REGULAR CALENDAR

March 6, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Education to which was referred HB 399-FN,

AN ACT allowing for a testing exception for graduation from high school. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Mel Myler

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MAJORITY
COMMITTEE REPORT

Committee:	**Education**
Bill Number:	**HB 399-FN**
Title:	**allowing for a testing exception for graduation from high school.**
Date:	**March 6, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill would allow a student at age 13 to take a NH Department of Education designed exam to test out of attending any future high school and receive a diploma from their resident school district. The student could be a New Hampshire resident or from "elsewhere" and qualify for the test. On passage of the test, the bill would demand that the student be automatically matriculated to any higher education institutions. If a higher education institution rejects said student's application, it will be subject to having its state funding reduced or removed. This bill is fraught with problems. Public schools have made accommodations for exceptional students through tutors, advanced programs, dual enrollment programs at community colleges, etc. This bill would lower the level of difficulty and the intellectual content of academic/graduation standards. Finally, there is a current process for parents to sign off for the best interest of their child to appeal to their local high school counselor to seek a HiSet (high school equivalency test) exam.

Vote 14-6.

Rep. Mel Myler
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 399-FN, allowing for a testing exception for graduation from high school. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mel Myler for the **Majority** of Education. This bill would allow a student at age 13 to take a NH Department of Education designed exam to test out of attending any future high school and receive a diploma from their resident school district. The student could be a New Hampshire resident or from "elsewhere" and qualify for the test. On passage of the test, the bill would demand that the student be automatically matriculated to any higher education institutions. If a higher education institution rejects said student's application, it will be subject to having its state funding reduced or removed. This bill is fraught with problems. Public schools have made accommodations for exceptional students through tutors, advanced programs, dual enrollment programs at community colleges, etc. This bill would lower the level of difficulty and the intellectual content of academic/graduation standards. Finally, there is a current process for parents to sign off for the best interest of their child to appeal to their local high school counselor to seek a HiSet (high school equivalency test) exam. **Vote 14-6.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

March 6, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Education to which was referred HB 399-FN,

AN ACT allowing for a testing exception for graduation from high school. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Mike Belcher

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MINORITY
COMMITTEE REPORT

Committee:	**Education**
Bill Number:	**HB 399-FN**
Title:	**allowing for a testing exception for graduation from high school.**
Date:	**March 6, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**OUGHT TO PASS**

STATEMENT OF INTENT

The minority finds great potential in the intent of the bill to allow gifted students to test out of compulsory attendance and receive a full credential high school diploma. So many of our great men and women – those who change the nature of our lives with invention, art, and industry – drop out of high school due to the tediousness of it for them, and an unknowable number of would-be history makers develop mental health and behavioral conditions through compulsory attendance. However, the minority also recognizes significant specific faults with the language, and therefore will work towards a floor amendment that addresses all the concerns while providing a pathway for students of a certain age to demonstrate significant, graduate-level competencies through testing, receive a diploma, and become free to pursue their talents without government obstruction, and remaining a non-emancipated person while a minor.

Rep. Mike Belcher
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 399-FN, allowing for a testing exception for graduation from high school. **OUGHT TO PASS.** Rep. Mike Belcher for the **Minority** of Education. The minority finds great potential in the intent of the bill to allow gifted students to test out of compulsory attendance and receive a full credential high school diploma. So many of our great men and women – those who change the nature of our lives with invention, art, and industry – drop out of high school due to the tediousness of it for them, and an unknowable number of would-be history makers develop mental health and behavioral conditions through compulsory attendance. However, the minority also recognizes significant specific faults with the language, and therefore will work towards a floor amendment that addresses all the concerns while providing a pathway for students of a certain age to demonstrate significant, graduate-level competencies through testing, receive a diploma, and become free to pursue their talents without government obstruction, and remaining a non-emancipated person while a minor.

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 399-FN

BILL TITLE: allowing for a testing exception for graduation from high school.

DATE: March 6, 2023

LOB ROOM: 205-207

MOTIONS: RETAINED

Moved by Rep. Belcher | Seconded by Rep. Cordelli | Vote: 10-10

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Myler | Seconded by Rep. Damon | Vote: 14-6

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Arlene Quaratiello, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on Bill # HB399

BILL TITLE: ... Testing Exception for Graduation

DATE: 3/6/23

LOB ROOM: 205-207

MOTION: (Please check one box)

☐ OTP ☐ ITL ☑ Retain (1st year) ☐ Adoption of Amendment # 2 *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. Belcher Seconded by Rep. Cordelli Vote: 10-10

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☑ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. Myler Seconded by Rep. Damon Vote: 14-6

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ____ **YES** ✓ **NO**

Minority Report? ✓ Yes ____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Arlene R. Quaratiello

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/6/2023 12:35:36 PM
Roll Call Committee Registers Report

2023 SESSION

Education

Bill #: HB 399 Motion: ITL AM #: _____ Exec Session Date: 3/6/23

Members	YEAS	Nays	NV
Ladd, Rick M. Chairman	14		
Cordelli, Glenn Vice Chairman	1		
Lekas, Alicia D.		1	
Ford, Oliver J. Clerk		2	
Belcher, Mike S		3	
~~Drye, Margaret~~ M. Notter, Jeanine	2		
McDonnell, Valerie E	3		
Noble, Kristin		4	
Peternel, Katy		5	
Quaratiello, Arlene		6	
Myler, Mel	4		
Cornell, Patricia	5		
Tanner, Linda L.	6		
Luneau, David J.	7		
Ellison, Arthur S.	8		
Woodcock, Stephen L.	9		
~~Hall, Muriel C.~~ Morton, Jen	10		
Balboni, Peggy	11		
Cascadden, Corinne E	12		
Damon, Hope	13		
TOTAL VOTE:	14	6	

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/6/2023 12:35:36 PM
Roll Call Committee Registers Report

2023 SESSION

Education

Bill #: HB 399 **Motion:** Retain **AM #:** _____ **Exec Session Date:** 3/6/23

Members	YEAS	Nays	NV
Ladd, Rick M. Chairman	10		
Cordelli, Glenn Vice Chairman	1		
Lekas, Alicia D.	2		
Ford, Oliver J. Clerk	3		
Belcher, Mike S	4		
~~Drye, Margaret~~ M. Notter, Jeanine	5		
McDonnell, Valerie E	6		
Noble, Kristin	7		
Peternel, Katy	8		
Quaratiello, Arlene	9		
Myler, Mel		1	
Cornell, Patricia		2	
Tanner, Linda L.		3	
Luneau, David J.		4	
Ellison, Arthur S.		5	
Woodcock, Stephen L.		6	
~~Hall, Muriel C.~~ Morton, Jen		7	
Balboni, Peggy		8	
Cascadden, Corinne E		9	
Damon, Hope		10	
TOTAL VOTE:	10	10	

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 399-FN

BILL TITLE: **allowing for a testing exception for graduation from high school.**

DATE: **January 19, 2023**

LOB ROOM: **205-207** **Time Public Hearing Called to Order:** **2:30pm**

Time Adjourned: **2:45pm**

Committee Members: Reps. Ladd, Cordelli, O. Ford, A. Lekas and Belcher,Drye, McDonnell, Myler, Cornell, Luneau, Ellison, Woodcock, Hall, Balboni, and Damon

Bill Sponsors:
Rep. Corcoran

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Discussion of out of state students taking advantage of NH and co-mingling credits from various sources.

Lyra Brown
- Supports bill

***Kiva Baum**
- Submitted written testimony
- Supports bill

Eowyn Osborne
- Students should test out of High School

***Riley Glaser**
- Submitted written testimony
- Supports bill
- Favors testing out of H.S.

Kitty Michelotti
- Supports bill
- As a home schooler, she favors testing out and earlier advancement

Travis Corcoran
- Supports bill

Sarah Scott - Americans for Prosperity NH
- Supports bill
- Favors testing out and early advancement

Jerry Frew - NHSAA
- Opposes Bill
- Further study or ITH

Becky Wilson - NHSBA

- Opposes bill
- Much study of related issues

Respectfully Submitted,

Rep. Oliver Ford, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB399 Date: 1/19/23

Committee: EDUCATION

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Stephen Nass	325 Middleton Rd	6084445896		X	
Jeffrey Yunes	175 High St Apt 2, Portsmouth	415-409-8637	self	X	
Jessy Frew			NHSAA		X
TRAVIS CORCORAN			HILLS-44	X	

House Remote Testify

Education Committee Testify List for Bill HB399 on 2023-01-19

Support: 4 Oppose: 6 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/14/2023 10:12 AM
Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2023 4:43 PM
Mullen, Susan	Bedford, NH smullen1@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2023 6:25 PM
Dell, Susan	Bedford, NH sdell337@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2023 6:41 PM
Wilson, Becky	Concord, NH bwilson@nhsba.org	A Lobbyist	NHSBA	Oppose	No	No	1/19/2023 8:47 AM
Colt, Susannah	Whitefield, NH coltsusannah@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2023 10:03 AM
Tentarelli, Liz	Newbury, NH LWV@kenliz.net	A Member of the Public	Myself	Support	No	No	1/19/2023 1:23 PM
corcoran, travis	Weare, NH tjic2020@gmail.com	An Elected Official	Myself	Support	No	No	1/19/2023 4:52 PM
Shea, Katherine	Goffstown, NH klynshea4618@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2023 11:13 PM
Pike, Jennifer	New London, NH jennifer-pike@comcast.net	A Member of the Public	Myself	Support	No	No	1/19/2023 11:53 PM

Thank you Mr Speaker and Committee members.

My name is Travis Corcoran, and I am the sponsor of this bill.

The problem

An educated populace is good for the individual citizens who receive an education, and good for society at large.

State laws and policies correctly work towards policies that ensure that good educations are available for all.

However, it is always a mistake to measure inputs rather than outputs. When we wish to ensure safe drinking water, we pass laws and regulations that measure the quality of the water and set standards for the result, instead of specifying that a water treatment system must cost a certain amount and take a certain duration to process water. When we wish to ensure safe cars, we pass laws and regulations that test the functioning of the brakes and headlights, instead of setting minimum standards for the cost and manufacturing duration.

In the case of education, we have a system that requires certain expenditures and hours spent, which ignores the variation in both talent, desires, and goals of individual citizens.

The existing diversity of approaches

New Hampshire state law correctly already supports a diversity of approaches to certifying achieving the competence associated with a high school diploma: students can either graduate from a public school, or submit documentation showing that they have completed a homeschooling program.

Not all students are lucky enough to have parents who can afford to homeschool them.

By providing a third option, which is designed by the commissioner of the department of education, we allow those students who wish to accelerate their educations and lives, while still ensuring that they demonstrate competence at least as well as graduates of public schools.

Ensuring quality of education for all students

DOE statistics show that only 37% of public school students taking assessment tests are rated as “proficient” or “proficient with distinction”. By design, this bill has a much more stringent standard for this new path than the current public school option does.

College admission

By making colleges consider all types of high school graduation as equal, this bill provides an easy onramp for additional education. Forcing a student who is capable of studying calculus, quantum physics, or ancient Roman history to sit through high school math and science is a waste of time and money.

Economy

By allowing some small fraction of students to graduate early, we reduce the load on our public schools and school teachers, and thus either reduce costs to taxpayers, or keep costs constant while improving the student-to-teacher ration for other students.

Daniel Richardson

You cannot argue with success. If a student and parent desires to move on with high school diploma equivalency certificate, it benefits everyone. Let them try. It was wise to include verbiage for non-discrimination by follow-on higher learning state-funded schools.

Becky Wilson

Our Executive Director, Barrett Christina, was scheduled to testify in person on this bill today. Unfortunately, he is unable to attend unexpectedly. NHSBA's written testimony in opposition to this bill will be submitted to the committee by the end of this week. Respectfully, Becky Wilson, Director of Governmental Relations, NHSBA

Katherine Shea

As a mother of children with autism, who were not given a free and appropriate public education, this bill may be something of interest to our special needs community and warrants consideration. Thank you.

399

Riley T Glaser
44 Mill Road
Derry, NH. 03038

House Education Committee
107 North Main Street
Concord, NH. 03301

Dear Chairman Ladd, Vice Chairman Cordelli and members of the committee,

My name is Riley Glaser, I am 15 years old, I am from Derry, NH and I support HB-399. Up until this year, I have been homeschooled my entire life. Being homeschooled allowed me to deep dive into my interests and I was able to work and excel at my own pace. Currently, I am a student at Spark Academy of Advanced Technologies in Manchester, NH where I am taking college classes along with my required high school ones. I am a straight A student, I am on student council, I am an ambassador for my school, and I am on a state-qualifying VEX robotics team. I find it cumbersome to follow the requirements of attendance despite knowing the curriculum being taught. I believe students with the mental fortitude to test out of high school before the compulsory attendance age of requirement ends, should have that opportunity.
Allowing students to acquire their high school degree before the age of 18 enables them to take advantage of things that require a high school degree sooner and begin their career goals earlier. In our society, children are infantilized instead of having responsibilities and earning respect. A high school degree should be based on the level of knowledge you posses instead of your age or credits earned. I would take advantage of this opportunity by continuing my deep dive into my fascination with nuclear energy until I am able to join the Navy's nuclear technician program. The more time I am able to spend researching, the more my knowledge will set me apart from the other candidates in the program. While I appreciate SPARK and it's opportunities, I would rather have my degree and spend my time taking unlimited college classes based on my passion.
In closing I believe this bill is a valuable opportunity for those who wish to get a head start on being a successful adult. Please pass HB-399

Sincerely,

Riley T Glaser

HB 399-FN - AS INTRODUCED

2023 SESSION

23-0650
10/04

HOUSE BILL ***399-FN***

AN ACT allowing for a testing exception for graduation from high school.

SPONSORS: Rep. Corcoran, Hills. 44

COMMITTEE: Education

ANALYSIS

This bill requires the department of education to design and administer a high school diploma equivalency test which would except students age 13 or older who pass the test from school attendance requirements. The bill also provides a private right of action to enforce the provisions of the bill.

- -

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.

23-0650
10/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT allowing for a testing exception for graduation from high school.

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

1 School Compulsory Attendance; Exception Added. Amend RSA 193:1, I(f) to read as follows:

(f) The pupil has successfully completed all requirements for graduation and the school district is prepared to issue a diploma or the pupil has successfully achieved the equivalent of a high school diploma by [~~either~~]:

(1) Obtaining a high school equivalency certificate; [~~or~~]

(2) Documenting the completion of a home school program at the high school level by submitting a certificate or letter to the department of education; ***or***

(3) Passing the test under RSA 194:23-b, III in which case the pupil shall be issued a high school diploma equivalency certificate.

2 High School; Testing Exception Added. Amend RSA 194:23-b to read as follows:

194:23-b Approval of High Schools***; Testing Exception***.

I. In order to satisfy compulsory school attendance laws, ***unless excepted under paragraph III,*** a high school student less than 16 years old must attend a high school which has been approved by the state board of education as complying with the provisions of RSA 194:23, or its equivalent; and the state board of education shall annually publish a list of all high schools which it has approved as meeting the requirements of RSA 194:23.

II. The commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, allow New Hampshire pupils to attend schools that meet the standards established by one of the 2 states.

III.(a) The commissioner of the department of education shall design a test that evaluates skills appropriate to a New Hampshire high school graduate and cause it to be administered in appropriate locations and at appropriate times, and cause it to be graded with a threshold that accurately reflects average New Hampshire high school graduates. Any child aged 13 or older, whether a citizen of New Hampshire or elsewhere, may take the test. Any child who passes the test shall be issued a high school diploma equivalency certificate and be excepted from compulsory school attendance laws.

(b) Any nonprofit institution of higher learning in New Hampshire that offers an associate's or bachelor's degree and receives any funding from the state of New Hampshire shall accept a passing grade on the test administered by the department as sufficient for matriculation, and shall not impose burdensome regulations for graduation intended to subvert the exception from high school attendance. Any nonprofit institution

of higher learning in New Hampshire that offers an associate's or bachelor's degree that does not accept a passing score on this test as sufficient for matriculation, or which impose burdensome regulations for graduation that subvert the intent of this law, shall be subject to having its state funding reduced or removed by the general court.

(c) There shall be a private right of action whereby any citizen of New Hampshire shall have standing to enforce the requirements of this paragraph on the New Hampshire department of education or any institution of higher learning for not complying with the requirements of this paragraph, and the state of New Hampshire shall be liable for reasonable attorney's fees and costs incurred in an enforcement action under this paragraph.

3 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0650
12/30/22

HB 399-FN- FISCAL NOTE
AS INTRODUCED

AN ACT allowing for a testing exception for graduation from high school.

FISCAL IMPACT: [X] State [ ] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[ ] General [ ] Education [ ] Highway [X] Other - Restricted - High School Equivalency Fees / Adult Education State Funds			

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill would exempt a pupil from school compulsory attendance if the pupil has successfully completed all requirements for graduation and the school district is prepared to issue a diploma or if the pupil has successfully achieved the equivalent of a high school diploma by obtaining both a high school equivalency certificate and documenting the completion of a home school high school program by either submitting a certificate or letter to Department of Education, or passing the assessment created by the amendment of paragraph III in RSA 194:23-b. Further, this bill requires the Department to design a test to evaluate a NH high school graduate skill attainment that any child, including out of state citizens, aged 13 or older may take and if a passing grade is received then a high school diploma equivalency certificate shall be issued, and the child is exempted from compulsory attendance laws.

To the extent this bill will increase the potential number of high school equivalency exam test candidates, there would be an increase in state restricted revenue relative to exam fee collections and expenditures to administer such exams (the high school equivalency exam is a contracted service that is currently under competitive bid). It should also be noted that state adult education funds are currently used to fund a test center support contract, which provides test center support, however the rate is currently not sufficient to cover the actual expenses and

the difference is supported by local school districts and non-profit organizations though private resources. Therefore, this bill may also have an impact on local school district expenditures.

AGENCIES CONTACTED:

Department of Education