

**BURLINGTON SCHOOL DISTRICT**

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**F 12 : RESIDENCY FOR PURPOSES OF ENROLLMENT AND  
ADMISSION OF NON-RESIDENT PUPILS**

**Former Policy JF**

The Burlington School Board is responsible for providing kindergarten programs, elementary education and a high school education to pupils who have a legal residence in the Burlington School District. It is in the Board's discretion to refuse to accept or to dismiss pupils who are not legal residents of the District as herein defined with certain statutory exceptions as stated in state and federal law.

**I. RESIDENCY**

If a Principal or his/her designee has reason to question the residency of a pupil, or if a new pupil is enrolling in the District, the Principal may require the pupil, the pupil's parents/guardians, the person with whom the pupil lives, and other appropriate persons to the determination of the pupil's residency, to respond to residency questionnaires and to submit information relevant to the question of the pupil's residency in the form of a sworn affidavit, if so requested by the District.

If the information requested or other information leads the Principal to believe that the pupil is not a resident of the District as defined below, the Principal shall present such information to the Superintendent or his or her designee. The Superintendent/designee shall determine whether the pupil is a resident entitled to be enrolled based upon 16 V.S.A. §1075, Legal Residents Defined; Responsibility and Payment of Education of Pupils, as it may be amended from time to time and/or 12 V.S.A. Chapter 217. In addition, the Superintendent will consider whether the McKinney –Vento Act, as amended, may be applicable. If the Superintendent denies enrollment of the pupil, the pupil and or his/her parent/guardian may appeal the decision to the Board. If at any stage the pupil is denied attendance, the pupil and parents shall be immediately notified of their rights under 16 V.S.A. §1075 and the Commissioner may issue a temporary order requiring enrollment. Any interested person or taxpayer who is dissatisfied with the Board's decision may appeal that decision to the Commissioner of Education whose decision shall be final.

**II. ADMISSION OF NON-RESIDENT PUPILS**

In the event a pupil who is not a resident and who does not meet the statutory exceptions, wishes to attend District schools, the District may permit attendance in the circumstances and under the conditions outlined below.

## A. Non-Resident Pupil

The Burlington School Board may admit individual students who do not claim residency or meet certain statutory exceptions on the following basis:

- 1) The parent or guardian of a minor student or an adult student who wishes to attend a Burlington School must submit a timely written request for admittance to the superintendent. The request must state the reasons for the request and indicate a willingness to pay the approved tuition rate. In all but unusual circumstances, requests, in order to be timely, must be received by the superintendent at least ten days in advance of the beginning of the semester for which admission is sought.
- 2) The superintendent will discuss the request with the appropriate principal and notify the person making the request of his/her decision. If the request is granted, the superintendent will notify the person making the request of the tuition rate, of District billing procedures, and the District's policy on transportation.
- 3) It will be required that a tuition agreement be signed by the person responsible for tuition payment before the student is admitted. Such tuition agreement shall state the amount of tuition due, dates payable and consequences for non-payment or late payment. Said consequences may include but not be limited to the withholding of grades, transcripts or degrees and/or termination of enrollment.

Tuition may be waived by the superintendent for 20 school days in cases where the parent or student over 18 years of age shows good intention to establish residence in the City of Burlington prior to school opening in the fall but is unable to do so due to circumstances beyond their control.

Tuition waivers of more than 20 school days must be submitted to the Burlington Board of School Commissioners unless covered by this Policy.

- 4) Admission approval shall end with the school year in which attendance is granted. A timely request must be made for the following year if continued attendance is desired.
- 5) Acceptance of non-resident students is not automatic and may be denied by the superintendent when admission does not appear to be in the best interest of the student or School District. Reasons for denial may be the following; or others, as determined by the superintendent in his discretion:
  - a) Class size, available facilities or existing staff will not properly accommodate additional students.

- b) The student would require services beyond what is offered in the particular school.
- c) There is documentation of behavior or circumstances determined by the superintendent to be detrimental to the operation of the school.

In cases where the superintendent denies admission to a non-resident student on a basis other than residency status or a statutory exception, the request may be appealed by the sender to the Burlington Board of School Commissioners whose decision shall be final.

This Policy is not applicable to non-resident pupils who seek to attend Burlington Schools, grades 9-12, in accordance with the school choice provisions of state law. In those circumstances, the state law and any agreement reached with sending schools shall apply.

#### B. Pupil Transfer

In the interest of instructional continuity, students of parents or guardians who move from Burlington during the school year will be permitted to complete the semester in which they are enrolled on a tuition-free basis at the discretion of the Superintendent.

Students whose parents or guardians move after completion of the student's junior year, will be permitted to finish the senior year on a tuition-free basis at the discretion of the Superintendent.

#### C. Pupils of Employees

The Burlington Schools may admit the children of employees who reside outside the district. The superintendent will review requests annually and will consider class size, requests from residents for variances, and other pertinent factors when she/he makes the decision. Attendance of a district employee's child may not result in the need to hire additional staff. The tuition rate for children of non-resident employees will be .50 of the established tuition rate.

#### D. Sending Schools Tuition Payment

Burlington Schools accept the responsibility of providing educational opportunities for all students attending schools under their jurisdiction, whether resident, or tuitioned. In carrying out this mission, the Department must provide solid financial support through local taxes, tuition income from non-resident students, state and federal aid, and other lesser sources.

Because of the large number of tuition students attending the Burlington Technical Center, it is imperative that tuition payments be received early and promptly each semester in order to maintain an adequate cash flow, and avoid unnecessary borrowing and concomitant interest charges for the receiving school district.

The Burlington Board of School Commissioners will establish a tuition rate annually prior to February 1st, according to Vermont State Statutes.

### III. DEFINITIONS:

"Resident": Is a natural person domiciled in the school district and who, if temporarily absent, demonstrates an intent to maintain a principal dwelling place in the school district indefinitely and to return there coupled with an acts or acts consistent with that intent. The term "residence" is synonymous with "domicile". The term "temporarily absent" includes those situations listed in 17 V.S.A. § 2122(a).

The legal residence of certain individuals shall be determined as stated below:

"Legal residence of a child of homeless parents": Is where the child temporarily resides unless the parents and another school district agree that the child's attendance in the school in that district will be in the best interests of the child in that continuity of education will be provided and transportation will not be unduly burdensome to the school district.

"Child of homeless parent": Is a child whose parents:

- (1) lack a fixed, regular and adequate residence; or
- (2) have a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations such as public assistance hotels, emergency shelters, battered women's shelters, and transitional housing facilities, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings. Consideration shall also be given to whether the McKinney –Vento Act, as amended, may be applicable.

"Legal residence of an alien, immigrant or refugee child": Such legal residence shall be determined in the same manner as for a child of a homeless parent, unless the child's parents have established a residence in the state. Consideration shall also be given to whether the McKinney –Vento Act, as amended, may be applicable.

"Legal residence of an independent student or emancipated minor": Is where the independent student *or* emancipated minor resides.

"Independent Student": Is a child between the ages of 14 and 18 years who by the acts and expressions of the minor and his or her parents or legal guardian has demonstrated that the or she is living separate and apart form his or her parents or legal guardian, is independent of the authority of his or her parents or legal guardian, and is not economically dependent upon his or her parents or legal guardian. An independent student also includes individuals who are emancipated minors.

"Emancipated Minor": is a minor who:

1. Entered into a valid marriage, regardless of whether it has been terminated by dissolution or;
2. Is on active duty with any of the armed forces of the United States, or;
3. Has been ordered to be an emancipated minor pursuant to 12 V.S.A. Chapter 217.

"Legal residence of pupils under the care and custody of a state agency or a licensed child placement agency" shall be determined by the Commissioner of Education.

*Cross-References: This Policy combines the Admission of Non-Resident Students, JEC-B; Sending School Tuition Payments, E 22; Tuition Student Transfer, E 23; and Tuition - Students of Employees, JNB.*

*Legal References: 12 V.S.A. Chapter 217; Emancipation of Minors  
16 V.S.A. §821, School District to maintain Public Elementary Schools or Pay Tuition;  
16 V.S.A. §822, School District to Maintain High School or Pay Tuition;  
16 V.S.A. §1073, "Legal Pupil" Defined, Access to School;  
16 V.S.A. §1075, Legal Residents Defined; Responsibility and Payment of Education of Pupils;  
16 V.S.A. §1093, Non-Resident Pupils;  
13 V.S.A. §3016, False Claim;  
16 V.S.A. §§ 824 & 826.  
Act 150 as amended Public High School Choice  
VT State Board of Education Manual of Rules & Practices, §1250 (Discrimination)  
  
No Child Left Behind Act, 20 USC §6301 et seq..  
McKinney –Vento Homeless Assistance Act 42 U.S.C. §11431 et seq.*

*Date Adopted: August 13, 1996*

*Admission of non-resident students*

*T. 16 V.S.A. § 1093.*

*POLICY REVIEWED: August 27, 1996*

*Tuition - Student Transfer*

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*Tuition - Students of Employees*

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*Sending Schools Tuition Payments*

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