

**TO:** Coalition Communities 2.0  
**FROM:** Bernstein Shur  
**RE:** Legislative Review: 2021 Recap and 2022 Preview

With the post-2021 legislative session work on retained bills now concluded, below is an update on bills of interest that were deal with in 2021 or that will be dealt with at the start of the 2022 legislative session in January. Additionally, we wanted to share the following report with you concerning bills of interest that we monitored on behalf of The Coalition Communities 2.0.

Further, we also include the 2022 LSRs and bills of possible interest for the upcoming session. Please note that not all bills have been published.

**2021 Bills Signed by the Governor:**

[HB 108](#), (New Title) *relative to minutes and decisions in nonpublic sessions; an exemption for items falling within the attorney-client privilege or the attorney work product doctrine under the right-to-know law; and remote access to public meetings under the right-to-know law.*

Part II of HB 108 Exempts materials falling within the attorney-client privilege or attorney work product doctrine from the provisions of RSA 91-A. This language was a request of the NH Municipal Association due to a recent NH Supreme Court case; Hampstead School Board v. SAU 55.

[HB 464](#), *relative to the commission to study school funding.* This bill repeals the commission to study school funding.

[SB 147](#), *adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs.* This omnibus bill includes language pertaining to graduation requirements and filing an application for federal student aid. SB 147 also addresses additional state aid for special education for certain communities of 1,000 or fewer residents as well as special education risk management association.

**2021 Bill Vetoed by the Governor:** Please note that this veto, along with others, will be taken up by the Legislature during the first week of January as the new session gets underway.

[HB 242](#), *relative to the content of an adequate education.* This bill adds specifics to the requirements of providing an opportunity for an adequate education.

**2021 Bills Retained by the House and waiting action:** Please note that the House will act on committee recommendations on 2021 retained bills during the first week of January as the new session gets underway.

[HB 20](#), *establishing the Richard "Dick" Hinch education freedom account program.* **Committee Recommendation: Interim Study, 11-9. Minority Committee Report: Inexpedient to Legislate.**

NOTE: Education Freedom Accounts were introduced on the now approved FY 2022-2023 State Budget.

**HB 504**, *relative to the state education property tax and the low- and moderate-income homeowners property tax relief program.* **Committee Recommendation: Interim Study, 24-0. Consent Calendar.**

This bill requires the department of revenue administration to receive the revenues from the state education property tax and deposit them in the education trust fund, and revises the procedures for calculating state education grants. The bill modifies the criteria for relief under the low- and moderate-income homeowners property tax relief program, and establishes a committee to study the low- and moderate-income homeowners property tax relief program.

**HB 607**, *establishing local education savings accounts for students.* **Committee Recommendation: Ought to Pass with Amendment, 10-9. Minority Committee Report: Interim Study.**

The bill, as amended, allows school districts to adopt a program for local education freedom accounts for a parent of an eligible student to receive a grant from a scholarship organization for qualifying educational expenses at a public school, chartered public school, nonpublic school, or program approved by the department of education.

**HB 608**, *relative to the formula for determining funding for an adequate education.* **Committee Recommendation: Inexpedient to Legislate, 12-8. Minority Committee Report: Interim Study**

This bill increases the base per pupil cost for an adequate education; increases differentiated aid available to eligible pupils; establishes fiscal capacity disparity aid to municipalities based on equalized valuation per pupil; requires school districts to report on the use of adequate education grant funds; amends the law governing transportation of pupils in kindergarten through grade 12; and repeals stabilization grants to municipalities.

**HB 613**, *relative to state aid to school districts with special education pupils and relative to pooled risk management for unanticipated special education cost recovery.* **Committee Recommendation: Inexpedient to Legislate, 21-0.**

This bill increases the amount of state aid available to school districts for the costs of special education students. It also establishes a program for pooled risk management for unanticipated special education cost recovery.

**HB 623**, *relative to education funding.* **Committee Recommendation: Interim Study, 21-0.** HB 623 is the vehicle for the Ad Hoc Working Group on Education Funding.

This bill provides that education grants to municipalities in 2022 and 2023 will not be less than the prior year's grant. This matter was addressed in the FY 2022-2023 State Budget.

**SB 135**, *relative to the calculation of the cost of an opportunity for an adequate education.* **Committee Recommendation: Inexpedient to Legislate, 20-0.**

This bill requires the commissioner of the department of education to compare the ADMA of school year 2019-2020 and school year 2020-2021 and use the greater of the two to calculate the cost of an opportunity for an adequate education. This matter was addressed in the FY 2022-2023 State Budget.

**Bills Retained by the Senate and waiting action:** Please note that the Senate will act on committee recommendations on 2021 retained bills during the first week of January as the new session gets underway.

**HB 110**, *relative to the distribution of adequate education grants.* **Committee Recommendation: Inexpedient to Legislate, 5-0. Consent Calendar.**

This bill requires the department of education to distribute adequate education grants to municipalities and requires such municipalities to transfer the grants to their school district or districts.



**SB 145, relative to a temporary change in the formula for school funding. Committee Recommendation: Inexpedient to Legislate, 4-1.**

This bill makes temporary changes to the formula for school funding because of changes in the average daily membership in attendance during the COVID-19 pandemic. This matter was addressed in the FY 2022-2023 State Budget.

## **2022 House Bills of Interest:**

**HB 1104, allowing public meetings to be conducted virtually.**

This bill establishes requirements for remote access to public meetings under RSA 91-A, the right-to-know law.

**HB 1033, prohibiting recipients of state or local grants or appropriations from using such funds for lobbying.**

This bill prohibits the recipient of a grant or appropriation of county, municipal, school district, or village district funds from using such funds to engage in lobbying activities.

**HB 1036, relative to nonpublic meetings concerning public employees.**

This bill modifies the circumstances under which a public body may hold a non-public meeting concerning an employment matter.

**HB 1074, relative to notice to a chartered public school of a special education services meeting.**

This bill requires a child's resident school district to provide prior notice to the chartered public school for meetings of the child's individualized education program (IEP) team.

**HB 1113, prohibiting the department of education and the state board of education from directing or limiting school instructional options, such as remote learning.**

This bill prohibits the department of education and the state board of education from directing or limiting remote learning options.

**HB 1114, relative to education service providers under the education freedom account program.**

This bill requires education freedom account program scholarship organizations to compile a directory of public profiles for education service providers.

**HB 1120, relative to education service providers under the education freedom accounts program.**

This bill adds compliance requirements for education service providers requesting payment from education freedom account funds, including criminal history records checks of employees with direct contact with students.

**HB 1135, requiring a performance audit of the department of education, education freedom account program.**

This bill requires a performance audit of the department of education, education freedom account program.

**HB 1137, relative to the duty of school boards to provide education.**

This bill states the duties and responsibilities of elected school boards and allows school boards to contract with any private school approved by the school board as a school tuition program.

**HB 1141, relative to special education services for children in chartered public schools.**

This bill requires the resident district to fund a free and appropriate education to a child with disabilities attending a chartered public school. It also requires the resident district of a child with a disability to obtain written consent of the child's parent before changing the nature of the child's services.

**HB 1152, relative to verification of eligible students under the education freedom account program.**

This bill requires that eligible students in the education freedom accounts program continue to verify eligibility for free and reduced-price meals.

**HB 1169, relative to public comment and inquiry during school board meetings.**

This bill establishes requirements for public meetings held by a school board to include a designated time period for questions from the public and answers from the board. The bill also allows an attendee of a meeting of the school board to demand which New Hampshire statute or administrative rule gives the school board the authority described in a school policy or operational procedure.

**HB 1190, relative to rulemaking by the state board of education for compliance with federal provisions.**

This bill requires that the state board of education not adopt administrative rules that require a school district to comply with a federally mandated curriculum or program of study not fully funded by federal or state funds.

**HB 1193, relative to chartered public school fees and enrollment policies.**

This bill clarifies the prohibition on application fees for chartered public schools and the preference for in-state students for enrollment.

**HB 1196, relative to school financial reports of public academies.**

This bill clarifies that public academies are required to file a financial report each year that is submitted to the department of education.

**HB 1198, relative to rules of the department of education concerning culture and climate in schools.**

This bill provides that the department of education shall not adopt or enforce a rule concerning the climate and culture in schools.

**HB 1204, reducing the rate of the meals and rooms tax and increasing the revenue sharing of meals and rooms tax revenue with municipalities.**

This bill reduces the rate of the tax on meals, rooms, and gross rental receipts, and increases the percentage of meals and rooms tax revenues distributed to municipalities.

**HB 1276, allowing for school district budgets and warrant articles to include cost per student information.**

This bill allows for a school district to require the cost per student information be noted on the school district budget and special warrant articles.

**HB 1283, relative to liability as taxable income of education freedom account payments.**

This bill repeals the statement that education freedom account funds shall not constitute taxable income to the parent of the education freedom account student.

**HB 1298, relative to eligibility for the education tax credit.**

This bill increases the household income level to qualify as an eligible student under the education tax credit program.

**HB 1355, requiring the scholarship organization to refer suspected cases of misuse of funds or fraud in the education freedom account program to the attorney general.**

This bill requires a scholarship organization to refer suspected misuse of EFA funds to the attorney general for investigation.



**HB 1366, relative to cooperative school board reapportionment.**

This bill clarifies the procedure for proposing modifications to apportionment of a cooperative school district at the school district meetings.

**HB 1373, relative to the best interest of the student for a change of school or assignment.**

This bill allows for the consideration of parental concerns in the request for a change of school or assignment of a student.

**HB 1376, relative to participation in the education freedom accounts program by students with disabilities.**

This bill clarifies the responsibility of a scholarship organization under the education freedom accounts program for explaining rights under the Individuals with Disabilities Education Act (IDEA).

**HB 1399, relative to school district withdrawal from a cooperative school district.**

This bill modifies the procedures for the disposition of equity and liabilities in buildings, land, and facilities for a school district withdrawing from a cooperative school district.

**HB 1428, relative to the provision of special education services by chartered public schools.**

This bill provides for a chartered public school to hire or contract for special education services if the school district fails to provide the services.

**2022 House Legislative Service Requests (LSRs):** Note these are titles of potential interest only at this point, for which language has not yet been released.

**2047**, repealing the law relative to certain discrimination in public workplaces and education.

**2049**, relative to requiring COVID-19 vaccination for school attendance.

**2051**, requiring school districts to provide breakfast for students.

**2063**, requiring SAUs to maintain a report on the 5-year projection of future enrollments.

**2101**, prohibiting unlawful discrimination in public and nonpublic schools.

**2166**, relative to the definition of a child with a disability for purposes of special education.

**2231**, relative to students attending public schools that mandate the wearing of face masks without an emergency order in place.

**2371**, relative to the source of funds for education freedom accounts.

**2403**, relative to making incentive grants for school districts that improve in certain assessment scores.

**2407**, requiring the department of education to administer the education freedom account program.

**2416**, relative to funds of the education freedom account program after termination of a student's participation and responsibilities of the scholarship organization.

**2507**, relative to the content of an adequate education.

**2515**, relative to the administration of the education freedom accounts program.

**2775**, relative to misuse of education freedom account funds.

**2778**, repealing the education freedom account program.

**2780**, limiting education freedom account funding to budgeted amounts.

**2814**, relative to student eligibility under the education freedom account program.

**2815**, establishing a foundation opportunity budget program for funding public education.

**2840**, relative to the dissolution and repeal of cooperative school districts.

**2841**, relative to representation on a cooperative school district board.

**2908**, relative to the determination of state adequate education grants and chartered public school tuition amounts.

**2022 Senate Legislative Service Requests (LSRs):** Note these are titles of potential interest only at this point, for which language has not yet been released. Furthermore, the Senate allows for confidential titles to be filed which may not become apparent for some time yet.

**2998**, relative to the procedure for violations under the right to know law.

**3056**, relative to remote meetings under the right-to-know law.

**3098**, relative to the minutes of nonpublic sessions under the right to know law.

**3101**, relative to the quorum requirements under the right to know law of meetings open to the public.

### **Upcoming 2022 Legislative Session Deadlines:**

December 16, 2022-Last day for committees to report rereferred bills out of committee.

January 7, 2022-Last Day to introduce House bills



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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1014 - AS INTRODUCED

2022 SESSION

22-2054

08/10

### HOUSE BILL 1014

AN ACT allowing public meetings to be conducted virtually.

SPONSORS: Rep. Simpson, Rock. 36; Rep. Cushing, Rock. 21; Rep. Cote, Hills. 31; Rep. Weber, Ches. 1; Rep. Ebel, Merr. 5; Rep. Marsh, Carr. 8; Rep. Wilhelm, Hills. 42

COMMITTEE: Judiciary

### ANALYSIS

This bill establishes requirements for remote access to public meetings under RSA 91-A, the right-to-know law.

Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears ~~in brackets and struck through~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2054  
08/10

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT allowing public meetings to be conducted virtually.

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

1 Access to Governmental Records and Meetings; Meetings Open to the Public. Amend RSA 91-A:2, III to read as follows:

III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.

~~[(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.]~~

~~[(b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.]~~

~~[(c) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting.]~~

*(a) A physical location is not required for any meeting, provided the meeting complies with the provisions of this paragraph.*

*(b) If a meeting has no physical location, public access shall be provided to the public by telephone, and additional access may be provided by video or other electronic means.*

(c) *If a meeting has no physical location, public notice of the meeting, with all information necessary to access the meeting telephonically and by other means, shall be given as provided in this chapter. The notice shall provide a mechanism for the public to alert the public body during the meeting if there are problems with access. The meeting shall be adjourned if the public is unable to access the meeting.*

(d) Each member participating electronically or otherwise ~~[must]~~ *in a meeting required to be open to the public shall* be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location, *if the meeting has a physical location*. Any member participating in such fashion shall identify *the location from which the person is participating and* the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication, *including an online chat function*, that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.

~~[(d)]~~ (e) Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

~~[(e)]~~ (f) A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.

2 Effective Date. This act shall take effect 60 days after its passage.

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# NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1033-FN-LOCAL - AS INTRODUCED

2022 SESSION

22-2117  
08/10

## HOUSE BILL *1033-FN-LOCAL*

AN ACT prohibiting recipients of state or local grants or appropriations from using such funds for lobbying.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Pauer, Hills. 26; Rep. Tripp, Rock. 6; Rep. Kofalt, Hills. 4; Rep. Johnson, Belk. 3; Rep. Moffett, Merr. 9; Rep. A. Lekas, Hills. 37; Sen. Giuda, Dist 2; Sen. Avard, Dist 12

COMMITTEE: Legislative Administration

### ANALYSIS

This bill prohibits the recipient of a grant or appropriation of county, municipal, school district, or village district funds from using such funds to engage in lobbying activities.

Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears ~~in brackets and struck through~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2117  
08/10

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT prohibiting recipients of state or local grants or appropriations from using such funds for lobbying.

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

1 Lobbyists; Use of County or Municipal Funds for Lobbying Activity Prohibited. Amend RSA 15:5 to read as follows:

15:5 Prohibited Activities.

I. Except as provided in paragraph II, no recipient of a grant or appropriation of state, *county, municipal, school district, or village district* funds may use the [state] funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.

II. Any recipient of a grant or appropriation of state, *county, municipal, school district, or village district* funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state, *county, municipal, school district, or village district* funds in such a manner that such funds are physically and financially separate from any ~~[non-state]~~ other funds that may be used for any of these purposes. Mere bookkeeping separation of the state, *county, municipal, school district, or village district* funds from other moneys shall not be sufficient.

2 Effective Date. This act shall take effect 60 days after its passage.

LBA  
22-2117  
10/15/21

## AS INTRODUCED

AN ACT prohibiting recipients of state or local grants or appropriations from using such funds for lobbying.

FISCAL IMPACT:    ☐ State            ☒ County            ☐ Local            ☐ None

COUNTY:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

### METHODOLOGY:

This bill would prohibit any recipient that received an appropriation of funds from a political subdivision from using those funds to engage in lobbying or political activity or contributing the funds to an entity engaged in those activities. Any recipient that receives such funds would be required to segregate them from other funds that may be used for lobbying or political activity. To the extent a county is a member of an entity that conducts lobbying or political activity and chooses to remain a member, they may have increased member costs associated with the entity complying with this bill.

The New Hampshire Municipal Association states there would be no impact at the local level.

It is assumed any fiscal impact will not occur until FY 2023.

### AGENCIES CONTACTED:

New Hampshire Association of Counties and New Hampshire Municipal Association

#### HELPFUL LINKS

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1036 - AS INTRODUCED

2022 SESSION

22-2190

11/10

### HOUSE BILL 1036

AN ACT relative to nonpublic meetings concerning public employees.

SPONSORS: Rep. Wuelper, Straf. 3; Rep. M. Smith, Straf. 6; Rep. P. Schmidt, Straf. 19; Rep. Potucek, Rock. 6; Rep. Spillane, Rock. 2; Rep. Ford, Rock. 4; Rep. Testerman, Merr. 2

COMMITTEE: Judiciary

### ANALYSIS

This bill modifies the circumstances under which a public body may hold a non-public meeting concerning an employment matter.

Explanation: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears ~~in brackets and struck through~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2190  
11/10

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to nonpublic meetings concerning public employees.

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

- 1 Access to Governmental Records and Meetings; Nonpublic Sessions. Amend RSA 91-A:3, II(a) to read as follows:  
(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected ~~(4)~~ has a right to a meeting ~~and (2) requests that the meeting be open, in which case the request shall be granted~~, **in which case the meeting shall only proceed after notifying the affected employee and determining if the employee requests to appear at the meeting or wishes to have an open meeting.**
- 2 Effective Date. This act shall take effect 60 days after its passage.

#### HELPFUL LINKS

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1074 - AS INTRODUCED

2022 SESSION

22-2172

10/04

### HOUSE BILL **1074**

AN ACT relative to notice to a chartered public school of a special education services meeting.

SPONSORS: Rep. Mooney, Hills. 21; Rep. Healey, Hills. 21; Rep. Weyler, Rock. 13; Rep. Nutter, Hills. 21; Sen. Ward, Dist 8; Sen. Carson, Dist 14

COMMITTEE: Education

### ANALYSIS

This bill requires a child's resident school district to provide prior notice to the chartered public school for meetings of the child's individualized education program (IEP) team.

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.  
22-2172  
10/04

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to notice to a chartered public school of a special education services meeting.

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

1 Chartered Public Schools: Notice for Meetings Concerning an Individualized Education Program. Amend the introductory paragraph of RSA 194-B:11, III(h) to read as follows:

(b) When a child is enrolled by a parent in a ~~chartered~~ **chartered** public school, the local education agency of the child's resident district shall convene a meeting of the individualized education program (IEP) team and shall invite a representative of the chartered public school to that meeting. At the meeting, the IEP team shall determine how to ensure the provision of a free and appropriate public education in accordance with the child's IEP. **For all subsequent meetings of the IEP team, the child's resident district shall provide prior notice to the chartered public school.** The child's special education and related services shall be provided using any or all of the methods listed below starting with the least restrictive environment:

2 Effective Date. This act shall take effect 60 days after its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1113 - AS INTRODUCED

2022 SESSION

22-2834

10/08

HOUSE BILL **1113**

AN ACT prohibiting the department of education and the state board of education from directing or limiting school instructional options, such as remote learning.

SPONSORS: Rep. Porter, Hills. 1; Rep. Woodcock, Carr. 2; Rep. Myler, Merr. 10; Rep. Mullen, Hills. 7; Rep. Ellison, Merr. 27

COMMITTEE: Education

### ANALYSIS

This bill prohibits the department of education and the state board of education from directing or limiting remote learning options.

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through]~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2834  
10/08

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT prohibiting the department of education and the state board of education from directing or limiting school instructional options, such as remote learning.

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

- 1 School Performance and Accountability; Remote Learning. Amend RSA 193-H:5 to read as follows:  
193-H:5 Powers of the Department of Education. Nothing in this chapter shall be construed to permit either the department of education or the state board of education to take control of the daily operations of any local public school. ***The department of education and the state board of education are prohibited from directing or limiting the implementation by school boards of school instructional options including remote learning.***
- 2 Effective Date. This act shall take effect 60 days after its passage.

#### HELPFUL LINKS

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NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1114 - AS INTRODUCED

2022 SESSION

22-2812

10/11

HOUSE BILL *1114*

AN ACT relative to education service providers under the education freedom account program.

SPONSORS: Rep. Cornell, Hills. 18; Rep. Mullen, Hills. 7; Rep. Porter, Hills. 1; Rep. Heath, Hills. 14; Rep. Vail, Hills. 30; Rep. Van Houten, Hills. 45

COMMITTEE: Education

ANALYSIS

This bill requires education freedom account program scholarship organizations to compile a directory of public profiles for education service providers.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~in brackets and struck through~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2812  
10/11

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to education service providers under the education freedom account program.

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

1 Education Freedom Accounts Program; Authority and Responsibilities of the Scholarship Organization; Directory. Amend RSA 194-F:4, I to read as follows:

1. The scholarship organization shall maintain an updated list of education service providers and shall ensure that the list is publicly available through various sources, including the Internet. ***The scholarship organization shall compile a directory of public profiles for each education service provider listed that includes, but is not limited to:***

- (a) Name of school and administrator, as well as contact information.***
- (b) School performance data, including test scores, retention rates, and graduation rates, if applicable.***
- (c) Written school discipline policy.***
- (d) Curriculum and teaching philosophy.***
- (e) Years in operation.***
- (f) Accreditation status.***
- (g) Transportation options.***
- (h) Information for students with disabilities, including services provided, percent of students receiving services, and whether teachers are trained and certified to serve students with disabilities.***
- (i) Total enrollment.***
- (j) Tuition rates, fees, and financial aid options.***

2 Effective Date. This act shall take effect 60 days after its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1120 - AS INTRODUCED

2022 SESSION

22-2739

10/11

### HOUSE BILL 1120

AN ACT relative to education service providers under the education freedom accounts program.

SPONSORS: Rep. Mullen, Hills. 7; Rep. Cornell, Hills. 18; Rep. Myler, Merr. 10; Rep. Porter, Hills. 1; Rep. Woodcock, Carr. 2; Rep. Ellison, Merr. 27; Rep. Heath, Hills. 14; Rep. Rombeau, Hills. 7

COMMITTEE: Education

### ANALYSIS

This bill adds compliance requirements for education service providers requesting payment from education freedom account funds, including criminal history records checks of employees with direct contact with students.

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~in brackets and struck through~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2739  
10/11

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to education service providers under the education freedom accounts program.

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

1 Education Freedom Accounts Program; Education Service Providers. Amend RSA 194-F:6, II to read as follows:

II. ~~[A prospective education service provider that wishes]~~ ***In order for an education service provider*** to receive payments from EFAs, ***the education service provider shall:***

(a) ***Be in operation for a minimum of one year prior to participation in the program to ensure financial sustainability and a history of measurable academic success.***

(b) ***If providing instruction to students, be an approved nonpublic school education program pursuant to department of education administrative rules Ed 400.***

(c) Submit notice to the scholarship organization that it wishes to receive payments from EFAs.

~~(b)~~ (d) Agree not to refund, rebate, or share EFA funds with parents or EFA students in any manner, except that funds may be remitted or refunded to an EFA in accordance with procedures established by the scholarship organization.

~~(c)~~ (e) Comply with all state and federal anti-discrimination laws.

(f) ***Comply with state and local health and safety standards and codes.***

(g) ***Satisfactorily complete and submit to the department a criminal history records check which complies with RSA 189:13-a for all education service provider employees with direct contact with students.***

2 Effective Date. This act shall take effect 60 days after its passage.

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NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1135 - AS INTRODUCED

2022 SESSION

22-2145

08/10

HOUSE BILL **1135**

AN ACT requiring a performance audit of the department of education, education freedom account program.

SPONSORS: Rep. Fellows, Graf. 8; Rep. Heath, Hills. 14; Rep. Ames, Ches. 9; Rep. Vail, Hills. 30; Rep. Schamberg, Merr. 4; Rep. Tanner, Sull. 9; Rep. Paige, Rock. 18; Sen. Prentiss, Dist 5

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires a performance audit of the department of education, education freedom account program.

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~in brackets and struck through~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2145  
08/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT requiring a performance audit of the department of education, education freedom account program.

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

1 Performance Audit; Education Freedom Account Program.

I. In addition to any other performance audit requirements, the audit division of the legislative budget assistant shall complete a performance audit of the department of education, education freedom account program. The audit shall include, but is not limited to, review of:

- (a) Initial and continued eligibility of participants.
- (b) Controls for determining qualifying expenditures.
- (c) Identification and recovery of ineligible disbursements.
- (d) Procedures and controls for transferring funds to the scholarship organization.
- (e) Procedures and controls for the phase-out grants.
- (f) Public reporting of participation, student outcomes, and expenditures.
- (g) Demographics of qualifying applicants by 2020-2021 municipality and state of residence, grade level, and type and location of educational program, and their 2021-2022 municipality of residence, grade level, and type and location of educational program.

II. The legislative budget assistant shall submit the audit scope statement to the legislative performance audit oversight committee for review and approval and submit the final report to the legislative performance audit oversight committee, the fiscal committee and the legislative oversight committee established pursuant to RSA 194-F:12.

2 Effective Date. This act shall take effect July 1, 2022.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1137 - AS INTRODUCED

2022 SESSION

22-2078

10/11

HOUSE BILL **1137**

AN ACT relative to the duty of school boards to provide education.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Litchfield, Rock. 11; Rep. Johnson, Belk. 3; Rep. Pauer, Hills. 26; Rep. Moffett, Merr. 9; Rep. A. Lekas, Hills. 37; Rep. Piemonte, Rock. 4; Rep. Layon, Rock. 6; Sen. Giuda, Dist 2; Sen. Reagan, Dist 17

COMMITTEE: Education

### ANALYSIS

This bill states the duties and responsibilities of elected school boards and allows school boards to contract with any private school approved by the school board as a school tuition program.

.....

Explanation: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears ~~in brackets and struck through~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2078  
10/11

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to the duty of school boards to provide education.

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

1 School Boards; Duty to Provide Education. Amend RSA 189:1-a to read as follows:

189:1-a Duty to Provide Education.

I. It shall be the duty of the school board to provide, at district expense, elementary and secondary education to all pupils who reside in the district until such time as the pupil has acquired a high school diploma or has reached age 21, whichever occurs first; provided, that the board may exclude specific pupils for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school, and further provided that this section shall not apply to pupils who have been exempted from school attendance in accordance with RSA 193:5.

II. *Elected school boards shall be responsible for approving and overseeing the structure, content, accountability, advocacy, and delivery of instruction in each school operated and governed in its district. To support flexibility in implementing diverse educational approaches, school boards shall establish, in each school operated and governed in its district, instructional policies that establish instructional goals based upon available information about the knowledge and skills pupils will need in the future. To accomplish these ends, the school board shall be responsible for:*

*(a) The curricula, online instructional programs and applications, and courses taught.*

*(b) Textbook approvals.*

*(c) Adoption of any educational standards that meet or exceed state minimum standards following a public hearing.*

*(d) Evidence-based and measurable methods for assessing student performance in grade spans 3-5 and 6-8 in school years in which a statewide assessment is not given to meet the requirements of RSA 193-C.*

III. *Elected school boards shall:*

- (a) Develop, implement, and assess district policies which shall be voted on by the board in public session.
- (b) Conduct all meetings of the board and board-established committees in public pursuant to RSA 91-A, the right-to-know law.
- (c) Conform to standards of ethical behavior.
- (d) Approve the proposed district annual budget.
- (e) Conduct annual performance reviews of the district superintendent as an employee of the board.
- (f) Conduct contract negotiations.
- (g) Provide an opportunity for public comment for board members.
- (h) Promote parental engagement and participation by:
  - (1) Encouraging public attendance at board meetings and providing for public input at multiple times during board meetings on agenda items or other non-agenda items of community interest with sufficient time for comments from the public.
  - (2) Developing and implementing policies to promote parental engagement with the board and teachers related to student achievement, progress, and involvement with classroom and at home learning.
  - (3) Developing and implementing a policy to allow classroom visitations.
- (i) Promote transparency by:
  - (1) Voting on all contracts, acceptance of gifts and grants, and approvals of any new or updated curriculum in public.
  - (2) Posting manifest invoices on a regular basis on the district website.
  - (3) Posting all curriculum and competencies on the district website.
  - (4) Developing and implement a policy providing an opportunity for parents to review the selection of printed or digital textbooks and reading lists, instructional materials, and the academic curriculum used by classes in the district.
  - (5) Posting all professional development and workshop topics on the district web site.
  - (6) Posting and maintaining student enrollment, student achievement, and per pupil costs for a 5-year period on the district website or providing a link to that information on the department of education's website.
- (j) Conduct an annual end-of-year parental survey with the results to be posted on the district web site. The survey shall include satisfaction regarding:
  - (1) School safety.
  - (2) Parental and student engagement, support and responsiveness.
  - (3) Learning environment.
  - (4) Student support in academics and counseling.
  - (5) Student classroom experience.
  - (6) Overall satisfaction.

IV. Elected school boards shall be responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district. To accomplish this end, and to support flexibility in implementing diverse educational approaches, school boards shall establish, in each school operated and governed in its district, instructional policies that establish instructional goals based upon available information about the knowledge and skills pupils will need in the future.

~~[H:]~~ V. School boards shall adopt a teacher performance evaluation system, with the involvement of teachers and principals, for use in the school district. A school board may consider any resources it deems reasonable and appropriate, including any resources that may be provided by the state department of education. In this paragraph, "teacher" shall have the same meaning as in RSA 189:14-a, V.

~~[H:]~~ VI. Pursuant to RSA 193:3, VI, a school board may execute a contract with any ~~[approved nonsectarian]~~ private school approved by the school board as a school tuition program as defined in RSA 193:3, VII to provide for the education of a child who resides in the school district, and may raise and appropriate money for the purposes of the contract, if the school district does not have a public school at the pupil's grade level and the school board decides it is in the best interest of the pupil.

2 Effective Date. This act shall take effect 30 days after its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1141 - AS INTRODUCED

2022 SESSION

22-2376

10/08

HOUSE BILL ***1141***

AN ACT relative to special education services for children in chartered public schools.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Renzullo, Hills. 37; Sen. Avar, Dist 12; Sen. Ward, Dist 8; Sen. Ricciardi, Dist 9

COMMITTEE: Education

## ANALYSIS

This bill:

- I. Requires the resident district to fund a free and appropriate education to a child with disabilities attending a chartered public school.
- II. Requires the resident district of a child with a disability to obtain written consent of the child's parent before changing the nature of the child's services.

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~(in brackets and struck through)~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2376  
10/08

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to special education services for children in chartered public schools.

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

1 Funding for Chartered Public Schools. Amend RSA 194-B:11, III(a) to read as follows:

III.(a) In accordance with current department of education standards, the funding and educational decision-making process for children with disabilities attending a chartered public school shall be the responsibility of the resident district ~~[and shall retain all current options available to the parent and to the school district]~~. ***The resident district shall fund a free and appropriate public education for the student in the least restrictive environment in which the student's individualized education program (IEP) can be implemented.***

2 Funding for Chartered Public Schools. Amend RSA 194-B:11, III(c) to read as follows:

(c) Consistent with section 5210(1) of the Elementary and Secondary Education Act and section 300.209 of the Individuals with Disabilities Education Act, when a parent enrolls a child with a disability in a chartered public school, the child and the child's parents shall retain all rights under federal and state special education law, including the child's right to be provided with a free and appropriate public education, which includes ***the parent's written consent*** for all of the special education and related services included in the child's IEP. The child's resident district shall have the responsibility, including financial responsibility, to ensure the provision of the special education and related services in the child's IEP ***in the least restrictive environment***, and the chartered public school shall cooperate with the child's resident district in the provision of the child's special education and related services.

(d) A resident district shall obtain the written consent of the parents of a child with a disability before changing the nature or extent of special education and related services, including the location of the special education and related services in subparagraph III(b).

3 New Paragraph; Special Education; Definitions; Least Restrictive Environment. Amend RSA 186-C:2 by inserting after paragraph VII the following new paragraph:

VIII. "Least restrictive environment" means that to the maximum extent appropriate, children with disabilities, including children in public or private institutions, are educated with children without disabilities; and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily consistent with Section 300.114 of the Individuals with Disabilities Education Act.

4 Individualized Education Programs. Amend RSA 186-C:7, II to read as follows:

II. The parents of a child with a disability ~~[have the right to participate in the development of the individualized education program for the child]~~ **shall be full participants on the individualized education program (IEP) team pursuant to 34 C.F.R. Section 300.321 of the Individuals with Disabilities Education Act and have the right to** appeal decisions of the school district regarding such child's individualized education program as provided in rules adopted ~~[in accordance with]~~ **pursuant to** RSA 541-A by the state board of education.

5 Effective Date. This act shall take effect upon its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1152 - AS INTRODUCED

2022 SESSION

22-2411

10/05

### HOUSE BILL **1152**

AN ACT relative to verification of eligible students under the education freedom account program.

SPONSORS: Rep. Ham, Graf. 5; Rep. Deshaies, Carr. 6; Rep. Wolf, Merr. 5

COMMITTEE: Education

### ANALYSIS

This bill requires that eligible students in the education freedom accounts program continue to verify eligibility for free and reduced price meals

Explanation: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears ~~in brackets and struck through~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2411  
10/05

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to verification of eligible students under the education freedom account program.

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

1 Education Freedom Accounts; Eligibility; Free and Reduced Price Meals. Amend RSA 194-F:1, VI to read as follows:

VI. "Eligible student" means a resident of this state who is eligible to enroll in a public elementary or secondary school and whose annual household income at the time the student applies for the program is less than or equal to 300 percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902(2).

No income threshold need be met in subsequent years ***except for the purpose of verifying eligibility to receive differentiated aid under RSA 198:40-a, II(b)***, provided the student otherwise qualifies. Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

2 Effective Date. This act shall take effect 60 days after its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1169 - AS INTRODUCED

2022 SESSION

22-2068

10/04

### HOUSE BILL 1169

AN ACT relative to public comment and inquiry during school board meetings.

SPONSORS: Rep. Aron, Sull. 7; Rep. Johnson, Belk. 3; Rep. Potucek, Rock. 6; Rep. Harley, Rock. 20; Rep. Cushman, Hills. 2; Rep. Lanzara, Hills. 28; Rep. Thomas, Rock. 5; Rep. Baldasaro, Rock. 5; Rep. Moffett, Merr. 9; Rep. Sheehan, Hills. 23; Sen. Giuda, Dist. 2

COMMITTEE: Education

### ANALYSIS

This bill establishes requirements for public meetings held by a school board to include a designated time period for questions from the public and answers from the board. The bill also allows an attendee of a meeting of the school board to demand which New Hampshire statute or administrative rule gives the school board the authority described in a school policy or operational procedure.

Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears ~~in brackets and struck through~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2068  
10/04

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to public comment and inquiry during school board meetings.

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

1 New Subdivision; Public Comment and Inquiry During School Board Meetings. Amend RSA 189 by inserting after section 73 the following new subdivision:

#### Public Comment and Inquiry During School Board Meetings

189:74 Public Comment and Inquiry During School Board Meetings.

I. During any public meeting held by a school board there shall be a designated time period for interactive questions from the public and answers from the board, with sufficient time allotted to hear comments, questions, and complaints from members of the public. The public must be able to sign up to speak at the meeting, or otherwise be given time to speak during the meeting, where they may comment or ask questions.

II. During any public meeting held by a school board, the elected members of the school board, and any other school administrators present, shall hear from and shall respond to such direct questions, with as much detail as known at the time relative to a direct question, by one or more of the assembled elected school board members or school administrators, to such comments, questions, and complaints by members of the public assembled at the meeting.

III. During any public meeting held by a school board, an attendee may demand which New Hampshire statute or administrative rule gives the school board the authority described in a school policy or operational procedure. The school board shall immediately respond with a citation to its authority. If the school board is unable to respond affirmatively that there is such a New Hampshire statute or

administrative rule, the school policy or operational procedure shall be immediately withdrawn until such time that the school board can show it does have such authority.

IV. If any public question remains unanswered by the end of the public meeting, the school board shall be responsible for obtaining the answer and responding to the questioner within 5 business days. Additionally, members of the public may also file a request pursuant to the right-to-know law under RSA 91-A:4 to the school board to obtain answers.

V. Members of the public may file a complaint to the commissioner of the department of education if the school board refuses to answer questions regarding school policy directly. School board meeting minutes shall specifically state the names of the school board members or school administrators who refused to answer a specific question or questions posed to them by a member of the public, as well as specify the question asked of them regarding school policy or any other school matters.

2 Effective Date. This act shall take effect 60 days after its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1190 - AS INTRODUCED

2022 SESSION

22-2441

10/05

HOUSE BILL **1190**

AN ACT relative to rulemaking by the state board of education for compliance with federal provisions.

SPONSORS: Rep. Hobson, Rock. 35

COMMITTEE: Education

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### ANALYSIS

This bill requires that the state board of education not adopt administrative rules that require a school district to comply with a federally mandated curriculum or program of study not fully funded by federal or state funds.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~(in brackets and struck through)~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2441  
10/05

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to rulemaking by the state board of education for compliance with federal provisions.

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

- 1 State Board of Education; Rulemaking; Federal Provisions. RSA 186:6 is repealed and reenacted to read as follows:
- 186:6 Compliance With Federal Provisions. Administrative rules of the state board which are adopted under RSA 541-A to implement federal law shall take into account the fiscal impact and administrative burdens to school districts. The state board shall not adopt administrative rules that require a school district to comply with a federally mandated curriculum or program of study not fully funded by federal or state funds. The provisions of this section shall not apply to rules of the state board adopted prior to the effective date of this section.
- 2 Effective Date. This act shall take effect upon its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1193 - AS INTRODUCED

2022 SESSION

22-2343

10/11

### HOUSE BILL **1193**

AN ACT relative to chartered public school fees and enrollment policies.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Ladd, Graf. 4; Rep. Mooney, Hills. 21; Rep. Nelson, Carr. 5; Rep. Pitre, Straf. 2

COMMITTEE: Education

### ANALYSIS

This bill clarifies the prohibition on application fees for chartered public schools and the preference for in-state students for enrollment.

Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears ~~in brackets and struck through~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2343  
10/11

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to chartered public school fees and enrollment policies.

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

- 1 Chartered Public Schools; Admission. Amend RSA 194-B:2, III to read as follows:  
III. There shall be no application fee for pupil admission to any chartered public school, ***and any non-application fees to be charged to students shall not be assessed as a condition for enrollment.***
- 2 New Subparagraph; Chartered Public Schools; Enrollment. Amend RSA 194-B:9, I(c) by inserting after subparagraph (3) the following new subparagraph:  
(4) If a chartered public school accepts out-of-state students, preference shall be given to in-state students in determination of the chartered public school's maximum published enrollment prior to any lottery selection pursuant to this subparagraph.
- 3 Effective Date. This act shall take effect upon its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1196 - AS INTRODUCED

2022 SESSION

22-2490

10/04

### HOUSE BILL **1196**

AN ACT relative to school financial reports of public academies.

SPONSORS: Rep. Layon, Rock. 6; Rep. M. Pearson, Rock. 34; Rep. Edwards, Rock. 4; Rep. Yakubovich, Merr. 24; Rep. Cordelli, Carr. 4; Rep. Wuelper, Straf. 3

COMMITTEE: Education

### ANALYSIS

This bill clarifies that public academies are required to file a financial report each year that is submitted to the department of education.

Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears ~~(in brackets and struck through)~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2490  
10/04

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to school financial reports of public academies.

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

1 School District Financial Reports; Public Academies. Amend RSA 198:4-d, III to read as follows:

III. A financial report for each city, school district, ~~and~~ chartered public school, **and approved public academy**, shall be filed showing the summary of receipts and expenditures, according to uniform classifications, during the preceding fiscal year, and a balance sheet showing assets and liabilities at the close of the year. This report shall be submitted on or before September 1 of each year. Each statistical report submitted under this section shall include a certification signed by the chairperson of the school district's governing body or the chairperson of the board of trustees of **a chartered public school or approved public academies**, that states: "I certify, under the pains and penalties of perjury, to the best of my knowledge and belief, that all of the information contained in this document is true, accurate and complete."

2 Applicability. The requirements of RSA 198:4-d, III as amended by section 1 of this act requiring reporting by public academies, shall apply to reports due to be filed by September 1, 2022, which shall show the summary of receipts and expenditures and the balance sheet showing assets and liabilities for the 2021-2022 school year.

3 Effective Date. This act shall take effect upon its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1198 - AS INTRODUCED

2022 SESSION

22-2144

10/05

HOUSE BILL **1198**

AN ACT relative to rules of the department of education concerning culture and climate in schools.

SPONSORS: Rep. Hough, Belk. 3; Rep. Binford, Graf. 15

COMMITTEE: Education

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### ANALYSIS

This bill provides that the department of education shall not adopt or enforce a rule concerning the climate and culture in schools.

.....

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~(in brackets and struck through)~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2144  
10/05

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to rules of the department of education concerning culture and climate in schools.

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

1 Education; Rulemaking; Culture and Climate. Amend RSA 186:5 to read as follows:

186:5 Powers. The state board shall have the same powers of management, supervision, and direction over all public schools in this state as the directors of a business corporation have over its business, except as otherwise limited by law. It may make all rules and regulations necessary for the management of its own business and for the conduct of its officers, employees, and agents, and to secure the efficient administration of the public schools and the administration of the work of Americanization, in teaching English to non-English-speaking adults and in furnishing instruction in the privileges, duties, and responsibilities of citizenship, which is hereby declared to be an essential part of public school education. It shall be the duty of school boards and employees of school districts to comply with the rules and regulations of the state board. ***Provided, however, that the state board and the department shall not adopt or enforce any rule requiring schools to adopt a policy concerning culture and climate in schools.***

2 Effective Date. This act shall take effect 60 days after its passage.

#### HELPFUL LINKS

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1204-FN-A-LOCAL - AS INTRODUCED

2022 SESSION

22-2056

10/11

HOUSE BILL *1204-FN-A-LOCAL*

AN ACT reducing the rate of the meals and rooms tax and increasing the revenue sharing of meals and rooms tax revenue with municipalities.

SPONSORS: Rep. Deshaies, Carr. 6; Rep. J. MacDonald, Carr. 6; Rep. Crawford, Carr. 4; Rep. Bordes, Belk. 3

COMMITTEE: Ways and Means

## ANALYSIS

This bill reduces the rate of the tax on meals, rooms, and gross rental receipts, and increases the percentage of meals and rooms tax revenues distributed to municipalities.

Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears ~~in brackets and struck through~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2056  
10/11

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT reducing the rate of the meals and rooms tax and increasing the revenue sharing of meals and rooms tax revenue with municipalities.

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

1 Imposition of Tax. Amend RSA 78-A:6 to read as follows:

78-A:6 Imposition of Tax.

I. A tax of ~~[8.5]~~ **7.9** percent of the rent is imposed upon each occupancy.

II. A tax is imposed on taxable meals based upon the charge therefor as follows:

(a) ~~[Four]~~ **Two** cents for a charge between \$.36 and \$.37 inclusive;

(b) ~~[Five]~~ **Three** cents for a charge between \$.38 and \$.50 inclusive;

(c) ~~[Six]~~ **Four** cents for a charge between \$.51 and \$.62 inclusive;

(d) ~~[Seven]~~ **Five** cents for a charge between \$.63 and \$.75 inclusive;

(e) ~~[Eight]~~ **Six** cents for a charge between \$.76 and \$.87 inclusive;

(f) ~~[Nine]~~ **Seven** cents for a charge between \$.88 and \$1.00 inclusive;

(g) ~~[Eight and a half]~~ **7.9** percent of the charge for taxable meals over \$1.00, provided that fractions of cents shall be rounded up to the next whole cent.

II-a. A tax of ~~[8.5]~~ **7.9** percent is imposed upon the gross rental receipts of each rental.

III. The operator shall collect the taxes imposed by this section and shall pay them over to the state as provided in this chapter.

2 Applicability. RSA 78-A:6, as amended by section 1 of this act, shall be applicable to taxable periods beginning on or after July 1, 2023.

3 Meals and Rooms Tax; Reference to Rate. Amend RSA 78-A:7, I(a) to read as follows:



I.(n) The operator shall either state the amount of the tax to each occupant, purchaser of a meal, or renter, or state that the tax is included in the price of the occupancy, meal, or gross rental receipts received. If the amount of the tax is not separately stated, the purchaser's or occupant's contract or receipt shall include the following language:

"The [9] 7.9 percent tax on meals and rooms is included for the costs of meals and lodging only."

4 Distribution of Revenues; Percentage Increased. Amend RSA 78-A:26, III to read as follows:

III. On or before December 1, 2021 and each December 1 thereafter, [89] 40 percent of the net income determined under the introductory paragraph of paragraph I of the most recent fiscal year, after deductions for the cost of administration and revenues deposited in the education trust fund pursuant to paragraph II, shall be deposited into the meals and rooms municipal revenue fund for distribution to the unincorporated towns, unorganized places, towns, and cities. The amount to be distributed to each such town, place, or city shall be determined by multiplying the total amount to be distributed by a fraction, the numerator of which shall be the population of the unincorporated town, unorganized place, town, or city and the denominator of which shall be the population of the state. The population figures shall be based on the latest resident population figures furnished by the office of planning and development.

5 Effective Date. This act shall take effect July 1, 2023.

LBA

22-2056

10/28/21

# HB 1204-FN-A-LOCAL- FISCAL NOTE

## AS INTRODUCED

AN ACT reducing the rate of the meals and rooms tax and increasing the revenue sharing of meals and rooms tax revenue with municipalities.

FISCAL IMPACT: ☒ State ☐ County ☒ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	Indeterminable Decrease	Indeterminable Decrease
Expenditures	\$0	\$0	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input checked="" type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Meals and Rooms Municipal Revenue Fund			

## LOCAL:

Revenue	\$0	\$0	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	\$0	\$0	\$0

## METHODOLOGY:

This bill decreases the Meals and Rentals (M&R) tax rate from 8.5% to 7.9% for taxable periods beginning on or after July 1, 2023. Additionally the bill increases the M&R distribution to municipalities from 30% to 40%. The exact fiscal impact of this bill cannot be determined, however the Department is able to provide an estimate of the M&R tax rate reduction from 8.5 % to 7.9% based on the following information and assumptions:

- FY 2021 M&R tax base of \$3,750,004,222 derived by dividing the total tax collected by 9%. Total tax revenue collected of \$337,500,380, which includes \$328,146,248 of M&R on cash basis plus \$9,354,132 of retained commissions (approximately 2.8% (rounded) of total collected);
- Estimated FY 2021 revenue of \$309,915,901 assuming a 8.5% tax rate ( $\$3,750,004,222 \times 8.5\%$  - (\$8,834,458 or 2.8% (rounded) commission retained);
- Estimated FY 2021 revenue of \$288,039,484 assuming a 7.9% tax rate ( $\$3,750,004,222 \times 7.9\%$  - (\$8,210,849 or 2.8% (rounded) commission retained);
- Since the effective date of this bill is July 1, 2023 and M&R revenue is due by the 15th day of the month following the taxable period, the impact on revenue would not occur until August 2023. On average, 90.9% of M&R revenue is collected between August and June of each fiscal year.

Assuming the estimated M&R revenue for FY 2021 at the 8.5% tax rate and 7.9% tax rate remains unchanged for the period of FY 2024 through FY 2026 and that 90.9% of revenue collected in FY 2024 would be impacted by the rate decrease, the following table provides an estimated impact.

The Treasury Department is not able to estimate the exact impact of the change to decrease the M&R rate from 8.5% to 7.9% and increase the net M&R income deposited into the Meals and Rooms Municipal Revenue Fund from 30% to 40%. However, the Department is able to provide an estimate of the impact based on the following assumptions:

- FY21 M&R Tax Revenue as a starting point (includes General and Education Trust Fund Revenues adding back the transfers for School Building Aid Debt Service).
- A revenue decrease of approximately 7% for FY24 based on the proposed rate reduction from 8.5% to 7.9%.
- Cost of Meals & Rooms Administration remain the same
- Cost of Education Trust Fund Revenues relating to M&R remains the same
- Amount of net income to be distributed into the M&R Municipal Revenue Fund increases from 30% to 40%
- Revenue for FY25 will remain flat.

	FY 2021	Proposed FY 2024	Proposed FY 2025
M&R Tax Revenue	\$343,300,000	\$319,067,059	\$319,067,059
(-) Cost of M&R Administration	(\$1,969,364)	(\$1,969,364)	(\$1,969,364)
(-) Education Trust Fund M&R Revenues	(\$7,248,000)	(\$7,248,000)	(\$7,248,000)
M&R Tax Revenues Net of Authorized Expenditures	\$334,082,636	\$309,849,695	\$309,849,695
Percent of Net Income Deposited into the M&R Municipal Revenue Fund per RSA 78-A:26, i (c)	30%	40%	40%
Total Amount to be Distributed	\$100,224,791	\$123,939,878	\$123,939,878
Increase/(Decrease)		\$23,715,087	\$23,715,087

Based on the assumptions, the Department estimates increasing the amount of net income to be distributed into the M&R Municipal Revenue Fund from 30% to 40% will increase the municipal distribution by an estimated \$23.7 million.

#### AGENCIES CONTACTED:

Department of Revenue Administration and Treasury Department

#### HELPFUL LINKS

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1276 - AS INTRODUCED

2022 SESSION

22-2823

10/08

### HOUSE BILL **1276**

AN ACT allowing for school district budgets and warrant articles to include cost per student information.

SPONSORS: Rep. Harley, Rock. 20; Rep. Thomas, Rock. 5; Rep. Yakubovich, Merr. 24; Rep. Cushman, Hills. 2; Rep. Greene, Hills. 37; Rep. Spillane, Rock. 2; Rep. Johnson, Belk. 3; Rep. Moffett, Merr. 9; Rep. Hobson, Rock. 35

COMMITTEE: Education

### ANALYSIS

This bill allow for a school district to require the cost per student information be noted on the school district budget and special warrant articles.

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~in brackets and struck through~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2823  
10/08

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT allowing for school district budgets and warrant articles to include cost per student information.

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

1 New Paragraph Municipal Budget Law: School District Budget; Cost per Student Notations. Amend RSA 32:5 by inserting after paragraph V-b the following new paragraph:

V-c. The legislative body of school district may vote to require that all budget items or any warrant articles having a cost impact on the budget shall contain a notation stating the cost per student of the budget or article. The determination of cost per student shall be calculated as total requested budget divided by the number of full-time equivalent pupils. The determination of the cost per student shall be subject to approval by the governing body. Unless the legislative body has voted otherwise, if a school district has not voted to require such cost per student notations to be printed in the school district warrant, the governing body, or the school district budget committee adopted under RSA 32:14 may, on its own initiative, require that the cost per student notations of its votes be printed next to the affected article.

2 Effective Date. This act shall take effect 60 days after its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1298-FN - AS INTRODUCED

2022 SESSION

22-2342

10/08

HOUSE BILL ***1298-FN***

AN ACT relative to eligibility for the education tax credit.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Hill, Merr. 3; Rep. Moffett, Merr. 9; Rep. McGuire, Merr. 29; Rep. Piemonte, Rock. 4; Rep. A. Lekas, Hills. 37; Rep. Hobson, Rock. 35; Rep. Osborne, Rock. 4

COMMITTEE: Education

### ANALYSIS

This bill increases the household income level to qualify as an eligible student under the education tax credit program.

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~(in brackets and struck through)~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2342  
10/08

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to eligibility for the education tax credit.

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

- 1 Education Tax Credit; Definition of Eligible Student; Household Income. Amend RSA 77-G:1, VIII(b) to read as follows:  
(b) Whose annual household income is less than or equal to ~~[900]~~ 500 percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902(2). The scholarship organization shall verify eligibility under this subparagraph.
- 2 Effective Date. This act shall take effect upon its passage.

LBA  
22-2342  
10/18/21

### HB 1298-FN- FISCAL NOTE

#### AS INTRODUCED

AN ACT relative to eligibility for the education tax credit.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	\$0	\$0	\$0
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input checked="" type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

#### METHODOLOGY:

This bill amends the Education Tax Credit (RSA 77-G) by changing eligibility for total household income from 300 percent of the federal poverty guidelines to 500 percent of the federal poverty guidelines. Increasing the total household income will increase the number of students qualified to receive an Education Tax Credit scholarship. The Department of Revenue Administration states the impact on state revenue is a function of both the number and amount of donations made to the Education Tax Credit program and the number of scholarships issued with those donations. Therefore, it is assumed for there to be an impact on business profits tax revenue, business enterprise tax revenue and/or interest and dividends revenue there would need to be an increase in donations to the Education Tax Credit program. The Department is not able to determine if donations will increase or estimate the impact on revenue as result of the changes contained in this bill.

#### AGENCIES CONTACTED:

Department of Revenue Administration

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1355 - AS INTRODUCED

2022 SESSION

22-2782

10/04

HOUSE BILL **1355**

AN ACT requiring the scholarship organization to refer suspected cases of misuse of funds or fraud in the education freedom account program to the attorney general.

SPONSORS: Rep. Luneau, Merr. 10

COMMITTEE: Education

### ANALYSIS

This bill requires a scholarship organization to refer suspected misuse of EFA funds to the attorney general for investigation.

Explanation: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears ~~(in brackets and struck through)~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2782  
10/04

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT requiring the scholarship organization to refer suspected cases of misuse of funds or fraud in the education freedom account program to the attorney general.

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

- 1 Education Freedom Accounts Responsibilities of Scholarship Organization; Misuse. Amend RSA 194-F:4, XI(c) to read as follows:  
(c) The scholarship organization ~~(may)~~ **shall** refer suspected cases of ~~(intentional and substantial)~~ misuse of EFA funds to the attorney general for investigation ~~(if evidence of fraudulent use of EFA funds is obtained)~~.
- 2 Effective Date. This act shall take effect 60 days after its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1366 - AS INTRODUCED

2022 SESSION

22-2817

10/11

### HOUSE BILL **1366**

AN ACT relative to cooperative school board reapportionment.

SPONSORS: Rep. Pauer, Hills. 26; Rep. Lewicke, Hills. 26; Rep. Maggiore, Rock. 22; Rep. Moffett, Merr. 9; Rep. Andrus, Merr. 1; Rep. A. Lekas, Hills. 37

COMMITTEE: Education

### ANALYSIS

This bill clarifies the procedure for proposing modifications to apportionment of a cooperative school district at the school district meetings.

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.  
22-2817  
10/11

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to cooperative school board reapportionment.

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

1 Cooperative School Districts; Proposal for Apportionment. Amend RSA 195:22, II to read as follows:

II. Shall be submitted to the voters ~~(on petition)~~ *as a petitioned article*, which shall include the proposed plan, ~~[to the school board, signed by no less than 10 percent of the qualified voters in a cooperative district]~~ at the next regular meeting or at a special meeting of the district ~~[if requested in the petition]~~ *when presented to the school board in accordance with the procedures in RSA 197.*

2 Effective Date. This act shall take effect 60 days after its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1373 - AS INTRODUCED

2022 SESSION

22-2839

10/05

### HOUSE BILL 1373

AN ACT relative to the best interest of the student for a change of school or assignment.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Piemonte, Rock. 4; Rep. Hobson, Rock. 35; Rep. Ladd, Graf. 4; Rep. Nelson, Carr. 5; Rep. Bernardy, Rock. 16

COMMITTEE: Education

### ANALYSIS

This bill allows for the consideration of parental concerns in the request for a change of school or assignment of a student.

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~(in brackets and struck through)~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2839  
10/05

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to the best interest of the student for a change of school or assignment.

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

- 1 Change of School or Assignment; Best Interest of the Student. Amend RSA 193:3, I(e) and (f) to read as follows:
- (e) In determining whether it is in the best interest of the student to change the student's school or assignment, the superintendent shall consider ***parental concerns and*** the student's academic, physical, personal, or social needs.
- (f) If the superintendent finds it is in the best of the interest of the student to change the student's school or assignment, the superintendent shall initiate:
- (1) A change of assignment within the student's current assigned school;
- (2) The student's transfer to another public school or public academy within the district of residence;~~[-or]~~
- (3) The student's transfer to a public school, public academy, or an approved private school in another district~~[-]~~; ***or***
- (4) ***The student's transfer to a public school or public academy in the state of New Hampshire.***
- 2 Effective Date. This act shall take effect 60 days after its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1376 - AS INTRODUCED

2022 SESSION

22-2519

10/11

### HOUSE BILL **1376**

AN ACT relative to participation in the education freedom accounts program by students with disabilities.

SPONSORS: Rep. Cornell, Hills. 18; Rep. Cushing, Rock. 21; Rep. Heath, Hills. 14; Rep. Mullen, Hills. 7; Rep. Ellison, Merr. 27; Rep. Porter, Hills. 1

COMMITTEE: Education

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### ANALYSIS

This bill clarifies the responsibility of a scholarship organization under the education freedom accounts program for explaining rights under the Individuals with Disabilities Education Act (IDEA).

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~(in brackets and struck through)~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2519  
10/11

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to participation in the education freedom accounts program by students with disabilities.

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

1 Education Freedom Accounts; Responsibilities of the Scholarship Organization; Parents of Students with Disabilities. Amend RSA 194-B:4, III to read as follows:

III. The scholarship organization shall ensure that parents of students with disabilities receive notice that participation in the EFA program is a parental placement under 20 U.S.C. section ~~[1412]~~ ***1412(a)(10)(A)***, Individuals with Disabilities Education Act (IDEA), along with an explanation of the rights that parentally placed students possess ***and waive*** under IDEA and any applicable state laws.

2 Effective Date. This act shall take effect 60 days after its passage.

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## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1399 - AS INTRODUCED

2022 SESSION

22-2686

10/11

### HOUSE BILL ***1399***

AN ACT relative to school district withdrawal from a cooperative school district.

SPONSORS: Rep. Pauer, Hills. 26; Rep. Melvin, Rock. 15; Rep. Lang, Belk. 4; Rep. Cambrils, Merr. 9; Rep. Greeson, Graf. 16; Rep. Andrus, Merr. 1; Rep. Wallace, Rock. 12; Sen. Avard, Dist 12

COMMITTEE: Education

### ANALYSIS

This bill modifies the procedures for the disposition of equity and liabilities in buildings, land, and facilities for a school district withdrawing from a cooperative school district.

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~(in brackets and struck through)~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
22-2686  
10/11

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to school district withdrawal from a cooperative school district.

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

1 Cooperative School Districts; Withdrawal Plan; Property. RSA 195:26, V is repealed and reenacted to read as follows:

V. The equity or liability of the pre-existing school districts and disposition of property of the cooperative school district including the net equity of cooperative school district school buildings, land, or facilities, and each pre-existing school districts' proportional share of investment, as detailed in RSA 195:27.

2 Cooperative School Districts; Withdrawal; Disposition of Property. RSA 195:27 is repealed and reenacted to read as follows:

195:27 Equity or Liability of Pre-Existing School Districts and Disposition of Property.

I. In this section:

(a) "Net equity" means the appraisal of cooperative school district school buildings, land, or facilities in accordance with paragraph II, minus any outstanding indebtedness.

(b) "Proportional share of net equity" means the percentage of investment of the pre-existing school district compared to the total investment of the cooperative school district in the cooperative district school buildings, land, or facilities.

II. Whenever cooperative district school buildings, land, or facilities are to be transferred as part of a cooperative school district withdrawal or dissolution, the cooperative district school buildings, land, or facilities shall be separately appraised by a committee to consist of 3 persons. The commissioner of education shall designate one person on the committee, and the commissioner of revenue administration shall designate 2 persons, one of whom shall be a member of or a qualified appraiser employed by the department of revenue administration. A member who is not in the employ of the state shall be paid \$25 per day plus actual expenses in the performance of such member's duties. A member who is in the employ of the state shall not be paid extra compensation other than the state salary, but shall be reimbursed for actual expenses in the performance of such member's duties.

- III. A pre-existing school district that withdraws from or is part of a dissolution of a cooperative school district shall be paid by the cooperative school district the pre-existing school district's proportional share of net equity in any cooperative district school buildings, land, or facilities not located in the pre-existing school district.
- IV. A pre-existing school district that withdraws from or is part of a dissolution of a cooperative school district shall pay each of the other pre-existing school districts in the cooperative school district each other district's proportional share of net equity in any cooperative district school buildings, land, or facilities located in the pre-existing school district.
- V. Upon payments in accordance with paragraphs III and IV, the cooperative school district shall transfer and convey title to any school buildings, land, or facilities located in the pre-existing school district. The pre-existing school district shall assume any remaining indebtedness for such school buildings, land, or facilities.
- VI. All other cooperative school district property including but not limited to equipment, vehicles, furniture, and books shall be divided proportionally or reimbursed based each pre-existing school districts' investments in the property and as specified in the agreement for withdrawal plan.
- VII. In the case of a dissolution of a cooperative school district, any trust funds, capital reserve funds, revolving funds, non-lapsing funds, and other unexpended funds shall be distributed among the pre-existing districts according to the apportionment formula.
- 3 Repeal. RSA 196:28, relative to disposition of property, is repealed.
- 4 Effective Date. This act shall take effect 60 days after its passage.

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THE GENERAL COURT OF

# New Hampshire

## NEW HAMPSHIRE LEGISLATIVE SERVICE REQUESTS (LSR)

HB 1428-FN - AS INTRODUCED

2022 SESSION

22-2178

10/05

HOUSE BILL ***1428-FN***

AN ACT relative to the provision of special education services by chartered public schools.

SPONSORS: Rep. Mooney, Hills. 21; Rep. Healey, Hills. 21; Rep. Notter, Hills. 21; Rep. Weyler, Rock. 13; Sen. Ward, Dist 8; Sen. Carson, Dist 14

COMMITTEE: Education

### ANALYSIS

This bill provides for a chartered public school to hire or contract for special education services if the school district fails to provide the services.

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

22-2178  
10/05

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to the provision of special education services by chartered public schools.

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

1 New Subparagraph; Chartered Public Schools; Special Education Plans. Amend RSA 194-B:11, III by inserting after subparagraph (c) the following new subparagraph:

(d) At least 2 weeks prior to the start of the school year, special education plans under subparagraphs (a)-(c) shall be finalized, confirmed, and reviewed between a district and chartered public school. If the district fails to provide the services needed to a chartered public school student within 2 weeks of the start of the school year, then the chartered public school may hire or contract with their chosen specialists to provide the services while the child's resident district shall continue to have the financial responsibility for the full cost of the services. If a 2-week lapse in district special education services occurs within the school year, the chartered public school may hire or contract with their chosen specialists to provide the services while the child's resident district shall continue to have the financial responsibility for the full cost of the services.

2 Effective Date. This act shall take effect 60 days after its passage.

LBA

22-2178

Redraft 11/12/21

HB 1428-FN- FISCAL NOTE

AS INTRODUCED

AN ACT relative to the provision of special education services by chartered public schools.

FISCAL IMPACT:    ☐ State            ☐ County            ☒ Local            ☐ None

LOCAL:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

**METHODOLOGY:**

This bill would require, at least two (2) weeks prior to the start of the school year, school districts and chartered public schools create special education plans to address the needs of children from the district with special needs who are attending a chartered public school. This bill also provides that should the district fail to deliver the required special education services within two (2) weeks of the start of the school year, then the chartered public school would be authorized to hire or contract with the necessary staff or specialist(s) to provide the required services. The student's school district would be financially responsible for such cost(s). This same "authorization to hire" would occur should the district fail to implement the special education plan or if the district has a two (2) week lapse in providing the required special education services.

The Department of Education states school districts create their budgets based, in part, on the special education services and related supports as identified in children with disabilities' Individual Education Program (IEP). However, upon a lapse in the district's service, this bill grants authority to the chartered public school to procure the necessary services at district cost. It is unclear how often this lapse in the provision of district services does, or is anticipated, to occur and how extensive the required service would be. As such, the cost of this proposed bill and potential impact on district budgets, if any, in FY 2023 and each year thereafter is indeterminable.

**AGENCIES CONTACTED:**

Department of Education

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