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Revised Statutes Annotated of the State of New Hampshire [Currentness](#)

Title XV. Education

▢ [Chapter 193. Pupils \(Refs & Annos\)](#)

▢ Education of Children Placed in Homes for Children, Health Care Facilities, or State Institutions

→ **193:28 Right of Attendance.**

Whenever any child is placed and cared for in any home for children, or is placed by the department of health and human services in the home of a relative or friend of such child pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-C, or RSA 463, such child, if of school age, shall be entitled to attend:

I. The public schools of the school district that the child attended prior to placement, if continuing in the same school district is in the best interest of the child as determined by the court, if the home is within a reasonable distance of the school to be attended, and if suitable transportation can be arranged without imposing additional transportation costs on a school district or the department of health and human services; or

II. The public schools of the school district in which said home is located, unless such placement was solely for the purpose of enabling a child residing outside said district to attend such schools, provided that the school district for a child placed in a group home, as defined in [RSA 170-E:25](#), II(b), within a cooperative school district, shall be the cooperative school district, not the pre-existing district within the cooperative.

HISTORY

Source. 1981, 326:1. 1993, 322:7. 1998, 206:5. 2001, 294:2, eff. Sept. 15, 2001. 2008, 274:21, eff. July 1, 2008.

Amendments--2008. Inserted “RSA 170-C,” in the introductory paragraph.

--2001. Added new paragraph I and designated existing text of section as paragraph II.

--1998. Inserted “or is placed by the department of health and human services in the home of a relative or friend of such child pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463” following “home for children”.

--1993. Added the proviso following “attend such schools”.

CROSS REFERENCES

Legal residence required, school attendance, see [RSA 193:12](#).

ANNOTATIONS

In general [1](#)

[1](#). In general

School district was liable for cost of providing regular public education to dependent, neglected and/or abused children living at group home located within district; residents of group home were properly counted in city's share of district operational costs paid pursuant to formula based on apportioned average daily membership of students in town relative to average daily membership of students in district. [Town of Gilsum v. Monadnock Regional School Dist. \(1992\) 136 N.H. 32, 611 A.2d 625. Schools ↪ 159](#)

The Department of Education's position that a school district must educate a student who is actually living within the district, (that is, eating and sleeping), regardless of whether the student is living with a parent, is legally sound. NH Op.Atty.Gen. Opinion No. 90-010, [\(April 10, 1991\) 1991 WL 529512](#).

N.H. Rev. Stat. § 193:28, NH ST § 193:28

Updated with laws currently effective July 7, 2009 through Chapter 142 of the 2009 Reg. Sess., not including changes and corrections made by the State of New Hampshire, Office of Legislative Services

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