

Student

STU-23 Continuing Legal Residency Policy

1. Policy Statement

It is the policy of The Children's Scholarship Fund to administer the Education Freedom Account ("EFA") Program in a manner that ensures continued compliance with statutory eligibility requirements, including the requirement that participating students be the children of legal residents of the State of New Hampshire.

This policy establishes the use of an **Affidavit of Continuing Legal Residency** as a lawful, neutral, and non-discriminatory mechanism to verify ongoing eligibility when a participating family is temporarily absent from the State of New Hampshire.

2. Purpose

The purpose of this policy is to:

- a. Verify continuing legal residency as required by RSA 194-F;
- b. Provide clarity to families who are temporarily absent from New Hampshire;
- c. Ensure consistent and equitable treatment of all EFA participants;
- d. Protect the integrity of public funds administered through the EFA Program; and
- e. Avoid imposing any requirement of continuous physical presence not required by statute.

This policy does not create new eligibility requirements and shall be construed as an administrative verification process only.

3. Statutory Authority

This policy is adopted pursuant to the authority provided under RSA 194-F, including but not limited to:

- RSA 194-F:2, defining eligibility and residency requirements;
- RSA 194-F:4, governing program participation and administration; and
- The Organization's responsibility to verify eligibility of participating families.

4. Scope

This policy applies to:

- All parents or legal guardians of students participating in the EFA Program; and
- Any participating family that is temporarily absent from the State of New Hampshire while continuing to receive EFA funds.

This policy applies uniformly and without regard to the reason for the family's temporary absence.

5. Legal Residency Standard

For purposes of this policy:

- a. Legal residency and domicile are determined by intent and substantial ties to New Hampshire, not by uninterrupted physical presence;
- b. Temporary absences from the State of New Hampshire do not, by themselves, constitute abandonment of residency; and
- c. Establishment of legal residency or domicile in another state or country renders a student ineligible for continued participation in the EFA Program.

6. Affidavit Requirement

6.1 Circumstances Requiring an Affidavit

The Organization may require execution of an **Affidavit of Continuing Legal Residency** when:

- a. A participating family is residing or traveling outside New Hampshire for an extended period; or
- b. The Organization reasonably requires confirmation of continued eligibility to administer the EFA Program in compliance with RSA 194-F.

6.2 Purpose of the Affidavit

The affidavit serves to:

- a. Obtain a sworn attestation of continuing New Hampshire legal residency;
- b. Document the family's intent to maintain New Hampshire as its legal domicile; and
- c. Acknowledge the family's obligation to notify the Organization of any change in residency or eligibility.

Execution of the affidavit does not impose additional eligibility requirements.

7. Non-Discrimination and Neutral Application

This policy shall be applied in a neutral and non-discriminatory manner.

- a. The policy does not consider or evaluate the reason for a family's temporary absence;
- b. The policy does not single out religious, missionary, educational, or humanitarian activity; and
- c. All similarly situated families shall be treated equally.

Nothing in this policy shall be interpreted to burden the free exercise of religion, freedom of speech, or the right to travel.

8. Verification and Documentation

- a. The primary method of verification under this policy shall be sworn self-attestation through the affidavit;
- b. Additional documentation may be requested when reasonably necessary to resolve a question of legal residency;

9. Duty to Notify

Parents or legal guardians are required to promptly notify the Organization if:

- a. Their legal residency changes;
- b. They take actions establishing domicile outside the State of New Hampshire; or
- c. The student enrolls in a public school or otherwise becomes ineligible under RSA 194-F.

10. Enforcement and Consequences

Knowingly providing false information in an affidavit may result in:

- a. Termination of participation in the EFA Program;
- b. Repayment of improperly received EFA funds; and
- c. Any other remedies available under New Hampshire law.

Enforcement actions shall be applied consistently and proportionally.

11. Severability

If any provision of this policy is determined to be invalid or unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

12. Procedures

1. Families must submit proof of New Hampshire Residency and signed and notarized STU-24 Affidavit of Continuing Legal Residency.
2. Upon receipt of the application and documentation, the EFA application team will process the student's application according to EFA application guidelines.