

HB 709-FN - AS INTRODUCED

2025 SESSION

25-0623

07/02

HOUSE BILL **709-FN**

AN ACT allowing parents or guardians to admit their children into any school district where they pay any property or school district taxes.

SPONSORS: Rep. Burnham, Straf. 2; Rep. DeRoy, Straf. 3; Rep. Granger, Straf. 2; Rep. Potenza, Straf. 19; Rep. Turcotte, Straf. 4

COMMITTEE: Education Policy and Administration

ANALYSIS

This bill allows parents or guardians to admit their children into any school district where they pay any property tax or school district taxes.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT allowing parents or guardians to admit their children into any school district where they pay any property or school district taxes.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Education; Pupils; School Attendance; Legal Residence Required; Definition of
2 Residency. Amend the introductory paragraph of RSA 193:12, II through II(a) to read as follows:

3 II. For purposes of this section, the legal residence of a pupil shall be as follows:

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

6 (1) If the parents live apart and are not divorced, legal residence is the residence of
7 the parent with whom the child resides, **or where such parent pays property or school district**
8 **taxes**.

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

26 (B) Nothing in this subparagraph shall require a school district to provide
27 transportation for a child to another school in the school district in which the child resides, or beyond
28 the designated attendance area for the school to which the child is assigned, or beyond the
29 geographical limits of the school district in which the child resides.

HB 709-FN - AS INTRODUCED

- Page 2 -

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

12 2 Education; Pupils; School Attendance; Legal Residence Required; Legal Resident Definition.
13 Amend RSA 193:12, III to read as follows:

14 III. For the purposes of this title, "legal resident" of a school district means a natural person
15 who is domiciled **or pays property or school district taxes** in the school district and who, if
16 temporarily absent, demonstrates an intent to maintain a principal dwelling place [~~in the school~~
17 ~~district~~] indefinitely and to return there, coupled with an act or acts consistent with that intent. A
18 married person may have a domicile independent of the domicile of his or her spouse. If a person
19 removes to another town with the intention of remaining there indefinitely, that person shall be
20 considered to have lost residence in the town in which the person originally resided even though the
21 person intends to return at some future time. A person may have only one legal residence at a given
22 time.

23 3 Effective Date. This act shall take effect July 1, 2025.

LBA
25-0623
1/11/25

**HB 709-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT allowing parents or guardians to admit their children into any school district where they pay any property or school district taxes.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Education. The Department was contacted on 12/26/24 for a fiscal note worksheet. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

Department of Education