

Amendment to HB 709-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Education; Pupils; School Attendance; Legal Residence Required; Definition of Residency.

4 Amend RSA 193:12, II(a) to read as follows:

5 (a) In the case of a minor, legal residence is where his or her parents reside **or pay**
6 **property or school district taxes, provided his or her parents reside in New Hampshire,**
7 except that:

8 (1) If the parents live apart and are not divorced, legal residence is the residence of
9 the parent with whom the child resides, **or where such parent pays property or school district**
10 **taxes, provided his or her parents reside in New Hampshire.**

11 (2)(A) In a divorce decree where parents are awarded joint decision making
12 responsibility or joint legal custody, the legal residence of a minor child is the residence of the parent
13 with whom the child resides **or where such parent pays property or school district taxes,**
14 **provided such parent resides in New Hampshire.** In a divorce decree, or parenting plan
15 developed pursuant to RSA 461-A, a child's legal residence [~~for school attendance purposes~~] may be
16 the school district in which either parent resides **or pays property or school district taxes,**
17 **provided such parent resides in New Hampshire, and** provided the parents agree in writing to
18 the district the child will attend and each parent furnishes a copy of the agreement to the school
19 district [~~in which the parent resides~~]. The parents shall update their parenting plan to reflect this
20 agreement. If a parent is awarded sole or primary residential responsibility or physical custody by a
21 court of competent jurisdiction in this or any other state, legal residence of a minor child is the
22 residence of the parent who has sole or primary residential responsibility or physical custody, **or**
23 **where such parent pays property or school district taxes, provided such parent resides in**
24 **New Hampshire.** If the parent with sole or primary physical custody lives outside the state of New
25 Hampshire, the pupil does not have residence in New Hampshire. If the court order is for equal or
26 approximately equal periods of residential responsibility, the child's legal residence for school
27 attendance purposes shall be as stated in the order. If a child is in a court-ordered residential
28 placement, foster home, or group home pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-C,
29 or RSA 463, residence shall be determined in accordance with RSA 193:28.

30 (B) Nothing in this subparagraph shall require a school district to provide
31 transportation for a child to another school in the school district in which the child resides, or beyond

Amendment to HB 709-FN
- Page 2 -

1 the designated attendance area for the school to which the child is assigned, or beyond the
2 geographical limits of the school district in which the child resides.

3 (3) If the minor is in the custody of a legal guardian appointed by a New Hampshire
4 court of competent jurisdiction or a court of competent jurisdiction in another state, territory, or
5 country, legal residence is where the guardian resides ***or pays property or school district taxes,***
6 ***provided his or her parents reside in New Hampshire.*** If the department of health and human
7 services has been appointed legal guardian, the residence of the minor is where the child is placed by
8 the department or the court. Legal guardianship shall not be appointed solely for the purpose of
9 allowing a pupil to attend school in a district other than the district of residence of the minor's
10 parent or parents. Whenever a petition for guardianship or legal custody is filed in a court of
11 competent jurisdiction on behalf of a relative of a child, other than a parent, the child shall be
12 permitted to attend school in the district in which the relative of the child resides, ***or pays property***
13 ***or school district taxes, provided his or her parents reside in New Hampshire,*** pending a
14 court determination relative to custody or guardianship.

15 2 Effective Date. This act shall take effect July 1, 2026.