

Floor Amendment to SB 295-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Education; Education Freedom Accounts; Definitions. Amend RSA 194-F:1, VI to read as
4 follows:

5 VI. "Eligible student" means a resident of this state who is eligible to enroll in a public
6 elementary or secondary school [~~and whose annual household income at the time the student applies~~
7 ~~for the program is less than or equal to 350 percent of the federal poverty guidelines as updated~~
8 ~~annually in the Federal Register by the United States Department of Health and Human Services~~
9 ~~under 42 U.S.C. section 9902(2). No income threshold need be met in subsequent years, provided the~~
10 ~~student otherwise qualifies]. Students in the special school district within the department of~~
11 ~~corrections established in RSA 194:60 shall not be eligible students.~~

12 2 New Paragraphs; Education; Education Freedom Accounts; Application for an Education
13 Freedom Account. Amend RSA 194-F:3 by inserting after paragraph I the following new
14 paragraphs:

15 I-a. For the 2025-2026 fiscal year, and each fiscal year thereafter, total enrollment for the
16 education freedom account program shall be capped at 10,000. However, in any fiscal year when
17 student applications for the education freedom account program are equal to or greater than 90
18 percent of the total enrollment cap applicable to that fiscal year, the total enrollment cap shall
19 increase by 25 percent. The department shall publish on its website information identifying the
20 total enrollment cap when it is increased pursuant to this paragraph.

21 I-b. In the event that applications for the education freedom account program exceed 90
22 percent of the annual enrollment cap in a given fiscal year, as established in paragraph I-a, priority
23 for the program shall be determined in the following order:

24 (a) A student currently enrolled in the EFA program;

25 (b) A sibling of a student currently enrolled in the EFA program;

26 (c) A child with disabilities as defined by RSA 186-C:2;

27 (d) A student whose family income is less than or equal to 350 percent of the federal
28 poverty guidelines as updated annually by the United States Department of Health and Human
29 Services under 42 U.S.C. section 9902 (2).

30 I-c. In any fiscal year, for students applying after June 30 during the fall application
31 window, only students who meet the priority categories as defined by RSA 194-F:3, I-b(b)-(d) are
32 eligible for pro-rated accounts. The scholarship organization shall prioritize current EFA students

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1 for renewal in the spring by reserving space for them under that year's enrollment cap before
2 awarding new EFA accounts for fall applicants.

3 3 Education; Education Freedom Accounts; Application for an Education Freedom Account.
4 Amend RSA 194-F:3, III(b) to read as follows:

5 (b) The student on whose behalf the parent is applying is an eligible student ***and meets***
6 ***the priority guidelines when applications exceed the enrollment cap.***

7 4 New Paragraph; Education; Education Freedom Accounts; Authority and Responsibilities of
8 the Scholarship Organization. Amend RSA 194-F:4 by inserting after paragraph IV the following
9 new paragraph:

10 IV-a. The scholarship organization shall establish and publicize no less than 2 deadlines by
11 which application forms must be submitted.

12 5 Education Freedom Accounts; Application Acceptance Directive. Amend RSA 194-F:3, I to
13 read as follows:

14 I. A parent may apply to the scholarship organization to establish an EFA for an eligible
15 student. The scholarship organization shall accept and approve applications ***on a rolling basis*** for
16 the fall and spring semesters each year and shall establish procedures for approving applications in
17 an expeditious manner.

18 6 Education; Education Freedom Accounts; Authority and Responsibilities of the Scholarship
19 Organization. RSA 194-F:3, III(b) is repealed and reenacted to read as follows:

20 (b) The student on whose behalf the parent is applying is an eligible student.

21 7 Repeal. The following are repealed:

22 I. RSA 194-F:3, I-a, I-b, and I-c, relative to education freedom account eligibility.

23 II. RSA 194-F:4, IV-a, relative to scholarship organization deadlines.

24 8 Contingency.

25 I. Sections 1 through 4 of this act shall take effect on the date the audit division of the office
26 of legislative budget assistant certifies to the secretary of state and the director of the office of
27 legislative services that:

28 (a) The performance audit of the education freedom account program required under
29 2022, 297:1 has been completed; and

30 (b) The audit finds sufficient management controls within the education freedom
31 account program that ensure compliance with all state laws and department rules.

32 II. Sections 5 through 7 of this act shall take effect on the date the department of education
33 certifies to the secretary of state and the director of the office of legislative services that student
34 applications for the education freedom account program have not exceeded 90 percent of the total
35 enrollment cap for 2 consecutive fiscal years.

36 9 Effective Date.

37 I. Sections 1 through 7 of this act shall take effect as provided in section 8 of this act.

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1 II. The remainder of this act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill:

I. Increases the number of students eligible for education freedom accounts by removing household income thresholds.

II. Removes certain conditions tied to education freedom account funds.

III. Repeals and amends certain provisions of law relative to education freedom account eligibility and scholarship organization deadlines.

IV. Requires that certifications to the secretary of state and the director of the office of legislative services be made before any provisions of the bill take effect.