

## TUITION PAYMENT

The NEK Choice School District will provide tuition for students attending grades PreK-12 in accordance with state law and the criteria outlined below.

1. Tuition will be paid to schools attended by legal pupils who are legal residents of the NEK Choice School District as defined by 16 V.S.A. §1075, or current state law. Tuition payments will be made according to a schedule developed by the superintendent or his or her designee, taking into consideration any payment schedules established by receiving schools. The Total Amount of tuition paid shall not exceed that which is allowed by current state law and Vermont State Board of Education Regulations
2. Tuition will be paid only to schools approved by the State Board of Education. In the case of a school with a religious affiliation, the board shall perform two steps. First, the board shall determine whether the school is approved by the State Board of Education. If the school is approved, the board shall make a determination as to whether payment to the school would violate state or federal law, including the Establishment Clause of the First Amendment to the United States Constitution.
3. Tuition payments will be made as follows:
  - A. Tuition payments will be made to approved receiving schools when preceded by a Declaration of Residency application from the student and/or his or her parent or guardian and an approved Tuition Voucher from the Superintendent of Schools. The application must be made prior to a date determined by the superintendent of the school year for which such payment is requested. Requests for retroactive tuition payments will not be granted unless received by a date determined by the superintendent of the school year for which retroactive payment is sought.
  - B. If an eligible pupil becomes a resident after September 1, an application for tuition will be considered by the superintendent and, if approved, payments will be prorated from the date of the pupil's enrollment to the end of the then current school year.
4. All tuition payments will be made directly to approved schools attended by qualified pupils.
5. The superintendent shall make a recommendation to the board as to whether to approve or deny a tuition request. The superintendent's recommendation shall address whether the student is considered a resident, and whether the school is eligible for tuition payments under relevant criteria and case law. The board shall act on the recommendation at a regular or special meeting of the board. The board may request additional information in the form of documentary evidence and testimony. If the board denies tuition assistance for a student, written notification shall be sent to the student if over the age of majority, or the parent or legal guardian of a minor student, by the superintendent or his or her designee within seven days of the decision. Unless otherwise provided by law, the board's decision shall be final.<sup>1</sup>

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<sup>1</sup> See 16 V.S.A. § 828 providing for appeals of school board tuition payment decisions to the State Board of Education.

*Date Warned:* 02/15/2018

*Date Adopted:* 03/15/2018

*Legal Reference(s):* 16 V.S.A. §§821 et seq. (Tuition requirements)

16 V.S.A. §1075 (Legal residence)

*Campbell v. Manchester Board*, 161 VT 441, 641 A.2d 352 (1994)

*Chittenden Town School District v. Department of Education*, 169 VT 710, 738 A.2nd 539 (1999)