

## **File: JFA-E -- RESIDENCY AND SCHOOL ADMISSIONS**

All children of school age who actually reside in the Town of Bedford will be entitled to attend the Bedford Public Schools. "Actual residence" shall mean that the Town of Bedford is the place which is most closely connected with the primary purpose of a dwelling, is the center of child's domestic, social and civic life and is the place where the child and their parent/guardians intend to remain permanently.

Temporary living arrangements in a motel, hotel, or any other building in the Town of Bedford does not constitute "actual residence." Temporary living arrangements at FamCamp, Hanscom Air Force Base does not constitute "actual residence." In such circumstances, however, the child may be allowed to enroll in accordance with the requirements and limitations of policy and law, including but not limited to the McKinney-Vento Homeless Assistance Act and Every Student Succeeds Act.

In circumstances where the child's parent/guardians do not live together the child's "actual residence" shall be that of the parent/guardian with sole physical custody. In a case of shared physical custody, the child's place of "actual residence" shall include the Town of Bedford if at least one of the parent/guardians has "actual residence" in the Town of Bedford and child lives with parent/guardian in the Town of Bedford on at least approximately half of school nights on a regular basis. The terms "sole physical custody" and "shared physical custody" shall have the definitions set forth in law. The School District is entitled to documented legal proof of shared physical custody.

In circumstances where legal guardianship of a child has been legally established, the child shall be entitled to enroll if they live with the guardian and the guardian has "actual residence" in the Town of Bedford. A Massachusetts caregiver authorization affidavit may not be used to circumvent any state or federal law, nor may it be used for the purposes of enrollment in Bedford Public Schools or for purposes of attendance at a particular school.

### **Exceptions:**

1. These residency requirements shall not apply to the following:
  - a. Students who are entitled to attend the Bedford Public Schools under the Bedford Public Schools METCO/School Choice policies, McKinney-Vento Homeless Assistance Act and/or the foster care provisions of the Every Student Succeeds Act.
  - b. The Superintendent, upon request of a Building Principal, may also allow students to finish a school year even though a change of residence has taken place. Such a request will require the Prior approval of the Building Principal where the child attends school. In all of the foregoing circumstances, students are responsible for their own travel arrangements to and from school after they move out of the Town of Bedford.
  - c. Children of Bedford Public School Teachers shall be allowed to attend the Bedford Public Schools in accordance with law and the provisions enumerated in the collective bargaining Agreement between the Bedford School Committee and the Bedford Education Association. Such attendance shall be on a tuition-free basis

provided that this benefit shall not apply to programs for which Bedford residents are charged tuition. Children allowed to attend Bedford Public Schools under this provision must provide evidence of compliance with Massachusetts school entry immunization and physical exam law requirements prior to attending.

d. Non-resident international students shall also be allowed to enroll on a space available basis for both enrollment and course selection and contingent upon the following: (1) in accordance with state and federal laws, (2) under the provisions of programs sponsored by Rotary International, American Field Service, or an international exchange student program approved in advance by the Superintendent, (3) requests must be received prior to July 1 to be considered for enrollment in the ensuing school year, except in unusual circumstances, (4) students on an F-1 visa may enroll only if they are in compliance with the conditions of the visa, and (5) prior to acceptance, a student must present a valid visa, evidence of compliance with Massachusetts school entry immunization and physical exam law requirements, and evidence of a responsible family in the Town of Bedford with whom the international student is to live with temporarily during international student's exchange program.

e. The Superintendent may allow students to attend school if they are not actual residents of the town in rare and extraordinary cases.

2. In addition to termination of employment, and the imposition of other penalties permitted by law (M.G.L. c76:s5), the Bedford Public Schools reserves the right to recover restitution based upon the costs of educational services provided during the period of non-residency.

The Bedford Public Schools residency requirements, verification procedures, and consequences of falsifying or misrepresenting residency will be published in the Bedford Public Schools Policy Manual and published in each school handbook.

SOURCE: Bedford Public Schools - Approved *[insert date]*

LEGAL REFS: M.G.L. c. [15:1G](#); [76:1](#); [76:5](#); [76:6](#); 76:12A; 76:12B; [76:15](#); [76:15A](#); 201F

Every Student Succeeds Act, Section 1112(c)(5)(A, B)

McKinney-Vento Homeless Assistance Act, 42 USC §11431-11435

603 CMR [26.00](#); 603 CMR 28.10

CROSS REFS:

JEB – Kindergarten and First Grade Entrance Policies

JHD – Exclusions and Exemptions from School Attendance

JFABD – Homeless Students: Enrollment Rights and Services

JB – Equal Educational Opportunities

JLCA – Physical Examination of Students

JFBB – School Choice

School Committee Approved: March 14, 2023