

**FRAMINGHAM PUBLIC SCHOOLS**  
**Department of Special Education**  
**MEMORANDUM**

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April 12, 2006

**TO:** Dr. Christopher Martes

**FROM:** Pamela Kaufmann, Director of Special Education  
Betsey McKeon, Assistant Director of Special Education

**SUBJECT:** PILOT Program Questions

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Betsey and I reviewed the questions posed by the PILOT School Committee as they relate to special education.

Residency

Question regarding student residency are governed by relevant federal and state law and regulation.

School Counsel, Phil Benjamin, responded to the question of student residency. See the following paragraphs:

“Generally, a student’s admission and enrollment in a public school district is a function of the student’s resident residence. General Law c. 76, §5 provides that “[e]very person shall have a right to attend the public schools of the town where he actually resides.” The department of education has long interpreted this statute literally: children who actually live in a municipality—whether with their natural parents, other relatives, by themselves, in a foster or group home, or in virtually any other living situation—are legally entitled to attend the municipality’s public schools. See Mass. Dept. of Education, Advisory Opinion on Residence for School Attendance Purposes (July 1985). MCLE School Law 2003.

In some situations where the student does not live with his or her parents, a student’s residency may be defined by where the parents reside rather than where the student resides. For special education students, there are detailed regulations for the assignment of both fiscal responsibility and programmatic responsibility. See 603 C.M.R. 28.10. In cases where there are questions as to which school district is responsible for a student there is a procedure set out in those regulations where an agency or school district can file a request with the Massachusetts Department of Education (“DOE”). DOE then reviews the situation and makes an assignment, designating fiscal responsibility and programmatic responsibility to one or more school districts.

Students are who deemed “homeless” are covered by the federal McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et. seq. In general, DOE considers students living in shelters as homeless.”

Briefly, if a student resides in a group home, or shelter located in Framingham, Framingham Public Schools is responsible for providing educational programs and services to that student.

If a special education student resides in a group home, attends Framingham Public Schools and the parent lives in another school district, Framingham bills the “home” school district for the costs of special education. We are very aggressive on this matter. If the student attends an out of district placement, the “home” school district pays the tuition.

If a student is homeless, they have the right under the McKinney-Vento Act to continue education in their previous school district or in Framingham.

If the student continues in his previous school district, Framingham shares the transportation costs with the previous school district.

#### Student Data

Framingham does not maintain records of students living in group homes nor does the MA DOE require any reporting of such.

We cannot release any data due to State and Federal confidentiality requirements.

In summary, we are not aware of any situation where a special education student living in a group home and attending Framingham Public Schools has resulted in increased costs to Framingham.

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Cc: Anna Cross  
Betsey McKeon