

Policy JFA: Student Residency

It is the duty of the Surry School Board to provide, at district expense, elementary and secondary education to all students who reside in the district in compliance with RSA 189:1-a and when applicable, RSA 186-C. The Surry School Board does not operate any schools and is recognized as a sending district. The School Board performs its statutory duty to provide such education through contractual relationships with other schools and school districts. Parents and students are referred to the receiving school of attendance for school enrollment and registration requirements.

The school district of residence is defined by RSA 193:12. State law delineates student residency for school attendance purposes. Refer to the RSA for specific conditions of student residency. The requirements for the determination of the legal residence of a student is generally summarized as follows.

A student's legal residence is defined as where his or her parents or legal guardians reside, except that:

- If the parents live apart and are not divorced, legal residence is the residence of the parent with whom the child resides.
- In a divorce decree where parents are awarded joint decision-making responsibility or joint legal custody, the legal residence of a minor child is the residence of the parent with whom the child resides.
- In a divorce decree, or parenting plan developed pursuant to RSA 461-A, a child's legal residence for school attendance purposes may be the school district in which either parent resides. The parents shall provide a copy of the decree or parenting plan to the school district.
- If a parent is awarded sole or primary residential responsibility or physical custody by the court, the legal residence of a minor child is the residence of the parent who has sole or primary residential responsibility or physical custody. If the court order is for equal or approximately equal periods of residential responsibility, the child's legal residence for school attendance purposes shall be as stated in the court order.
- A legal resident of a school district means a person who is domiciled in the school district and who, if temporarily absent, demonstrates an intent to maintain a principal dwelling place in the school district indefinitely and to return there. A married person may have a domicile independent of the domicile of his or her spouse. A person may have only one legal residence at a given time.

Refer to school board policy JFABD for requirements on the admission of homeless children or unaccompanied youths.

Residency disputes that cannot be resolved on the local level may be referred to the commissioner of the department of education or designee.

Legal reference: RSA 193:12 Legal Residence Required

First reading: 9/16/2024

Second reading: 10/21/2024

Adopted: 10/21/2024