

# Senate Education Committee

*Trevor Currier 271-4151*

**HB 1817-FN**, relative to access to curricular courses and cocurricular programs within school districts.

**Hearing Date:** March 31, 2026

**Time Opened:** 9:35 a.m.

**Time Closed:** 10:34 a.m.

**Members of the Committee Present:** Senators Ward, Abbas, Prentiss and Altschiller

**Members of the Committee Absent :** Senator Sullivan

**Bill Analysis:** This bill expands access to curricular courses and cocurricular programs within school districts for education freedom account students.

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**Sponsors:**

Rep. McDonnell

Rep. P. Brown

Rep. Kuttab

Rep. Morse

Rep. Hill

Rep. Thibault

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**Who supports the bill:** 36 People signed in support of HB 1817-FN. To see the full list of sign-ins, please email the committee aide ([trevor.currier@gc.nh.gov](mailto:trevor.currier@gc.nh.gov)).

**Who opposes the bill:** 240 People signed in opposition to HB 1817-FN. To see the full list of sign-ins, please email the committee aide ([trevor.currier@gc.nh.gov](mailto:trevor.currier@gc.nh.gov)).

**Who is neutral on the bill:** 1 Person signed in neutrality to HB 1817-FN. To see the full list of sign-ins, please email the committee aide ([trevor.currier@gc.nh.gov](mailto:trevor.currier@gc.nh.gov)).

**Summary of testimony presented in support:**

**Representative Valerie MacDonald, *Rockingham 25***

- Representative MacDonald introduced and testified in support of House Bill 1817-FN
- Rep. MacDonald cited RSA 193:1-C and stated that the law recognizes each educational pathway as equal. Therefore, it requires students to have equal access to opportunities regardless of their educational path.
- She stated that when the law was enacted, there were three options: public schools, public-private schools, and homeschooling.

- She believed that a fourth pathway should be added because of the introduction of the Education Freedom Account Program (EFA).
- She said that some districts permit EFA students to access courses at their public schools, while others do not. She attributed the procedural inconsistency to the law being unclear.
- She stated that HB 1817-FN would allow EFA students to access courses and co-curricular programs in their local districts.
- She said that the bill also allows students to take state standardized tests, including the SAT and the PSAT. She summarized that these tests help students who want to attend college get accepted and make college affordable.
- She noted that the adequacy aid formula provided school districts with a 0.15% Average Daily Membership in Residence (ADMR) reimbursement for each course a homeschooled student takes at a public school for grades 7-12.
- She highlighted that the ADMR reimbursement mechanism is not included in the bill. Her reasoning is that no such mechanism exists for charter school students taking courses in their local district, and districts have not expressed concerns about it. She stated that it does not apply to students before seventh grade, due to the structure of elementary school courses. She also emphasized that the legislature should be cautious when considering changes to the adequacy model in an off-budget year.
- Senator Prentiss explained that the bill aims to make the EFA program the fourth pathway for education, guaranteeing EFA students access to courses in their public schools. Representative MacDonald confirmed that this was the bill's purpose.
- Senator Prentiss asked how this policy change would be funded, given that the EFA student has chosen to receive their adequacy aid through an alternative form of education. Rep. MacDonald referenced the updated fiscal note and felt it addressed the concern. Rep. MacDonald also mentioned that if a student enrolls in more than 51 percent of their courses at the public school, they would lose their EFA.
- Senator Prentiss asked whether the student would be recognized as a public-school student during the time they were there or if they would be fully re-enrolled. Rep. Macdonald responded that as soon as a student receives 51 percent of their education in the public school, that student fully forfeits the EFA.
- Senator Altschiller sought clarification on the sponsor's testimony, asking whether the bill would permit EFA students to enroll in up to 50% of their courses at their local public school while also having their standardized testing covered by the district. Representative MacDonald confirmed that this interpretation accurately reflects the intent of the legislation.

- Senator Altschiller questioned whether the bill could be viewed as providing an additional benefit—beyond the funding students already receive through the EFA program—by requiring local taxpayers to also cover the cost of standardized tests offered to New Hampshire students. Representative MacDonald responded that the PSAT costs \$14 and is already administered in New Hampshire schools; therefore, EFA students would simply take the exam alongside their grade-level peers who are already scheduled to sit for it.
- Senator Altschiller asked if the amount is considered by the sponsor to be nominal, then why aren't the participants paying for the tests with the monies they already receive in the program? Representative MacDonald responded that standardized tests must be administered under a standardized process to ensure fairness for all students. She added that a school setting is more appropriate for this purpose than administering the exams at home.
- Senator Altschiller stated that HB 1817 introduces a new process allowing students who already receive funds through their EFA account to take a standardized test at their district school at the district's expense. Sen. Altschiller questioned why an alternative approach wasn't considered, where an EFA student could use their EFA funds to pay for the test. Senator Altschiller characterized the bill as an additional voucher for families already receiving EFA money. Rep. MacDonald replied that the bill does not create a new process; instead, it modifies existing procedures, like homeschoolers taking standardized tests and charter school students enrolling in courses at their local public school.
- Senator Prentiss inquired how the policy would align with CTE programs, referencing the House minority report's concerns about related costs. Representative MacDonald replied that many high-demand courses already have waitlists, and schools are not required to accept EFA students if capacity is limited. However, if space is available and a school chooses to enroll an EFA student, HB 1817 would permit it.
- Senator Prentiss asked how open enrollment might impact this bill. Rep. MacDonald replied that the bill only permits students to access programs within their home district, so this legislation does not affect open enrollment.

### **Hannah Cole**

- Ms. Cole testified in support of House Bill 1817-FN.
- She pointed out that 60 percent of education funding comes from property taxes and therefore believed that if a student attended the school for less than 50 percent of the day, those costs would already be covered.
- She stated that the cost to enroll in a public-school class was \$2,793.
- She said that her family's involvement in the EFA program helped her daughter join extracurricular activities and access online educational resources.

- She highlighted several classes that promoted creativity and social connections when her daughter went to public school part-time. She said her family no longer participates in public school classes because of the cost.

### **Lois Wood**

- Ms. Wood testified in support of HB 1817-FN.
- She highlighted the benefits that the EFA program has provided her family.
- She explained that two of her children could take a limited number of classes at the public school, allowing them to ease in and become familiar with the environment before fully enrolling.
- She highlighted the cost that districts are charging families seeking to access specific classes, and that the course was more expensive than a college course.
- She said that every child is unique and should have the freedom to find the educational path that best fits their needs.

### **Summary of testimony presented in opposition:**

### **Representative Timothy Horrigan, *Strafford 10***

- Representative Horrigan testified in opposition to House Bill 1817-FN.
- Rep. Horrigan expressed concern about the legislation's fiscal impact, as shown in the updated fiscal note of the bill.
- He stated that the finance committee hearing on the bill in the House of Representatives was waived, and therefore, the financial concerns were not addressed.
- He said that PSATs are available at testing centers for students not currently enrolled in a school offering the test.
- He stated that he does not see the EFA program as a new education pathway. Instead, he described it as a new funding mechanism.
- He expressed further concern about the implications the policy could have on CTE centers.
- He stated that if a student participating in the EFA program wanted to use one of the services offered at the public school, the family should be responsible for some of the associated costs.

### **Jerry Frew, *New Hampshire School Administrators Association***

- Mr. Frew testified in opposition to House Bill 1817-FN.
- He referenced the methodology used in the updated fiscal note and noted that it summarizes his concerns.
- He stated that the districts receive a 15 percent reimbursement for a home-educated student who chooses to enroll in a public school course.

- He said that this policy would let EFA students enroll in public school classes, with no way for the district to recover any costs associated with providing the student with an adequate education.
- He stated that the bill should be amended to include some compensation paid to the public school district, similar to what they would provide for a homeschooling student.
- He established that students who choose to access the EFA program cannot receive both adequacy money and EFA funds.
- He said that Derry has 154 EFA students, and if those students choose to attend public schools in Derry, the district will not receive adequacy money for any of these students under this bill.
- He established that the bill would have budget impacts that go beyond what is achievable in an off-budget year.
- Senator Prentiss referenced open enrollment and asked if, once signed into law, open enrollment would allow an EFA student to access any public school in the state under this policy. He replied that he believed so but deferred to the bill's sponsor.
- Senator Abbas referred to the current law regarding students in public charter schools and home-schooled students and asked about the district's current payment. Mr. Frew deferred to the Department representative present.
- Senator Altschiller referenced the updated methodology in the fiscal note and clarified the difference between homeschool students and those in the EFA program. She noted that EFA students, who receive state funding, can access district schools without bringing adequacy funding and can also participate in extracurricular activities without reimbursement to the district. He agreed with Senator Altschiller's characterization.

**Barrett Christina, *NH School Board Association***

- Mr. Christina testified in opposition to House Bill 1817-FN.
- He recommended that, instead of not choosing to reimburse districts because the state does not fund charter or private schools, which utilize public school services, the committee should consider funding all pathways to the 0.15 rate.
- He pointed out that when the equal access statute was enacted in 2002, the home education funding reimbursement rate was later added in 2012 when the legislature acknowledged the additional costs involved.
- He highlighted the difference between EFA families and those in home education, charter schools, or other educational paths, noting that EFA families can access part of the funds they paid through property taxes, while families in other pathways do not have similar access.
- He highlighted that CTE programs can cost up to \$8,000 per student, and the bill could cause a public school student to lose their spot.

**Brian Hawkins, *NEA NH***

- Mr. Hawkins testified in opposition to House Bill 1817-FN.
- He expressed concern that the bill would allocate property tax dollars and resources to the EFA program.
- He stated that school districts are renewing educator contracts and that many districts are considering a reduction in force, which would result in larger class sizes.
- He stated that 90 percent of EFA students are not currently enrolled in public school and expressed concern that the costs will be unpredictable as districts set their budgets.
- He stated that the EFA program lets private schools deny students, while public schools cannot.
- He referenced a previous court case that highlighted that the EFA program is optional for the legislature to fund but that the legislature must fund public education.
- Senator Abbas asked Mr. Hawkins for his opinion on whether a family living within the district pays a local education tax, regardless of whether they have a student in the schools or not. Mr. Hawkins stated that he pays property taxes for Fire and Police services but has not used those services. He also mentioned that budgeting for local districts will be challenging when projecting student enrollment.

**Neutral Information Presented:****Mark Manganiello, *Bureau of School Finance***

- Mr. Manganiello outlined the current options for students to receive an adequate education. He explained that the district pathway is funded through district adequacy aid, the charter school pathway is supported by a separate charter school adequacy formula, home education and private schooling are not publicly funded, and the EFA pathway—recognized under the compulsory attendance law—is funded by the state.
- He explained that state-funded pathways follow the policy principle that districts will be compensated for the services they provide. He added that this principle is why districts receive money when home schoolers use public school services.
- He established that charter school and private school pathways operate under the expectation that students are fully matriculated in those pathways.
- He explained that there is flexibility within the EFA program and the home school pathway, allowing students to attend their district school on a course-by-course basis.

- He stated that this bill, as amended by the House, violates that policy principle because the district would be educating the student without being paid for doing so.
- He explained that a student would use their state adequacy money, and under the current law, students are able to send their EFA money back to the district on a course-by-course basis.
- He stated that a previous lawsuit claimed the EFA program was unconstitutional because it interfered with school adequacy payments. He clarified that the ruling showed the EFA program currently does not interfere with district adequacy. He also mentioned that HB 1817 now requests districts to provide services to students without receiving adequacy funding.
- He suggested that a similar mechanism could be adopted for home education students, but emphasized that this might potentially violate a policy principle.
- He explained that the state could cover both but mentioned that it generally prefers not to pay twice for the same service.
- He mentioned that families find it difficult to navigate the different education options.
- He established that when a student qualifies as enrolled in their district public school at the 51% mark, the student is automatically disenrolled from the EFA program.
- Senator Prentiss asked what happens to the EFA funds that a student has already used but is later involuntarily disenrolled from the program. He replied that the money is returned to the state.
- Senator Altschiller mentioned the 2023 lawsuit and stated that a policy clarification from that decision was that EFA money and adequacy funds are separate. He responded that the EFA program was found constitutional, but he added that he highlighted the case for the committee because there is a likelihood that further litigation would be pursued.
- Senator Altschiller clarified that the state does not pay twice for education provided through a primary pathway other than VLACS. He confirmed there is an overlap for part-time VLACS.
- Senator Altschiller asked whether the proposed bill would violate policy principle number two reflected in its methodology. He responded that it would violate policy principle number one because the districts would be providing a service they are not being paid for.
- Senator Altschiller asked whether some families use their voucher and then return to public schools to receive up to 50 percent of their education costs, even though schools do not get paid for those services. He said that districts could either provide the education free of charge or charge a student. He explained

that at that point, families decide whether they want to continue in the EFA program.

- Senator Altschiller asked if there is a process for students in the EFA program to pay their district for access to educational services through their EFA account. He confirmed that this is currently possible.
- Senator Altschiller asked if the EFA account could be used to pay for the cost of state assessments. He said that the state funds the assessments, which is an option available for EFA students. He is not aware of any district preventing a student from taking the state assessment.

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Date Hearing Report completed: April 2, 2026