

1 S.175

2 Introduced by Senator Collins

3 Referred to Committee on

4 Date:

5 Subject: Education; school districts; district of residence; legal residence

6 Statement of purpose of bill as introduced: This bill proposes to authorize a  
7 student who is enrolled in a Vermont public school and who moves to a new  
8 Vermont school district during the school year to retain legal residency in the  
9 original district and remain enrolled in the original school for the remainder of  
10 the school year. In addition, it would authorize the two school districts to  
11 permit the student to retain legal residency for a subsequent year or years.  
12 During any period of retained residency, the two school districts would have  
13 whatever rights and responsibilities they would have had if the student were  
14 physically domiciled in the original district, except that the original district  
15 would not be required to provide transportation.

16 An act relating to permitting a student to remain enrolled in a Vermont  
17 public school after moving to a new school district

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

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

2 § 1075. LEGAL RESIDENCE ~~DEFINED~~; RESPONSIBILITY FOR AND  
3 PAYMENT OF EDUCATION OF PUPILS STUDENT

4 (a) For the purpose of this title, ~~except as otherwise set forth herein, the~~  
5 ~~legal residence or residence of a pupil shall be as follows:~~

6 (1) ~~in the case of a minor, legal residence is~~ If the student is a minor,  
7 then the student's legal residence is where his or her parents reside,  
8 except that:

9 \* \* \*

10 (2) ~~in the case of a student who~~ If the student has reached the age of  
11 majority, then the student's legal residence is where the student resides;

12 (3) ~~for the purposes of this title, A~~ “resident” of the State and of a school  
13 district ~~means~~ is a natural person who is domiciled in the school district and  
14 who, if temporarily absent, demonstrates an intent to maintain a principal  
15 dwelling place in the school district indefinitely and to return there, coupled  
16 with an act or acts consistent with that intent. The term “temporarily absent”  
17 includes those special cases listed in 17 V.S.A. § 2122(a). The term  
18 “residence” is synonymous with the term “domicile.”

19 (4) A married person may have a domicile independent of the domicile  
20 of his or her spouse. ~~¶~~



1           (2) If a student retains legal residency in the original district pursuant to  
2 this subsection, then the original district and the second district each shall have  
3 exactly those rights and responsibilities in connection with the student that it  
4 would have if the student were physically domiciled in the original district;  
5 provided, however, that the original district is not required to provide  
6 transportation for the student even if it provides transportation for other  
7 students enrolled in the school it maintains.

8           (3) There is no right of appeal under subsection (b) of this section or  
9 otherwise from any decision made pursuant to this subsection (k).

10       Sec. 2. 16 V.S.A. § 4001(1) is amended to read:

11           (1) “Average daily membership” of a school district, or if needed in  
12 order to calculate the appropriate homestead tax rate, of the municipality as  
13 defined in 32 V.S.A. § 5401(9), in any year means:

14           (A) The full-time equivalent enrollment of pupils, as defined by the  
15 State Board by rule, who are legal residents of the district or municipality  
16 attending a school owned and operated by the district, attending a public  
17 school outside the district under section 822a of this title, or for whom the  
18 district pays tuition to one or more approved independent schools or public  
19 schools outside the district during the annual census period, or who have been  
20 deemed to have retained legal residency in the district pursuant to subsection

