# Quick Reference Guide

**SUMMARY OF ASSIGNMENT OF SCHOOL DISTRICT RESPONSIBILITY UNDER 603 CMR 28.10 – GENERAL PROVISIONS**

## Responsibility Based on Student Residence – 603 CMR 28.10(2)

**Student Circumstance:**

Student’s placement: in-district or out-of-district, but *not* residential.

Student’s residence:

* may reside with one parent or both parents or
* may be 18 or older and has established their own residence as an adult

**Residence and Custody:**

May include:

* both parents reside together and share custody
* parents reside in different districts and student resides with both parents in both districts
* parents reside in different districts and physical custody rests solely with one parent
* the student is an adult

**Programmatic and Financial Responsibility:**

Programmatic and financial responsibility will most often rest with the district where the student actually resides and is **enrolled**. This will be true for all students in an in-district placement, regardless of custody considerations. 28.10(2)(a)(1) and 28.10(2)(b).

Responsibility is shared between two districts if the student has an out-of-district placement *and* parents reside in two different districts *and* the student actually resides with both parents. Responsibility is *not* shared if student is with one parent only on weekends or during school vacation periods. 28.10(2)(a)(2).

## Responsibility Based on Residence of the Parent(s) or Legal Guardian – 603 CMR 28.10(3)

**Student Circumstance:**

Student is:

* in a pediatric nursing home, or
* living and is educated at a special education residential school and their IEP is for an out-of-district placement, or
* living and is educated in an institutional facility institutional facility operated by DMH, DPH, DYS, DOC, County House of Correction

**Residence and Custody:**

Whether the student is in the custody of his or her parents or a state agency **is** a factor in assignment of responsibility in these circumstances.

**Programmatic and Financial Responsibility:**

Programmatic and financial responsibility will most often rest with the district(s) where the parent(s) or legal guardian resides.

The exception(s) are if one parent has sole or primary physical custody or had sole primary physical custody before the student entered state custody. In that case, responsibility will rest with the district where that parent lives. See 603 CMR 28.10(8)(c)(5), And If the student had been in a foster care setting immediately prior to entering the institutional facility.

## Shared School District Responsibility – 603 CMR 28.10(4)

**Student Circumstance:**

Student is not in foster care and is:

* living with a relative, or
* living in a residence, crisis or respite facility funded or supervised by a state agency other than DCF, or
* living with a “caregiver” as defined in G.L. c. 201F

**Residence and Custody:**

These students are not involved with the DCF but may or may not have another state agency involved.

**Programmatic and Financial Responsibility:**

Student is served in an in-district program:

Programmatic responsibility is with the district where the student lives, and financial responsibility is with the district(s) where the parent(s) or legal guardian resides (unless the student is 18 and has established their own residence). 28.10(4)(a).

Student’s placement is an out-of-district program:

The district where the student lives may be required to cooperate with the district(s) where the parent(s) or legal guardian lives. The former will have programmatic responsibility and the latter will have financial responsibility. 28.10(4)(b) and (c).

## Responsibility for Homeless Students and Students in Foster Care – 603 CMR 28.10(5)

**Student Circumstance:**

Homeless - Student is:

* in a living situation that is considered “homeless” under the McKinney-Vento Act - *lacking a fixed and stable nighttime residence* and
* receiving special education services in any type of placement

**Residence and Custody:**

Student may be in the custody of the parent(s) who is also homeless or in the custody of a state agency other than the Department of Children and Families (DCF).

**Programmatic and Financial Responsibility:**

Programmatic and financial responsibility is with the school district(s) that were responsible before the student became homeless. This changes once the student is enrolled in the school district where the student’s temporary residence is located. Then if the student is:

* receiving in-district services, the programmatic and financial responsibility switches to the school district where the student is enrolled, or
* receiving out-of-district services, the programmatic responsibility switches to the school district where the student is enrolled, but the financial responsibility remains with the district that was responsible before the student became homeless. This lasts until the student is no longer homeless. 28.10(5)(a)(2).

## Responsibility for Homeless Students and Students in Foster Care – 603 CMR 28.10(5)

**Student Circumstance:**

Foster Care - Student is:

* in foster care as described in ESSA - (24-hour substitute care for children placed away from their parents or guardians and for whom DCF has placement and care responsibility.
* Includes foster family homes; kinship foster homes; group homes; emergency shelters; residential facilities; residence, crisis or respite facilities funded or supervised by DCF; childcare institutions; and pre-adoptive homes

**Residence and Custody:**

Care and custody is with the Department of Children and Families.

**Programmatic and Financial Responsibility:**

Student stays in same school upon entry into foster care or when the student’s foster care setting changes:

* programmatic and financial responsibility stays with the school district(s) that were responsible before the student entered into foster care. 28.10(5)(b)(1).

Student changes schools when entering foster care or when the foster care setting changes:

* programmatic responsibility is with the district the student is enrolled, and financial responsibility is with the parent(s) district(s). 28.10(5)(b)(2).

Student is in foster care and DCF moves the student to live in and attend a residential school:

* programmatic responsibility stays with the district(s) that was responsible before relocation, and financial responsibility is with the parent(s) districts(s). 28.10(5)(b)(3).