

HB 709-FN - AS AMENDED BY THE HOUSE

7Jan2026... 3073h

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Residency.
2 Amend RSA 193:12, II(a) to read as follows:

3 (a) In the case of a minor, legal residence is where his or her parents reside ***or pay***
4 ***property or school district taxes, provided his or her parents reside in New Hampshire,***
5 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, provided his or her parents reside in New Hampshire.***

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

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

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.

LBA
25-0623
1/14/26

HB 709-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-3073h)

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:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
Revenue Fund(s)	None			
Expenditures*	\$0	Indeterminable		
Funding Source(s)	General Fund and Education Trust Fund			
Appropriations*	\$0	\$0	Statutory Open Warrant Exists for Adequacy Payments	
Funding Source(s)	Education Trust Fund			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Local Revenue	\$0	\$0	Indeterminable	
Local Expenditures	\$0	Indeterminable		

METHODOLOGY:

The Department of Education states that this bill would permit a student to attend public school either in the district in which the student resides or in any district in which one or more of the student's parents pays property taxes. As a result, state adequacy aid associated with the student, beginning in FY 2028 (one year lag), would shift from the resident district to the receiving district, along with the local costs of educating that student. The Department indicates it is unable to determine how many students or families would utilize this option and does not collect data on the number of families that pay property taxes in multiple municipalities. While the bill may create state and local administrative costs related to verifying eligibility and may shift education funding and costs between districts, the magnitude of any fiscal impact cannot be estimated due to the absence of relevant data.

AGENCIES CONTACTED:

Department of Education