17

1	H.422
2	Introduced by Representative Clarkson of Woodstock
3	Referred to Committee on
4	Date:
5	Subject: Education; tuition; residency; designation
6	Statement of purpose of bill as introduced: This bill proposes to authorize the
7	Commissioner of Taxes to provide to a school district that pays tuition for all
8	students in one or more grades a list of the people who have declared their
9	dwelling to be their "homestead" for education property tax purposes and
10	permit the district to request additional information for the purposes of
11	determining residency. It would also prohibit a school from billing a school
12	district for a tuition undercharge. Finally, it would permit elementary school
13	districts to designate one public or approved elementary school as the
14	elementary school of the district.
15 16	An act relating to verifying residency, eliminating "bill-backs," and permitting elementary school designation in school districts that pay tuition

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

21

1	* * * Residency * * *
2	Sec. 1. 32 V.S.A. § 3102(e) is amended to read:
3	(e) The Commissioner may, in his or her discretion and subject to such
4	conditions and requirements as he or she may provide, including any
5	confidentiality requirements of the Internal Revenue Service, disclose a return
6	or return information:
7	* * *
8	(17) To the board of a school district that provides for the education of
9	all resident students in one or more grades, if the district requests the
10	information in order to verify that a person for whose child the district is
11	paying tuition is a resident of the municipality in which the district is located
12	pursuant to 16 V.S.A. § 1075.
13	Sec. 2. 32 V.S.A. § 5410 is amended to read:
14	§ 5410. DECLARATION OF HOMESTEAD
15	* * *
16	(d)(1) The Commissioner shall provide a list of homesteads in each town to
17	the town listers by May 15. The listers shall notify the Commissioner by
18	June 1 of any residences on the Commissioner's list which do not qualify as
19	homesteads. The listers shall separately identify homesteads in the grand list.
20	(2) On or before May 15 annually, for each municipality in which the

school district provides for the education of all resident students in one or more

21

1	grades by paying tuition, the Commissioner shall provide a list of all properties
2	declared to be homesteads, and the name or names of the persons making that
3	declaration, to the board of the school district. On or before June 1, the listers
4	shall send the notification required in subdivision (1) of this subsection to these
5	school boards.
6	* * *
7	* * * Tuition Undercharge * * *
8	Sec. 3. 16 V.S.A. § 836 is amended to read:
9	§ 836. TUITION OVERCHARGE OR UNDERCHARGE
10	(a) Annually, on or before November 1, the Secretary shall inform each
11	school board of a receiving public school, each board of trustees of a receiving
12	approved independent school for which the Secretary has calculated a net cost
13	per pupil, and each sending school district in Vermont of the calculated net
14	cost per elementary or secondary pupil in the receiving schools. Each school
15	board or board of trustees of a receiving school shall then determine whether it
16	overcharged or undercharged any sending district for tuition charges and shall
17	notify the district by December 15 of the same year of the amount due or the
18	amount to be refunded or credited.
19	* * *
20	(c) If the receiving district has undercharged tuition in an amount three

percent or more than the calculated net cost per elementary or secondary pupil,

1	the sending district shall pay the receiving district an amount equal to the
2	amount of the undercharge that is between three percent and ten percent of the
3	net cost per pupil. If payment is not made by July 31 of the year following the
4	year in which the undercharge was determined, interest owed the receiving
5	district on undercharge monies shall begin to accrue on August 1, at the rate of
6	one percent per month. [Repealed.]
7	* * * Designation of Schools Offering Elementary Education * * *
8	Sec. 4. 16 V.S.A. § 821 is amended to read:
9	§ 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY
10	SCHOOLS OR PAY TUITION
11	(a) Elementary school. Each school district shall maintain one or more
12	approved schools within the district in which elementary education for its
13	resident students in kindergarten through grade six is provided unless:
14	(1) the electorate authorizes the school board to provide for the
15	elementary education of the students by paying tuition in accordance with law
16	to one or more than one public elementary schools in one or more school
17	districts;
18	(2) the electorate authorizes the school board to designate one public
19	elementary school or one approved independent school as the sole public
20	elementary school of the district pursuant to section 827 of this title;

1	(3) the school district is organized to provide only high school education
2	for its students; or
3	(3)(4) the General Assembly provides otherwise.
4	* * *
5	(d) Notwithstanding subdivision (a)(1) of this section <u>but except as</u>
6	provided in subsections 827(c) and (d) of this title, the electorate of a school
7	district that does not maintain an elementary school may grant general
8	authority to the school board to pay tuition for an elementary student at an
9	approved independent elementary school or an independent school meeting
10	school quality standards pursuant to sections 823 and 828 of this chapter upon
11	notice given by the student's parent or legal guardian before April 15 for the
12	next academic year.
13	Sec. 5. 16 V.S.A. § 827 is amended to read:
14	§ 827. DESIGNATION OF A PUBLIC HIGH ELEMENTARY OR
15	SECONDARY SCHOOL OR AN APPROVED INDEPENDENT
16	HIGH ELEMENTARY OR SECONDARY SCHOOL AS THE SOLE
17	PUBLIC HIGH ELEMENTARY OR SECONDARY SCHOOL OF A
18	SCHOOL DISTRICT
19	(a) A school district not maintaining an approved public high elementary
20	school or a secondary school may vote on such terms or conditions as it deems

appropriate, to designate an approved independent school or a public school as
the public high elementary or secondary school of the district.

3 ***

- (c) A parent or legal guardian who is dissatisfied with the instruction provided at the designated school or who cannot obtain for his or her child the kind of course or instruction desired there, or whose child can be better accommodated in an approved independent or public high elementary or secondary school nearer his or her home during the next academic year, may request on or before April 15 that the school board pay tuition to another approved independent or public high elementary or secondary school selected by the parent or guardian.
- (d) The school board may pay tuition to another approved high elementary or secondary school as requested by the parent or legal guardian if in its judgment that will best serve the interests of the student. Its decision shall be final in regard to the institution the student may attend. If the board approves the parent's request, the board shall pay tuition for the student in an amount not to exceed the least of:
- (1) The statewide average announced tuition of Vermont union high elementary or secondary schools.
- (2) The per-pupil tuition the district pays to the designated school in the year in which the student is enrolled in the nondesignated school.

1	(3) The tuition charged by the approved nondesignated school in the
2	year in which the student is enrolled.
3	* * *
4	* * * Effective Date * * *
5	Sec. 6. EFFECTIVE DATE
6	This act shall take effect on July 1, 2015.