LEGISLATIVE COMMITTEE MINUTES

HB536

Bill as Introduced

HB 536 - AS INTRODUCED

2023 SESSION

23-0887
05/10

HOUSE BILL ***536***

AN ACT relative to the chartered public school joint legislative oversight committee.

SPONSORS: Rep. Tanner, Sull. 5; Rep. Wallner, Merr. 19; Rep. Luneau, Merr. 9; Rep. Massimilla, Graf. 1; Rep. Telerski, Hills. 11

COMMITTEE: Education

ANALYSIS

This bill revises the structure and duties of the chartered public school joint legislative oversight committee.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0887
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the chartered public school joint legislative oversight committee.

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

1 Chartered Public Schools Oversight Committee. RSA 194-B:21 is repealed and reenacted to read as follows:

194-B:21 Oversight Committee; Report.

I. There is hereby established a joint legislative oversight committee. The committee shall meet jointly at least twice a year and shall monitor the effect of this chapter, review the chartered public school system, and make recommendations for any legislative changes. Where appropriate, the committee shall also make recommendations to the legislature to reduce the scope of, ease the administration of, simplify compliance with, eliminate regulations of, and reduce the amount of paperwork required.

II. The committee shall include the chairperson of the house education committee or designee, the chairperson of the senate education committee or designee, the chairperson of the house finance committee or designee, one representative appointed by the speaker of the house of representatives, one senator appointed by the president of the senate, and one nonvoting representative of the department of education with expertise in chartered public schools, appointed by the commissioner of the department of education, who shall not be counted in the quorum.

III. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The members of the oversight committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the chairperson of the house education committee or designee. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall submit a written report of its findings and recommendations to the president of the senate, the speaker of the house of representatives, and the chairperson of the house education committee and the senate education committee by September 1 of each year.

2 Duties of the State Board of Education. Amend RSA 194-B:17, VI to read as follows:

VI. The state board shall convene one or more working committees to study and make recommendations regarding the implementation and effectiveness of chartered public schools. The recommendations shall be provided to the legislative oversight committee in RSA 194-B:21 ***by July 1 of each year***.

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

HB 536 - AS AMENDED BY THE SENATE

05/11/2023 1419s

2023 SESSION

23-0887
05/10

HOUSE BILL ***536***

AN ACT relative to the chartered public school joint legislative oversight committee, and relative to chartered public school use of unused district facilities.

SPONSORS: Rep. Tanner, Sull. 5; Rep. Wallner, Merr. 19; Rep. Luneau, Merr. 9; Rep. Massimilla, Graf. 1; Rep. Telerski, Hills. 11

COMMITTEE: Education

AMENDED ANALYSIS

This bill revises the structure and duties of the chartered public school joint legislative oversight committee. The bill also requires the commissioner of education to engage an independent mediator for appraisals of unused school district property a chartered public school has made an offer to purchase or lease.

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STATE OF NEW HAMPSHIRE

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3 Chartered Public School Use of Unused District Facilities; Independent Appraisals. Amend RSA 194:61, III(d) to read as follows:

(d) If the offering school district has not received an offer to purchase or lease an unused facility from a party, other than an approved chartered public school operating in this state, a chartered public school may initiate, and the school board of the offering school district shall, ***within 60 days of receiving the offer,*** engage in, ***substantive*** good faith negotiations for the purchase or lease of the unused facility. ***The negotiation period shall continue for 30 days, or less if an agreement is reached. If no agreement is reached, the commissioner of the department of education shall engage an independent mediator who shall gather independent appraisals of the value of the property when the chartered public school made an offer to purchase. The appraised value shall determine a fair market price for the offering chartered public school to agree to or reject. In situations when the charter school made an offer to lease the property, the appraisals gathered by the mediator shall determine a fair market lease price for the offering chartered public school to accept or reject.***

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

HB 536 - VERSION ADOPTED BY BOTH BODIES

05/11/2023 1419s
29Jun2023... 2197CofC

2023 SESSION

23-0887
05/10

HOUSE BILL ***536***

AN ACT relative to the chartered public school joint legislative oversight committee, and relative to chartered public school use of unused district facilities.

SPONSORS: Rep. Tanner, Sull. 5; Rep. Wallner, Merr. 19; Rep. Luneau, Merr. 9; Rep. Massimilla, Graf. 1; Rep. Telerski, Hills. 11

COMMITTEE: Education

AMENDED ANALYSIS

This bill revises the structure and duties of the chartered public school joint legislative oversight committee. The bill also requires the commissioner of education to engage an independent mediator for appraisals of unused school district property a chartered public school has made an offer to purchase or lease.

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HB 536 - VERSION ADOPTED BY BOTH BODIES

05/11/2023 1419s
29Jun2023... 2197CofC

23-0887
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

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V. The committee shall submit a written report of its findings and recommendations to the president of the senate, the speaker of the house of representatives, and the chairperson of the house education committee and the senate education committee by September 1 of each year.

2 Duties of the State Board of Education. Amend RSA 194-B:17, VI to read as follows:

VI. The state board shall convene one or more working committees to study and make recommendations regarding the implementation and effectiveness of chartered public schools. The recommendations shall be provided to the legislative oversight committee in RSA 194-B:21 ***by July 1 of each year.***

3 Chartered Public School Use of Unused District Facilities; Independent Appraisals. Amend RSA 194:61, III(d) to read as follows:

(d) If the offering school district has not received an offer to purchase or lease an unused facility from a party, other than an approved chartered public school operating in this state, a chartered public school may initiate, and the school board of the offering school district shall, ***within 60 days of receiving the offer,*** engage in, ***substantive*** good faith negotiations for the purchase or lease of the unused facility. ***The negotiation period shall continue for 30 days, or less if an agreement is reached. If no agreement is reached, the commissioner of the department of education shall engage an independent mediator who shall gather independent appraisals of the value of the property when the chartered public school made an offer to purchase. The appraised value shall determine a fair market price for the offering chartered public school. In situations when the charter school made an offer to lease the property, the appraisals gathered by the mediator shall determine a fair market lease price for the offering chartered public school.***

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

CHAPTER 198
HB 536 - FINAL VERSION

05/11/2023 1419s
29Jun2023... 2197CofC

2023 SESSION

23-0887
05/10

HOUSE BILL ***536***

AN ACT relative to the chartered public school joint legislative oversight committee, and relative to chartered public school use of unused district facilities.

SPONSORS: Rep. Tanner, Sull. 5; Rep. Wallner, Merr. 19; Rep. Luneau, Merr. 9; Rep. Massimilla, Graf. 1; Rep. Telerski, Hills. 11

COMMITTEE: Education

AMENDED ANALYSIS

This bill revises the structure and duties of the chartered public school joint legislative oversight committee. The bill also requires the commissioner of education to engage an independent mediator for appraisals of unused school district property a chartered public school has made an offer to purchase or lease.

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CHAPTER 198
HB 536 - FINAL VERSION

05/11/2023 1419s
29Jun2023... 2197CofC

23-0887
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the chartered public school joint legislative oversight committee, and relative to chartered public school use of unused district facilities.

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

198:1 Chartered Public Schools Oversight Committee. RSA 194-B:21 is repealed and reenacted to read as follows:

194-B:21 Oversight Committee; Report.

I. There is hereby established a joint legislative oversight committee. The committee shall meet jointly at least twice a year and shall monitor the effect of this chapter, review the chartered public school system, and make recommendations for any legislative changes. Where appropriate, the committee shall also make recommendations to the legislature to reduce the scope of, ease the administration of, simplify compliance with, eliminate regulations of, and reduce the amount of paperwork required.

II. The committee shall include the chairperson of the house education committee or designee, the chairperson of the senate education committee or designee, the chairperson of the house finance committee or designee, one representative appointed by the speaker of the house of representatives, one senator appointed by the president of the senate, and one nonvoting representative of the department of education with expertise in chartered public schools, appointed by the commissioner of the department of education, who shall not be counted in the quorum.

III. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The members of the oversight committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the chairperson of the house education committee or designee. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall submit a written report of its findings and recommendations to the president of the senate, the speaker of the house of representatives, and the chairperson of the house education committee and the senate education committee by September 1 of each year.

198:2 Duties of the State Board of Education. Amend RSA 194-B:17, VI to read as follows:

VI. The state board shall convene one or more working committees to study and make recommendations regarding the implementation and effectiveness of chartered public schools. The recommendations shall be provided to the legislative oversight committee in RSA 194-B:21 ***by July 1 of each year.***

198:3 Chartered Public School Use of Unused District Facilities; Independent Appraisals. Amend RSA 194:61, III(d) to read as follows:

(d) If the offering school district has not received an offer to purchase or lease an unused facility from a party, other than an approved chartered public school operating in this state, a chartered public school may initiate, and the school board of the offering school district shall, ***within 60 days of receiving the offer,*** engage in, ***substantive*** good faith negotiations for the purchase or lease of the unused facility. ***The negotiation period shall continue for 30 days, or less if an agreement is reached. If no agreement is reached, the commissioner of the department of education shall engage an independent mediator who shall gather independent appraisals of the value of the property when the chartered public school made an offer to purchase. The appraised value shall determine a fair market price for the offering chartered public school. In situations when the charter school made an offer to lease the property, the appraisals gathered by the mediator shall determine a fair market lease price for the offering chartered public school.***

198:4 Effective Date. This act shall take effect upon its passage.

Approved: August 04, 2023
Effective Date: August 04, 2023

Amendments

Sen. Lang, Dist 2
Sen. Pearl, Dist 17
March 27, 2023
2023-1225s
10/05

Amendment to HB 536

Amend the title of the bill by replacing it with the following:

AN ACT relative to the chartered public school joint legislative oversight committee, and relative to chartered public school use of unused district facilities.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Chartered Public School Use of Unused District Facilities; Independent Appraisals. Amend RSA 194:61, III(d) to read as follows:

(d) If the offering school district has not received an offer to purchase or lease an unused facility from a party, other than an approved chartered public school operating in this state, a chartered public school may initiate, and the school board of the offering school district shall, ***within 60 days of receiving the offer,*** engage in, ***substantive*** good faith negotiations for the purchase or lease of the unused facility. ***The negotiation period shall continue for 30 days, or less if an agreement is reached. If no agreement is reached, the commissioner of the department of education shall engage an independent mediator who shall gather independent appraisals of the value of the property when the chartered public school made an offer to purchase. The appraised value shall determine a fair price for the offering chartered public school to agree to or reject. In situations when the charter school made an offer to lease the property, the appraisals gathered by the mediator shall determine a fair lease price for the offering chartered public school to accept or reject.***

UNAPPROVED

2023-1225s

AMENDED ANALYSIS

This bill revises the structure and duties of the chartered public school joint legislative oversight committee. The bill also requires the commissioner of education to engage an independent mediator for appraisals of unused school district property a chartered public school has made an offer to purchase or lease.

UNAPPROVED

Senate Education
April 18, 2023
2023-1419s
10/05

Amendment to HB 536

Amend the title of the bill by replacing it with the following:

AN ACT relative to the chartered public school joint legislative oversight committee, and relative to chartered public school use of unused district facilities.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

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2023-1419s

AMENDED ANALYSIS

This bill revises the structure and duties of the chartered public school joint legislative oversight committee. The bill also requires the commissioner of education to engage an independent mediator for appraisals of unused school district property a chartered public school has made an offer to purchase or lease.

Committee Minutes

SENATE CALENDAR NOTICE
Education

Sen Ruth Ward, Chair
Sen Carrie Gendreau, Vice Chair
Sen Timothy Lang, Member
Sen Suzanne Prentiss, Member
Sen Donovan Fenton, Member

Date: March 22, 2023

HEARINGS

Tuesday	03/28/2023	
(Day)	(Date)	
Education	Legislative Office Building 101	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m.	**HB 71**	repealing a department of education report on chartered public school funding.
9:15 a.m.	**HB 170**	requiring the teaching of cursive handwriting and multiplication tables.
9:30 a.m.	**HB 377-FN**	relative to screening and intervention in public schools and public charter schools for dyslexia and related disorders, and establishing an addition to adequate education grants for certain pupils screened for dyslexia and related disorders.
9:45 a.m.	**HB 435**	relative to relief aid calculation in determining grants for adequate education.
10:00 a.m.	**HB 536**	relative to the chartered public school joint legislative oversight committee.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 71
Rep. Mooney
Sen. Ward

HB 170
Rep. Hobson
Rep. Ball
Rep. Kuttab
Rep. Ladd
Rep. A. Lekas

HB 377-FN
Rep. Kuttab
Rep. Ball
Rep. Ebel
Rep. Tanner
Rep. Cordelli
Rep. Hobson
Rep. Prudhomme-O'Brien
Sen. Ward
Sen. Avard

HB 435
Rep. Luneau

HB 536
Rep. Tanner
Rep. Wallner
Rep. Luneau
Rep. Massimilla
Rep. Telerski

Peter Mulvey 271-4063

Ruth Ward
Chairman

Senate Education Committee

Peter Mulvey 271-4063

HB 536, relative to the chartered public school joint legislative oversight committee.

Hearing Date: March 28, 2023

Time Opened: 10:26 a.m. **Time Closed:** 10:36 a.m.

Members of the Committee Present: Senators Ward, Gendreau, Lang, Prentiss and Fenton

Members of the Committee Absent : None

Bill Analysis: This bill revises the structure and duties of the chartered public school joint legislative oversight committee.

Sponsors:

Rep. Tanner	Rep. Wallner	Rep. Luneau
Rep. Massimilla	Rep. Telerski	

Who supports the bill: In total, twenty-three individuals signed in-support for HB 536. For a complete copy of the sign-in sheet, contact Legislative Aide Pete D. Mulvey (peter.mulvey@leg.state.nh.us).

Who opposes the bill: In total, five individuals signed in-opposition to HB 536. For a complete copy of the sign-in sheet, contact Legislative Aide Pete D. Mulvey (peter.mulvey@leg.state.nh.us).

Who is neutral on the bill: None.

Summary of testimony presented:

Representative Linda Tanner

Sullivan – District 5

- Representative Tanner introduced HB 536.
- HB 536 related to the Joint Legislative Chartered Public Schools Oversight Committee.
- Charter schools were first established in New Hampshire in 1996 and had grown considerably since.
- The 1996 law permitting charter schools established a joint legislative oversight committee which was instructed to produce an annual report for review by the State Board of Education.
- Initially the committee was very active and worked closely with charters.

- Rep. Tanner said that it had been roughly seven years since the Chartered Public Schools Oversight Committee last met. There were several reasons for the hiatus; a quorum was unobtainable, and members had other commitments.
- The last report by the committee was submitted in 2015.
- Rep. Tanner felt that since charter schools were part of the public school system, the oversight committee ought to be revitalized and be an integral part of the state's assistance to charter schools.
- HB 536 mandated that the committee have only one senator, rather than two, to facilitate a quorum. Further, a Department of Education official would be included as a non-voting member. The committee would meet twice annually to present a report to both the House and Senate Education Committees.
- Rep. Tanner said that there must be legislative checks, balances, and accountability for use of public money, and that there had to be support and improvements offered to that component of the public school system.
- Sen Ward asked how Rep. Tanner discovered the committee had not met in nearly a decade.
    - Rep. Tanner said she requested the House Researcher to provide her with the committee's reports and revealed that she could only find reports from 1996-2015.
    - Rep. Tanner felt that the important duties of the committee ought to continue and that if there were practical concerns such as feasibly maintaining a quorum, that small adjustments were preferable to a complete deactivation of the committee.
- Sen. Gendreau noted that chartered schools had been growing seemingly without issue and asked if Rep. Tanner had heard of any challenges necessitating the committee's return.
    - Rep. Tanner said that parents were concerned regarding the structure of the trustee's boards and the lack of local oversight, which produced frustration.
    - Rep. Tanner believed it was important for the committee to evaluate what would happen when charters dissolved, when students transferred, or simply how supplies would be provisioned.
    - Rep. Tanner was curious as to how many new bills, standards and requirements for public schools would also apply to charter schools. Such a curiosity would ideally be addressed by the committee according to Rep. Tanner.
- Sen. Gendreau asked if it were possible that the committee was designed to follow the implementation through, and eventually sunset.
    - Rep. Tanner said some committees had a sunset provision written in their origination bills. However, this was a public-school issue; the charters lacked an elected school board and had no legislative or educational institution assigned for oversight.
    - Since charters received public funding, and since they took from building aid and other resources, there were enough questions to justify the committee's creation and maintenance.
    - Northern towns struggled with charter schools since they wouldn't offer basic and critical resources such as transport. Rep. Tanner said that would be a matter best suited for the committee in question.

- Sen. Ward asked why the committee's report would be due in September, as opposed to November like other committees.
    - Rep. Tanner said that was to ensure the report coincided with the school year.
    - Rep. Tanner asserted that HB 536 would be effective immediately because the underlying statute already existed.

PM
Date Hearing Report completed: March 31, 2023

SENATE CALENDAR NOTICE
Education

Sen Ruth Ward, Chair
Sen Carrie Gendreau, Vice Chair
Sen Timothy Lang, Member
Sen Suzanne Prentiss, Member
Sen Donovan Fenton, Member

Date: March 28, 2023

HEARINGS

Tuesday	04/04/2023
(Day)	(Date)

Education	Legislative Office Building 101	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m.		Hearing on proposed Amendment #1225s, relative to the chartered public school joint legislative oversight committee, and relative to chartered public school use of unused district facilities., to **HB 536**, relative to the chartered public school joint legislative oversight committee.
9:15 a.m.	**HB 275-LOCAL**	relative to schools approved for a school tuition program by a school board.
9:30 a.m.	**HB 349**	relative to a special purpose school district for Bridgewater, Hebron, and Groton.
9:45 a.m.	**HB 452**	relative to the department of education procedures for school building aid applications.
10:00 a.m.	**HB 207-FN**	relative to school district unanticipated funds.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 536
Rep. Tanner, Rep. Wallner, Rep. Luneau, Rep. Massimilla, Rep. Telerski

HB 275-LOCAL
Rep. Ladd, Rep. Coulon, Rep. Moffett, Rep. A. Lekas, Rep. Soti, Rep. Hobson, Sen. Ward, Sen. Avard

HB 349
Rep. Ladd, Rep. Cordelli, Sen. Innis, Sen. Ward

HB 452
Rep. Ladd, Rep. Cordelli, Sen. Watters

HB 207-FN
Rep. Plett, Rep. Cushman

Peter Mulvey 271-4063

Ruth Ward
Chairman

Senate Education Committee

Peter Mulvey 271-4063

Amendment #1225s to HB 536, relative to the chartered public school joint legislative oversight committee.

Hearing Date: April 4, 2023

Time Opened: 9:00 a.m. **Time Closed:** 9:18 a.m.

Members of the Committee Present: Senators Ward, Gendreau, Lang, Prentiss and Fenton

Members of the Committee Absent : None

Bill Analysis: This bill revises the structure and duties of the chartered public school joint legislative oversight committee.

Sponsors:

Rep. Tanner	Rep. Wallner	Rep. Luneau
Rep. Massimilla	Rep. Telerski	

Who supports the bill: Rep. Greg Hill (Merr. 2), George Veator, and Ruth Perencevich.

Who opposes the bill: Barrett M. Christina (NHSBA), Rep. Linda Tanner (Sull.5), Julie Smith and Timothy Dow.

Who is neutral on the bill: None.

Summary of testimony presented:

Senator Tim Lang

Senate District 2

- Senator Lang introduced amendment 1225s to HB 536.
- The non-germane amendment originated as a bill request from Representative Greg Hill of Northfield.
- According to Sen. Lang, the Office of Legislative Services (*OLS*) forgot to process the legislation, meaning OLS never drafted the bill requested by Rep. Hill.
- Two years ago, charter schools were granted first refusal for unused school district properties. The original bill had a prescribed timeline for bids and negotiations to occur under, however the Senate considered it to be unnecessary.

- In Sen. Lang's district, as soon as property was available, a charter school submitted a bid request to no reply or action from the local school board.
- The amendment offered by Sen. Lang reintroduced the aforementioned timeline in order to mitigate ignored or delayed offers on properties.
- Sen. Lang was under the impression that the local school board was not acting in good faith, considering they had ignored a charter school's offer to purchase an empty school for at least nine months.

Representative Linda Tanner

Sullivan - District 5

- Representative Tanner was the prime sponsor for HB 536, the underlying bill for Sen. Lang's amendment.
- The charter school's request function for unused buildings and properties had only been in effect for two years according to Rep. Tanner.
- Rep. Tanner pointed out some of her concerns and questions regarding Sen. Lang's amendment.
    - There was no easy or consistent definition for the term 'substantive' as included in the amendment.
    - According to RSA 194:61, a fair market value was expected to be attributed to school properties. The amendment up for consideration neglected to reflect that language.
    - Rep. Tanner believed that local properties, namely their appraisal and transfer, should not be the duty of the Education Commissioner.
- Rep. Tanner strongly recommended a full reading of RSA 194:61 to fully understand the steps required to be taken by school boards and charter schools.

Representative Greg Hill

Merrimack – District 2

- Representative Hill said that the situation was exactly as Sen. Lang described it.
- According to paragraph (d) of RSA 194:61, If the offering school district had not received an offer other than an offer from a charter school operating in the state, than the charter school and district shall engage in good faith negotiation.
- Because there was no prescribed timeline, Rep. Hill suggested that the school board felt no obligation to respond to bids or offers from local charters.
- The local school board for Rep. Hill tabled the charter's bid during a non-public session in July of 2022.
- There had been no contact with the charter school from the school board.
- Rep. Hill said that taxpayers had been paying to heat an unoccupied building with no conversation.
- Rep. Hill believed the simple solution would be to include some timeline or deadline for the negotiations.

- An independent mediator ought to determine property value in the event no progress in made during negotiations.
- Rep. Hill attested that the amendment being considered was as simple of a solution as possible.
- Senator Fenton asked why charter schools were specifically targeted as opposed to other potential tenants.
    - Rep. Hill responded by suggesting the amendment would act to the benefit of school children and noted the lack of resources or suitable facilities available to charters.
    - Most charters in the state resided on leased property, originally developed for commercial use.
- Sen. Fenton suggested that the seller did not seem to have much agency regarding the transfer of properties, and that the charter school got to decide the outcome of transaction, not the seller.
    - Rep. Hill said the idea was that once the district and board had voted to sell the property, that was the final decision. There needed to be negotiations that were serious. The school board would not be able to ignore the entire inquiry and situation. It was up to the school board to enter the negotiations.
- Sen. Fenton believed that the amendment's language failed to convey a process which could be considered faithful negotiations and made a reference to line 22 of the amendment which said the charter could accept or reject an offer.
    - Rep. Hill said that the offering school district shall enter into good faith negotiation, and that the school board had the opportunity to negotiate a price within a 60-day window.
- Sen. Fenton said he was concerned that the independent mediator would set the price, and the charter may accept or reject. Sen. Fenton said the public school did not determine price and did not get to decide if the charter could buy or not to a price that was not agreed upon.
    - Rep. Hill emphasized the importance of considering who the problematic party was currently. Rep. Hill said it was not the charters that were causing issues, but rather it was the offering schools who were being recalcitrant.
- Sen. Lang said if there were no negotiations because the charter had the obligation of first refusal, the education commissioner would then determine a fair market value, to which the charter would then indicate if it could afford or not.
    - Rep. Hill agreed with Sen. Lang's analysis and understanding of the amendment and did concur that the term 'fair market value' ought to be part of the language.

PM
Date Hearing Report completed: April 7, 2023

Speakers

SENATE EDUCATION COMMITTEE

Date 03/28/23 Time 10:00 a.m. Public Hearing on **HB 536**

relative to the chartered public school joint legislative oversight committee..

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME(Please print)	REPRESENTING
☐	☒	☐	Megan Tuttle	NEA-NH
☒	☒	☐	Linda Tanner Rep.	Sullivan 5
☐	☒	☐	Rep Hope Vernon	Belknap 8
☐	☐	☐		
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Senate Remote Testify

Education Committee Testify List for Bill HB536 on 2023-03-28

Support: 28 Oppose: 5

Name	Title	Representing	Position
Smith, Julie	A Member of the Public	Myself	Oppose
kisch, walter	A Member of the Public	Myself	Oppose
glidden, deb	A Member of the Public	Myself	Oppose
Dickler, Jeffrey	A Member of the Public	Myself	Support
Liebowitz, Susan	A Member of the Public	Myself	Support
spencer, louise	A Member of the Public	Myself	Support
Casino, Joanne	A Member of the Public	Myself	Support
Spielman, Kathy Sue	A Member of the Public	Myself	Support
Jones, Andrew	A Member of the Public	Myself	Support
Devore, Gary	A Member of the Public	Myself	Support
Doughty, Patrick	A Member of the Public	Myself	Oppose
Damon, Claudia	A Member of the Public	Myself	Support
Moore, Susan	A Member of the Public	Myself	Support
Bissex, Hannah	A Member of the Public	Myself	Support
Thomas, A	A Member of the Public	Myself	Support
Martin, Patricia	A Member of the Public	Myself	Support
Hershey, Jane	A Member of the Public	Myself	Support
Merlone, Lynn	A Member of the Public	Myself	Support
Straiton, Marie	A Member of the Public	Myself	Support
Satterfield, Peter	A Member of the Public	Myself	Support
Schuman, Diana	A Member of the Public	Myself	Support
Mercer, Jennifer	A Member of the Public	Myself	Oppose
Walker, Deborah	A Member of the Public	Myself	Support
Holt, David	A Member of the Public	Myself	Support
perencevich, ruth	A Member of the Public	Myself	Support
HALLOCK, LINDA	A Member of the Public	Myself	Support
Altschiller, Senator Debra	An Elected Official	Myself	Support
Brennan, Nancy	A Member of the Public	Myself	Support
Chase, Karen	A Member of the Public	Myself	Support
DeMark, Richard	A Member of the Public	Myself	Support
DeMark, Harriet	A Member of the Public	Myself	Support
Willing, Maura	A Member of the Public	Myself	Support
Richman, Susan	A Member of the Public	Myself	Support

Senate Education Committee
SIGN-IN SHEET

Date: Tuesday, April 4th, 2023 **Time:** 9:00 a.m.

Amendment 1225s AN ACT relative to the chartered public school joint legislative oversight committee, relative to chartered public school use of unused district facilities.

Name/Representing *(please print neatly)*

Barrett M. Christina / NHSBA	Support ☐	Neutral ☐	Oppose ☒	Speaking?	Yes ☒	No ☐
✓ Rep. Linda Tanner	Support ☐	Neutral ☐	Oppose ☒	Speaking?	Yes ☒	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐

Senate Education Committee
SIGN-IN SHEET

Date: Tuesday, April 4th, 2023 **Time:** 9:00 a.m.

Amendment 1225s AN ACT relative to the chartered public school joint legislative oversight committee, relative to chartered public school use of unused district facilities.

Name/Representing *(please print neatly)*

√ Rep Greg Hill Merr #2	Support ☒ AMENDMENT	Neutral ☐	Oppose ☐	Speaking?	Yes ☑ No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Remote Testify

Education Committee Testify List for Bill HB536 on 2023-04-04

Support: 2 Oppose: 2

Name	Title	Representing	Position
Veator, George	A Member of the Public	Myself	Support
Smith, Julie	A Member of the Public	Myself	Oppose
Perencevich, Ruth	A Member of the Public	Myself	Support
Dow, Timothy	An Elected Official	Franklin School Board	Oppose

Testimony

The Public Charter School program has been growing in numbers every year since New Hampshire enacted a Charter School law in 1996. Part of that law was the creation of a joint legislative oversight committee which was charged with an annual report and a review of the charter school report from the State School Board of Education. This committee was active in the early years of the program but has not met in the last 6 years and has not issued a report since 2015. HB 536 revitalizes the committee by changing its composition. The committee will be charged with delivering a yearly report on the operations, performance, and innovations of the charter school program to the House and Senate Education Committees. The bill further requires the committee to meet twice a year and receive the required report on charter school approvals as stated in the current statue from the State Board of Education. Reorganization of the committee will renew the original spirit of the 1996 charter school law which set up legislative checks and balances through this committee to support and improve this important part of our public school system.

Representative Linda Tanner

Voting Sheets

Senate Education Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # HB 536

Hearing date: 3/28

Executive Session date: 4/18

Motion of: OTP **Vote:**

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	X				
Sen. Gendreau, Vice Chair	X		X		
Sen. Lang	X	X			
Sen. Prentiss	X				
Sen. Fenton	X				

Motion of: Adopt 1225s **Vote:** 3-2

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	X			X	
Sen. Gendreau, Vice Chair	X		X	X	
Sen. Lang	X	X		X	
Sen. Prentiss	X				X
Sen. Fenton	X				X

Motion of: Adopt Committee Amendment **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	X			X	
Sen. Gendreau, Vice Chair	X		X	X	
Sen. Lang	X	X		X	
Sen. Prentiss	X			X	
Sen. Fenton	X			X	

Reported out by:

Notes:

re refer, Lang, genreq

5-0

Move Consent

Lang, Fenton, 5-0

Lang out

Senate Education Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # HB 536

Hearing date:

Executive Session date:

Motion of: OTP A **Vote:** 3-2

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	X			X	
Sen. Gendreau, Vice Chair	X			X	
Sen. Lang	X			X	
Sen. Prentiss	X				X
Sen. Fenton	X				X

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair					
Sen. Gendreau, Vice Chair					
Sen. Lang					
Sen. Prentiss					
Sen. Fenton					

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair					
Sen. Gendreau, Vice Chair					
Sen. Lang					
Sen. Prentiss					
Sen. Fenton					

Reported out by: Sen. Lang

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, April 19, 2023

THE COMMITTEE ON Education

to which was referred **HB 536**

AN ACT relative to the chartered public school joint legislative oversight committee.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 3-2

AMENDMENT # 1419s

Senator Timothy Lang
For the Committee

Peter Mulvey 271-4063

EDUCATION

HB 536, relative to the chartered public school joint legislative oversight committee.
Ought to Pass with Amendment, Vote 3-2.
Senator Timothy Lang for the committee.

Docket of HB536		
01/11/2023	H	Introduced (in recess of) 01/05/2023 and referred to Education HJ 3 P. 19
02/08/2023	H	Public Hearing: 02/16/2023 09:30 am LOB 205-207
03/01/2023	H	Executive Session: 03/06/2023 09:30 am LOB 205-207
03/08/2023	H	Committee Report: Ought to Pass 03/06/2023 (Vote 20-0; CC) HC 16 P. 4
03/16/2023	H	Ought to Pass: MA VV 03/16/2023 HJ 9 P. 4
03/21/2023	S	Introduced 03/16/2023 and Referred to Education; SJ 11
03/22/2023	S	Hearing: 03/28/2023, Room 101, LOB, 10:00 am; SC 15
03/28/2023	S	Hearing: 04/04/2023, Room 101, LOB, 09:00 am, on proposed amendment # 2023-1225s; SC 16
04/19/2023	S	Committee Report: Ought to Pass with Amendment # 2023-1419s, 05/11/2023; SC 21
05/11/2023	S	Committee Amendment # 2023-1419s, RC 14Y-10N, AA; 05/11/2023; SJ 14
05/11/2023	S	Sen. Soucy Moved to divide the Question on the motion of Ought to Pass with Amendment: Sections 1, 2 and 4, and then Sections 3 and 4; 05/11/2023; SJ 14
05/11/2023	S	The Chair ruled the Question Divisible; 05/11/2023; SJ 14
05/11/2023	S	Ought to Pass with Amendment #2023-1419s: Sections 1, 2 and 4, MA, VV; 05/11/2023; SJ 14
05/11/2023	S	Ought to Pass with Amendment #2023-1419s: Sections 3 and 4, RC 14Y-10N, MA; OT3rdg; 05/11/2023; SJ 14
06/13/2023	H	House Non-Concurs with Senate Amendment 2023-1419s and Requests CofC (Reps. Ladd, Peternel, Drye, Luneau): MA VV 06/08/2023 HJ 15
06/15/2023	S	Sen. Ward Accedes to House Request for Committee of Conference, MA, VV; 06/15/2023; SJ 19
06/15/2023	S	President Appoints: Senators Ward, Lang, Fenton; 06/15/2023; SJ 19
06/19/2023	H	Conference Committee Meeting: 06/19/2023 10:00 am LOB 205-207
06/22/2023	S	Conference Committee Report Filed, # 2023-2197c; 06/29/2023
06/29/2023	S	Conference Committee Report # 2023-2197c, Adopted, VV; 06/29/2023; SJ 20
06/29/2023	H	Conference Committee Report 2023-2197c: Adopted, DV 186-185 06/29/2023 HJ 17
07/18/2023	S	Enrolled Adopted, VV, (In recess 06/29/2023); SJ 20
07/19/2023	H	Enrolled (in recess of) 06/29/2023 HJ 17

Other Referrals

June 19, 2023
2023-2197-CofC
05/10

Committee of Conference Report on HB 536, relative to the chartered public school joint legislative oversight committee.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Chartered Public School Use of Unused District Facilities; Independent Appraisals. Amend RSA 194:61, III(d) to read as follows:

(d) If the offering school district has not received an offer to purchase or lease an unused facility from a party, other than an approved chartered public school operating in this state, a chartered public school may initiate, and the school board of the offering school district shall, ***within 60 days of receiving the offer,*** engage in, ***substantive*** good faith negotiations for the purchase or lease of the unused facility. ***The negotiation period shall continue for 30 days, or less if an agreement is reached. If no agreement is reached, the commissioner of the department of education shall engage an independent mediator who shall gather independent appraisals of the value of the property when the chartered public school made an offer to purchase. The appraised value shall determine a fair market price for the offering chartered public school. In situations when the charter school made an offer to lease the property, the appraisals gathered by the mediator shall determine a fair market lease price for the offering chartered public school.***

The signatures below attest to the authenticity of this Report on HB 536, relative to the chartered public school joint legislative oversight committee.

Conferees on the Part of the Senate

Sen. Ward, Dist. 8

Sen. Lang, Dist. 2

Sen. Fenton, Dist. 10

Conferees on the Part of the House

Rep. Ladd, Graf. 5

Rep. Peternel, Carr. 6

Rep. Drye, Sull. 7

Rep. Luneau, Merr. 9

Senate Inventory Checklist for Archives

Bill Number: HB 536 **Senate Committee:** Education

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee
X All Calendar Notices
X Hearing Sign-up sheet(s)
X Prepared testimony, presentations, & other submissions handed in at the public hearing
X Hearing Report
X Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

X - amendment # 1225s ___ - amendment # _____
X - amendment # 1419 ___ - amendment # _____

X Executive Session Sheet
X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____
___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

X Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference): 2197 CofC
___ Enrolled Bill Amendment(s)
___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

X as amended by the senate ___ as amended by the house
X final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide 7-31-23 Date

Senate Clerk's Office AK