

JFA – RESIDENCY

Residency for the purpose of enrollment in a District school shall be defined by RSA 193:12.

No person shall attend school, or send a pupil to the school, in any district of which the pupil is not a legal resident, without the consent of the district or of the school board. For the purposes of this policy, the legal residence of a pupil in the case of a minor is where his/her parents reside with the following exceptions.

1. If the parents live apart and are not married or if married but not divorced, legal residence is the residence of the parent with whom the child resides.
2. In a divorce decree of joint custody, legal residence is the residence of the parent with whom the child resides. In the case of sole or primary custody, legal residence is the residence of the parent with custody.
3. In the case of a legal guardian having custody, legal residence is the residence of the guardian with whom the child resides. If the guardian is the Department of Health and Human Services, residence is defined as where the child is placed by the department or court. The child shall also be permitted to attend the district school during the legal petitioning process of custody or guardianship pending the court determination.
4. In the case of homeless children and youth residency exceptions will be made as required by law.
5. In the case of a parent or guardian who was residing in the school district and for some reason is temporarily absent and demonstrates intent to maintain a primary dwelling place in the district shall be given residence privileges. This privilege shall be revoked if the parent or guardian moves to another town with the intention of remaining there indefinitely even though they may return at a future time.
6. In the case of a child placed in any home for children or is placed by the state in the home of a relative or friend of such child residency exceptions will be made as required by law.

Per RSA 193:28 in the case of a child being placed in a home for children or placed by the Department of Health and Human Services in the home of a relative or friend, the child shall be entitled to attend the district school if that child attended the district school prior to such placement subject to the court determining that continuing in the same school district is in the best interest of the child, that the home is within a reasonable distance of the district school, and that transportation can be arranged without imposing additional transportation costs on the district or the Department of Health and Human Services.

Per RSA 193:14 no pupil who shall have been assigned to a particular school by the school board (per residency laws) shall attend any other school until assigned thereto. Violators of this residency policy will be aggressively pursued and prosecuted under state law to recover lost tuition and legal fees. Violators per RSA 193:15 may also be subject to a violation or misdemeanor if found guilty.

The Board reserves the right to request proof of residency and custody (if applicable) for students new to District and students in District suspected of not having legal residency per state law.

Statutory/Regulatory/Policy/Handbook Cross References

Policy JFA – Form (Residency Verification)
RSA 193:12 (Legal Residence Required)
RSA 193:14 (Assignment of Pupils to Schools)
RSA 193:15 (Penalty for Unauthorized Attendance)
RSA 193:28 (Right of Attendance)
Handbook (Referenced in Handbooks)

APPROVED: December 9, 2004