

## PUBLIC SCHOOLS OF BROOKLINE POLICY MANUAL

### SECTION J STUDENTS

#### **1. Admissions**

**a. School Admissions** (Voted 6/19/78, #78-309, 10, 11; 6/4/79, #79-191; 10/6/81, #81-462; 6/21/83, #83-260; 6/6/85 #85-226; 4/27/89, #89-197; 6/16/05, #05-81; 6/6/13, #13-46, 1/30/14, #14-8; 6/5/14, #14-46; 12/3/15, #15-81)

Pursuant to MGL Chapter 76, sec. 5, the School Committee recognizes the right of all otherwise eligible persons actually residing in the Town of Brookline to be able to attend the Public Schools of Brookline (“PSB”), subject to the following policy and any relevant federal, state or local laws.

#### I. Residency

In order to attend the PSB, a student must actually reside in the Town of Brookline, unless one of the exceptions (set forth in Part V, below) applies.

“Residence” is the primary place where a person dwells permanently, not temporarily, and with the intent to remain, and is the place that is the center of his or her domestic, social, and civic life. Minors are generally presumed to reside with their parents or guardians. Temporary residence in the Town of Brookline, solely for the purpose of attending the PSB, shall not be considered residency. Unless as otherwise stated in Section V, below, a student shall not be allowed to attend the PSB unless the student is actually residing in the Town of Brookline. It is presumed that if a student is residing here for three months or less, the student does not meet resident eligibility requirements.

In determining and reconfirming residency, the PSB reserves its right to request a variety of documentation and to investigate where a student or applicant for enrollment actually resides on an ongoing basis. Also, the PSB may act upon anonymous tips it receives to conduct a residency verification investigation.

Unless one or more of the exceptions set forth in Section V applies, a determination that a student does not actually reside in the Town of Brookline renders the student ineligible to enroll in the Public Schools of Brookline or, if the student is already enrolled in the Public Schools of Brookline, shall result in the immediate termination of such enrollment. A parent, legal guardian, or student who has reached the age of majority (18), who is aggrieved by an adverse determination of residency has the right to an appeal hearing with the Superintendent of Schools or designee, whose decision shall be final.

#### II. Verification of Residency

**a. Initial Enrollment.** Upon initial enrollment in the PSB, the enrolling student’s parent or legal guardian must provide the district with a signed Affidavit of Residency, along with satisfactory proof of residency in the Town of Brookline. Upon initial enrollment, proof of residency shall include three or more records as designated by the Office of Registration and Enrollment at time of enrollment.

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*b. Continued Enrollment.* A student's parent or guardian shall verify the home address and home telephone number of each student and provide an updated signed Affidavit of Residency at least once during each school year. Any irregularities identified by the Headmaster and Principals, or their designee, shall be reported promptly to the Office of Registration and Enrollment. Parents are required to notify the school of any changes to their residential address or the address of the student within five calendar days of the change. All enrolled PSB students' parents or legal guardians shall provide an updated proof of residency upon request to demonstrate continued enrollment eligibility. Updated documented proof shall be required of all students multiple times throughout their academic career enrolled in PSB.

### III. Enforcement

Should a question arise concerning any student's residency in the Town of Brookline while attending the PSB, 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, anonymous tips, correspondence that is returned to the Public Schools of Brookline because of an invalid or unknown address, or other grounds.

The Office of Registration and Enrollment may request additional documentation, may use the assistance of the Public Schools of Brookline Attendance Officer, and/or may obtain the services of police or investigative agency personnel to assist with or conduct investigations into student residency. The Attendance Officer and/or residency investigator(s) will report his or her findings to the Office of Registration and Enrollment, who shall make an initial determination of residency.

Upon an initial determination by the Office of Registration and Enrollment that a student is not actually residing in the Town of Brookline, the student's enrollment in the Public Schools of Brookline shall be terminated.

### IV. Appeals

The student's parent or legal guardian may appeal a determination as outlined above. If the student has reached the age of majority (18) he or she may appeal the decision. The student may remain in school pending such appeal.

### V. Penalties

In addition to termination of enrollment and the imposition of other penalties permitted by law, the Public Schools of Brookline reserves the right to recover restitution based upon the costs of educational services provided during the period of non-residency.

### VI. Exceptions

1. The Residency Requirements Shall Not Apply to the Following:

- a. Students enrolled in the Brookline METCO Program;

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- b. Students enrolled in the High School under special programs approved by the School Committee, such as educational exchange programs;
- c. Tuition paying students, as permitted by law, unless tuition is waived under Section V(2) below;
- d. Children of non-resident employees of the Town of Brookline, who meet the conditions established from time to time by the School Committee in the policy pertaining to such students;
- e. Students who are entitled to attend the Public Schools of Brookline under the McKinney-Vento Homeless Assistance Act.
- f. Students already enrolled in the Public Schools of Brookline who move out on or after April 1<sup>st</sup> of a given school year, or in the case of 8<sup>th</sup> graders and Brookline High School seniors who move out on or after Oct 1<sup>st</sup> of a given school year, may complete that year on a tuition basis, unless tuition is waived.

### 2. Extraordinary Circumstances: Residency Requirement Waivers and Tuition Waivers

At the discretion of the Superintendent or his/her designee, residency requirements and/or tuition may be waived as follows:

- a. Students in their senior class at Brookline High School who move from Brookline on or after October 1 of their senior year, and who resided in Brookline during the entire previous school year.
- b. Students who move to or from Brookline temporarily because of the severe or chronic illness of the student or immediate family member; the death of an immediate family member; disaster to the residence; or other circumstances having a significant impact upon the student.

### 3. Dwelling Units that are Intersected by the Town Line: (Voted 1/30/14, #14-8)

For the purposes of determining eligibility to attend the Public Schools of Brookline (PSB) on the basis of residency, a PSB-eligible residence shall be any dwelling unit, as distinguished from a plot of land or a multi-unit building, on which a minimum of 25% of the dwelling unit is assessed by the Town of Brookline, based on gross building area provided that some/any portion of that 25% is finished living area, as defined by the Brookline Town Assessor.

If a dwelling unit is intersected to whatever degree by the Town Boundary line and assessed on less than 25% of the dwelling unit, based on gross building area and finished living area as described above, that dwelling does not constitute a residence in the PSB district, and students who reside in that dwelling unit shall not be eligible for enrollment in the Public Schools of Brookline.

Determination of gross building area and finished living area shall be that provided by the Brookline Town Assessor. In the case of properties under construction and/or not yet assessed,

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the PSB Administration may rely on estimates from other relevant Town departments.

*a. Exceptions.* Students and/or dwelling units shall be grandfathered as PSB-eligible if eligible under either of the following exceptions.

*i. Dwelling Units in Intersected Multi-family Buildings Prior to the Adoption of this Policy:*

In the case of an occupied dwelling unit located in a multi-family building intersected by the Town Boundary Line and previously allowed under this policy to be PSB-eligible, children of families residing in that dwelling unit as of the date of adoption of this policy may enroll and/or remain in the PSB until such time as they no longer reside in that dwelling unit.

*ii. Intersected Single Family Dwelling Units Purchased as PSB-eligible Prior to the Adoption of this Policy*

In the case of single family dwelling units intersected to whatever degree by the Town Boundary Line and purchased as PSB-eligible prior to the adoption of this policy, any children of families who reside now or in the future in those dwelling units will be eligible for the Public Schools of Brookline on the basis of residency, with the following caveat.

Should a dwelling unit that would otherwise be exempt under this Section (a) (ii) be altered to increase the number of dwelling units contained in or attached to the physical space containing a dwelling unit (such as through the conversion of a single family dwelling into an attached two-family, or into multiple condominium dwelling units), the exemption under this section shall no longer apply to the dwelling unit.

In addition, any additional dwelling unit(s) added onto an exempt dwelling unit or added onto the property at the same address (for example, such as through the addition of town houses onto a single family home, or the conversion of a carriage house into a dwelling unit) shall not be exempt under this Section(a)(ii).

*b. Proof of Residency for Intersected Multi-Family Dwellings*

Parents/guardians residing in a multi-family building intersected to whatever degree by the Town line and seeking to enroll a child in the Public Schools of Brookline shall be required to provide proof of residency, in accordance with Section J1a.II above, that identifies the particular dwelling unit in which they reside.

*c. Right of Appeal*

If a determination of PSB eligibility under this policy is contested, appeal for review may be made to the Office of the Superintendent of Schools, whose decision regarding enrollment of the student(s) in question shall be final. Enrollment of an individual student under this appeal provision shall be specific to the student and shall not be construed as establishing PSB residency eligibility for the dwelling in question.

*d. Notice of Policy Concerning Intersected Properties*

The PSB shall maintain and make publicly available a current list of intersected properties that are considered eligible for PSB enrollment.

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### VI. Notification

The PSB's residency requirements, verification procedures, and consequences of falsifying or misrepresenting residency will be published in the Brookline School Committee Policy Manual, posted on the Public Schools of Brookline website, and published in each school handbook.

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