of tuition by the student's parent or guardian for the period of the student's attendance. All tuition must be paid prior to the first day of attendance.

2. **Homeless Students.** The Lexington Public Schools adheres to the federal McKinney-Vento Homeless Assistance Act and related state provisions in permitting or continuing the enrollment of students identified as homeless under the provision of the Act.

3. **Metropolitan Council for Educational Opportunity (METCO).** The Lexington Public Schools adheres to the provisions of Mass. Gen. Laws ch. 76, §12A (METCO) in enrolling non- resident students under the METCO program.

4. **Agreement with another School Committee.** When space permits, the Superintendent may make arrangements with a neighboring community for a student from another community to attend school in Lexington in the following circumstances:
 - a) The student requires special education pursuant to M.G.L. c. 71B and/or related federal laws;

 - b) A student moves from Lexington within the last three months of the school year and requests permission to complete the year in Lexington; or

 - c) A student is admitted to Lexington pursuant to an agreement with the school committee in the community in which the student resides.

Such arrangements are contingent upon:

- (a) the availability of space as determined by the Superintendent of Schools;

- (b) the respective school committees reaching mutually agreeable terms for such attendance;

- (c) the payment of tuition, unless tuition is waived.

5. In addition, if a student has attended Lexington High School for more than 2 years and the student's parent or legal guardian moves away from Lexington after the conclusion of the student's junior year in high school, the Superintendent has discretion to permit the child to attend for the full senior year.

LEGAL REFS.: MGL 76:5, 76:6, 76:12, 76:12A

Cultural Exchange Act of 1961, 22 U.S.C. 2451 & 22 CFR Part 62

McKinney Vento Homeless Assistance Act, 42 U.S.C. 11431, et. seq.

Amended December 20, 2016