

SB 97-FN - AS AMENDED BY THE SENATE

03/13/2025 0735s

2025 SESSION

25-0989

02/08

SENATE BILL **97-FN**

AN ACT relative to intra-district public school transfers.

SPONSORS: Sen. Sullivan, Dist 18; Sen. Pearl, Dist 17; Rep. Layon, Rock. 13

COMMITTEE: Education

ANALYSIS

This bill authorizes parents to transfer their children to other schools within their resident district as long as such school has the capacity to accommodate the student.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to intra-district public school transfers.

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

1 1 Change of School or Assignment; Best Interest of Student. Amend RSA 193:3, I to read as
2 follows:

3 I.(a) The parent or guardian of a student may apply to the superintendent of the student's
4 district of residence [~~if the parent or guardian believes it would be in the best interest of the student~~]
5 to change the student's school or assignment ***to another specific public school, public academy,***
6 ***or an approved private school within the district. The parent or guardian of a student may***
7 ***also apply to the superintendent of the student's district of residence if the parent or***
8 ***guardian believes it would be in the best interest of the student to change the student's***
9 ***school or assignment to another public school, public academy, or an approved private***
10 ***school which is outside the district. Unless the student is experiencing a manifest***
11 ***educational hardship, applications pursuant to this paragraph shall be made no later***
12 ***than July 1 for the upcoming school year.***

13 (b) [~~Upon such request~~] ***For requests to change assignments to schools outside the***
14 ***district, or for requests made after July 1 for the upcoming school year,*** the superintendent
15 shall schedule a meeting with the parent or guardian, to be held within 10 days of the request.

16 (c) Prior to or at such meeting, the parent or guardian shall make a specific request that
17 the student be re-assigned by the school board to another public school, public academy, or an
18 approved private school within the district or to a public school, public academy, or an approved
19 private school in another district.

20 (d) At such meeting, the parent or guardian may present documents, witnesses, or other
21 relevant evidence supporting the parent's belief that it is in the best interest of the student to change
22 the student's school or assignment. The superintendent may present such information as he or she
23 deems appropriate.

24 (e) ***In determining whether to authorize a request to transfer to another school***
25 ***within the district, the superintendent shall consider only whether the specifically***
26 ***requested school has the ability to accommodate the student based on teacher to student***
27 ***ratio and existing school capacity.*** In determining whether it is in the best interest of the
28 student to change the student's school or assignment ***to a school outside the district,*** the
29 superintendent shall consider the student's academic, physical, personal, or social needs.

1 (f) If the superintendent finds it is in the best of the interest of the student to change the
2 student's school or assignment ***to a school outside the district, or finds the requested school in***
3 ***district has the ability to accommodate the student***, the superintendent shall initiate:

4 (1) A change of assignment within the student's current assigned school;

5 (2) The student's transfer to another public school or public academy within the
6 district of residence; or

7 (3) The student's transfer to a public school, public academy, or an approved private
8 school in another district.

9 (g) If a student is reassigned [~~as a result of a best interest determination~~] to a public
10 school or public academy, the superintendents or administrators involved in the reassignment shall
11 jointly establish a tuition rate for such student. Some or all of the tuition may be waived by the
12 superintendent of the receiving district for good cause shown or pursuant to school board policy of
13 the receiving district. The school board of the student's district of residence shall approve the
14 payment of tuition upon the superintendent's finding that is in the best interest of the student to be
15 reassigned. Transportation shall be the responsibility of the parent or legal guardian.

16 (h) If the student is reassigned as the result of a best interest determination to an
17 approved private school, the private school may charge tuition to the parent or may enter into an
18 agreement for payment of tuition with the school district in which the child resides.

19 (i) If the superintendent does not find that it is in the best interest of the student to
20 change the student's school or assignment ***to a school outside the district, or finds that the***
21 ***requested school in district is unable to accommodate the student***, the parent or guardian
22 may request a hearing with the school board of residence to determine if the student is experiencing
23 a manifest educational hardship under paragraph II.

24 (j) The school board of each school district shall adopt a policy addressing instances in
25 which there are more requests to transfer to a school than there is ability to accommodate students
26 based on teacher to student ratio and existing school capacity pursuant to subparagraph (e).

27 2 Effective Date. This act shall take effect July 1, 2025.

LBA
25-0989
1/20/25

SB 97-FN- FISCAL NOTEAS INTRODUCED

AN ACT relative to intra-district public school transfers.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Education. The Department was contacted on 1/17/25 for a fiscal note worksheet. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

AGENCIES CONTACTED:

Department of Education