

**C-31** (formerly F-13)

Date Warned: 4-14-16

Date Adopted: 5-12-16

Date Reviewed: \_\_\_\_\_

Date Revised: \_\_\_\_\_

## **Brookline and Newfane Joint Contract School Districts**

### **Board Policy**

#### **VERIFICATION OF STUDENT RESIDENCY**

##### **Policy**

The Brookline and Newfane School Boards are responsible for the education of pupils who are residents in the Brookline and Newfane School Districts. The Board has a responsibility to the taxpayers of these Districts to be assured that the Districts are only educating those pupils whose parents, legal guardians or custodians are legal residents of the Districts or who meet the statutory exceptions to the residency requirements. Accordingly, the Districts may, consistent with state statute, deny tuition for pupils who are not legal residents of the Districts.<sup>1</sup> Under Vermont law, legal residency is synonymous with the term "domicile." The Vermont Supreme Court has defined domicile to mean "a place where a person lives or has his home, to which, when absent he intends to return and from which he has no present purpose to depart. *Piche v. Department of Taxes*, 152 Vt. 229, 232 (1989); *Tower v. Tower*, 120 Vt. 213, 221 (1958). To establish a domicile, "there must be a move to the new residence and dwelling there, coupled with an intention of remaining there indefinitely." *Walker v. Walker*, 124 Vt. 172, 174 (1964). "Although one can change domicile by moving to a new residence and dwelling there with the intent to remain indefinitely, 'an essential ingredient of the intention requirement is the intent to give up the old domicile.'" *Godino v. Cleanthes*, 163 Vt. 237, 240 (1995); *see also Tower, supra* at 221 and *Walker, supra* at 174. Stated differently, the "necessary intention is a fixed and definite determination to remain in a new town or, at least, such a determination not to return to the old one." *Town of Georgia v. Town of Waterville*, 107 Vt. 347, 352 (1935).

In order to determine whether a pupil is a legal resident as defined by Vermont law, the District requires proof of certain residency factors, and completion of the "Affidavit Concerning Pupil Residence."

Parents, legal guardians, and custodians of pupils and emancipated minors enrolling in the Brookline and Newfane School District school for the first time, re-enrolling after withdrawal, or whose residence is being questioned, must supply to the Brookline and Newfane School Boards the following as proof of residency, as may be applicable:

1. Confirmation from the State of Vermont that your legal homestead is Brookline or Newfane, Vermont
2. A current tax bill or current mortgage papers/closing statement showing a Brookline or Newfane address and the name of the parent, legal guardian or custodian, or a notarized letter or formal lease showing the name, address, and telephone number of the landlord, District address and name of lessee.

---

<sup>1</sup>This policy does not apply to students who may be defined as homeless, pursuant to 42 U.S.C. § 11301 et. seq.

3. A valid Vermont driver's license with a Brookline or Newfane address, or a valid Vermont Identification Card with a Brookline or Newfane address.
4. A current utility bill in the name of the parent(s)/guardian/custodian.
5. A recent bank statement. (Within the last two months)
6. Packing slip (or copy) showing name and physical address, i.e., UPS, FEDEX, USPS.

At the discretion of the Brookline –Newfane Joint Contract School Board other documents may be requested to show adequate evidence of Brookline or Newfane residency. These may include, but are not to be limited to, the following:

1. Valid Vermont vehicle registration card.
2. Valid automobile insurance card with address.
3. Current place of employment.
4. Most recent pay stub.

If the student resides in Brookline or Newfane with a legal guardian, the guardian must provide the following:

- a) Court document granting legal custody and control of the pupil to the non-parent.
- b) Above cited proofs of residency.

If the student resides in Brookline or Newfane in a foster home through a licensed state agency placement, the foster parent or custodian must provide the following:

- a) Documentation of the placement.
- b) Above cited proofs of residency.

If the pupil resides in Brookline or Newfane as an emancipated minor, the minor must provide the above cited proofs of residency. The natural parent or legal guardian, and the emancipated minor must complete an Affidavit Concerning Pupil Residence. Please provide to the school district the appropriate above stated documents and a completed Affidavit Concerning Pupil Residence within thirty (30) days of receipt. Failure to provide the school district in a timely manner with the appropriate documents and completed attached Affidavit Concerning Pupil Residence will result in your being billed for tuition.

**It is required that in the event of changes to any information that you have provided within the Affidavit Concerning Pupil Residence, you shall contact the Brookline-Newfane Joint Contract School Board as soon as possible at (802) 365-7536 to provide the NewBrook School with the current information.**

This (these) document(s), and where appropriate your testimony, will be reviewed by the Brookline-Newfane Joint Contract School Board and a decision will be made as to whether the responses comply with the laws of the State of Vermont as they relate to establishing residency for school attendance purposed. The Brookline-Newfane Joint Contract School Board will only authorize the payment of tuition after final approval of residency. The Brookline-Newfane Joint Contract School Board is responsible only for educational services provided on or after residency has been approved.

*This revised language from AOE Legal Counsel, Greg Glennon, Esq. received 5/8/15*