

1 S.171

2 Introduced by Senator Ram Hinsdale

3 Referred to Committee on

4 Date:

5 Subject: Education; legal residence

6 Statement of purpose of bill as introduced: This bill proposes to allow a
7 student displaced by a natural disaster to continue to enrollment in the
8 student's school of origin regardless of whether the student or student's parents
9 maintain residency within the same school district following displacement.

10 An act relating to the legal residency of a student following displacement by
11 a natural disaster

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 16 V.S.A. § 1075 is amended to read:

14 § 1075. LEGAL RESIDENCE DEFINED; RESPONSIBILITY AND
15 PAYMENT OF EDUCATION OF STUDENT

16 (a) For the purpose of this title, except as otherwise set forth, the legal
17 residence or residence of a student shall be as follows:

18 (1) In the case of a minor, legal residence is where ~~his or her~~ the
19 student's parents reside, except that:

1 (A) if the parents live apart, legal residence is where either parent
2 resides, but if a parent with sole custody lives outside the State of Vermont, the
3 student does not have a legal residence in Vermont;

4 (B) if the minor is in the custody of a legal guardian appointed by a
5 Vermont court or a court of competent jurisdiction in another state, territory, or
6 country, legal residence is where the guardian resides.

7 (2) In the case of a student who has reached the age of majority, legal
8 residence is where the student resides.

9 (3) For the purposes of this title, “resident” of the State and of a school
10 district means a natural person who is domiciled in the school district and who,
11 if temporarily absent, demonstrates an intent to maintain a principal dwelling
12 place in the school district indefinitely and to return there, coupled with an act
13 or acts consistent with that intent. The term “temporarily absent” includes
14 those special cases listed in 17 V.S.A. § 2122(a). The term “residence” is
15 synonymous with the term “domicile.” A married person may have a domicile
16 independent of the domicile of ~~his or her~~ the person’s spouse. If a person
17 removes to another town with the intention of remaining there indefinitely, that
18 person shall be considered to have lost residence in the town in which the
19 person originally resided even though the person intends to return at some
20 future time. A person may have only one residence at a given time.

21 * * *

1 (k)(1) Notwithstanding subsections (a), (b), and (h) of this section, for the
2 purposes of this title, a student who has been displaced by a natural disaster
3 may maintain enrollment in the student’s school of origin, as defined in
4 subdivision (c)(1) of this section, as of the day preceding the first day of a
5 natural disaster. A displaced student may maintain enrollment in the student’s
6 school of origin regardless of whether the student or student’s parents continue
7 to reside within the same school district following displacement.

8 (2) Notwithstanding any provision of law to the contrary, a displaced
9 student who maintains enrollment in the student’s school of origin pursuant to
10 this subsection shall be counted in the average daily membership of the school
11 district of origin regardless of whether the student is a legal resident of the
12 school district of origin.

13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on July 1, 2024.